

Date: Wednesday, May 10, 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 Application: A10-23-PC 1

Action: Minor Variance
Agent: N/A
Applicants: Catherine, David, Tyler, and Samantha Melnike
Location: 2710 Brookfield Road
6. Other Business
7. Approval of Minutes
 - 7.1 Committee of Adjustment Hearing Minutes - April 12, 2023 29
8. Adjournment



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File No. A10-23-PC

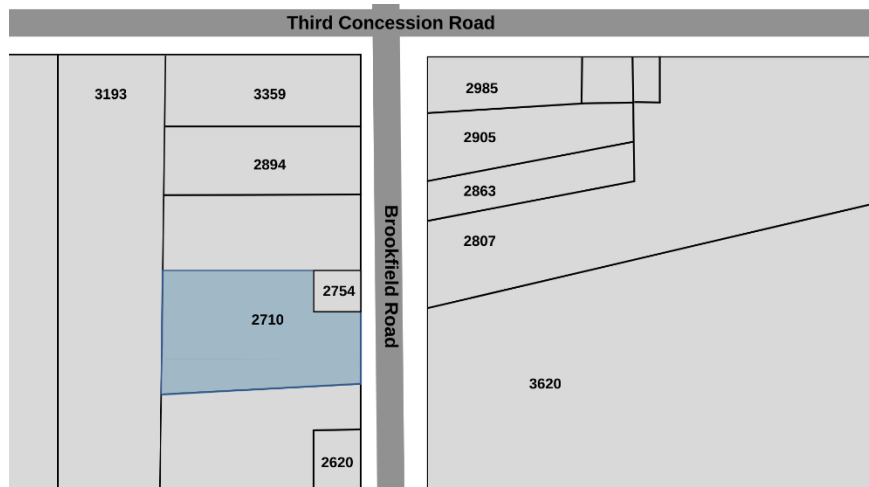
IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended, and Sections 2.22 (a) and 17.5 (f) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Concession 3 Part of Lot 11, in the City of Port Colborne, located in the Agricultural (A) zone, municipally known as 2710 Brookfield Road;

AND IN THE MATTER OF AN APPLICATION by the applicants Catherine, David, Tyler, and Samantha Melnike 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 minimum distance to adjacent dwellings for the purpose of operating a dog kennel, notwithstanding the following:

1. That a minimum distance of a structure to a municipal drain of 8.9m be permitted, whereas 10m is required.
2. That a minimum distance to adjacent dwellings of 143m be permitted, whereas 160m is required.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to construct a dog kennel. Due to the proposed minimum distance to adjacent dwellings, 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:	May 10, 2023
TIME:	6:00 P.M.
LOCATION:	66 Charlotte Street - Third floor, Council Chambers; 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

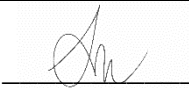
PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, May 5th, 2023**. **NOTE:** If you are receiving this notice as the owner 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, May 9, 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, or a person/public body that has an interest in the matter.

By order of the Committee of Adjustment,



Date of Mailing: April 19, 2023

Diana Vasu
Secretary-Treasurer





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 TAM SAM
TM 05/21

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: Catherine, David, Tyler and Samantha Melnike	
Mailing Address: 2710 Brookfield Road	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V5	Telephone: 647-228-7990
Fax:	Email: cmelni175@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:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

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.
MCF Mortgage Investment Corp
70 Wellington St East
Aurora Ontario L4G 1H8

1.5 Date and Subject Land was acquired by the Current Owner:
June 1, 2022

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 checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality:	
Concession No. Con 3 Humberstone	Lot(s): PT LT 11
Registered Plan No.	
Reference Plan No.	Part(s):
Name of Street: Brookfield Road	Street No. 2710

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: 90 metres	Depth: 405 metres	Area: 7.7 ha
Existing Use: Residential Single Family		
Proposed Use: Dog Kennel, Daycare, Training and Grooming		

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: Agricultural/Rural Zone A
Regional Policy Plan: Prime Agricultural Area

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

Section 5

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

Section 6

Type of ACCESS
<input type="checkbox"/> Provincial Highway
<input type="checkbox"/> Regional Road
<input checked="" 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

Section 7

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

Section 8

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) _____

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
We are wanting to open a dog daycare, boarding, training and grooming business on the property. The current out building is not to code with regards to one neighbours dwelling. Zoning indicates the kennel needs to be 160 m from the neighbours dwelling and this building is currently 143 m away which is a shortfall of 17 m.

