

Date: Wednesday, June 14, 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: A11-23-PC	1
	Action: Minor Variance	
	Applicant: Victor Denobriga	
	Location: 38 Church Street	
5.2	Application: B05-23-PC	24
	Action: Consent	
	Applicant: Grant Anger	
	Location: 242/244 Humboldt Parkway	
5.3	Application: B11-23-PC	47
	Action: Consent	
	Applicant: Andre Gagnon	
	Location: 36/38 Page Street	
5.4	Application: B12-23-PC	72
	Action: Consent	
	Applicant: Jason Evangelista	
	Agent: Barbara Evangelista	
	Location: 194 Chippawa Road	

5.5	Application: B06-23-PC	95
	Action: Consent	
	Applicant: John Truong	
	Location: 336 Sugarloaf Street	
5.6	Application: B07-23-PC	155
	Action: Consent	
	Applicant: Timothy Horst	
	Location: 316 Second Concession Road	
5.7	Applications: B08-23-PC and B09-23-PC	217
	Action: 2 Consents	
	Applicant: Wesley Visser	
	Agent: Brian Miller	
	Location: VL Omer Avenue (PT LTS 28-31 and PT of Garlinda)	
5.8	Applications: B10-23-PC, A12-23-PC, and A13-23-PC	259
	Action: Consent and 2 Minor Variances	
	Applicant: Susan Nenadovich	
	Agent: Joseph Tomaino	
	Location: 510 Main Street West	

6. Other Business

7. Approval of Minutes

7.1	Committee of Adjustment Hearing Minutes - May 10, 2023	365
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8. Adjournment



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File No. A11-23-PC

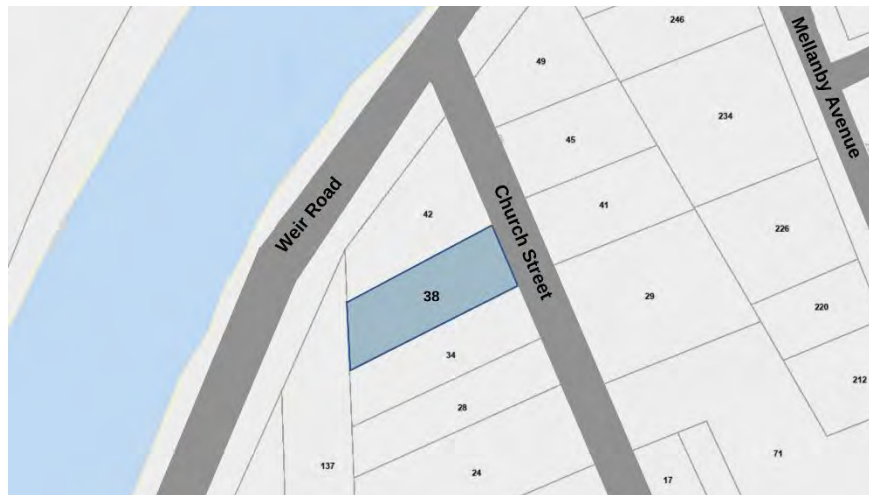
IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended, and Section 2.8.1 (a) (ii) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Plan 1761 New Plan 772 Lot 8, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 38 Church Street;

AND IN THE MATTER OF AN APPLICATION by the applicant Victor Denobriga 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 7.3m 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:	June 14, 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, June 9th, 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, June 13th, 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.

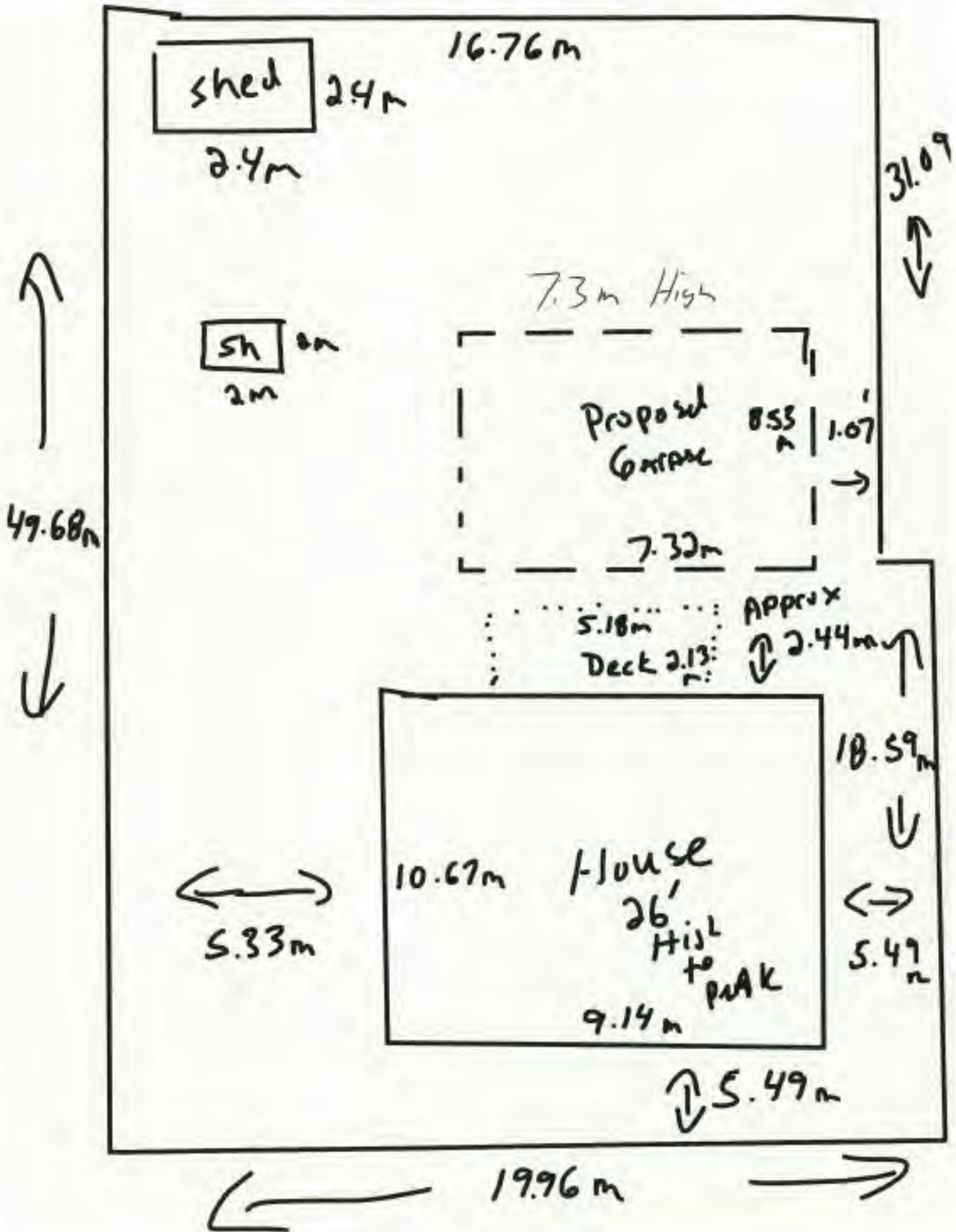
If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204. The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee 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: June 2, 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: _____

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: Victor Demuth	Date: April 26, 23	Initials: [Signature]



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: Victor Dendriga		
Mailing Address: 38 Church ST		
City: Port Colborne	Province: ON	
Postal Code: L3K 2M4	Telephone: 905-359-1740	
Fax:	Email: eyeinspect4u@yahoo.ca	
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:	
Concession No.	Lot(s): 8
Registered Plan No. Plan 1761	Lot(s): 8
Reference Plan No. NP772	Part(s):
Name of Street: 38 Church ST	Street No. 38

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 19.96 m	Depth: 49.68m	Area: 991.61 m
Existing Use: Residential		
Proposed Use: Residential		
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: Delineated Built up Area		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
R2		

SECTION 4: LAND INFORMATION

4.1 Date the Subject Land was acquired by the Current Owner:	
June 2001	
4.2 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	
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.	
RBC	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
House 1910 Shed 1 1980 Shed 2 2018	
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 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:	Height Restriction (proposim 7.3m)
5.2 Why is it not possible to comply with the Zoning By-law?	Building Plan is Larger than Limits
5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5.4 If the answer to 5.3 is YES, has a building permit been issued?	<input type="checkbox"/> Yes <input 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 type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	_____
8.2 What is the length of time the existing use(s) of the land have continued?		
<i>Unknown</i>		
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.		
<i>House & Sheds</i>		

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
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.		
*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.		

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 April 26, 23
Date

X [Signature]
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 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X April 26, 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 Victor Desbri
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 26th day of April
20 23.
A Commissioner, etc.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS
X [Signature]
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 Victor Densbrin 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]
Signature of Owner/Agent

X April 26, 23
Date

X _____
Signature of Owner/Agent

X _____
Date

PERMISSION TO ENTER

I/We Victor Densbrin 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]
Signature of Owner

X April 26, 23
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

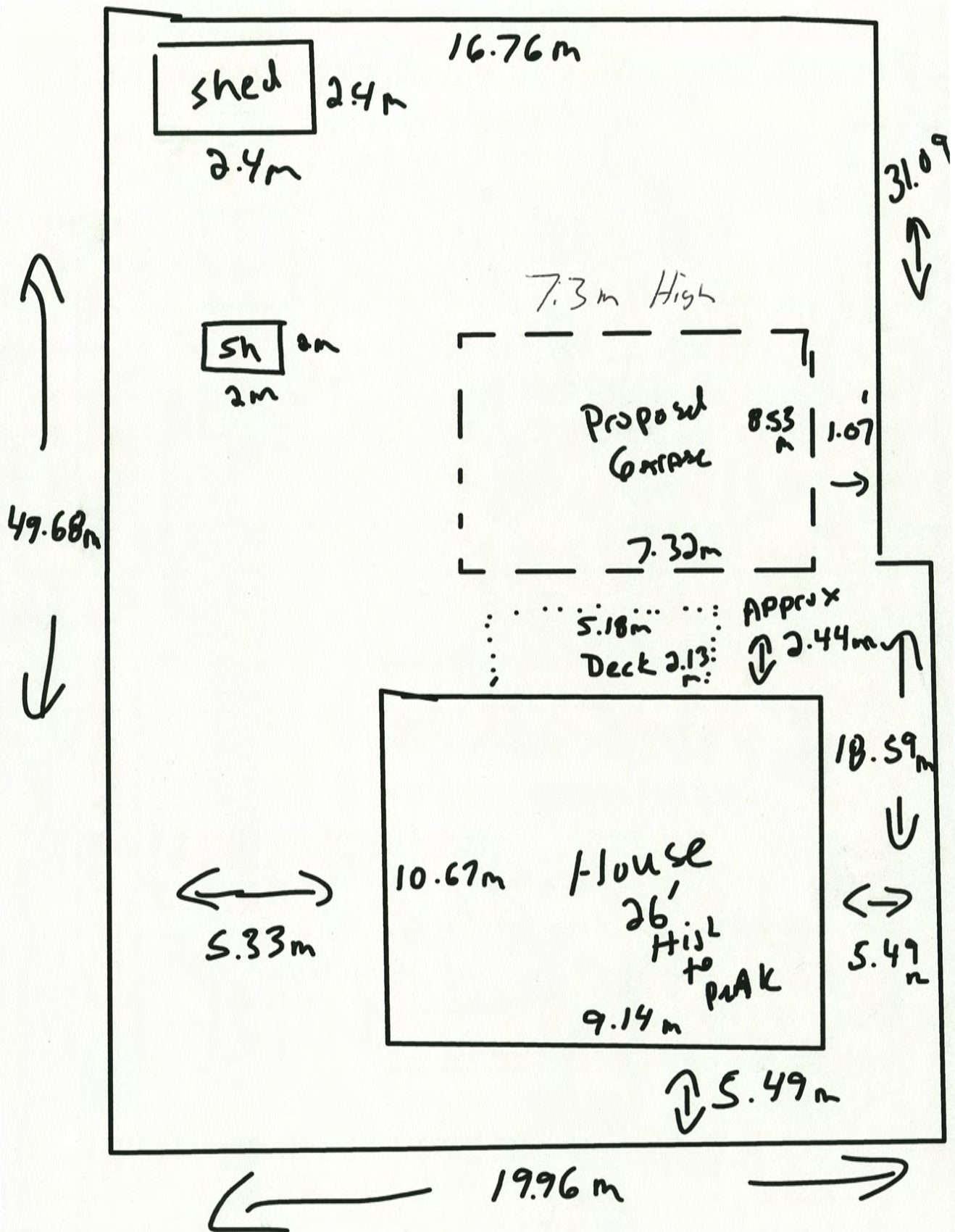
Date

SUGGESTION TO THE APPLICANT

Notice of your application is required for several agencies. All written responses will be considered 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.

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
General Planning Department
(905) 835-2900, Ext. 286
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Engineering Technologist
(905) 835-2900, Ext. 226
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Building Clerk
(905) 835-2900, Ext 229
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



From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Denise Landry](#); [David Schulz](#); [Chris Roome](#)
Subject: RE: June COA Notices of Hearing
Date: May 24, 2023 10:38:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[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](#)

Hi Diana,

Please see my comments below.

A11-23-PC – 38 Church Street

- No comment

A12-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for the construction of new entrance or alteration of existing entrance on Oakwood Street

A13-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B05-23-PC – 242 & 244 Humboldt Parkway

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B06-23-PC – 336 Sugarloaf Street

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B07-23-PC – 316 Second Concession Road

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B08-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B09-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B10-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B11-23-PC – 36 & 38 Page Street

- Final grading does not conform with proposed grading plan and is currently draining onto adjacent property

B12-23-PC – 194 Chippawa Road

- No comment

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2900 x226

Email Nicholas.Olschansky@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

Hello Diana

A11-23-PC there are not comments regarding municipal drains

A12-23-PC there are not comments regarding municipal drains

A13-23-PC there are not comments regarding municipal drains

B05-23-PC there are not comments regarding municipal drains

B06-23-PC there are not comments regarding municipal drains

B08-23-PC there are not comments regarding municipal drains

B09-23-PC there are not comments regarding municipal drains

B11-23-PC there are not comments regarding municipal drains

B12-23-PC there are not comments regarding municipal drains

B07-23-PC this property abuts the Indian Creek Municipal Drain watershed however this parcel is not within the municipal drain watershed so there are not comments regarding municipal drains for this parcel either.



PORT COLBORNE



www.portcolborne.ca

Alana VanderVeen
Drainage Superintendent
City of Port Colborne

1 Killaly St W
Port Colborne, ON L3K 6H1
Phone 905-835-2900 x291
Email Alana.VanderVeen@portcolborne.ca

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From: Diana Vasu <Diana.Vasu@portcolborne.ca>
Sent: May 15, 2023 4:39 PM
To: Charles Turpin <Charles.Turpin@portcolborne.ca>; Sherry Hanson <Sherry.Hanson@portcolborne.ca>; Dave Hornblow <Dave.Hornblow@portcolborne.ca>; Nicholas Olschansky <Nicholas.Olschansky@portcolborne.ca>; Alana VanderVeen <Alana.VanderVeen@portcolborne.ca>; Cassandra Banting <Cassandra.Banting@portcolborne.ca>
Cc: Chris Roome <Chris.Roome@portcolborne.ca>
Subject: June COA Notices of Hearing

Page 17 of 370

Hi everyone,

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Zoning Amendment Application - 38 CHURCH STREET
Date: May 23, 2023 10:35:26 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

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From: [Young, Katie](#)
To: [Diana Vasu](#)
Cc: devtplanningapplications@niagararegion.ca
Subject: RE: 38 Church Street - Minor Variance Application
Date: April 27, 2023 8:32:12 AM
Attachments: [image003.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Good morning Diana,

We do not have any required Regional fees for this Minor Variance Application. The only item to note is with respect to archaeology:

The property is mapped within Schedule K of the NOP as an area of archaeological potential. NOP Policy 6.4.2.6 outlines that a Stage 1 Archaeological Assessment (at minimum), completed by a licensed archaeologist is required for any development and site alteration within an area of archaeological potential. Given the minor nature of the application, staff offer no archaeological assessment requirements.

In lieu of an assessment, the following warning clauses are provided to the applicant for information in case of any resources uncovered through construction works:

Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

Should you have any questions, please let me know.

Kind regards,

Katie Young, MSc (PI), MCIP, RPP

Development Planner

Development Planning

Growth Strategy and Economic Development

Niagara Region | www.niagararegion.ca

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 9th, 2023

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

Re: Application for Minor Variance A11-23-PC
38 Church Street
Plan 1761; New Plan 772 Lot 8
Agent:
Owner(s): Victor Denobriga

Proposal:

The purpose and effect of this application is to permit the construction of a proposed accessory structure. The applicant is requesting a height of 7.3m 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 Second Density Residential (R2) to the north, east, south, 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 a permitted use under this designation.

Zoning:

The subject property is zoned R2, in accordance with Zoning By-Law 6575/30/18. Accessory structures are a permitted use in this zone.

Environmentally Sensitive Areas:

This subject property is not located within an Environmentally Sensitive Area, and therefore will not be impacted by any environmental systems within the City's Official Plan.

Public Comments:

Notice was circulated to the public on June 2nd, 2023, as per Section 45 (5) of the Planning Act. As of June 9th, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 15th, 2023 to internal departments and external agencies. As of June 9th, 2023, the following comments have been received.

Drainage Superintendent

No comments on the proposed application.

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 outlines that the subject property is mapped within Schedule K of the Official Plan as an area of archaeological potential. The Niagara Official Plan Policy 6.4.2.6 states that a Stage 1 Archaeological Assessment is required from a licensed archaeologist, for any development and site alteration within an area of archaeological potential. However, given the minor nature of the application, regional staff do not offer any archaeological assessment requirements.

In the event of an assessment, warning clauses are provided to the applicant for instructions in case of any resources discovered in the construction process and is outlined in detail within the full regional comments.

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 7.3m will not negatively impact the subject parcel or neighboring properties. The proposed structure is located at a permissible distance from the lot lines and is located behind the existing dwelling, therefore the increase in height will not produce visibility concerns. The proposed height requirements intend to ensure that accessory structures remain accessory in nature, to the

primary use of the main dwelling. In this instance, the proposed structure will not exceed the height of the main dwelling, which is approximately 7.9m tall.

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 proposed structure is located in the applicant's rear yard and will be set back approximately 18.6 meters from the front property line, and approximately 2.44 meters behind the existing dwelling. The distance and location will result in the proposed accessory structure having less of a visual impact from the road. Accessory structures are a permitted use in the R2 zone and the application is compatible with the majority of the requirements of the zoning by-law, with the exception of the requested minor variance.

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

The Zoning By-law permits accessory structures within the R2 zone, and the proposal meets the lot coverage requirements and will be accessory in nature to the primary dwelling as the structure will not be larger than the primary dwelling. The intent of the height requirement is to ensure accessory structures remain accessory in nature. In this case, the proposed height increase will not exceed the main dwelling and still maintains the intentions of the Zoning by-law requirements. Staff finds the 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 within 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 A11-23-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

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 Registered Plan Number 836 Lot 366 Part of Lot 365, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 242 and 244 Humboldt Parkway.

AND IN THE MATTER OF AN APPLICATION by the applicant Grant Anger for consent to sever for the purpose of creating a new lot and to facilitate the splitting of an existing semi-detached dwelling. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 1 is to be severed for an existing residential use and Part 2 is to 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:	June 14, 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, June 9th, 2023**.

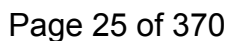
NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing
<p>The Public Meeting will be held in-person, while being live-streamed on the City’s YouTube channel.</p> <p>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, June 13th, 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.</p>

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.

Am

Diana Vasu
Secretary-Treasurer





For Office Use Only	
Date Received: _____	Application Complete: <input type="checkbox"/> Yes <input type="checkbox"/> 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

Consent (New Lot)	\$1,852	Changes to Consent Conditions	\$578
Easement	\$1,272	Final Certification Fee	\$231
Lot Addition / Boundary Adjustment	\$1,272	Validation of Title	\$1,041

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 consent 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 sketch prepared by a licensed Land Surveyor, reduced to legal size.
- 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, reduced to legal size, along with your completed application. Ensure that all the information below is included in the plan(s). The sketch must be prepared, signed, and dated by a licensed Ontario Land Surveyor.

- 1. As provided for in Section 14 of 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.

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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 through 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 either the decision and/or the conditions of consent 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 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 two years of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

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: <i>Grant Aron</i>	Date: <i>April 11/23</i>	Initials: <i>GA</i>



SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: <u>Grant Anger</u>	
Mailing Address: <u>142 Lametti Drive</u>	
City: <u>Fonthill</u>	Province: <u>ON</u>
Postal Code: <u>L0S 1E6</u>	Telephone: <u>905-341-1427</u>
Fax:	Email: <u>grant.anger@hotmail.ca</u>
1.2 Owner's SOLICITOR (if applicable)	
Name: <u>Tony D'Amico - Flett, Beccario</u>	
Mailing Address: <u>PO Box 340</u>	
City: <u>Welland</u>	Province: <u>ON</u>
Postal Code: <u>L3B 5P9</u>	Telephone: <u>905-732-4481</u>
Fax:	Email: <u>IDoherty@flettbeccario.com</u>
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: <u>Chambers and Associates Surveying, Don Chambers</u>	
Mailing Address: <u>12 Thorold Road East</u>	
City: <u>Welland</u>	Province: <u>ON</u>
Postal Code: <u>L3C 3T2</u>	Telephone: <u>905-735-7841</u>
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:	
Concession No.	Lot(s):
Registered Plan No. <u>836</u>	Lot(s): <u>366</u>
Reference Plan No.	Part(s): <u>365</u>
Name of Street: <u>Humboldt Pkwy</u>	Street No. <u>242 + 244</u>

SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))		
<input checked="" type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement
Reason for proposed transaction: <i>Part lot control in order to sale each semi separately. Consent to sever</i>		
3.2 If a lot addition, identify the lands to which the parcel will be added:		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 1

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 7.54	Depth: 37.8	Area: 285
Existing Use: Residential Home		
Proposed Use: Residential Home		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 7.54	Depth: 37.8	Area: 285
Existing Use: Residential Home		
Proposed Use: Residential Home		

SECTION 6: SUBJECT LAND INFORMATION

6.1 What is the current designation of the land in the Official Plan and the Regional Plan?	
Port Colborne Official Plan: <i>Residential Urban Residential</i>	
Regional Policy Plan: <i>Residential Delineated Built Up Area</i>	
6.2 What is the Zoning of the land (By-law 6575/30/18)?	
<i>R2</i>	
6.3 Date the Subject Land was acquired by the Current Owner:	
<i>2021</i>	
6.4 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	

6.5 MORTGAGES, Charges & Other Encumbrances:

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

N/A

6.6 Type of ACCESS

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

6.7 What type of WATER SUPPLY is proposed?

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

6.8 What type of SEWAGE DISPOSAL is proposed?

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

6.9 What type of STORMWATER DISPOSAL is proposed?

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

SECTION 7**7.1 Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?**

- ☐ Yes ☐ No ☒ Unknown

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

File Number:

Decision:

SECTION 8: 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 type="checkbox"/> Commercial | <input type="checkbox"/> Parkland | |

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

Unknown

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

- ☒ Yes ☐ No

If Yes, briefly describe and indicate their use.

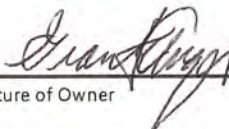
2 semi-detached single family homes

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 April 11/23
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X April 11/2023
Date

X Grant Anger
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 GRANT ANGER

Of the City/Town/Township of PELHAM / Fonthill

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 11TH day of APRIL
20 23.

A Commissioner, etc.

Brenda Heidebrecht

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

X Grant Anger

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.

Brenda Heidebrecht, 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 Grant Angus am/are the owner(s) of the land subject to this application for Consent 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 Grant Angus
Signature of Owner/Agent

X April 11/23
Date

X _____
Signature of Owner/Agent

X _____
Date

PERMISSION TO ENTER

I/We Grant Angus am/are the owner(s) of the land subject to this application for Consent 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 Grant Angus
Signature of Owner

X April 11/23
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 Consent, 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 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 Consent and I/We hereby authorize _____ as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

SUGGESTION TO THE APPLICANT

Notice of your application is required for several agencies. All written responses will be considered 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.

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
General Planning Department
(905) 835-2900, Ext. 286
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Engineering Technologist
(905) 835-2900, Ext. 226
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Building Clerk
(905) 835-2900, Ext 229
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

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Denise Landry](#); [David Schulz](#); [Chris Roome](#)
Subject: RE: June COA Notices of Hearing
Date: May 24, 2023 10:38:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[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](#)

Hi Diana,

Please see my comments below.

A11-23-PC – 38 Church Street

- No comment

A12-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for the construction of new entrance or alteration of existing entrance on Oakwood Street

A13-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B05-23-PC – 242 & 244 Humboldt Parkway

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B06-23-PC – 336 Sugarloaf Street

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B07-23-PC – 316 Second Concession Road

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B08-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B09-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B10-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B11-23-PC – 36 & 38 Page Street

- Final grading does not conform with proposed grading plan and is currently draining onto adjacent property

B12-23-PC – 194 Chippawa Road

- No comment

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2900 x226

Email Nicholas.Olschansky@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

Hello Diana

A11-23-PC there are not comments regarding municipal drains

A12-23-PC there are not comments regarding municipal drains

A13-23-PC there are not comments regarding municipal drains

B05-23-PC there are not comments regarding municipal drains

B06-23-PC there are not comments regarding municipal drains

B08-23-PC there are not comments regarding municipal drains

B09-23-PC there are not comments regarding municipal drains

B11-23-PC there are not comments regarding municipal drains

B12-23-PC there are not comments regarding municipal drains

B07-23-PC this property abuts the Indian Creek Municipal Drain watershed however this parcel is not within the municipal drain watershed so there are not comments regarding municipal drains for this parcel either.



PORT COLBORNE



www.portcolborne.ca

Alana VanderVeen
Drainage Superintendent
City of Port Colborne

1 Killaly St W
Port Colborne, ON L3K 6H1
Phone 905-835-2900 x291
Email Alana.VanderVeen@portcolborne.ca

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

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Hi everyone,

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Zoning Amendment Application - 242 HUMBOLDT PARKWAY
Date: May 23, 2023 2:50:51 PM
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.

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

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City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 9th, 2023

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

Re: Application for Consent B05-23-PC
242 and 244 Humboldt Parkway
Lot 366 and Part Lot 365 on Plan 836
Agent: N/A
Owner(s): Grant Anger

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 (see Appendix A) having a lot frontage of 7.54m and a lot area of 285m² for an existing semi-detached dwelling. Part 2 will also retain a lot frontage of 7.54m and a lot area of 285m² for an existing semi-detached dwelling. The proposed application is being requested to facilitate the severance of an existing semi-detached dwelling.

Surrounding Land Uses and Zoning:

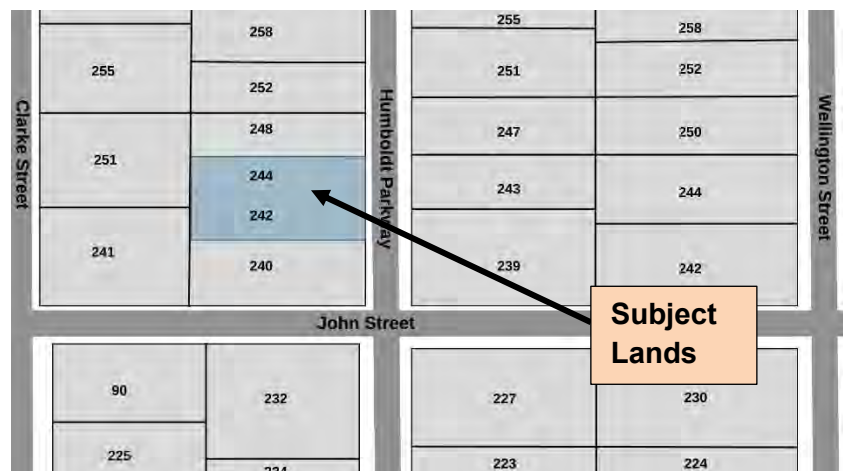
The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, east, south, and west. The surrounding land uses consist of detached dwellings to the north, east, south, and west.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on May 31st, 2023 as per Section 45 (5) of the Planning Act. As of June 9th, 2023, no comments from the public have been received.



Agency Comments:

Notice was circulated on May 15th, 2023. As of June 9th, 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

A master lot grading plan is recommended to ensure that the severed parcels will drain independently and without adversely affecting adjacent property. A Municipal Consent Permit will also be required for work within the City right-of-way (construction of entrances, site servicing, etc.).

Staff Response

Staff have added the master lot grading plan as a condition of the consent. The municipal consent permit can be applied for at a later time and does not impact the severance of the property.

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 that efficiently use land and resources.

Staff are satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources as the existing dwelling has a compact form and adds to a mix of dwelling types in the area.

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 and support a range and mix of housing types.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application addresses an existing semi-detached dwelling and provides for the units to be sold separately, recognizing the diverse needs of communities. This application also supports a range and mix of housing types as the existing semi-detached dwelling is located within a neighborhood that primarily consists of detached dwellings.

The Regional Official Plan (ROP), designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Section 2.2.1 of the ROP sets out policies for managing urban growth. Section 2.2.1.1 b) and c) state that development in urban areas should support a compact built form, a mix of land uses, and a diverse range and mix of housing types, unit sizes, and densities.

Planning Staff is satisfied that the application conforms to the ROP as the proposed severance supports a range and mix of housing types, and provides for a compact built form that supports the creation of a complete community.

The City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City’s Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is encouraged.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

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

The subject lands are zoned Second Density Residential (R2) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 7.54m and a lot area of 285m².

Part 2: A lot frontage of 7.54m and a lot area of 285m².

Section 6.5 (K) of the Zoning By-law states that nothing shall prevent the splitting of any lot on which a semi-detached dwelling is erected into 2 parts divided in part by the centre line of the common or party wall separating the dwelling units, provided each lot have a minimum lot area of 0.02 hectares.

As shown on the sketch and noted above, the lot area for each parcel exceeds the minimum lot area required by the zoning by-law. Planning Staff are satisfied that the proposed consent application conforms to the requirements of the zoning by-law.

Recommendation:

Given the information above, Planning Staff recommends application B05-23-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 showing that both parcels will drain independently from one another and not adversely affect neighboring properties, to the satisfaction of City Staff.
4. That all conditions of consent be completed by June 14th, 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,



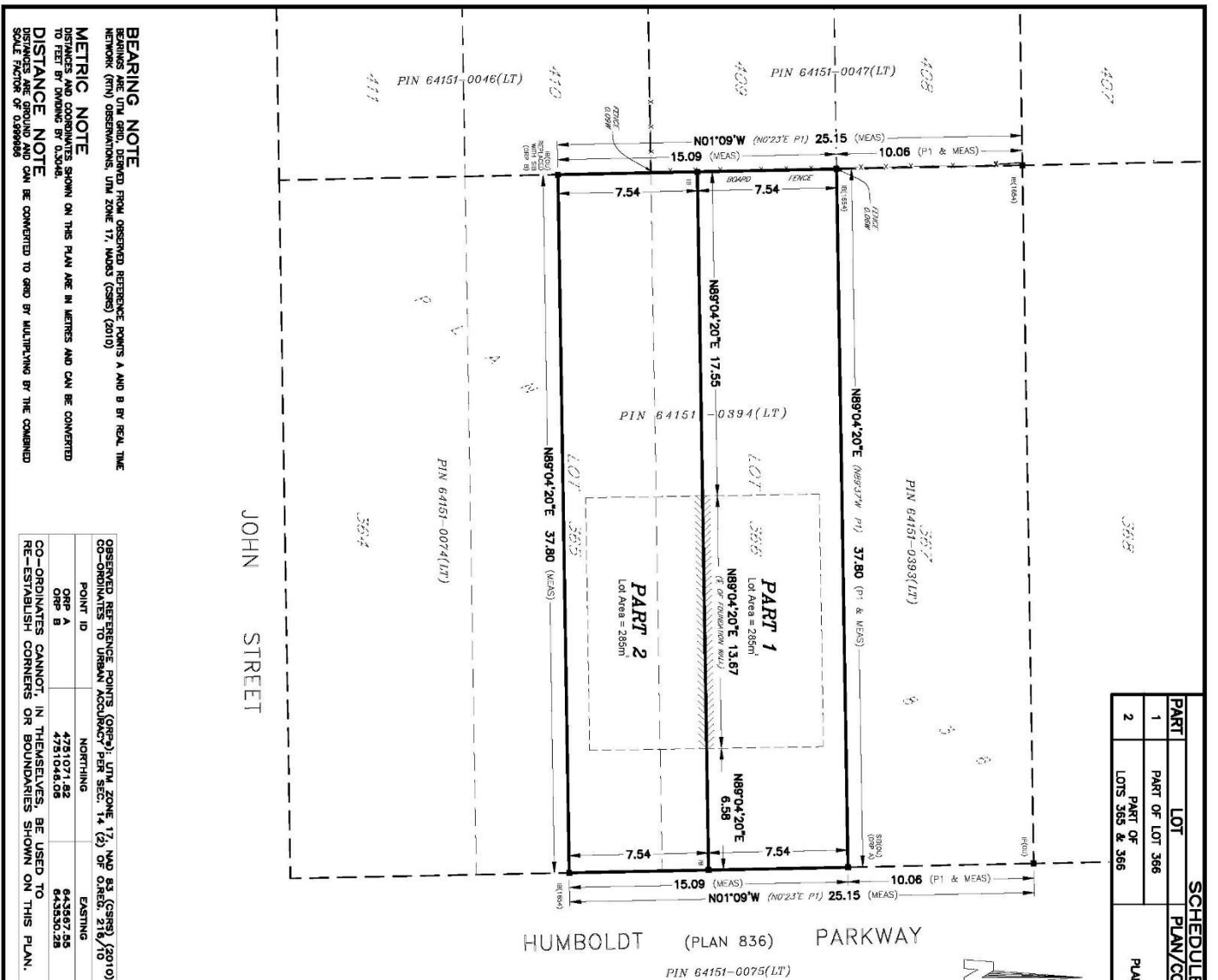
Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Appendix A



SCHEDULE			
PART	LOT	PLAN/CONCESSION	PIN
1	PART OF LOT 366	PLAN 836	64151-0394(LT)
2	PART OF LOTS 365 & 366		

PLAN 59R-17659
 Received and deposited
 April 4th, 2023
 Kelly Cochrane-not
 Representative for the
 Land Registrar for the
 Land Titles Division of
 Niagara South (No.59)

PLAN OF SURVEY OF
LOT 366
PART OF LOT 365
PLAN 836
 IN THE
CITY OF PORT COLBORNE
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1 : 200
 DONALD G. CHAMBERS
 ONTARIO LAND SURVEYOR
 THIS INTENDED PLOT SIZE OF THIS PLAN IS 4.50mm IN W. BY 354mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:200

LEGEND
 DENOTES SURVEY MONUMENT FOUND
 SIB SHORT STANDARD IRON BAR
 SSB SHORT STANDARD IRON BAR
 CC CUT CROSS
 RIB ROUND IRON BAR
 MEAS MEASURED
 WIT WITNESSES
 PU/S/E/W PROPERTY IDENTIFICATION NUMBER
 PIN REGISTERED PLAN 836

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;
 2) THE SURVEY WAS COMPLETED ON THE 18th DAY OF APRIL, 2022
 MARCH 23, 2023
 DATE
 DONALD G. CHAMBERS, B. Sc., O.

THIS PLAN OF SURVEY RELATES TO A.O.S. PLAN SUBMISSION FORM NUMBER
CHAMBERS AND ASSOCIATE
SURVEYING LTD
 12 THURGOOD ROAD EAST
 WILLOW ONTARIO
 L9C 3T2
 (905) 735-7841 / 735-7878
 FAX (905) 735-7333
 WWW.CORR-SURVEYING.COM
 DRAWN BY: D M S
 CHECKED: 93009-3, MS
 INCH: 93009-3, RP
 SCALE: 1 : 200
 DATE: 93009-3, MS

BEARING NOTE
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010)
METRIC NOTE
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
DISTANCE NOTE
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999986

OBSERVED REFERENCE POINTS (GRP-2): UTM ZONE 17, NAD 83 (CSRS) (2010), CO-ORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF OREG. 218/10			
POINT ID	NORTHING	EASTING	
GRP A	4731071.82	643367.25	
GRP B	4731046.06	643330.28	

CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

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 Registered Plan 785 Lot 19, formerly in the municipality of Humberstone, presently in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 36 and 38 Page Street.

AND IN THE MATTER OF AN APPLICATION by the applicant Andre Gagnon for consent to sever to facilitate the splitting of an existing semi-detached dwelling. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 2 is to be severed for an existing residential use and Part 1 is to 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: June 14, 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, June 9th, 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, June 13th, 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.

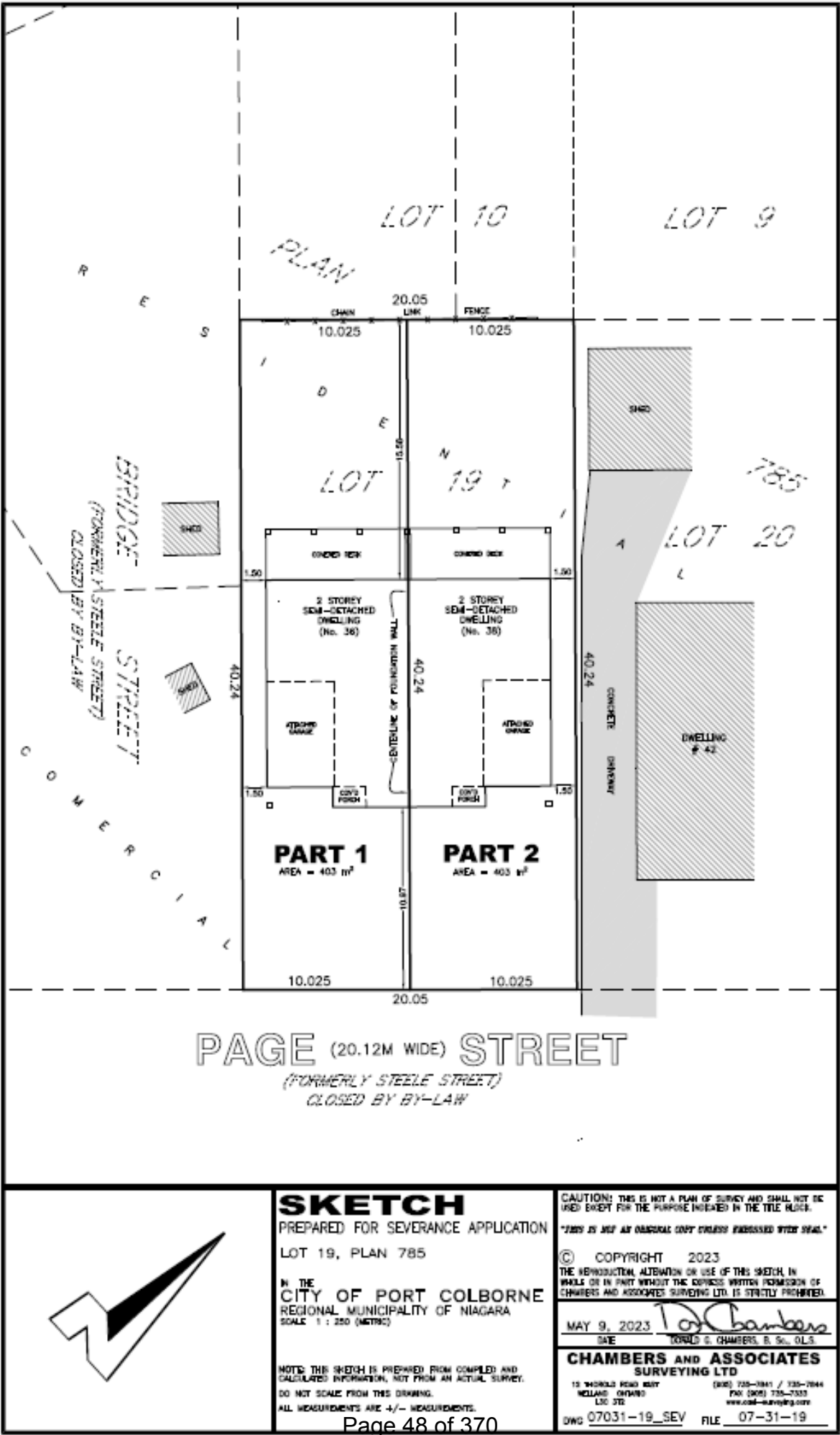
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision. If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you 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: May 31, 2023

Diana Vasu
Secretary-Treasurer





PORT COLBORNE

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR CONSENT

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Andre Gagnon	
Mailing Address: 36 Page St.	
City: Port Colborne	Province: On.
Postal Code: L3K 5V1	Telephone: 289 668-0275
Fax: n/a	Email: andregagnon68@hotmail.ca

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

1.3 Owner's Authorized AGENT (if applicable)	
Name: n/a	
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.
Fox Farms and Business Inc 311 Broad St E Burlington N1A-1G4

1.5 Date and Subject Land was acquired by the Current Owner:
Oct. 2, 2020

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)
Chambers And Associates

Name: <u>Don Chambers</u>	
Mailing Address: <u>12 Thorold Rd.</u>	
City: <u>Welland</u>	Province: <u>O</u>
Postal Code: <u>L3C 3T2</u>	Telephone: <u>905 735-7841</u>
Fax:	Email:

1.7 All communications should be sent to the:

- ☒ Owner
☐ Solicitor
☐ Agent

Section 2: LOCATION

Former Municipality: <u>Humberstone</u>	
Concession No.	Lot(s):
Registered Plan No. <u>785</u>	Lot(s): <u>19</u>
Reference Plan No.	Part(s):
Name of Street: <u>Page St</u>	Street No. <u>36 d 38</u>

2.1 Type of proposed transaction: (Check appropriate space(s))

- ☒ Creation of New Lot
☐ Addition to lot
☐ Mortgage or Charge
☐ Lease
☐ Disposal of Surplus Farm Dwelling
☐ Farm Retirement Lot
☐ Partial Discharge or Mortgage
☐ Right-of-Way
☐ Easement

Reason for proposed transaction:

2 newly constructed semi-detached homes.

