

Date: Wednesday, March 8, 2023
Time: 6:00 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

1. Call to Order
2. Reading of Meeting Protocol
3. Disclosures of Interest
4. Request for Any Deferrals or Withdrawals of Applications
5. New Business
 - 5.1 Proposed Committee of Adjustment Terms of Reference 1
 - 5.2 Application: A04-23-PC 9

Action: Minor Variance

Agent: N/A

Owner: Panagiotis (Peter) Karastamatis

Location: 697 Barrick Road
 - 5.3 Application: A05-23-PC 30

Action: Minor Variance

Agent: Brianna Bodorkos

Owner: 1825142 Ontario Inc.

Location: 427 Steele Street

5.4	Application: A06-23-PC	54
	Action: Minor Variance	
	Agent: Amber Cuthbertson	
	Owner: 2792795 Ontario Inc.	
	Location: 427 Steele Street	
5.5	Application: B03-23-PC, B04-23-PC, A07-23-PC, & A08-23-PC	72
	Action: 2 Consents & 2 Minor Variances	
	Agent: John Ikola	
	Owner: Frank Steven Hoffman	
	Location: 19/21 Dolphin Street	
6.	Other Business	
7.	Approval of Minutes	
7.1	Committee of Adjustment Minutes-January 18, 2023	176
8.	Adjournment	

Memorandum

To: Committee of Adjustment (COA)
From: Planning and Legislative Services Department-Clerk's Division
Date: March 03, 2023
Re: Revised Terms of Reference

The purpose of this memorandum is to provide details for consideration, related to revised Terms of Reference. The proposed terms of reference, together with the Council adopted Procedural By-law and Council and Committee Code of Conduct will ensure Port Colborne's committee structure is responsive, accountable, and transparent.

In order to accomplish the City goals, it is imperative to evaluate the role of the Committee and make changes as necessary. As a result, staff have conducted a thorough review of the current committee structure. The objective was to identify any existing gaps between committee responsibilities, the City's Strategic Plan and ensure alignment with the current organizational structure.

Input received from the Committee and Council has been incorporated in the proposed terms of reference. The recommended terms of reference attached to this memorandum sets out the recommended terms of reference moving forward. Once reviewed by the committee the amended Terms of Reference will be considered by Council.

Respectfully Submitted:



Nicole Rubli
Acting City Clerk

Respectfully Submitted:



Saima Tufail
Interim Deputy Clerk



Committee of Adjustment Terms of Reference

Committee: Committee of Adjustment

Date Approved:

Date Revised: N/A

Approval: Council

Committee Resource:

1. Purpose

The Committee of Adjustment (COA) is a quasi-judicial body and a statutory tribunal, with authority delegated to it by the Council of the City of Port Colborne under the provisions of the Ontario *Planning Act*. The COA holds public hearings to make decisions on minor variance applications, pursuant to section 45 of the *Planning Act*, and consent applications, pursuant to section 53 of the *Planning Act*. The COA operates independently from Council and its decisions may be appealed by the Ontario Land Tribunal (OLT). The COA provides a forum for the consideration of applications for consent to sever land, and minor variances from the City's Zoning By-law which are not of sufficient magnitude to require changes through the formal rezoning process.

2. Committee Authority

The Council of the Corporation of the City of Port Colborne assigns the Committee of Adjustment the authority to:

2.1 Grant minor variances pursuant to Subsection 45 (1) of *The Planning Act*;

2.2 Grant applications pursuant to Subsections 45 (2) and 45 (3) of *The Planning Act*,

2.3 Grant consents pursuant to Section 53 of *The Planning Act*, which includes the giving of approval to the foreclosures or exercise of a power of sale in a mortgage or charge, pursuant to Subsection 50 (18) of *The Planning Act*, and the issuing of certificates of validation pursuant to Section 57 of the *Planning Act*.

3. Mandate

The COA must satisfy legal requirements concerning notice, public hearings, calling of witnesses, notices of decisions, and recording of proceedings. The COA considers and may authorize minor variances from the zoning by-law, review and permit extensions and enlargements to legal non-conforming uses and can grant consent for severances (land division). These decisions are made as follows:

- 3.1 In the case of severances (consent to sever), variances, and permissions, the Committee's decisions must be consistent with the Provincial Policy Statement, conform to Provincial Plans, and comply with the Region's and the City's Official Plans;
- 3.2 In the case of minor variances and permissions under Section 45(1) and (2), the COA must consider the applications per the requirements laid out in the *Planning Act*;
- 3.3 In the case of consents, the COA must have regard to the matters under section 51(24) of the *Planning Act*;
- 3.4 The COA must be aware of Council decisions when making its decisions and enact the City's Official Plan policies; and
- 3.5 Comply with the *Statutory Powers Procedure Act*.

4. Membership Composition

The Committee of Adjustment will be composed of:

- 4.1 At least one member of the Council of the Corporation of the City of Port Colborne. The Member(s) of Council must be appointed to the COA annually by by-law;
- 4.2 At least one member of the public. The Member(s) of the public shall serve a term that ends at the same time as the term of the Council that appoints them;
- 4.3 One non-voting member of staff who acts as a resource person, recording secretary, and provides administrative support to the Committee; and
- 4.4 Additional members of Staff, who may be called on for specific subject matter expertise as a resource to the COA.

5. Citizen Membership Eligibility Criteria

To facilitate the nomination and appointment of citizen members to the COA, with the aim of achieving diverse COA representatives, the following criteria will be considered:

5.1 Residency

Members must be a tenant or owner of land in the City of Port Colborne, or the spouse of such owner or tenant.

5.2 Technical Expertise:

Preference will be given to applicants with an understanding of planning frameworks and instruments, which include municipal policies and by-laws (the City's Official Plan, Zoning By-law, and other by-laws for controlling development), policies enacted by the Region of Niagara, and policies and legislation enacted by the Province of Ontario (the Planning Act, the Provincial Policy Statement, Provincial plans, and other applicable legislation).

5.3 Availability

It is imperative that an applicant be able to attend as many COA meetings as possible.

6. Recruitment of Members of the Public

6.1 For the selection of citizen members, the Clerk's Division shall invite interested members of the public to apply to be appointed to the COA.

6.2 The Clerk's Division shall advertise the recruitment of members of the public to the COA via the City's website and social media channels. The Clerk's Division may also choose to place an ad in the local newspaper.

6.3 Interested applicants must complete an application and may choose to provide their resume.

7. Term Expiration

The COA term shall be the same term as Council. Each COA member shall hold membership until a successor is appointed. In the case of a vacancy for any cause other than expiration of the term, the member appointed to fill the vacancy shall hold office for the remainder of the regular term.

8. Resignation:

A voting member of the COA shall cease to be a member of the COA upon submission of a letter of resignation to the City Clerk or if they are absent from three (3) successive scheduled meetings of the COA without authorization by a resolution.

9. Appointment of Chair and Vice-Chair

At the first meeting of a new COA term, the members shall appoint a Chair and Vice-Chair from among those COA members which are not also members of Council, as members of Council are not eligible to act as Chair or Vice-Chair.

10. Role of the Chair

The role of the COA Chair is to:

- 10.1 Preside at all COA hearings and meetings, exercising their authority and performing their duties;
- 10.2 Provide guidance and leadership to the COA as required; and
- 10.3 Ensure that each hearing and meeting abides by all rules of procedure and conduct, and that decorum is maintained.

11. Role of the Vice-Chair

In the absence of the Chair, the Vice-Chair assumes all functions of the Chair as required.

12. Role of Committee Members

All COA Members shall:

- 12.1 Review applications in advance of hearings and meetings;
- 12.2 Attend COA hearings to consider all applicant, agency, and public comments, then make decisions in public regarding applications and sign said decisions;

12.3 Contribute time, knowledge, skill, and expertise to fulfill the COA mandate;

12.4 Be cognizant of any conflict of interest, or perceived conflict, in terms of issues that may serve to benefit them personally;

12.5 Protect the privacy of individuals with respect to personal information contained in application forms and information circulated to the COA, ensuring that personal information is used solely for to process applications.

13. Meetings

13.1 All COA meetings shall be open and no person shall be excluded therefrom, except in the case of improper conduct or other matter identified in section 239(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25.

13.2 COA hearings are attended by COA members, Planning Staff, the Secretary-Treasurer, applicants and/or their representatives, and any member of the public who wishes to observe or participate in the proceedings.

13.3 The COA shall meet in accordance with Council approved schedule. Additional meetings may be held through a special meeting request to the Secretary-Treasurer and dependent on availability of COA members.

13.4 COA meetings will take place at a City facility.

13.5 All matters pertaining to a closed meeting must first be approved by the Clerk to ensure it is appropriately being dealt with in closed session.

14. Minutes

The minutes of all COA meetings shall be recorded and distributed to COA Members.

The minutes shall be open to inspection in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25., as amended, and such minutes will be posted on the City's website.

15. Quorum

The Chair will call the meeting to order as soon as a quorum is present. Quorum is achieved when three members are present and constitute a quorum. Vacant seats shall count as seats for the purpose of calculating a quorum.

If quorum for a meeting is not present within fifteen (15) minutes of the designated time of commencing the meeting, the COA may proceed without a quorum, provided that at least three Members are present. The Secretary-Treasurer is not required to be present to record the minutes, no motions will be passed, and no formal business can occur.

16. Conflict of Interest

16.1 It is the responsibility of each member to identify and disclose a pecuniary interest on any item or matter before Council, or Committee in accordance with the *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50.

16.2 Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Committee at which the matter is the subject of consideration, the Member will, in accordance with *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50 (5):

- file a written statement of the interest and its general nature with the Clerk prior to the meeting;
- not take part in the discussion of, or vote on any question with respect to the matter;
- not attempt in any way before, during and/or after the meeting to influence the vote on the matter.

16.3 Where a meeting is not open to the public, in addition to complying with the requirements under the *Municipal Conflict of Interest Act*, the Member will forthwith leave the meeting for the part during which the matter is under consideration.

16.4 The Clerk will record the particulars of any disclosure of pecuniary interest made by Members of Committees in the minutes of that meeting and update the Pecuniary Interest Registry. The Registry will be available for public inspection.

17. Procedures

Procedures for the proceedings of meetings shall be governed by the *Planning Act*, the Procedural By-law, and Robert's Rules of Order.

18. Remuneration

The remuneration of the Members of the Committee of Adjustment for the City of Port Colborne shall be governed by the Appointment to Boards and Committees By-law.

19. Staff Liaisons

The Secretary-Treasurer of the Committee of Adjustment for the Port Colborne shall be the staff liaison for the City of Port Colborne. The Secretary-Treasurer shall keep record of: COA minutes, all COA applications, and the decisions thereon, and all other official business of the COA. The staff liaison will provide administrative, procedural, and technical support to the COA. The liaison will co-ordinate all requests for advice from the COA through meeting agendas. COA responses to such requests shall be co-ordinated by the liaison to the Clerk's division.

Departmental Representatives / Planners will act as subject matter experts and provide information to assist the COA in reaching decisions.

20. Resources

1. City of Port Colborne Procedural By-Law
2. *Municipal Act, 2001, S.O. 2001, c. 25*
3. *Planning Act, R.S.O. 1990*
4. City of Port Colborne Code of Conduct
5. City of Port Colborne Appointment to Boards/Committees Policy
6. *Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50*
7. Robert's Rules of Order
8. *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*

21. Terms of Reference

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Port Colborne Staff. Council may, at its discretion, change the Terms of Reference for this Committee at any time. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the City Clerk through a report. At the discretion or upon the mandate of the Committee being fulfilled, the Committee may be dissolved by resolution of Council.



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A04-23-PC

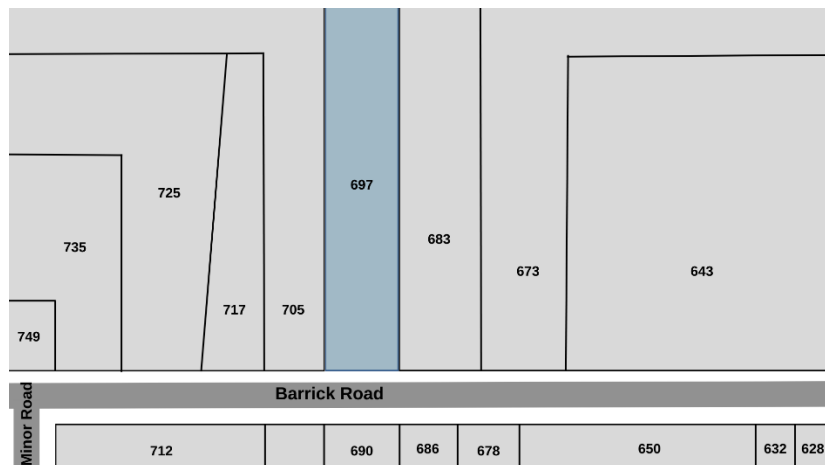
IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 2.8.1 (a) (ii) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Concession 3 Part Lot 32 in the Former Municipality of Humberstone, currently in the City of Port Colborne, located in the First Density Residential (R1) and Residential Development (RD) zones, municipally known as 697 Barrick Road.

AND IN THE MATTER OF AN APPLICATION by the applicant Panagiotis (Peter) Karastamatis for relief from the provisions of Zoning by-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, to permit the construction of an accessory structure, notwithstanding the following:

1. That a maximum height of 7.7m be permitted, whereas the maximum permitted height is 6m.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to construct an accessory structure. Due to the proposed height, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: March 8, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, March 3rd, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with

the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, March 7, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

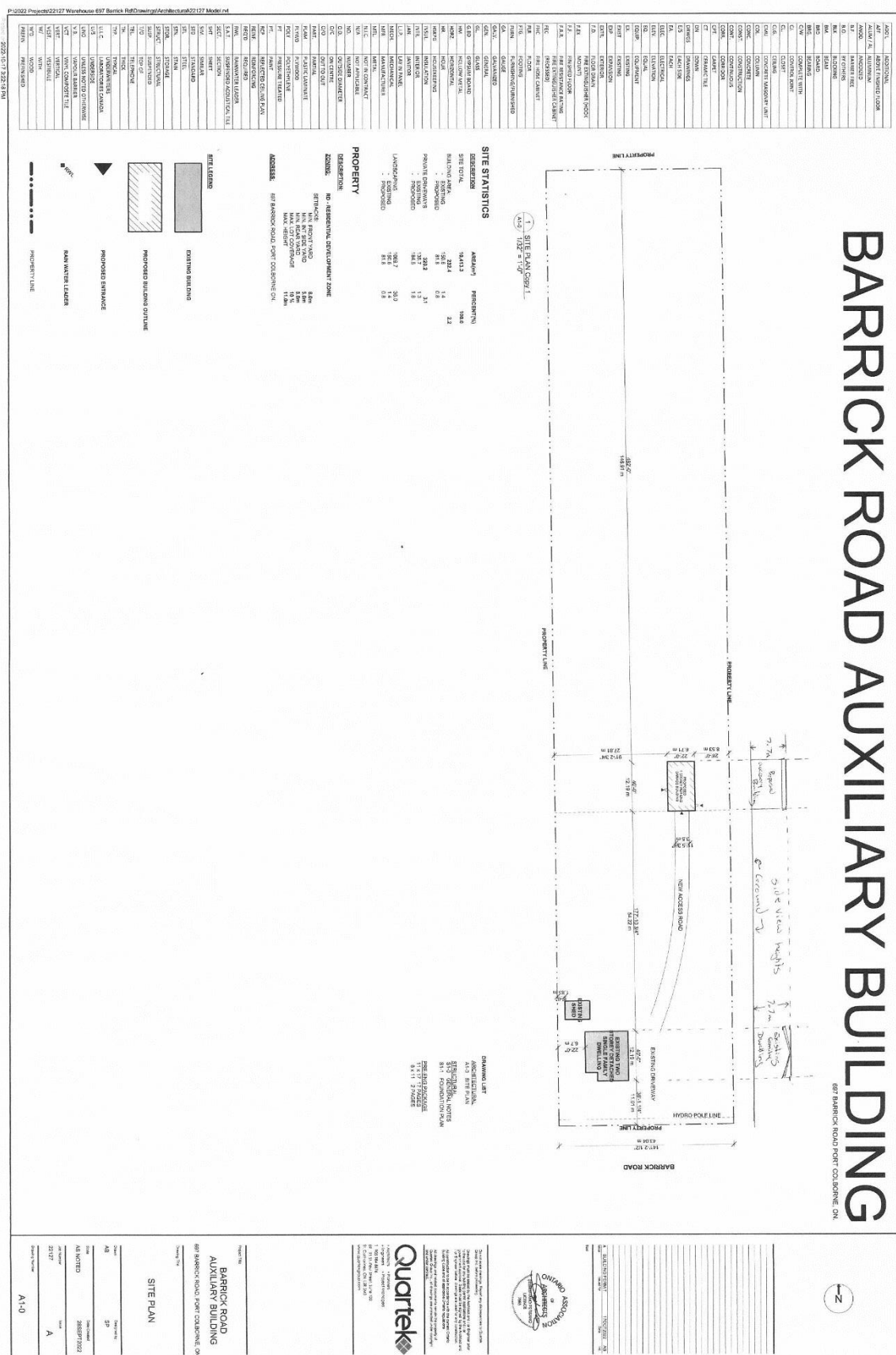
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: February 24, 2023

Diana Vasu
Secretary-Treasurer





PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

For Office Use Only

Date Received: January 14th, 2023

Application Complete: ☐ Yes ☐ No

Date of Completion: _____

SUBMISSION OF APPLICATION

Completed applications can be sent to:

City of Port Colborne
Diana Vasu
Secretary Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Telephone: 1-905-835-2900 ext. 204
Fax: 1-905-835-2939
Email: diana.vasu@portcolborne.ca

2023 APPLICATION FEES

Minor Variance	\$1,330	✓
Minor Variance (Building without a Permit)	\$1,736	
Minor Variance & Consent Combination	\$2,431	

COMPLETENESS OF APPLICATION

A complete application includes all required forms, fees, and applicable sketches, as well as any additional information that may be identified by the Secretary-Treasurer in accordance with the provisions under *the Planning Act, R.S.O. 1990, c.P. 13*, as amended.

To be considered complete, submitted applications must include:

- One fully completed application for minor variance or permission signed by the applicant(s) and/or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the property owner, if applicable.
- **Two (2) copies** of a completed preliminary drawing (see the "Drawing Requirements" section).
- Payment of the appropriate fee submitted at the time of application through cash, credit, debit, or cheque payable to the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) if required by the Region, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the Niagara Region. If payment is submitted to the Region directly, please submit the receipt to the City of Port Colborne. Failure to pay the Region's fee may result in an incomplete application. The Region's fees are available on its website, https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Payment of the appropriate NPCA fee, if required, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the NPCA. If payment is submitted to the NPCA directly, please submit the receipt to the City of Port Colborne. Failure to pay the NPCA's fee may result in an incomplete application.

***Note:** Additional information may be required once a full review has been completed by planning staff. This may prevent deferral of your application. *

DRAWING REQUIREMENTS

Please submit two copies of each separate plan along with your completed application. Ensure that all the information below is included in the plan(s). Depending on the extent of the proposal, **the Planning Division may request a sketch prepared by a professional, and the Committee may require (at the discretion of the Manager of Planning Services) that the sketch be signed by an Ontario Land Surveyor.** This requirement can be clarified by the Planning Staff. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g., 1:100, 1:300, 1:500].

To be considered complete, each sketch must identify:

- 1. The boundaries and dimensions of the land / lot.
- 2. The location and nature of any easement affecting the land, if applicable.
- 3. The location, size, height, and type of all existing and proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
- 4. The parking areas, loading spaces, driveway entrance / exits.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant of any additional information and/or fees required by these agencies (ie. Niagara Region, Niagara Peninsula Conservation Authority). If applicable, the applicant must submit this additional information and/or pay the additional fees for their application to be deemed complete. Once the application is deemed complete, a hearing date will be confirmed in writing by the Secretary-Treasurer.

Prior to the hearing, members of the Committee may choose to conduct a site visit and/or contact the applicants. **Please note that the Committee should not be contacted by members of the public.** Any comments, questions, or concerns should be addressed through the Planning Division.

Following the hearing, the applicant/agent/solicitor will be notified of the Committee’s decision in a written Notice of Decision. In addition, any other person or agency who filed a written request for the Committee’s decision will be sent a copy. Any applicant objecting to the decision of the Committee, or the condition(s) imposed by the Committee may appeal the decision to the Local Planning Appeal Tribunal within 20 days after the Notice of Decision has been given. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related minor variance appeal.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 meters of a water course; on or within 30 meters of the Lake Erie shoreline; on land identified as “Hazard Land” or “Environmental Protection” by the Port Colborne Official Plan or Zoning Bylaw; or within a groundwater recharge / discharge area, aquifer, or headwater on the property or within 30 meters of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority’s website.

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Peter Karastamatis	Date: Jan 19 2023	Initials: P.K.



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: <u>Panagiotis Karastamatis</u>	
Mailing Address: <u>1551 Brentano Blvd</u>	
City: <u>Mississauga</u>	Province: <u>Ont</u>
Postal Code: <u>L4X 1A5</u>	Telephone: <u>647 801-7383</u>
Fax:	Email: <u>pete247@hotmail.com</u>
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: <u>Humberstone</u>	
Concession No. <u>3</u>	Lot(s): <u>part Lot 32</u>
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: <u>Barrick</u>	Street No. <u>697</u>

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 43.0 m	Depth: 236.52 m	Area: 10170.36 m ²
Existing Use: Dwelling		
Proposed Use: Accessory structure		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: Urban Residential		
Regional Policy Plan: Built up area		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
R1 & RD		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
March 30 th 2022	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
1840	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input checked="" type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated stormwater system	
<input checked="" type="checkbox"/> Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date: 	

SECTION 5: NATURE & EXTENT OF RELIEF FROM THE ZONING BY-LAW

5.1 Nature and Extent of Relief from the Zoning By-law:

By-law is 6 m for Accessory structure
Requesting 7.7m allowance to match existing family home

5.2 Why is it not possible to comply with the Zoning By-law?

① New structure to match existing family dwelling
② To store motorhome trailer, R.V., Lawn Care equipment
personal vehicles & Tools.
③ To match existing structures in the neighborhood.

5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?

☐ Yes
☒ No

5.4 If the answer to 5.3 is YES, has a building permit been issued?

☐ Yes
☒ No

If the answer is “Yes,” please provide the following information:

File Number:

Decision:

SECTION 6: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

8.1 ALL EXISTING USE

☒ Residential
☐ Industrial
☐ Commercial

☐ Institutional
☐ Agricultural
☐ Parkland

☐ Vacant
☐ Other (specify):

8.2 What is the length of time the existing use(s) of the land have continued?

180 years

8.3 Are there any buildings or structures on the subject land?

☒ Yes ☐ No

If Yes, briefly describe and indicate their use.

Home & stone shed

8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.12 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<p>If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.</p> <p>*Possible uses that can cause contamination include operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities, and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry-cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.</p>		

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X
Jan 19 2023
Date

X
Signature of Owner

Pre-Screening Criteria

9.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.3 Is the property located on or within 30 metres of the Lake Erie shoreline?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.4 Is there a valley slope on the property?		
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
9.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Jan 19 2023
Date

X [Signature]
Signature of Applicant(s)

Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Panagiotis Karastamatis
Of the City/Town/Township of Mississauga
In the County/District/Regional Municipality of Peel

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the City of Port Colborne
In the Region of Niagara
This 19th day of January
20 23.

A Commissioner, etc.

Chris Roome, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the
City of Port Colborne.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS
X [Signature]
Signature of applicant(s), solicitor, or authorized

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to the City Clerk at 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

POSTING OF PUBLIC HEARING SIGN

A public hearing sign is required to be posted by all applicants or agents on each property under application. A sign will be made available to you after review of your application, and you are required to post each sign in a prominent location on the subject property. The sign should be placed so that it is legible from the roadway.

Each sign must remain posted a minimum of 14 days prior to the hearing, until the day following the hearing. Should a sign go missing or become damaged or illegible please contact the Secretary-Treasurer as soon as possible to request a replacement sign. Failure to post the sign as required may result in deferral of you application(s).

Please note that an affidavit must also be signed and commissioned in the presence of a Commissioner of Oaths. This can be done at City Hall AFTER the signs have been posted.

I/We Panagiotis Karastamatis am/are the owner(s) of the land subject to this application for a Minor Variance and I/We agree to post the required sign(s) a minimum of 14 days prior to the hearing and will remain posted, and replaced, if necessary, until the day following the hearing.

X 
Signature of Owner/Agent

X Jan 19 2023
Date


X _____
Signature of Owner/Agent

X _____
Date

PERMISSION TO ENTER

I/We Panagiotis Karastamatis am/are the owner(s) of the land subject to this application for a Minor Variance and I/We authorize the members of the Committee of Adjustment and the City of Port Colborne Planning Staff to enter onto the property for the purpose of evaluating the merits of the application(s).