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:

The kennel is 17 metres short of the required 160 m distance to the one neighbour.

Section 12

DATE OF ACQUISITION of the land by the current owner:

June 1 2022

Section 13

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

House 1950not sure of the outbuildings

Section 14

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

Unknown

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

☒ Residential

☐ Industrial

☐ Commercial

☐ Institutional

☒ Agricultural

☐ Parkland

☐ Vacant

☐ Other

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

Unknown

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

☒ Yes

☐ 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
House	16 m	375.58m	45.14m	43.14m	1.5 stories 5.79m	111.48 m2	1950
Kennel	19.35m	378.62 m	8.9 m	74.5 m	6.09 m	11.48m2	Unknown
Barn	34.16	363.18m	6.72 m	85.36 m	4.57 m	74.32 m2	Unknown

16.4 ALL PREVIOUS USE	
<input checked="" type="checkbox"/>	Residential
<input type="checkbox"/>	Industrial
<input type="checkbox"/>	Commercial
<input type="checkbox"/>	Institutional
<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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
North is Industrial Use "Finish Line"

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 type="checkbox"/> No <input checked="" 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 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 Feb 16, 2023

Date

X

Signature of Owner

Catherine Wilson
V. M. K. K.

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 Feb 16, 2023

Date

X

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 Cathy Melnik

Of the City/Town/Township of Port Colborne Ont.

In the County/District/Regional Municipality of Niagara Region

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 16th day of March

A.D. 20 23

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

X Cathy Melnik

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:

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

(name of agent)

of the _____ of _____

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 _____ of _____

in the _____ of _____

this _____ day of _____ 20____

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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

Comments Received:
Solicitor:
Engineer:
<input type="checkbox"/> C.B.O <input type="checkbox"/> Fire Chief <input type="checkbox"/> C. N. Power <input type="checkbox"/> Region <input type="checkbox"/> NPCA <input type="checkbox"/> MTO <input type="checkbox"/> MOE <input type="checkbox"/> Other _____