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

n/a

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:

Andre Gagnon

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: 785 Urban Residential

Regional Policy Plan: Urban Residential
Delineated Built-up Area

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

R-2

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?

☒ Yes

☐ No

Section 4

Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?

☐ Yes

☒ No

If "Yes" describe the easement or covenant and its effect:

Section 5

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 6

What type of WATER SUPPLY is proposed?

☒ Publicly owned and operated piped water supply

☐ Lake

☐ Well (private or communal)

☐ Other (specify)

Section 7

What type of SEWAGE DISPOSAL is proposed?

☒ Publicly owned and operated sanitary sewage system

☐ Septic system (private or communal)

☐ 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: <u>10.025</u>	Depth: <u>40.24</u>	Area: <u>403.41</u>
Existing Use: <u>Residential</u>		
Proposed Use: <u>Residential</u>		

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: <u>vacant</u>
Proposed: <u>semi-detached home</u>

Section 10

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: <u>10.025</u>	Depth: <u>40.24</u>	Area: <u>403.41</u>
Existing Use: <u>Residential</u>		
Proposed Use: <u>Residential</u>		

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: <u>Semi-detached home</u>
Proposed: <u>semi-detached home</u>

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?

- ☐ Yes
☒ 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 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

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

- ☒ Residential
☐ Industrial
☐ Commercial
☐ Institutional
☐ Agricultural
☐ Parkland
☐ Vacant
☐ Other

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

unknown

14.3 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
Semi							

14.4 ALL PREVIOUS USE

- ☐ Residential
☐ Industrial
☐ Commercial
☐ Institutional
☐ Agricultural
☐ Parkland
☒ Vacant
☐ Other

14.5 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	<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?

☐ Yes

☒ No

☐ Unknown

14.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- ☐ Yes
☒ No
☐ Unknown

14.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- ☐ Yes
☐ No
☒ Unknown

14.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ 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?

- ☐ Yes
☒ No
☐ 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)?

- ☐ Yes
☒ No
☐ 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?*

- ☐ 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 March 30/23
Date

X Ande Jozan
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

2 newly constructed semi-detached homes.

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 n/a

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"?

- ☐ Yes
☒ No
☐ Unknown

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

- ☒ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

15.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X March 30/23
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 Andre Ragnon
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 31st day of March
A.D. 20 23

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 Andre Doz

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:

36 & 38 Page St. Port Colborne.

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

n/a

(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. 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

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:

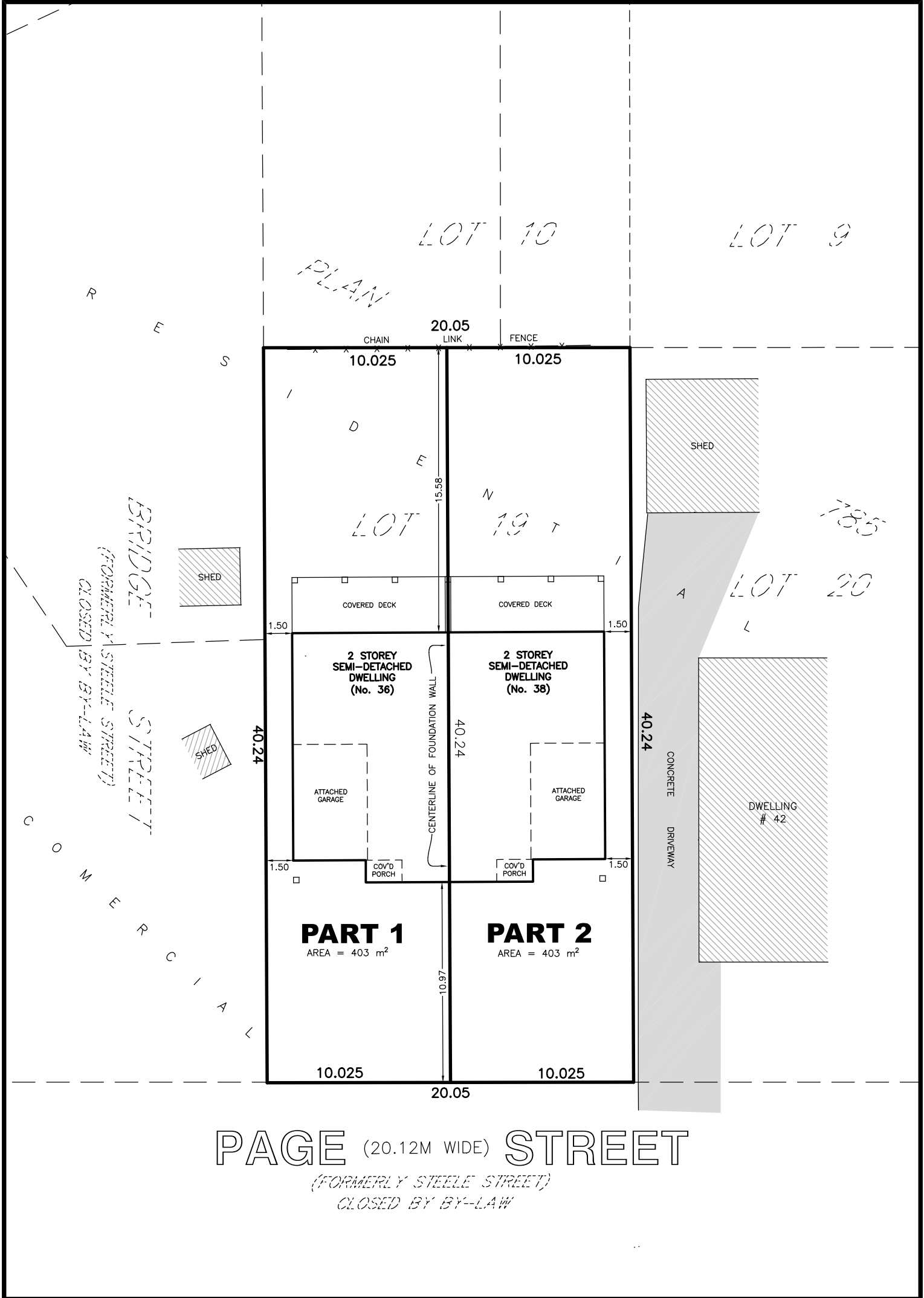
Processing

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:



PAGE (20.12M WIDE) STREET
(FORMERLY STEELE STREET)
CLOSED BY BY-LAW

SKETCH

PREPARED FOR SEVERANCE APPLICATION

LOT 19, PLAN 785

IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 250 (METRIC)

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

Page 62 of 370

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE
USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

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CHAMBERS AND ASSOCIATES SURVEYING LTD. IS STRICTLY PROHIBITED.

MAY 9, 2023

DATE

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

CHAMBERS AND ASSOCIATES
SURVEYING LTD

12 THOROLD ROAD EAST
WELLAND ONTARIO
L3C 3T2

(905) 735-7841 / 735-7844
FAX (905) 735-7333
www.casl-surveying.com

DWG 07031-19_SEV

FILE 07-31-19

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Denise Landry](#); [David Schulz](#); [Chris Roome](#)
Subject: RE: June COA Notices of Hearing
Date: May 24, 2023 10:38:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[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](#)

Hi Diana,

Please see my comments below.

A11-23-PC – 38 Church Street

- No comment

A12-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for the construction of new entrance or alteration of existing entrance on Oakwood Street

A13-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B05-23-PC – 242 & 244 Humboldt Parkway

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B06-23-PC – 336 Sugarloaf Street

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B07-23-PC – 316 Second Concession Road

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B08-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B09-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B10-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B11-23-PC – 36 & 38 Page Street

- Final grading does not conform with proposed grading plan and is currently draining onto adjacent property

B12-23-PC – 194 Chippawa Road

- No comment

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2900 x226

Email Nicholas.Olschansky@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

Hello Diana

A11-23-PC there are not comments regarding municipal drains

A12-23-PC there are not comments regarding municipal drains

A13-23-PC there are not comments regarding municipal drains

B05-23-PC there are not comments regarding municipal drains

B06-23-PC there are not comments regarding municipal drains

B08-23-PC there are not comments regarding municipal drains

B09-23-PC there are not comments regarding municipal drains

B11-23-PC there are not comments regarding municipal drains

B12-23-PC there are not comments regarding municipal drains

B07-23-PC this property abuts the Indian Creek Municipal Drain watershed however this parcel is not within the municipal drain watershed so there are not comments regarding municipal drains for this parcel either.



PORT COLBORNE



www.portcolborne.ca

Alana VanderVeen
Drainage Superintendent
City of Port Colborne

1 Killaly St W
Port Colborne, ON L3K 6H1
Phone 905-835-2900 x291
Email Alana.VanderVeen@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: Diana Vasu <Diana.Vasu@portcolborne.ca>
Sent: May 15, 2023 4:39 PM
To: Charles Turpin <Charles.Turpin@portcolborne.ca>; Sherry Hanson <Sherry.Hanson@portcolborne.ca>; Dave Hornblow <Dave.Hornblow@portcolborne.ca>; Nicholas Olschansky <Nicholas.Olschansky@portcolborne.ca>; Alana VanderVeen <Alana.VanderVeen@portcolborne.ca>; Cassandra Banting <Cassandra.Banting@portcolborne.ca>
Cc: Chris Roome <Chris.Roome@portcolborne.ca>
Subject: June COA Notices of Hearing

Hi everyone,

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Zoning Amendment Application - 36-38 PAGE STREET
Date: May 23, 2023 3:53:00 PM
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 B11-23-PC

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.



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 9th, 2023

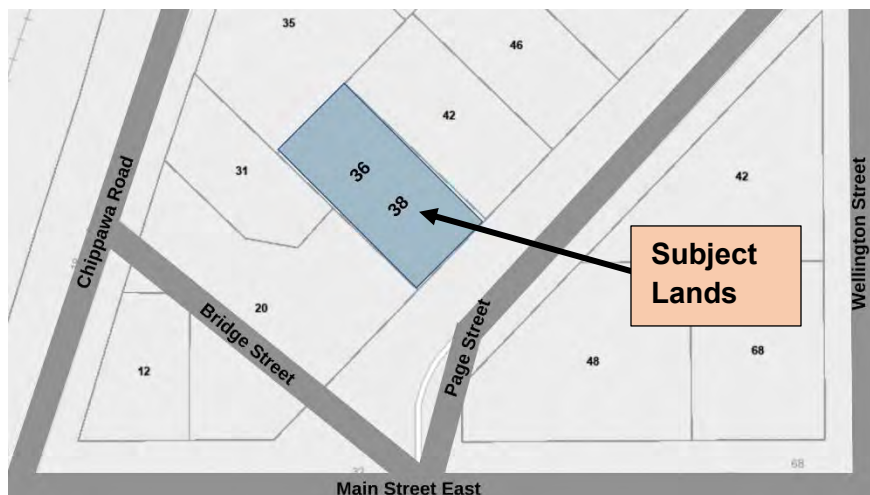
Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: Application for Consent B11-23-PC
36 and 38 Page Street
Lot 19 on Plan 785
Agent: N/A
Owner(s): Andre Gagnon

Proposal:

The proposed application is being requested to permit the severance of Part 1 having a lot frontage of 10.1m and a lot area of 403m² for an existing semi-detached dwelling. Part 2 will also retain a lot frontage of 10.1m and a total lot area of 403m² for an existing semi-detached dwelling on the subject property. From the proposed sketch, attached as Appendix A, the lots will be split by a party wall.

Surrounding Land Uses and Zoning: The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, Institutional (I) to the east, and Highway Commercial (HC) to the south, and west. The surrounding land uses consist of



detached dwellings and units to the north, east, south, and west.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice will be circulated on May 31st, 2023, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act.

Agency Comments:

Notice was circulated on May 15th, 2023 to internal departments and external agencies. As of May 23rd, 2023, the following comments have been received.

Drainage Superintendent

There are no comments regarding municipal drains for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

Final grading does not conform with the proposed grading plan and is currently draining onto adjacent properties.

Staff Response

Planning Staff will add, as a condition of consent, that a revised grading plan be submitted to the satisfaction of City Staff.

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 are satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources as the semi-detached dwellings have a compact form and add to a mix of dwelling types in the area.

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 and support a range and mix of housing types.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application addresses an existing semi-detached dwelling and provides for the units to be sold separately, recognizing the diverse needs of communities. This application also supports a range and mix of housing types as the existing semi-detached dwellings are located within a neighborhood that primarily consists of detached dwellings.

The Niagara Official Plan (NOP), designates the subject lands as within the "Urban Area Boundary" and "Built-up Area". Section 2.2.1 of the ROP sets out policies for managing urban growth. Section 2.2.1.1 b) and c) state that development in urban areas should support a compact built form, a mix of land uses, and a diverse range and mix of housing types, units sizes, and densities.

Planning Staff is satisfied that the application conforms to the ROP as the proposed severance supports a range and mix of housing types, and provides for a compact built form that supports the creation of a complete community.

The City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City's Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is encouraged.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

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

The subject lands are zoned Second Density Residential (R2) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 10.1m and a lot area of 403m².

Part 2: A lot frontage of 10.1m and a lot area of 403m².

Section 6.5 (K) of the Zoning By-law states that nothing shall prevent the splitting of any lot on which a semi-detached dwelling is erected into 2 parts divided in part by the center line of the common or party wall separating the dwelling units, provided each lot has a minimum lot area of 200m².

As shown on the sketch and noted above, the lot area for each parcel exceeds the minimum lot area required by the zoning by-law. Planning Staff are satisfied that the proposed consent application conforms to the requirements of the zoning by-law.

Recommendation:

Given the information above, Planning Staff recommends application B11-23-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 all conditions of consent be completed by June 14th, 2025.
4. That a revised grading plan be submitted 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.

Prepared by,



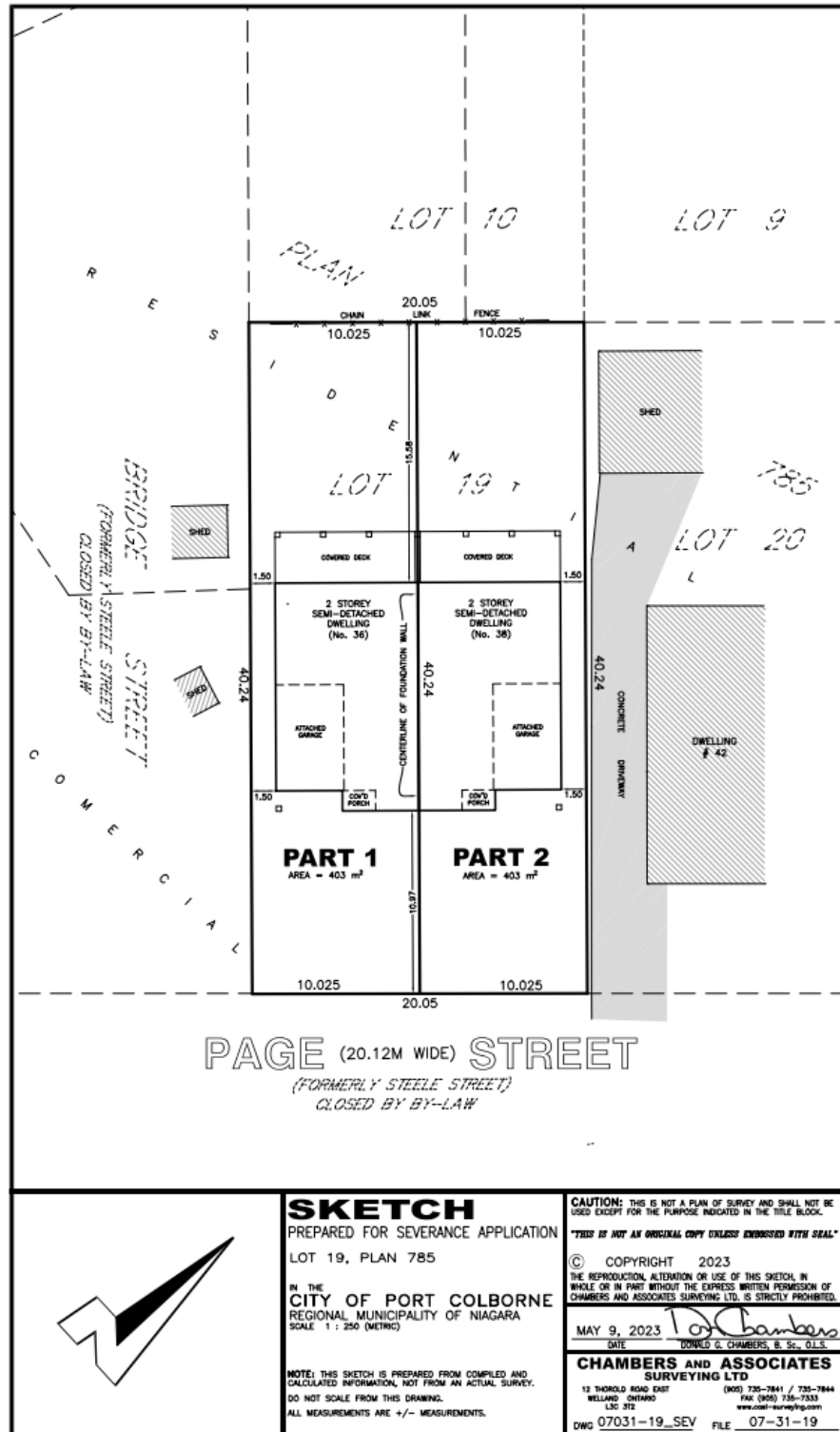
Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Appendix A





PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR CONSENT

APPLICATION NO. B12-23-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 Concession 2 Lot 26 Registered Plan 59R12304 Part of Lot 3, formerly in the municipality of Humberstone, presently in the City of Port Colborne, located in the Residential (RD) zone, municipally known as 194 Chippawa Road.

AND IN THE MATTER OF AN APPLICATION by the agent Barbara Evangelista on behalf of the owner, Jason Evangelista, for consent to sever for the purpose of re-creating two separate lots which have merged. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 1 is to be severed for future residential use and Part 2 is to 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: June 14, 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, June 9th, 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, June 13th, 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: May 31, 2023

Diana Vasu
Secretary-Treasurer





For Office Use Only

Date Received: May 1, 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

Consent (New Lot)	\$1,852	Changes to Consent Conditions	\$578
Easement	\$1,272	Final Certification Fee	\$231
Lot Addition / Boundary Adjustment	\$1,272	Validation of Title	\$1,041

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 consent 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 sketch prepared by a licensed Land Surveyor, reduced to legal size.
- 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, reduced to legal size, along with your completed application. Ensure that all the information below is included in the plan(s). The sketch must be prepared, signed, and dated by a licensed Ontario Land Surveyor.
- 1. As provided for in Section 14 of 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.

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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 through 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 either the decision and/or the conditions of consent 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 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 two years of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

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: Jason Evangelista	Date: April 27, 2023	Initials: JE



PORT COLBORNE
DEVELOPMENT AND LEGISLATIVE SERVICES

CONSENT APPLICATION THE CITY OF PORT COLBORNE

The Planning Act – Section 53

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: <u>JASON EVANGELISTA</u>	
Mailing Address: <u>4692 WILLICK RD.</u>	
City: <u>NIAGARA FALLS</u>	Province: <u>ON</u>
Postal Code: <u>L2G 0W4</u>	Telephone: <u>289-219-4627</u>
Fax:	Email: <u>terramape@gmail.com</u>
1.2 Owner's SOLICITOR (if applicable)	
Name: <u>JILL C. ANTHONY</u>	
Mailing Address: <u>10 HWY 20 EAST P.O. Box 743</u>	
City: <u>FONTHILL</u>	Province: <u>ON</u>
Postal Code:	Telephone: <u>905-892-2621</u>
Fax:	Email: <u>www.jillanthony.com</u>
1.3 Owner's Authorized AGENT (if applicable)	
Name: <u>BARBARA EVANGELISTA</u>	
Mailing Address: <u>194 CHIPPAWA RD.</u>	
City: <u>PORT COLBORNE</u>	Province: <u>ON</u>
Postal Code: <u>L3K 1T7</u>	Telephone: <u>289-213-2884</u>
Fax:	Email: <u>terramape@gmail.com</u>
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: <u>LANTHIER & GILMORE SURVEYING</u>	
Mailing Address: <u>173 CLARENCE</u>	
City: <u>PORT COLBORNE</u>	Province: <u>ON</u>
Postal Code: <u>L3K 3G4</u>	Telephone: <u>905-834-5477</u>
Fax:	Email: <u>lanthier.gilmore@bellnet.ca</u>
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: <u>HUMBERSTONE</u>	
Concession No. <u>2</u>	Lot(s): <u>26</u>
Registered Plan No. <u>RP 59R12304</u>	Lot(s):
Reference Plan No.	Part(s): <u>3</u>
Name of Street: <u>HUBBARD DR.</u>	Street No.

Legal Description

PT LT 26, CON 2 Humberstone PT 3, 59R12304; T/W Right of Way over PT 2, 59R12304 AS IN HU14502; TW EASE OVER PT LT 26 CON 2 HUMB, PT 2, 59R12304 & PT 4, 59R1034 AS IN SN185038; PORT COLBORNE

SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))		
<input checked="" type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input checked="" type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement
Reason for proposed transaction: 194 Chippawa Rd & the subject property (Hubbard Dr) merged in land titles unbeknown to owner. Requesting to separate the two properties to the original state before the automatic merge (due to both properties being titled in the same name)		
3.2 If a lot addition, identify the lands to which the parcel will be added:		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:		
JASON EVANGELISTA		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch:

DESCRIPTION OF SUBJECT PARCEL (in metric units) (irregular)		
Frontage: 66.72	Depth: 224.31	Area: 184,407.13 m ² (off geo)
Existing Use: Vacant Land (Residential)		
Proposed Use: Residential (st)		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch:

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units) (irregular)		
Frontage: 19.07	Depth: 90.59	Area: 18,912.17 m ² (off geo)
Existing Use: Vacant Land Residential		
Proposed Use: Residential (stay the same)		

SECTION 6: SUBJECT LAND INFORMATION

6.1 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:	DELINEATED BUILT-UP AREA
6.2 What is the Zoning of the land (By-law 6575/30/18)?	
RD	
6.3 Date the Subject Land was acquired by the Current Owner:	
2008/01/31	
6.4 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	

6.5 MORTGAGES, Charges & Other Encumbrances:		
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.		
<u>NONE</u>		
6.6 Type of ACCESS		
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Other Public Road
<input checked="" type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained seasonally	
6.7 What type of WATER SUPPLY is proposed?		
<input type="checkbox"/> Publicly owned and operated piped water supply		
<input type="checkbox"/> Lake		
<input type="checkbox"/> Well (private or communal)		
<input checked="" type="checkbox"/> Other (specify): <u>UNDETERMINED NO SERVICES</u>		
6.8 What type of SEWAGE DISPOSAL is proposed?		
<input type="checkbox"/> Publicly owned and operated sanitary sewage system		
<input type="checkbox"/> Septic system (private or communal)		
<input checked="" type="checkbox"/> Other (specify): <u>UNDETERMINED NO SERVICES</u>		
6.9 What type of STORMWATER DISPOSAL is proposed?		
<input type="checkbox"/> Publicly owned and operated stormwater system		
<input checked="" type="checkbox"/> Other (specify): <u>UNDETERMINED</u>		

SECTION 7

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

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

File Number: <u>D12-01-09</u>
Decision: <u>Approved and later lapsed</u>

SECTION 8: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

8.1 ALL EXISTING USE		
<input type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input checked="" type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	
8.2 What is the length of time the existing use(s) of the land have continued?		
<u>forever</u>		
8.3 Are there any buildings or structures on the subject land?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes, briefly describe and indicate their use.		

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 April 27, 2023
Date

X [Signature]
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown

This form is a confidential document and its contents are not to be disclosed to the public. It is the property of the Niagara Peninsula Conservation Authority and is to be used for the purpose of the Niagara Peninsula Conservation Authority's business.

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X April 27, 2023
Date

X Barbara Evangelista
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 Barbara Evangelista
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 April
20 23.
A Commissioner, etc.

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

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.

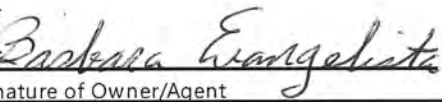
Each sign must remain posted a minimum of 14 days prior to the hearing, until the day following the hearing. Should a sign go missing or become damaged or illegible please contact the Secretary-Treasurer as soon as possible to request a replacement sign. Failure to post the sign as required may result 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 JASON EVANGELISTA am/are the owner(s) of the land subject to this application for Consent 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 April 27, 2023
Date

X 
Signature of Owner/Agent

X April 27, 2023
Date

PERMISSION TO ENTER

I/We _____ am/are the owner(s) of the land subject to this application for Consent 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 April 27, 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 Consent, the authorization set out below must be completed by the owner(s). All registered owners must complete this 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 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 Jason Evangelista am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize Barbara Evangelista as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

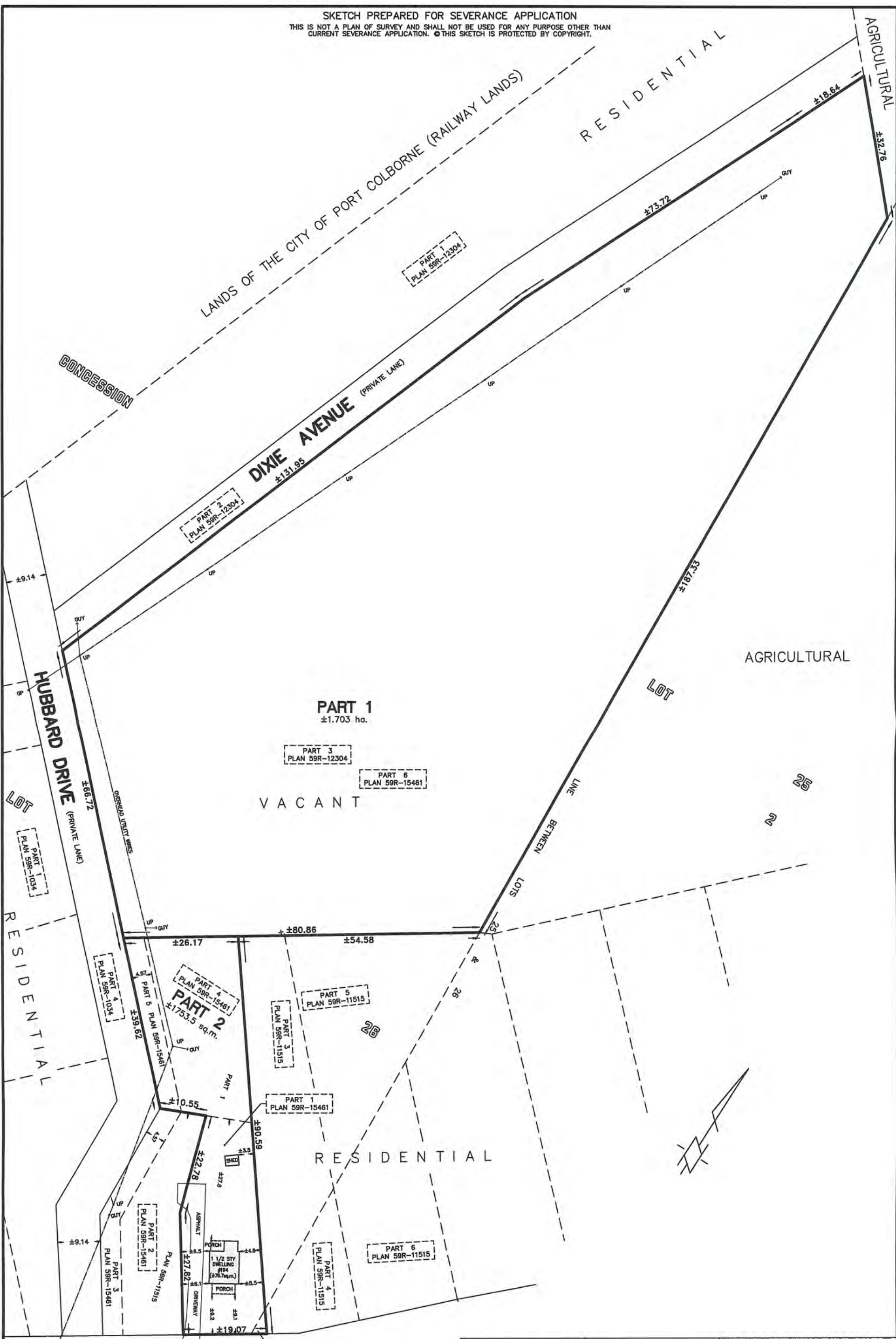
X

Signature of Agent


X

Date

SKETCH PREPARED FOR SEVERANCE APPLICATION
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN
CURRENT SEVERANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.



CHIPPAWA ROAD
(GIVEN ROAD - VARIOUS WIDTHS)

VOID IF USED FOR ANY OTHER PURPOSE THAN THIS CURRENT SEVERANCE APPLICATION	PRELIMINARY ONLY  DATE: APRIL 14, 2023 MARK GILMORE Ontario Land Surveyor	BLANTHIER & GILMORE SURVEYING LTD. 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
		SKETCH OF PROPOSED SEVERANCE PART OF LOTS 25 & 26 CONCESSION 2
		GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW IN THE CITY OF PORT COLBORNE REGIONAL MUNICIPALITY OF NIAGARA
		DRAWN BY: CM SCALE: 1:800
		CHECKED BY: DM SURVEY 20-336

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Denise Landry](#); [David Schulz](#); [Chris Roome](#)
Subject: RE: June COA Notices of Hearing
Date: May 24, 2023 10:38:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[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](#)

Hi Diana,

Please see my comments below.

A11-23-PC – 38 Church Street

- No comment

A12-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for the construction of new entrance or alteration of existing entrance on Oakwood Street

A13-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B05-23-PC – 242 & 244 Humboldt Parkway

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B06-23-PC – 336 Sugarloaf Street

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B07-23-PC – 316 Second Concession Road

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B08-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B09-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B10-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B11-23-PC – 36 & 38 Page Street

- Final grading does not conform with proposed grading plan and is currently draining onto adjacent property

B12-23-PC – 194 Chippawa Road

- No comment

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2900 x226

Email Nicholas.Olschansky@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

Hello Diana

A11-23-PC there are not comments regarding municipal drains

A12-23-PC there are not comments regarding municipal drains

A13-23-PC there are not comments regarding municipal drains

B05-23-PC there are not comments regarding municipal drains

B06-23-PC there are not comments regarding municipal drains

B08-23-PC there are not comments regarding municipal drains

B09-23-PC there are not comments regarding municipal drains

B11-23-PC there are not comments regarding municipal drains

B12-23-PC there are not comments regarding municipal drains

B07-23-PC this property abuts the Indian Creek Municipal Drain watershed however this parcel is not within the municipal drain watershed so there are not comments regarding municipal drains for this parcel either.



PORT COLBORNE



www.portcolborne.ca

Alana VanderVeen
Drainage Superintendent
City of Port Colborne

1 Killaly St W
Port Colborne, ON L3K 6H1
Phone 905-835-2900 x291
Email Alana.VanderVeen@portcolborne.ca

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

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From: Diana Vasu <Diana.Vasu@portcolborne.ca>
Sent: May 15, 2023 4:39 PM
To: Charles Turpin <Charles.Turpin@portcolborne.ca>; Sherry Hanson <Sherry.Hanson@portcolborne.ca>; Dave Hornblow <Dave.Hornblow@portcolborne.ca>; Nicholas Olschansky <Nicholas.Olschansky@portcolborne.ca>; Alana VanderVeen <Alana.VanderVeen@portcolborne.ca>; Cassandra Banting <Cassandra.Banting@portcolborne.ca>
Cc: Chris Roome <Chris.Roome@portcolborne.ca>
Subject: June COA Notices of Hearing

Hi everyone,

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Zoning Amendment Application - 194 CHIPPAWA ROAD
Date: May 23, 2023 4:03:09 PM
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 B12-23-PC

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

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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.



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 9th, 2023

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

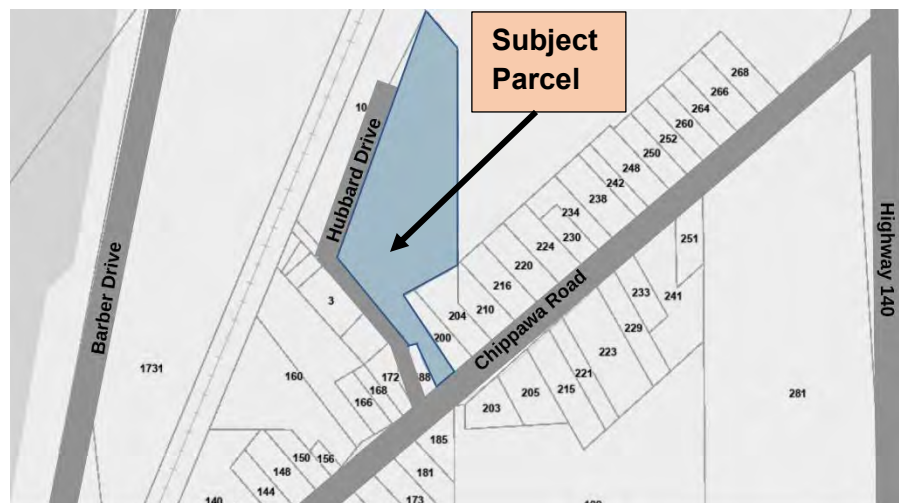
Re: Application for Consent B12-23-PC
194 Chippawa Road
Concession 2 lot 26
Agent: N/A
Owner(s): Barbara Evangelista

Proposal:

The proposed application is being requested to permit the severance of Part 1 having a lot frontage of 66.72m on Hubbard Drive and a lot area of 1.703ha for future residential development. Part 2 will retain a lot frontage of 19.07m on Chippawa Road and a total lot area of 1753.5m for an existing detached dwelling. The survey sketch, attached as Appendix A illustrates the proposed parcels.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Gateway Industrial (GI) to the north, Residential Development (RD) and First Density Residential (R1) to the east, and R1 to the south and west. The surrounding



uses consist of a storage yard to the north, vacant land and detached dwellings to the east, south and west.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice will be circulated on May 31st, 2023, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act.

Agency Comments:

Notice was circulated on May 15th, 2023 to internal departments and external agencies. As of June 9th, 2023, the following comments have been received.

Drainage Superintendent

There are no comments regarding municipal drains for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

There are no engineering comments for this 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 are satisfied that the proposed consent is consistent with the PPS. The application proposes to create a lot that can be used for future residential development within a settlement area, where growth and development are to be focused.

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 and support a range and mix of housing types.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports and encourages development in the delineated built-up area, which will contribute to intensification. Furthermore, the size of the proposed severed parcel will be large enough to accommodate a range and mix of housing types, contributing to a diverse community.

The Niagara Official Plan (NOP), designates the subject lands as within the "Urban Area Boundary" and "Built-up Area". Section 2.2.1 of the ROP sets out policies for managing urban growth. Section 2.2.1.1 b) and c) state that development in urban areas should support a compact built form, a mix of land uses, and a diverse range and mix of housing types, units sizes, and densities.

Planning Staff is satisfied that the application conforms to the NOP as the proposed severance has the ability to support a range and mix of housing types by creating a lot that is sufficiently large enough to accommodate multiple dwellings.

The City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City's Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is encouraged.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and Part 1 will have frontage on a public road. Part 2 has frontage on a private lane, which is generally discouraged in the urban area in the Official Plan but may be accepted where provided in the Zoning By-law. The review of the Zoning By-law will elaborate more on this.

As per section 3.2.4 of the OP, the condition of cash-in-lieu of parkland dedication may be imposed on the approval of a land severance. Staff has included the condition that the owner submits a signed Memorandum of Understanding stating that they are aware of the requirements of the parkland dedication by-law.

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

Part 1 of the subject lands are zoned R1 while Part 2 is zoned RD under Zoning by-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 66.72m and a lot area of 1.703ha.

Part 2: A lot frontage of 19.07m and a lot area of 1753.5m.

The RD zone requires a minimum lot frontage of 30m and a lot area that is 'as existing', and the R1 zone requires a minimum lot frontage of 15m and a minimum lot area of 500m². As shown on the attached sketch, both parcels are able to meet the zone requirements for a lot in each respective zone. Planning Staff are not concerned with the 'as existing' requirement for Part 1 as Part 1 is an existing lot of record that merged with Part 2.

Section 2.14 (b) of the Zoning By-law states that no lot creation shall be permitted on lanes within the urban area boundary. The applicant will need to request relief from this section of the Zoning By-law through a separate variance application. Staff has added this as a condition of the consent.

Recommendation:

Given the information above, Planning Staff recommends application B12-23-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 applies for a minor variance to request relief from section 2.14 (b) of the Zoning By-law.
4. That the applicant signs 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.
5. That all conditions of consent be completed by June 14th, 2025.
6. That a revised grading plan be submitted 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.

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Appendix A



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 JT

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): 2159239 Ontario Inc.

Name: John Truong

Mailing Address: 4 Mistyglan Crescent

City: Brampton

Province: Ontario

Postal Code: L6Y0X2

Telephone: 4164508644

Fax:

Email: john_truong@rogers.com

1.2 Owner's SOLICITOR (if applicable) Rutman & Rutman Professional Corporation

Name: Zafir Khan

Mailing Address: 184 Queen Street West

City: Brampton

Province: Ontario

Postal Code: L6X1A8

Telephone: 9054569969

Fax:

Email: zafir@rutmanlaw.com

1.3 Owner's Authorized AGENT (if applicable) Not 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.

Meridian Credit Union

75 Corporate Park Drive

St. Catharines, Ontario

L2S3W3

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

January 25, 2023

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

Lanthier & Gilmore Surveying Ltd

Name: Mark Gilmore	
Mailing Address: 173 Clarence St.	
City: Port Colborne	Province: Ontario
Postal Code: L3K 3G4	Telephone: 905-835-5477
Fax:	Email: lanthier.gilmore@bellnet.ca

1.7 All communications should be sent to the: Owner

- ☒ Owner 2159239 Ontario Inc. c/o John Truong
☐ Solicitor
☐ Agent

Section 2: LOCATION

Former Municipality: Port Colborne	
Concession No.	Lot(s):
Registered Plan No. PLAN 3761 PT BLK D NP776	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Sugarloaf Street	Street No. 336

2.1 Type of proposed transaction: (Check appropriate space(s))

- ☒ Creation of New Lot
☐ Addition to lot
☐ Mortgage or Charge
☐ Lease
☐ Disposal of Surplus Farm Dwelling
☐ Farm Retirement Lot
☐ Partial Discharge or Mortgage
☐ Right-of-Way
☐ Easement

Reason for proposed transaction:

Consent to sever to allow development of 2 residential lots.