Please note that the Committee should not be contacted by members of the public. Any comments, questions or concerns should be addressed through the Planning Division.

X 
Signature of Owner

X Jan 19 2023
Date

X _____
Signature of Owner

X _____
Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

If the application is not the owner of the lane that is subject to this application for a Minor Variance, the authorization set out below must be completed by the owner(s). All registered owners must complete the authorization form for it to be valid.

Please Note: If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

I/We _____ am/are the owner(s) of the land that is subject to this application for a Minor Variance and I/We hereby authorize as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Minor Variance.

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

BARRICK ROAD AUXILIARY BUILDING

897 BARRICK ROAD PORT COLBORNE, ON

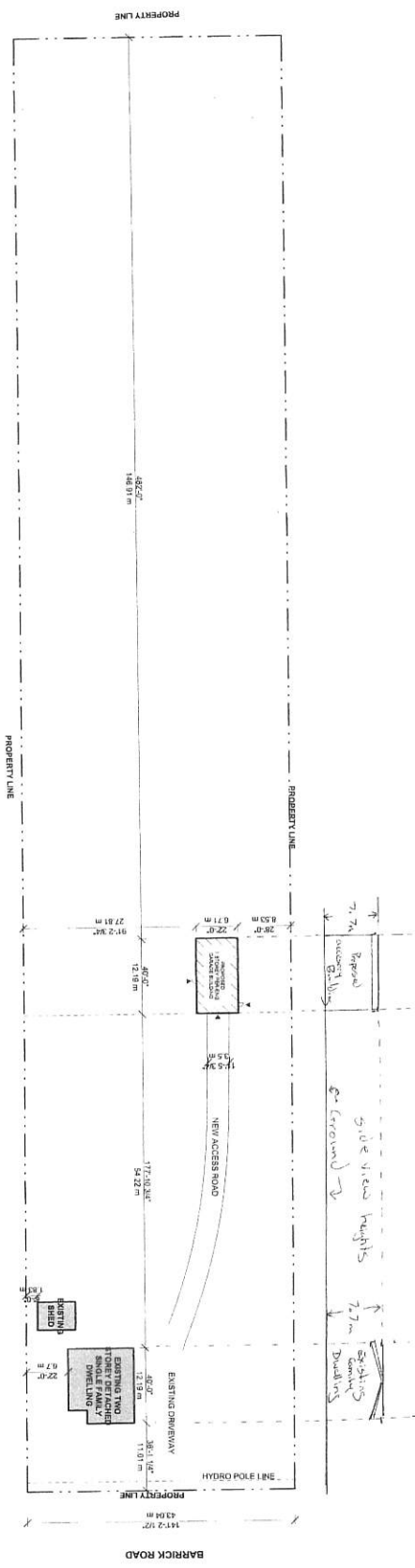


NO.	REVISION/REMARK	DATE
1	ISSUED FOR PERMIT	1/1/2022
2	AS NOTED	25/07/2022
3	22117	22117

Quartek
ARCHITECTURAL
897 BARRICK ROAD, PORT COLBORNE, ON
N4B 1A2
TEL: 905-709-1234
WWW.QUARTEKARCHITECTURAL.COM

Project No.
BARRICK ROAD
AUXILIARY BUILDING
897 BARRICK ROAD, PORT COLBORNE, ON
Drawing Title
SITE PLAN

Drawn By	Checked By
AB	SP
AS NOTED	25/07/2022
22117	22117
22117	A



1. SITE PLAN COPY 1
A1-0 1/12 = 1" = 1'-0"

SITE STATISTICS		
DESCRIPTION	AREA(m ²)	PERCENT(%)
SITE TOTAL	16,413	100.0
BUILDING FOOTPRINT	1,020.4	6.2
PROPOSED	1,020.4	6.2
PRIVATE DRIVEWAY	332.2	2.0
PROPOSED	332.2	2.0
LANDSCAPING	108.7	0.7
PROPOSED	108.7	0.7

PROPERTY
DESCRIPTION: NO - RESIDENTIAL DEVELOPMENT ZONE
ZONING: NO - RESIDENTIAL DEVELOPMENT ZONE
SETBACKS: FRONT YARD 4.0m
MIN. REAR YARD 4.0m
MIN. SIDE YARD 1.0m
MAX. HEIGHT 11.0m
ADDRESS: 897 BARRICK ROAD, PORT COLBORNE, ON

SITE LEGEND

- EXISTING BUILDING
- PROPOSED BUILDING OUTLINE
- PROPOSED ENTRANCE
- MAIN WATER LEADER
- PROPERTY LINE

Development and Legislative Services

Planning Division Report

March 3, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

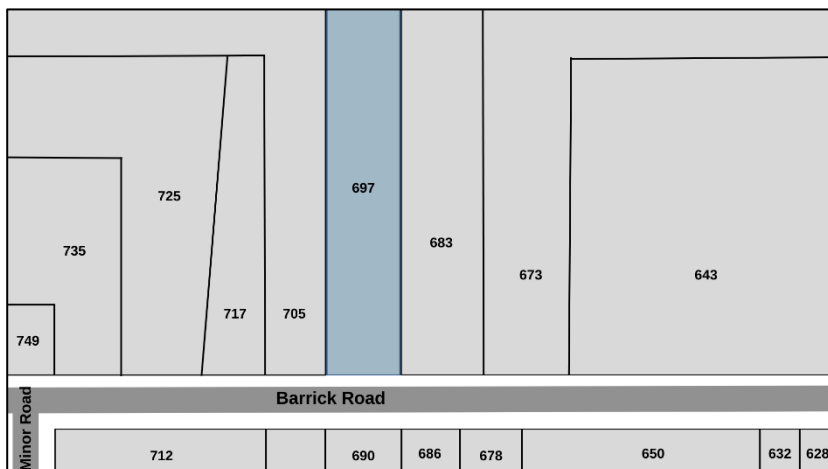
Re: Application for Minor Variance A04-23-PC
697 Barrick Road
Concession 3 Part Lot 32
Agent:
Owner(s): Panagiotis (Peter) Karastamatis

Proposal:

The purpose and effect of this application is to permit the construction of a proposed accessory structure. The applicant is requesting that a height of 7.7m be provided whereas 6m is permitted for accessory structures. All other provisions of the Zoning By-law are proposed to be met.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Residential Development (RD) and First Density Residential (R1) to the north, south, east, and west. The surrounding land uses consist of single detached dwellings to the north, south, east, and west.



Official Plan:

The subject property is designated as Urban Residential in the City's Official Plan. Accessory structures are permitted under this designation.

Zoning:

The subject property is zoned R1 and RD in accordance with Zoning By-Law 6575/30/18. Accessory structures are permitted under each of these zones. The accessory structure will be wholly contained in the R1 zone.

Environmentally Sensitive Areas:

The subject property is impacted by a Significant Woodland. The Region has been formally circulated on the application for comments.

Public Comments:

Notice was circulated on February 24th, 2023 as per Section 45 (5) of the Planning Act. As of March 3rd, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 8th, 2023. As of March 3rd, 2023, the following comments have been received.

Drainage Superintendent

There are no comments regarding municipal drain for these applications

Fire Department

No objection to the proposed application.

Engineering Technologist

No objection to the proposed application.

Niagara Region (please see full comments in Agenda Package)

Regional Private Sewage System staff have no objections to the proposed minor variance application provided there is no living space or plumbing within the accessory structure. Furthermore, Staff is satisfied that the distance between the woodland and accessory building ensures there will be no negative impact, provided standard best management practices are implemented during construction.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The increase in height from 6m to 7.7m will not negatively impact the subject parcel or neighboring properties. The structure is located at a reasonable distance from all lot lines, so the increase in height will not result in visibility concerns. The height requirement intends to ensure that accessory structures remain accessory

in nature to the primary use of the primary. In this case, the garage will not exceed the height of the dwelling as the dwelling is also 7.7m tall.

Is it desirable for the appropriate development or use of the land, building, or structure?

The proposal is desirable and appropriate as the development is located in a suitable location on the site. The proposed structure is located in the rear yard and will be setback from the front property line by 77.4m and 54.22m behind the existing dwelling. This distance will result in the proposed accessory structure having less of a visual impact from the road. Accessory structures are a permitted use in the R1 zone so the proposal is compatible with the majority of the requirements of the zoning by-law, with the exception of the requested variance.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The Zoning By-law permits accessory structures in the R1 zone and the proposal meets the setbacks, lot coverage requirements, and will be accessory in nature to the primary dwelling as the structure will not be larger than the primary dwelling. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits accessory structures in the Urban Residential designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A04-23-PC be **granted** for the following reasons:

1. **The application is minor in nature.**
2. **It is appropriate for the development of the site.**
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.**
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan**

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

From: [Alana VanderVeen](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 9, 2023 3:37:00 PM

Hello Diana

There are no comments regarding municipal drains on these applications.

Alana

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Committee of Adjustment Review - 697 BARRICK ROAD
Date: February 9, 2023 2:21:17 PM

Port Colborne Fire & Emergency Services has reviewed application File number and would like to offer the following comments.

Port Colborne Fire has no objection to the application

Should you have any questions, please feel free to contact this office.

Charles Turpin
Port Colborne Fire & Emergency Services



www.portcolborne.ca

Charles Turpin
Fire Prevention Officer
City of Port Colborne

Port Colborne, ON
Phone 905-834-4512 x
Email Charles.Turpin@portcolborne.ca

"To provide an exceptional small-town experience in a big way"

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by telephone, fax or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Chris Roome](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 27, 2023 11:36:31 AM

Hi Diana,

Please see my comments below.

A04-23-PC – 697 Barrick Road

- No comments

A05-23-PC – 427 Steele Street

- No comments

A06-23-PC – 193 Main Street West

- City of Port Colborne Municipal Consent required for alterations to existing site servicing (sanitary, storm, & water services) within the regional road allowance
 - For your convenience, I have included the link to the City's Municipal Consent Permits page below

https://www.portcolborne.ca/en/living-here/municipal-consent-permits.aspx?_mid_=78499

- Niagara Region permits required for works within the Main Street West regional road allowance
 - For your convenience, I have included the link to the Niagara Region Road Use Permit Application Forms page below

<https://www.niagararegion.ca/living/roads/permits/default.aspx>

A07-23-PC – 21 Dolphin Street

- No comments

A08-23-PC – 19 Dolphin Street

- No comments

B03-23-PC – 21 Dolphin Street

- No comments

B04-23-PC – 19 Dolphin Street

- No comments

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2000 x226

Email Nicholas.Olschansky@portcolborne.ca

From: Young, Katie <Katie.Young@niagararegion.ca>
Sent: March 3, 2023 10:12 AM
To: Chris Roome
Cc: devtplanningapplications@niagararegion.ca; Ramundo, Matteo; Karlewicz, Lori
Subject: RE: 697 Barrick Road Regional Comments (Region File: MV-23-0007)

Hi Chris,

Sorry I missed your call.

Please see below comments with respect to the proposed Minor Variance application located at 697 Barrick Road in the City of Port Colborne in order to permit the construction of an accessory structure with a maximum height of 7.7 m, whereas the maximum permitted height is 6 m within the City's Zoning By-law 6675/30/18.

Private Sewage System Comments

Regional Private Sewage System ("PSS") staff have review the proposed application to construct a new driveway and an accessory structure. Staff searched our records for any previous applications associated with the property and none were found. As a result of there being no previous files it was requested for a run to be exposed of the septic system to confirm the exact location.

An on-site inspection took place on February 7, 2023 where the septic system was located east of the existing driveway. The existing in-ground tile bed appeared to be in good working order at the time of inspection and it was determined that all setbacks required in the Ontario Building Code will be met for the proposed driveway extension and accessory structure. During the inspection it was noted that the existing septic tank does not meet the current Ontario Building Code setbacks from the existing dwelling. Therefore the existing septic system is considered legal non-conforming. At this time there is no required action to bring the existing system up to code but it should be noted that if in the future there are any renovations proposed to the existing dwelling that a new septic system would be required.

Therefore, Regional PSS staff have no objections to the proposed minor variance application provided there is no living space or plumbing within the accessory structure.

Natural Environment

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of significant woodland. Niagara Official Plan ("NOP") policies require the completion of an Environmental Impact Study ("EIS") when development or site alteration is proposed within 120 m of significant woodland.

The proposed accessory building is approximately 60 m from significant woodland. However, NOP policy 3.1.9.7.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. Staff are satisfied that the distance between the woodland and accessory building ensures there will be no negative impact, provided standard best management practices are implemented during construction.



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A05-23-PC

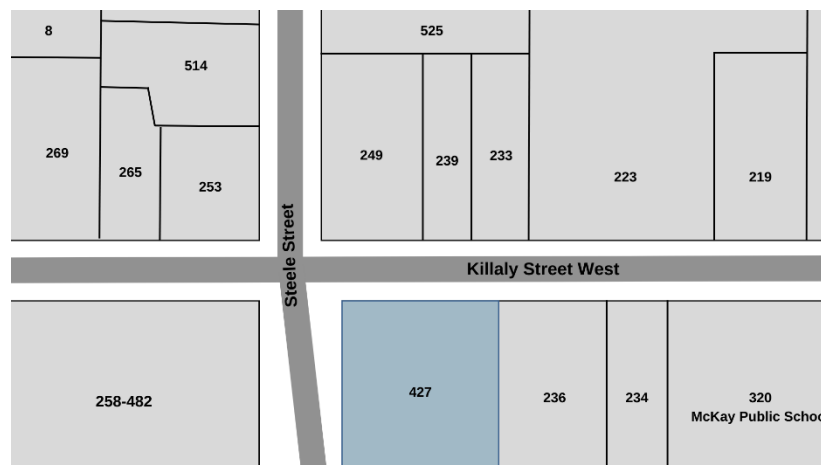
IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 22.3 (d) and Section 22.3 (f) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Plan 853 Lots 28 & 29 Part Lots 27 & 30, in the City of Port Colborne, located in the Commercial Plaza (CP) zone, municipally known as 427 Steele Street.

AND IN THE MATTER OF AN APPLICATION by the agent Brianna Bodorkos, on behalf of the applicant 1825142 Ontario Inc. for relief from the provisions of Zoning by-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, to permit the construction of an accessory structure, notwithstanding the following:

1. That a minimum interior side yard setback of 2.07m be permitted, whereas the minimum permitted interior side yard setback in the CP zone is 15m.
2. That a minimum rear yard setback of 9.16m be permitted, whereas the minimum permitted rear yard setback in the CP zone is 15m.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to construct an addition to the structure for the purpose of garbage storage. Due to the proposed side yard setback and rear yard setback, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: March 8, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, March 3rd, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, March 7, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

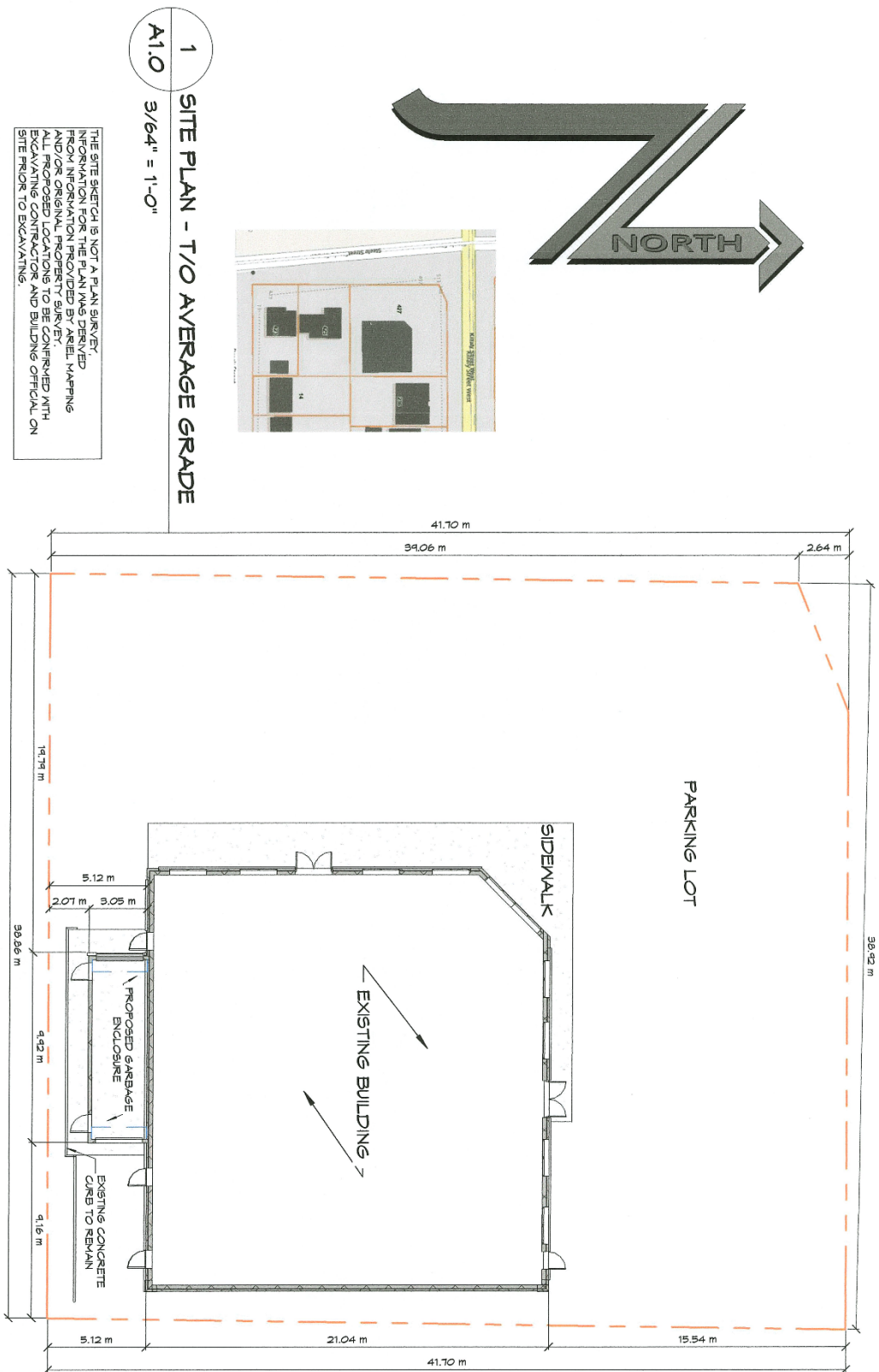
If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,



Diana Vasu
Secretary-Treasurer

Date of Mailing: February 24, 2023





PORT COLBORNE

· PLANNING AND LEGISLATIVE SERVICES ·

File No. _____

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.
APPLICATION FOR:

MINOR VARIANCE OR PERMISSION

This application is used by persons applying to the Committee of Adjustment for the City of Port Colborne under Section 45 of the *Planning Act*, as amended, for relief from By-law 6575/30/18 (as amended).

The Applicant is required to provide appropriate answers to all questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Samantha Yeung
Secretary/Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 204
FAX: 1-905-835-2939
Email: samantha.yeung@portcolborne.ca

COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse, to accept, or further consider any application that does not provide the information, material and fees prescribed.

A Minor Variance or Permission approved by the Committee of Adjustment of the City of Port Colborne may be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Niagara Region and the Niagara Peninsula Conservation authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

For help completing the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction

on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs web site (www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and to pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's Planning & Development website.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

Under the provisions of the *Planning Act*, land owners or their agents must obtain approval of the Committee of Adjustment for minor variances from the provisions of the Zoning By-law or from another by-law implementing the City's Official Plan.

Under the Provisions of the *Planning Act*, a public hearing must be held on each application within 30 days of the date upon which the properly completed application for minor variance or permission is received. Notice of Hearing is circulated to the applicant or properly appointed agent at least 10 (ten) days before the hearing date. The applicant and/or agent will be responsible for posting notice of hearing on the subject land of the application.

Prior to the hearing, a planning report consisting of an agenda and this application form would be distributed to the Committee and made available on Port Colborne's website through this link: <https://www.portcolborne.ca/en/business-and-development/committee-of-adjustment.aspx>.

Members of the Committee may conduct a site visit of the subject lands at their discretion and may contact applicants. **Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by a member of the public.** Any comments, questions or concerns should be addressed through the Planning and Development Services Division.

X 

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Any person objecting to the decision, may appeal within 20 days from the date of the decision. Appeals are filed with the Secretary Treasurer of the Committee of Adjustment, who in turn, files the appeal with the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal arranges an appeal hearing date and the applicant or agent and the person who appealed, will receive notice of date.

POLICIES

In addition to the matters set out in "Procedures for Processing Applications for Minor Variance or for Permission", the Port Colborne Committee of Adjustment has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee, submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the application for Minor Variance or Permission the following supplementary information / sketches are requested:

- Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. **The Planning & Development Services Division may request for a sketch submitted by a professional.** This requirement can be clarified by the Planning Staff.
 1. A sketch or sketches showing the following shall be submitted:
 - i. The boundaries and dimensions of the land.
 - ii. The location and nature of any easement affecting the land.
 - iii. The location, size, and type of all existing and height of proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
 - iv. The location and nature of any easement affecting the land.
 - v. Parking areas, loading spaces, driveway entrance / exits
 - vi. Existing and proposed servicing [e.g. water, storm and sanitary]
 2. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g. 1:100, 1:300, 1:500].
 3. One (1) copy of each separate type of plan reduced to legal size.
 4. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
 5. One (1) copy of a Registered Deed including full legal description of the subject lands.
 6. Council MAY require (at the discretion of the Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within

a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

NOTICE REQUIREMENTS

Notice of Public Hearing of Council MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 10 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 10 day period, the public hearing date may be rescheduled.



PORT COLBORNE

· PLANNING AND LEGISLATIVE SERVICES ·

**APPLICATION FOR
MINOR VARIANCE**

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: 1825142 ONTARIO INC.	
Mailing Address: 427 STEELE ST	
City: PORT COLBORNE	Province: ONTARIO
Postal Code: L3K 4Y2	Telephone: 905-708-4174
Fax:	Email:

1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.3 Owner's Authorized AGENT (if applicable)	
Name: BRIANNA BODORKOS	
Mailing Address: 960 LORRAINE RD	
City: PORT COLBORNE	Province: ONTARIO
Postal Code: L3K 5V3	Telephone: 289-214-1953
Fax:	Email: jvhomedesigns@gmail.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.

1.5 Date and Subject Land was acquired by the Current Owner:
2012

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.7 All communications should be sent to the:
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality: PORT COLBORNE	
Concession No.	Lot(s):
Registered Plan No. plan 853 lots 28& 29pt; lots 27 30 pt	
Reference Plan No.	Part(s):
Name of Street: STEELE ST	Street No. 427

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: 38.2 m	Depth: 39 m	Area: 1602 sq m
Existing Use: 1 STOREY COMMERCIAL		
Proposed Use: 1 STOREY COMMERCIAL		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: COMMERCIAL PLAZA CP
Regional Policy Plan:

4.2 What is the Zoning of the land (By-law 6575/30/18)?
COMMERCIAL PLAZA (CP)

Section 5

Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes" describe the easement or covenant and its effect: EASEMENT TO BELL CANADA R0619124

Section 6

Type of ACCESS

- ☐ Provincial Highway
- ☐ Regional Road
- ☒ Municipal Road maintained all year
- ☐ Other Public Road
- ☐ Municipal Road maintained seasonally
- ☐ Right-of-Way
- ☐ Water Access
- ☐ Private Road

Section 7

What type of WATER SUPPLY is proposed?

- ☒ Publicly owned and operated piped water supply
- ☐ Lake
- ☐ Well (private or communal)
- ☐ Other (specify)

Section 8

What type of SEWAGE DISPOSAL is proposed?

- ☒ Publicly owned and operated sanitary sewage system
- ☐ Septic system (private or communal)
- ☐ Other (specify)

Section 9

What type of STORMWATER DISPOSAL is proposed?

- ☒ Publicly owned and operated stormwater system
- ☐ Other (specify)

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:

COMMERCIAL ZONING BYLAW
INTERIOR SIDEYARD SETBACK OF 15 m TO A PROPOSED 2.07 m
REAR YARD SETBACK OF 15m TO A PROPOSED 9.16 m (SEE ATTACHED SITE SKETCH.

10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?

- ☐ Yes
☒ No

Section 11

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

AS REQUESTED BY THE CITY OF PORT COLBORNE FOR INTERIOR AND REAR YARD SETBACKS. THE LOCATIONS OF THE GARBAGE ENCLOSURE WILL ON THE SIDE OF THE EXISTING COMMERCIAL STRUCTURE TO KEEP VERMIN OUT AND HIDE THE GARBAGE FROM THE GERNEAL PUBLIC.