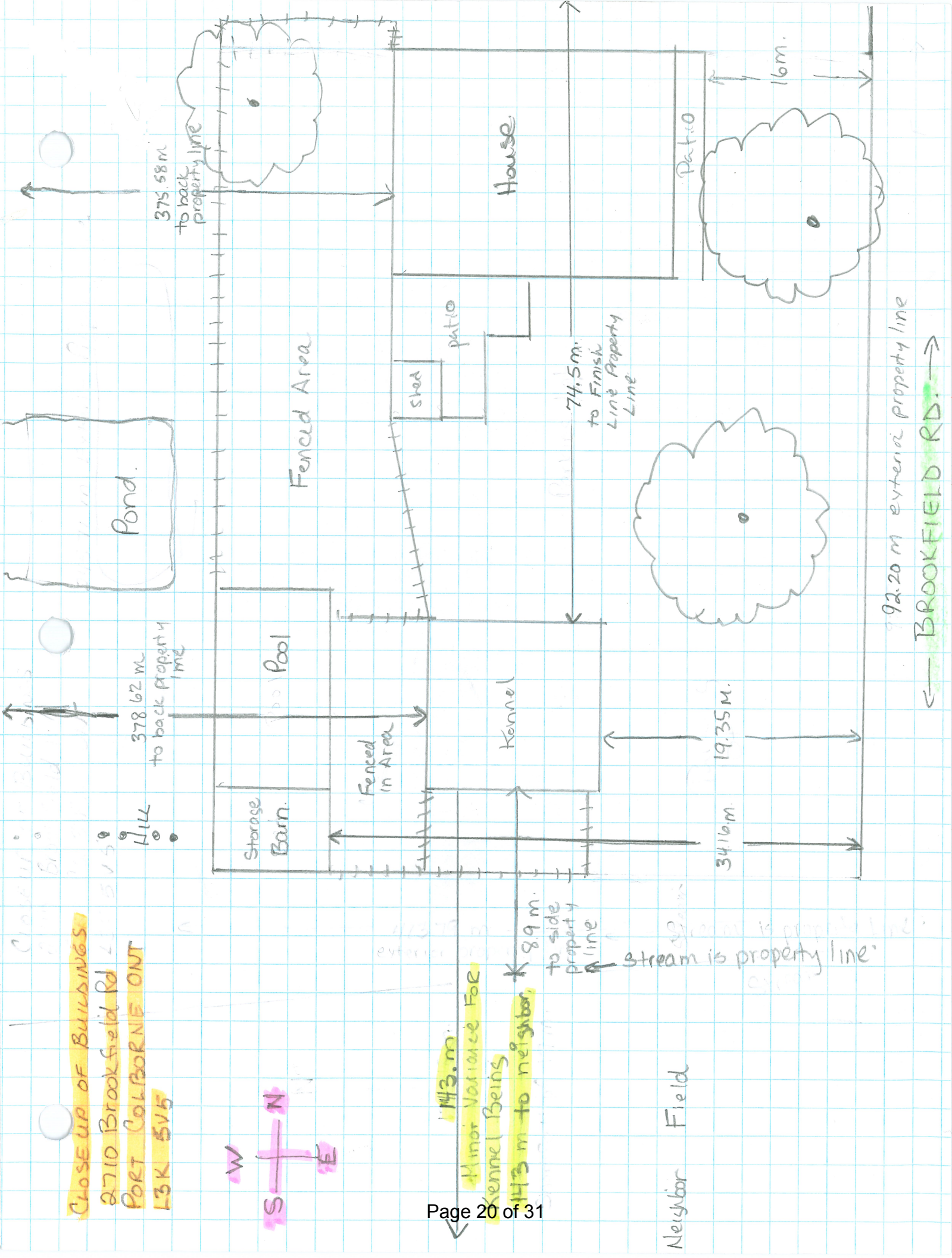
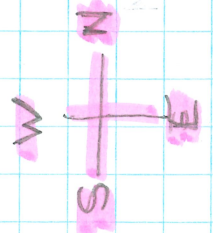
Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

CLOSEUP OF BUILDINGS

2710 Brookfield Rd

PORT COLBORNE ONT

L3K 5V5



92.20 m exterior property line

← BROOKFIELD RD. →

Development and Legislative Services

Planning Division Report

May 5, 2023

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

Re: Application for Minor Variance A10-23-PC

2710 Brookfield Road

Concession 3 Part Lot 11

Agent:

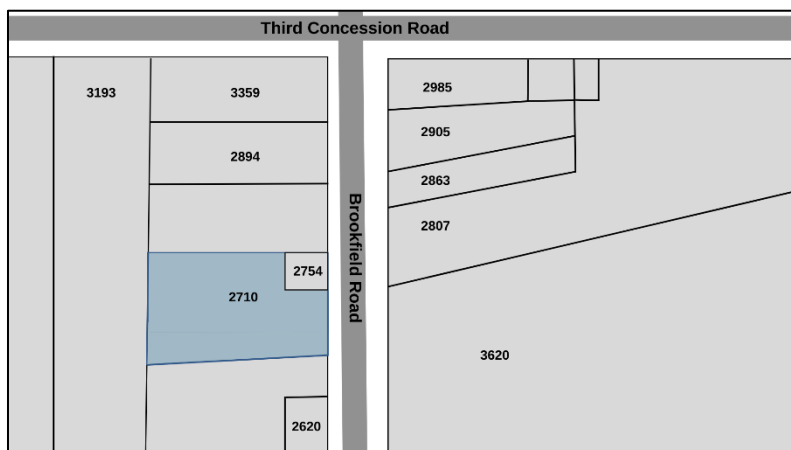
Owner(s): Catherine, David, Tyler and Samantha Melnike

Proposal:

The purpose and effect of this application is to permit the use of a proposed kennel within an existing accessory structure with a reduced setback to a municipal drain of 8.9m where 10m is required and that the minimum distance to an adjacent dwelling of 143m be permitted whereas 160m is required. The kennel is proposed within a currently existing accessory structure on the subject land. The existing structure currently meets all the required zoning provisions, however for it be used as a kennel, the minor variance is required.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Agricultural (A) to the north, east, south, and west. The surrounding land uses consist of a machine shop to the north, vacant agricultural land to the east, a detached dwelling to the south and woodlands to the west.