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

Not applicable

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:

2159239 Ontario Inc. c/o John Truong

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: Urban Residential

Regional Policy Plan: Built-Up Area

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

R1 - First Density Residential

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?

☒ Yes

☐ No

Section 4

Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?

☐ Yes

☒ No

If "Yes" describe the easement or covenant and its effect:

Section 5

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 6

What type of WATER SUPPLY is proposed? Municipal

☒ Publicly owned and operated piped water supply

☐ Lake

☐ Well (private or communal)

☐ Other (specify)

Section 7

What type of SEWAGE DISPOSAL is proposed? Municipal

☒ Publicly owned and operated sanitary sewage system

☐ Septic system (private or communal)

☐ Other (specify)

Section 8

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

Section 9**Part No. On Sketch:** Part 2

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: 16.76m	Depth: 45.72m	Area: 766.27m ²
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: 33.52m
Proposed: 16.76m

Section 10**Part No. On Sketch:** Part 1

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 16.76m	Depth: 45.72m	Area: 766.27m ²
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: 33.52m
Proposed: 16.76m

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 checked="" type="checkbox"/>	No
<input 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 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

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 Residential
<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?

Unknown

14.3 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

14.4 ALL PREVIOUS USE Residential

- ☒ Residential
- ☐ Industrial
- ☐ Commercial
- ☐ Institutional
- ☐ Agricultural
- ☐ Parkland
- ☐ Vacant
- ☐ Other

14.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/> Residential	<input type="checkbox"/> Residential	<input type="checkbox"/> Residential	<input type="checkbox"/> Residential
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?

- ☐ Yes
- ☒ No
- ☐ Unknown

14.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- ☐ Yes
☒ No
☐ Unknown

14.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

14.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ 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?

- ☐ Yes
☒ No
☐ 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)?

- ☐ Yes Demolition and inspection passed by the City of Port Colborne.
☒ No
☐ 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?*

- ☐ Yes
☒ No
☐ Unknown

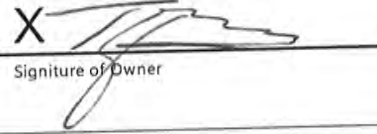
- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and 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 March 1, 2023
Date

X 
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

No existing buildings on the site.

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"?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

15.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X March 1, 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 Chi-Nghia Truong
Of the City/Town/Township of Brampton
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 1st day of March
A.D. 20 23

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 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

(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. 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

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: _____

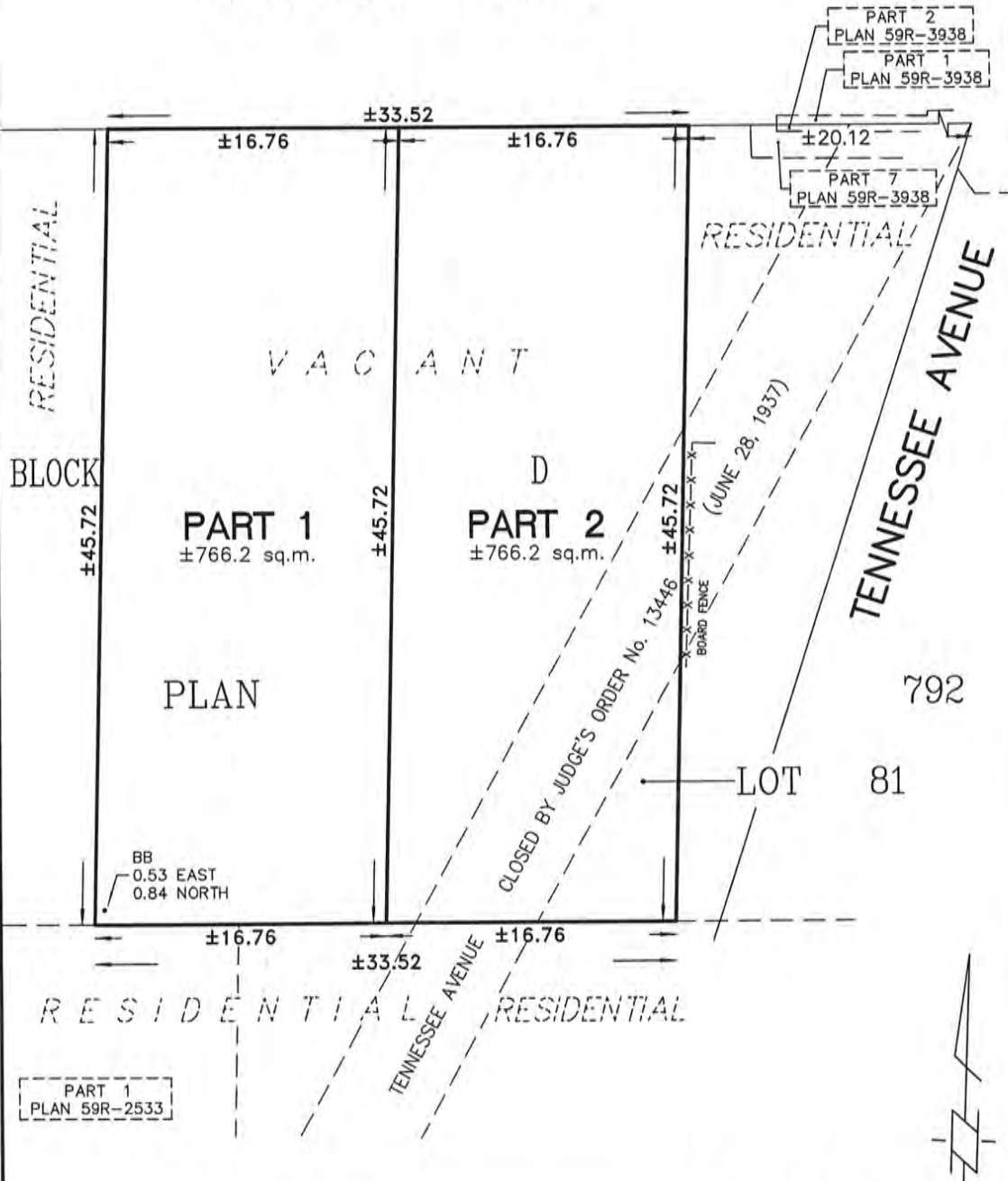
Accepted by Manager of Planning and Development Services:
Circulated:

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:

SKETCH PREPARED FOR SEVERANCE APPLICATION
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN
CURRENT SEVERANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.

SUGARLOAF STREET



VOID

IF USED FOR ANY OTHER
PURPOSE THAN THIS
CURRENT SEVERANCE
APPLICATION

PRELIMINARY
ONLY

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FEB. 15, 2023
DATE

MARK GILMORE
Ontario Land Surveyor

BLANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SKETCH OF PROPOSED SEVERANCE
PART OF LOT 81, PART OF BLOCK D,
PART OF TENNESSEE AVENUE (CLOSED)
PLAN 776

IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

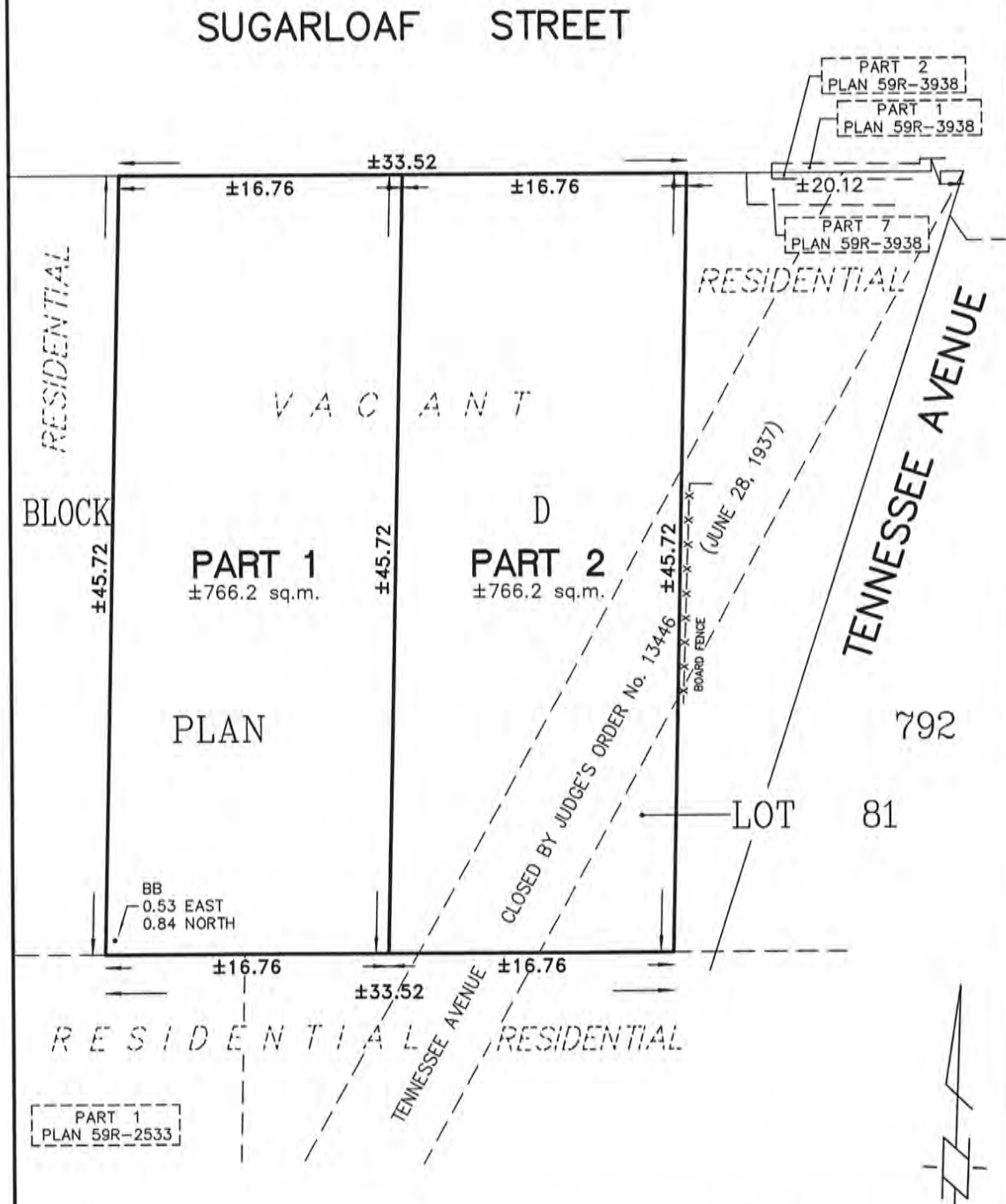
DRAWN BY: CM

CHECKED BY: MG

SCALE: 1:300

SURVEY 22-792

SKETCH PREPARED FOR SEVERANCE APPLICATION
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN
CURRENT SEVERANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.



VOID

IF USED FOR ANY OTHER
PURPOSE THAN THIS
CURRENT SEVERANCE
APPLICATION

PRELIMINARY
ONLY

FEB 15, 2023

Page 1 of 3 of 370

MARK GILMORE
Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
SKETCH OF PROPOSED SEVERANCE
PART OF LOT 81, PART OF BLOCK D
PART OF TENNESSEE AVENUE (CLOSED)
PLAN 776
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
DRAWN BY: CM CHECKED BY: MG
SCALE: 1:300 SURVEY 22-792

**Stage 1 and 2 Archaeological Assessment of
336 Sugarloaf Street, Formerly Part of Historic Lot 30, Concession 1,
Geographic Township of Humberstone, Welland County, now in the
City of Port Colborne, Regional Municipality of Niagara, Ontario**

Prepared by:



Licensee: Helen R. Haines
Archaeological Consulting Licence: P124
Project Information Number: P124-0227-2023

ORIGINAL REPORT
Report Dated: April 28, 2023

EXECUTIVE SUMMARY

AS&G Archaeological Consulting Inc. was contracted to conduct a Stage 1 and 2 Archaeological Assessment of 336 Sugarloaf Street, Formerly Part of Historic Lot 30, Concession 1, Geographic Township of Humberstone, Welland County, now in the City of Port Colborne, Regional Municipality of Niagara, Ontario.

The development project was triggered by the *Planning Act* and the archaeological assessment was done in advance of a proposal for severance.

A Stage 1 background study of the property was conducted to provide information about the property's geography, history, previous archaeological fieldwork, and current land condition in order to evaluate and document in detail the property's archaeological potential and to recommend appropriate strategies for Stage 2 survey. A Stage 2 property assessment was conducted to document all archaeological resources on the property, to determine whether the property contains archaeological resources requiring further assessment, and to recommend the next steps. The characteristics of the property dictated that the Stage 2 survey be conducted by a test pit survey strategy.

The Stage 1 background study found that portions of the property exhibit potential for the recovery of archaeological resources of cultural heritage value and interest and concluded that these portions require a Stage 2 assessment. The Stage 2 property assessment, which consisted of a systematic test pit survey, did not result in the identification of archaeological resources within the property. **The report recommends that no further archaeological assessment of the property is required.**

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PROJECT PERSONNEL

Project Manager:	Dr. Helen R. Haines (P124)
Project Director:	Mr. Norbert Stanchly (R149)
Field Director:	Mr. Pete Demarte (R1073)
Field Archaeologists:	Mr. Pete Demarte Mr. Peter Zubrzycki (A1301)
Report Preparation:	Mr. Norbert Stanchly Mr. Peter Zubrzycki Mr. Pete Demarte
Graphics:	Mr. Pete Demarte

INTRODUCTION

The *Ontario Heritage Act*, R.S.O. 1990 c. O.18, requires anyone wishing to carry out archaeological fieldwork in Ontario to have a license from the Ministry of Citizenship and Multiculturalism (MCM). All licensees are to file a report with the MCM containing details of the fieldwork that has been done for each project. Following standards and guidelines set out by the MCM is a condition of a license to conduct archaeological fieldwork in Ontario. **AS&G Archaeological Consulting Inc.** confirms that this report meets ministry report requirements as set out in the *2011 Standards and Guidelines for Consultant Archaeologists* and is filed in fulfillment of the terms and conditions of an archaeological license.

1.0 PROJECT CONTEXT

This section of the report will provide the context for the archaeological fieldwork, including the development context, the historical context, and the archaeological context.

1.1 Development Context

AS&G Archaeological Consulting Inc. was contracted to conduct a Stage 1 and 2 Archaeological Assessment of 336 Sugarloaf Street, Formerly Part of Historic Lot 30, Concession 1, Geographic Township of Humberstone, Welland County, now in the City of Port Colborne, Regional Municipality of Niagara, Ontario.

The development project was triggered by the *Planning Act* and the archaeological assessment was done in advance of a proposal for severance.

The legal description of the property is Part of Lot 81, Part of Block D, Part of Tennessee Avenue (Closed), Plan 776 (Formerly Part of Historic Lot 30, Concession 1, Geographic Township of Humberstone, Welland County), now in the City of Port Colborne, Regional Municipality of Niagara, Ontario. The property is situated within a residential block bound by Sugarloaf Street to the north, Tennessee Avenue to the east and south, and Laketown Drive to the west. Specifically, the property is located near the intersection of Sugarloaf Street and Tennessee Avenue. It is bound on the north by Sugarloaf Street, and residences to the immediate east (334 Sugarloaf St.), south (24 Tennessee Ave.), and west (340 Sugarloaf St.). The property is a vacant lot consisting of grassy areas, bushes, trees, gravel fill, gravel driveway, and a concrete walkway. Deeply and extensively disturbed areas where two structures formerly stood are also apparent. These structures are depicted in an older satellite image (Map 2). The property is a rectangular-shaped lot measuring approximately 45 x 33 m, or roughly 0.15 hectares in size.

Permission to access the property to conduct all required archaeological fieldwork activities, including the recovery of artifacts was given by the landowner and their representative.

1.2 Historical Context (Section 7.5.7, Standards 1-2)

In advance of the Stage 2 assessment, a Stage 1 background study of the property was conducted to document the property's archaeological and land use history and present condition. Several sources were referenced to determine if features or characteristics indicating archaeological potential for pre-contact and post-contact resources exist.

Characteristics indicating archaeological potential include the near-by presence of previously identified archaeological sites, primary and secondary water sources, features indicating past water sources, accessible or inaccessible shoreline, pockets of well-drained sandy soil, distinctive land formations that might have been special or spiritual places, such as waterfalls, rock outcrops, caverns, mounds, and promontories and their bases, resource areas, (including food or medicinal plants, scarce raw materials, early Euro-Canadian industry), areas of early Euro-Canadian settlement, early historical transportation routes, property listed on a municipal register or designated under the *Ontario Heritage Act* or that is a federal, provincial or municipal historic landmark or site, and property that local histories or informants have identified with possible archaeological sites, historical events, activities, or occupations.

Archaeological potential can be determined not to be present for either the entire property or a part of it when the area under consideration has been subject to extensive and deep land alterations that have severely damaged the integrity of any archaeological resources. This is commonly referred to as 'disturbed' or 'disturbance', and may include: quarrying, major landscaping involving grading below topsoil, building footprints, and sewage and infrastructure development. Archaeological potential is not removed where there is documented potential for deeply buried intact archaeological resources beneath land alterations, or where it cannot be clearly demonstrated through background research and property inspection that there has been complete and intensive disturbance of an area. Where complete disturbance cannot be demonstrated in Stage 1, it will be necessary to undertake Stage 2 assessment.

The background study determined that the following features or characteristics indicate archaeological potential for the property:

- The property is situated in the Haldimand Clay Plain physiographic region (Chapman and Putnam 1984). The Haldimand Clay Plain lies between the Niagara Escarpment and Lake Erie, and it consists of an intermixture of stratified clay and till.

- The property is located within an area of early Euro-Canadian settlement and historic transportation routes.
- The property is located within 150 m of a primary water source (i.e., Lake Erie).
- There are eight (8) known archaeological sites within a one-kilometre radius of the property. Five (5) of these sites are located within a 300-metre radius of the property limits.

In summary, there are areas of archaeological potential remaining within the property. The Stage 1 background study did not identify any areas of previously disturbed lands within the property that have severely damaged the integrity of archaeological resources and have removed archaeological potential.

1.2.1 Pre-Contact Period

The Pre-Contact period began with the arrival of nomadic peoples with the gradual retreat of the glaciers approximately 12,000 years ago (Karrow and Warner 1990). Between 12,000 and 10,000 years before present, the Palaeoindian period was characterized by people that lived in small family groups, subsisting on large game and other fauna associated with the cooler environments of the period (Ellis and Deller 1990).

Archaic Period (10,000 - 2800 BP) - As the climate in southern Ontario warmed, Aboriginal populations adapted to these new environments. New technologies and subsistence strategies were introduced and developed. Woodworking implements such as groundstone axes, adzes and gouges began to appear, as did net-sinkers (for fishing), numerous types of spear points and items made from native copper, which was mined from the Lake Superior region. The presence of native copper on archaeological sites in southern Ontario and adjacent areas suggests that Archaic groups were involved in long range exchange and interaction. The trade networks established at this time were to persist between Aboriginal groups until European contact. Archaic peoples became seasonal hunters and gatherers to exploit seasonably available resources in differing geographic areas. As the seasons changed, these bands split into smaller groups and moved inland to exploit other resources that were available during the fall and winter such as deer, rabbit, squirrel, and bear, which thrived in the forested margins of these areas (Ellis et al. 1990).

The Woodland Period (2800 BP to AD 750) saw the gradual establishment of technological and social changes, especially the appearance of clay pots (Spence et al. 1990). Population increases also led to the establishment of larger camps and villages with more permanent structures. Elaborate burial rituals and the interment of numerous exotic grave goods with the deceased began to take place. Increased trade and interaction between southern Ontario populations and groups as far away as the Atlantic coast and the Ohio Valley was also taking place. The Late Woodland period is marked by the introduction of maize to Southern Ontario, ca. AD 700. With the development of horticulture as the predominant subsistence base, the Late Woodland Period gave rise to a

tremendous population increase and the establishment of permanent villages. Social changes were also taking place and distinct clustering of both longhouses within villages (clan development) and villages within a region (tribal development). The Late Woodland groups that inhabited the Toronto area eventually moved their villages northward toward Georgian Bay. It was these and other groups in southwest Ontario that eventually evolved into the Aboriginal nations who interacted with and were described by French missionaries and explorers during the early seventeenth century (Williamson 2013).

1.2.2 Post-Contact History of the County of Welland, Humberstone Township, and the City of Port Colborne

Historically, the property lies within the Geographic Township of Humberstone, in the County of Welland. The County of Welland was established in 1845 from Lincoln County. Its name derives from the Welland River, which flows from its headwaters south of Hamilton to the Niagara River south of Niagara Falls, and was named by John Graves Simcoe after the River Welland in Lincolnshire, England. Welland County was one of the first major settlements within Upper Canada, with many early settlers being Loyalists from the United States. As an important source of transportation and energy production, the Welland River contributed to the rapid early settlement of the region. Notably, in 1824, construction began of the Welland Canal shipping route, which connects Lake Ontario to Lake Erie. The canal allows ships to ascend and descend the Niagara Escarpment while bypassing Niagara Falls, and it was first used in 1829. Today, at 421 m long, Welland Canal Lock 8 is the second-longest canal lock in the world (<http://www.niagarawellandcanal.com/>).

The Geographic Township of Humberstone was first settled in 1785 and was named after the town of Humberston in Lincolnshire, England. At approximately 13,000 hectares in area, it was notable for having an extensive peat bog, which was later extensively drained for settlement and farming, but the rest of the land was also very productive (Middleton and Landon 1927). The development of the township was directly linked to the Welland Canal, which cut through the western portion of the township, and is the location for the largest communities of Petersburg and Port Colborne. Some of the original Township settlers were Daniel Knisley, John Near, Michael Sherk, George Zavitz, and John Steele (Middleton and Landon 1927).

By 1817, Humberstone had expanded greatly and there was a sawmill, a grist mill, and 75 families living within the Township (Middleton and Landon 1927). By 1850, there were 279 houses, 1 grist mill, 3 sawmills, 1 foundry, 2 churches, and 8 public schools, with a population of 2,377 (Page and Co. 1876). The Loop Line of the Great Western Railway traveled through the northern portion of Humberstone Township, while the Canada Southern Railway extended through the northeast portion of the Township (Page and Co. 1876).

Port Colborne was first settled in 1832, when it was called Gravelly Bay. It was named after Sir John Colborne, the Lieutenant Governor of Upper Canada when the southern terminus of the First Welland Canal opened at Lake Erie in 1833. The community's earliest settlers were United Empire Loyalists fleeing the American Revolution. Port Colborne is located on the shores of Lake Erie at the southern terminus of the Welland Canal. As the southern port of entry to the canal, Port Colborne's growth was significantly tied to it, and it became one of Humberstone Township's largest communities. The village was also an important station on the Buffalo and Lake Huron Railway, as well as the Welland Railway (Page and Co. 1876). In 1870, Port Colborne incorporated as a Village, and in 1918, became a Town. It later merged with the neighbouring Village of Humberstone in 1952 and was re-incorporated as the City of Port Colborne in 1966. In 1970, the Regional Municipality of Niagara was formed, which included Welland County and Humberstone Township, among others.

1.2.3 Past Land Use of the Property

Historically, the property was part of Lot 30, Concession 1, Geographic Township of Humberstone, Welland County, now in the City of Port Colborne, Regional Municipality of Niagara, Ontario.

According to *Tremaine's 1862 Maps of the County of Lincoln and Welland, Canada West*, the portion of Lot 30, Concession 1, Humberstone Township, Welland County, including the current property limits, was owned by a "D. Steel". It does not depict any structures within the property limits. Approximately 950 m north of the property, tracks of the Buffalo and Lake Huron Railway are shown traversing the lot from east to west.

According to *Page and Co's 1876 Illustrated Historical Atlas of the Counties of Lincoln and Welland, Ont.*, the portion of Lot 30, Concession 1, Humberstone Township, Welland County, including the current property limits, was owned by a "David Steele". This map depicts a structure located immediately northeast of the current property. An orchard is depicted just north of this historical structure.

It must be borne in mind that inclusion of names of property owners and depictions of structures within properties on these maps were sold by subscription. While information included within these maps may provide information about occupation of the property at a specific point in time, the absence of such information does not indicate that the property was not occupied.

In summary, the Stage 1 background study indicates that there is potential for the recovery of pre-contact and post-contact Euro-Canadian archaeological resources within the property. As it cannot be clearly demonstrated through the background study that there has been complete and intensive disturbance of the area, archaeological potential is not removed.

1.3 Archaeological Context (Section 7.5.8, Standards 1-7)

In Ontario, information concerning archaeological sites is stored in the Ontario Archaeological Sites Database (O.A.S.D.), an inventory of the documented archaeological record in Ontario.

Summary information on the known archaeological sites in the vicinity of the property was obtained from the MCM site database. There are eight (8) known archaeological sites within a one-kilometre radius of the property: AfGt-2 (Tennessee Avenue), AfGt-5 (Solid Comfort Cemetary), AfGt-6 (Pinelli), AfGt-27 (Ansari Site), AfGt-82 (Wildwood), AfGt-101 (Sugarloaf), AfGt-102, and AfGt-234.

Of these eight archaeological sites, five (5) sites are located within 300 metres of the property: AfGt-5 (Solid Comfort Cemetary [*sp.*]), AfGt-6 (Pinelli), AfGt-27 (Ansari Site), AfGt-101 (Sugarloaf), and AfGt-102.

Table 1: Known Archaeological Sites within 1-Km of Property					
Borden Number	Site Name	Time Period	Affinity	Site Type	Current Development Review Status
AfGt-2	Tennessee Avenue	Archaic, Woodland	Aboriginal	Unknown	Further CHVI
AfGt-5	Solid Comfort Cemetary	Pre-Contact	Aboriginal		
AfGt-6	Pinelli				
AfGt-27	Ansari Site	Post-Contact, Pre-Contact			No Further CHVI
AfGt-82	Wildwood	Post-Contact, Pre-Contact	Aboriginal, Euro-Canadian	Unknown	
AfGt-101	Sugarloaf	Archaic, Late	Aboriginal	Other camp / campsite, workshop	Further CHVI
AfGt-102		Pre-Contact	Aboriginal	Scatter	
AfGt-234		Archaic, Late, Woodland, Late	Aboriginal	Camp / campsite, seasonal	No Further CHVI

The Solid Comfort Cemetary (sp.) (AfGt-5) Site

The Solid Comfort Cemetary (*sp.*) (AfGt-5) site was located in Lot 30, Concession 1, on a crest of a sand dune south of Tennessee Avenue. The site was investigated in 1979 and 1997. In 1979, the upper portion of the site was found to be disturbed by looters. In 1997, 75 test pits were hand excavated at 5 m intervals, measuring 35 cm in diameter and 35 cm

deep. Flakes, ceramic spheres, and human remains representing a Pre-Contact Aboriginal site were observed, but no artifacts were recovered. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The Pinelli (AfGt-6) Site

The Pinelli (AfGt-6) site was located in Lot 30, Concession 1, and was located on the leeward side of a sand dune on the north side of Tennessee Ave, in the front yard of 34 Tennessee Ave. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The Ansari (AfGt-27) Site

The Ansari (AfGt-27) site in Lot 30, Concession 1, was located in a grassy lawn and low beach terrace at 9 Tennessee Avenue, under and around residential properties at the end of Tennessee Ave. It was a multi-component chert acquisition site that underwent stages 1-4 archaeological assessments from 1984 to 2011. Stage 2 investigations of 65 test pits, and Stage 3 excavations of 46 units, recovered 9,158 Aboriginal debitage and 435 artifacts. Stage 4 salvage excavations collected 6,788 Aboriginal and 701 Euro-Canadian artifacts. The Pre-Contact collection consisted primarily of stone tool chipping detritus, though some ceramic sherds were also found, as was a cache of chert blocks. From various excavations, the Pre-Contact lithic material consisted of abundant Onondaga chert waste associated with workshops and some domestic activity. They point to a Glen Meyer tool tradition of the Late Woodland, as well as a Princess Point Middle Woodland tradition. The Post-Contact Euro-Canadian ceramics infer that the site was used prior to A.D. 1850. The absence of brick fragments and the small numbers of nails and window glass suggest that the Post-Contact site was not a homestead, but rather, a refuse dump. The Ansari site has an inferred date of 2000 BC – 1630 AD (This Land Archaeology Inc. 2013). It was deemed to have no further CHVI. There is one report (This Land Archaeology Inc. 2013) available regarding this site in the MCM archaeological sites database.

The Sugarloaf (AfGt-101) Site

The Sugarloaf (AfGt-101) site was located in the front lawn of Port Colborne General Hospital, at the western edge along the east side of Steele Street, south of the Niagara Regional Pumping Station. Located immediately east of the Ansari site (AfGt-27), it was assessed in a 2001 surface collection of a 10 x 25 m area. Sixty-five Pre-Contact artifacts were collected dating to the Late Archaic, including 1 pentagonal Genesee preform and lithic flakes or debitage. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The AfGt-102 Site

The AfGt-102 site was identified in a 2004 test pit survey and was accessible via Steele Street. It was found on a grassy lawn and low beach terrace. Consisting of 2 lithic flakes and 2 shatter fragments, it represented a Pre-Contact Aboriginal scatter. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The property is situated within a residential zone bordered by Sugarloaf Street to the north, Tennessee Avenue to the east and south, and Laketown Drive to the west. The property is a vacant lot consisting of grassy areas, bushes, trees, gravel fill, gravel driveway, and a concrete walkway. Deeply and extensively disturbed areas where two structures formerly stood are also evident. The property is a rectangular-shaped lot measuring approximately 45 m north-south by 33 m east-west, and is roughly 0.15 hectares in size.

The property is located within the Haldimand Clay Plain physiographic region, which lies between the Niagara Escarpment and Lake Erie. It includes all of the Niagara Peninsula above the Escarpment, and covers an area of roughly 3,500 km². It consists of an intermixture of stratified clay and till. The region is generally flat and poorly drained, with landforms including dunes, cobble, clay, sand beaches, limestone pavements, and backshore wetland basins (Chapman and Putnam 1984). The main part of Welland County (Regional Municipality of Niagara) is comprised of heavy clay soils, which are notably deficient in lime, phosphorus, and organic matter, and much of the land is very weedy (Chapman and Putnam 1984). Historically, in Ontario, clay plains of low relief have generally been livestock farming regions, but crops including hay, corn, oats, wheat, and barley have also been important in the Haldimand region (Chapman and Putnam 1984: 158). The Port Colborne area is characteristically flat and relatively featureless, except for the low, north-facing Onondaga Escarpment, which forms an east-west bedrock promontory in the southern third of the area.

The archaeological fieldwork of the property was undertaken on April 12, 2023, under sunny skies and warm temperatures. No rain occurred during the fieldwork.

AS&G Archaeological Consulting Inc. is not aware of any previous archaeological assessments that have been conducted on or within 50 metres of the property.

There are no unusual physical features that may have affected fieldwork strategy decisions or the identification of artifacts or cultural features.

There is no additional archaeological information that may be relevant to understanding the choice of fieldwork techniques or the recommendations of this report.

2.0 FIELD METHODS

This section of the report addresses Section 7.8.1 of the 2011 Standards and Guidelines for Consultant Archaeologists. It does not address Section 7.7.2 because no property inspection was done as a separate Stage 1.

The entire project area was surveyed, including areas identified as visibly disturbed.

As relevant, we provide detailed and explicit descriptions addressing Standards 2a and b.

The general standards for property survey under Section 2.1 of the 2011 Standards and Guidelines for Consultant Archaeologists were addressed as follows:

- Section 2.1, S1 – All of the property was surveyed.
- Section 2.1, S2a (*land of no or low potential due to physical features such as permanently wet areas, exposed bedrock, and steep slopes*) - n/a.
- Section 2.1, S2b (*no or low potential due to extensive and deep land alterations*) – The property contains extensive disturbance in the form of surface grading and/or removal of natural topsoil from the previous structures, driveway, and walkway.
- Section 2.1, S2c (*lands recommended not to require Stage 2 assessment by a previous Stage 1 report where the ministry has accepted that Stage 1 into the register*) - n/a
- Section 2.1, S2d (*lands designated for forest management activity w/o potential for impacts to archaeological sites, as determined through Stage 1 forest management plans process*) - n/a
- Section 2.1, S2e (*lands formally prohibited from alterations*) - n/a
- Section 2.1, S2f (*lands confirmed to be transferred to a public land holding body, etc.*) - n/a
- Section 2.1, S3 - The Stage 2 survey was conducted when weather and lighting conditions permitted excellent visibility of features.
- Section 2.1, S4 - No GPS recordings were taken as no artifacts were found during the Stage 2 assessment.
- Section 2.1, S5 - All field activities were mapped in reference to fixed landmarks, survey stakes, and development markers, as appropriate. See report section 9.0 *Maps*.
- Section 2.1, S6 - See report section 8.0 *Images* for photo documentation of examples of field conditions encountered.

The property was subject to a systematic test pit survey appropriate to the characteristics of the property. The test pit survey of the property followed the standards within Section 2.1.2 of the 2011 *Standards and Guidelines for Consultant Archaeologists*. Test pits were systematically spaced at standardized 5-meter intervals in areas of the property that were not disturbed, i.e., the backyard. Where possible, all test pits were at least 30 cm in

diameter. Each test pit was excavated by hand, into at least the first 5 cm of subsoil and examined for stratigraphy, cultural features, or evidence of fill where possible. No stratigraphy or cultural features were noted. Soils were screened through 6 mm mesh. No artifacts were encountered. All test pits were backfilled.

Section 1.3.2 of the 2011 MCM Standards and Guidelines for Consultant Archaeologists outlines features that may indicate the removal or disturbance of archaeological potential. Such features may include quarrying, major landscaping involving grading below topsoil, building footprints, sewage, and infrastructure development, etc.

The property contains features that indicate the removal or disturbance of archaeological potential. These include:

- Extensive disturbance of the property by former structures, driveway, walkway, and backyard, which is associated with the grading and/or removal of natural topsoil.

These areas are excluded from further archaeological investigation.

3.0 RECORD OF FINDS

This section documents all finds discovered as a result of the Stage 1 and 2 archaeological assessment of the property.

No archaeological resources or sites were identified in the Stage 2 assessment.

An inventory of the documentary record generated in the field is provided in Table 2.

Table 2: Inventory of Documentary Record	
Document Type	Description
Field Notes	<ul style="list-style-type: none">• This report constitutes the field notes for this project
Photographs	<ul style="list-style-type: none">• 5 digital photographs
Maps	<ul style="list-style-type: none">• The report figures represent all of the maps generated in the field.

Information detailing exact site locations on the property is not submitted because no sites or archaeological resources were identified in the Stage 2 assessment.

4.0 ANALYSIS AND CONCLUSIONS

No archaeological sites were identified. Standard 2 is not addressed because no sites were identified.

5.0 RECOMMENDATIONS

The report makes recommendations only regarding archaeological matters.

The Stage 2 archaeological assessment did not identify any archaeological sites requiring further assessment or mitigation of impacts and **it is recommended that no further archaeological assessment of the property be required.**

6.0 ADVICE ON COMPLIANCE WITH LEGISLATION

Section 7.5.9, Standard 1a

This report is submitted to the Minister of Citizenship and Multiculturalism as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Citizenship and Multiculturalism, a letter will be issued by the ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.

Section 7.5.9, Standard 1b

It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed archaeological fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeological Reports referred to in Section 65.1 of the *Ontario Heritage Act*.

Section 7.5.9, Standard 1c

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48 (1) of the *Ontario Heritage Act*.

Section 7.5.9, Standard 1d

The *Cemeteries Act*, R.S.O. 1990 c. C.4 and the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 (when proclaimed in force) require that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services.

Section 7.5.9, Standard 2

Not applicable.

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This Land Archaeology Inc.

2013 Original Report on the Stage 4 Salvage Excavations of the Ansari Site (AfGt-27) – on Part 3 and Monitoring of the Cellar on Part 3, and Monitoring of the Cellar and Service Trench on Part 1 at 19 Tennessee Avenue, Lot 30, Concession 1, Port Colborne, Ontario. Report on file, Ontario Archaeological Sites Database (O.A.S.D.), Ministry of Citizenship and Multiculturalism, Toronto, ON

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8.0 IMAGES



Image 1: Test Pit Survey of Property.



Image 2: Property Conditions for Test Pit Survey.



Image 3: Property Conditions for Test Pit Survey.



Image 4: Property Conditions for Test Pit Survey.



Image 5. Property Conditions for Test Pit Survey.

9.0 MAPS



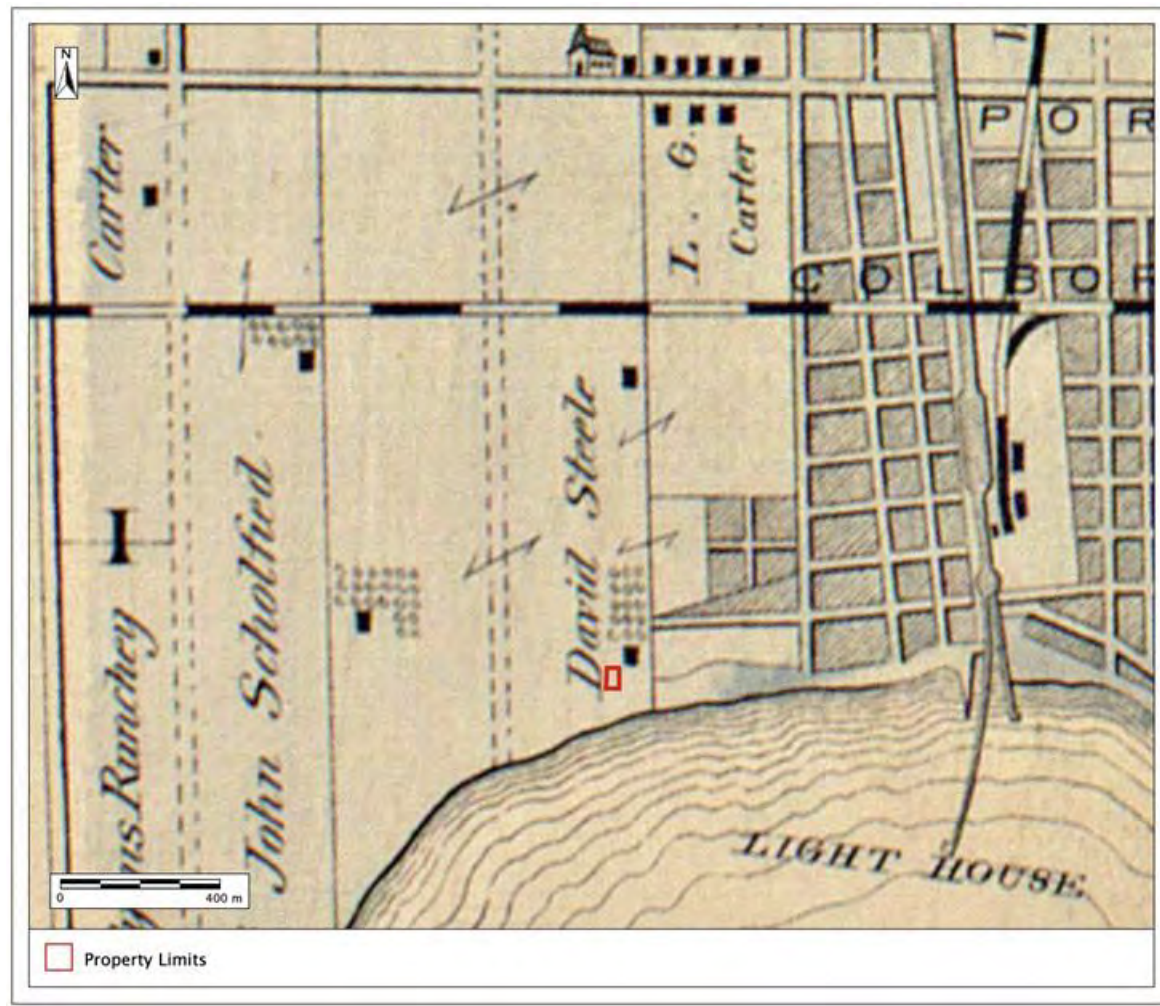
Map 1: General Location of Property (MNR 2023).