Section 12

DATE OF ACQUISITION of the land by the current owner:

2012 APPROX.

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:

2015

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:

ALL

Section 15: OTHER APPLICATIONS

15.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:

Official Plan Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Minor Variance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Consent	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

15.2 If the answer to the above is yes, and if known, provide the following for each application noted:
File number of the application:
Name of the approval authority considering the application:
Lands affected by the application:
Purpose of the application:
Status of the application:
Effect of the application on the proposed amendment:

Section 16: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

16.1 ALL EXISTING USE
<input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other <hr/>

16.2 What is the length of time the existing use(s) of the land have continued?
ALL

16.3 Are there any buildings or structures on the subject land?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
CP	15.5 m	1.6 m	5.18 m	15.2 m	5.38 m	430.14 m ²	

16.4 ALL PREVIOUS USE	
<input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other	

16.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other				

16.6 If Industrial or Commercial, specify use
WEST - COMMERICAL PLAZA, NORTH- RACO AUTO SUPPLY

16.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

16.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

16.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

16.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

16.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?

- ☐ Yes
☒ No
☐ Unknown

16.12 Have the lands or adjacent lands ever been used as a weapons firing range?

- ☐ Yes
☒ No
☐ Unknown

16.13 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?

- ☐ Yes
☒ No
☐ Unknown

16.14 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?

- ☐ Yes
☒ No
☐ Unknown

16.15 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

- ☐ Yes
☒ No
☐ Unknown

- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X

Date

Jan 26 / 2023

X

Signature of Owner

1829142 Ontario Inc
Garry Markham Pres.

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

17.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as "hazard lands"?

- ☐ Yes
☒ No
☐ Unknown

17.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?

- ☐ Yes
☒ No
☐ Unknown

17.3 Is the property located on or within 30 metres of the Lake Erie shoreline?

- ☐ Yes
☒ No
☐ Unknown

17.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

17.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?

- ☐ Yes
☒ No
☐ Unknown

X Jan 27/23
Date

X [Signature]
Signature of Applicant(s)

Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We BRIANNA BODORKOS
Of the City/Town/Township of PORT COLBORNE
In the County/District/Regional Municipality of NIAGARA

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City of Port Colborne
In the Region of Niagara
This 27th day of January
A.D. 20 23

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X [Signature]
Signature of applicant(s), solicitor, or authorized agent

A Commissioner, etc.

Personal information collected on this application will become part of a public record.
Any questions regarding this collection should be directed to: City Clerk, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

Chris Roome, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the
City of Port Colborne.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

427 STEELE ST, PORT COLBORNE ONTARIO

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

BRIANNA BODORKOS

(name of agent)

of the City of PORT COLBORNE

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the City of PORT COLBORNE

in the Region of NIAGARA

this 27 day of JANUARY 20

X Lisa Stratton
Signature of Witness

1825420 John Mc
X John Matheson Re
Signature of Owner

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

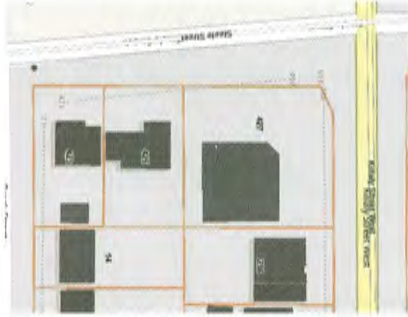
Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

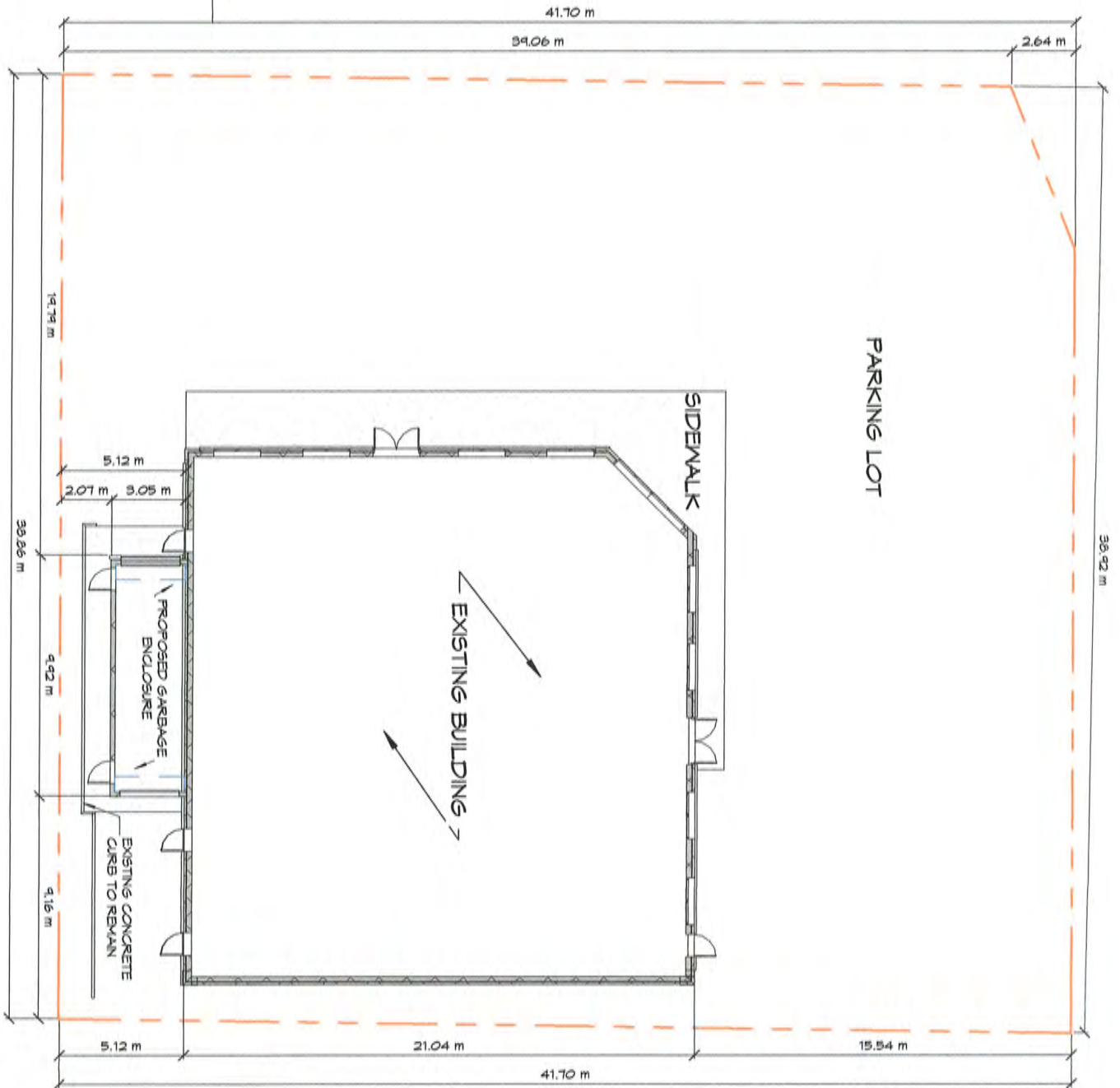
Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below before submitting an application. A pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Manager of Planning & Development
(905) 835-2900, Ext. 203
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Director of Engineering & Operations
(905) 835-2900, Ext. 223
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Chief of Building
(905) 835-2900, Ext 201
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial Highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement



1 SITE PLAN - T/O AVERAGE GRADE
A1.0 3/64" = 1'-0"

THE SITE SKETCH IS NOT A PLAN SURVEY.
INFORMATION FOR THE PLAN WAS DERIVED
FROM INFORMATION PROVIDED BY AREL, MAPPING
AND/OR ORIGINAL PROPERTY SURVEY.
ALL PROPOSED LOCATIONS TO BE CONFIRMED WITH
EXCAVATING CONTRACTOR AND BUILDING OFFICIAL ON
SITE PRIOR TO EXCAVATING.



Development and Legislative Services

Planning Division Report

March 3, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

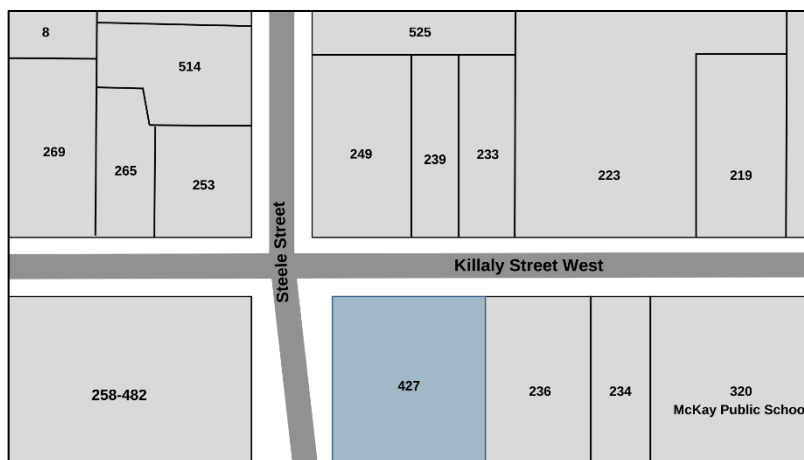
Re: Application for Minor Variance A05-23-PC
427 Steele Street
Plan 853 Lots 28 & 29 Part Lots 27 & 30
Agent: Brianna Bodorkos
Owner(s): 1825142 Ontario Inc.

Proposal:

The purpose and effect of this application is to permit the construction of a proposed addition to enclose an existing garbage storage area. The applicant is requesting that an interior side yard setback of 2.07m be permitted, whereas the minimum interior side yard setback permitted is 15m, and that a minimum rear yard setback of 9.16m be permitted, whereas the minimum permitted rear yard setback is 15m.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Neighbourhood Commercial (NC) to the north, Second Density Residential to the north, south and east, and Commercial Plaza (CP) to the west. The surrounding land uses consist of single detached dwellings to the north, south and east and commercial uses to the north and west.



Official Plan:

The subject property is designated as Commercial Plaza in the City's Official Plan. Commercial uses are permitted under this designation.

Zoning:

The subject property is zoned CP in accordance with Zoning By-Law 6575/30/18. Additions to the permitted uses are permitted in this zone.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on February 24th, 2023 as per Section 45 (5) of the Planning Act. As of March 3rd, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 8th, 2023. As of March 3rd, 2023, the following comments have been received.

Drainage Superintendent

There are no comments regarding municipal drain for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

No objection to the proposed application.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The decrease in the side yard and rear yard setbacks are being requested to enclose an existing garbage storage area. The location of where the garbage is stored is not proposed to be changed, only the structure that is storing it.

Is it desirable for the appropriate development or use of the land, building or structure?

The proposal is desirable and appropriate as the development is located in a suitable location on the site. Completely enclosing the garbage storage area will reduce the unsightly visual of the existing garbage storage area, reduce odors in the area, and will reduce the number of animals attempting to get into the garbage.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The Zoning By-law permits commercial uses in the CP zone and the proposal meets the majority of the zoning requirements. The proposed addition will be used in conjunction with the existing

commercial use. Staff finds this application to be in keeping with the general intent and purpose of the Zoning By-law.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits commercial uses in the Commercial Plaza designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A05-23-PC be **granted** for the following reasons:

1. **The application is minor in nature.**
2. **It is appropriate for development of the site.**
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.**
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan**

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

From: [Alana VanderVeen](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 9, 2023 3:37:00 PM

Hello Diana

There are no comments regarding municipal drains on these applications.

Alana

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Chris Roome](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 27, 2023 11:36:31 AM

Hi Diana,

Please see my comments below.

A04-23-PC – 697 Barrick Road

- No comments

A05-23-PC – 427 Steele Street

- No comments

A06-23-PC – 193 Main Street West

- City of Port Colborne Municipal Consent required for alterations to existing site servicing (sanitary, storm, & water services) within the regional road allowance
 - For your convenience, I have included the link to the City's Municipal Consent Permits page below

https://www.portcolborne.ca/en/living-here/municipal-consent-permits.aspx?_mid_=78499

- Niagara Region permits required for works within the Main Street West regional road allowance
 - For your convenience, I have included the link to the Niagara Region Road Use Permit Application Forms page below

<https://www.niagararegion.ca/living/roads/permits/default.aspx>

A07-23-PC – 21 Dolphin Street

- No comments

A08-23-PC – 19 Dolphin Street

- No comments

B03-23-PC – 21 Dolphin Street

- No comments

B04-23-PC – 19 Dolphin Street

- No comments

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2000 x226

Email Nicholas.Olschansky@portcolborne.ca



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A06-23-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 23.5 (j) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Registered Plan Number 762 Lot 3 Parts 3 & 4 in the Former Municipality of Peterburg, currently in the City of Port Colborne, located in the Downtown Commercial (DC) zone, municipally known as 193 Main Street West.

AND IN THE MATTER OF AN APPLICATION by agent Amber Cuthbertson, on behalf of the applicant 2792795 Ontario Inc. for relief from the provisions of Zoning by-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, to permit the conversion of 2 commercial units to 4 residential units, notwithstanding the following:

1. That a minimum floor area of 40m² per unit be permitted, whereas the minimum permitted floor area per unit is 50m².

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to convert 2 commercial units into 4 residential units. Due to the proposed floor area per unit, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: March 8, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, March 3rd, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, March 7, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-

2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.


If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

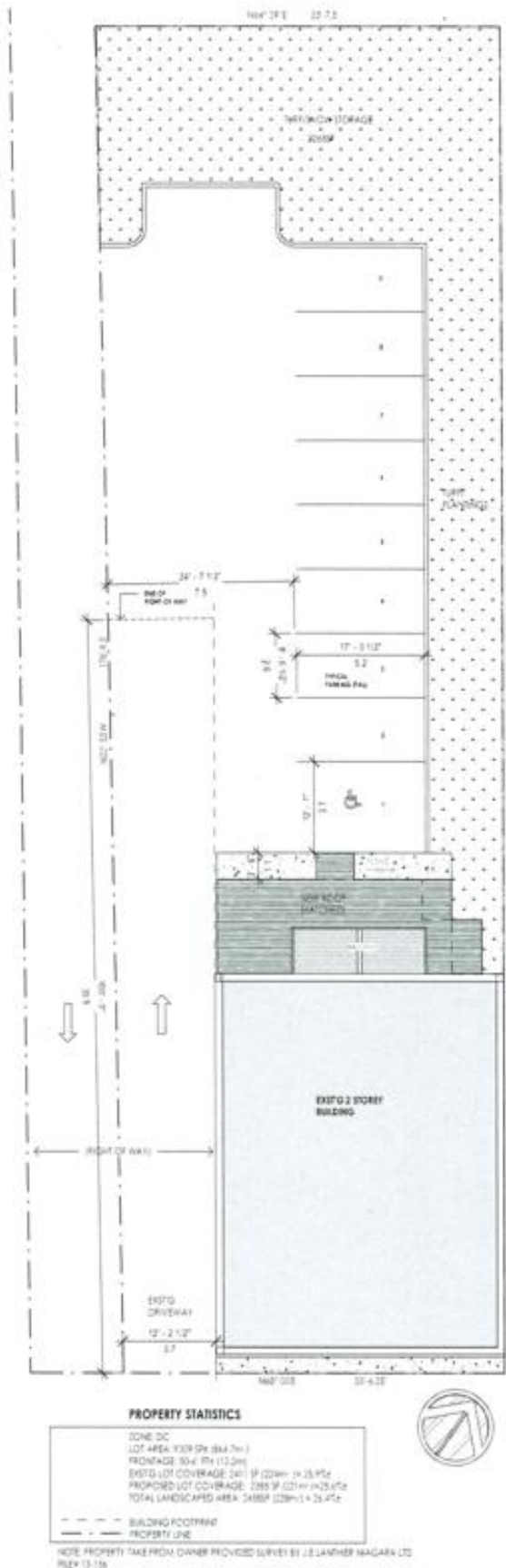
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: February 24, 2023


Diana Vasu
Secretary-Treasurer





For Office Use Only

Date Received: _____

Application Complete: ☐ Yes ☐ No

Date of Completion: _____

SUBMISSION OF APPLICATION

Completed applications can be sent to:

City of Port Colborne Diana Vasu Secretary Treasurer of the Committee of Adjustment City Hall 66 Charlotte Street Port Colborne, Ontario L3K 3C8	Telephone: 1-905-835-2900 ext. 204 Fax: 1-905-835-2939 Email: diana.vasu@portcolborne.ca
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2023 APPLICATION FEES

Minor Variance	\$1,330
Minor Variance (Building without a Permit)	\$1,736
Minor Variance & Consent Combination	\$2,431

COMPLETENESS OF APPLICATION

A complete application includes all required forms, fees, and applicable sketches, as well as any additional information that may be identified by the Secretary-Treasurer in accordance with the provisions under *the Planning Act, R.S.O. 1990, c.P. 13*, as amended.

To be considered complete, submitted applications must include:

- One fully completed application for minor variance or permission signed by the applicant(s) and/or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the property owner, if applicable.
- **Two (2) copies** of a completed preliminary drawing (see the "Drawing Requirements" section).
- Payment of the appropriate fee submitted at the time of application through cash, credit, debit, or cheque payable to the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) if required by the Region, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the Niagara Region. If payment is submitted to the Region directly, please submit the receipt to the City of Port Colborne. Failure to pay the Region's fee may result in an incomplete application. The Region's fees are available on its website, https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Payment of the appropriate NPCA fee, if required, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the NPCA. If payment is submitted to the NPCA directly, please submit the receipt to the City of Port Colborne. Failure to pay the NPCA's fee may result in an incomplete application.

***Note:** Additional information may be required once a full review has been completed by planning staff. This may prevent deferral of your application. *

DRAWING REQUIREMENTS

Please submit two copies of each separate plan along with your completed application. Ensure that all the information below is included in the plan(s). Depending on the extent of the proposal, **the Planning Division may request a sketch prepared by a professional, and the Committee may require (at the discretion of the Manager of Planning Services) that the sketch be signed by an Ontario Land Surveyor.** This requirement can be clarified by the Planning Staff. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g., 1:100, 1:300, 1:500].

To be considered complete, each sketch must identify:

1. The boundaries and dimensions of the land / lot.
2. The location and nature of any easement affecting the land, if applicable.
3. The location, size, height, and type of all existing and proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
4. The parking areas, loading spaces, driveway entrance / exits.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant of any additional information and/or fees required by these agencies (ie. Niagara Region, Niagara Peninsula Conservation Authority). If applicable, the applicant must submit this additional information and/or pay the additional fees for their application to be deemed complete. Once the application is deemed complete, a hearing date will be confirmed in writing by the Secretary-Treasurer.

Prior to the hearing, members of the Committee may choose to conduct a site visit and/or contact the applicants. **Please note that the Committee should not be contacted by members of the public.** Any comments, questions, or concerns should be addressed through the Planning Division.

Following the hearing, the applicant/agent/solicitor will be notified of the Committee's decision in a written Notice of Decision. In addition, any other person or agency who filed a written request for the Committee's decision will be sent a copy. Any applicant objecting to the decision of the Committee, or the condition(s) imposed by the Committee may appeal the decision to the Local Planning Appeal Tribunal within 20 days after the Notice of Decision has been given. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related minor variance appeal.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 meters of a water course; on or within 30 meters of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within a groundwater recharge / discharge area, aquifer, or headwater on the property or within 30 meters of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

I acknowledge that I have read, understand, and agree to the terms outlined above.

Name: AMBER CUTHBERTSON

Date: 2/6/23

Initials:

AC



SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: 2792795 Ontario Inc.	
Mailing Address: 38 MARSDALE DR.	
City: St. Catharines	Province: Ontario
Postal Code: L2T 3S3	Telephone: 905-380-7336
Fax:	Email: chrisdilalla@gmail.com
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name: BENT PENCIL DESIGN c/o AMBER CUTHBERTSON	
Mailing Address: PO BOX 1479	
City: FONTHILL	Province: Ontario
Postal Code: LOS 1E0	Telephone: 289-929-2438
Fax:	Email: amber@bentpencildesign.com
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.5 All communications should be sent to the:	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: VILLAGE OF PETERBURG	
Concession No.	Lot(s):
Registered Plan No. 762	Lot(s): 3
Reference Plan No.	Part(s): 3,4
Name of Street: MAIN ST. WEST	Street No. 193

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 50.52'	Depth: 178.79'	Area: 9309sf
Existing Use: COMMERCIAL(GRD FLR) RESIDENTIAL (2ND FLR)		
Proposed Use: ALL RESIDENTIAL		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: COMMERCIAL PLAZA		
Regional Policy Plan: BUILT-UP AREA		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
DC		

SECTION 4: LAND INFORMATION

4.1 Date the Subject Land was acquired by the Current Owner:	
11/25/20	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes" describe the easement or covenant and its effect: right of way access to rear parking lot on site and adj. property to the west.
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
<hr/> <hr/>	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
1920's approx.	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway <input checked="" type="checkbox"/> Regional Road <input type="checkbox"/> Municipal Road maintained all year <input type="checkbox"/> Other Public Road	<input type="checkbox"/> Municipal Road maintained seasonally <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Water Access <input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply <input type="checkbox"/> Lake <input type="checkbox"/> Well (private or communal) <input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system <input type="checkbox"/> Septic system (private or communal) <input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system <input type="checkbox"/> Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please indicate the meeting date:	

SECTION 5: NATURE & EXTENT OF RELIEF FROM THE ZONING BY-LAW

5.1 Nature and Extent of Relief from the Zoning By-law:
RELIEF FROM MIN. AREA REQUIREMENTS OF A DWELLING UNIT FROM 50m ² TO 40m ² TO ALLOW THE CONVERSION OF THE EXISTING GROUND FLOOR FROM 2 COMMERCIAL UNITS TO 4 RESIDENTIAL UNITS.
5.2 Why is it not possible to comply with the Zoning By-law?
INSUFFICIENT FLOOR AREA w/i THE EXISTING BUILDING FOOTPRINT AND LIMITED LOT AREA TO EXPAND WHILE MEETING THE PARKING REQUIREMENTS.
5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
5.4 If the answer to 5.3 is YES, has a building permit been issued?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No

If the answer is "Yes," please provide the following information:

File Number:
Decision:

SECTION 6: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

8.1 ALL EXISTING USE		
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other (specify):
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	
8.2 What is the length of time the existing use(s) of the land have continued?		
SINCE BUILDING CONSTRUCTED IN 1920'S		
8.3 Are there any buildings or structures on the subject land?		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, briefly describe and indicate their use.		
2 STOREY BRICK BUILDING GRD. FLR COMMERCIAL (VACANT), 2ND FLR. 2 RESIDENTIAL UNITS		

8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.12 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown
8.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<p>If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.</p> <p>*Possible uses that can cause contamination include operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities, and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry-cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.</p>		

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X

2/6/23

Date

X



Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

9.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as "hazard lands"?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.3 Is the property located on or within 30 metres of the Lake Erie shoreline?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.4 Is there a valley slope on the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.6 Is the property on a Regional Road?		
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X FEB 7/2023
Date

X Amber Cuthbertson
Signature of Applicant(s)

Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We AMBER CUTHBERTSON
Of the City/Town/Township of TOWN OF PELHAM
In the County/District/Regional Municipality of NIAGARA

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the City of Port Colborne
In the Region of Niagara
This 7th day of February
20 23.

A Commissioner, etc.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X Chris Roome
Signature of applicant(s), solicitor, or authorized agent

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to the City Clerk at 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

Chris Roome, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the
City of Port Colborne.

POSTING OF PUBLIC HEARING SIGN

A public hearing sign is required to be posted by all applicants or agents on each property under application. A sign will be made available to you after review of your application, and you are required to post each sign in a prominent location on the subject property. The sign should be placed so that it is legible from the roadway.

Each sign must remain posted a minimum of 14 days prior to the hearing, until the day following the hearing. Should a sign go missing or become damaged or illegible please contact the Secretary-Treasurer as soon as possible to request a replacement sign. Failure to post the sign as required may result in deferral of you application(s).

Please note that an affidavit must also be signed and commissioned in the presence of a Commissioner of Oaths. This can be done at City Hall AFTER the signs have been posted.

I/We Amber Cuthbertson (Bent Pencil Design) am/are the owner(s) of the land subject to this application for a Minor Variance and I/We agree to post the required sign(s) a minimum of 14 days prior to the hearing and will remain posted, and replaced, if necessary, until the day following the hearing.

X Amber Cuthbertson

Signature of Owner/Agent

X

FEB. 07, 2023

Date

X

Signature of Owner/Agent

X

Date

PERMISSION TO ENTER

I/We 2792795 Ontario Inc. am/are the owner(s) of the land subject to this application for a Minor Variance and I/We authorize the members of the Committee of Adjustment and the City of Port Colborne Planning Staff to enter onto the property for the purpose of evaluating the merits of the application(s).

Please note that the Committee should not be contacted by members of the public. Any comments, questions or concerns should be addressed through the Planning Division.