Official Plan:

The subject property is designated as Agricultural in the City's Official Plan. Kennels are a permitted use under this designation.

Zoning:

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

Environmentally Sensitive Areas:

This property is impacted by the Region's Natural Environment System (NES), consisting of a Provincially Significant Wetland (PSW), Area of Natural and Scientific Interest (ANSI) and other wetlands. Regional Staff have been contacted and a summary of their comments has been provided below. This subject property is not impacted by any environmental systems within the City's Official Plan.

Public Comments:

Notice was circulated on April 11th, 2023 as per Section 45 (5) of the Planning Act. As of May 5th, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on April 19th, 2023. As of May 5th, 2023, the following comments have been received.

Drainage Superintendent

Although the zoning by-law indicates that all structures are to be 10m from the top of the bank, the working side of the drain is from the south bank. The existing structures predate the zoning by-law, and the existing structures are grandfathered in. It is a preference that any new structures are not within the 10m setback however, as previously stated in this case, the working side of the drain is the south side. It is not foreseen at this point that maintenance will need to happen from the north side.

Engineering Technologist

No comments on the proposed application.

Fire Department

No objection to the proposed application.

Niagara Region (these comments are summarized, please see full comments in agenda package)

The Niagara Official Plan requires the completion of an Environmental Impact Study when development is proposed within 120m of a Key Natural Heritage Feature. Regional Staff recognize that the subject building is outside of this 120m setback and the application does not propose any development or site alteration. Regional Environmental Staff have no objection to the minor variance.

The subject property is also located within an area of archaeological potential, however, as no development or site alteration has been proposed, Regional Staff offer no archaeological assessment requirements.

The existing accessory building which is to be converted into the kennel business does not contain any floor drains or plumbing fixtures. There is no increase in sewage flows as the kennel business will only be employed by the residents of the dwelling. Therefore, Private Sewage System Staff has no objection to the application provided no washrooms or floor drains are installed within the kennel building.

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 variances to be minor in nature. According to the Municipal Property Assessment Corporation (MPAC), the existing structure to be converted into the proposed kennel was constructed in 1958, before the zoning by-law provisions were in place. The requested 8.9m setback is required to bring the legal non-conforming structure into conformity with the by-law. The requested 143m setback is required as the existing structure currently does not meet the 160m distance requirement between an adjacent dwelling and a kennel. Staff is satisfied that this request is minor in nature as the 17m difference does not constitute a large difference in the setback. It has also been identified that the location of the kennel includes a board-on-board fence that will mitigate potential noise concerns. The applicant has also confirmed with staff that the kennel will provide overnight service and that all dogs will be kept within the structure during the night, further contributing to noise mitigation.

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 to accommodate a permitted use on the subject property. The requested variances are required in order to convert a structure that is currently existing on the property into a kennel.

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 setback to a dwelling requirement intends to ensure that any noise that is created from the kennel is mitigated by the 160m distance. Staff have attended the property and witnessed that the site includes a board-on-board fence that can contribute to noise mitigation and have confirmed with the applicant that all dogs kept overnight will stay within the structure. Furthermore, the setback to a municipal drain intends to ensure that structures are set back far enough from the drain for maintenance purposes. The Drainage Superintendent has confirmed that all maintenance work on the existing drain is done on the south side of the drain and the proposal will not impact future maintenance. The requested variance does not propose any further encroachment toward the municipal drain and is required to bring the property into conformity with 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 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 A10-23-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

Chris Roome

From: Alana VanderVeen
Sent: May 4, 2023 3:06 PM
To: Chris Roome
Subject: FW: May 10 COA - Noti

Hi Chris

Thanks for the call.
As per our discussion here is more to offer,

Although the zoning by-law indicates that all structures are to be 10m from the top of bank, the working side of the drain is from the south bank.