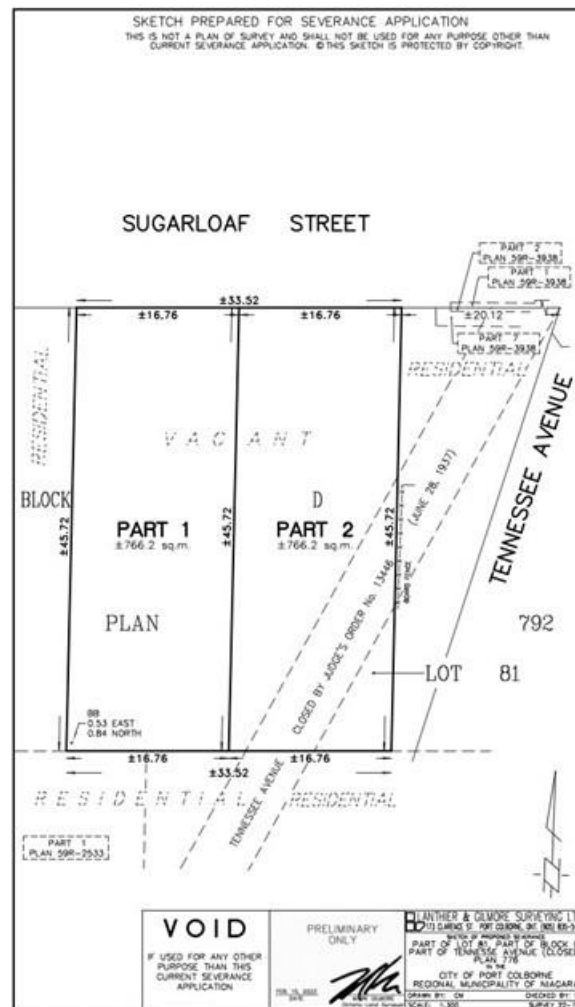
Map 2: Property Limits Overlaid on Recent Aerial Imagery (prior to demolition of structures) (MNRF 2023).



Map 3: Property Limits Overlaid on 1862 Historical Atlas Map (Tremaine 1862).



Map 4: Property Limits Overlaid on 1876 Historical Atlas Map (Page & Co. 1876).



Map 5: Clear Copy of Plan of Survey (Provided by Proponent)



Map : Archaeological Assessment Results Overlaid on Plan of Survey (Provided by Proponent).

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Denise Landry](#); [David Schulz](#); [Chris Roome](#)
Subject: RE: June COA Notices of Hearing
Date: May 24, 2023 10:38:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[logo_92ffc72e-1a94-4c3c-bb44-cfecb6d7c8b8.png](#)
[facebook_ea8c96f7-cf37-4d73-ad46-6ee4e0c9ae71.png](#)
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[youtube_c96bc151-7cd5-41cb-9264-033a34192aa4.png](#)
[linkedin_44d141ad-f5f8-454c-969a-0fe0c2e19cfb.png](#)

Hi Diana,

Please see my comments below.

A11-23-PC – 38 Church Street

- No comment

A12-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for the construction of new entrance or alteration of existing entrance on Oakwood Street

A13-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B05-23-PC – 242 & 244 Humboldt Parkway

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B06-23-PC – 336 Sugarloaf Street

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B07-23-PC – 316 Second Concession Road

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B08-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B09-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B10-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B11-23-PC – 36 & 38 Page Street

- Final grading does not conform with proposed grading plan and is currently draining onto adjacent property

B12-23-PC – 194 Chippawa Road

- No comment

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2900 x226

Email Nicholas.Olschansky@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

Hello Diana

A11-23-PC there are not comments regarding municipal drains

A12-23-PC there are not comments regarding municipal drains

A13-23-PC there are not comments regarding municipal drains

B05-23-PC there are not comments regarding municipal drains

B06-23-PC there are not comments regarding municipal drains

B08-23-PC there are not comments regarding municipal drains

B09-23-PC there are not comments regarding municipal drains

B11-23-PC there are not comments regarding municipal drains

B12-23-PC there are not comments regarding municipal drains

B07-23-PC this property abuts the Indian Creek Municipal Drain watershed however this parcel is not within the municipal drain watershed so there are not comments regarding municipal drains for this parcel either.



PORT COLBORNE



www.portcolborne.ca

Alana VanderVeen
Drainage Superintendent
City of Port Colborne

1 Killaly St W
Port Colborne, ON L3K 6H1
Phone 905-835-2900 x291
Email Alana.VanderVeen@portcolborne.ca

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Hi everyone,

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Zoning Amendment Application - 336 SUGARLOAF STREET
Date: May 23, 2023 3:17:09 PM
Attachments: [logo_92ffc72e-1a94-4c3c-bb44-cfecb6d7c8b8.png](#)
[facebook_ea8c96f7-cf37-4d73-ad46-6ee4e0c9ae71.png](#)
[instagram_7243eec2-a3c9-4dc2-840b-7a7e9ba94caf.png](#)
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[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 B06-23-PC

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

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Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

May 29, 2023

Region File: D.06.07.CS-23-0012

Diana Vasu

Secretary Treasurer of the Committee of Adjustment

City of Port Colborne

66 Charlotte Street

Port Colborne, ON, L3K 3C8

Dear Ms. Vasu:

**Re: Regional and Provincial Comments
Proposed Consent Application
City File: B06-23-PC
Applicant: John Truong
336 Sugarloaf Street
City of Port Colborne**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-mentioned Consent Application for the subject lands municipally known as 336 Sugarloaf Street in the City of Port Colborne.

The application proposes to sever Part 2, as shown on the attached sketch prepared by Lanthier & Gilmore Surveying Ltd. for an existing residential use and retain Part 1 for an residential use.

The following comments are provided from a Provincial and Regional perspective to assist the Committee in consideration of the application.

Provincial and Regional Policies

The property is located within the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), the 'Delineated Built-Up Area' in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and designated 'Built-Up Area' in the *Niagara Official Plan, 2022* ("NOP")

The PPS, Growth Plan, and NOP direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists.

Provincial and Regional policy place an emphasis on intensification and infill to foster the development of complete communities that offer a diverse mix of land uses and housing choices, improve social equity and quality of life, and spaces that are vibrant and resilient in design. A full range of residential uses are permitted generally within the Built-Up Area, subject to meeting applicable provisions of the NOP.

The proposed severance to create an additional developable lot is permitted within the Built-Up Area and will assist the City in achieving its 30% intensification target as set out in Table 2-2 of the NOP. Subject to the below comments, staff offer no objection to the proposal.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 2.6.2 and NOP policy 6.4.2.1 state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

The property is mapped within Schedule K as an area of archaeological potential and there are several registered archaeological sites located within 300 m. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological potential, a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, shall be circulated to the Region as part of a complete application.

Staff has reviewed the submitted *Stage 1 and 2 Archaeological Assessment of 336 Sugarloaf Street*, prepared by AS&G Archaeological Consulting (dated April 28, 2023). The Stage 1 background assessment found that portions of the property exhibit potential for the recovery of archaeological resources or cultural heritage value and interest. The Stage 2 archaeological assessment, which utilized test pit survey methods, did not identify any archaeological sites requiring further assessment or mitigation of impacts. Therefore, the licensed archaeologist has recommended that no further archaeological assessment of the property is required.

Staff has not received acknowledgement from the Ministry of Citizenship and Multiculturalism ("MCM") that the report has been submitted to the Ontario Public Register of Archaeological Reports. As such, staff require this acknowledgement to be circulated to Niagara Region when available. If the Ministry requires further archaeological work to be completed prior to acknowledging the *Stage 1 and 2 Archaeological Assessment of 336 Sugarloaf Street*, prepared by AS&G Archaeological Consulting (dated April 28, 2023), these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all

May 29, 2023

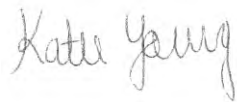
archaeological resource concerns have met licensing and resource conservation requirements. An appropriate condition has been included in the Appendix in this regard.

Conclusion

Regional Growth Strategy and Economic Development staff do not object to the proposed Consent application, provided the attached condition of receiving Ministry acknowledgement of the submitted archaeological assessment has been received. Provided this can be fulfilled, the application is consistent with the *Provincial Policy Statement* and conforms to Provincial and Regional plans.

Please contact the undersigned at Katie.Young@niagararegion.ca should you have any questions related to the above comments. Please send the Notice of Decision on this Applications when available.

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning

Appendix

Regional Condition of Consent

336 Sugarloaf Street, Port Colborne

1. That the applicant/owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled *Stage 1 and 2 Archaeological Assessment of 336 Sugarloaf Street*, prepared by AS&G Archaeological Consulting (dated April 28, 2023). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Planning and Legislative Services

Planning Division Report

June 9th, 2023

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

Re: Application for Consent B06-23-PC
336 Sugarloaf Street
Part of Lot 81, Block D on Plan 776
Agent: N/A
Owner(s): John Truong

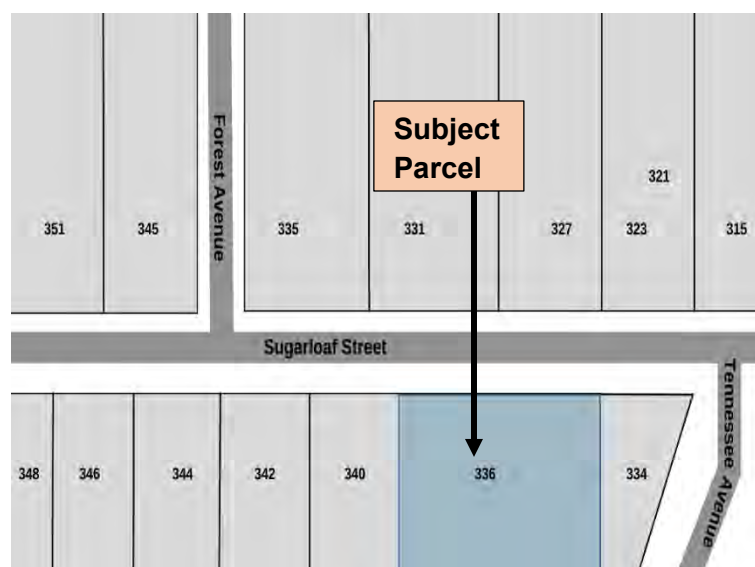
Proposal:

The purpose of this application is to permit the severance of the vacant parcel at 336 Sugarloaf Street, for the purpose of creating a new lot. Parts 1 and 2 (See appendix A) will both have a lot frontage of 16.76m and a lot area of 766.2m², for future residential uses.

Surrounding Land Uses and Zoning:

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

Environmentally Sensitive Areas:



The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on May 31st, 2023, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of June 9th, 2023, no correspondence from the public has been received.

Agency Comments:

Notice was circulated on May 15th, 2023, to internal staff and agencies. As of June 9th, 2023, the following has been received.

Drainage Superintendent

There are no concerns regarding municipal drains for this application.

Fire Department

Port Colborne Fire has no objection to the proposed application.

Engineering Technologist

A master lot grading plan is recommended to ensure that the severed parcels will drain independently and without adversely affecting the adjacent property. A municipal consent permit will also be required for work within the City right-of-way (construction of entrances, site servicing, etc.).

Staff Response

Planning Staff will add, as a condition of consent, that a master grading plan be submitted to the satisfaction of City Staff.

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 that efficiently use land and resources.

Staff is satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources by providing a buildable lot and promoting growth within the settlement area.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support 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 support a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports and encourages development in the delineated built-up area, as this will contribute to intensification. The existing lot is vacant, therefore the application is sought to promote development in a delineated built-up area within the urban boundary.

The Niagara Official Plan (NOP), identifies the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Intensification is generally encouraged throughout the Built-up Area and includes residential uses that make efficient use of existing services.

Planning Staff is satisfied that the proposed consent application conforms to the NOP. The proposed lots add to the intensification of the built-up area and make efficient use of the existing infrastructure and services. The application promotes intensification through development within an established Built-up area, where municipal roads and servicing are present. The retention of residential uses on the subject property aligns with the Region’s encouragement of intensification, through developing residential uses that are efficiently supported by existing infrastructure and servicing.

City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City’s Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is encouraged.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP, which requires that severance applications must be submitted with an Ontario Land Surveyors Sketch and that each parcel has frontage on a public road. This section also provides for the collection of parkland dedication as a result of lot creation. Staff has established that parkland dedication fees are required to be collected before a building permit can be issued, and as such, Staff will include a condition that the applicant signs the City’s Memorandum of Understanding, stating that they are aware of the requirements for the collection of parkland dedication as set out in by-law number 4748/130/05.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. Staff is satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the severed and retained lot will have frontage on a public road.

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

The subject lands are zoned First Density Residential (R1) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 16.76m and a lot area of 766.2m²

Part 2: A lot frontage of 16.76m and a lot area of 766.2m².

R1 zoning permits detached dwellings and accessory structures and buildings thereto. The minimum lot creation policies for a detached dwelling are 15m of lot frontage and 500m² of total lot area. From the information above and on Appendix A, the proposal indicates that these minimum requirements will be exceeded.

Staff is satisfied that the proposed application will meet the requirements of the Zoning By-law. The proposed lots on Parts 1 and 2 do exceed the zone requirements for lot frontage and area, and as a result, a future detached dwelling(s) can be located in a suitable location on the subject property.

Recommendation:

Given the information above, Planning Staff recommends application B06-23-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 \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant signs 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.
4. That the applicant submits a master grading plan to the satisfaction of City Staff.

5. That all conditions of consent be completed by June 14th, 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,

A handwritten signature in black ink, appearing to read 'C. Roome', with a long horizontal flourish extending to the right.

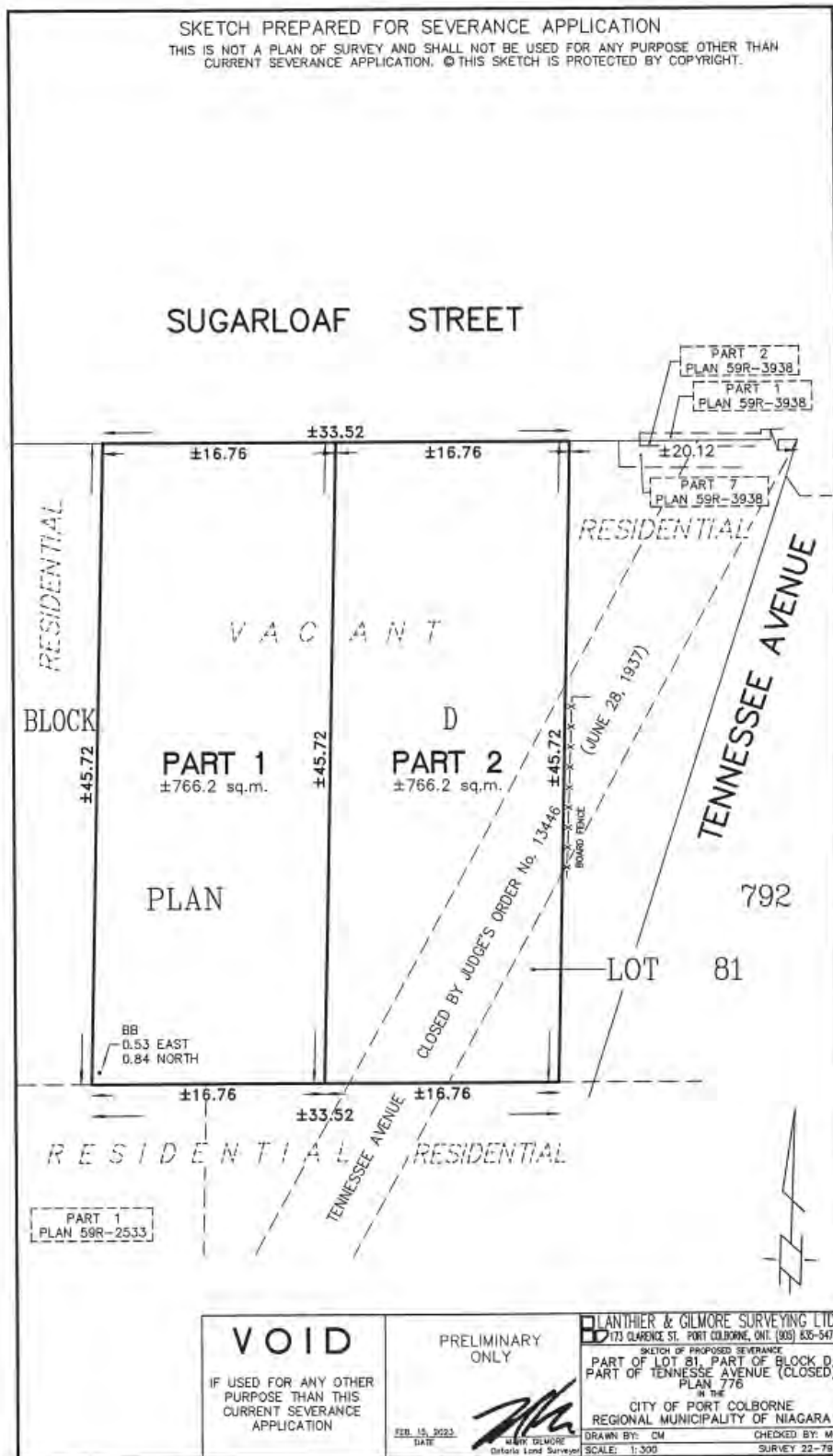
Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'D. Landry', with a horizontal line drawn underneath the signature.

Denise Landry, MCIP, RPP
Chief Planner

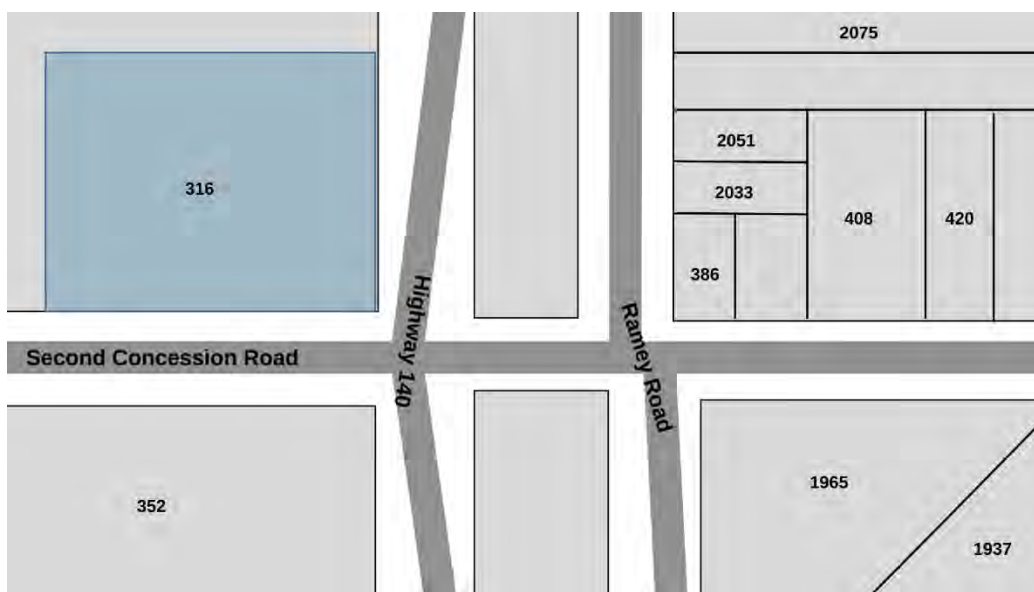
Appendix A



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 Concession 3 Lot 25, in the City of Port Colborne, located in the Gateway Industrial (GI) zone, municipally known as 316 Second Concession Road.

AND IN THE MATTER OF AN APPLICATION by the applicant Timothy Horst for consent to sever for the purpose of creating a new lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 1 is to be severed for future Gateway Industrial uses and Part 2 is to 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: June 14, 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, June 9th, 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.

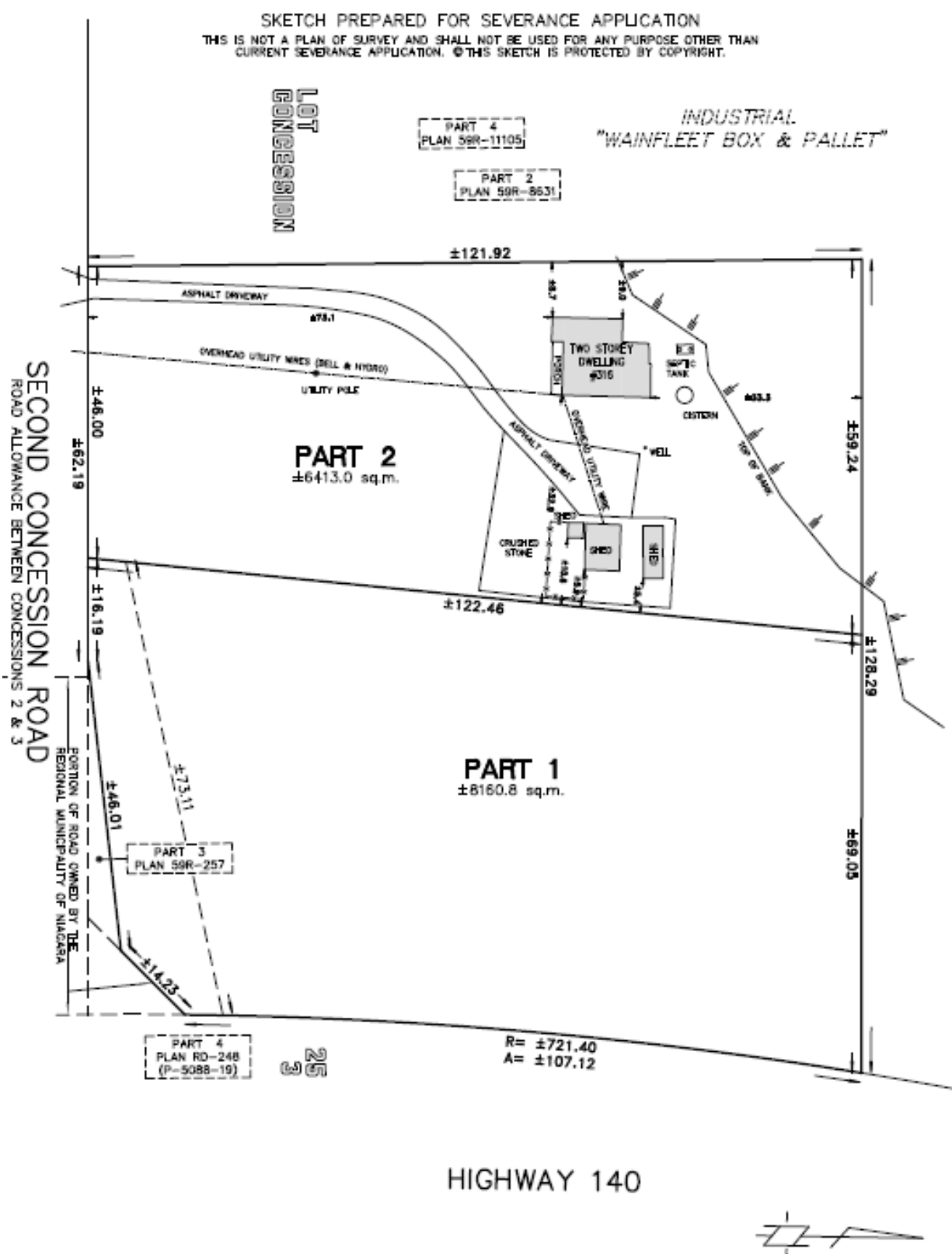
Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, June 13th, 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.

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.

Am

Diana Vasu
Secretary-Treasurer

Date of Mailing: May 31, 2023



A - ARC
R - RADIUS

VOID

**IF USED FOR ANY OTHER
PURPOSE THAN THIS
CURRENT SEVERANCE
APPLICATION**

PRELIMINARY
ONLY

DEC. 30, 2012

[Signature]
GARY G. WHITE

SECTION OF PROPOSED SEWERAGE
PART OF LOT 25
CONCESSION 3
GEORGIAN TOWNSHIP OF HAMMILLSTONE, NOW IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

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 TH

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: Timothy Horst, Reginald Malott	
Mailing Address: 316 Second Conession Road	
City: Port Colborne	Province: Ontario
Postal Code: L3K5V5	Telephone: 905-964-7859
Fax:	Email: timhorst555@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.
Judith Drinkwater

1.5 Date and Subject Land was acquired by the Current Owner:
2021/09/21

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

Name:Lanthier & Gilmore Surveying Ltd.	
Mailing Address:173 Clarence Street	
City:Port Colborne	Province:Ontario
Postal Code:L3K3G4	Telephone:9005-835-5477
Fax:	Email:lanthier.gilmore@bellnet.ca

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.3	Lot(s):25
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street:Second Concession Road	Street No.316

2.1 Type of proposed transaction: (Check appropriate space(s))	
<input checked="" 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 type="checkbox"/> Easement	
Reason for proposed transaction:	
SALE OF NEW LOT	

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:

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: Gateway Economic Centre
Regional Policy Plan: Employment Area - Greenfield Area

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

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 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 6

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

Section 7

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

Section 8

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

Section 9

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: +/- 62.2m	Depth: +/-122.46	Area: +/-8160.8 sq.m.
Existing Use: Residential		
Proposed Use: Unknown		

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: None
Proposed: Unknown

Section 10

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: +/-46.00	Depth: +/-121.92	Area: +/-6413.0 sq.m.
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:
Proposed:

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 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

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 type="checkbox"/> Residential
<input checked="" 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?
Unknown

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
Dwelling	73.1	33.3	8.7	32.9	2 storey	+/-173.3sq.m.	Unknown
Shed	87.4	31.2	5.4			+/-25.7 sq.m.	Unknown
Shed	75.6	38.1	5.9			+/-40.3 sq.m.	Unknown

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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/> x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> x
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
Wainfleet Box & Pallet

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

<p>14.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Unknown</p>
<p>14.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Unknown</p>
<p>14.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Unknown</p>
<p>14.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Unknown</p>
<p>14.12 Have the lands or adjacent lands ever been used as a weapons firing range?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Unknown</p>
<p>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?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Unknown</p>
<p>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)?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Unknown</p>
<p>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?*</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Unknown</p> <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 FEB. 16 / 23
Date

X Sam Hunt
Signature of Owner

14.16 Are there any buildings designated under the Ontario Heritage Act?
<input type="checkbox"/> Yes
<input type="checkbox"/> No
<input checked="" type="checkbox"/> Unknown

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

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?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> 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 checked="" type="checkbox"/> No	
<input 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 checked="" type="checkbox"/> No	
<input 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 type="checkbox"/> No	
<input checked="" 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 checked="" type="checkbox"/> No	
<input type="checkbox"/> Unknown	

X FEB. 16/23
Date

X Sam Hunt
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 Tim Horst

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 16th day of February

A.D 20 23

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 Sam Hunt

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

(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. 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

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:

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN
CURRENT SEVERANCE APPLICATION. ©THIS SKETCH IS PROTECTED BY COPYRIGHT.

PART 2
PLAN 59R-8631

INDUSTRIAL
"WAINFLEET BOX & PALLET"

LOT CONGESSION

SECOND CONCESSION ROAD ALLOWANCE BETWEEN CONCESSIONS 2 & 3

ROAD ALLOWANCE BETWEEN CONCESSIONS 2 & 3

PART 2
±6413.0 sq.m.

PART 1
±8160.8 sq.m.

PART 3
PLAN 59R-257

PART 4
PLAN RD-248
(P-5088-19)

ω ζ

$$\begin{aligned} R &= \pm 721.40 \\ A &= \pm 107.12 \end{aligned}$$

HIGHWAY 140

DWELLING AREA: ±173.3sq.m.
ACCESSORY BUILDINGS AREA: ±72.0 sq.m.

A = ARC
R = RADIUS

VOID

IF USED FOR ANY OTHER
PURPOSE THAN THIS
CURRENT SEVERANCE
APPLICATION

PRELIMINARY
ONLY

DEC. 30, 2022
DATE

MARK GILMORE
Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SKETCH OF PROPOSED SEVERANCE

PART OF LOT 25
CONCESSION 3

GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY:	CM
SCALE:	1:600

CHECKED BY: DM
SURVEY 22-758

**Stage 1 and 2 Archaeological Assessment of
316 2nd Concession Road, Proposed Severance (Part 1),
(Formerly Part of Lot 25, Concession 3, Geographic Township of
Humberstone, Welland County), Now in the City of Port Colborne,
Regional Municipality of Niagara, Ontario**

Prepared by:



MCM Licensee: Helen R. Haines
MCM Archaeological Consulting Licence: P124
MCM Project Information Number: P124-0225-2023

ORIGINAL REPORT
Report Dated: May 5, 2023

EXECUTIVE SUMMARY

AS&G Archaeological Consulting Inc. was contracted to conduct a Stage 1 and 2 Archaeological Assessment of 316 2nd Concession Road, Proposed Severance (Lot 1), (Formerly Part of Lot 25, Concession 3, Humberstone Township, Welland County), Now in the City of Port Colborne, Regional Municipality of Niagara, Ontario.

The property is approximately 0.82 hectares in size and is bound by 2nd Concession Road to the south, by the existing residential lot to the west, by a vacant wooded area to the north, and by Highway 140 to the east. The property consists of a manicured lawn area with some deciduous trees at the southern end and does not include any existing structures or ruins.

The proposed development project consists of the severance of the east half of the existing residential lot. The development project was triggered by the *Planning Act* and the archaeological assessment was done in order to satisfy a due diligence process related to a Severance Application Approval. The archaeological assessment was performed on the proposed severed lot, Part 1 of the Sketch prepared for the Severance Application and excludes Part 2.

A Stage 1 background study of the property was conducted to provide information about the property's geography, history, previous archaeological fieldwork and current land condition in order to evaluate and document in detail the property's archaeological potential and to recommend appropriate strategies for Stage 2 survey. A Stage 2 property assessment was conducted to document all archaeological resources on the property, to determine whether the property contains archaeological resources requiring further assessment, and to recommend next steps. The characteristics of the property detailed that the Stage 2 survey be conducted by a test pit survey strategy.

The Stage 1 background study found that the property exhibits potential for the recovery of archaeological resources of cultural heritage value and concluded that the property requires a Stage 2 assessment. The Stage 2 property assessment, which consisted of a systematic test pit survey at standardized five metre intervals, did not result in the identification of archaeological resources within the property. **Therefore, the report recommends that no further archaeological assessment of the property is required.**

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PROJECT PERSONNEL

Project Manager:	Dr. Helen R. Haines (P124)
Project Director:	Mr. Norbert Stanchly (R149)
Field Director:	Mr. Pete Demarte (R1073)
Field Archaeologists:	Mr. Pete Demarte Mr. Peter Zubrzycki (A1301)
Report Preparation:	Mr. Norbert Stanchly Mr. Pete Demarte
Graphics:	Mr. Pete Demarte

INTRODUCTION

The *Ontario Heritage Act*, R.S.O. 1990 c. O.18, requires anyone wishing to carry out archaeological fieldwork in Ontario to have a license from the Ministry of Citizenship and Multiculturalism (MCM). All licensees are to file a report with the MCM containing details of the fieldwork that has been done for each project. Following standards and guidelines set out by the MCM is a condition of a licence to conduct archaeological fieldwork in Ontario. **AS&G Archaeological Consulting Inc.** confirms that this report meets ministry report requirements as set out in the *2011 Standards and Guidelines for Consultant Archaeologists* and is filed in fulfillment of the terms and conditions an archaeological license.

1.0 PROJECT CONTEXT

This section of the report will provide the context for the archaeological fieldwork, including the development context, the historical context, and the archaeological context.

1.1 Development Context

AS&G Archaeological Consulting Inc. was contracted to conduct a Stage 1 and 2 Archaeological Assessment of 316 2nd Concession Road, Proposed Severance (Lot 1), (Formerly Part of Lot 25, Concession 3, Humberstone Township, Welland County), Now in the City of Port Colborne, Regional Municipality of Niagara, Ontario.

The property is approximately 0.82 hectares in size and is bound by 2nd Concession Road to the south, by the existing residential lot to the west, by a vacant wooded area to the north, and by Highway 140 to the east. The property consists of a manicured lawn area with some deciduous trees at the southern end and does not include any existing structures or ruins.

The proposed development project consists of the severance of the east half of the existing residential lot. The development project was triggered by the *Planning Act* and the archaeological assessment was done in order to satisfy a due diligence process related to a Severance Application Approval. The archaeological assessment was performed on the proposed severed lot, Part 1 of the Sketch prepared for the Severance Application and excludes Part 2.

Permission to access the property to conduct all required archaeological fieldwork activities, including the recovery of artifacts was given by the landowner and their representative.

1.2 Historical Context

In advance of the Stage 2 assessment, a Stage 1 background study of the property was conducted in order to document the property's archaeological and land use history and present condition. Several sources were referenced to determine if features or characteristics indicating archaeological potential for pre-contact and post-contact resources exist within the property. These included contemporary and historical aerial maps and historic maps.

Characteristics indicating archaeological potential include the near-by presence of previously identified archaeological sites, primary and secondary water sources, features indicating past water sources, accessible or inaccessible shoreline, pockets of well-drained sandy soil, distinctive land formations that might have been special or spiritual places, such as waterfalls, rock outcrops, caverns, mounds, and promontories and their bases, resource areas, (including food or medicinal plants, scarce raw materials, early Euro-Canadian industry), areas of early Euro-Canadian settlement, early historical transportation routes, property listed on a municipal register or designated under the *Ontario Heritage Act* or that is a federal, provincial or municipal historic landmark or site, and property that local histories or informants have identified with possible archaeological sites, historical events, activities, or occupations.

Archaeological potential can be determined not to be present for either the entire property or a part of it when the area under consideration has been subject to extensive and deep land alterations that have severely damaged the integrity of any archaeological resources. This is commonly referred to as 'disturbed' or 'disturbance', and may include: quarrying, major landscaping involving grading below topsoil, building footprints, and sewage and infrastructure development. Archaeological potential is not removed where there is documented potential for deeply buried intact archaeological resources beneath land alterations, or where it cannot be clearly demonstrated through background research and property inspection that there has been complete and intensive disturbance of an area. Where complete disturbance cannot be demonstrated in Stage 1, it will be necessary to undertake Stage 2 assessment.

The background study determined that the following features or characteristics indicate archaeological potential for the property:

- There are eleven (11) known archaeological sites within a one-kilometre radius of the property, ten (10) of which are located within 300 metres of the property limits.
- The property is located in the Haldimond Clay Physiographic Region of southern Ontario (Chapman and Putnam 1984:156-159). Among the largest of the 53 physiographic regions in southern Ontario, covering an area roughly 3,500 square kilometres, this region is relatively flat and poorly drained. However, it possesses

many distinctive landforms including dunes, sand, cobble and clay beaches, wetland basins and limestone pavements. The soils of the property are classified as the Farmington Series loam, consisting of a shallow light-brown stony loam over limestone bedrock, with a smooth topography and fair to good drainage (OAC 1935).

- The property is located adjacent to historic transportation routes.
- The property is located in close proximity to a primary water source.
- The property is in close proximity to an area of early Euro-Canadian settlement.

In summary there are areas of archaeological potential within the property. The Stage 1 background study identified that the property retains archaeological potential.

1.2.1 Pre-Contact Period

The Precontact period began with the arrival of nomadic peoples with the gradual retreat of the glaciers approximately 12,000 years ago (Karrow and Warner 1990). Between 12,000 and 10,000 years before present, the Paleoindian period was characterized by people that lived in small family groups, subsisting on large game and other fauna associated with the cooler environments of the period (Ellis and Deller 1990).

Archaic Period (10,000 - 2800 BP) - As the climate in southern Ontario warmed, Aboriginal populations adapted to these new environments. New technologies and subsistence strategies were introduced and developed. Woodworking implements such as groundstone axes, adzes and gouges began to appear, as did net-sinkers (for fishing), numerous types of spear points and items made from native copper, which was mined from the Lake Superior region. The presence of native copper on archaeological sites in southern Ontario and adjacent areas suggests that Archaic groups were involved in long range exchange and interaction. The trade networks established at this time were to persist between Aboriginal groups until European contact. Archaic peoples became seasonal hunters and gatherers to exploit seasonably available resources in differing geographic areas. As the seasons changed, these bands split into smaller groups and moved inland to exploit other resources that were available during the fall and winter such as deer, rabbit, squirrel and bear, which thrived in the forested margins of these areas (Ellis et al. 1990).

The Woodland Period (2800 BP to AD 750) saw the gradual establishment of technological and social changes, especially the appearance of clay pots (Spence et al. 1990). Population increases also led to the establishment of larger camps and villages with more permanent structures. Elaborate burial rituals and the interment of numerous exotic grave goods with the deceased began to take place. Increased trade and interaction between southern Ontario populations and groups as far away as the Atlantic coast and the Ohio Valley was also taking place. The Late Woodland period is marked by the introduction of maize to Southern Ontario, ca. AD 700. With the development of

horticulture as the predominant subsistence base, the Late Woodland Period gave rise to a tremendous population increase and the establishment of permanent villages. Social changes were also taking place and distinct clustering of both longhouses within villages (clan development) and villages within a region (tribal development). The Late Woodland groups that inhabited the Toronto area eventually moved their villages northward toward Georgian Bay. It was these and other groups in southwest Ontario that eventually evolved into the Aboriginal nations who interacted with and were described by French missionaries and explorers during the early seventeenth century (Williamson 2013).

1.2.2 Post-Contact History of Welland County and Humberstone Township

On July 24, 1788, Sir Guy Carleton, Governor-General of British North America, divided the Province of Quebec into the administrative districts of Hesse, Nassau, Mecklenburg and Lunenburg (Archives of Ontario 2009). Later, in December 1791 the Province of Quebec was further rearranged into Upper and Lower Canada under the Constitutional Act. Following this reorganization, Colonel John Graves Simcoe was appointed as Lieutenant-Governor of Upper Canada and implemented several initiatives to encourage the population of the province, including the establishment of shoreline communities and effective transportation infrastructure interlinking these fledgling settlements.

In July 1792, under the direction of Simcoe, Upper Canada was divided into 19 counties, of which Welland County was one. Later that year, the four districts that had been established in 1788 were renamed as the Western, Home, Midland and Eastern Districts.

Following this reorganization, and as population levels increased, smaller and more manageable administrative bodies were required, resulting in the creation of several new counties and townships. As a result, the boundaries of the Home and Western Districts were changed, and the London and Niagara Districts were established. Under this new arrangement, the current subject area became part of the newly formed Welland County located in the Niagara District. In 1845, the southern portion of Lincoln County was severed, creating Welland County. In 1970, the two counties would once again be amalgamated and forming the present-day Regional Municipality of Niagara.

The Township of Humberstone in Welland County was first settled in 1785. By 1817, it had developed saw and grist mills, and possessed 75 homesteads. The township continued to flourish, and by 1850 boasted three sawmills, two churches, eight public schools, and a foundry, while containing 279 households with an overall population of 2,377 individuals (Page & Co. 1876). By 1875, the village of Port Colborne (which had been incorporated in 1870), continued 1,200 inhabitants. Port Colborne at that time included infrastructure and services such as an extensive grain elevator belonging to the Welland Railway Co., a village hall, a branch of the Imperial Bank, both Montreal and

Dominion telegraph services, four churches, one public and one Roman Catholic school, a sash door factory, and three planning mills, as well as one grist and one sawmill.

1.2.3 Past Land Use of the Property

The property is located within Part of Historic Lot 25, Concession 3, Geographic Township of Humberstone, Welland County.

According to *Tremaine's 1862 Map of the Counties of Lincoln and Welland, Upper Canada*, the southern half of Lot 25, Concession 3, Humberstone Township, Welland County, including the current property limits were owned by a "J. Leady", and does not depict any structures within the property limits.

