

**City of Port Colborne  
Special Council Meeting 01-20  
Minutes**

**Date:** January 13, 2020

**Time:** 6:30 p.m.

**Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

**Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
G. Bruno, Councillor  
R. Bodner, Councillor  
A. Desmarais, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

Absent: F. Danch, Councillor

**Staff Present:** D. Aquilina, Director of Planning & Development  
A. Grigg, Director of Community and Economic Development  
A. LaPointe, Manager of Legislative Services/City Clerk  
H. Mahon, Planning Technician/Clerk (minutes)  
C. Madden, Deputy Clerk  
D. Schulz, Planner  
P. Senese, Interim Chief Administrative Officer  
S. Shypowskyj, Acting Director of Engineering and Operations

Also in attendance were interested citizens, members of the news media and WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

**2. National Anthem:**

Those in attendance stood for O Canada.

**3. Confirmation of Agenda:**

**No. 1** Moved by Councillor R. Bodner  
Seconded by Councillor E. Beauregard

That the agenda dated January 13, 2020 be confirmed, as circulated or as amended.

CARRIED.

**4. Disclosures of Interest:**

Nil.

**5. Public Hearing Under the Planning Act:**

Application for Zoning By-law Amendment  
Planning and Development Department, Planning Division, Report No. 2020-04,  
Subject: Public Meeting Report for Zoning By-law Amendment D14-06-19, 180  
Fares Street.

**(i) Purpose of Meeting**

Dave Schulz advised that the purpose of this meeting, pursuant to Section 34 of the Planning Act, is to consider an application submitted by agent Joe Tomaino on behalf of the owner 6806066 Canada Inc. for the property legally known as Part of Lot 13 on Plan 843, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 180 Fares Street.

The application for Zoning By-law Amendment proposes to change the zoning from Neighbourhood Commercial to R4-53. The Zoning By-law Amendment is being sought to permit a six-unit apartment building on the property.

**(ii) Method of Notice**

Mr. Schulz advised that Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was circulated to the required agencies, and property owners within 120 metres of the property on December 18th, 2019. Public notice signs were posted on the property on or before December 24th, 2019.

The Planning and Development Department hosted a public open house for this application on January 7, 2020. Notice of the public open house was included on the notice of public meeting. The open house was attended by zero members of the public.

**(iii) Explanation of Procedure to be Followed**

Mr. Schulz advised that the procedure to be followed this evening will be to present Department of Planning & Development Report 2020-4, to hear any comments from the applicant, to receive questions of clarification from Council to the applicant or Planning Staff, to open the meeting to the public for comments and questions, to announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and to provide a brief explanation of future meetings regarding the application.

**(iv) Presentation of Application for Zoning By-law Amendment**

At this time, Mr. Schulz presented highlights from the Planning and Development Public Hearing Report 2020-4.

Mr. Schulz advised that the subject property is located at 180 Fares Street. The property currently has a vacant two-storey commercial building with apartments above and an accessory building. The north, east, south and west is a mixed use area with both commercial and residential zoned lands.

The City of Port Colborne's Official Plan designates the property as a Mixed Use Area. The subject parcel is zoned (NC) Neighbourhood Commercial. The application for Zoning By-law Amendment proposes to change the zoning from Neighbourhood Commercial to R4-53 (Fourth Density Residential with special provisions). The Zoning By-law Amendment is being sought to permit a six-unit apartment building on the property. The survey sketch shows the existing commercial and accessory building on the property. Because no changes to the existing footprint are proposed, the Zoning By-law Amendment will recognize the existing non-conforming setbacks and site conditions.

Staff has not received any correspondence from members of the public. An open house held on January 7, 2020 and was attended by the Agent, Owner and Planning Staff. No members of the public attended.

Mr. Schulz summarized comments from the City and various Agencies:

Port Colborne Fire Department: No objection. Fire safety items to be dealt with at time of building permit application.

Niagara Peninsula Conservation Authority: No objection.

Regional Municipality of Niagara: No objection subject to a Holding provision for the submission of a Phase 1 Environmental Site Assessment. Recommendation of including warning clauses in the Site Plan Agreement.

Additionally, the Region raised some concern regarding the proximity of the property to Vale Canada and the Region owned Nickel Street Sewage Pumping station, however they concluded that there is sufficient buffering in the area.

**(v) Comments of Applicant**

At this time, Mr. Schulz invited the applicant to comment.

The agent Joe Tomaino addressed Council on behalf of the owner 6806066 Canada Inc. Mr. Tomaino advised that the building has been vacant for 10 plus years. The purpose of the rezoning is to convert the existing building into 6 units. The proposed units are to be 2 bedroom apartments and 450 ft<sup>2</sup> in size. He believes that the proposed development to renovate the existing building is in keeping with planning policy.