The existing structures predate the zoning by-law and the existing structures are grandfathered in. It is a preference that any new structures are not within the 10m setback however, as previously stated in this case, the working side of the drain is the south side. It is not foreseen at this point that maintenance will need to happen from the north side.

Please let me know if that is ok.

Alana

From: Alana VanderVeen
Sent: April 12, 2023 4:33 PM
To: Diana Vasu <Diana.Vasu@portcolborne.ca>
Cc: David Schulz <David.Schulz@portcolborne.ca>
Subject: RE: May 10 COA - Noti

Hello Diana

The stream that is referred to in the sketch is a municipal drain, specifically the Fred Pietz Drain.
As per the planning requirements, David will know what I am talking about because I never remember what it is called, there are to be no structures permitted within a 10 meter setback from the top of the drain.
I believe that the building is already existing however the fence I believe is proposed.

I understand this to be a minor variance for the house to the south, but should this also be a minor variance for the municipal drain also?

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Chris Roome](#)
Subject: RE: May 10 COA - Noti
Date: May 4, 2023 9:39:35 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Hi Diana,

A10-23-PC – 2710 Brookfield Road

- No comments

Cheers,
Nick

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Zoning Amendment Application - 2710 BROOKFIELD ROAD
Date: April 12, 2023 8:56:28 AM
Attachments: [logo_92ffc72e-1a94-4c3c-bb44-cfecb6d7c8b8.png](#)
[facebook_ea8c96f7-cf37-4d73-ad46-6ee4e0c9ae71.png](#)
[instagram_7243eec2-a3c9-4dc2-840b-7a7e9ba94caf.png](#)
[twitter_04872013-61b4-444d-a673-fa87d4f4ef9b.png](#)
[youtube_c96bc151-7cd5-41cb-9264-033a34192aa4.png](#)
[linkedin_44d141ad-f5f8-454c-969a-0fe0c2e19cfb.png](#)

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"

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From: [Young, Katie](#)
To: [Diana Vasu](#)
Cc: devtplanningapplications@niagararegion.ca; [Goodale, Caitlin](#); [Karlewicz, Lori](#)
Subject: Regional Comments - Minor Variance - 2710 Brookfield Road, Port Colborne
Date: April 6, 2023 3:58:36 PM

Hi Diana,

Regional staff has received fees and completed the review of the proposed Minor Variance application at 2710 Brookfield Drive in Port Colborne and offer the following comments:

Private Sewage System Comments

Private Sewage System inspection staff has reviewed the application to establish a kennel business in an existing accessory building. No records were found for the sewage system servicing the dwelling. Upon inspection the septic tank and raised trench bed were located north of the dwelling and no visual defects were observed. The existing accessory building which is to be converted into the kennel business does not contain any floor drains or plumbing fixtures. There is no increase in sewage flows as the kennel business will only be employed by the residents of the dwelling.

Therefore, our department has no objection to the application provided no washrooms or floor drains are installed within the kennel building. If washrooms or floor drains are installed a sewage system will be required to be installed meeting current building code requirements.

Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Provincially significant wetland (PSW), Area of Natural and Scientific Interest (ANSI), and other wetlands. The property is mapped as part of the Provincial Natural Heritage System (PNHS). As such, these features are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF).

Niagara Official Plan (NOP) policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of a KNHF/KHF. The subject outbuilding (proposed to be a dog kennel) is outside of this setback and will not involve any development or site alteration. As such, Regional Environmental Planning staff offer no objection to the minor variance.

Archaeological Potential

The Provincial Policy Statement ("PPS") and NOP state that development or site alteration is not permitted within areas of archaeological potential, unless archaeological resources have been conserved. The subject land is mapped within Schedule K of the NOP as an area of archaeological potential. NOP Policy 6.4.2.6 requires the submission of a Stage 1 Archaeological Assessment (at minimum), completed by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential. Recognizing that there is no development or site alteration involved with this proposal, staff offer no archaeological assessment requirements.