Similarly, according to the *Page & Co. 1876 Illustrated Historical Atlas of the Counties of Lincoln and Welland, Ontario*, Lot 25, Concession 3, Humberstone Township, Welland County, including the current property limits were owned by a "John Leady", and does not depict any structures within the property, however, there are two structures in close proximity to the property limits.

In discussing 19th century mapping, it must be remembered that historical county atlases were produced primarily to identify factories, offices, residences and landholdings of subscribers and were funded by subscription fees. Landowners who did not subscribe were not always listed on the maps. As such, all structures were not necessarily depicted or placed accurately. Regardless of these limitations, the property as depicted on these maps was in close proximity to both historic settlement and transportation features.

Therefore, the Stage 1 background study indicates that there is potential for the recovery of pre-contact and post-contact Euro-Canadian archaeological resources within the property. As it cannot be clearly demonstrated through the background study that there has been complete and intensive disturbance of the area, archaeological potential is not removed.

1.3 Archaeological Context

In Ontario, information concerning archaeological sites is stored in the Ontario Archaeological Sites Database (O.A.S.D.), an inventory of the documented archaeological record in Ontario.

Summary information on the known archaeological sites in the vicinity of the property was obtained from the MCM site database (MCM 2023). There are eleven (11) known archaeological sites within a one-kilometre radius of the property, ten (10) of which are located within 300 metres of the property limits (Table 1).

Table 1: Known Archaeological Sites within 1-Km of Property					
<u>Borden Number</u>	Site Name	Time Period	Affinity	Site Type	Current Development Review Status
AfGt-40	Kikkert 3	Woodland, Early	Aboriginal		
*AfGt-39	Kikkert 2				
*AfGt-38	Kikkert 1				
*AfGt-335		Post-Contact; Pre-Contact	Aboriginal; Euro-Canadian	Other – Refuse; Scatter	No Further CHVI
*AfGt-334		Pre-Contact	Aboriginal	Camp/Campsite	Further CHVI
*AfGt-333		Pre-Contact	Aboriginal	Camp/Campsite	Further CHVI
*AfGt-332		Pre-Contact	Aboriginal	Scatter	No Further CHVI
*AfGt-331		Pre-Contact	Aboriginal	Scatter	Further CHVI
*AfGt-26	Kikkert-Murray				
*AfGt-197	Chippawa 2	Pre-Contact	Aboriginal		
*AfGt-196	Chippawa 1	Pre-Contact	Aboriginal		

* Sites located within a 300 metre radius of the property limits.

The following is a brief description of each of the ten (10) sites located within 300 metres of the property limits, based on the available information provided by the MCM archaeological sites database:

The Kikkert 2 (AfGt-39) Site

The Kikkert 2 (AfGt-39) Site is located at the base of an escarpment roughly 120 metres east of Highway 140. The site was identified and reported to the Ministry in 1984 by James Pengelly. The site runs in a NW direction for 15 metres along a stream and is 10 metres wide. The assessment consisted of a survey at 10 metre intervals with further intensification at one metre intervals for a portion of the site. The site consists of a thin scatter of Pre-Contact chert flakes, cores and other fragments. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The Kikkert 1 (AfGt-38) Site

The Kikkert 1 (AfGt-38) Site is located in a cultivated field north of the Onondaga escarpment and east of Highway 140. The site was identified and reported to the Ministry in 1984 by James Pengelly. The site, 20 metres in diameter was pedestrian surveyed at 10 metre intervals with further intensification at one metre intervals for three portions of the site. The site has been deemed as having further Cultural Heritage Value or Interest (CHVI). There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The AfGt-335 Site

The AfGt-335 Site is located behind a wooded area at the front of an agricultural field approximately 89 m southeast of Chippawa Road and 44 m west of Highway 140. The site was identified by Paul Racher (P007) in 2021 during a Stage 1-2 assessment consisting of a pedestrian survey and controlled surface pick-up covering an area of 57 x 36 metres. The assessment resulted in the collection of 464 artifacts and the site was interpreted as a Pre-Contact scatter (n = 2) and a Late Post-Contact refuse (n = 462) site dating to c.1850-1950, with an inferred date of c.1874-1936. The site has been deemed to have no further CHVI. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The AfGt-334 Site

The AfGt-334 Site is located at the front of an agricultural field approximately nine metres southeast of Chippawa Road and 102 m west of Highway 140. The site was identified by Paul Racher (P007) in 2021 during a Stage 1-2 assessment consisting of a pedestrian survey and controlled surface pick-up covering an area of 123 x 38 metres. The assessment resulted in the collection of 74 artifacts and the site was interpreted as a Pre-Contact camp/campsite site dating to 9,000 BCE-1650 CE. The collected assemblage consisted of a mixture of lithic debitage, and informal and formal lithic tools. The site has been deemed to have further CHVI. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The AfGt-333 Site

The AfGt-333 Site is located in the middle of an agricultural field approximately 163 metres southeast of Chippawa Road and 26 m west of Highway 140. The site was identified by Paul Racher (P007) in 2021 during a Stage 1-2 assessment consisting of a pedestrian survey and controlled surface pick-up covering an area of 150 x 40 metres. The assessment resulted in the collection of 44 artifacts and the site was interpreted as a Pre-Contact camp/campsite site dating to 9,000 BCE-1650 CE. The collected assemblage consisted of a mixture of lithic debitage, and informal and formal lithic tools. The site has been deemed to have further CHVI. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The AfGt-332 Site

The AfGt-332 Site is located toward the back of an agricultural field approximately 42 metres west of Highway 140. The site was identified by Paul Racher (P007) in 2021 during a Stage 1-2 assessment consisting of a pedestrian survey and controlled surface pick-up covering an area of 19 x 3 metres. The assessment resulted in the collection of three artifacts and the site was interpreted as a Pre-Contact scatter site dating to 9,000

BCE-1650 CE. The collected assemblage consisted of one utilized secondary flake fragment, one utilized flake fragment and one primary flake of Onondaga chert. The site has been deemed to have no further CHVI. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The AfGt-331 Site

The AfGt-331 Site is located at the back of an agricultural field approximately 21 metres west of Highway 140. The site was identified by Paul Racher (P007) in 2021 during a Stage 1-2 assessment consisting of a pedestrian survey and controlled surface pick-up covering an area of 39 x 21 metres. The assessment resulted in the collection of nine artifacts and the site was interpreted as a Pre-Contact scatter site dating to 9,000 BCE-1650 CE. The collected assemblage consisted of three primary flakes, two pieces of shatter, one biface thinning flake, one biface fragment and a rotated core of Onondaga chert, and one flake fragment of Selkirk chert. The site has been deemed to have further CHVI. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The Kikkert-Murray (AfGt-26) Site

The Kikkert-Murray (AfGt-26) Site is located along the brow of the ridge north of Chippawa Road and east of Highway 140. The site extends from the Kikkert house on the west end of the ridge to the Murray house on the east end of the ridge. The site was identified in 1984 by James Pengelly. The assessment consisted of a surface survey performed on two separate occasions in the late fall of 1984. Recovered artifacts include one projectile point and one preform artifact. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The Chippawa 2 (AfGt-197) Site

The Chippawa 2 (AfGt-197) Site is located in a treed/scrub area to the north of Chippawa Road. The site was identified in 2009 by Kristy O'Neal (P066) during a Stage 1-2 archaeological assessment consisting of a pedestrian survey with the extent covering an area of 5 x 5 metres. There were eight Pre-Contact artifacts recovered and the site was interpreted as a Pre-Contact Aboriginal site. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

The Chippawa 1 (AfGt-196) Site

The Chippawa 1 (AfGt-196) Site is located in a treed/scrub area to the north of Chippawa Road. The site was identified in 2009 by Kristy O'Neal (P066) during a Stage 1-2 archaeological assessment with the extent covering an area of 5 x 5 metres. There were six Pre-Contact artifacts recovered and the site was interpreted as a Pre-Contact

Aboriginal site. There are no reports or any other information available regarding this site in the MCM archaeological sites database.

AS&G Archaeological Consulting Inc. is not aware of any archaeological assessments conducted within and immediately adjacent to or within 50 metres of the property.

The property is approximately 0.82 hectares in size and is bound by 2nd Concession Road to the south, by the existing residential lot to the west, by a vacant wooded area to the north, and by Highway 140 to the east. The property consists of a manicured lawn area with some deciduous trees at the southern end and does not include any existing structures or ruins.

The property is located in the Haldimand Clay Physiographic Region of southern Ontario (Chapman and Putnam 1984:156-159). Among the largest of the 53 physiographic regions in southern Ontario, covering an area roughly 3,500 square kilometres, this region is relatively flat and poorly drained. However, it possesses many distinctive landforms including dunes, sand, cobble and clay beaches, wetland basins and limestone pavements.

The soils of the property are classified as the Farmington Series loam, consisting of a shallow light-brown stony loam over limestone bedrock, with a smooth topography and fair to good drainage (OAC 1935).

The archaeological fieldwork of the property was undertaken on April 12, 2023, under sunny skies and warm temperatures. No rain occurred during the fieldwork.

There are no unusual physical features that may have affected fieldwork strategy decisions or the identification of artifacts or cultural features.

There is no additional archaeological information that may be relevant to understanding the choice of fieldwork techniques or the recommendations of this report.

2.0 FIELD METHODS

This section of the report addresses Section 7.8.1 of the 2011 Standards and Guidelines for Consultant Archaeologists. It does not address Section 7.7.2 because no property inspection was done as a separate Stage 1.

The entire property was surveyed. As relevant, we provide detailed and explicit descriptions addressing Standards 2a and b.

The general standards for property survey under Section 2.1 of the 2011 Standards and Guidelines for Consultant Archaeologists were addressed as follows:

- Section 2.1, S1 – All of the property was surveyed including areas immediately adjacent to existing structures (as applicable).
- Section 2.1, S2a (land of no or low potential due to physical features such as permanently wet areas, exposed bedrock, and steep slopes) – n/a.
- Section 2.1, S2b (no or low potential due to extensive and deep land alterations) – n/a
- Section 2.1, S2c (lands recommended not to require Stage 2 assessment by a previous Stage 1 report where the Ministry has accepted that Stage 1 into the register) - n/a
- Section 2.1, S2d (lands designated for forest management activity w/o potential for impacts to archaeological sites, as determined through Stage 1 forest management plans process) - n/a
- Section 2.1, S2e (lands formally prohibited from alterations) - n/a
- Section 2.1, S2f (lands confirmed to be transferred to a public land holding body, etc.) - n/a
- Section 2.1, S3 - The Stage 2 survey was conducted when weather and lighting conditions permitted excellent visibility of features.
- Section 2.1, S4 - No GPS recordings were taken as no artifacts were found during the Stage 2 assessment.
- Section 2.1, S5 - All field activities were mapped in reference to either fixed landmarks, survey stakes and development markers as appropriate. See report section 8.0 *Maps*.
- Section 2.1, S6 - See report section 9.0 *Images* for photo documentation of examples of field conditions encountered.

The property was subject to a systematic test pit survey appropriate to the characteristics of the property. The test pit survey of the property followed the standards within Section 2.1.2 of the *2011 Standards and Guidelines for Consultant Archaeologists*. Test pit survey was only conducted where ploughing was not possible or viable, as per Standard 1. Test pits were spaced at maximum intervals of five (5) metres throughout the property. All test pits were at least 30 cm in diameter. Each test pit was excavated by hand, into at least the first 5 cm of subsoil and examined for stratigraphy, cultural features, or evidence of fill where possible. No stratigraphy or cultural features were noted. Soils were screened through 6 mm mesh. No artifacts were encountered. All test pits were backfilled.

3.0 RECORD OF FINDS

This section documents all finds discovered as a result of the Stage 1 and 2 archaeological assessment of the property.

No cultural resources, features or sites were identified during the Stage 2 test pitting survey.

An inventory of the documentary record generated in the field is provided in Table 2.

Table 2: Inventory of Documentary Record	
Document Type	Description
Field Notes	<ul style="list-style-type: none">• This report constitutes the field notes for this project
Photographs	<ul style="list-style-type: none">• 6 digital photographs
Maps	<ul style="list-style-type: none">• The report figures represent all of the maps generated in the field.

Information detailing exact site locations on the property is not submitted because no sites or archaeological resources were identified in the Stage 2 assessment.

4.0 ANALYSIS AND CONCLUSIONS

Standard 2 is not addressed because no archaeological sites were identified during the current assessment.

5.0 RECOMMENDATIONS

The report makes recommendations only regarding archaeological matters.

The proposed development project consists of the severance of the east half of the existing residential lot. The development project was triggered by the *Planning Act* and the archaeological assessment was done in order to satisfy a due diligence process related to a Severance Application Approval. The archaeological assessment was performed on the proposed severed lot, Part 1 of the Sketch prepared for the Severance Application and excludes Part 2. Should future development be proposed for the retained lot (Part 2 in the Sketch prepared for the Severance Application) a Stage 1 and 2 archaeological assessment will be required for those lands.

The Stage 2 archaeological assessment, consisting of a systematic test-pitting survey performed at standardized five metre intervals throughout the limits of the property, did not identify any archaeological resources or sites requiring further assessment or mitigation of impacts. **Therefore, the report recommends that no further archaeological assessment of the property is required.**

6.0 ADVICE ON COMPLIANCE WITH LEGISLATION

Section 7.5.9, Standard 1a

This report is submitted to the Minister of Citizenship and Multiculturalism as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Citizenship and Multiculturalism, a letter will be issued by the ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.

Section 7.5.9, Standard 1b

It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed archaeological fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeological Reports referred to in Section 65.1 of the *Ontario Heritage Act*.

Section 7.5.9, Standard 1c

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48 (1) of the *Ontario Heritage Act*.

Section 7.5.9, Standard 1d

The *Cemeteries Act*, R.S.O. 1990 c. C.4 and the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 (when proclaimed in force) require that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services.

Section 7.5.9, Standard 2

Not applicable.

7.0 BIBLIOGRAPHY AND SOURCES

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1990 Paleo-Indians. In C.J. Ellis, and N. Ferris, (Eds.). The Archaeology of Southern Ontario to A.D. 1650. London, Ontario: Occasional Publication of the London Chapter, OAS, pp. 37-64.

Ellis, C.J., Kenyon, I.T., and Spence, M.W.

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1990 The Geological and Biological Environment for Human Occupation in Southern Ontario. In C.J. Ellis, and N. Ferris (Eds.). The Archaeology of Southern Ontario to A.D. 1650. London, Ontario: Occasional Publication of the London Chapter, OAS, pp. 5-35.

Ministry of Citizenship and Multiculturalism (MCM)

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Page, H.R. & Co.

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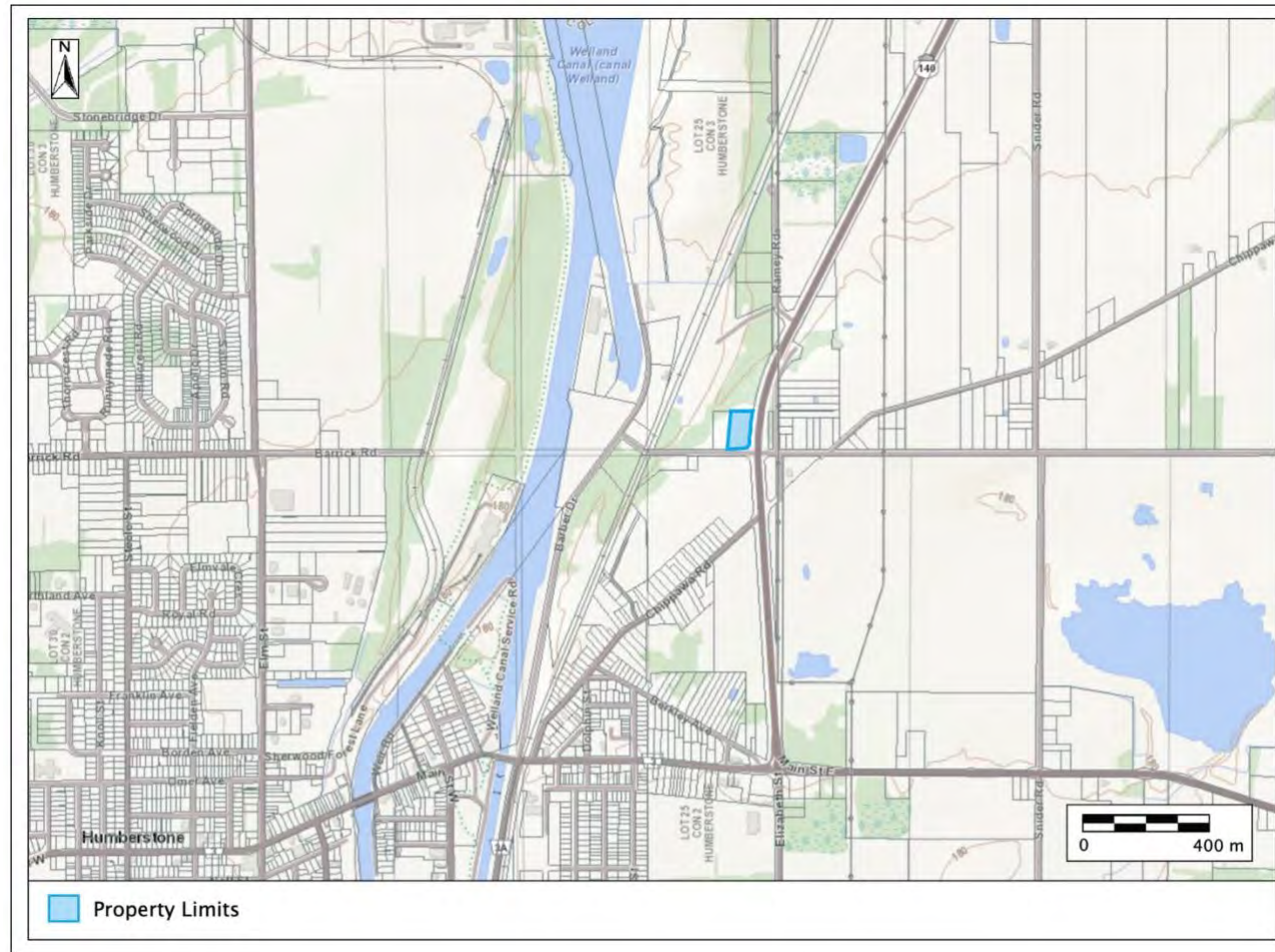
Tremaine, Geo. R. and G.M. Tremaine

1862 Tremaine's Map of the Counties of Lincoln and Welland, Upper Canada. Geo. R. and G.M. Tremaine, Toronto.

Williamson, R.F.

2013 The Woodland Period, 900 BCE to 1700 CE. In Munson, M.K. and Jamieson, S.M (Eds.) *Before Archaeology: The Archaeology of a Province*. Montreal & Kingston, Ontario: McGill Queen's University Press.

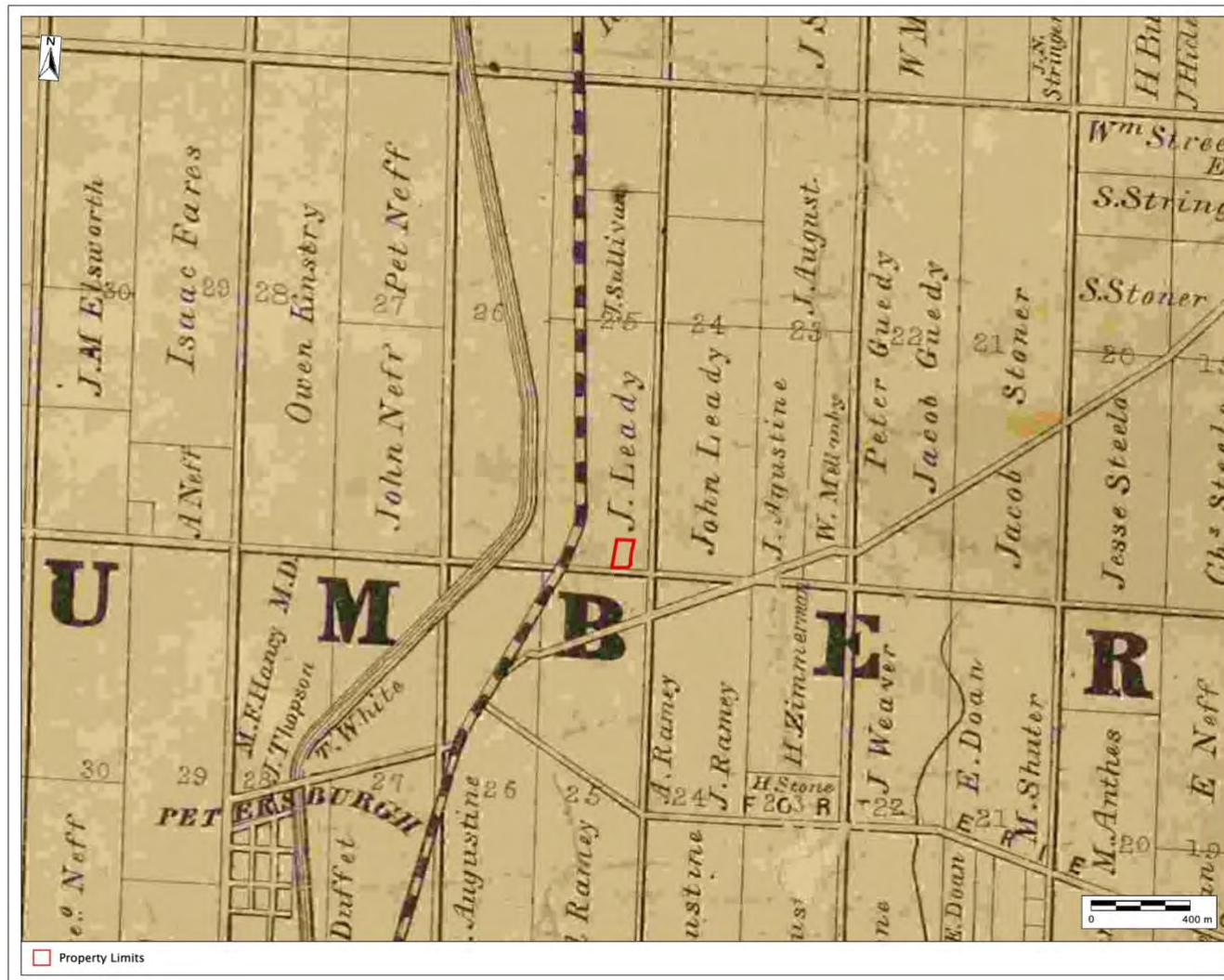
8.0 MAPS



Map 1 : General Location of Property (MNR 2023).



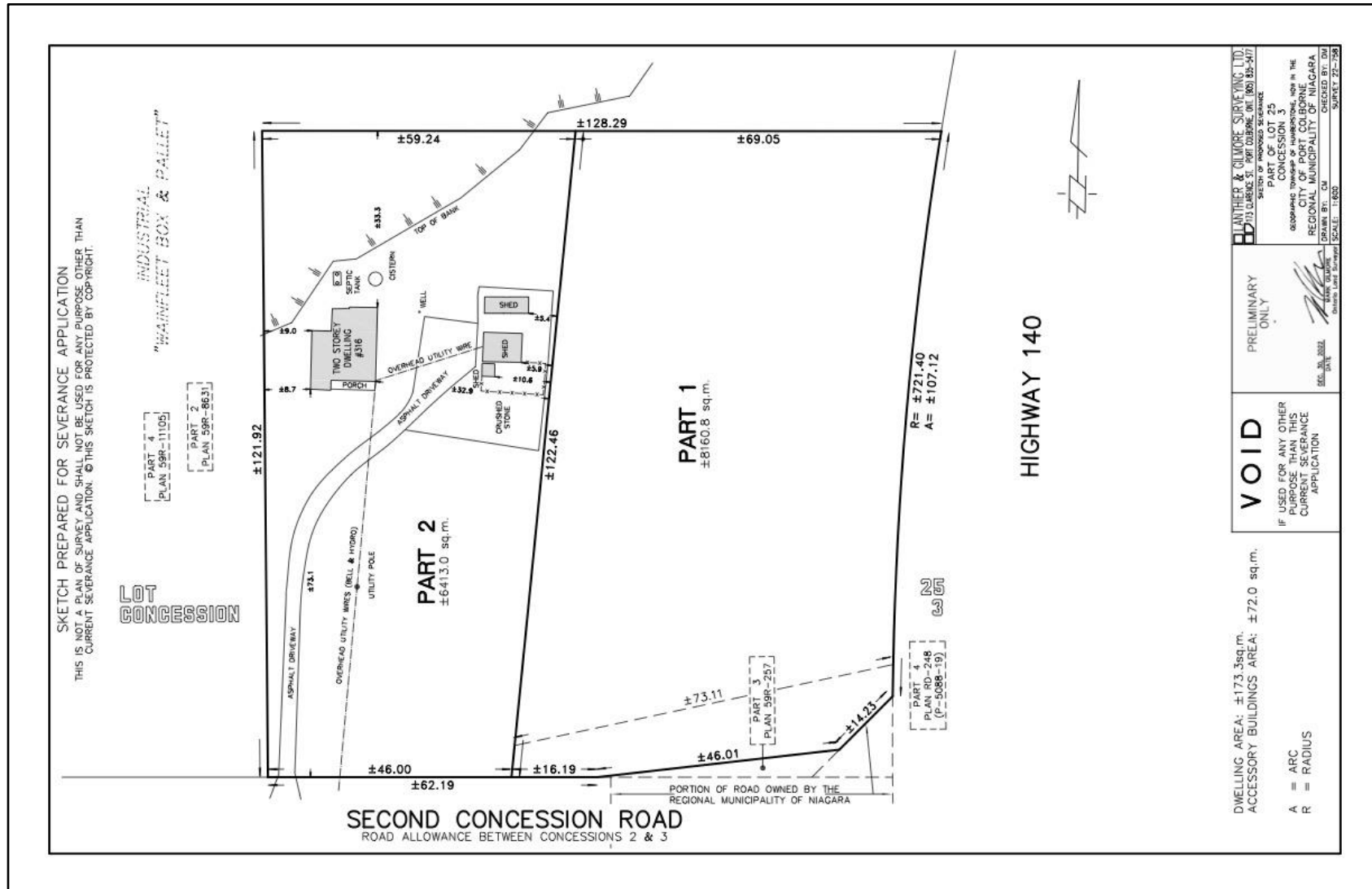
Map 2 : 2019 Aerial Imagery of Property Limits (MNR 2023).



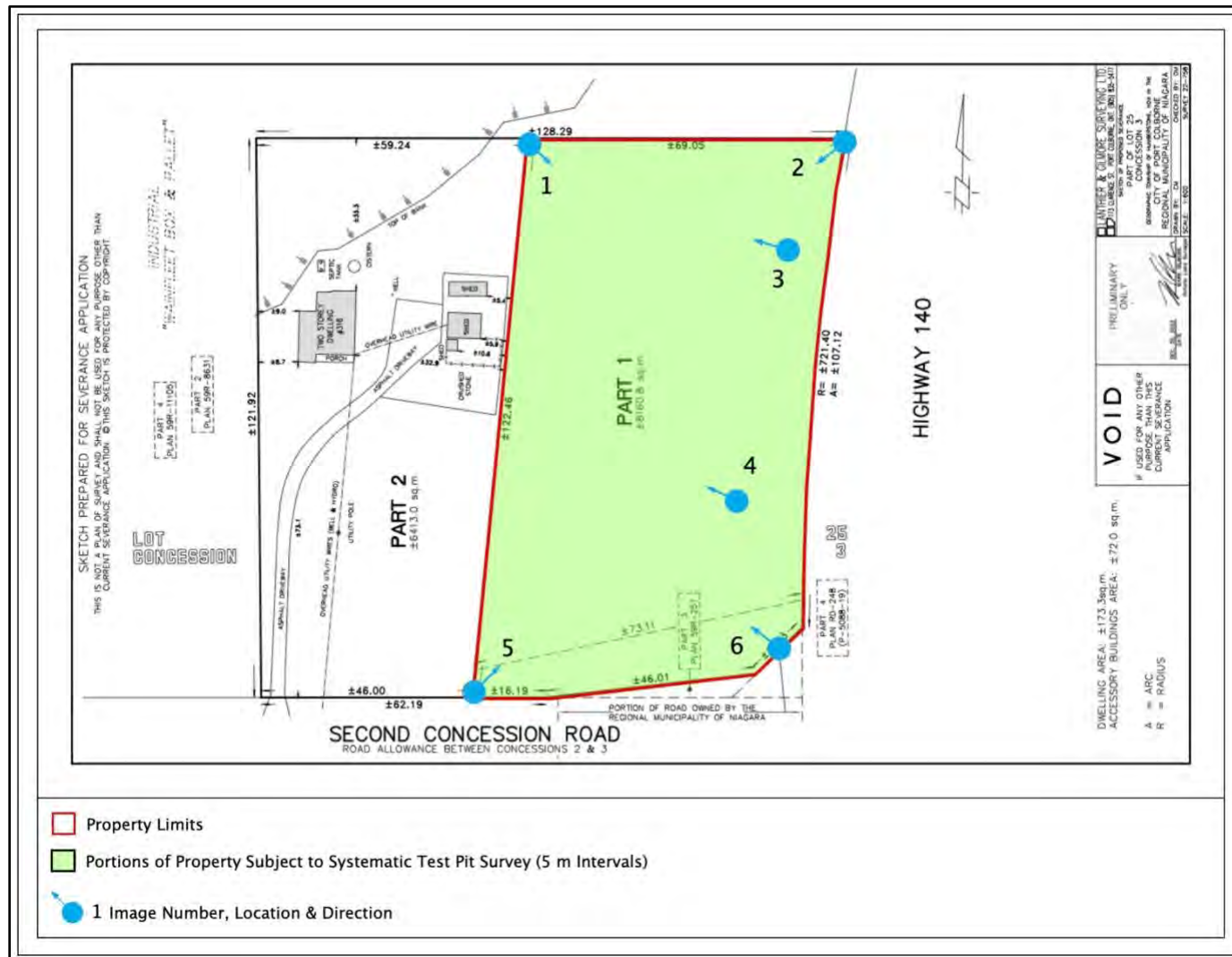
Map 3: Property Limits Overlaid on 1862 Historical Atlas Mapping (Tremaine 1862).



Map 4: Property Limits Overlaid on 1876 Historical Atlas Mapping (Page & Co. 1876).



Map 5: Clear Copy of Severance Application Mapping (Provided by Proponent).



Map 6: Stage 2 Archaeological Assessment Results Overlaid on Copy of Severance Application Mapping (Provided by Proponent).

9.0 IMAGES



Image 1: Property Conditions for Test Pit Survey.



Image 2: Property Conditions for Test Pit Survey.



Image 3: Test Pit Survey of Property.



Image 4: Test Pit Survey of Property.



Image 5. Property Conditions for Test Pit Survey.



Image 6: Property Conditions for Test Pit Survey.

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Denise Landry](#); [David Schulz](#); [Chris Roome](#)
Subject: RE: June COA Notices of Hearing
Date: May 24, 2023 10:38:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[logo_92ffc72e-1a94-4c3c-bb44-cfecb6d7c8b8.png](#)
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[linkedin_44d141ad-f5f8-454c-969a-0fe0c2e19cfb.png](#)

Hi Diana,

Please see my comments below.

A11-23-PC – 38 Church Street

- No comment

A12-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for the construction of new entrance or alteration of existing entrance on Oakwood Street

A13-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B05-23-PC – 242 & 244 Humboldt Parkway

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B06-23-PC – 336 Sugarloaf Street

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B07-23-PC – 316 Second Concession Road

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B08-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B09-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B10-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B11-23-PC – 36 & 38 Page Street

- Final grading does not conform with proposed grading plan and is currently draining onto adjacent property

B12-23-PC – 194 Chippawa Road

- No comment

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2900 x226

Email Nicholas.Olschansky@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

Hello Diana

A11-23-PC there are not comments regarding municipal drains

A12-23-PC there are not comments regarding municipal drains

A13-23-PC there are not comments regarding municipal drains

B05-23-PC there are not comments regarding municipal drains

B06-23-PC there are not comments regarding municipal drains

B08-23-PC there are not comments regarding municipal drains

B09-23-PC there are not comments regarding municipal drains

B11-23-PC there are not comments regarding municipal drains

B12-23-PC there are not comments regarding municipal drains

B07-23-PC this property abuts the Indian Creek Municipal Drain watershed however this parcel is not within the municipal drain watershed so there are not comments regarding municipal drains for this parcel either.



PORT COLBORNE



www.portcolborne.ca

Alana VanderVeen
Drainage Superintendent
City of Port Colborne

1 Killaly St W
Port Colborne, ON L3K 6H1
Phone 905-835-2900 x291
Email Alana.VanderVeen@portcolborne.ca

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Hi everyone,

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Zoning Amendment Application - 316 SECOND CONCESSION ROAD
Date: May 23, 2023 3:25:33 PM
Attachments: [logo_92ffc72e-1a94-4c3c-bb44-cfecb6d7c8b8.png](#)
[facebook_ea8c96f7-cf37-4d73-ad46-6ee4e0c9ae71.png](#)
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[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.

Access to property may be an issue as the proximity to HWY 140.
Site plan for development required.
Port Colborne has no objection to the application B07-23-PC

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

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Hi Diana,

Re: June COA Notices of Hearing
City of Port Colborne
June 14, 2023, 18:00

1. **316 Second Concession** – Consent

Although, in principle the Ministry has no objection to the above described Consent Application (**316 Second Concession** – Consent), the property owner(s) should be made aware that the lot is located within the MTO Permit Control Area for Highway 140 and as a result, an MTO Building and Land Use Permit may be required prior to the commencement of any on-site construction/works. All development must comply with the MTO Building and Land Use Policy.

[Highway corridor management | ontario.ca](https://www.ontario.ca/highway-corridor-management)

2. **510 Main Street West** – Consent and Minor Variance

Although in principle the Ministry has no objection to the proposed consent and minor variance applications, the subject site described above (**510 Main Street West**) appears to be located within the MTO Permit Control Area for Highway 140 and as a result, the applicant should be made aware that an MTO Building & Land Use Permit will be required from this office prior to the start of any onsite construction/works. These comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requests that the City circulate the official consent application for review, where we will provide more detailed comments.

Thanks,

Neave Constantine | Corridor Management Planner (West)
Highway Corridor Management Section | Central Operations | Ministry of Transportation
159 Sir William Hearst Avenue, 7th Floor | Toronto, ON M3M 0B7
Telephone: 437 688-2943 | Email: Neave.Constantine@ontario.ca



From: Diana Vasu <Diana.Vasu@portcolborne.ca>
Sent: May 16, 2023 12:04 PM
To: Constantine, Neave (MTO) <Neave.Constantine@ontario.ca>
Subject: June COA Notices of Hearing

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.
Hello Neave,

Please click the following link to access the notices of hearing for our June Committee of Adjustment hearing:

[2023 06 14](#)

That link includes 2 consent applications (316 Second Concession Road and 510 Main Street West) and 2 minor variance applications (both for 510 Main Street West).



www.portcolborne.ca

Diana Vasu
Planning Technician
City of Port Colborne

Port Colborne, ON
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Email Diana.Vasu@portcolborne.ca

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

May 29, 2023

Region File: D.06.07.CS-23-0013

Diana Vasu
Secretary - Treasurer
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Ms. Vasu:

**Re: Regional and Provincial Comments
Proposed Consent Application
City File: B07- 23-PC
Owner: Timothy Horst
316 Second Concession Road
City of Port Colborne**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-mentioned Consent Application for the lands legally known as Concession 3 Lot 25, municipally known as 316 Second Concession Road. The proposed Consent is to sever for the purpose of creating a new lot, where Part 1 is to be severed for future Gateway Industrial uses and Part 2 is to be retained for an existing residential use.

A pre-consultation meeting was held on April 14, 2022 for the above application. The following comments are provided from a Provincial and Regional perspective to assist the Committee with their consideration of the Consent Application.

Provincial and Regional Policies

The subject lands are designated "Settlement Area" under the Provincial Policy Statement, 2020 ("PPS"), "Designated Greenfield Area" under A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan"), and "Urban (Greenfield) Area" under the Niagara Official Plan ("NOP").

The Provincial and Regional policies direct development to take place in Urban Areas to support intensification in Urban Areas where appropriate servicing and infrastructure exists. A range of residential and commercial uses are generally permitted within the Designated Greenfield Area, inclusive of consents, subject to availability of adequate municipal services, infrastructure and policies regarding land use compatibility and environmental conservation. Regional staff notes that future development of the proposed severed lot should achieve the Greenfield density target of a minimum 50 residents and jobs combined per hectare, in order to meet the overall Greenfield density target within the Town.

The subject lands are located within the proposed mapping of “Port Colborne East Transshipment Terminal (PC-2)” employment area per Schedule K and Table 4-2 of the NOP which outlines a 25 jobs per hectare minimum intensity target. The Region and City has worked closely with industry stakeholders to identify and protect employment areas and employment lands for long-term economic prosperity and competitiveness. As proposed, the development proposal aligns with the envisioned long-term employment use of the area. Generally, sensitive land uses, such as residential, are not permitted in employment areas. Staff acknowledge that this is an existing use on the property. Regional staff would prefer that this site eventually be solely used for employment uses, in accordance Provincial and Regional employment policies.

Land Use Compatibility

Regional staff observe an existing residential use on the site, therefore consideration should be given to the future facility proposed in the severed land and its components (i.e. solid board fencing, lighting, location of office, driveway access, and parking). Given the existing residential use, Regional staff offer no land use compatibility requirements with the proposed consent application.

Archaeological Potential

The property is mapped as an area of archaeological potential in Schedule K of the NOP. Policy 6.4.2.6 of the NOP 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. A “Stage 1 and 2 Archeological Assessment” completed by AS&G Archeological Consulting Inc., dated May 3, 2025 was reviewed by Regional staff. The report stated no identification of archeological resources within the property and recommended no further archeological assessment. Regional staff have received a copy of the Ministry of Citizenship and Multiculturalism Acknowledgement Letter dated May 11, 2023, for the aforementioned study. As such, regional staff is satisfied regarding compliance to Provincial and Regional policies in this regard.

Natural Heritage

The subject property is impacted by the Region’s Natural Environment System (NES), consisting of other wetland and potential woodland. Niagara Official Plan (NOP) Policy

3.1.9.7 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of significant woodland and within 50 m of other woodland. The EIS must demonstrate that there will be no negative impact on the features or their ecological function. Within settlement areas, mandatory buffers from these features are required. The width of the mandatory buffer is determined through the EIS.

The proposed lot line does not fragment the feature under additional ownership. As such, staff offer no objection to the proposed consent

Servicing

Private sewage system inspection staff have reviewed the application to sever Part 1 (2 Acres) for Gateway Industrial Use. Part 2 (1.5 Acres) is to be retained for continued residential use, noting that Part 1 contains a residential dwelling and two sheds.

A sewage system permit was not found for the existing septic system servicing the dwelling. Staff note the septic tank was a concrete, two compartment tank located north of the dwelling on top of the existing embankment. The location of the septic bed was not able to be confirmed as it appeared to extend north below the embankment. A dye test was conducted, and no sewage breakout was observed at the time of the inspection. The existing sewage system is considered legal non-conforming due to its location near the embankment as well as its proximity to the existing cistern onsite. The sewage system will be wholly contained within the new parcel (Part 2) and there is enough usable land to replace the sewage system in the future when needed. As such, Regional staff have no objections to the severance application as submitted, but note, if at any time the existing sewage system fails or sewage flows are added to the dwelling, the installation of a new sewage system meeting current building code requirements will be required

Regional Road

Regional staff note the provided Severance Application plan denotes Second Concession Road as owned by the Regional Municipality of Niagara, staff suggest revision road ownership as the above is not a Regional road.

Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff do not object to the Consent Application as submitted.

Should you have any questions, please contact the undersigned at Valentina.Escobar@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send notice of the Commission's decision on this application.

May 29, 2022

Kind regards,

A handwritten signature in black ink, appearing to read 'Valentina Escobar', with a stylized flourish at the end.