X

Signature of Owner

X

February 6, 2023

Date

X

Signature of Owner

X

Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

If the application is not the owner of the land that is subject to this application for a Minor Variance, the authorization set out below must be completed by the owner(s). All registered owners must complete the authorization form for it to be valid.

Please Note: If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

I/We 2792795 Ontario Inc. am/are the owner(s) of the land that is subject to this application for a Minor Variance and I/We hereby authorize as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Minor Variance.

X



Signature of Owner

X

February 6, 2023

Date

X

Signature of Owner

X

Date

X



Signature of Agent

X

FEB. 07, 2023

Date

X

Signature of Owner

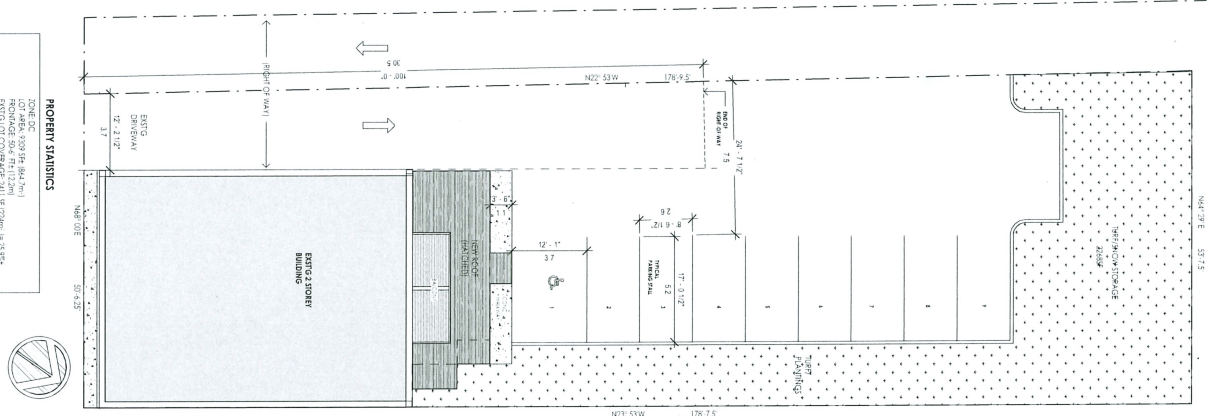
1 SITE PLAN

1" = 10'-0"

PROPERTY STATISTICS

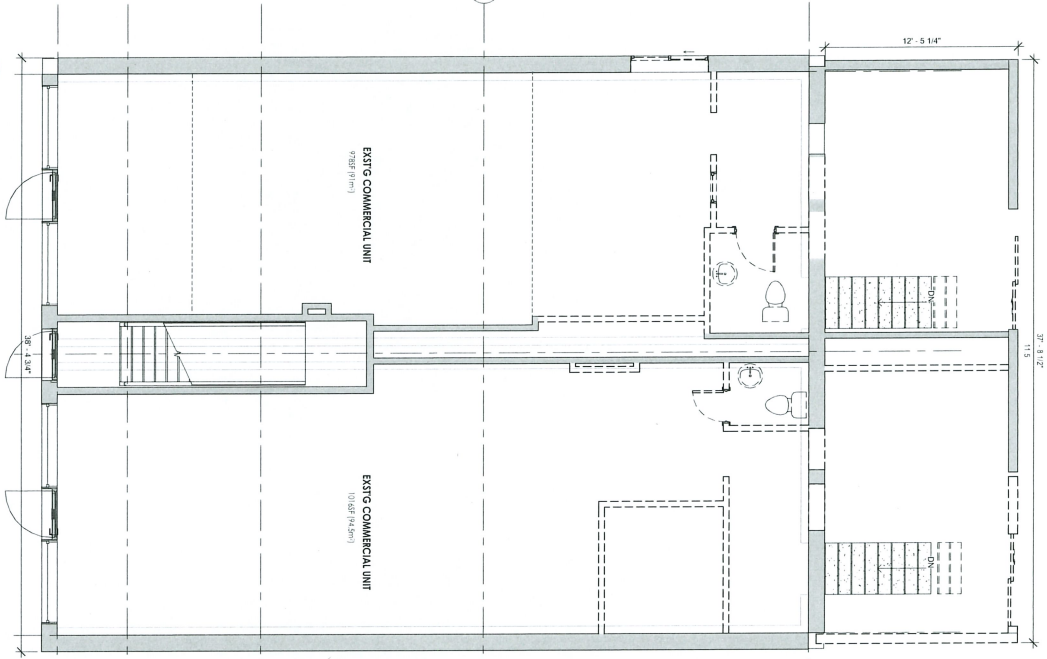
LOT AREA: 6,037.94 sq. ft.
ZONING: S-1
EXISTING LOT COVERAGE: 11.9% (724 sq. ft.)
PROPOSED LOT COVERAGE: 23.8% (1,438 sq. ft.)
TOTAL LOT AREA: 6,037.94 sq. ft.
TOTAL LOT COVERAGE: 35.7% (2,162 sq. ft.)
PROPERTY LINE

NOTE: PROPERTY LINE FROM OWNER PROVIDED SURVEY BY J. LANTIERE (NAD83), LTD.
FILE# 15-158



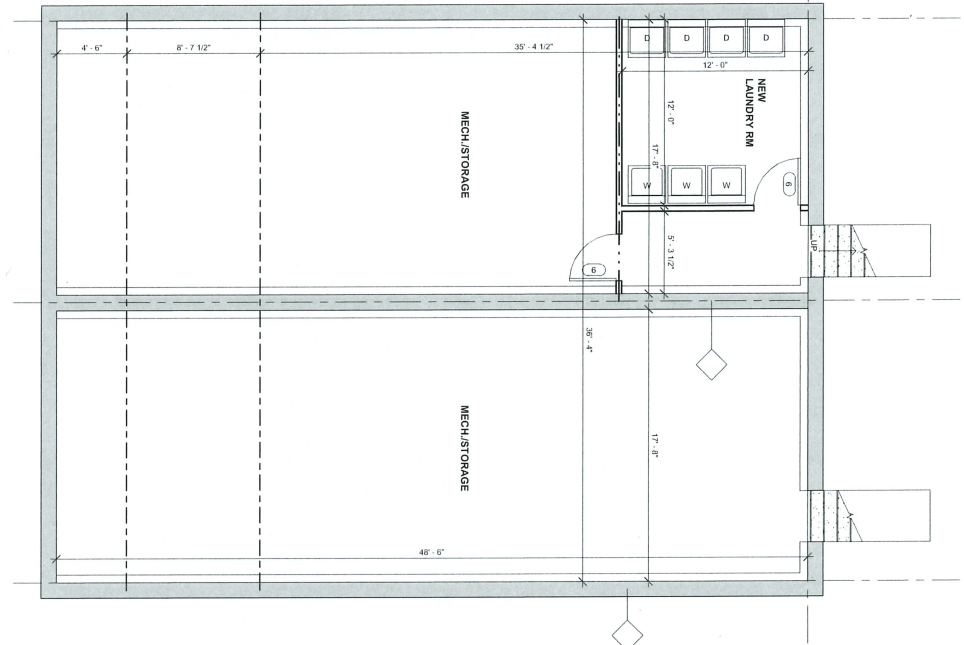
2 GROUND FLOOR DEMO PLAN

1/4" = 1'-0"



3 PARTIAL BASEMENT PLAN

1/4" = 1'-0"



MV1

RENOVATIONS & ALTERATIONS at

193 MAIN ST. WEST PORT COLBORNE
CHRIS DILALLA

PROPOSED SITE PLAN, DEMOLITION PLAN FLOOR PLAN

File No:	22-01
Rev No:	1
Description:	MINOR VARIANCE APPLICATION
Date:	FEB 6, 2023
Scale:	As indicated
Drawn BY:	AMC
Issue Date:	04/02/2023

PENT PENCIL DESIGN

CITY OF PORT COLBORNE
DEVELOPMENT
1000-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-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3009-3010-3011-3012-3013-3014-3015-3016-3017-3018-3019-3020-3021-3022-3023-3024-3025-3026-3027-3028-3029-3030-3031-3032-3033-3034-3035-3036-3037-3038-3039-3040-3041-3042-3043-3044-3045-3046-3047-3048-3049-3050-3051-3052-3053-3054-3055-3056-3057-3058-3059-3060-3061-3062-3063-3064-3065-3066-3067-3068-3069-3070-3071-3072-3073-3074-3075-3076-3077-3078-3079-3080-3081-3082-3083-3084-3085-3086-3087-3088-3089-3090-3091-3092-3093-3094-3095-3096-3097-3098-3099-3100-3101-3102-3103-3104-3105-3106-3107-3108-3109-3110-3111-3112-3113-3114-3115-3116-3117-3118-3119-3120-3121-3122-3123-3124-3125-3126-3127-3128-3129-3130-3131-3132-3133-3134-3135-3136-3137-3138-3139-3140-3141-3142-3143-3144-3145-3146-3147-3148-3149-3150-3151-3152-3153-3154-3155-3156-3157-3158-3159-3160-3161-3162-3163-3164-3165-3166-3167-3168-3169-3170-3171-3172-3173-3174-3175-3176-3177-3178-3179-3180-3181-3182-3183-3184-3185-3186-3187-3188-3189-3190-3191-3192-3193-3194-3195-3196-3197-3198-3199-3200-3201-3202-3203-3204-3205-3206-3207-3208-3209-3210-3211-3212-3213-3214-3215-3216-3217-3218-3219-3220-3221-3222-3223-3224-3225-3226-3227-3228-3229-3230-3231-3232-3233-3234-3235-3236-3237-3238-3239-3240-3241-3242-3243-3244-

Development and Legislative Services

Planning Division Report

March 3, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Minor Variance A06-23-PC
193 Main Street West
Lot 3 and Part Lots 3 & 4 Plan 762
Agent: Amber Cuthbertson
Owner(s): 2792795 Ontario Inc

Proposal:

The purpose and effect of this application is to permit the conversion of 2 commercial units into 4 residential units. The applicant is requesting a minimum floor area per unit of 40m², whereas a minimum of 50m² is required. The property currently has 2 existing residential units on the second floor. The conversion of the 2 existing commercial units into 4 residential will result in a total of 6 residential units on the property.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Downtown Commercial (DC) to the south, east, and west, and Fourth Density Residential (R4) and Heavy Industrial (HI) to the north. The surrounding land uses consist of commercial uses to the south, east and west, with detached dwellings and vacant land to the north.



Official Plan:

The subject property is designated as Downtown Commercial in the City's Official Plan. Apartments are permitted under this designation.

Zoning:

The subject property is zoned DC in accordance with Zoning By-Law 6575/30/18. Apartments are a permitted use in this zone.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on February 24th, 2023 as per Section 45 (5) of the Planning Act. As of March 3rd, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 8th, 2023. As of March 3rd, 2023, the following comments have been received.

Fire Department

No objection to the proposed application.

Engineering Technologist

A City of Port Colborne Municipal Consent permit will be required for alterations to the existing site servicing. Niagara Region permits will be required for any works required within the Main Street West regional road allowance.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff find the requested variance to be minor in nature. The decrease in minimum floor area has been requested because the two existing commercial units do not meet the minimum size required for four residential units. The reduction from 50m² to 40m² is considered to be minor in nature as the difference does not represent a significant decrease in liveable space. The purpose of the minimum unit size is to ensure that enough liveable space is being provided to future tenants. The proposed units will be bachelor-style units which are generally smaller in nature.

Is it desirable for the appropriate development or use of the land, building or structure?

The proposal is desirable and appropriate as apartments are permitted in this zone. The application proposes bachelor-style units that will provide a range and mix of housing options in the area. Furthermore, as the application proposes 4 additional units, for a total of 6 residential units, this use is considered an apartment, which is a permitted use in the DC zone.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The Zoning By-law permits apartments in the DC zone and the proposal meets the majority of the zoning requirements with the exception of the requested variance. The applicant has provided 9 parking spaces where 8 are required. Staff finds this application to be in keeping with the general intent and purpose of the Zoning By-law.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits apartments in the Downtown Commercial designation. The Official Plan encourages mixed-use development within the downtown. The preferred built form for mixed-use development is commercial and office uses on the ground floor, with residential units located above, however this is only a preference and not a requirement of the Official Plan. Apartments are permitted without commercial uses in the Downtown Commercial designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A06-23-PC be **granted** for the following reasons:

1. **The application is minor in nature.**
2. **It is appropriate for the development of the site.**
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.**
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan**

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Committee of Adjustment Review - 193-197 MAIN STREET WEST
Date: February 9, 2023 2:10:51 PM

Port Colborne Fire & Emergency Services has reviewed application File number and would like to offer the following comments.

All construction shall be through a building permit.
Port Colborne Fire has no objection to the application.

Should you have any questions, please feel free to contact this office.

Charles Turpin
Port Colborne Fire & Emergency Services



www.portcolborne.ca

Charles Turpin
Fire Prevention Officer
City of Port Colborne

Port Colborne, ON
Phone 905-834-4512 x
Email Charles.Turpin@portcolborne.ca

"To provide an exceptional small-town experience in a big way"

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From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Chris Roome](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 27, 2023 11:36:31 AM

Hi Diana,

Please see my comments below.

A04-23-PC – 697 Barrick Road

- No comments

A05-23-PC – 427 Steele Street

- No comments

A06-23-PC – 193 Main Street West

- City of Port Colborne Municipal Consent required for alterations to existing site servicing (sanitary, storm, & water services) within the regional road allowance
 - For your convenience, I have included the link to the City's Municipal Consent Permits page below

https://www.portcolborne.ca/en/living-here/municipal-consent-permits.aspx?_mid_=78499

- Niagara Region permits required for works within the Main Street West regional road allowance
 - For your convenience, I have included the link to the Niagara Region Road Use Permit Application Forms page below

<https://www.niagararegion.ca/living/roads/permits/default.aspx>

A07-23-PC – 21 Dolphin Street

- No comments

A08-23-PC – 19 Dolphin Street

- No comments

B03-23-PC – 21 Dolphin Street

- No comments

B04-23-PC – 19 Dolphin Street

- No comments

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2000 x226

Email Nicholas.Olschansky@portcolborne.ca



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

APPLICATION NO. B03-23-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, Section 53 (1).

AND IN THE MATTER OF the lands legally known as Lot 31 & 32 Registered Plan Number 835, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 19 Dolphin Street.

AND IN THE MATTER OF AN APPLICATION by the agent John Ikola on behalf of the owner Frank Steven Hoffman for a consent for the purpose of a perpetual easement agreement. The application is proposing to establish a perpetual utility easement over Part 2, in favour of Part 4. The purpose of the easement is to permit the existing utilities to service the dwelling on Part 4. A sketch of the subject lands is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: March 8, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, February 24th, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, March 7, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

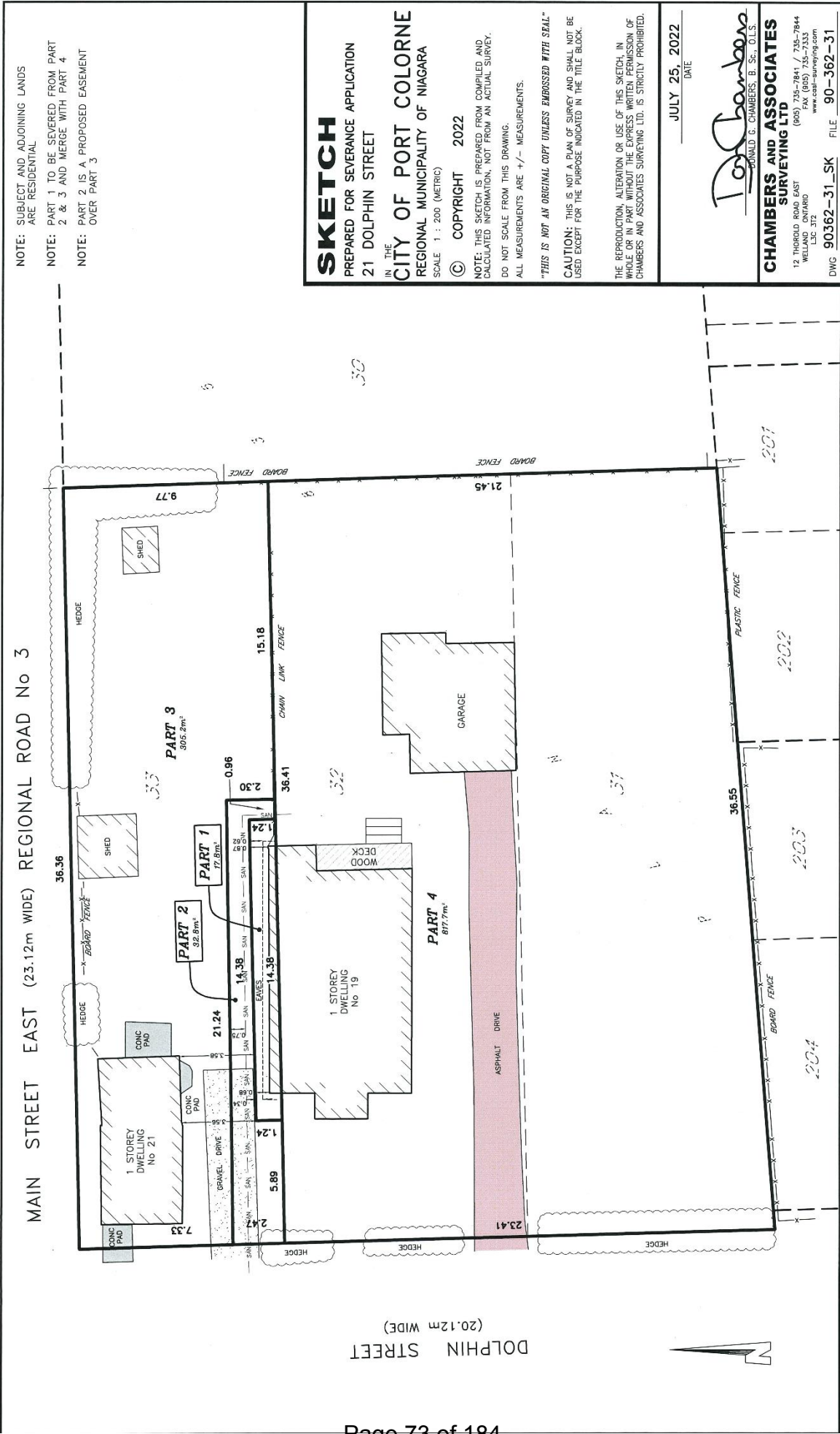
If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision. If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the *Planning Act*, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: February 22, 2023

Diana Vasu
Secretary-Treasurer



CONSENT

This application form is to be used by persons applying to the City of Port Colborne Committee of Adjustment for approval for Consent.

The Applicant is required to provide appropriate answers to **all** questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Samantha Yeung
Secretary - Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 204
FAX: 1-905-835-2939
Email: Samantha.yeung@portcolborne.ca

COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse to accept or further consider any application that does not provide the information, material and fees prescribed.

A Consent approved by the Committee of Adjustment of the City of Port Colborne must sometimes be reviewed by the Regional Municipality of Niagara and other regional or provincial agencies. The Niagara Region and Niagara Peninsula Conservation Authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

To help you complete the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction on matters relating to land use planning and development. A copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs website

(www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and should also consult with staff prior to submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's website under Planning & Development.

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of the Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by the Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or prepaid first class mail or by posting notice of the application at every separately assessed property in the area that constitutes the subject land. In addition, and by policy of the City Council and the Committee of Adjustment, other agencies may be consulted if the location of the subject lands falls within their respective field of responsibility. Refer to "A Suggestion to the Applicant".

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 14 days prior to the date of hearing.

Prior to the hearing, members of the Committee may conduct a site visit of the subject lands at their discretion and may contact applicants. **Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by a member of the public.** Any comments, questions or concerns should be addressed through the Planning and Development Services Division. x F.H.

To assist the members and other interest persons or agencies in locating the lands under consideration, the applicant will be required to place one or more posters, 14 days prior to the hearing, on the lands subject of the application. This poster MUST remain in place for the entire 14 day period. If removed, the meeting date will be re-scheduled as proper notice will not have been given. The poster and instructions for its use will be given to the applicant/agent/solicitor by the Secretary-Treasurer of the Committee when application is made or shortly thereafter.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Any person objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related consent appeal.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the *Planning Act*, if the consent granted by the Committee is conditional, the conditions must be fulfilled within one year of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

POLICIES

In addition to the matters set out in "Procedures for Processing Applications for Consent", the Committee has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization for the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a sketch prepared by a licensed Land Surveyor.
- Payment of the appropriate fee submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) required by the region, submitted to the City of Port Colborne at the time of the preliminary review. If this does not occur, then the fee will be due at the time the application is submitted to the Region for review (usually at the time of the Notice of Public Meeting). Failure to pay the Region's fee may result in the Region refusing to consider the Consent Application until the fee has been received. The Region's fees are available on its web site.

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

The applicant and/or representing agent must be present at the hearing to represent the application.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other agencies.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the Consent application the following supplementary information / sketches are requested:

1. As provided for in Ontario Regulation 197/96, as amended, and as required by this Committee of Adjustment, an application must be accompanied by two (2) copies of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor.
2. One (1) copy of each separate type of plan reduced to legal size.
3. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
4. One (1) copy of a Registered Deed including full legal description of the subject lands.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within

a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

NOTICE REQUIREMENTS

Notice of Public Hearing MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 14 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 14 day period, the public hearing date may be rescheduled.



PORT COLBORNE

· PLANNING AND DEVELOPMENT DEPARTMENT ·

APPLICATION FOR CONSENT

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):

Name: Frank Steven Hoffman

Mailing Address: 21 Dolphin Street

City: Port Colborne

Province: Ontario

Postal Code: L3K 2H9

Telephone:

Fax:

Email:

1.2 Owner's SOLICITOR (if applicable)

Name:

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

1.3 Owner's Authorized AGENT (if applicable)

Name: John Ikola

Mailing Address: 190 Division Street

City: Welland

Province: Ontario

Postal Code: L3B 4A2

Telephone: 905-732-4481

Fax: 905-732-2020

Email: jikola@flettbeccario.com

1.4 MORTGAGES, Charges & Other Encumbrances:

List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.

None known

1.5 Date and Subject Land was acquired by the Current Owner:

June 19, 2009

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

CHAMBERS AND ASSOCIATED SURVEYING LTD.

Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.7 All communications should be sent to the:
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality:Port Colborne	
Concession No.	Lot(s):33
Registered Plan No.835	Lot(s):
Reference Plan No.	Part(s):
Name of Street:Dolphin Street	Street No.21

2.1 Type of proposed transaction: (Check appropriate space(s))
<input type="checkbox"/> Creation of New Lot <input type="checkbox"/> Addition to lot <input type="checkbox"/> Mortgage or Charge <input type="checkbox"/> Lease <input type="checkbox"/> Disposal of Surplus Farm Dwelling <input type="checkbox"/> Farm Retirement Lot <input type="checkbox"/> Partial Discharge or Mortgage <input type="checkbox"/> Right-of-Way <input checked="" type="checkbox"/> Easement Reason for proposed transaction: Transfer of Property to deal with encroachment of 19 Dolphin Street Part 2 to grant Easement

2.2 If a lot addition, identify the lands to which the parcel will be added:

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:
Sandra Elisabeth McKay, Samuel James Lyle McKay, Jacoba Lamberta Winfield, Kevin Edward Winfield

Section 3: OFFICIAL PLAN & ZONING

3.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: 835
Regional Policy Plan: BUILT UP AREA

3.2 What is the Zoning of the land (By-law 6575/30/18)?
R2

3.3 Is the proposal consistent with Provincial policy statements issued under Subsection 3(1) of the Planning Act, 1990, R.S.O., as amended?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No

Section 4

Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If “Yes” describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

Section 5

Type of ACCESS
<input type="checkbox"/> Provincial Highway
<input type="checkbox"/> Regional Road
<input type="checkbox"/> Municipal Road maintained all year
<input type="checkbox"/> Other Public Road
<input checked="" type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Water Access
<input type="checkbox"/> Private Road

Section 6

What type of WATER SUPPLY is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply
<input type="checkbox"/> Lake
<input type="checkbox"/> Well (private or communal)
<input type="checkbox"/> Other (specify)

Section 7

What type of SEWAGE DISPOSAL is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system
<input type="checkbox"/> Septic system (private or communal)
<input type="checkbox"/> Other (specify)

Section 8

What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	

Section 9

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: 2.30	Depth: 21.24	Area: 48.85
Existing Use: Residential		
Proposed Use: Residential		

Existing and proposed buildings and structures on the subject land. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:

Existing: Residential
Proposed: Residential

Section 10

Part No. On Sketch: 3

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 9.77	Depth: 36.36	Area: 355.237
Existing Use: Residential		
Proposed Use: Residential		

Existing and proposed buildings and structures on the land to be retained. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:

Existing: Residential
Proposed: Residential

Section 11

Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?
<input type="checkbox"/> Yes
<input type="checkbox"/> No
<input checked="" type="checkbox"/> Unknown

If the answer is “Yes,” please provide the following information:

File Number:
Decision:

Section 12

HAS THE LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> No	

If the answer is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name:
Land Use on severed parcel:
Date Parcel Transferred:
Consent file number (if known): B _____

Section 13: OTHER APPLICATIONS

13.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:		
Official Plan Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Minor Variance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Consent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No

13.2 If the answer to the above is yes, and if known, provide the following for each application noted:	
File number of the application:	
Name of the approval authority considering the application:	
Lands affected by the application:	
Purpose of the application:	
Status of the application:	
Effect of the application on the proposed amendment:	

Section 14 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

14.1 ALL EXISTING USE	
<input checked="" type="checkbox"/> Residential	
<input type="checkbox"/> Industrial	
<input type="checkbox"/> Commercial	
<input type="checkbox"/> Institutional	
<input type="checkbox"/> Agricultural	
<input type="checkbox"/> Parkland	
<input type="checkbox"/> Vacant	
<input type="checkbox"/> Other	

14.2 What is the length of time the existing use(s) of the land have continued?

14.3 Are there any buildings or structures on the subject land?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction

14.4 ALL PREVIOUS USE
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____

14.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/> X	<input type="checkbox"/> X	<input type="checkbox"/> X	<input type="checkbox"/> X
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14.6 If Industrial or Commercial, specify use

14.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

14.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.12 Have the lands or adjacent lands ever been used as a weapons firing range?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.13 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.14 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.15 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <ul style="list-style-type: none">Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X 30 Jan 2023
Date

X F. Hoffmann
Signature of Owner

14.16 Are there any buildings designated under the Ontario Heritage Act?

- ☐ Yes
☒ No
☐ Unknown

14.17 If there are any existing buildings on the site, briefly describe them and indicate their proposed use

House and garage

14.18 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?