Members Present:

Angie Desmarais, Deputy Chair
Dave Elliott, Committee Member
Eric Beauregard, Committee Member
Gary Bruno, Committee Member

Staff Present:

Diana Vasu, Secretary-Treasurer
Dave Schulz, Planner (virtually)

1. Call Meeting to Order

The Deputy Chair called the meeting to order at approximately 6:31 pm.

3. Reading of Meeting Protocol

The Deputy Chair read the Meeting Protocol.

4. Disclosures of Interest

Member Beauregard declared an indirect pecuniary interest on application A09-23-PC, as he is employed by Upper Canada Consultants, the agent of the applicant.

5. Requests for Deferrals or Withdrawals of Applications

Nil.

6. New Business

- a. Application: A09-23-PC
Action: Minor Variance
Agent: Amritpal Bansal
Owners: 2472131 Ontario Inc.
Location: 401 Main Street East

The Secretary-Treasurer read the correspondence received for this application.

The Deputy Chair asked if the applicant had any further information to add.

The applicant confirmed he had no further information to add.

Member Elliott noted that the southerly border of the land abuts a residential property, then asked whether a fence or barrier would be put in place to ensure the lights from the development would not negatively impact the residential property.

The applicant confirmed that a fence will be incorporated into the next phase of submissions as part of their Site Plan Control application, adding that all lights from the development would be directed inward on the subject lands to limit interference with the residential property.

Member Bruno asked whether the proposed entrance/exit to the development is proposed to be located as far as is possible from the intersection.

The applicant stated that the existing entrance/exit is proposed to be eliminated and the new entrance/exit proposed to replace it will be located as far away as possible from the intersection, adding that the Ministry of Transportation has approved of this plan.

No further comments or questions from members of the public and Committee of Adjustment.

That minor variance application **A09-23-PC** be **granted** for the following reasons:

1. **The application is minor in nature** as the decreased driveway width would allow for appropriately sized parking stalls, the reduced landscape buffer would increase the parking and drive-thru safety while potential nuisances would be mitigated through site plan requirements, the reduced rear yard setback facilitates an appropriate fire route, and the reduced setback of a drive-thru to a residential zone would reduce traffic congestion on the site.
2. **It is appropriate for the development of the site** as the variances are being requested to accommodate a permitted use on the subject property and are required to reduce traffic congestion and ensure that structures on the site are adequately spaced.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** the proposal complies with the purpose of the provisions from which relief is being requested, ensuring that there will not be a negative impact on traffic safety, fire, and emergency servicing, nor neighbouring properties.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as commercial uses are permitted in the Highway Commercial designation established in the Official Plan.

Motion: Gary Bruno

Seconded: Dave Elliott

Carried: 3-0

7. Other Business

Member Elliott asked if the entrance driveway by-law violation identified at 248 Port Colborne Drive during the January 18, 2023, Committee of Adjustment hearing had been remedied yet, given that this condition applied to that consent application should be able to be dealt with by the by-law department.

Member Bruno asked if applicants were required to have a “clean slate” before getting a Planning Act application approved, suggesting that applications should only be accepted and approved if a property conforms with all planning by-laws.

Mr. Schulz confirmed that the by-law could be remedied in accordance with the standard procedure for remedying zoning by-law violations, however staff would need to confirm whether the violation had been remedied and whether applications could be reviewed for compliance with all by-laws before a submission is accepted.

Member Beauregard suggested that as extra protection to ensure by-law violations are remedied, an additional condition could be added to future consent applications.

Member Elliott requested that staff follow up regarding whether the violations identified at 248 Port Colborne Drive were remedied.

8. Approval of Minutes

That the minutes from the January 18th, 2023, Committee of Adjustment meeting be approved.

Motioned: Gary Bruno Seconded: Dave Elliott

Carried: 4-0

That the minutes from the March 8th, 2023, Committee of Adjustment meeting be approved.

Motioned: Gary Bruno Seconded: Dave Elliott

Carried: 4-0

9. Adjournment

There being no further business, the meeting was adjourned at approximately 7:10 pm.