**(vi) Questions of Clarification to Applicant/Planning Staff**

Councillor Desmarais questioned the applicant on whether parking was adequate. Mr. Tomaino responded that the existing building can accommodate two (2) parking spaces plus the garage, along with on street parking. Due to the affordability of the units, parking may not be necessary. Councillor Desmarais suggested that the applicant work with neighbouring businesses and residents to accommodate any need for parking.

Councillor Bruno questioned the nature of the residential use and whether the lease will be on an annual basis. Mr. Tomaino responded in the affirmative. Councillor Bruno inquired with Mr. Schulz regarding how it can be ensured that the residential lease be for a long term use. Mr. Schulz responded that the zoning of this property is for long term use not short term use. Therefore, a hotel or Air B&B use would not be permitted.

Councillor Beauregard questioned Mr. Schulz on whether the parking proposed is adequate. Mr. Schulz responded that he has not yet seen a site plan but believes it could be. Councillor Beauregard questioned whether the parking could be addressed through a Minor Variance application. Mr. Schulz responded in the affirmative.

Councillor Desmarais questioned Mr. Tomaino on his definition of “affordable”. Mr. Tomaino responded that the proposed rental rate is \$850/month. It is based on the size, number of units and rental market rate for Port Colborne.

Before opening the meeting to the public, Mr. Schulz read the following cautionary statements:

“If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to Local Planning Appeal Tribunal.”

And;

“If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendments is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.”

Mr. Schulz also advised that for any interested members of the public there is a sign-in sheet to request future notices regarding this application.

**(vii) Oral Presentations and/or Questions from the Public**

At this time, Mr. Schulz invited any members of the public who wish to speak to the application to do so.

Julie Barker addressed Council. Ms. Barker noted that she owns property on Mitchell Street but lives in Welland. She expressed concern regarding the size and quality of the units. She believes a 4-unit building is more preferable and would provide a better quality of life. She is also concerned about garbage and adequate storage.

George Beaulieu of 644 Second Concession addressed Council. He questioned the prior use of the building. Mayor Steele advised that it was formerly “Joe’s Meat Market”. Mr. Beaulieu questioned whether there was adequate sewage capacity. Mayor Steele responded in the affirmative. Mr. Schulz noted that if it isn’t adequate then it would be up to the applicant to address.

Mr. Tomaino advised that the plans submitted are for 350 – 550 ft<sup>2</sup>, 2 bedroom units with kitchen, washroom and laundry facilities. He noted that in order for them to get a building permit they will need to have a site plan agreement. Mayor Steele questioned Mr. Schulz on the site plan agreement and whether it will address items such as garbage, lighting, etc. Mr. Schulz confirmed that a site plan agreement is required.

**(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment**

Mr. Schulz advised that “if anyone wishes to be notified of the approval of the zoning by-law amendment they must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.”

**(ix) Explanation of Future Meetings:**

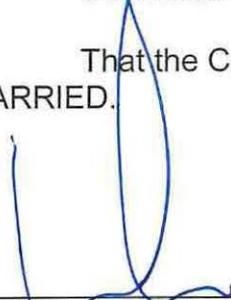
Mr. Schulz advised that this concludes the Public Hearing Under The *Planning Act*. The proposed Zoning By-law Amendment will be placed on Council's agenda at a future date.

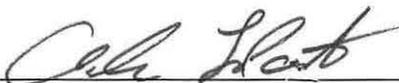
**6. Adjournment:**

**No. 2** Moved by Councillor Wells  
Seconded by Councillor Desmarais

That the Council meeting be adjourned at approximately 6:54 p.m.

CARRIED.

  
\_\_\_\_\_  
William C. Steele  
Mayor

  
\_\_\_\_\_  
Amber LaPointe  
City Clerk

Minutes prepared by the Department of Planning and Development.

/hm

# Proposed Zoning By-law Amendment for 180 Fares Street

Agent: Joe Tomaino

Owner: 6806066 Canada Inc.