- ☐ Yes
☒ No

Pre-screening Criteria

15.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

15.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

15.3 Is the property located on or within 30 metres of the Lake Erie shoreline?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

15.4 Is there a valley slope on the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

15.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

X 30 Jan 2023
Date

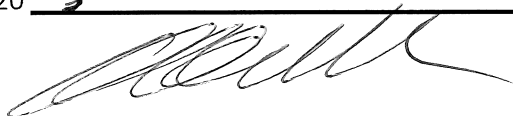
X F. Hoffman
Signature of Applicant(s)

Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Frank Steven Hoffman
Of the City/Town/Township of Port Colborne
In the County/District/Regional Municipality of Niagara

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City Port Colborne of Port Colborne
In the Regional Municipality of Niagara
This 30th day of January
A.D. 2023



TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X F. Hoffman

Signature of applicant(s), solicitor, or authorized agent

A Commissioner, etc.

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to the City Clerk at 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize
John Ikola

(name of agent)

of the City of Welland

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the City of Port Colborne
in the Regional Municipality of Niagara
this 30th day of January 2023

X [Signature]
Signature of Witness

X F. Hoffmann
Signature of Owner

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. This pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

Port Colborne Planning and Development Department

1. 66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Manager of Planning & Development
(905) 835-2900, Ext. 203
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Director of Engineering & Operations
(905) 835-2900, Ext. 223
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Chief of Building
(905) 835-2900, Ext 201
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial Highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement

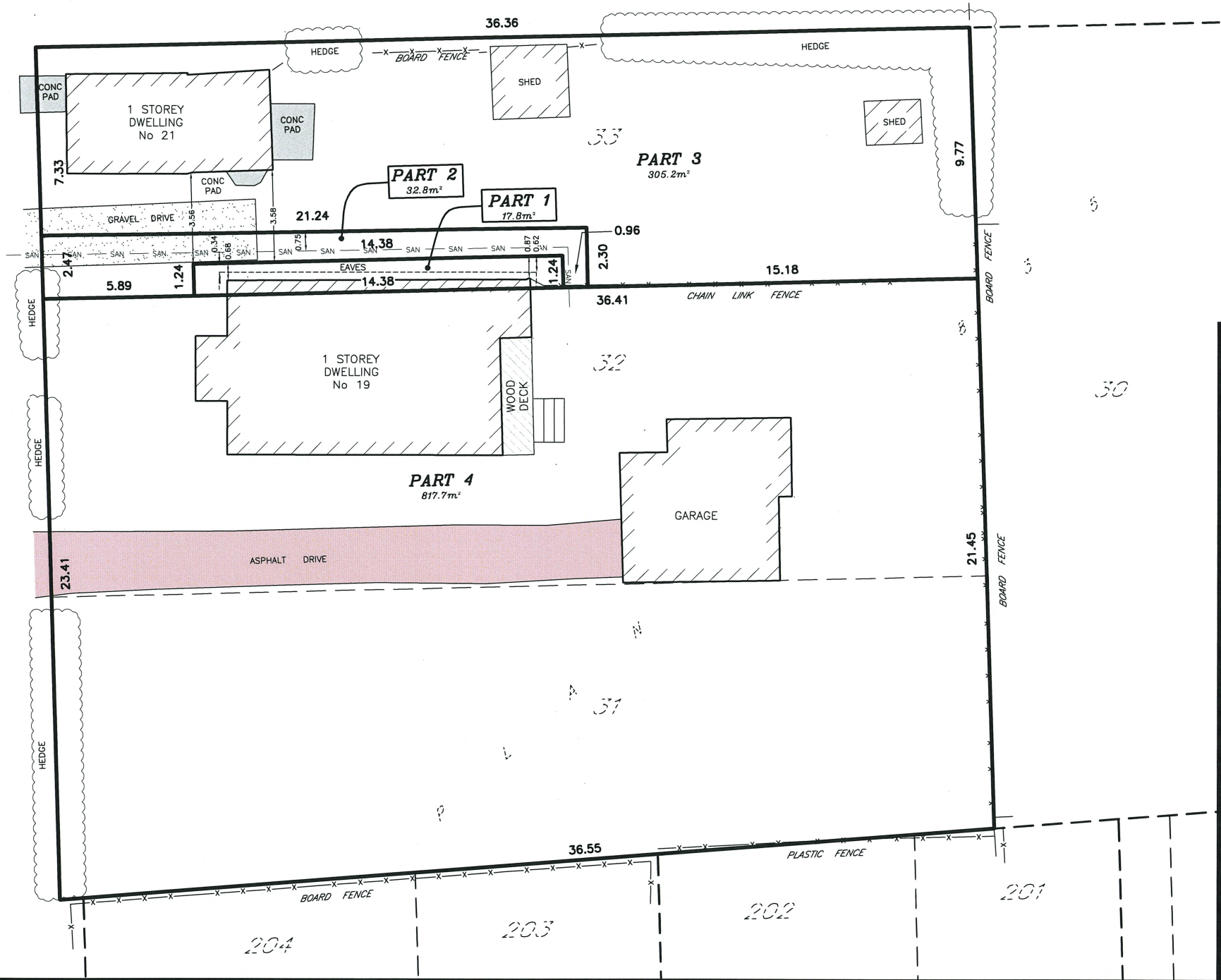
MAIN STREET EAST (23.12m WIDE) REGIONAL ROAD No 3

NOTE: SUBJECT AND ADJOINING LANDS
ARE RESIDENTIAL

NOTE: PART 1 TO BE SEVERED FROM PART
2 & 3 AND MERGE WITH PART 4

NOTE: PART 2 IS A PROPOSED EASEMENT
OVER PART 3

DOLPHIN STREET
(20.12m WIDE)



SKETCH

PREPARED FOR SEVERANCE APPLICATION
21 DOLPHIN STREET

IN THE
CITY OF PORT COLORNE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 200 (METRIC)

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JULY 25, 2022
DATE

Don Chambers
DONALD G. CHAMBERS, B. Sc., O.L.S.

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SURVEYING LTD**

12 THOROLD ROAD EAST (905) 735-7841 / 735-7844
WELLAND ONTARIO FAX (905) 735-7333
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DWG 90362-31_SK FILE 90-362-31

Development and Legislative Services

Planning Division Report

March 3, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Minor Variance B03-23-PC
21 Dolphin Street
Lot 33 Plan 835
Agent: John Ikola
Owner(s): Frank Steven Hoffman

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 2 (see Appendix A) having a lot area of 32.8m² for a proposed easement over Part 3 in favor of Parts 1 and 4. The easement is being requested because the existing services, that service the dwelling on Part 4 currently run under the property on Part 1.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the north, Mixed Use (MU) to the east and west, and Second Density Residential to the south. The surrounding land uses consist of an apartment to the north, detached dwellings to the east and south, and a commercial use to the west.



Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on February 22nd, 2023 as per Section 45 (5) of the Planning Act. As of March 3rd, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 8th, 2023. As of March 3rd, 2023, the following comments have been received.

Drainage Superintendent

There are no comments regarding municipal drain for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

No objection to the proposed application.

Discussion:

This application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan*, and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses should efficiently use land and resources and are appropriate for/ efficiently use the infrastructure and public service facilities that are planned or available and avoid the need for their unjust and/or uneconomical expansion.

Staff is satisfied that the proposed consent for the purpose of an easement for utilities consistent with the PPS. The application proposes to efficiently use land and resources by granting legal access for the utilities to encroach on Part 1 and efficiently uses infrastructure that avoids the need for unjust or uneconomical expansion.

The subject property is located within a Delineated Built-Up Area, in accordance with the Growth Plan for the Greater Golden Horseshoe. The guiding principles of the Growth Plan provide for the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, they provide for different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.

Staff are satisfied that the proposed consent application conforms to the Growth Plan. The proposed application addresses an existing configuration of the services and provides an alternative approach to resolving the unique situation and recognizes the diversity of the community.

The Regional Official Plan (ROP), designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. A full range of residential uses are permitted within this designation. The ROP does not specify any requirements for easements within the Built-Up Area. As such, Planning Staff are satisfied that the proposed consent application conforms to the ROP as the existing uses are not proposed to be changed.

City of Port Colborne Official Plan

The subject property is designated as Highway Commercial in the City’s Official Plan (OP). This designation permits residential uses fronting onto Main Street East. While 19 Dolphin does not technically front onto Main Street East, the dwelling was constructed in 1940, according to MPAC, which would give it legal non-conforming status in the Official Plan. The Highway Commercial designation does not provide for any policies regarding easements.

Staff is satisfied that the proposal conforms to the Official Plan as no changes have been proposed to the dwellings as a result of this application and the request to convey an easement is for technical reasons to resolve an existing encroachment.

City of Port Colborne Comprehensive Zoning By-law 6575/30/18

The subject lands are zoned Mixed Use under Zoning By-law 6575/30/18. The proposed conveyance will leave the following dimensions.

Part 2: A lot area of 32.8m²

Planning Staff is satisfied that the proposal meets the requirements of the Zoning By-law. Part 2 does not need to conform to the lot creation requirements as it is not intended to be a lot, rather, the intent of this application is to ensure that Part 4 is granted legal access to the existing services via an easement.

Subsequently, the applicant has submitted an application for a proposed boundary adjustment in order to address the existing encroachment of the dwelling at 19 Dolphin street over the property line of Part 3 under application number B04-23-PC.

Recommendation:

Given the information above, Planning Staff recommends application B03-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$231 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That minor variance applications A07-23-PC and A08-23-PC be granted.
4. That consent application B04-23-PC be granted.

5. That all conditions of consent be completed by March 8th, 2025.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,



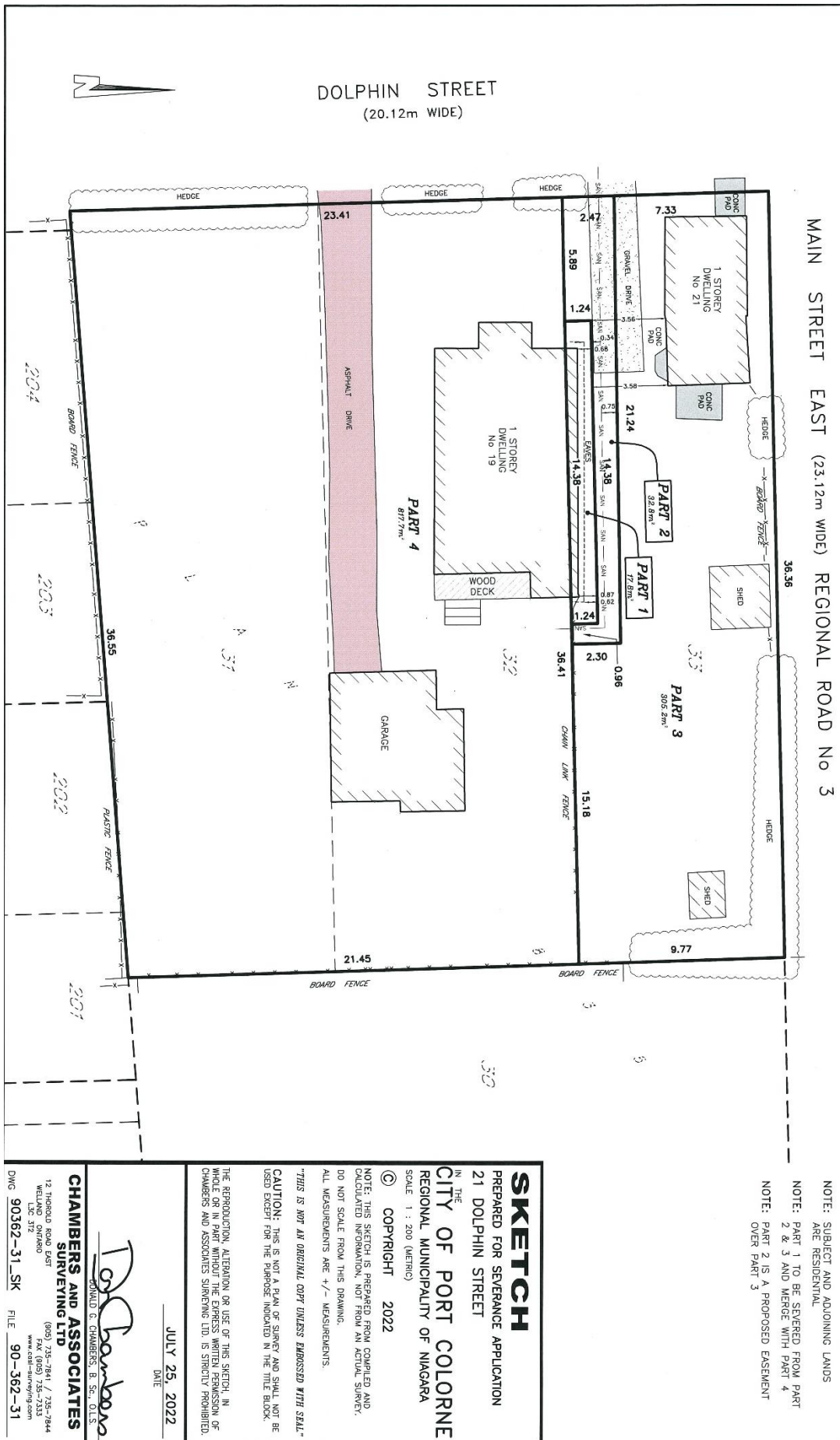
Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Appendix A



From: [Alana VanderVeen](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 9, 2023 3:37:00 PM

Hello Diana

There are no comments regarding municipal drains on these applications.

Alana

From: [Charles Turpin](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 10, 2023 8:37:08 AM

Diana

Port Colborne Fire has no objections to the application A07-23-PC A08-23-PC B03-23-PC & B04-23-PC

Charles Turpin CFEI, CCFI-C
Fire Prevention Officer
City of Port Colborne

Phone 905-834-4512 Ext. 404

Email Charles.turpin@portcolborne.ca
3 Killaly St W
Port Colborne, ON L3K 6H1

www.portcolborne.ca



PORT COLBORNE



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PORT COLBORNE



www.portcolborne.ca

Charles Turpin
Fire Prevention Officer

City of Port Colborne

Port Colborne, ON
Phone 905-834-4512 x
Email Charles.Turpin@portcolborne.ca

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Chris Roome](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 27, 2023 11:36:31 AM

Hi Diana,

Please see my comments below.

A04-23-PC – 697 Barrick Road

- No comments

A05-23-PC – 427 Steele Street

- No comments

A06-23-PC – 193 Main Street West

- City of Port Colborne Municipal Consent required for alterations to existing site servicing (sanitary, storm, & water services) within the regional road allowance
 - For your convenience, I have included the link to the City's Municipal Consent Permits page below

https://www.portcolborne.ca/en/living-here/municipal-consent-permits.aspx?_mid_=78499

- Niagara Region permits required for works within the Main Street West regional road allowance
 - For your convenience, I have included the link to the Niagara Region Road Use Permit Application Forms page below

<https://www.niagararegion.ca/living/roads/permits/default.aspx>

A07-23-PC – 21 Dolphin Street

- No comments

A08-23-PC – 19 Dolphin Street

- No comments

B03-23-PC – 21 Dolphin Street

- No comments

B04-23-PC – 19 Dolphin Street

- No comments

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2000 x226

Email Nicholas.Olschansky@portcolborne.ca



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

APPLICATION NO. B04-23-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, Section 53 (1).

AND IN THE MATTER OF the lands legally known as Lot 31 & 32 Registered Plan Number 835, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 19 Dolphin Street.

AND IN THE MATTER OF AN APPLICATION by the agent John Ikola on behalf of the owner Frank Steven Hoffman, for a lot boundary adjustment under Section 53(1) of the Planning Act R.S.O 1990 C.P 13, so as to permit the conveyance of Part 1 for a proposed lot addition to the abutting Part 4. Part 3 will be retained for an existing residential use. A sketch of the subject lands is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: March 8, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, February 24th, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, March 7, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

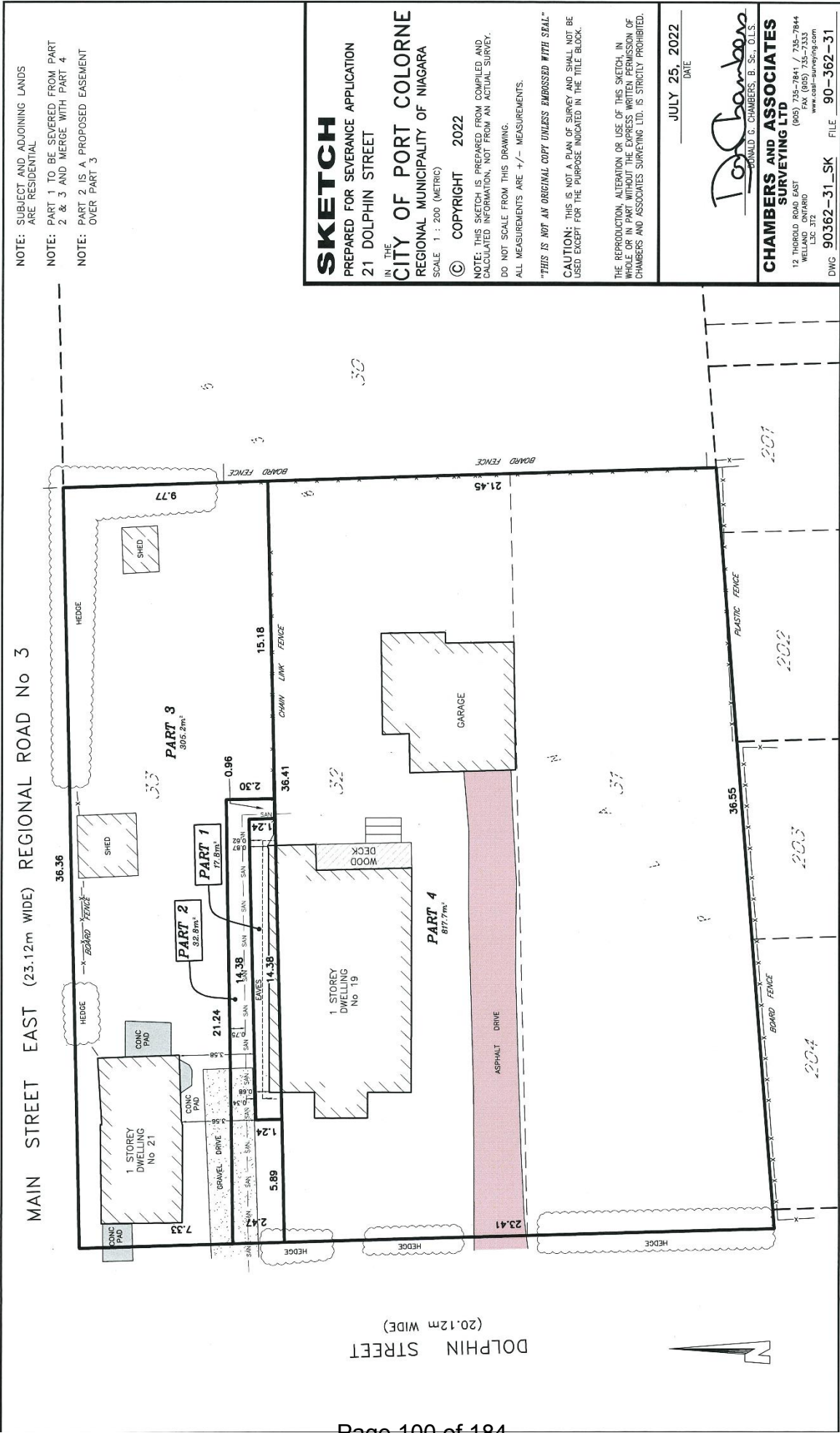
If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision. If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the *Planning Act*, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: February 22, 2023

Diana Vasu
Secretary-Treasurer



CONSENT

This application form is to be used by persons applying to the City of Port Colborne Committee of Adjustment for approval for Consent.

The Applicant is required to provide appropriate answers to **all** questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Samantha Yeung
Secretary - Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 204
FAX: 1-905-835-2939
Email: Samantha.yeung@portcolborne.ca

COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse to accept or further consider any application that does not provide the information, material and fees prescribed.

A Consent approved by the Committee of Adjustment of the City of Port Colborne must sometimes be reviewed by the Regional Municipality of Niagara and other regional or provincial agencies. The Niagara Region and Niagara Peninsula Conservation Authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

To help you complete the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction on matters relating to land use planning and development. A copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs website

(www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and should also consult with staff prior to submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's website under Planning & Development.

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of the Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by the Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or prepaid first class mail or by posting notice of the application at every separately assessed property in the area that constitutes the subject land. In addition, and by policy of the City Council and the Committee of Adjustment, other agencies may be consulted if the location of the subject lands falls within their respective field of responsibility. Refer to "A Suggestion to the Applicant".

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 14 days prior to the date of hearing.

Prior to the hearing, members of the Committee may conduct a site visit of the subject lands at their discretion and may contact applicants. **Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by a member of the public.** Any comments, questions or concerns should be addressed through the Planning and Development Services Division. x FH

To assist the members and other interest persons or agencies in locating the lands under consideration, the applicant will be required to place one or more posters, 14 days prior to the hearing, on the lands subject of the application. This poster MUST remain in place for the entire 14 day period. If removed, the meeting date will be re-scheduled as proper notice will not have been given. The poster and instructions for its use will be given to the applicant/agent/solicitor by the Secretary-Treasurer of the Committee when application is made or shortly thereafter.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Any person objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related consent appeal.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the *Planning Act*, if the consent granted by the Committee is conditional, the conditions must be fulfilled within one year of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

POLICIES

In addition to the matters set out in "Procedures for Processing Applications for Consent", the Committee has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization for the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a sketch prepared by a licensed Land Surveyor.
- Payment of the appropriate fee submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) required by the region, submitted to the City of Port Colborne at the time of the preliminary review. If this does not occur, then the fee will be due at the time the application is submitted to the Region for review (usually at the time of the Notice of Public Meeting). Failure to pay the Region's fee may result in the Region refusing to consider the Consent Application until the fee has been received. The Region's fees are available on its web site.

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

The applicant and/or representing agent must be present at the hearing to represent the application.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other agencies.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the Consent application the following supplementary information / sketches are requested:

1. As provided for in Ontario Regulation 197/96, as amended, and as required by this Committee of Adjustment, an application must be accompanied by two (2) copies of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor.
2. One (1) copy of each separate type of plan reduced to legal size.
3. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
4. One (1) copy of a Registered Deed including full legal description of the subject lands.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within

a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

NOTICE REQUIREMENTS

Notice of Public Hearing MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 14 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 14 day period, the public hearing date may be rescheduled.



PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Frank Steven Hoffman	
Mailing Address: 21 Dolphin Street	
City: Port Colborne	Province: Ontario
Postal Code: L3K 2H9	Telephone:
Fax:	Email:

1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.3 Owner's Authorized AGENT (if applicable)	
Name: John Ikola	
Mailing Address: 190 Division Street	
City: Welland	Province: Ontario
Postal Code: L3B 4A2	Telephone: 905-732-4481
Fax: 905-732-2020	Email: jikola@flettbeccario.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
None known

1.5 Date and Subject Land was acquired by the Current Owner:
June 19, 2009

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)
CHAMBERS AND ASSOCIATED SURVEYING LTD.

Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.7 All communications should be sent to the:
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality:Port Colborne	
Concession No.	Lot(s):33
Registered Plan No.835	Lot(s):
Reference Plan No.	Part(s):
Name of Street:Dolphin Street	Street No.21

2.1 Type of proposed transaction: (Check appropriate space(s))
<input type="checkbox"/> Creation of New Lot <input checked="" type="checkbox"/> Addition to lot <input type="checkbox"/> Mortgage or Charge <input type="checkbox"/> Lease <input type="checkbox"/> Disposal of Surplus Farm Dwelling <input type="checkbox"/> Farm Retirement Lot <input type="checkbox"/> Partial Discharge or Mortgage <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement Reason for proposed transaction: Transfer of Property to deal with encroachment of 19 Dolphin Street Part 1 to merge with Part 4 on Sketch

2.2 If a lot addition, identify the lands to which the parcel will be added:
19 Dolphin Street - PIN 64151-0018 LT 31 PL 835 VILLAGE OF HUMBERSTONE; LT 32 PL 835 VILLAGE OF HUMBERSTONE ; PORT COLBORNE

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:
Sandra Elisabeth McKay, Samuel James Lyle McKay, Jacoba Lamberta Winfield, Kevin Edward Winfield

Section 3: OFFICIAL PLAN & ZONING

3.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan:Built up area
Regional Policy Plan: Built up area

3.2 What is the Zoning of the land (By-law 6575/30/18)?
R2

3.3 Is the proposal consistent with Provincial policy statements issued under Subsection 3(1) of the Planning Act, 1990, R.S.O., as amended?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No

Section 4

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If “Yes” describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

Section 5

Type of ACCESS
<input type="checkbox"/> Provincial Highway
<input type="checkbox"/> Regional Road
<input type="checkbox"/> Municipal Road maintained all year
<input type="checkbox"/> Other Public Road
<input checked="" type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Water Access
<input type="checkbox"/> Private Road

Section 6

What type of WATER SUPPLY is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply
<input type="checkbox"/> Lake
<input type="checkbox"/> Well (private or communal)
<input type="checkbox"/> Other (specify)

Section 7

What type of SEWAGE DISPOSAL is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system
<input type="checkbox"/> Septic system (private or communal)
<input type="checkbox"/> Other (specify)

Section 8

What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	

Section 9

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: 1.24	Depth: 14.38	Area: 17.83
Existing Use: Residential		
Proposed Use: Same		

Existing and proposed buildings and structures on the subject land. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:

Existing: Residential
Proposed: Same

Section 10

Part No. On Sketch: 3

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 9.77	Depth: 36.36	Area: 355.237
Existing Use: Residential		
Proposed Use: Same		

Existing and proposed buildings and structures on the land to be retained. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:

Existing: Residential
Proposed: Same

Section 11

Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?
<input type="checkbox"/> Yes
<input type="checkbox"/> No
<input checked="" type="checkbox"/> Unknown

If the answer is “Yes,” please provide the following information:

File Number:
Decision:

Section 12

HAS THE LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No

If the answer is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name:
Land Use on severed parcel:
Date Parcel Transferred:
Consent file number (if known): B

Section 13: OTHER APPLICATIONS

13.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:		
Official Plan Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Minor Variance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Consent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No

13.2 If the answer to the above is yes, and if known, provide the following for each application noted:
File number of the application:
Name of the approval authority considering the application:
Lands affected by the application:
Purpose of the application:
Status of the application:
Effect of the application on the proposed amendment:

Section 14 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

14.1 ALL EXISTING USE
<input checked="" type="checkbox"/> Residential
<input type="checkbox"/> Industrial
<input type="checkbox"/> Commercial
<input type="checkbox"/> Institutional
<input type="checkbox"/> Agricultural
<input type="checkbox"/> Parkland
<input type="checkbox"/> Vacant
<input type="checkbox"/> Other

14.2 What is the length of time the existing use(s) of the land have continued?

14.3 Are there any buildings or structures on the subject land?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction

14.4 ALL PREVIOUS USE
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____

14.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/> Res	<input type="checkbox"/> Res	<input type="checkbox"/> Res	<input type="checkbox"/> Res
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14.6 If Industrial or Commercial, specify use

14.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

14.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.12 Have the lands or adjacent lands ever been used as a weapons firing range?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.13 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.14 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

14.15 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <ul style="list-style-type: none">Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X 30 Jan 2023
Date

X F. Hoffmann
Signature of Owner

14.16 Are there any buildings designated under the Ontario Heritage Act?

- ☐ Yes
☒ No
☐ Unknown

14.17 If there are any existing buildings on the site, briefly describe them and indicate their proposed use

House and garage

14.18 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?

- ☐ Yes
☒ No

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

15.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

15.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

15.3 Is the property located on or within 30 metres of the Lake Erie shoreline?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

15.4 Is there a valley slope on the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

15.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

X 30 Jan 2023
Date

X F. Hoffman
Signature of Applicant(s)

Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

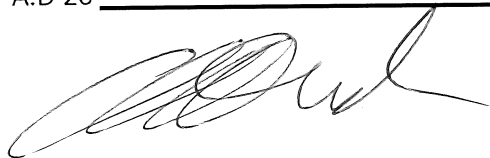
I/We Frank Steven Hoffman

Of the City/Town/Township of Port Colborne

In the County/District/Regional Municipality of Niagara

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City of Port Colborne
In the Regional Municipality of Niagara
This 30th day of Jan
A.D 20 23



TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X F. Hoffman

Signature of applicant(s), solicitor, or authorized agent

A Commissioner, etc.

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to the City Clerk at 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS


LOCATION OF SUBJECT LANDS:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize
John Ikola

(name of agent)
of the City of Welland

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the City of Port Colborne
in the Regional Municipality of Niagara
this 30th day of January 2023

X 
Signature of Witness

X 
Signature of Owner

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

SUGGESTION TO THE APPLICANT

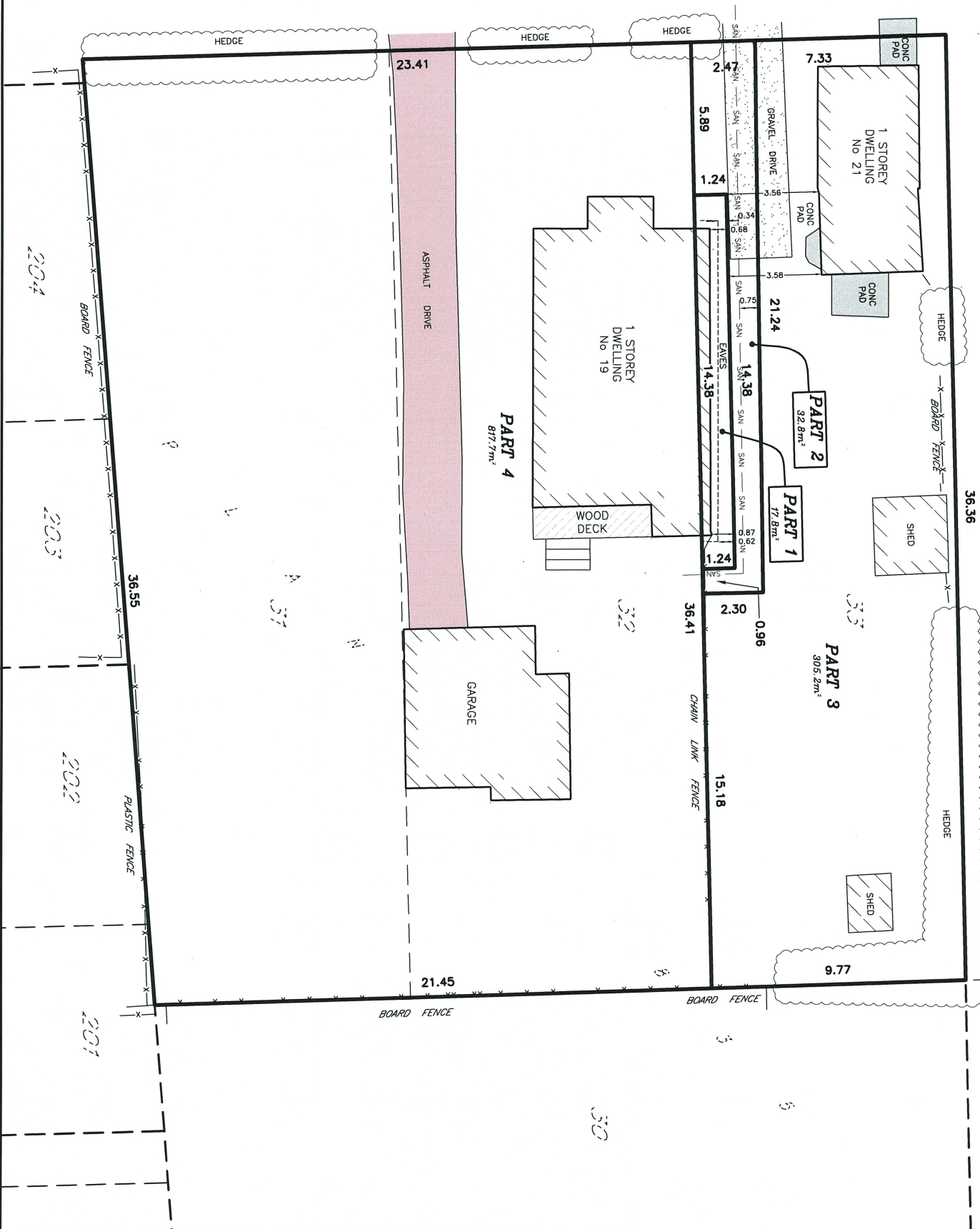
Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. This pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

Port Colborne Planning and Development Department

1. 66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Manager of Planning & Development
(905) 835-2900, Ext. 203
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Director of Engineering & Operations
(905) 835-2900, Ext. 223
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Chief of Building
(905) 835-2900, Ext 201
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial Highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement

MAIN STREET EAST (23.12m WIDE) REGIONAL ROAD No 3



NOTE: SUBJECT AND ADJOINING LANDS ARE RESIDENTIAL

NOTE: PART 1 TO BE SEVERED FROM PART 2 & 3 AND MERGE WITH PART 4

NOTE: PART 2 IS A PROPOSED EASEMENT OVER PART 3

SKETCH

PREPARED FOR SEVERANCE APPLICATION
21 DOLPHIN STREET

IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 200 (METRIC)
© COPYRIGHT 2022

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY.
DO NOT SCALE FROM THIS DRAWING.
ALL MEASUREMENTS ARE +/- MEASUREMENTS.

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JULY 25, 2022

DATE

Donald G. Chambers
DONALD G. CHAMBERS, B. SC., O.L.S.

CHAMBERS AND ASSOCIATES
SURVEYING LTD

12 THOROLD ROAD EAST
WELLAND ONTARIO
L9C 3T2
(905) 735-7841 / 735-7844
FAX (905) 735-7333
www.casr-surveys.com

DWG 90362-31_SK FILE 90-362-31

Development and Legislative Services

Planning Division Report

March 3, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Minor Variance B04-23-PC
21 Dolphin Street
Lot 33 Plan 835
Agent: John Ikola
Owner(s): Frank Steven Hoffman

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 (see Appendix A) having a lot area of 17.8m² for a proposed lot boundary adjustment to the abutting Part 4. The boundary adjustment is being requested to address the existing encroachment of the dwelling at 19 Dolphin Street over the property line of 21 Dolphin Street.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the north, Mixed Use (MU) to the east and west, and Second Density Residential to the south. The surrounding land uses consist of an apartment to the north, detached dwellings to the east and south, and a commercial use to the west.



Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on February 22nd, 2023 as per Section 45 (5) of the Planning Act. As of March 3rd, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 8th, 2023. As of March 3rd, 2023, the following comments have been received.

Drainage Superintendent

There are no comments regarding municipal drain for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

No objection to the proposed application.

Discussion:

This application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan*, and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses should efficiently use land and resources.

Staff is satisfied that the proposed consent is consistent with the PPS. The application makes efficient use of land by ensuring both dwellings are wholly contained on each parcel. The application does not propose any formal development that would result in the inappropriate use of the land.

The subject property is located within a Delineated Built-Up Area, in accordance with the Growth Plan for the Greater Golden Horseshoe. The guiding principles of the Growth Plan provide for the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, they provide for different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application addresses an existing encroachment and recognizes the diversity of the community.

The Regional Official Plan (ROP), designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. A full range of residential uses are permitted within this designation. The ROP does not specify any requirements for minor lot boundary adjustments within the Built-Up Area. As such, Planning Staff are satisfied that the proposed consent application conforms to the ROP as the existing uses are not proposed to be changed.

The City of Port Colborne Official Plan

The subject property is designated as Highway Commercial in the City’s Official Plan (OP). This designation permits residential uses fronting onto Main Street East. While 19 Dolphin does not technically front onto Main Street East, the dwelling was constructed in 1940, according to MPAC, which would give it legal non-conforming status in the Official Plan. The Highway Commercial designation does not provide for any policies regarding minor lot boundary adjustments.

Staff is satisfied that the proposal conforms to the Official Plan as no changes have been proposed to the dwellings as a result of this application and the request to adjust the property boundaries is for technical reasons to resolve an existing encroachment.

City of Port Colborne Comprehensive Zoning By-law 6575/30/18

The subject lands are zoned Mixed Use under Zoning By-law 6575/30/18. The proposed boundary adjustment will leave the following dimensions.

Part 1: A lot frontage of 9.8m and a lot area of 305.2m²

Part 4: A lot frontage of 23.41m and a lot area of 835.5m², after Part 1 has merged with Part 4.

The subject property currently contains a detached dwelling. As a result of this application, the lot area of Part 3 is proposed to be reduced to 305.2m². Section 21.4 (a) of the Zoning By-law requires a minimum lot area of 0.04ha (400m²). To address the reduction in lot area, the applicant has subsequently applied for a minor variance requesting relief from the lot area provisions of the zone under minor variance application A07-23-PC.

Additionally, the proposed new lot lines will result in an interior side-yard setback of 0.68m to the existing dwelling at 21 Dolphin Street. Section 21.4 (e) of the Zoning By-law requires a minimum of 1m. A second minor variance application has been submitted to address the sideyard deficiency.

As shown in the sketch, the existing building envelopes are not proposed to be changed as a result of this application. Planning staff is satisfied that the proposal meets the requirements of the zoning by-law.

19 Dolphin Street is currently serviced by a sanitary line that exists underneath of 21 Dolphin Street. In order to address this encroachment, the applicant has submitted a consent application under application number B03-23-PC for an easement.

Recommendation:

Given the information above, Planning Staff recommends application B04-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$231 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That Part 1 merges with Part 4.
4. That minor variance applications A07-23-PC and A08-23-PC be granted.
5. That consent application B03-23-PC be granted.
6. That all conditions of consent be completed by March 8th, 2025.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,

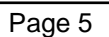


Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Page 122 of 184
Email: Chen@math.berkeley.edu

From: [Alana VanderVeen](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 9, 2023 3:37:00 PM

Hello Diana

There are no comments regarding municipal drains on these applications.

Alana

From: [Charles Turpin](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 10, 2023 8:37:08 AM

Diana

Port Colborne Fire has no objections to the application A07-23-PC A08-23-PC B03-23-PC & B04-23-PC

Charles Turpin CFEI, CCFI-C
Fire Prevention Officer
City of Port Colborne

Phone 905-834-4512 Ext. 404

Email Charles.turpin@portcolborne.ca
3 Killaly St W
Port Colborne, ON L3K 6H1

www.portcolborne.ca



PORT COLBORNE



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PORT COLBORNE



www.portcolborne.ca

Charles Turpin
Fire Prevention Officer

City of Port Colborne

Port Colborne, ON
Phone 905-834-4512 x
Email Charles.Turpin@portcolborne.ca

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Chris Roome](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 27, 2023 11:36:31 AM

Hi Diana,

Please see my comments below.

A04-23-PC – 697 Barrick Road

- No comments

A05-23-PC – 427 Steele Street

- No comments

A06-23-PC – 193 Main Street West

- City of Port Colborne Municipal Consent required for alterations to existing site servicing (sanitary, storm, & water services) within the regional road allowance
 - For your convenience, I have included the link to the City's Municipal Consent Permits page below

https://www.portcolborne.ca/en/living-here/municipal-consent-permits.aspx?_mid_=78499

- Niagara Region permits required for works within the Main Street West regional road allowance
 - For your convenience, I have included the link to the Niagara Region Road Use Permit Application Forms page below

<https://www.niagararegion.ca/living/roads/permits/default.aspx>

A07-23-PC – 21 Dolphin Street

- No comments

A08-23-PC – 19 Dolphin Street

- No comments

B03-23-PC – 21 Dolphin Street

- No comments

B04-23-PC – 19 Dolphin Street

- No comments

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2000 x226

Email Nicholas.Olschansky@portcolborne.ca



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A07-23-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 6.3 (c) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Lot 33 Registered Plan Number 835, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 21 Dolphin Street.

AND IN THE MATTER OF AN APPLICATION by the agent John Ikola, on behalf of the applicant Frank Steven Hoffman for relief from the provisions of Zoning by-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, to permit a reduced lot area for Part 3 to facilitate 2 concurrent consent applications (B03-23-PC and B04-23-PC), notwithstanding the following:

1. That a minimum lot area of 305.2m² be permitted, whereas the minimum permitted lot area is 400m² (0.04 hectares).

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to adjust the boundary between 19 and 21 Dolphin Street, because the dwelling on 21 Dolphin Street encroaches on 19 Dolphin Street's lot. Due to the proposed lot area of 19 Dolphin Street, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: March 8, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, February 24th, 2023.**

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, March 7, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.


If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

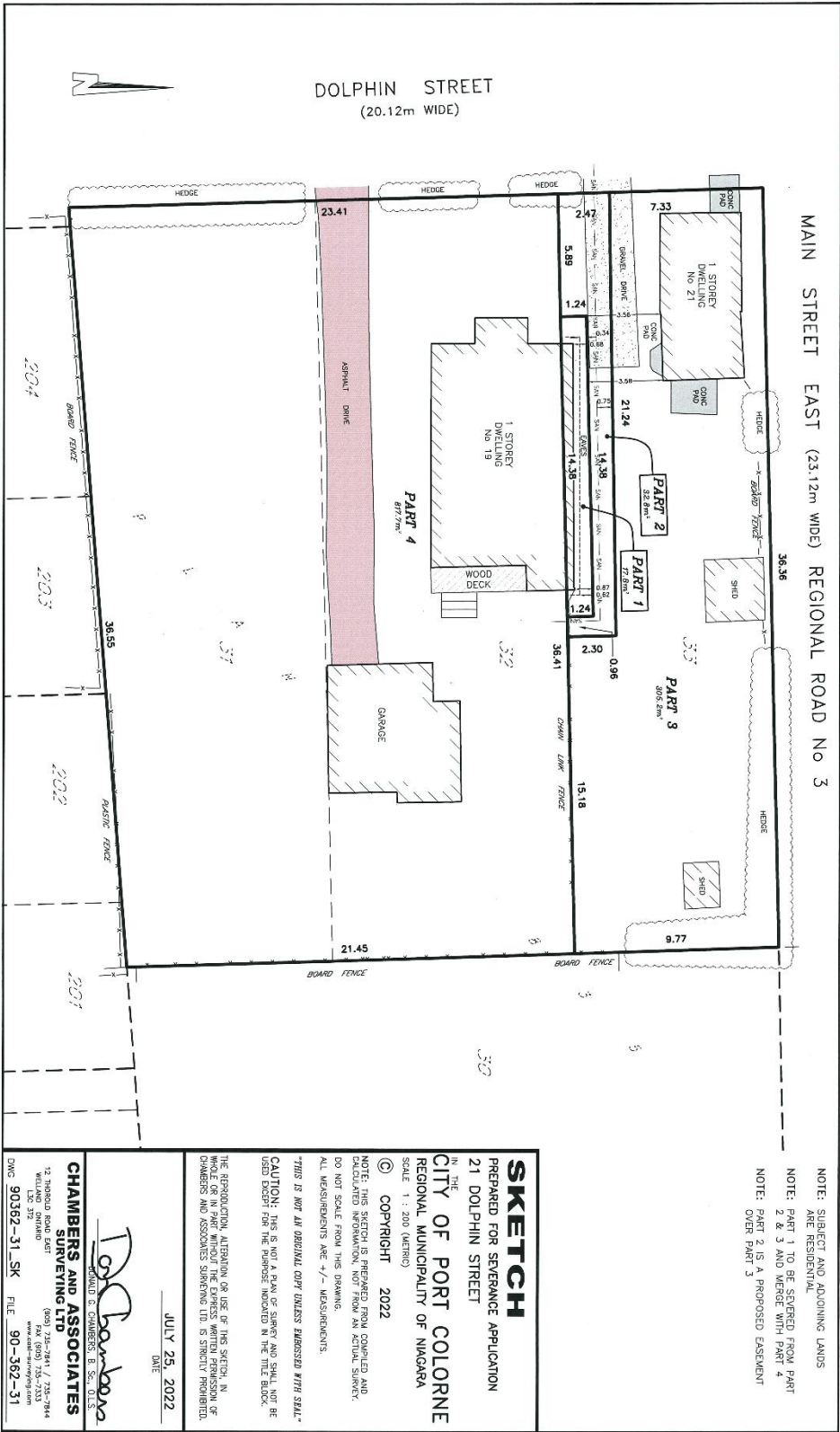
If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: February 24, 2023



Diana Vasu
Secretary-Treasurer





PORT COLBORNE

• PLANNING AND LEGISLATIVE SERVICES •

File No. A07-23-PC

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.
APPLICATION FOR:

MINOR VARIANCE OR PERMISSION

This application is used by persons applying to the Committee of Adjustment for the City of Port Colborne under Section 45 of the *Planning Act*, as amended, for relief from By-law 6575/30/18 (as amended).

The Applicant is required to provide appropriate answers to **all** questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Samantha Yeung
Secretary/Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 204
FAX: 1-905-835-2939
Email: samantha.yeung@portcolborne.ca

COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse, to accept, or further consider any application that does not provide the information, material and fees prescribed.

A Minor Variance or Permission approved by the Committee of Adjustment of the City of Port Colborne may be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Niagara Region and the Niagara Peninsula Conservation authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

For help completing the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction

on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs web site (www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and to pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's Planning & Development website.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

Under the provisions of the *Planning Act*, land owners or their agents must obtain approval of the Committee of Adjustment for minor variances from the provisions of the Zoning By-law or from another by-law implementing the City's Official Plan.

Under the Provisions of the *Planning Act*, a public hearing must be held on each application within 30 days of the date upon which the properly completed application for minor variance or permission is received. Notice of Hearing is circulated to the applicant or properly appointed agent at least 10 (ten) days before the hearing date. The applicant and/or agent will be responsible for posting notice of hearing on the subject land of the application.

Prior to the hearing, a planning report consisting of an agenda and this application form would be distributed to the Committee and made available on Port Colborne's website through this link: <https://www.portcolborne.ca/en/business-and-development/committee-of-adjustment.aspx>.

Members of the Committee may conduct a site visit of the subject lands at their discretion and may contact applicants. **Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by a member of the public.** Any comments, questions or concerns should be addressed through the Planning and Development Services Division.

X FH

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Any person objecting to the decision, may appeal within 20 days from the date of the decision. Appeals are filed with the Secretary Treasurer of the Committee of Adjustment, who in turn, files the appeal with the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal arranges an appeal hearing date and the applicant or agent and the person who appealed, will receive notice of date.

POLICIES

In addition to the matters set out in "Procedures for Procession Applications for Minor Variance or for Permission", the Port Colborne Committee of Adjustment has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee, submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the application for Minor Variance or Permission the following supplementary information / sketches are requested:

- Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. **The Planning & Development Services Division may request for a sketch submitted by a professional.** This requirement can be clarified by the Planning Staff.
 1. A sketch or sketches showing the following shall be submitted:
 - i. The boundaries and dimensions of the land.
 - ii. The location and nature of any easement affecting the land.
 - iii. The location, size, and type of all existing and height of proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
 - iv. The location and nature of any easement affecting the land.
 - v. Parking areas, loading spaces, driveway entrance / exits
 - vi. Existing and proposed servicing [e.g. water, storm and sanitary]
 2. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g. 1:100, 1:300, 1:500].
 3. One (1) copy of each separate type of plan reduced to legal size.
 4. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
 5. One (1) copy of a Registered Deed including full legal description of the subject lands.
 6. Council MAY require (at the discretion of the Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within

a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

NOTICE REQUIREMENTS

Notice of Public Hearing of Council MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 10 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 10 day period, the public hearing date may be rescheduled.