Valentina Escobar

Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region
Caitlin Goodale, Private Sewage System Inspector, Niagara Region
Susan Dunsmore, P. Eng, Manager, Development Engineering, Niagara Region



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 9th, 2023

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

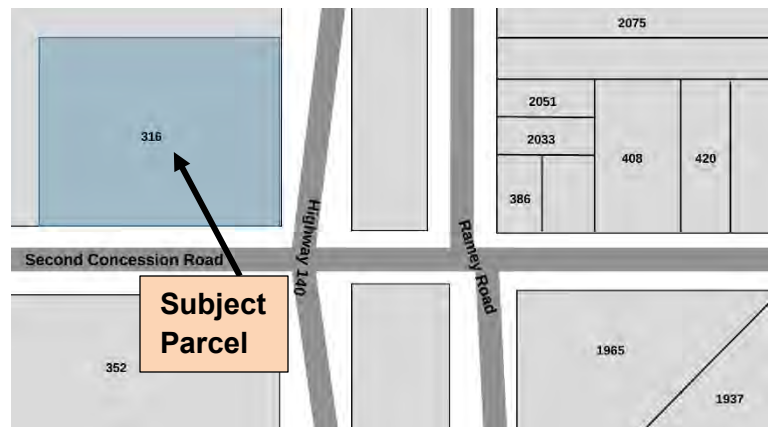
Re: Application for Consent B07-23-PC
316 Second Concession Road
Lot 366 and Part Lot 365 on Plan 836
Agent: N/A
Owner(s): Timothy Horst

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 (see Appendix A) having a lot frontage of 73.11m and a lot area of 8160.8m² for future industrial. Part 2 will retain a lot frontage of 46m and a lot area of 6413m² for an existing legal non-conforming detached dwelling. The proposed application is being requested to facilitate the severance of an industrial parcel of land with a legal non-conforming residential dwelling on the property.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Gateway Industrial (GI) to the north and west, Residential Development (RD) to the south, and Agricultural Residential to the east. The surrounding land uses consist of industrial uses to the north and west and detached dwellings to the south and east.



Environmentally Sensitive Areas:

The northwest corner of the subject property is impacted by a Non-Provincially Significant Wetland. The Niagara Region has been contacted for comments.

Public Comments:

Notice was circulated on May 31st, 2023 as per Section 45 (5) of the Planning Act. As of June 9th, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 15th, 2023. As of June 9th, 2023, the following comments have been received.

MTO

Although, in principle the Ministry has no objection to the above described Consent Application (**316 Second Concession** – Consent), the property owner(s) should be made aware that the lot is located within the MTO Permit Control Area for Highway 140 and as a result, an MTO Building and Land Use Permit may be required prior to the commencement of any on-site construction/works. All development must comply with the MTO Building and Land Use Policy.

Fire Department

The Fire Department has no objection to the proposed consent application but has added that providing access to the property may be an issue but can be addressed at the site plan stage.

Staff Response

All development within the Gateway Economic Centre will require Site Plan Control and the ingress and egress of emergency vehicles can be dealt with at this stage.

Engineering Technologist

A master lot grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent properties.

Staff Response

Staff will require a master lot grading plan as a condition of consent.

Niagara Region (please see agenda package for full comments)

Regional Staff has reviewed the application with regard to servicing, natural heritage, archaeological potential, land use compatibility as well as, provincial and regional Policies. Regional Growth Strategy and Economic Development staff do not object to the Consent Application as submitted. The proposed lot line does not fragment the feature under additional ownership, and an acknowledgment letter has been received that states there has been no identification of archeological resources

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

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 that efficiently use land and resources and are freight supportive.

Staff are satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources as the application proposes to create a viable parcel of land within a gateway economic zone and is freight supportive as the proposed location has convenient access to the Welland Canal and Highway 140.

The subject property is located within a Designated Greenfield Area within a Settlement Area in accordance with the Growth Plan for the Greater Golden Horseshoe. Section 2.2.1 of the Growth Plan provides for policies regarding the management of growth, which state that the vast majority of development will be directed to settlement areas that have a built boundary. The Employment Principles of the Growth Plan provide for more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities. Furthermore, they provide for the preservation of lands within settlement areas located near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing, and logistics, and appropriate associated ancillary uses.

Staff finds this proposal to be consistent with the Growth Plan, as the application proposes to create a lot within the gateway economic center designation of the City that would make efficient use of currently underused land. Since the property is currently used as a dwelling, Staff find that it would make efficient use of the land by providing a usable parcel within the gateway economic center. The site is also close to Highway 140 and the Welland Canal, which currently acts as a transit route for many of the nearby industries.

The Niagara Official Plan (NOP), designates the subject lands as within the “Designated Greenfield Area” and an “Employment Area”. Designated Greenfield Areas are lands within urban areas but are outside the built-up area and are designated within an Official Plan for development. Section 4.2.1.14 of the NOP states that employment areas near major goods movement facilities and corridors associated with the movement of goods shall be protected and planned for employment use.

Planning Staff is satisfied that the application conforms to the NOP as the proposed development is located near major good movement facilities, such as the Welland Canal and Highway 140 and development is encouraged within the settlement area.

The City of Port Colborne Official Plan

The subject property is designated as Gateway Economic Center in the City’s Official Plan (OP). This designation permits transportation and logistics, including facilities related to shipping and receiving; warehouses; offices; manufacturer’s showrooms; light manufacturing; laboratories; training facilities; hotels and other similar uses.

The Gateway Economic Centre section of the Official Plan does not set out any requirements for severance. It does provide for general policies as well as design guidelines that will be required to be met for any future development of the site.

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

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

Part 1: A lot frontage of 73.11m and a lot area of 8160.8m².

Part 2: A lot frontage of 46m and a lot area of 6413m².

The Gateway Industrial section of the Zoning By-law only requires 30m of frontage for new lots. There is no requirement for lot area.

As shown on the sketch and noted above, the lot frontage of each parcel exceeds the required 30m. Planning Staff are satisfied that the proposed consent application conforms to the requirements of the zoning by-law.

Recommendation:

Given the information above, Planning Staff recommends application B07-23-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 all conditions of consent be completed by June 14th, 2025.
4. That a master lot grading plan be submitted 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.

Prepared by,



Chris Roome, BURPI

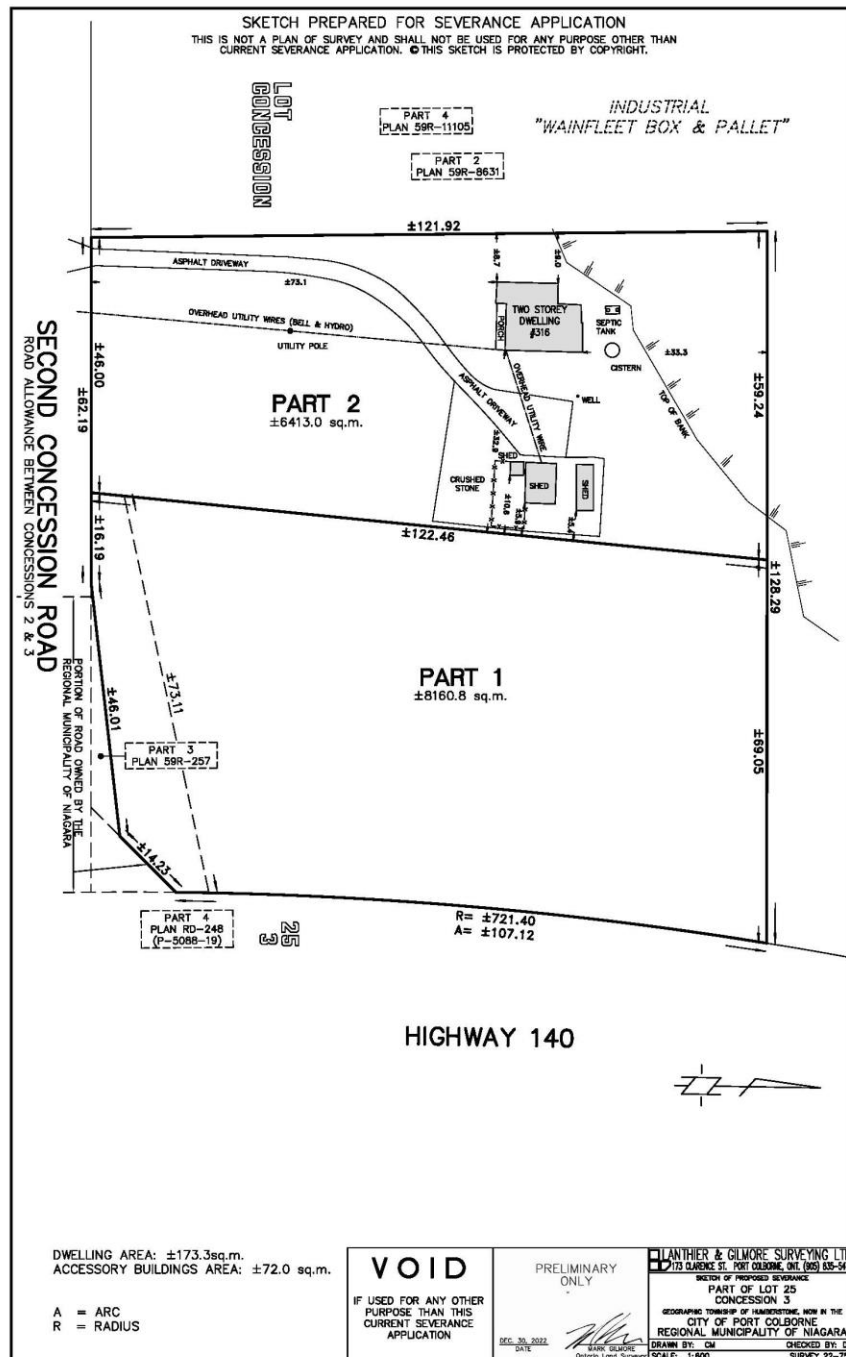
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Appendix A



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 Plan 831 Part of Lots 28-31, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as a vacant lot on Omer Avenue.

AND IN THE MATTER OF AN APPLICATION by the agent Brian Miller on behalf of the owner Wesley Visser, for a lot boundary adjustment under Section 53(1) of the Planning Act R.S.O 1990 C.P 13, wherein Part 1 is to be severed from Part 2 to permit the conveyance of Part 1 for a proposed lot addition to the abutting Part 3. Both retained and conveyed parcels are proposed for future 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: June 14, 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, June 9th, 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
<p>The Public Meeting will be held in-person, while being live-streamed on the City’s YouTube channel.</p> <p>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, June 13th, 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.</p>

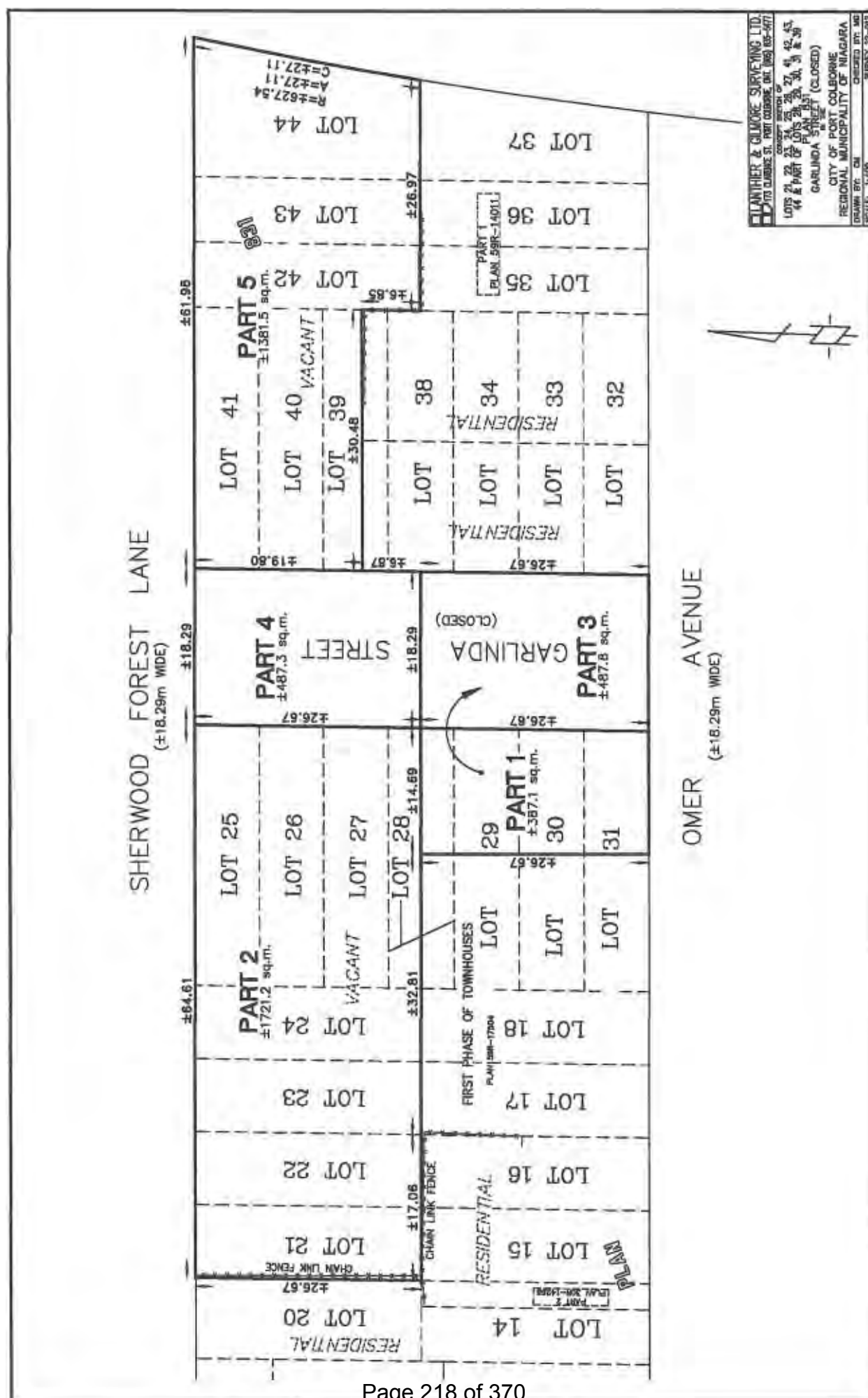
If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

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: May 31, 2023





PORT COLBORNE
PLANNING AND DEVELOPMENT DEPARTMENT

**APPLICATION FOR
CONSENT**

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Wesley William Visser	
Mailing Address: 2309 Hwy # 3	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 905-835-8484
Fax:	Email: wwvisser@hotmail.com

1.2 Owner's SOLICITOR (if applicable)	
Name: R. Brian Miller	
Mailing Address: 1415 Pound Avenue	
City: Fort Erie	Province: Ontario
Postal Code: L2A 5P9	Telephone: 905-658-0057
Fax:	Email: bmillerr@rbmillerrlaw.com

1.3 Owner's Authorized AGENT (if applicable) Not 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.
Anthony Di Giacomo
6427 Rockcliff Estates,
Niagara Falls, Ontario L2J 4K7

1.5 Date and Subject Land was acquired by the Current Owner:
July 25, 2017

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

Name: Lanthier & Gilmore	
Mailing Address: 173 Clarence Street	
City: Port Colborne	Province: Ontario
Postal Code: L3K 3G4	Telephone: 905-835-5477
Fax:	Email: lanthier.gilmore@bellnet.ca

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

Section 2: LOCATION

Former Municipality: Humberstone	
Concession No.	Lot(s): PT LTS 28-31
Registered Plan No. 831	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Omer Avenue	Street No. Not assigned

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: Re-configure the lands of the neighbouring property owner. _____ _____

2.2 If a lot addition, identify the lands to which the parcel will be added:
Part 3 on the attached sketch being Part of Garlinda Street, Plan 831 _____ _____

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:
2023781 Ontario Inc. _____ _____

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: **Urban Residential**

Regional Policy Plan: **Built-up Area**

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

Fourth Density Residential Zone (R4)

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?

☒ Yes

☐ No

Section 4

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?

☐ Yes

☒ No

If "Yes" describe the easement or covenant and its effect:

Section 5

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 6

What type of WATER SUPPLY is proposed?

☒ Publicly owned and operated piped water supply

☐ Lake

☐ Well (private or communal)

☐ Other (specify)

Section 7

What type of SEWAGE DISPOSAL is proposed?

☒ Publicly owned and operated sanitary sewage system

☐ Septic system (private or communal)

☐ 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: 14.69 m	Depth: 26.67 m	Area: 387.1 sq.m.
Existing Use: Vacant Residential Land		
Proposed Use: To be attached to the lands to the east		

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: None
Proposed: Create a development site comprised of Parts 1 & 3 on the attached sketch

Section 10**Part No. On Sketch:** 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 64.61 m.	Depth: 26.67 m.	Area: 1721.2 sq.m.
Existing Use: Vacant Residential Land		
Proposed Use: Development Site		

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: None
Proposed: Development Site

Section 11

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

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

File Number: B-18-22 P.C.
Decision: Approved

Section 12

HAS THE LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?

- ☒ Yes
☐ 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): B15-22PC, B16-22PC, B17-22PC, B18-22 PC

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 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

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

- ☒ Residential
☐ Industrial
☐ Commercial
☐ Institutional
☐ Agricultural
☐ Parkland
☐ Vacant
☐ Other

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

Since the creation of Plan 831

14.3 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

14.4 ALL PREVIOUS USE

☒ Residential

☐ Industrial

☐ Commercial

☐ Institutional

☐ Agricultural

☐ Parkland

☐ Vacant

☐ Other

14.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/> X	<input type="checkbox"/>	<input checked="" type="checkbox"/> X	<input checked="" 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 checked="" type="checkbox"/> Municipal Road	<input type="checkbox"/>	<input type="checkbox"/>

14.6 If Industrial or Commercial, specify use

Not Applicable

14.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?

☐ Yes

☒ No

☐ Unknown

14.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- ☐ Yes
☒ No
☐ Unknown

14.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

14.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☒ No
☐ 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?

- ☐ Yes
☒ No
☐ 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)?

- ☐ Yes
☒ No
☐ 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?*

- ☐ 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

APRIL 27, 2023

X

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

Not Applicable

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"?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

15.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X
Date

APRIL 27, 2023

X

Signature of Applicant(s)

Wesley William Visser

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~~ Wesley Willia Visser

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 Mun. of Niagara

This 27th day of April

A.D 20 2023

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

X

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.

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 Plan 831 Part of Garlinda Avenue, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as a vacant lot on Omer Avenue.

AND IN THE MATTER OF AN APPLICATION by the agent Brian Miller on behalf of the owner Wesley Visser, for a lot boundary adjustment under Section 53(1) of the Planning Act R.S.O 1990 C.P 13, wherein Part 4 is to be severed from Part 3 to permit the conveyance of Part 2 for a proposed lot addition to the abutting Part 4. Both retained and conveyed parcels are proposed for future 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: June 14, 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, June 9th, 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
<p>The Public Meeting will be held in-person, while being live-streamed on the City’s YouTube channel.</p> <p>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, June 13th, 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.</p>

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.

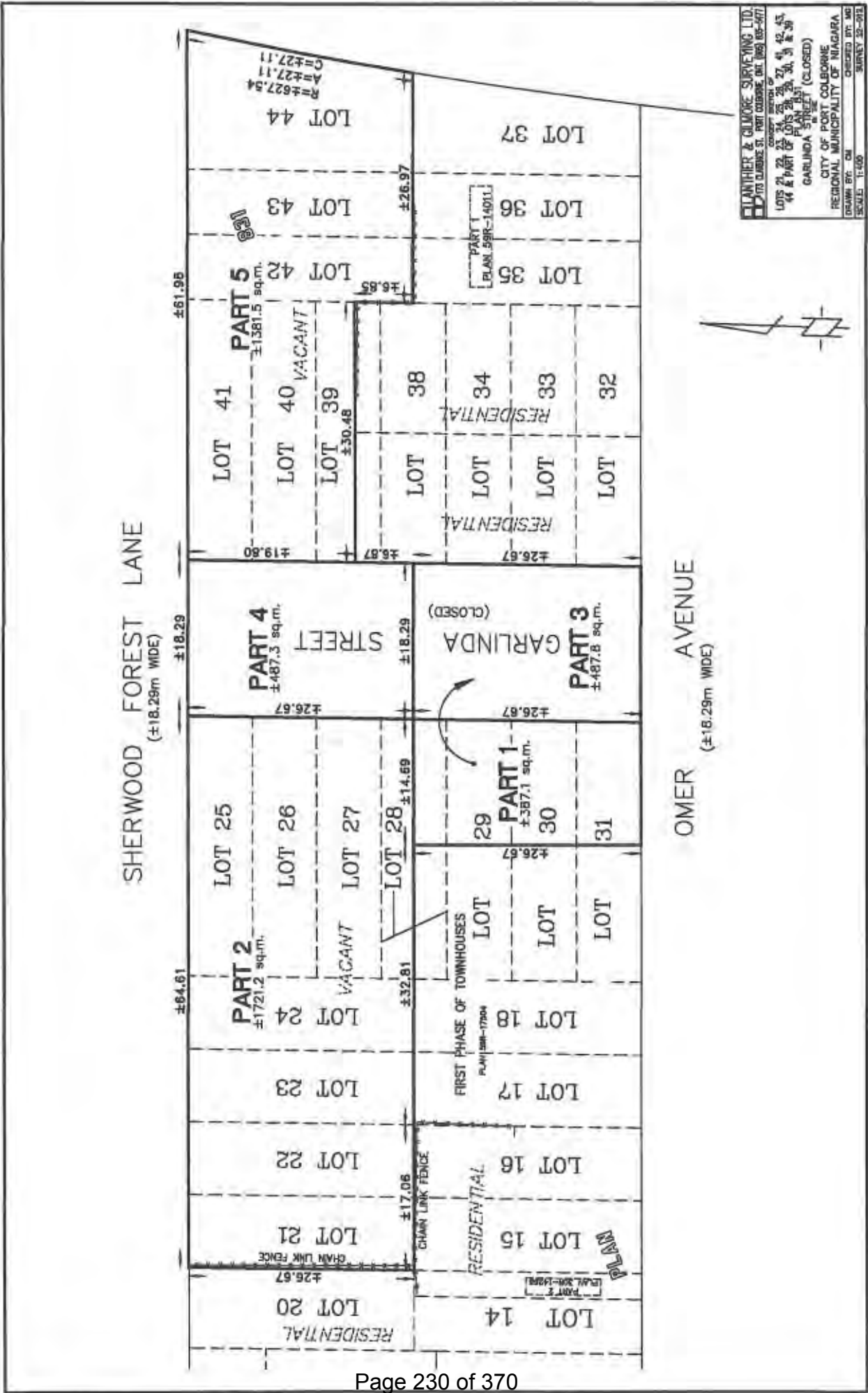
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision. If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you 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: May 31, 2023

Diana Vasu
Secretary-Treasurer





PORT COLBORNE
• PLANNING AND DEVELOPMENT DEPARTMENT •

**APPLICATION FOR
CONSENT**

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: 2023781 Ontario Inc.	
Mailing Address: 2309 Hwy # 3	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 905-835-8484
Fax:	Email: wwvisser@hotmail.com

1.2 Owner's SOLICITOR (if applicable)	
Name: R. Brian Miller	
Mailing Address: 1415 Pound Avenue	
City: Fort Erie	Province: Ontario
Postal Code: L2A 5P9	Telephone: 905-658-0057
Fax:	Email: bmillerr@rbmillerlaw.com

1.3 Owner's Authorized AGENT (if applicable) Not 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.
Peter Typer
Richard Typer

1.5 Date and Subject Land was acquired by the Current Owner:
March 12, 2018

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

Name: Lanthier & Gilmore	
Mailing Address: 173 Clarence Street	
City: Port Colborne	Province: Ontario
Postal Code: L3K 3G4	Telephone: 905-835-5477
Fax:	Email: lanthier.gilmore@bellnet.ca

1.7 All communications should be sent to the:

- ☐ Owner
☒ Solicitor
☐ Agent

Section 2: LOCATION

Former Municipality: Humberstone	
Concession No.	Lot(s): Part of Garlinda Avenue
Registered Plan No. 831	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Omer Avenue	Street No. Not assigned

2.1 Type of proposed transaction: (Check appropriate space(s))

- ☐ Creation of New Lot
☒ Addition to lot
☐ Mortgage or Charge
☐ Lease
☐ Disposal of Surplus Farm Dwelling
☐ Farm Retirement Lot
☐ Partial Discharge or Mortgage
☐ Right-of-Way
☐ Easement

Reason for proposed transaction:

Re-configure the lands of the neighbouring property owner.

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

Part 2 on the attached sketch being Lots 21-27 & b Pt Lot 28, Plan 831

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:

Wesley William Visser

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: Urban Residential
Regional Policy Plan: Built-up Area

3.2 What is the Zoning of the land (By-law 6575/30/18)?
Fourth Density Residential Zone (R4)

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 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 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:** 4

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: 18.29 m	Depth: 26.67 m	Area: 487.3 sq.m.
Existing Use: Vacant Residential Land		
Proposed Use: To be attached to the lands to the west		

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: None
Proposed: Create a development site comprised of Parts 2, 4 & 5 on the attached sketch

Section 10**Part No. On Sketch:** 3

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 18.29 m.	Depth: 26.67 m.	Area: 487.8 sq.m.
Existing Use: Vacant Residential Land		
Proposed Use: Future Development Site		

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: None
Proposed: Future Development Site

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 checked="" type="checkbox"/> No
<input 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 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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input checked="" 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:	Not assigned
Name of the approval authority considering the application:	City of Port Colborne
Lands affected by the application:	Part 1 on the attached sketch
Purpose of the application:	Boundary adjustment
Status of the application:	Pre-application consultation
Effect of the application on the proposed amendment:	Create a better land configuration

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?

Since the creation of Plan 831

14.3 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

14.4 ALL PREVIOUS USE

☒ Residential

☐ Industrial

☐ Commercial

☐ Institutional

☐ Agricultural

☐ Parkland

☐ Vacant

☐ Other

14.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/>	<input checked="" type="checkbox"/> X	<input checked="" type="checkbox"/> X	<input checked="" 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"/>
	Municipal Road			

14.6 If Industrial or Commercial, specify use

Not Applicable

14.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?

☐ Yes

☒ No

☐ Unknown

14.8 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- ☐ Yes
☒ No
☐ Unknown

14.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

14.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☐ No
☒ Unknown

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

- ☐ Yes
☒ No
☐ 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?

- ☐ Yes
☒ No
☐ 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)?

- ☐ Yes
☒ No
☐ 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?*

- ☐ 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

April 27, 2023

X

2023781 Ontario Inc.

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

Not Applicable

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"?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

15.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Denise Landry](#); [David Schulz](#); [Chris Roome](#)
Subject: RE: June COA Notices of Hearing
Date: May 24, 2023 10:38:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[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](#)

Hi Diana,

Please see my comments below.

A11-23-PC – 38 Church Street

- No comment

A12-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for the construction of new entrance or alteration of existing entrance on Oakwood Street

A13-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B05-23-PC – 242 & 244 Humboldt Parkway

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B06-23-PC – 336 Sugarloaf Street

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B07-23-PC – 316 Second Concession Road

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B08-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B09-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B10-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B11-23-PC – 36 & 38 Page Street

- Final grading does not conform with proposed grading plan and is currently draining onto adjacent property

B12-23-PC – 194 Chippawa Road

- No comment

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2900 x226

Email Nicholas.Olschansky@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

Hello Diana

A11-23-PC there are not comments regarding municipal drains

A12-23-PC there are not comments regarding municipal drains

A13-23-PC there are not comments regarding municipal drains

B05-23-PC there are not comments regarding municipal drains

B06-23-PC there are not comments regarding municipal drains

B08-23-PC there are not comments regarding municipal drains

B09-23-PC there are not comments regarding municipal drains

B11-23-PC there are not comments regarding municipal drains

B12-23-PC there are not comments regarding municipal drains

B07-23-PC this property abuts the Indian Creek Municipal Drain watershed however this parcel is not within the municipal drain watershed so there are not comments regarding municipal drains for this parcel either.



PORT COLBORNE



www.portcolborne.ca

Alana VanderVeen
Drainage Superintendent
City of Port Colborne

1 Killaly St W
Port Colborne, ON L3K 6H1
Phone 905-835-2900 x291
Email Alana.VanderVeen@portcolborne.ca

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Hi everyone,

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Zoning Amendment Application - 59 OMER AVENUE
Date: May 24, 2023 2:07:58 PM
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.

No water line down Sherwood Forest Lane or hydrant
Port Colborne Fire has no objection to the application.
B08-23-PC and B09-23P-PC

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

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Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

May 29, 2023

Region File: D.06.07.CS-23-0032 and D.06.07.CS-23-0033

Diana Vasu
Secretary - Treasurer
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Ms. Vasu:

**Re: Regional and Provincial Comments
Proposed Consent Application
City File: B08-23-PC and B09-23-PC**

**Owner: Wesley Visser
Agent: Brian Miller
Plan 831 Part of Lots 28-31; Vacant Lot on Omer Ave
City of Port Colborne**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-mentioned Consent Applications for the lands legally known as Plan 831 Part of Lots 28-31 and Plan 831 Part of Garlinda Avenue, both municipally known as Vacant Land on Omer Ave. The proposed lot boundary adjustment for Plan 831 Part of Lots 28-31 consists of severing Part 1 from Part 2 to permit the conveyance of Part 1 with a proposed lot addition to the abutting Part 3. Both resulting parcels are proposed for future residential use. Additionally, the proposed boundary adjustment for Plan 831 part of Garlinda Avenue consists of severing Part 4 from Part 3 to permit the conveyance of Part 2 for a proposed lot addition to the abutting Part 4. Similarly, the two resulting parcels are proposed for future residential use.

A pre-consultation meeting was held on February 24, 2022 for the above mentioned lands, staff note this pre-consultation was for a Draft Plan of Subdivision/Condominium development. The following comments are provided from a Provincial and Regional perspective to assist the Committee with their consideration of the Consent Applications.

Provincial and Regional Policies

The subject lands are designated “Settlement Area” under the *Provincial Policy Statement, 2020* (“PPS”), “Delineated Built-Up Area” under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and “Delineated Built-Up Area” under the *Niagara Official Plan* (“NOP”).

The Provincial and Regional policies direct development to take place in Urban Areas to support intensification in Built-Up Areas where appropriate servicing and infrastructure exists. A full range of residential uses are generally permitted within the Delineated Built-Up Area designation, inclusive of consents, subject to availability of adequate municipal services, infrastructure and policies regarding land use compatibility and environmental conservation. As the proposed Consent Applications are technical in nature, and development is not being proposed at this time, staff is generally satisfied that the Applications for the boundary adjustment are consistent with the PPS and conforms to Provincial and Regional policies, subject to the below comments.

Land Use Compatibility

The Consent Application states all proposed parcels are projected for future residential use. At this time, for information, staff notes Policy 2.2.2.10 of the NOP outlines local intensification is to support the development of complete communities, and avoid or mitigate risks to public health. Regional staff observe the following industrial uses north of the property: Krown Rust Control Centre, J.Oskam (steel fabricators), West Port Machining, and an automotive garage. Additionally, the subject lands are in close proximity to the Seaway Water Pollution Prevention Sewage Treatment Plant and an active Trillium Railway line (approximately 70m east of the property). As such, staff note for future development applications, a Noise and Odour Impact Assessment will be required to consider land use compatibility concerns regarding the sewage treatment plant and industrial uses as well as transportation sources proximal to the property. The study is to be completed in accordance with the Ministry of Environment, Conservation and Parks D-series land use compatibility guidelines and the Environmental Noise Guidelines (NPC-300) and include recommended mitigation/devices and warning clauses.

Furthermore, the subject lands are adjacent to a designated Core Employment Area as mapped in Schedule G of the NOP. Policy 4.2.1.5 outlines core employment areas as *clusters of traditional employment uses, such as industrial, manufacturing, construction, transportation and warehousing*. These areas are to be *protected and planned for similar employment uses, major facilities, and freight-supportive forms of development and redevelopment*. As such, Regional staff note for future development applications, the requirement of a Planning Justification Brief assessing the compatibility of sensitive land uses, such as the projected residential development, adjacent to a Core Employment Area.

Archaeological Potential

The property is mapped as an area of archaeological potential in Schedule K of the NOP. 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. Staff do not consider a lot adjustment to be development, therefore Regional staff offer no archaeological assessment requirements at this time. Regional staff note that any future Planning Act applications for the property may require an archaeological assessment.

Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff does not object to the Consent Applications as submitted. Staff note for future Planning Act applications requirements of Noise and Odour Impact Assessment, Planning Justification Brief and Archaeological Assessments may be required.

Should you have any questions, please contact the undersigned at Valentina.Escobar@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send notice of the Commission's decision on this application.

Kind regards,



Valentina Escobar

Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region

Planning and Legislative Services

Planning Division Report

June 9th, 2023

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

Re: Application for Consent B08-23-PC
Part Lot 28, 29, 30 and 31 on Plan 831
VL Omer Avenue
Agent: Brian Miller
Owner(s): Wesley Visser

Proposal:

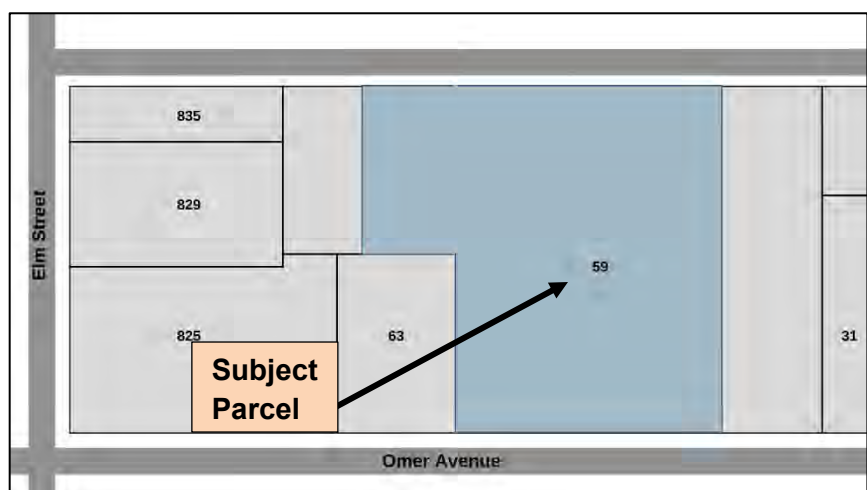
The purpose and effect of this application is to permit the conveyance of Part 1 (see Appendix A) having a lot frontage of 14.69m along Omer Avenue and a lot area of 387.1m² to be merged with Part 3, having a lot frontage of 18.26m and a lot area of 487.8m². The boundary adjustment is being requested to consolidate the lots fronting Omer Avenue and Sherwood Forest Lane for future residential development.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the south, east, and west and Light Industrial (LI) to the north. The surrounding uses consist of detached dwellings to the south, east, and west and light industrial use to the north.

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.



Public Comments:

Notice was circulated on May 31st, 2023 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of June 9th, 2023, no comments from the public have been received.

Agency Comments:

Notice of the application was circulated on May 15th, 2023 to internal City departments. As of June 9th, 2023, the following has been received.

Drainage Superintendent

There are no concerns regarding municipal drains for this application.

Fire Department

Port Colborne Fire has no objection to the proposed application but the applicant should be aware that there is currently no water line or hydrant down Sherwood Forest Lane.

Staff Response

Staff notes the Fire Department's comments about there being no water line or a hydrant. As there are no structures proposed as a part of this application, this is not a concern. Should the applicant propose any future development on the property fronting Sherwood Forest Lane the water and hydrant will need to be addressed at that time.

Engineering Technologist

A master lot grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting the adjacent properties.

Staff Response

Staff will require a condition of this application that a master lot grading plan is required, to the satisfaction of City Staff.

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 that efficiently use land and resources.

Staff is satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land and resources by consolidating the two lots into lots that each have frontage on one street.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support 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, the vast majority of growth is to be directed to settlement areas that have a delineated built boundary, have existing or planned services, and support the achievement of complete communities.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application enables growth within a settlement area and within a delineated built boundary, has existing services along Omer Avenue, while services along Sherwood Forest Lane would have to be installed at a later date, and support the achievement of complete communities by providing for two developable lots within the settlement area.

The Niagara Official Plan (NOP), designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Intensification is generally encouraged throughout the Built-up Area and includes residential uses that make efficient use of existing services.

Planning Staff is satisfied that the proposed consent application conforms to the NOP. The proposed boundary adjustment will enable future intensification by providing buildable lots within the built-up area and makes efficient use of the existing services along Omer Avenue. Future services will need to be installed to accommodate any development along Sherwood Forest.

City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City’s Official Plan. This designation permits residential uses and land severances for technical reasons (such as a boundary adjustment) for any purpose that does not create a separate lot.

Consents to sever are assessed by the policies of Section 3.2.4 of the OP. An Ontario Land Surveyor sketch is required and the parcel must have frontage on a public road. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the adjusted lots will have frontage on a public road.

Section 3.2.4 also provides for the conditions for the collection of Cash-in-Lieu of Parkland Dedication. As this is a technical amendment, Staff will not be requiring the collection of cash-in-lieu of parkland dedication as a condition of consent. If the property owner has not paid the parkland dedication fee, it will be collected at the time of the building permit.

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

The subject lands are zoned Fourth Density Residential (R4) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions if the application is approved.

Part 1 and Part 3: A lot frontage of 32.98m and a lot area of 874.5m²

Part 2 and Part 4: A lot frontage of 82.9m and a lot area of 2208.5m².

The lot creation requirements of the R4 zone for detached dwellings require 12m of frontage and 400m² of lot area, while the requirements in the R4 zone for apartments require 18m of frontage and a lot area of 125m² per unit.

As noted in the statistics above, as well as on the sketch attached as Appendix A, both parcels have exceeded the required frontage and lot area for all uses permitted in the R4 zone.

Staff is satisfied that all the requirements of the zoning by-law will be met as a result of the proposed boundary adjustment.

Recommendation:

Given the information above, Planning Staff recommends application B08-23-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 \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a master lot grading plan be submitted to the satisfaction of City Staff.
4. That all conditions of consent be completed by June 14th, 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,



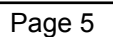
Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Page 253 of 370



Planning and Legislative Services

Planning Division Report

June 9th, 2023

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

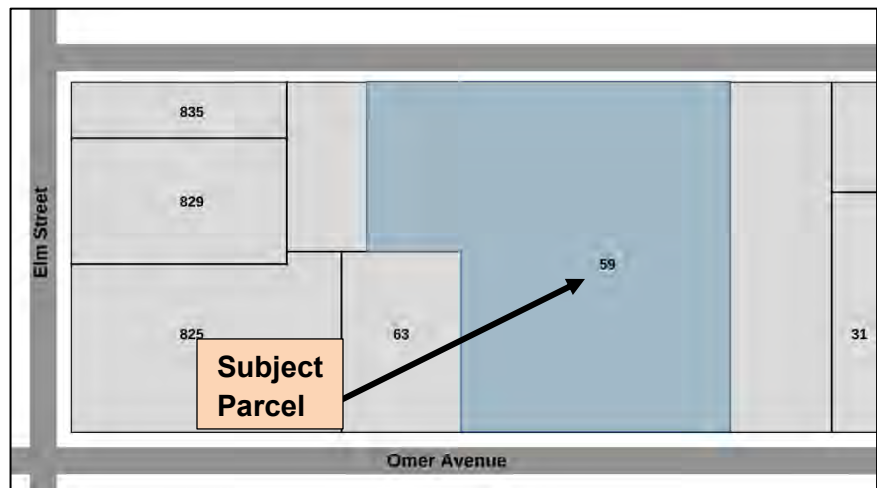
Re: Application for Consent B09-23-PC
Part of Garlinda Ave (Closed Road Allowance)
VL Omer Avenue
Agent: Brian Miller
Owner(s): Wesley Visser

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 4 (see Appendix A) having a lot frontage of 18.29m along Sherwood Forest Lane and a lot area of 487.3m² to be merged with Part 2, having a lot frontage of 64.61m and a lot area of 1721.2m². The boundary adjustment is being requested to consolidate the lots fronting Omer Avenue and Sherwood Forest Lane for future residential development.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the south, east, and west and Light Industrial (LI) to the north. The surrounding uses consist of detached dwellings to the south, east, and west and light industrial use to the north.



Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on May 31st, 2023 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of June 9th, 2023, no comments from the public have been received.

Agency Comments:

Notice of the application was circulated on May 15th, 2023 to internal City departments. As of June 9th, 2023, the following has been received.

Drainage Superintendent

There are no concerns regarding municipal drains for this application.

Fire Department

Port Colborne Fire has no objection to the proposed application but the applicant should be aware that there is currently no water line or hydrant down Sherwood Forest Lane.

Staff Response

Staff notes the Fire Department's comments about there being no water line or a hydrant. As there are no structures proposed as a part of this application, this is not a concern. Should the applicant propose any future development on the property fronting Sherwood Forest Lane the water and hydrant will need to be addressed at that time.

Engineering Technologist

A master lot grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting the adjacent properties.

Staff Response

Staff will require a condition of this application that a master lot grading plan is required, to the satisfaction of City Staff.

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 that efficiently use land and resources.

Staff is satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land and resources by consolidating the two lots into lots that each have frontage on one street.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support 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, the vast majority of growth is to be directed to settlement areas that have a delineated built boundary, have existing or planned services, and support the achievement of complete communities.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application enables growth within a settlement area and within a delineated built boundary, has existing services along Omer Avenue, while services along Sherwood Forest Lane would have to be installed at a later date, and support the achievement of complete communities by providing for two developable lots within the settlement area.

The Niagara Official Plan (NOP), designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Intensification is generally encouraged throughout the Built-up Area and includes residential uses that make efficient use of existing services.

Planning Staff is satisfied that the proposed consent application conforms to the NOP. The proposed boundary adjustment will enable future intensification by providing buildable lots within the built-up area and makes efficient use of the existing services along Omer Avenue. Future services will need to be installed to accommodate any development along Sherwood Forest.

City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City’s Official Plan. This designation permits residential uses and land severances for technical reasons (such as a boundary adjustment) for any purpose that does not create a separate lot.

Consents to sever are assessed by the policies of Section 3.2.4 of the OP. An Ontario Land Surveyor sketch is required and the parcel must have frontage on a public road. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

Section 3.2.4 also provides for the conditions for the collection of Cash-in-Lieu of Parkland Dedication. As this is a technical amendment, Staff will not be requiring the collection of cash-in-lieu of parkland dedication as a condition of consent. If the property owner has not paid the parkland dedication fee, it will be collected at the time of the building permit.

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

The subject lands are zoned Fourth Density Residential (R4) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions if the application is approved.

Part 1 and Part 3: A lot frontage of 32.98m and a lot area of 874.5m²

Part 2 and Part 4: A lot frontage of 82.9m and a lot area of 2208.5m².

The lot creation requirements of the R4 zone for detached dwellings require 12m of frontage and 400m² of lot area, while the requirements in the R4 zone for apartments require 18m of frontage and a lot area of 125m² per unit.

As noted in the statistics above, as well as on the sketch attached as Appendix A, both parcels have exceeded the required frontage and lot area for all uses permitted in the R4 zone.

Staff is satisfied that all the requirements of the zoning by-law will be met as a result of the proposed boundary adjustment.

Recommendation:

Given the information above, Planning Staff recommends application B09-23-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 \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a master lot grading plan be submitted to the satisfaction of City Staff.
4. That all conditions of consent be completed by June 14th, 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,



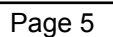
Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

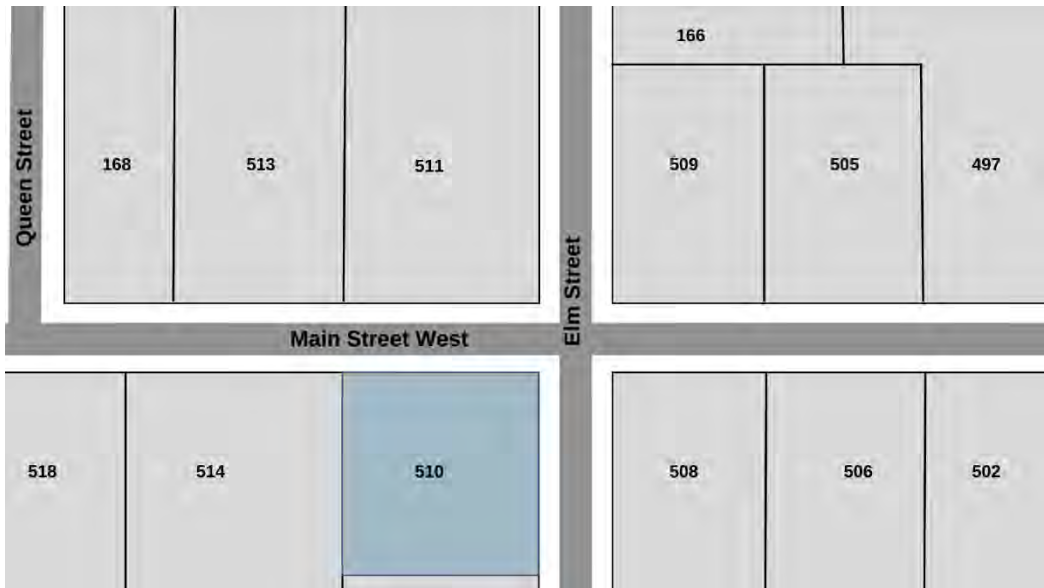
Page 258 of 370



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 Registered Plan 797 Lots 111 and 112, in the City of Port Colborne, located in the Mixed Use (MU) zone, municipally known as 510 Main Street West.

AND IN THE MATTER OF AN APPLICATION by the agent Joseph Tomaino on behalf of the owner Susan Nenadovich for consent to sever for the purpose of creating a new lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 2 is to be severed for future residential use and Part 1 is to 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: June 14, 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, June 9th, 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
<p>The Public Meeting will be held in-person, while being live-streamed on the City’s YouTube channel.</p> <p>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, June 13th, 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.</p>

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.

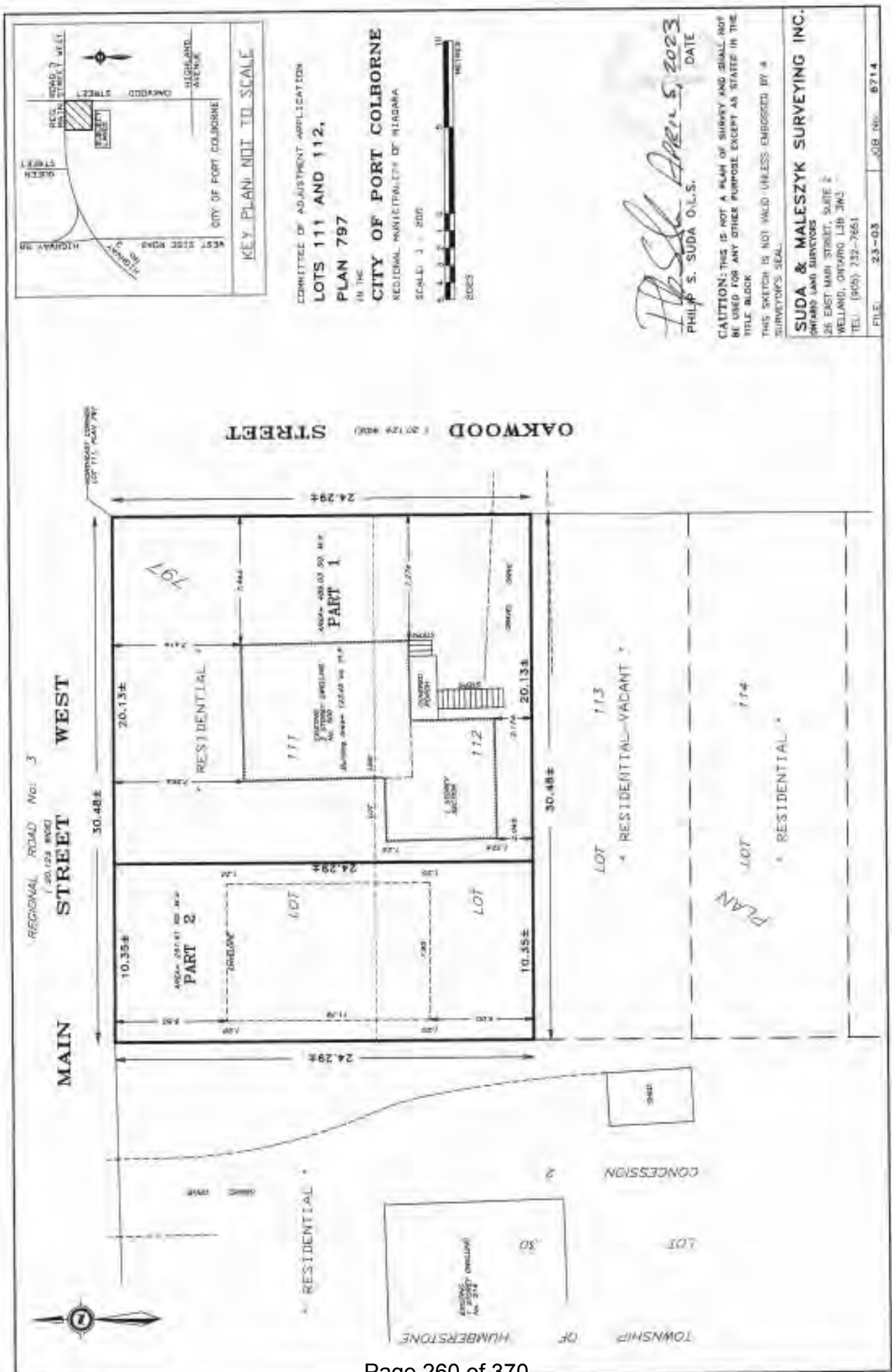
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision. If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you 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: May 31, 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

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: Susan Nenadovich	
Mailing Address: 510 Main Street West	
City: Port Colborne	Province: ON
Postal Code: L3K 3W7	Telephone: 905-708-2026
Fax: n/a	Email: snenadovichhannah@hotmail.com

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

1.3 Owner's Authorized AGENT (if applicable)	
Name: Joseph M. Tomaino	
Mailing Address: 127 Aqueduct Street	
City: Welland	Province: ON
Postal Code: L3C 1B9	Telephone: 905-734-6938
Fax: n/a	Email: jtomaino66@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.
Penfinancial Credit Union, 247 East Main Street, welland ON L3B 3X1

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

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

Name: Suda & Maleszyk	
Mailing Address: 26 East Main Street, Suite 2	
City: Welland	Province: ON
Postal Code: L3B 3W3	Telephone: 905-732-7651
Fax: n/a	Email: dcb@cogeco.ca

1.7 All communications should be sent to the:
<input checked="" 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. 797	Lot(s): 111 & 112
Reference Plan No.	Part(s):
Name of Street: Main Street West	Street No. 510

2.1 Type of proposed transaction: (Check appropriate space(s))
<input checked="" 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 checked="" type="checkbox"/> Partial Discharge or Mortgage <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement
Reason for proposed transaction:
Create a new lot of record.

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

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:
Brooke Nenadovich

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: Downtown Commercial
Regional Policy Plan: Urban-Built Up Area

3.2 What is the Zoning of the land (By-law 6575/30/18)?
MU-Mixed Use Zone

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 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

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: 10.35 m	Depth: 24.29	Area: 251.41 sq m
Existing Use: Vacant land		
Proposed Use: Single Family 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: Vacant land
Proposed: Single Detached Dwelling

Section 10

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 20.13 m	Depth: 24.29 m	Area: 489.03 sq m
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: Duplex Residential Dwelling
Proposed: none

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 checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Minor Variance	<input checked="" type="checkbox"/> Yes	<input 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

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: concurrent 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?
unknown

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
Duplex Dwelling	7.41 m	2.04	1.2 m	7.27 m	9 m	123.45	unknown

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
n/a

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 checked="" type="checkbox"/> No <input 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?

- ☐ Yes
☒ No
☐ Unknown

14.9 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

14.10 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ 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?

- ☐ Yes
☒ No
☐ 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)?

- ☐ Yes
☒ No
☐ 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?*

- ☐ 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 MAY 12/23
Date

X Susan Nenadovich
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

Duplex Residential Dwelling

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"?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

15.4 Is there a valley slope on the property?

- ☐ Yes
☒ No
☐ Unknown

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

- ☐ Yes
☒ No
☐ Unknown

X

Date

MAY 12/23

X

Signature of Applicant(s)

[Handwritten Signature]

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 Joseph M Tomaino

Of the City/Town/Township of Welland

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 Region of Niagara

This 15th day of May

A.D. 20 23

[Handwritten Signature]

Whitney Gilliland, 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

[Handwritten 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 the City Clerk at 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

510 Main Street West

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

(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 Region of Niagara
 this 12th day of May 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

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:



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File No. A12-23-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended, and Section 21.6 (b) and (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 Registered Plan 797 Lots 111 and 112, in the City of Port Colborne, located in the Mixed Use (MU) zone, municipally known as 510 Main Street West;

AND IN THE MATTER OF AN APPLICATION by the agent Joseph Tomaino on behalf of the owner Susan Nenadovich 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 and rear yard to Part 1 to facilitate a concurrent severance application under application B10-23-PC, notwithstanding the following:

1. That a minimum lot area of 489.03m² be permitted, whereas the minimum permitted lot area is 500m².
2. That a minimum rear yard of 2.04m be permitted, whereas the minimum permitted rear yard is 6m.

Explanatory Relief from the Zoning By-law: The applicant is seeking to sever the property at 510 Main Street West. As a result of the proposed lot area and rear yard, a minor variance is required. A sketch of the proposed severance 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:	June 14, 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, June 9th, 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, June 13th, 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.

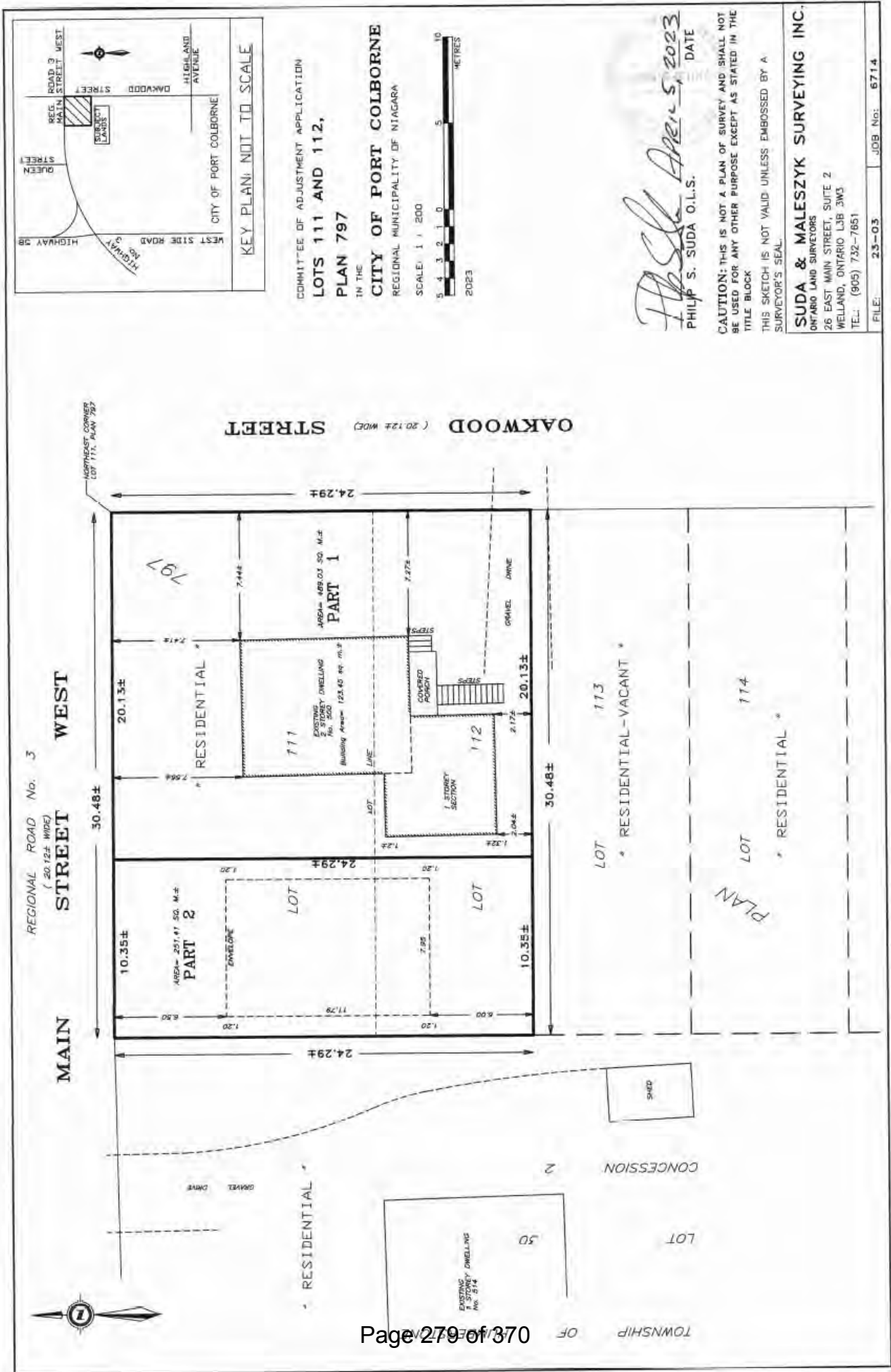
If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204. The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee 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: June 2, 2023


Diana Vasu
Secretary-Treasurer



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 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: Susan Nenadovich	
Mailing Address: 510 Main Street West	
City: Port Colborne	Province: ON
Postal Code: L3B 3W7	Telephone: 905-708-2026
Fax: n/a	Email: snenadovichhannah@hotmail.com

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

1.3 Owner's Authorized AGENT (if applicable)	
Name: Joseph M. Tomaino	
Mailing Address: 127 Aqueduct Street	
City: Welland	Province: ON
Postal Code: L3C 1B9	Telephone: 905-734-6938
Fax:	Email: jtomaino66@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.
PenFinancial Credit Union, 247 East Main Street, Welland ON L3B 3X1

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

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Suda & Maleszyk	
Mailing Address: 26 East Main Street, Suite 2	
City: Welland	Province: ON
Postal Code: L3B 3W3	Telephone: 905-732-7651
Fax: n/a	Email: dcb@cogeco.ca

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: City of Port Colborne	
Concession No.	Lot(s): 11 and 112
Registered Plan No. 797	
Reference Plan No.	Part(s):
Name of Street: Main Street West	Street No. 510

Section 3: DESCRIPTION

Part No. On Sketch: **1**

Frontage: 20.13 m	Depth: 24.29 m	Area: 489.03 sq m
Existing Use: Existing Duplex Dwelling		
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: Downtown Commercial
Regional Policy Plan: Urban-built up Area

4.2 What is the Zoning of the land (By-law 6575/30/18)?
MU-Mixed Use Zone

Section 5

Are there any existing EASMENTS 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 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

Section 7

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 8

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 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:
21.6 (b) Lot Area Reduction from 500 sq metres to 489.03 sq metres
21.6 (f) Rear Yard Reduction from 6 metres to 2.04 metres

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 IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

Variances are being requested to facilitate the creation of a new residential lot.

Section 12

DATE OF ACQUISITION of the land by the current owner:

February 1, 2022

Section 13

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

unknown

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 checked="" type="checkbox"/> Yes	<input 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: concurrent 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 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

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?
<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
Duplex dwelling	7.41 m	2.04 m	1.2 m	7.44	9 m	123.45 sq m	unknown

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

n/a

**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?

- ☐ 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

MAY 12/23

X

Signature of Owner

Susan Nenadovich

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

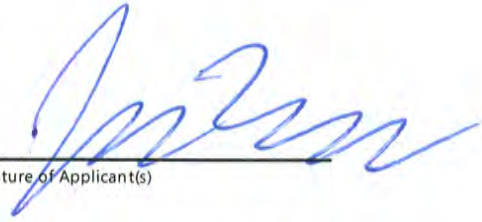
X

Date

MAY 12/23

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 Joseph M. Tomaino

Of the City/Town/Township of Welland

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 15th day of MAY

A.D. 20 23



Whitney Gilliland, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the
A Commissioner, etc., of Port Colborne.

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

X



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:

510 Main Street West

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

Joseph M. Tomaino

(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 12th day of May 2023

X

Signature of Witness

X

Susan Nenadovich

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:



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File No. A13-23-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended, and Section 21.4 (a) and (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 Registered Plan 797 Lots 111 and 112, in the City of Port Colborne, located in the Mixed Use (MU) zone, municipally known as 510 Main Street West;

AND IN THE MATTER OF AN APPLICATION by the agent Joseph Tomaino on behalf of the owner Susan Nenadovich 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 frontage and lot area to Part 2 to facilitate a concurrent severance application under application B10-23-PC, notwithstanding the following:

1. That a minimum lot frontage of 10.35m be permitted, whereas the minimum permitted lot frontage is 12m.
2. That a minimum lot area of 251m² be permitted, whereas the minimum permitted lot area is 400m².

Explanatory Relief from the Zoning By-law: The applicant is seeking to sever the property at 510 Main Street West. As a result of the proposed lot area and rear yard, a minor variance is required. A sketch of the proposed severance 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:	June 14, 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, June 9th, 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.

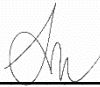
Electronic Hearing Procedures How to get involved in the Virtual Hearing

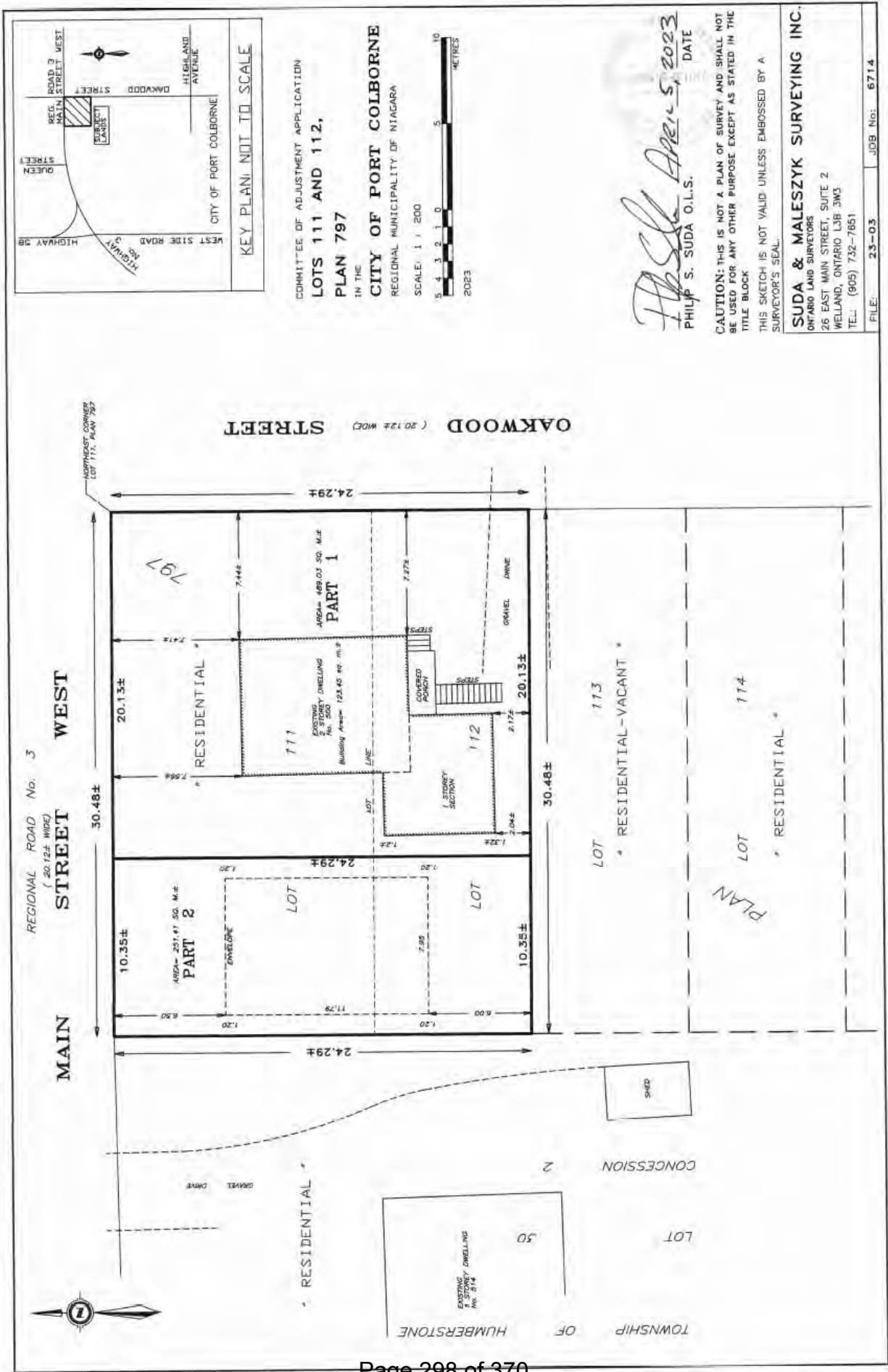
The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel. Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting 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, June 13th, 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: June 2, 2023


Diana Vasu
Secretary-Treasurer



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 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: Susan Nenadovich

Mailing Address: 510 Main Street West

City: Port Colborne

Province: ON

Postal Code: L3B 3W7

Telephone: 905-708-2026

Fax: n/a

Email: snenadovichhannah@hotmail.com

1.2 Owner's SOLICITOR (if applicable)

Name: n/a

Mailing Address:

City:

Province:

Postal Code:

Telephone:

Fax:

Email:

1.3 Owner's Authorized AGENT (if applicable)

Name: Joseph M. Tomaino

Mailing Address: 127 Aqueduct Street

City: Welland

Province: ON

Postal Code: L3C 1B9

Telephone: 905-734-6938

Fax:

Email: jtomaino66@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.

PenFinancial Credit Union, 247 East Main Street, Welland ON L3B 3x1

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

Feb 1, 2022

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Suda & Maleszyk	
Mailing Address: 26 East Main Street, Suite 2	
City: Welland	Province: ON
Postal Code: L3B 3W3	Telephone: 905-732-7651
Fax: n/a	Email: dcb@cogeco.ca

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

Section 2: LOCATION

Former Municipality: City of Port Colborne	
Concession No.	Lot(s): 111 and 112
Registered Plan No. 797	
Reference Plan No.	Part(s):
Name of Street: Main Street West	Street No. 510

Section 3: DESCRIPTION

Part No. On Sketch: **2**

Frontage: 10.35 m	Depth: 24.29 m	Area: 251.41 sq m
Existing Use: Vacant Land		
Proposed Use: Single Family Dwelling		

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: Downtown Commercial
Regional Policy Plan: Urban-Built Up Area

4.2 What is the Zoning of the land (By-law 6575/30/18)?
MU-Mixed Use Zone

Section 5

Are there any existing EASMENTS 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 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

Section 7

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 8

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 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:
21.4 (a) Lot Frontage Reduction from 12 metres to 10.35 metres
21.4 (c) Lot Area Reduction from 400 sq metres to 251 square metres

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:

To recognize certain deficiencies to facilitate the creation of a single family residential dwelling.

Section 12

DATE OF ACQUISITION of the land by the current owner:

February 1, 2022

Section 13

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

unknown

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 checked="" type="checkbox"/> Yes	<input 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: concurrent 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 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

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?
<input type="checkbox"/> Yes <input checked="" 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

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

n/a

**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?

- ☐ 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

MAY 12/23

X

Signature of Owner

Susan Nenadovich

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 MAY 12/23
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 Joseph M. Tomaino
Of the City/Town/Township of Welland
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 15th day of May
A.D. 20 23

[Signature]

Whitney Gilliland, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the
A Commissioner, 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 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:

510 Main Street West

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

Joseph M. Tomaino

(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 12th day of May 2023

X

Signature of Witness

X

Susan Nenadovich

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:

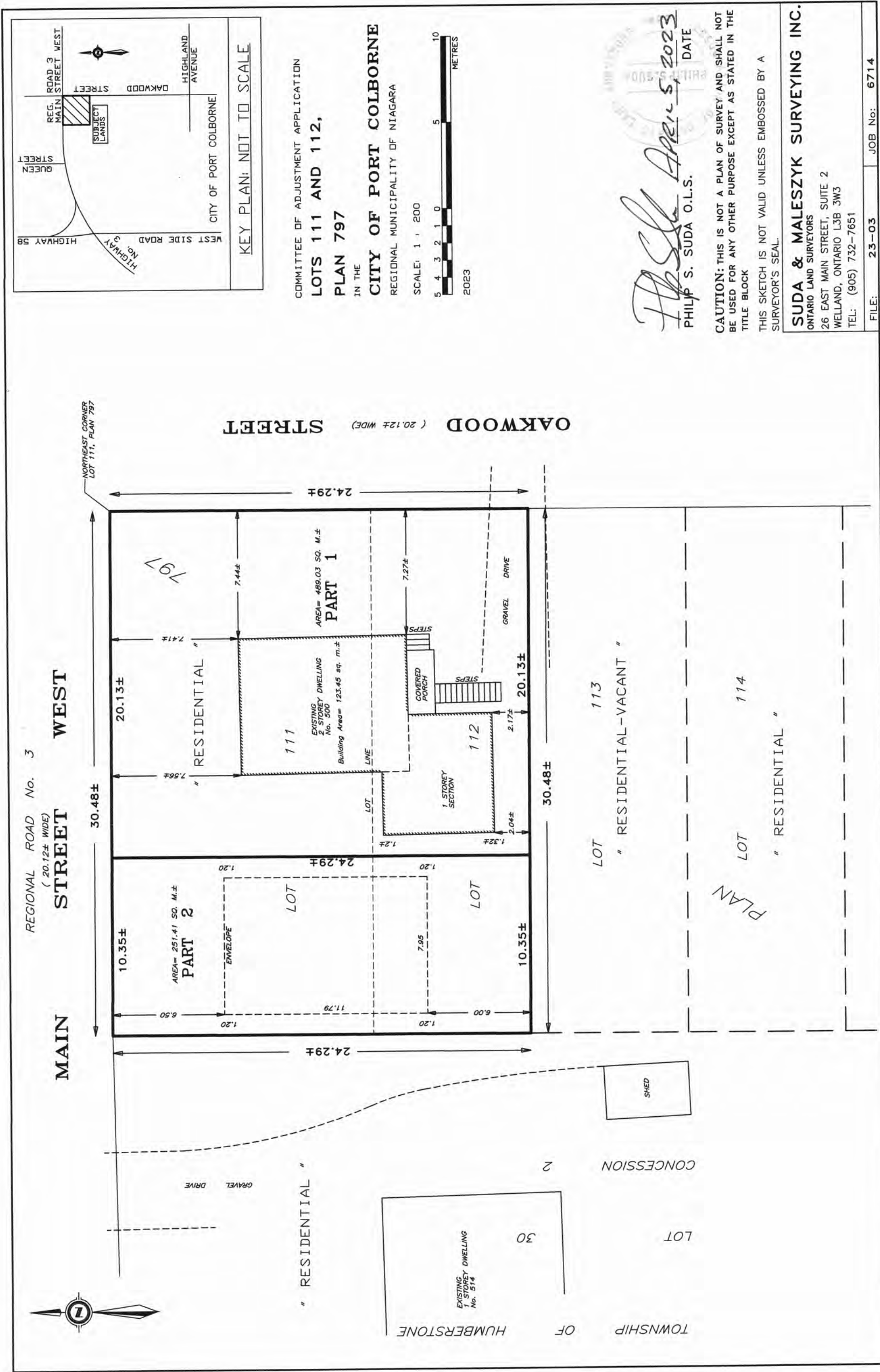
Processing

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:



Planning Justification Brief

For

510 Main Street West

Lots 111 and 112

Plan No. 797

City of Port Colborne

Regional Municipality of Niagara

Prepared by:

Joseph M. Tomaino, MCIP, RPP

127 Aqueduct Street

Welland, Ontario

L3C 1B9

Prepared for:

Susan Nenadovich

May 12, 2023

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- 5.0 Sight Line Assessment
- 6.0 Current Zoning
- 7.0 Minor Variance Applications
- 8.0 Planning Analysis and Conclusion

Appendix

- 1. Severance Sketch
- 2. Sight Line Assessment Drawing
- 3. Photos of Surrounding New Builds
- 4. Proposed Dwelling
- 5. Record of Pre-Submission Consultation

1.0 THE PROPOSAL AND REQUIRED PLANNING APPROVALS

Susan Nenadovich would like to proceed with the redevelopment of the subject property to create a new residential lot. The severed new residential lot would be approximately 10.35 m x 24.29 m in size and the retained residential lot would be 20.12x 24.29 m. in size. The proposal is for residential uses only. **(Severance Sketch-Appendix 1)**

The subject lands are zoned Mixed Use (MU Zone). The MU Zone permits single family and duplex dwellings.

A Consent application is required to sever the parcel into two separate lots. Concurrent minor variance applications have been submitted to facilitate the development to recognize certain lot deficiencies as required per Comprehensive Zoning Bylaw 6575/30/18

The brief demonstrates that the proposal is keeping with Provincial and Municipal land use planning policies and the requested variances meet the prescribed tests set out in the Planning Act.

Joseph M. Tomaino was retained by Susan Nenadovich in November of 2022 to prepare a planning justification brief for the subject development.

The Appendixes contain some additional information specifically the notes from the pre-consultation meeting held on October 13, 2022. **(Appendix 2)**

2.0 DESCRIPTION OF THE SUBJECT LANDS

The subject lands are known as 510 Main Street West. The parcel is approximately 30.48 metres by 24.29 metres in size. The lands are on a local municipal and regional roads with full municipal services. The lands are legally described as Lots 11 and 112, Plan No. 797, City of Port Colborne Regional Municipality of Niagara. Severance Sketch **(Appendix 1)** attached to this submission.

3.0 SURROUNDING LAND USES

The subject lands are located within the urban built-up area of the City of Thorold. The lands are surrounded by various urban land uses as follows:

North- Residential

East- Residential

South- Residential

West-Residential

Similar new builds have been developed on similar sized lots in the surrounding neighbourhood. Photos are included in Appendix 3 of recent new builds in the surrounding area. The proposed development is compatible with the surrounding land uses and adjacent properties.

4.0 REVIEW OF PLANNING POLICY FRAMEWORK

The subject lands are within a settlement area under the Provincial Policy Statement (2020) (“PPS”) and designated Built Up Area within the Places to Grow, for the Greater Golden Horseshoe, 2020 Consolidation (“Growth Plan”). According to the Niagara Official Plan (“NOP”), coming into effect November 4, 2022, the lands are within the Urban Area and the Built-Up Area for the City of Port Colborne. A full range of residential, commercial, and industrial uses are permitted generally within the Urban Areas, subject to the availability of adequate municipal services and infrastructure.

The PPS provides broad policy direction on matters of provincial interest related to land use planning and development. The policies that directly apply to the proposed development of the subject lands include:

“1.1.1 Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential (including second unites, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems , and public service facilities are or will be available to meet current and projected needs; and*
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate”*

The development of the subject lands for residential purposes will provide another form of housing to meet the long-term needs of future residents. In addition, the form and scale of development provides a cost-effective pattern of development minimizing land consumption and servicing costs as it takes advantage of exiting services.

Section 1.1.3.1 of the PPS states:

“Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted”

The subject lands are located within the built up area of the City of Port Colborne. The proposed development contributes growth to the City of Port Colborne settlement area.

Section 1.1.3.2 of the PPS is also of particular relevance as it states:

“Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:*
 - 1. efficiently use land and resources;*
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for the unjustified and/or uneconomical expansion;*
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - 4. support active transportation;*
 - 5. are transit-supportive, where transit is planned, exists or may be developed; and*
 - 6. are freight-supportive; and*
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”*

The proposed development for residential purposes utilizes the existing municipal and regional infrastructure currently in place to service the subject lands. The proposed development provides intensification within the City of Port Colborne settlement area.

Further, with respect to housing, Section 1.4.3 of the PPS states that Planning Authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents.

Section 1.6.6.2 of the PPS outlines the preferred method of servicing for new development and states:

“Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within the settlement areas on exiting municipal sewage services and municipal water services should be promoted wherever feasible.”

The proposed development will be serviced by water and sanitary services that are currently available in close proximity to the subject lands.

Based on the above-mentioned policies, the proposed Consent and Minor Variance Applications are consistent with the policies of the PPS (2020).

The subject land is located within the Built-Up Area under the 2020 Places to Grow, for the Greater Horseshoe (Growth Plan). The proposed development provides growth within the built-up area of the City of Port Colborne, through intensification of an underutilized parcel of land. The development will make efficient use of exiting municipal water and wastewater systems.

Provincial policy requires a minimum of 40% of all new residential development occurring annually to be located within the designated “Built-up Areas as part of each municipality’s intensification target. The

proposed development contributes to the City's intensification target by providing growth within the built up area of the City.

Based on the above-mentioned policies, the proposed Applications conform to the objectives and policies in the Provincial Growth Plan.

The subject lands are within the Urban Area of the Niagara Official Plan ("NOP"). A full range of residential, commercial, and industrial uses are permitted generally within the Urban Areas, subject to the availability of adequate municipal services and infrastructure. The Niagara Official Plan promotes higher density in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The subject lands are service by full municipal services.

Based on the above-mentioned policies, the proposed Applications conform with the policies of the Niagara Official Plan ("NOP").

The City of Port Colborne Official Plan designates the subject Downtown Commercial which permits residential uses. This designation is intended to provide a mix of uses.

The City of Port Colborne Official provides direction on growth, land use and development on more of a localized scale. The policies that directly apply to the proposed development of the subject lands include:

Section 2: Our Vision: Port Colborne in 2031

2.1 Vision Statement

The Vision for the City of Port Colborne, which will be implemented through the Official Plan, shall:

- b) Provide the opportunity for a mix of residential accommodations in Port Colborne which can accommodate households with diverse social and economic characteristics, needs and issues and desires;*

2.2 Growth Management Strategy

The City of Port Colborne's Growth Management shall:

- c) Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.*
- d) Support infill and intensification, subject to the applicable polies, in the following designations*
 - i) Urban Residential*

2.3 Strategic Directions

2.3.1 Enhancing Quality of Life

The City will promote a compact urban form, a balanced mix of housing types and land uses, efficient and cost effective infrastructure and transportation, and good urban design for neighbourhoods and business areas by:

- a) Promoting residential intensification in the urban area with a flexible approach that encourages a mix of housing types and densities appropriate to location*

The Official Plan for the City of Port Colborne also contains policies related to infill intensification within existing residential areas. Section 2.4.3 of the Official Plan encourages infill development throughout the City's Built-Up Area. The proposal also addresses the criteria contained within this Section as follows:

2.4.3 Intensification and Infill

- a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.*

2.4.3.1 Intensification Target

- a) The municipality will plan to achieve an intensification of 15%*
- b) Intensification will be measured on an annual basis and will include all new housing units created within the Built-up area*

The proposed development for residential purposes utilizes the existing municipal and regional infrastructure currently in place to service the subject lands. The subject lands are an underutilized land parcel of land within the settlement area. The proposed development provides intensification within the City of Port Colborne settlement area.

It is my opinion that the proposed development supports the policy objectives of the City of Port Colborne's Official Plan.

5. SIGHT LINE ASSESSMENT

The sightline analysis approach is to verify if the proposed driveway use will be safe for the new driveway user. The westbound driveway entrance movement was reviewed to ensure an entering vehicle has adequate sight distance to an eastbound vehicle. As shown (Appendix 2), a westbound vehicle stopped for an entering entrance movement can see the vehicle at the stopping distance from the turning vehicle location. The exit driveway entrance movement shows the eastbound vehicle has adequate stopping distance for an exiting vehicle.

6. CURRENT ZONING

The subject lands are zoned Mixed Use (MU) Zone as per Zoning By-law 6575/30/18. The MU Zone permits single detached and duplex dwelling units.

7. MINOR VARIANCE APPLICATIONS

The owner is proposing the construction of a single detached dwelling on Part 2 and retain the existing residential duplex dwelling on Part 1 as per the attached severance sketch (Appendix 1). In order to facilitate the development, as per Comprehensive Zoning Bylaw 6575/30/18 the following variances from the MU zone provisions are being requested for Parts 1 and 2 as follows.