File: D14-06-19

# Location & Context



# Current Official Plan Designation



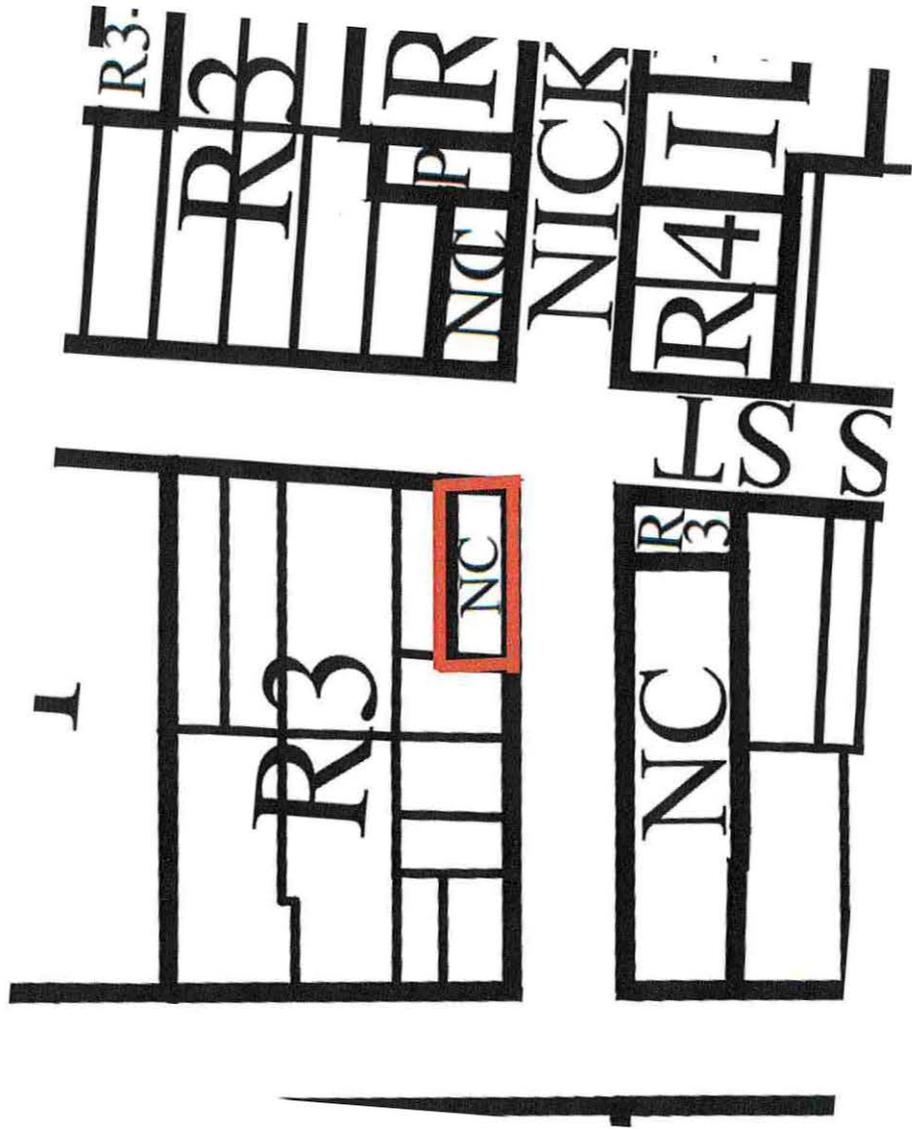
## Port Colborne

Official Plan

Schedule F: East Waterfront  
Secondary Plan

- Medium-Density Urban Neighbourhood
- High-Density Urban Neighbourhood
- Mixed Use Areas
- Industrial Areas
- Parks and Open Space
- Road Network

# Current Zoning



## Purpose of Application

- The application for Zoning By-law Amendment proposes to change the zoning from Neighbourhood Commercial to R4-53 (Fourth Density Residential with special provisions). The Zoning By-law Amendment is being sought to permit a six-unit apartment building on the property.



# Zoning By-law Amendment

- Special provisions of the Zoning By-law Amendment recognize the existing building setbacks and on-site conditions.
- Special provisions sought to build six-unit apartment on lot:
  - Minimum Lot Frontage 10.973 metres
  - Minimum Front Yard 0.27 metres
  - Minimum Interior Side Yard 0.3 metres
  - Minimum Corner Side Yard 0.4 metres
  - Minimum Lot Area Per Unit 56 square metres
  - Minimum Landscaped Area no minimum
  - Minimum Floor Area Per Unit no minimum
  - Maximum Lot Coverage 78 percent
  - Maximum Accessory Lot Coverage 22 percent
  - Parking Spaces Per Unit 0.33
  - The accessory building is permitted to be located 0.02 metres from the interior side lot line, 0.9 metres from the rear lot line, and 0.29 metres from the corner side lot line.

# Public Comments

- Staff has not received any correspondence from members of the public.
- An open house held on January 7th, 2020, was attended by the Agent, Owner and Planning Staff.
  - Zero members of the public attended.

# City and Agency Comments

- Port Colborne Fire Department
  - No objection.
  - Fire safety items to be dealt with at time of building permit application.
- Niagara Peninsula Conservation Authority
  - No objection.
- Niagara Region
  - No objection subject to a Holding provision for the submission of a Phase 1 Environmental Site Assessment.
  - Recommendation of including warning clauses in the Site Plan Agreement.