PORT COLBORNE

• PLANNING AND LEGISLATIVE SERVICES •

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Frank Steven Hoffman	
Mailing Address: 21 Dolphin Street	
City: Port Colborne	Province: Ontario
Postal Code: L3K 2H9	Telephone:
Fax:	Email:

1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.3 Owner's Authorized AGENT (if applicable)	
Name: John Ikola	
Mailing Address: 190 Division Street	
City: Welland	Province: Ontario
Postal Code: L3B 4A2	Telephone: 905-732-4481
Fax: 905-732-2020	Email: jikola@flettbeccario.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
None

1.5 Date and Subject Land was acquired by the Current Owner:
June 19, 2009

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.7 All communications should be sent to the:
<input type="checkbox"/> Owner
<input type="checkbox"/> Solicitor
<input checked="" type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality:Port Colborne	
Concession No.	Lot(s):33
Registered Plan No.835	
Reference Plan No.	Part(s):
Name of Street:Dolphin Street	Street No.21

Section 3: DESCRIPTION

Part No. On Sketch: 2

Frontage:2.30	Depth:21.24	Area:48.852
Existing Use:Residential		
Proposed Use:Same		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan:Built up area
Regional Policy Plan: Built up area

4.2 What is the Zoning of the land (By-law 6575/30/18)?
R2 - Second Density Residential

Section 5

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

Section 6

Type of ACCESS
<div><input type="checkbox"/> Provincial Highway</div> <div><input type="checkbox"/> Regional Road</div> <div><input type="checkbox"/> Municipal Road maintained all year</div> <div><input type="checkbox"/> Other Public Road</div> <div><input checked="" type="checkbox"/> Municipal Road maintained seasonally</div> <div><input type="checkbox"/> Right-of-Way</div> <div><input type="checkbox"/> Water Access</div> <div><input type="checkbox"/> Private Road</div>

Section 7

What type of WATER SUPPLY is proposed?
<div><input checked="" type="checkbox"/> Publicly owned and operated piped water supply</div> <div><input type="checkbox"/> Lake</div> <div><input type="checkbox"/> Well (private or communal)</div> <div><input type="checkbox"/> Other (specify)</div> <div></div>

Section 8

What type of SEWAGE DISPOSAL is proposed?
<div><input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system</div> <div><input type="checkbox"/> Septic system (private or communal)</div> <div><input type="checkbox"/> Other (specify)</div> <div></div>

Section 9

What type of STORMWATER DISPOSAL is proposed?
<div><input checked="" type="checkbox"/> Publicly owned and operated stormwater system</div> <div><input type="checkbox"/> Other (specify)</div> <div></div>

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
Part 3 - Reduction of lot area from severance transfer to address encroachment of 19 Dolphin Street

10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?

- ☒ Yes
☐ No

Section 11

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

Merging Part 1 to Part 4 resulting in a reduction in lot size and not meeting the R2 requirements

Section 12

DATE OF ACQUISITION of the land by the current owner:

June 19, 2009

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:

Section 15: OTHER APPLICATIONS

15.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:

Official Plan Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Minor Variance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Consent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No

15.2 If the answer to the above is yes, and if known, provide the following for each application noted:
File number of the application:
Name of the approval authority considering the application:
Lands affected by the application:
Purpose of the application:
Status of the application:
Effect of the application on the proposed amendment:

Section 16: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

16.1 ALL EXISTING USE
<div><input checked="" type="checkbox"/> Residential</div> <div><input type="checkbox"/> Industrial</div> <div><input type="checkbox"/> Commercial</div> <div><input type="checkbox"/> Institutional</div> <div><input type="checkbox"/> Agricultural</div> <div><input type="checkbox"/> Parkland</div> <div><input type="checkbox"/> Vacant</div> <div><input type="checkbox"/> Other</div> <div></div>

16.2 What is the length of time the existing use(s) of the land have continued?

16.3 Are there any buildings or structures on the subject land?
<div><input checked="" type="checkbox"/> Yes</div> <div><input type="checkbox"/> No</div>

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
See sketch							

16.4 ALL PREVIOUS USE
<div><input checked="" type="checkbox"/> Residential</div> <div><input type="checkbox"/> Industrial</div> <div><input type="checkbox"/> Commercial</div> <div><input type="checkbox"/> Institutional</div> <div><input type="checkbox"/> Agricultural</div> <div><input type="checkbox"/> Parkland</div> <div><input type="checkbox"/> Vacant</div> <div><input type="checkbox"/> Other</div> <div></div>

16.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other				

16.6 If Industrial or Commercial, specify use

16.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
<div><input type="checkbox"/> Yes</div> <div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Unknown</div>

16.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
<div><input type="checkbox"/> Yes</div> <div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Unknown</div>

16.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
<div><input type="checkbox"/> Yes</div> <div><input checked="" type="checkbox"/> No</div> <div><input type="checkbox"/> Unknown</div>

16.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
<div><input type="checkbox"/> Yes</div> <div><input type="checkbox"/> No</div> <div><input checked="" type="checkbox"/> Unknown</div>

16.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

16.12 Have the lands or adjacent lands ever been used as a weapons firing range?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

16.13 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

16.14 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

16.15 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

- ☐ Yes
- ☐ No
- ☒ Unknown

- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X 30 Jan 2023

Date

X [Signature]

Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

17.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

17.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

17.3 Is the property located on or within 30 metres of the Lake Erie shoreline?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.4 Is there a valley slope on the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

X 30 Jan 2023
Date

X F. Hoffman
Signature of Applicant(s)

Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Frank Steven Hoffman

Of the City/Town/Township of Port Colborne

In the County/District/Regional Municipality of Niagara

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City _____ of Port Colborne

In the Regional Municipality of Niagara

This 30th day of Jan

A.D. 20 22



A Commissioner, etc.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X F. Hoffman

Signature of applicant(s), solicitor, or authorized agent

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: City Clerk, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS


LOCATION OF SUBJECT LANDS:


I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize
John Ikola

(name of agent)
of the City of Welland

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the City of Port Colborne
in the Regional Municipality of Niagara
this 30th day of Jan 2022

X 
Signature of Witness

X 
Signature of Owner

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

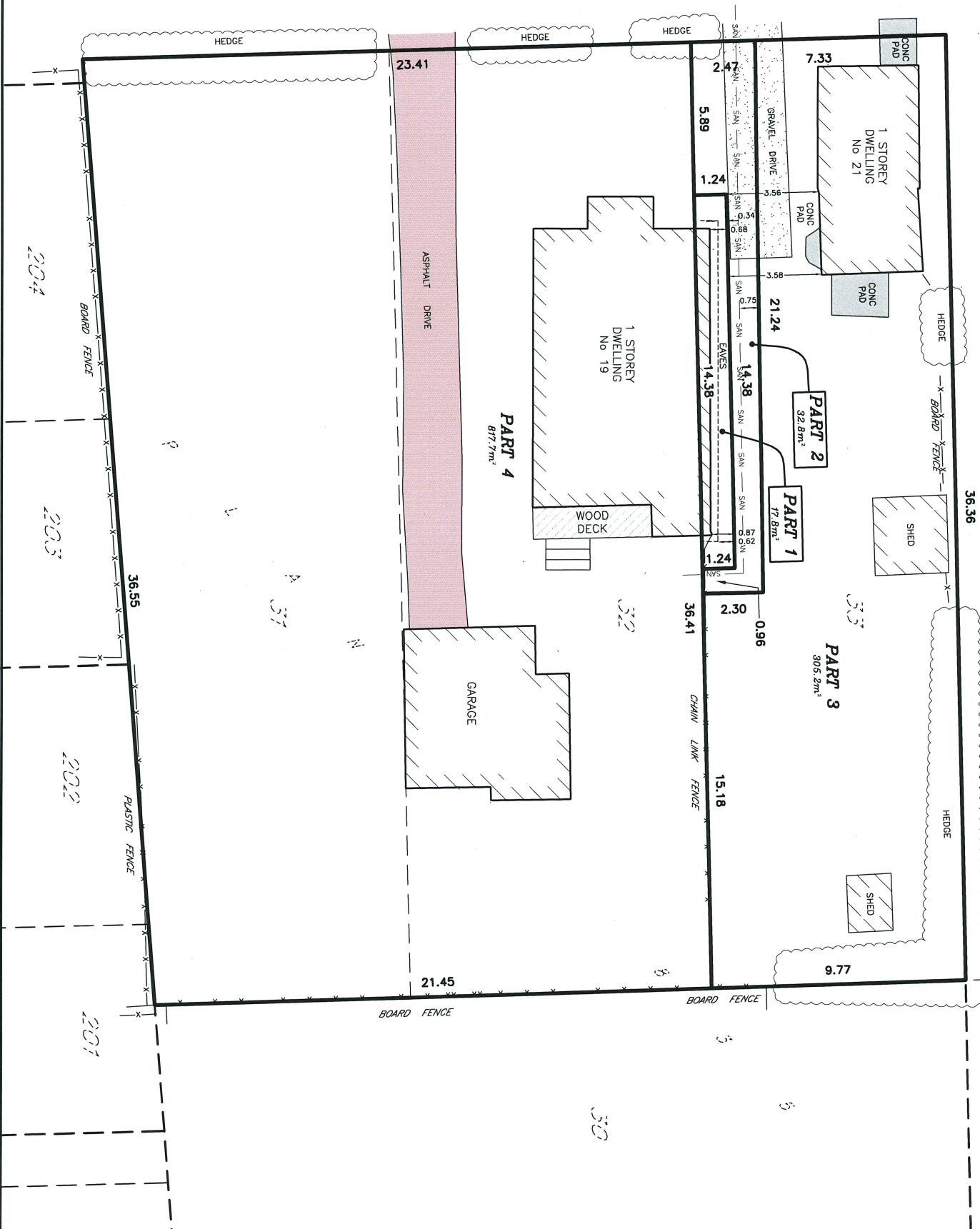
SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below before submitting an application. A pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Manager of Planning & Development
(905) 835-2900, Ext. 203
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Director of Engineering & Operations
(905) 835-2900, Ext. 223
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Chief of Building
(905) 835-2900, Ext 201
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial Highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement

MAIN STREET EAST (23.12m WIDE) REGIONAL ROAD No 3



NOTE: SUBJECT AND ADJOINING LANDS ARE RESIDENTIAL

NOTE: PART 1 TO BE SEVERED FROM PART 2 & 3 AND MERGE WITH PART 4
NOTE: PART 2 IS A PROPOSED EASEMENT OVER PART 3

SKETCH

PREPARED FOR SEVERANCE APPLICATION
21 DOLPHIN STREET
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 200 (METRIC)

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NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY.
DO NOT SCALE FROM THIS DRAWING.
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JULY 25, 2022
DATE

Don Chambers
DONALD G. CHAMBERS, B. SC., O.L.S.

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DWG 90362-31_SK FILE 90-362-31

Development and Legislative Services

Planning Division Report

March 3, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Minor Variance A07-23-PC
21 Dolphin Street
Lot 33 Plan 835
Agent: John Ikola
Owner(s): Frank Steven Hoffman

Proposal:

The purpose and effect of this application is to permit a reduced lot area of 305.2m² whereas 400m² is required. The minor variance is being requested as a condition of consent applications B03-23-PC and B04-23-PC.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the north, Mixed Use (MU) to the east and west, and Second Density Residential to the south. The surrounding land uses consist of an apartment to the north, detached dwellings to the east and south, and a commercial use to the west.



Official Plan:

The subject property is designated as Highway Commercial in the City's Official Plan. Residential uses are permitted under this designation.

Zoning:

The subject property is zoned MU in accordance with Zoning By-Law 6575/30/18. Residential uses are permitted uses in this zone.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on February 24th, 2023 as per Section 45 (5) of the Planning Act. As of March 3rd, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 8th, 2023. As of March 3rd, 2023, the following comments have been received.

Drainage Superintendent

There are no comments regarding municipal drain for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

No objection to the proposed application.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The decrease in lot area is required to address the lot boundary adjustment. The existing lot on 21 Dolphin Street is already considered to be undersized but the removal of 17.6m² will not fundamentally change the character of the property. The property will still retain a rear yard for amenity space as well as the required parking area for a detached dwelling.

Is it desirable for the appropriate development or use of the land, building, or structure?

The proposal is desirable and appropriate as the application is being requested as a part of a lot boundary adjustment to address the encroaching dwelling of 19 Dolphin Street over the property line of 21 Dolphin Street. In conjunction with applications B03-23-PC and B04-23-PC, these applications will serve to address a lot line dispute and ensure that each dwelling is entirely located within its boundaries.

Is it in keeping with the general intent and purpose of the Zoning By-law?

Staff finds this application to be in keeping with the general intent and purpose of the Zoning By-law. The lot area intends to ensure that dwellings can suitably be located on the property and still maintain enough room for amenity spaces and parking. The sketch indicates that 21 Dolphin will still retain a full rear yard for amenities as well as a parking area at the side of the dwelling.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits residential uses and boundary adjustments in the Highway Commercial designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A05-23-PC be **granted** for the following reasons:

1. **The application is minor in nature.**
2. **It is appropriate for the development of the site.**
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.**
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan**

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

From: [Alana VanderVeen](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 9, 2023 3:37:00 PM

Hello Diana

There are no comments regarding municipal drains on these applications.

Alana

From: [Charles Turpin](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 10, 2023 8:37:08 AM

Diana

Port Colborne Fire has no objections to the application A07-23-PC A08-23-PC B03-23-PC & B04-23-PC

Charles Turpin CFEI, CCFI-C
Fire Prevention Officer
City of Port Colborne

Phone 905-834-4512 Ext. 404

Email Charles.turpin@portcolborne.ca
3 Killaly St W
Port Colborne, ON L3K 6H1

www.portcolborne.ca



PORT COLBORNE



This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by telephone, fax or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.



PORT COLBORNE



www.portcolborne.ca

Charles Turpin
Fire Prevention Officer

City of Port Colborne

Port Colborne, ON
Phone 905-834-4512 x
Email Charles.Turpin@portcolborne.ca

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Chris Roome](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 27, 2023 11:36:31 AM

Hi Diana,

Please see my comments below.

A04-23-PC – 697 Barrick Road

- No comments

A05-23-PC – 427 Steele Street

- No comments

A06-23-PC – 193 Main Street West

- City of Port Colborne Municipal Consent required for alterations to existing site servicing (sanitary, storm, & water services) within the regional road allowance
 - For your convenience, I have included the link to the City's Municipal Consent Permits page below

https://www.portcolborne.ca/en/living-here/municipal-consent-permits.aspx?_mid_=78499

- Niagara Region permits required for works within the Main Street West regional road allowance
 - For your convenience, I have included the link to the Niagara Region Road Use Permit Application Forms page below

<https://www.niagararegion.ca/living/roads/permits/default.aspx>

A07-23-PC – 21 Dolphin Street

- No comments

A08-23-PC – 19 Dolphin Street

- No comments

B03-23-PC – 21 Dolphin Street

- No comments

B04-23-PC – 19 Dolphin Street

- No comments

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2000 x226

Email Nicholas.Olschansky@portcolborne.ca



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A08-23-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 6.3 (e) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Lot 31 & 32 Registered Plan Number 835, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 19 Dolphin Street.

AND IN THE MATTER OF AN APPLICATION by the agent John Ikola, on behalf of the applicant Frank Steven Hoffman for relief from the provisions of Zoning by-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, to permit a reduced side yard setback for Part 4 to facilitate 2 concurrent consent applications (B03-23-PC and B04-23-PC), notwithstanding the following:

1. That a minimum side yard setback of 0.68m be permitted, whereas the minimum permitted side yard setback is 1m.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to adjust the boundary between 19 and 21 Dolphin Street, because the dwelling on 21 Dolphin Street encroaches on 19 Dolphin Street's lot. Due to the proposed side yard setback, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: March 8, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, February 24th, 2023.**

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, March 7, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.


If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

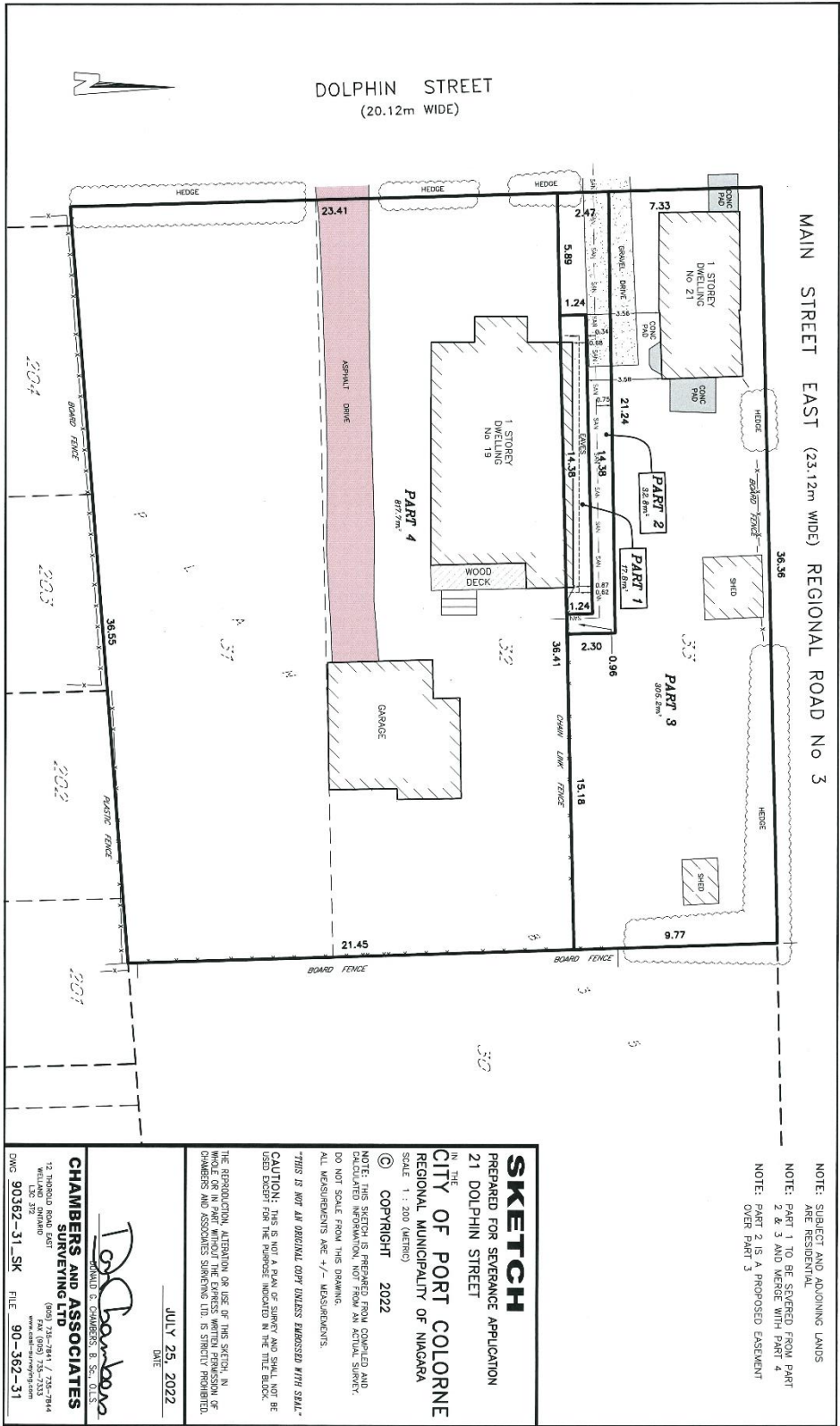
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: February 24, 2023


Diana Vasu
Secretary-Treasurer





PORT COLBORNE

• PLANNING AND LEGISLATIVE SERVICES •

File No. A08-23-PC

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.
APPLICATION FOR:

MINOR VARIANCE OR PERMISSION

This application is used by persons applying to the Committee of Adjustment for the City of Port Colborne under Section 45 of the *Planning Act*, as amended, for relief from By-law 6575/30/18 (as amended).

The Applicant is required to provide appropriate answers to **all** questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Samantha Yeung
Secretary/Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 204
FAX: 1-905-835-2939
Email: samantha.yeung@portcolborne.ca

COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse, to accept, or further consider any application that does not provide the information, material and fees prescribed.

A Minor Variance or Permission approved by the Committee of Adjustment of the City of Port Colborne may be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Niagara Region and the Niagara Peninsula Conservation authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

For help completing the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction

on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs web site (www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and to pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's Planning & Development website.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

Under the provisions of the *Planning Act*, land owners or their agents must obtain approval of the Committee of Adjustment for minor variances from the provisions of the Zoning By-law or from another by-law implementing the City's Official Plan.

Under the Provisions of the *Planning Act*, a public hearing must be held on each application within 30 days of the date upon which the properly completed application for minor variance or permission is received. Notice of Hearing is circulated to the applicant or properly appointed agent at least 10 (ten) days before the hearing date. The applicant and/or agent will be responsible for posting notice of hearing on the subject land of the application.

Prior to the hearing, a planning report consisting of an agenda and this application form would be distributed to the Committee and made available on Port Colborne's website through this link: <https://www.portcolborne.ca/en/business-and-development/committee-of-adjustment.aspx>.

Members of the Committee may conduct a site visit of the subject lands at their discretion and may contact applicants. **Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by a member of the public.** Any comments, questions or concerns should be addressed through the Planning and Development Services Division. X FH

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Any person objecting to the decision, may appeal within 20 days from the date of the decision. Appeals are filed with the Secretary Treasurer of the Committee of Adjustment, who in turn, files the appeal with the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal arranges an appeal hearing date and the applicant or agent and the person who appealed, will receive notice of date.

POLICIES

In addition to the matters set out in "Procedures for Procession Applications for Minor Variance or for Permission", the Port Colborne Committee of Adjustment has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee, submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the application for Minor Variance or Permission the following supplementary information / sketches are requested:

- Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. **The Planning & Development Services Division may request for a sketch submitted by a professional.** This requirement can be clarified by the Planning Staff.
 1. A sketch or sketches showing the following shall be submitted:
 - i. The boundaries and dimensions of the land.
 - ii. The location and nature of any easement affecting the land.
 - iii. The location, size, and type of all existing and height of proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
 - iv. The location and nature of any easement affecting the land.
 - v. Parking areas, loading spaces, driveway entrance / exits
 - vi. Existing and proposed servicing [e.g. water, storm and sanitary]
 2. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g. 1:100, 1:300, 1:500].
 3. One (1) copy of each separate type of plan reduced to legal size.
 4. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
 5. One (1) copy of a Registered Deed including full legal description of the subject lands.
 6. Council MAY require (at the discretion of the Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 metres of a water course; on or within 30 metres of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within

a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 metres of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

NOTICE REQUIREMENTS

Notice of Public Hearing of Council MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 10 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 10 day period, the public hearing date may be rescheduled.



PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Frank Steven Hoffman	
Mailing Address: 21 Dolphin Street	
City: Port Colborne	Province: Ontario
Postal Code: L3K 2H9	Telephone:
Fax:	Email:

1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.3 Owner's Authorized AGENT (if applicable)	
Name: John Ikola	
Mailing Address: 190 Division Street	
City: Welland	Province: Ontario
Postal Code: L3B 4A2	Telephone: 905-732-4481
Fax: 905-732-2020	Email: jikola@flettbeccario.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
None

1.5 Date and Subject Land was acquired by the Current Owner:
June 19, 2009

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.7 All communications should be sent to the:
<input type="checkbox"/> Owner
<input type="checkbox"/> Solicitor
<input checked="" type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality:Port Colborne	
Concession No.	Lot(s): 31 & 32
Registered Plan No.835	
Reference Plan No.	Part(s):
Name of Street:Dolphin Street	Street No. 19

Section 3: DESCRIPTION

Part No. On Sketch: 3

Frontage:9.77	Depth: 36.36	Area: 355.237
Existing Use:Residential		
Proposed Use:Same		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan:Built up area
Regional Policy Plan: Built up area

4.2 What is the Zoning of the land (By-law 6575/30/18)?
R2 - Second Density Residential

Section 5

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

Section 6

Type of ACCESS
<div><input type="checkbox"/> Provincial Highway</div> <div><input type="checkbox"/> Regional Road</div> <div><input type="checkbox"/> Municipal Road maintained all year</div> <div><input type="checkbox"/> Other Public Road</div> <div><input checked="" type="checkbox"/> Municipal Road maintained seasonally</div> <div><input type="checkbox"/> Right-of-Way</div> <div><input type="checkbox"/> Water Access</div> <div><input type="checkbox"/> Private Road</div>

Section 7

What type of WATER SUPPLY is proposed?
<div><input checked="" type="checkbox"/> Publicly owned and operated piped water supply</div> <div><input type="checkbox"/> Lake</div> <div><input type="checkbox"/> Well (private or communal)</div> <div><input type="checkbox"/> Other (specify)</div> <div><div></div></div>

Section 8

What type of SEWAGE DISPOSAL is proposed?
<div><input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system</div> <div><input type="checkbox"/> Septic system (private or communal)</div> <div><input type="checkbox"/> Other (specify)</div> <div><div></div></div>

Section 9

What type of STORMWATER DISPOSAL is proposed?
<div><input checked="" type="checkbox"/> Publicly owned and operated stormwater system</div> <div><input type="checkbox"/> Other (specify)</div> <div><div></div></div>

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
<div>Part 4 - relief from the side yard setback requirements where 1 m is required but only 0.68m is provided.</div> <div><div></div></div> <div><div></div></div> <div><div></div></div> <div><div></div></div> <div><div></div></div>

10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No

Section 11

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
Merging Part 1 to Part 4 resulting in a reduction in lot size and not meeting the R2 requirements - Only 0.68m side yard set back provided due to the location of the dwelling where 1m is required

Section 12

DATE OF ACQUISITION of the land by the current owner:
June 19, 2009

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:

Section 15: OTHER APPLICATIONS

15.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:		
Official Plan Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Minor Variance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Consent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No

15.2 If the answer to the above is yes, and if known, provide the following for each application noted:
File number of the application:
Name of the approval authority considering the application:
Lands affected by the application:
Purpose of the application:
Status of the application:
Effect of the application on the proposed amendment:

Section 16: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

16.1 ALL EXISTING USE
<div><input checked="" type="checkbox"/> Residential</div> <div><input type="checkbox"/> Industrial</div> <div><input type="checkbox"/> Commercial</div> <div><input type="checkbox"/> Institutional</div> <div><input type="checkbox"/> Agricultural</div> <div><input type="checkbox"/> Parkland</div> <div><input type="checkbox"/> Vacant</div> <div><input type="checkbox"/> Other</div> <div></div>

16.2 What is the length of time the existing use(s) of the land have continued?

16.3 Are there any buildings or structures on the subject land?
<div><input checked="" type="checkbox"/> Yes</div> <div><input type="checkbox"/> No</div>

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
See sketch							

16.4 ALL PREVIOUS USE

- ☒ Residential
☐ Industrial
☐ Commercial
☐ Institutional
☐ Agricultural
☐ Parkland
☐ Vacant
☐ Other
-

16.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other				

16.6 If Industrial or Commercial, specify use**16.7 Has the grading of the subject land been changed by adding earth or material?
Has filling occurred on the subject land?**

- ☐ Yes
☒ No
☐ Unknown

**16.8 Has a gasoline station and/or automobile service station been located on the
subject land or adjacent lands at any time?**

- ☐ Yes
☒ No
☐ Unknown

**16.9 Has there been petroleum or other fuel stored on the subject land or adjacent
lands?**

- ☐ Yes
☒ No
☐ Unknown

**16.10 Are there or have there ever been underground storage tanks or buried
waste on the subject land or adjacent lands?**

- ☐ Yes
☐ No
☒ Unknown

16.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

16.12 Have the lands or adjacent lands ever been used as a weapons firing range?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

16.13 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

16.14 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

16.15 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

- ☐ Yes
- ☐ No
- ☒ Unknown

- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X 30 Jan 2023
Date

X F. Hoffmann
Signature of Owner

Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

17.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

17.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

17.3 Is the property located on or within 30 metres of the Lake Erie shoreline?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.4 Is there a valley slope on the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

17.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

X 30 Jan 2023
Date

X F. Hoffman
Signature of Applicant(s)

Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Frank Steven Hoffman

Of the City/Town/Township of Port Colborne

In the County/District/Regional Municipality of Niagara

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City _____ of Port Colborne

In the Niagara Regional Municipality of _____

This 30th day of Jan

A.D. 20 23



A Commissioner, etc.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X F. Hoffman

Signature of applicant(s), solicitor, or authorized agent

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: City Clerk, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

John Ikola

(name of agent)
of the City of Welland

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the City of Port Colborne

in the Regional Municipality of Niagara

this 30th day of January 2022

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

X
Signature of Witness

X
Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

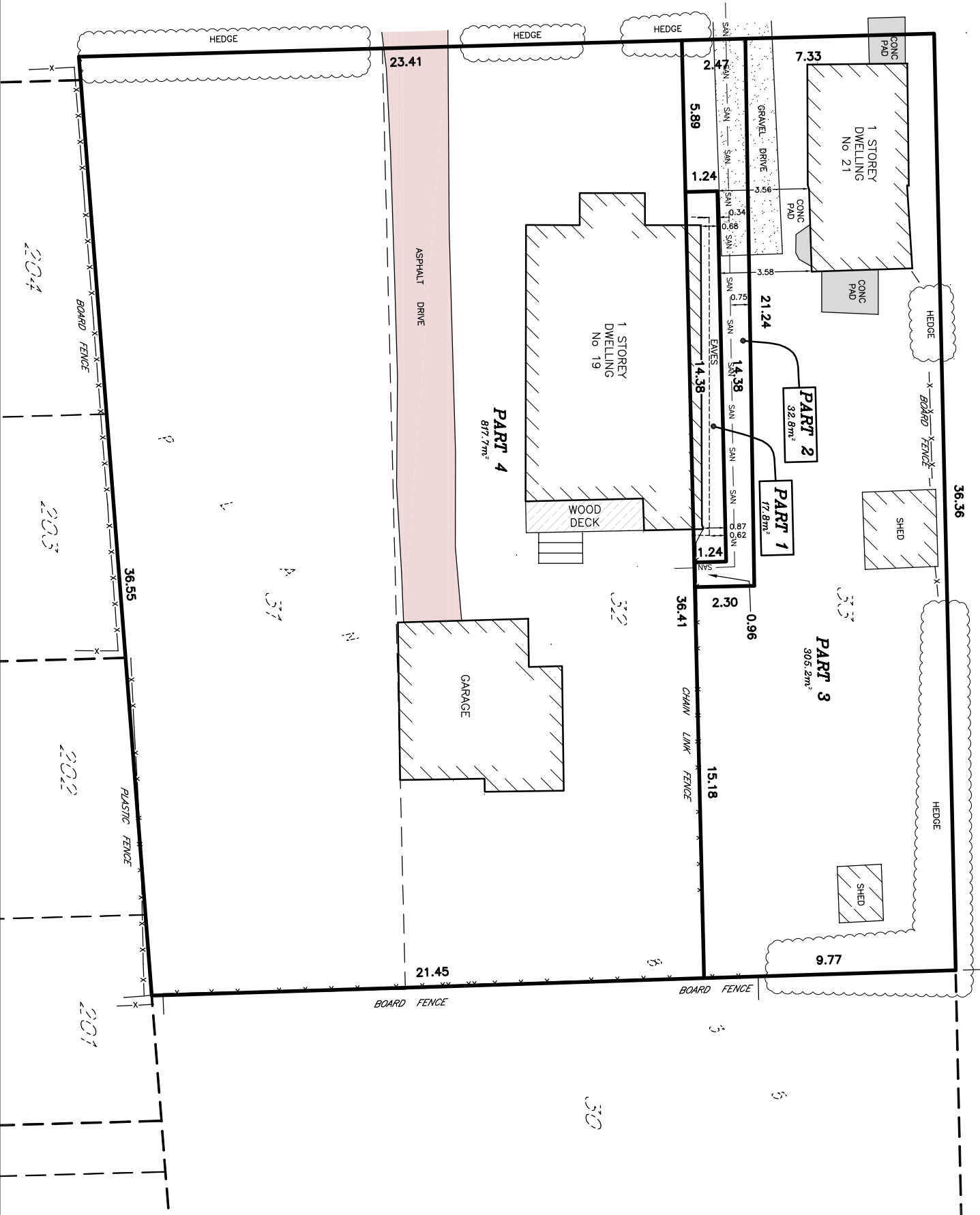
SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below before submitting an application. A pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Manager of Planning & Development
(905) 835-2900, Ext. 203
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Director of Engineering & Operations
(905) 835-2900, Ext. 223
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Chief of Building
(905) 835-2900, Ext 201
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial Highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement

MAIN STREET EAST (23.12m WIDE) REGIONAL ROAD No 3



NOTE: SUBJECT AND ADJOINING LANDS ARE RESIDENTIAL

NOTE: PART 1 TO BE SEVERED FROM PART 2 & 3 AND MERGE WITH PART 4

NOTE: PART 2 IS A PROPOSED EASEMENT OVER PART 3

SKETCH

PREPARED FOR SEVERANCE APPLICATION
21 DOLPHIN STREET

IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 200 (METRIC)

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JULY 25, 2022

DATE

Donald G. Chambers
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DWG 90362-31_SK FILE 90-362-31

Development and Legislative Services

Planning Division Report

March 3, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Minor Variance A08-23-PC
19 Dolphin Street
Lot 33 Plan 835
Agent: John Ikola
Owner(s): Frank Steven Hoffman

Proposal:

The purpose and effect of this application is to permit a reduced interior side yard setback of 0.68m whereas 1m is required. The minor variance is being requested as a condition of consent for applications B03-23-PC and B04-23-PC.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the north, Mixed Use (MU) to the north, east, and west, and Second Density Residential to the south. The surrounding land uses consist of an apartment to the north, detached dwellings to the north, east, and south, and commercial use to the west.



Official Plan:

The subject property is designated as Highway Commercial in the City's Official Plan. Residential uses are permitted under this designation.

Zoning:

The subject property is zoned R2 in accordance with Zoning By-Law 6575/30/18. Residential uses are permitted uses in this zone.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on February 24th, 2023 as per Section 45 (5) of the Planning Act. As of March 3rd, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 8th, 2023. As of March 3rd, 2023, the following comments have been received.

Drainage Superintendent

There are no comments regarding municipal drain for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

No objection to the proposed application.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The decrease in the required side yard setback is necessary to ensure that the neighboring driveway of 19 Dolphin Street is entirely contained within the property boundaries. In order to meet the 1m setback requirement, the driveway would partially be located on the property of 21 Dolphin Street. The interior side yard setback requirement is meant to ensure adequate spacing between dwellings. The dwellings at 21 and 19 Dolphin Street are currently existing and the spacing between them is not proposed to be reduced.

Is it desirable for the appropriate development or use of the land, building, or structure?

The proposal is desirable and appropriate as the application is being requested as part of a lot boundary adjustment to address the encroaching dwelling of 19 Dolphin Street over the property line of 21 Dolphin Street. In conjunction with applications B03-23-PC and B04-23-PC, these applications will serve to address a lot line dispute and ensure that each dwelling is entirely

located within its boundaries. The reduced setback is also necessary to ensure that the gravel driveway located at 19 Dolphin Street is entirely located within its property boundaries.

Is it in keeping with the general intent and purpose of the Zoning By-law?

Staff finds this application to be in keeping with the general intent and purpose of the Zoning By-law. Sideyard setbacks intend to ensure that suitable spacing can be provided between dwellings. Since the dwellings are currently existing and the spacing is not proposed to be reduced, Planning Staff do not have any concerns. Furthermore, sideyard setbacks intend to ensure that the properties will have a suitable amount of drainage. The Engineering Technologist has reviewed the application and has no concerns with the proposal.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits residential uses and boundary adjustments in the Highway Commercial designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A05-23-PC be **granted** for the following reasons:

1. **The application is minor in nature.**
2. **It is appropriate for the development of the site.**
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.**
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan**

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

From: [Alana VanderVeen](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 9, 2023 3:37:00 PM

Hello Diana

There are no comments regarding municipal drains on these applications.

Alana

From: [Charles Turpin](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 10, 2023 8:37:08 AM

Diana

Port Colborne Fire has no objections to the application A07-23-PC A08-23-PC B03-23-PC & B04-23-PC

Charles Turpin CFEI, CCFI-C
Fire Prevention Officer
City of Port Colborne

Phone 905-834-4512 Ext. 404

Email Charles.turpin@portcolborne.ca
3 Killaly St W
Port Colborne, ON L3K 6H1

www.portcolborne.ca



PORT COLBORNE



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PORT COLBORNE



www.portcolborne.ca

Charles Turpin
Fire Prevention Officer

City of Port Colborne

Port Colborne, ON
Phone 905-834-4512 x
Email Charles.Turpin@portcolborne.ca

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Chris Roome](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 27, 2023 11:36:31 AM

Hi Diana,

Please see my comments below.

A04-23-PC – 697 Barrick Road

- No comments

A05-23-PC – 427 Steele Street

- No comments

A06-23-PC – 193 Main Street West

- City of Port Colborne Municipal Consent required for alterations to existing site servicing (sanitary, storm, & water services) within the regional road allowance
 - For your convenience, I have included the link to the City's Municipal Consent Permits page below

https://www.portcolborne.ca/en/living-here/municipal-consent-permits.aspx?_mid_=78499

- Niagara Region permits required for works within the Main Street West regional road allowance
 - For your convenience, I have included the link to the Niagara Region Road Use Permit Application Forms page below

<https://www.niagararegion.ca/living/roads/permits/default.aspx>

A07-23-PC – 21 Dolphin Street

- No comments

A08-23-PC – 19 Dolphin Street

- No comments

B03-23-PC – 21 Dolphin Street

- No comments

B04-23-PC – 19 Dolphin Street

- No comments

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2000 x226

Email Nicholas.Olschansky@portcolborne.ca

Members Present: Dan O'Hara, Chair
Dave Elliott, Committee Member
Eric Beauregard, Committee Member
Angie Desmarais, Committee Member
Gary Bruno, Committee Member

Staff Present: Chris Roome, Planner
Diana Vasu, Secretary-Treasurer

1. Election of Committee of Adjustment Chair and Vice Chair

Member Bruno nominated Member O'Hara for the position of Chair.

Member O'Hara accepted the nomination.

Seconded by Member Desmarais.

That Member O'Hara be nominated for the position of Chair of the Committee of Adjustment effective January 18, 2023.

Carried.

It is noted that there are no other nominations for the position of Chair of the Committee, and that Member O'Hara is thereby acclaimed as Chair of the City of Port Colborne Committee of Adjustment.

Member Elliott nominated Member Desmarais for the position of Vice Chair.

Member Desmarais accepted the nomination.

Seconded by Member Bruno.

That Member Desmarais be nominated for the position of Vice Chair of the Committee of Adjustment effective January 2023.

Carried.

It is noted that there are no other nominations for the position of Vice Chair of the Committee, and that Member Desmarais is thereby acclaimed as Vice Chair of the City of Port Colborne Committee of Adjustment.

2. Call Hearing to Order

The hearing was called to order by Chair Dan O'Hara following his election.

3. Reading of Hearing Protocol

The Chair read the Hearing Protocol.

4. Disclosures of Interest

Nil.

5. Requests for Deferrals or Withdrawals of Applications

Nil.

6. New Business

- a. Application: B01-23-PC & A01-23-PC
Action: Consent & Minor Variance
Agent: N/A
Owners: Fangzy Wealth Corps LTD. and Ljubomir Manojlovic
Location: 194 Neff Street

The Secretary-Treasurer read the correspondence received for these applications.

The Chair asked the applicant present at the hearing, Mr. Michael Fang, if he wished to defer or withdraw the applications, or if he had any further information to add.

Mr. Fang confirmed he neither wished to defer nor withdraw the applications, and that he had no further information to add.

Member Beauregard noted that there appear to be many trees on the property and asked if the applicants plan to cut them down for the proposed development.

Mr. Fang confirmed that they intend to cut down the tree in the middle of the lot.

Member Beauregard noted that there is no development proposed yet and, because the severed parcel could be sold for future development, asked if it is typical practice to remove features such as patio stones and concrete for the creation of a vacant lot.

Mr. Roome responded that the Committee can add the removal of the patio stones and concrete as a condition if they like, adding that such conditions have been imposed in the past.

Member Beauregard proposed that the conditions be amended to include that the patio stones and concrete which traverse onto the parcel to be severed, Part 1 on the severance sketch, be removed to the satisfaction of the Planning Department.

Member Elliott asked whether Member Beauregard was referring exclusively to the removal of the patio stones and concrete which are over the proposed lot line, but that the patio stones and concrete on the parcel to be retained are permitted to remain in place.

Member Beauregard responded in the affirmative.

The Chair asked if there were any further questions for the applicant.

Nancy Horne of 206 Neff Street expressed concern regarding the shadowing which may occur from future development of the lot and the potential removal of the trees near the back of the parcel to be severed.

Mr. Fang requested clarification regarding which trees Ms. Horne is concerned about.

Ms. Horne clarified that she was concerned with the two trees at the back of the parcel to be severed, which overhang into her backyard.

Mr. Fang responded that they do not intend to remove those trees as part of the proposed development.

Ms. Horne expressed further concerns regarding snow removal in the winter, stating that there are three driveways in a row.

The Chair responded that any snow to be removed would need to be put either on the median in front of her property or back onto her property. He added that any future occupants of the parcel to be severed would be subject to the same snow removal procedure.

Member Bruno reiterated The Chair's statement about snow removal.

Ms. Horne expressed concern with the size of her front lawn in the case of a large snowfall. She then stated she would be concerned with a future dwelling being two stories tall, as her dwelling is only one storey in height.

The Chair noted that a two-storey dwelling is permitted within the Zoning By-law.

No further comments or questions from members of the public and Committee of Adjustment.

That minor variance application A01-23-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the decreased lot frontage and lot area would still provide enough space for a dwelling and enough amenity space to ensure there is no negative impact on the subject parcel.
2. **It is appropriate for the development of the site** as both the retained and severed lots would be of sufficient size and the proposal is compatible with most of the Zoning By-law requirements.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the proposed variance would still provide the owner with enough space for amenities and parking, and the lot fabric of the proposed lots would be similar to those existing in the area.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as lot creation for residential purposes is permitted in the Urban Residential designation established in the Official Plan.

Motion: Gary Bruno

Seconded: Eric Beauregard

Carried: 5-0

That consent application B01-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$231 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant submits a Master Lot Grading Plan, demonstrating that the severed parcel will drain independently and will not adversely affect surrounding properties, to the satisfaction of City Staff.
4. That the existing chain link fence on Part 1 be removed.
5. That minor variance application A01-23-PC be approved.
6. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the

dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.

7. That all conditions of consent be completed by January 18th, 2025.

Member Bruno proposed that an amendment be made to the list of conditions for Application B01-23-PC, to include that the applicant remove all existing concrete on Part 1, to the satisfaction of City Staff.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Member Beauregard proposed an amendment to Member Bruno's amendment, to include that all existing patio stones on Part 1 must also be removed.

Motion: Gary Bruno

Seconded: Eric Beauregard

Carried: 5-0

- b. Application: B02-23-PC, A02-23-PC, & A03-23-PC
Action: Consent and 2 Minor Variances
Agent: Connor Rush
Owner: 1703306 Ontario Inc.
Location: 248 Port Colborne Drive

The Secretary-Treasurer read all the correspondence received for these applications.

The Chair asked the applicant present at the hearing, Mr. Mike Emonds, if he wished to defer or withdraw the applications, or if he had any further information to add.

Mr. Emonds clarified that the fourplex on the subject lands is no longer under construction and has been rented out. The applicant is only working on finishing the lot grading.

The Chair asked if the applicant had any comments with regard to the staff report on the sewer laterals on the subject lands.

Mr. Emonds noted that he would have to follow up on whether the subject lands have separate sewer laterals, but if they do not, then they will proceed with an easement.

Member Beauregard asked if the applicant would need to return to the Committee of Adjustment if an easement is required.

Mr. Roome responded that yes, the applicant would need to submit an easement application.

Member Elliott asked if the applicant had already submitted their grading plan to City staff for approval.

Mr. Emonds responded that he and his team did not do the current grading plan, they purchased the property with the current grading plan in place. The applicant understands that they will need to submit a revised grading plan. They have hired a grading surveyor to finish their grading plan before submitting it to the City.

Member Elliott noted that the driveways on the subject lands are currently in violation of a City by-law, then asked the applicant if they intend to remedy this violation.

Mr. Emonds responded that resolving their by-law violation will be part of their lot grading plan.

Member Elliott stated that he took issue with the proposed conditions giving the applicant until January 18, 2025 to clear the conditions which reference by-law violations. Member Elliott continued that he would rather give the applicant one building season to remedy the by-law violations, and that if the applicant had not brought the subject lands into compliance by November 1, 2023, then the applicant should be made to return to the Committee in the future (though he appreciates that the applicant is already working on remedying the situation).

Member Beauregard asked to clarify that the 2-year period for clearing all the proposed conditions is a statutory requirement which cannot be amended.

Mr. Roome responded in the affirmative, adding that the statutory requirement for clearing conditions was previously one year, but was recently amended to be two years.

Member Beauregard noted that he did not see the driveway on the submitted sketch and questioned why these applications were brought to the Committee without the inclusion of the driveway, considering the comments from the Engineering Technologist.

Mr. Roome responded that this issue was identified during the circulation of this application, wherein the Engineering Technologist found old permits issued to the subject property which show where the driveway was supposed to be installed.

Member Beauregard asked how far away the driveway is from the intersection, and whether it is less than eight metres.

Mr. Roome responded that he does not have a written record of the distance, but he believes that the Engineering Technologist mentioned the distance is about four metres. Mr. Roome offered to follow up with the Engineering Technologist but added that the bottom line is the requirement is eight metres and the subject property does not currently meet this requirement.

Mr. Chair proposed that if the subject property is in violation of the Zoning By-law, then staff should be able to remedy the situation now under the authority of the *Planning Act*. He further clarified that the two-year condition would be imposed for the purpose of the severance, but the by-law violation could be remedied before that.

Mr. Roome stated that in his opinion, the best way to resolve the by-law violation is to make it a condition of the consent because it will motivate the applicant to remedy the violation to get their consent granted. Mr. Roome clarified that the violated by-law is a Public Works by-law, not the Zoning By-law. He states the best way that the Planning Division could ensure this violation is remedied is by adding it to the list of conditions for consent, because if the applicant wants their certificate of consent issued quickly, they will remedy the violation quickly.

Mr. Chair asked if there are any other comments or questions.

Mr. Emonds asked if City staff would be able to provide him with the paperwork which shows the driveway plan that was previously approved, adding that he assumes the approved driveway plan would have provided adequate parking for the subject property.

Mr. Roome responded that the parking was proposed in a manner which did not meet the by-law, continuing that staff would be able to provide the applicant with the sketches that were submitted with the original permit application.

No further comments or questions from members of the public and Committee of Adjustment.

That consent application B02-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$231 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant provide a revised grading plan that includes the concrete walkways, air conditioners, entrances to the buildings and driveways, to the satisfaction of City Staff.
4. That the applicant revise the driveway entrance to meet the requirements of By-law 1117/64/81.

5. That the applicant provide a plan showing the existing sewer laterals will be wholly contained on each parcel. In the event that they are not, an easement may be required.
6. That minor variance applications A02-23-PC and A03-23-PC be granted.
7. That all conditions of consent be completed by January 18th, 2025.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Motion: Dave Elliott

Seconded: Eric Beauregard

Carried: 5-0

That minor variance application A02-23-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the decrease in interior side yard setback and lot area would still provide enough space for the existing fourplex and enough amenity space for its occupants, while also maintaining similar lot sizes to neighbouring parcels.
2. **It is appropriate for the development of the site** as the development is existing, located in a suitable location on the site, and fourplexes are permitted within the R3 zone.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the proposal meets the majority of the R3 setback and lot coverage requirements, and the existing fourplex provides adequate parking and amenity space.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as fourplexes are permitted in the Urban Residential designation established in the Official Plan.

Motion: Dave Elliott

Seconded: Eric Beauregard

Carried: 5-0

That minor variance application A03-23-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the decrease in interior side yard setback and lot area would still provide enough space for the existing fourplex and enough amenity space for its occupants, while also maintaining similar lot sizes to neighbouring parcels.
2. **It is appropriate for the development of the site** as the development is existing, located in a suitable location on the site, and fourplexes are permitted within the R3

zone.

3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the proposal meets the majority of the R3 setback and lot coverage requirements, and the existing fourplex provides adequate parking and amenity space.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as fourplexes are permitted in the Urban Residential designation established in the Official Plan.

Motion: Dave Elliott

Seconded: Eric Beauregard

Carried: 5-0

7. Other Business

Mr. Chair addressed the proposed 2023 Committee of Adjustment hearing schedule which was provided to the Committee for approval, noting that meetings on this proposed schedule will happen on the second Wednesday of every month at 6:00 p.m.

That the 2023 Committee of Adjustment hearing schedule be approved by the Committee of Adjustment.

Motion: Gary Bruno

Seconded: Angie Desmarais

Carried: 5-0

8. Approval of Minutes

That the minutes from the November 9, 2022, Committee of Adjustment hearing be approved.

Motioned: Gary Bruno

Seconded: Dave Elliott

Carried: 5-0

9. Adjournment

There being no further business, the hearing was adjourned at approximately 6:55 pm.