Section 21 MU Provisions	Required	Part 1-Existing Duplex Dwelling	Part 2-Single Detached
21.4 (a) – Lot Frontage Detached Dwelling	12 metres	n/a	10.35 metres*
21.4 (c) Lot Area- Detached Dwelling	400 sq.metres	n/a	251.41 sq. metres*
21.4 (d) Front Yard Setback	6.5 metres	n/a	6.5 metres
21.4 (e) Interior Yard Setback	1 metre	n/a	1.2 metres
21.4 (g) Rear Yard	6 metres	n/a	6 metres
21.4 (h)	50 percent	n/a	37.28 percent
21.6 (a) Lot Frontage- Duplex Dwelling	18 metres	20.13 metres	n/a
21.6 (b) Lot Area	500 sq metres	489.03 sq metres*	n/a
21.6 (c) Front Yard	6.4 metres	7.4 metres	n/a
21.6 (d) Interior Side Yard	1.2 metres	1.2 metres	n/a
21.6 (e) Corner Side Yard	3 metres	7.27 metres	n/a
21.6 (f) Rear Yard	6 metres	2.04 metres*	n/a
21.6 (g) Lot Coverage	50 percent	25.2%	n/a

***Denotes regulations that do not comply**

The Committee of Adjustment will need to be satisfied that the applications meets the four test prescribed by Section 45 (1) of the Planning Act.

Four Tests as Prescribed by Section 45 (1) of the Planning Act

Variance No. 1 (Part 1) Lot Frontage Reduction from 12 metres to 10.35 metres

1. Is the variance minor from the provisions of the By-law?

The requested variance No. 1 for Part 2, the severed parcel is for the frontage reduction of 12 metres to 10.35 metres. The proposed lot frontage will not have any adverse impacts to the surrounding area. Similar size lots have been developed in the surrounding area.

2. Is the variance appropriate for the development of the land?

The proposed variance is requested to facilitate the redevelopment of the subject lands to accommodate the construction of new single detached dwelling and maintain the exiting duplex dwelling on the retained parcel.

It is my opinion that the requested variance is appropriate for the development of the land.

3. Is the general intent and purpose of the Zoning By-law maintained?

The requested variance is to recognize the lot frontage reduction. The reduction of the lot frontage doesn't impact the surrounding properties.

It is my opinion the requested variance would maintain the general intent and purpose of the zoning by-law.

4. Is the general intent and purpose of the Official Plan maintained?

The proposed variance is to facilitate the development of a residential lot and is compatible with the adjacent properties. The proposed new dwelling and existing duplex dwelling are consistent with the scale of development in the neighbourhood and is in keeping with the character of the neighbourhood. Therefore, the requested variance would maintain the general intent and purpose of the Official Plan.

Minor Variance # 2 (Part 2) Reduction of Lot Area from 400 sq metres to 251.41 sq metres

1. Is the variances minor from the provisions of the By-law?

The requested variance No. 2 for Part 2, the severed parcel is for the lot area reduction from 400 sq metres to 251.03 sq metres. The proposed reduction in lot area will not have any adverse impacts to the surrounding area. The proposed building envelope facilitates a lot coverage of 37%. It is my opinion that the requested variance is minor and maintains sufficient amenity space.

2. Is the variances appropriate for the development of the land?

The proposed variance is being requested to facilitate the redevelopment of the subject lands to accommodate the construction of new single detached dwelling and maintain the exiting duplex dwelling on the retained parcel. The proposed variance is appropriate for the development of the property. The reduced lot area for Part 2 will not impact adjacent properties.

It is my opinion that the requested variance is appropriate for the development of the land.

3. Is the general intent and purpose of the Zoning By-law maintained?

The proposed variances are being requested to facilitate the construction of a new residential dwelling and maintaining the existing duplex dwelling on the retained lot. The reduction of lot area doesn't impact the overall amenity/landscaped area for Part 2. Sufficient amenity/landscaped area is provided.

No negative impacts to adjacent properties are anticipated.

It is my opinion the requested variance would maintain the general intent and purpose of the zoning by-law.

4. Is the general intent and purpose of the Official Plan maintained?

The proposed variances to facilitate the development of the creation of a residential that is compatible with the adjacent properties. The proposed new dwelling and existing duplex dwelling are consistent with the scale of development in the neighbourhood and is in keeping with the character of the neighbourhood. Therefore, the requested variance would maintain the general intent and purpose of the Official Plan.

Minor Variance # 3 (Part 1) Reduction of Lot Area from 500 sq metres to 489.03 sq metres

1. Is the variances minor from the provisions of the By-law

The requested variance for Part 2 is for the minor reduction of lot area from 500 sq m to 489.03 sq m. The relief being sought would not result in any negative impacts to adjacent properties.

2. Is the variances appropriate for the development of the land?

The requested variance is desirable for the development of the land and facilitates the creation of new lot of record. The subject retained lot has a lot coverage of only 25% and provides sufficient amenity/landscaped area for the subject lot that contains the duplex dwelling.

3. Is the general intent and purpose of the Zoning By-law maintained?

The proposed variance of the reduction of lot area is being requested to facilitate the creation of a residential lot. No negative impacts to adjacent properties are anticipated.

It is my opinion the requested variances would maintain the general intent and purpose of the zoning by-law.

4. Is the general intent and purpose of the Official Plan maintained?

The proposed variances to facilitate the development of a single detached dwellings is compatible with the adjacent properties. The proposed new dwelling will be consistent with the scale of development in the neighbourhood and is in keeping with the character of the neighbourhood. Therefore, the requested variances would maintain the general intent and purpose of the Official Plan.

Minor Variance # 4 (Part 1) Rear Yard Reduction from 6 metres to 2.04 metres

1. Is the variance minor from the provisions of the By-law?

The requested variance No. 4 for Part 1, the retained parcel with the existing residential duplex dwelling is for the rear yard setback. The requested variance is of a technical nature to recognize the change of the lot frontage line from Main Street West to Oakwood Street. The driveway access will remain on Oakwood and while this will be in the “technical rear yard”, operationally it will be the side yard. The proposed reduction of the rear yard requirement will not have any adverse impacts to the surrounding area.

2. Is the variances appropriate for the development of the land?

The requested variance is desirable for the development of the land and facilitates the creation of new lot of record.

3. Is the general intent and purpose of the Zoning By-law maintained?

The proposed variance of the rear yard setback is being requested to facilitate the creation of new residential lot. No negative impacts to adjacent properties are anticipated.

It is my opinion the requested variances would maintain the general intent and purpose of the zoning by-law.

4. Is the general intent and purpose of the Official Plan maintained?

The proposed variances to facilitate the creation of a residential lot that is compatible with the adjacent properties. The proposed new dwelling will be consistent with the scale of development in the neighbourhood and is in keeping with the character of the neighbourhood. Therefore, the requested variances would maintain the general intent and purpose of the Official Plan.

8. PLANNING ANALYSIS AND CONCLUSIONS

As discussed in the above sections, the proposed development is consistent with the objectives and intent of the Provincial Policy Statement (2020), 2020 Places to Grow, for the Greater Horseshoe (Growth Plan), Niagara Official Plan and the City of Port Colborne Official Plan. The proposed development is a form of residential intensification promoted by the Province and will aid the City of Port Colborne in achieving its intensification target for the Built-Up Area. The proposed development provides infill development within the built-up area and takes advantage of the existing infrastructure while providing a density and compact built-form that is land efficient and contributes to the growth of the area.

The lot coverages for the retained and severed parcels are 37 % and 25 %, providing sufficient amenity and landscaped areas for each of the respective lots.

The proposed variances meet the prescribed four tests set out in the Planning Act.

The proposed built-form and use is compatible with adjacent properties and surrounding neighbourhood.

Given the above, it is my opinion that the development proposal represents good planning.

A handwritten signature in black ink that reads "Joseph M. Tomaino". The signature is written in a cursive, flowing style.

Joseph M. Tomaino MCIP, RPP

APPENDIX 1
Severence Sketch

APPENDIX 2

Sight Line Assessment Drawing

APPENDIX 3
Photos of Surrounding New Builds







APPENDIX 4
Proposed Dwelling

4/5/23, 10:05 AM

Modern 3-Bed Cottage with Upstairs Laundry - 31192D | Architectural Designs - House Plans



Plan 31192

Modern 3-Bed Cottage with Upstairs Laundry



1,074

Heated S.F.



3

Beds



2.5

Baths



2

Floors



1

Car Garage

Buy This Plan

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CAD - Single-Build
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[View all purchase options online](#)

View this and more for this plan by visiting
www.architecturaldesigns.com/31192D

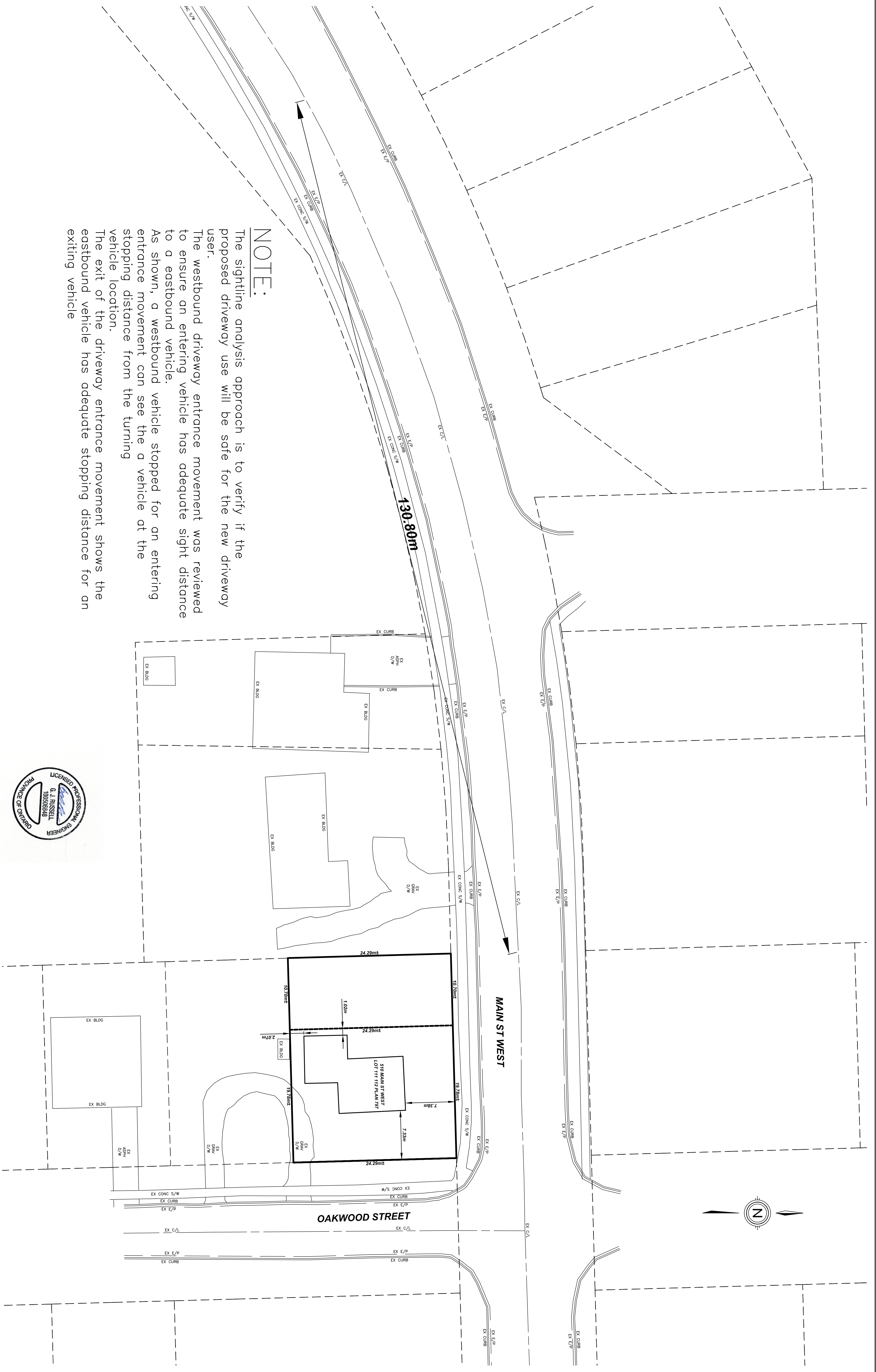
Need Help?
800-834-7332

Plan
31192

<https://www.architecturaldesigns.com/house-plans/modern-3-bed-cottage-with-upstairs-laundry-31192d>

1/4

APPENDIX 5
Record of Pre-Submission Consultation



NOTE:

The sightline analysis approach is to verify if the proposed driveway use will be safe for the new driveway user.

The westbound driveway entrance movement was reviewed to ensure an entering vehicle has adequate sight distance to a eastbound vehicle.

As shown, a westbound vehicle stopped for an entering entrance movement can see the a vehicle at the stopping distance from the turning vehicle location.

The exit of the driveway entrance movement shows the eastbound vehicle has adequate stopping distance for an exiting vehicle



NOTES:		DRAFTING	
1.	THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED BEFORE DAMAGED TO THEM. THE CONTRACTOR SHALL, IN SOME MANNER, OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR	RG	
2.	PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.	RG	
3.	ALL CONSTRUCTION MUST COMPLY WITH THE CANADIAN PENINSULA STANDARD CONTRACT DOCUMENT.	CHECKED BY GR	
#	REVISION	DATE	INT
0	DRIVEWAY SIGHT LINE DRAWING	2023-02-03	
CONSULTANT FILE No. 501W		DATE	2023-02-03
PRINTED		SCALE	1:250 m
REF No.		DWG No.	501W
REV			1

From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Denise Landry](#); [David Schulz](#); [Chris Roome](#)
Subject: RE: June COA Notices of Hearing
Date: May 24, 2023 10:38:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[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](#)

Hi Diana,

Please see my comments below.

A11-23-PC – 38 Church Street

- No comment

A12-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for the construction of new entrance or alteration of existing entrance on Oakwood Street

A13-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B05-23-PC – 242 & 244 Humboldt Parkway

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B06-23-PC – 336 Sugarloaf Street

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for work within the City right-of-way (construction of entrances, site servicing, etc.)

B07-23-PC – 316 Second Concession Road

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B08-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B09-23-PC – 59 Omer Avenue

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property

B10-23-PC – 510 Main Street West

- Master grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent property
- Municipal Consent Permit will be required for site servicing connections to existing City owned infrastructure
- Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way

B11-23-PC – 36 & 38 Page Street

- Final grading does not conform with proposed grading plan and is currently draining onto adjacent property

B12-23-PC – 194 Chippawa Road

- No comment

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
City of Port Colborne

Port Colborne, ON

Phone 905-835-2900 x226

Email Nicholas.Olschansky@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

Hello Diana

A11-23-PC there are not comments regarding municipal drains

A12-23-PC there are not comments regarding municipal drains

A13-23-PC there are not comments regarding municipal drains

B05-23-PC there are not comments regarding municipal drains

B06-23-PC there are not comments regarding municipal drains

B08-23-PC there are not comments regarding municipal drains

B09-23-PC there are not comments regarding municipal drains

B11-23-PC there are not comments regarding municipal drains

B12-23-PC there are not comments regarding municipal drains

B07-23-PC this property abuts the Indian Creek Municipal Drain watershed however this parcel is not within the municipal drain watershed so there are not comments regarding municipal drains for this parcel either.



PORT COLBORNE



www.portcolborne.ca

Alana VanderVeen
Drainage Superintendent
City of Port Colborne

1 Killaly St W
Port Colborne, ON L3K 6H1
Phone 905-835-2900 x291
Email Alana.VanderVeen@portcolborne.ca

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Hi everyone,

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Zoning Amendment Application - 510 MAIN STREET WEST
Date: May 23, 2023 10:45:07 AM
Attachments: [logo_92ffc72e-1a94-4c3c-bb44-cfecb6d7c8b8.png](#)
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[instagram_7243eec2-a3c9-4dc2-840b-7a7e9ba94caf.png](#)
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[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 the application A12-23, A13-23 and B10-23

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

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Hi Diana,

Re: June COA Notices of Hearing
City of Port Colborne
June 14, 2023, 18:00

1. **316 Second Concession** – Consent

Although, in principle the Ministry has no objection to the above described Consent Application (**316 Second Concession** – Consent), the property owner(s) should be made aware that the lot is located within the MTO Permit Control Area for Highway 140 and as a result, an MTO Building and Land Use Permit may be required prior to the commencement of any on-site construction/works. All development must comply with the MTO Building and Land Use Policy.

[Highway corridor management | ontario.ca](https://www.ontario.ca/highway-corridor-management)

2. **510 Main Street West** – Consent and Minor Variance

Although in principle the Ministry has no objection to the proposed consent and minor variance applications, the subject site described above (**510 Main Street West**) appears to be located within the MTO Permit Control Area for Highway 140 and as a result, the applicant should be made aware that an MTO Building & Land Use Permit will be required from this office prior to the start of any onsite construction/works. These comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requests that the City circulate the official consent application for review, where we will provide more detailed comments.

Thanks,

Neave Constantine | Corridor Management Planner (West)
Highway Corridor Management Section | Central Operations | Ministry of Transportation
159 Sir William Hearst Avenue, 7th Floor | Toronto, ON M3M 0B7
Telephone: 437 688-2943 | Email: Neave.Constantine@ontario.ca



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

May 29, 2023

Diana Vasu
Secretary-Treasurer, Committee of Adjustment
City of Port Colborne
66 Charlotte Street,
Port Colborne, ON L3K3C8

Dear Ms. Vasu,

Application for Consent

Proposal: The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 2 is to be severed for future residential use and Part 1 is to be retained for an existing residential use. The severed new residential lot would be approximately 10.35 m x 24.29 m in size and the retained residential lot would be 20.12x 24.29 m. in size. The proposal is for residential uses only.

Location: 510 West Main Street - RR #3
In the City of Port Colborne

Our File: CS-23-0031
City File: B10-23-PC

Regional Planning and Development Services staff have completed a review of for the above mentioned Consent application which is to facilitate a creation of one lot at 510 Main Street West, in the City of Port Colborne. The following Provincial and Regional comments are provided to assist the Committee in considering the application.

Regional Road Allowance

The parcel has frontage along Regional Road #3 (West Main Street). The right-of-way width meets the current requirement in the Regional Official plan, however, a 6m x 6m daylight triangle is required at the corner of West Main Street and Oakwood Street. At this time the required daylight triangle mentioned below cannot be taken as it is on the remnant parcel, it should be noted that at the time that this site comes in for future development applications that the following will be required:

Daylight Triangle

A daylight triangle of 6 metres x 6 metres will be required at the corner of West Main Street and Oakwood Street. Regional staff would ask that the daylight triangle be shown on the future development plans.

Regional Permit Requirements

REGIONAL CONSTRUCTION ENCROACHMENT PERMIT

Prior to any construction/work taking place within the Regional road allowance, a Regional Construction, Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department. This can be done using the link below:

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

Sight Line Assessment

At the preconsultation meeting the Region required a sight line assessment be completed and submitted with the consent application for the new lot to determine the safest location for an access. A sight line assessment was submitted to the Region and was reviewed by Regional staff however, the sight line assessment did not provide the required assessment and an email providing direction on what is required to complete this assessment was provided. The Region will still require that this assessment be completed to the satisfaction of the Region and have included a condition of consent in Appendix I addressing this requirement.

Site Servicing

Services for the new residential lot are to be from the existing 200mm local sanitary sewer and 150mm watermain located on Main Street West.

Please note that any work/cuts in the Main Street West ROW will require a Regional Construction permit and will have to be restored to meet Regional standards.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed residential lots are eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following curbside limits are met:

- Recycling: Weekly Collection of Blue/Grey Boxes (unlimited);
- Organics: Weekly Collection of Green Bins (unlimited);
- Garbage: (maximum) 2 Garbage Bags/Cans Collected Every-Other-Week.
- **Curbside Collection Only**
- **Collection to remain as existing for remnant parcel**

Conclusion

Based on the analysis and comments above, Regional staff offers no objection to the application, subject to the Conditions outlined in the Appendix.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3268, or Susan Dunsmore, Manager of Development Engineering at extension 3661. Please send notice of the Committee's decision on these applications.

Regards,

A handwritten signature in cursive script, appearing to read "Stephen Bureau".

Stephen Bureau, C. Tech.
Development Approvals Technician
Niagara Region

cc: Katie Young, Planner, Niagara Region
Susan Dunsmore, Manager – Development Engineering, Niagara Region

APPENDIX
Regional Conditions for Consent
510 Main Street West, City of Port Colborne

1. That the owner provide a sight line assessment to the Region of Niagara for review and approval to determine the location of the driveway for the new lot.



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Planning and Legislative Services

Planning Division Report

June 9th, 2023

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

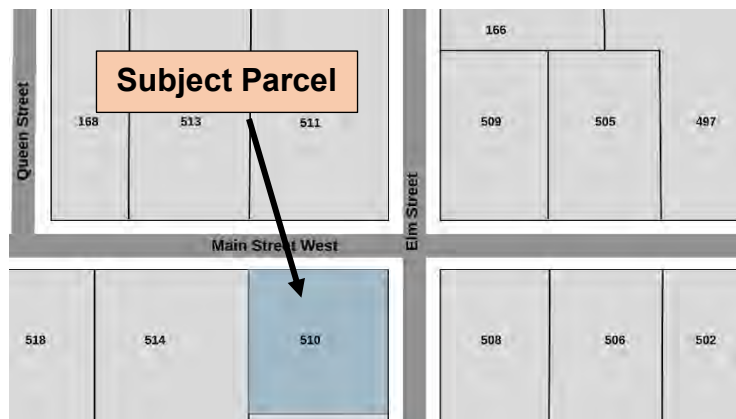
**Re: Application for Consent B10-23-PC
Plan 797 on Lots 111 and 112
510 Main Street West
Agent: Joseph Tomaino
Owner(s): Susan Nenadovich**

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 2 (see Appendix A) having a lot frontage of 10.35m along Main Street West and a total lot area of 251.41m² to construct a single detached dwelling for future residential use. Part 1, the retained lot, will have a lot frontage of 20.13m and a total lot area of 489.03m², and contains an existing residential duplex dwelling.

Surrounding Land Uses and Zoning:

The subject property is located within a Mixed-Use Zone (MU). The parcels surrounding the subject lands are zoned Mixed-Use to the north, east, and west and Second Density Residential (R2) to the south. The surrounding uses consist of detached dwellings to the north, south, east, and west.



Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on May 31st, 2023, to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of June 9th, 2023, no comments from the public have been received.

Agency Comments:

Notice of the application was circulated on May 15th, 2023, to internal City departments. As of June 9th, 2023, the following has been received.

Ministry of Transportation Ontario

The subject site appears to be located within the MTO Permit Control Area for Highway 140 and as a result, the applicant should be made aware that an MTO Building and Land Use Permit will be required from the MTO prior to the start of any onsite construction/works.

Drainage Superintendent

There are no concerns regarding municipal drains for this application.

Fire Department

Port Colborne Fire has no objection to the proposed application.

Engineering Technologist

A master lot grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting the adjacent properties. A municipal consent permit is also required for site servicing connections to existing City-owned infrastructure. Finally, Main Street West is a regional road and therefore will require regional permits to work within the public right of way.

Staff Response

Planning Staff will add the master lot grading plan as a condition of the consent. The municipal consent will be required at a later date.

Niagara Region

Regional Planning Staff offers no objection to the proposed application.

The parcel has frontage along Regional Road #3 (West Main Street). A 6x6m daylight triangle is required at the corner of West Main Street and Oakwood Street. Regional staff would ask that the daylight triangle be shown on future development plans.

Prior to any construction, a Regional Construction, Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department (See full comments for link).

The Region had requested that a sightline assessment be completed with the application. One was submitted and reviewed by the Region however, it did not provide the required assessment. The Region will still require a sight line assessment to be completed and has recommended it as a condition of consent.

Services for the new residential lot are to be from the existing 200mm local sanitary sewer and 150mm water main located on Main Street West. Please note that any work/cuts in the Main Street West right-of-way will require a Regional Construction permit and will have to be restored to meet regional standards. The proposed residential lots are eligible to receive regional curbside waste and recycling. (See full comments for more details).

Staff Response

Planning Staff will add the sightline assessment as a condition of consent. Regional Staff have indicated that the Sightline Assessment should be based on speed and measured from the driveway to the required distance on the road, rather than measuring the distance required to the middle of the road

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 that efficiently use land and resources.

Staff is satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land and resources by creating 2 lots each having frontage on a public

road, and will promote growth from the development of a new residential dwelling on the severed lot.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support 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, the vast majority of growth is to be directed to settlement areas that have a delineated built boundary, have existing or planned services, and support the achievement of complete communities.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application enables growth within a settlement area and within a delineated built boundary, has existing services and infrastructure along Main Street, and supports the achievement of complete communities by providing two developable lots within the settlement area.

The Niagara Official Plan (NOP), designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Intensification is generally encouraged throughout the Built-up Area and includes residential uses that make efficient use of existing services.

Planning Staff is satisfied that the proposed consent application conforms to the NOP. The proposed severance will enable future intensification by providing buildable lots within the built-up area and makes efficient use of the existing services along Main Street.

City of Port Colborne Official Plan

The subject property is designated as Downtown Commercial in the City’s Official Plan. The Downtown Commercial designation does not provide lot creation policies, residential uses are a permitted use in the designation and the lot creation policies are provided in the Zoning By-law.

Consents to sever are assessed by the policies of Section 3.2.4 of the OP. An Ontario Land Surveyor sketch is required and the parcel must have frontage on a public road. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road.

Section 3.2.4 also provides the conditions for collecting Cash-in-Lieu of Parkland Dedication. Staff has established that parkland dedication fees are required to be collected before a building permit can be issued, and as such, Staff will include a condition that the applicant signs the City’s Memorandum of Understanding, stating that they are aware of the requirements for the collection of parkland dedication as set out in by-law number 4748/130/05.

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

The subject lands are zoned Mixed-Use (MU) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions if the application is approved.

Part 1: A lot frontage of 20.13m and a lot area of 489.03m²

Part 2: A lot frontage of 10.35m and a lot area of 251.41m².

The lot creation requirements of the MU zone for detached dwellings require 12m of frontage and 400m² of lot area, while the requirements in the MU zone for a duplex dwelling require 18m of frontage and a minimum lot area of 500m².

As noted in the statistics above, as well as on the sketch attached as Appendix A, both parcels do not meet all of the requirements for the uses under the MU Zone. The applicant has subsequently applied for minor variances to address these deficiencies under applications A12-23-PC and A13-23-PC.

Staff will require a condition of this application that the Minor Variance applications are granted.

Planning Justification Brief

Planning Staff had requested a Planning Justification Brief to be submitted with the application. Below is a summary of the brief, submitted by the agent, Joseph Tomaino.

The development of the subject lands for residential purposes will provide another form of housing to meet the long-term needs of future residents. In addition, the form and scale of development provides a cost-effective pattern of development minimizing land consumption and servicing costs as it takes advantage of existing services. The proposed development will be serviced by water and sanitary services that are currently available near the subject lands. The proposed consent application is consistent with the policies of the *Provincial Policy Statement (2020)*.

The subject land is located within the Built-Up Area under the *2020 Places to Grow, for the Greater Horseshoe (Growth Plan)*. The proposed development provides growth within the built-up area of the City of Port Colborne, through intensification of an underutilized parcel of land. The development will make efficient use of existing municipal water and wastewater systems. The proposed development contributes to the City's intensification target by providing growth within the built-up area of the city. Based on this information, the proposed application conforms to the objectives and policies in the *Provincial Growth Plan*.

The subject lands are within the Urban Area of the *Niagara Official Plan* ("NOP") and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suits the needs of a variety of households and

income groups in Niagara. Based on this, the proposed application conforms with the policies of the NOP.

The proposed development for residential purposes utilizes the existing municipal and Regional infrastructure currently in place to service the subject lands. The subject lands are an underutilized parcel of land within the settlement area. The proposed development provides intensification within the City of Port Colborne settlement area.

It is the opinion of Mr. Tomaino that the proposed development supports the policy objectives of *The City of Port Colborne's Official Plan*.

The sightline analysis approach is to verify if the proposed driveway will be safe for the new driveway user. The westbound driveway entrance movement was reviewed to ensure an entering vehicle has adequate sight distance from an eastbound vehicle. A westbound vehicle stopped for an entering entrance movement can see the vehicle at the stopping distance from the turning vehicle location. The exit driveway entrance movement shows the eastbound vehicle has an adequate stopping distance for an exiting vehicle.

Based on the analysis provided by Mr. Tomaino, Planning Staff does not object to any of the justifications put forward.

Recommendation:

Given the information above, Planning Staff recommends application B10-23-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 \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a master lot grading plan be submitted to the satisfaction of City Staff.
4. That the applicant provides a revised sight line assessment to the Region of Niagara for review and approval to determine the location of the driveway for the new lot.
5. That the applicant signs 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.

6. That minor variance application A12-23-PC and A13-23-PC be granted.
7. That all conditions of consent be completed by June 14th, 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,



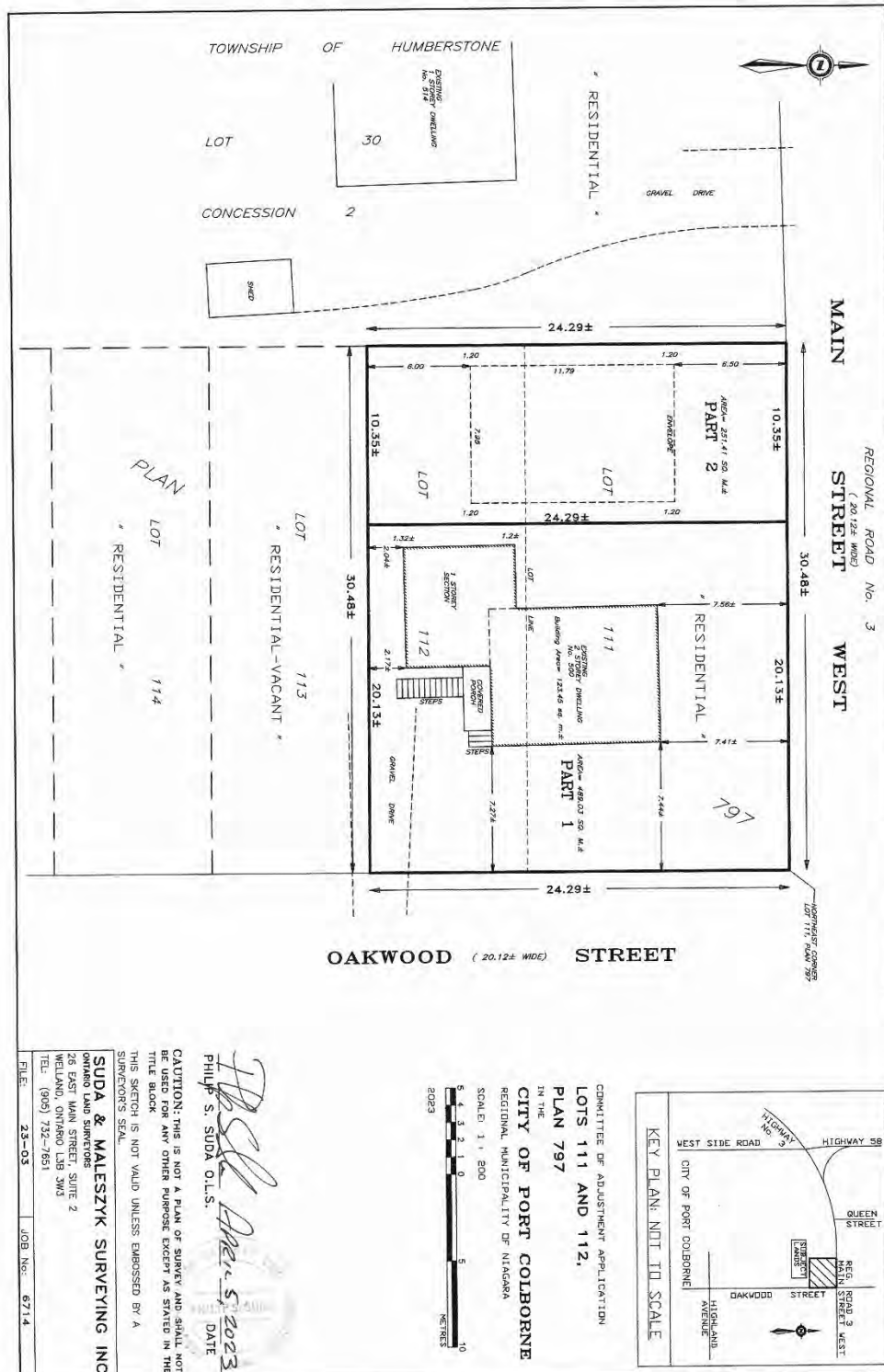
Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Appendix A





City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Legislative Services

Planning Division Report

June 9, 2023

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

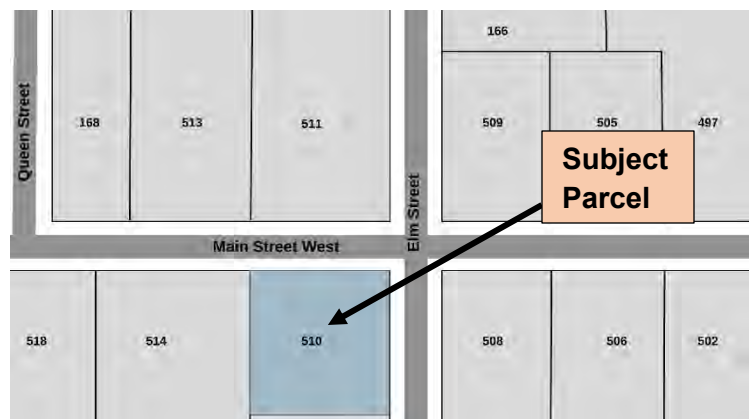
Re: Application for Minor Variance A12-23-PC
Plan 797 on Lots 111 and 112
510 Main Street West
Agent: Joseph Tomaino
Owner(s): Susan Nenadovich

Proposal:

The purpose and effect of this application is to permit a lot area reduction from 500m² to 489.03m² and a rear yard reduction from 6 metres to 2.04 metres. The applicant is requesting the variances to facilitate the creation of a new residential lot and to construct a new single detached dwelling.

Surrounding Land Uses and Zoning:

The subject property is located within a Mixed-Use Zone (MU). The parcels surrounding the subject lands are zoned Mixed-Use to the north, east, and west and Second Density Residential (R2) to the south. The surrounding uses consist of detached dwellings to the north, south, east, and west.



Official Plan:

The subject property is designated as Downtown Commercial (DC) in the City's Official Plan. Residential uses are permitted under this designation.

Zoning:

The subject property is zoned Mixed Use (MU) in accordance with Zoning By-Law 6575/30/18. Residential uses are permitted within this zone.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on May 31st, 2023, as per Section 45 (5) of the Planning Act, to properties within 60m of the subject lands. As of June 9th, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 15th, 2023 to internal departments and external agencies. As of June 9th, 2023, the following comments have been received.

Ministry of Transportation Ontario

The subject site appears to be located within the MTO Permit Control Area for Highway 140 and as a result, the applicant should be made aware that an MTO Building and Land Use Permit will be required from this office prior to the start of any onsite construction/works.

Drainage Superintendent

There are no comments regarding municipal drains for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

A master grading plan is recommended to ensure that the severed parcels will drain independently and without adversely affecting the adjacent property. A municipal consent permit is also required for the construction of a new entrance or an alteration of existing entrances on Oakwood Street.

Staff Response

A master lot grading plan was added as a condition of the consent application B10-23-PC.

Planning Justification Brief:

As part of a complete submission, Planning Staff required the submission of a Planning Justification Brief. The following is a summary of the brief submitted by the applicant, Joseph Tomaino

The requested variance for Part 2 is for the minor reduction of lot area from 500 square metres to 489.03 square metres. The relief being sought would not result in any negative impacts to adjacent

properties. The requested variance for Part 1, the retained parcel with the existing residential duplex dwelling, is for the rear yard setback. The requested variance is of a technical nature to recognize the change of the lot frontage line from Main Street West to Oakwood Street. The driveway access will remain on Oakwood and while this will be in the “technical rear yard”, operationally it will be the side yard.

The requested variance is desirable for the development of the land and facilitates the creation of a new lot of record. The subject retained lot has a lot coverage of only 25% and provides sufficient amenity/landscaped area for the subject lot that contains the duplex dwelling. No negative impacts to adjacent properties are anticipated. It is my opinion the requested variances would maintain the general intent and purpose of the zoning by-law.

The proposed variances to facilitate the development of a single detached dwelling is compatible with the adjacent properties. The proposed new dwelling will be consistent with the scale of development in the neighbourhood and is in keeping with the character of the neighbourhood. Therefore, the requested variances would maintain the general intent and purpose of the Official Plan.

Planning Staff does not object to any of the justifications provided by Mr. Tomaino.

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?

The requested variance for the reduction of lot area from 500m² to 489.03m² is minor, as an 11-metre difference will not drastically change the size of the property and would not negatively impact the adjacent properties. The reduced rear yard reduction from 6 to 2.04 meters is due to the change in the technical rear yard, as a result of the frontage changing to Main Street through the consent application. The property still provides amenity space in the corner side yard, and the new rear yard setback is previously existing.

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

The requested variance is desirable for the development of the site and facilitates the creation of a new lot. The retained lot has a lot coverage of 25% and will provide enough amenity space and landscaped area along the corner side yard for the subject lot containing the duplex dwelling. The surrounding parcels consist of residential dwellings and lots of similar size, therefore this is an appropriate development for the surrounding area.

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

The requested variance is in keeping with the general intent and purpose of Zoning Bylaw 6575/30/18. The minor changes to the lot area do not affect the lot frontage, which aligns with the parcel fabrication of the surrounding properties. Secondly, the duplex dwelling will remain in place, whereas the front and side yard setbacks, driveway space, and amenity space will remain intact. The purpose of the rear yard setback provisions is to ensure there is adequate spacing between buildings and to provide enough amenity space, however staff are satisfied that the dwelling fits appropriately on the subject parcel and amenity space can be provided in the corner side yard.

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

The subject property is in keeping with the general intent and purpose of the City of Port Colborne Official Plan, as the Downtown Commercial designation permits residential uses. The proposed

development and Minor Variance application appear to be consistent with the scale of developments in the neighbourhood and is in keeping with the nature of the community. In this instance, the requested variances would align with the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A12-23-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



City of Port Colborne

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Development and Legislative Services Planning Division Report

June 9, 2023

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

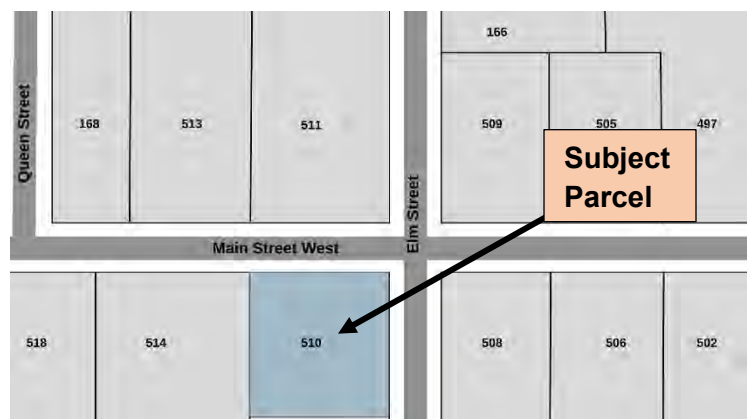
**Re: Application for Minor Variance A13-23-PC
Plan 797 on Lots 111 and 112
510 Main Street West
Agent: Joseph Tomaino
Owner(s): Susan Nenadovich**

Proposal:

The purpose and effect of this application is to permit a lot frontage reduction from 12 meters to 10.35 meters and a lot area reduction from 400m² to 251m². The applicant is requesting the variances to facilitate the creation of a new lot for future residential use.

Surrounding Land Uses and Zoning:

The subject property is located within a Mixed-Use Zone (MU). The parcels surrounding the subject lands are zoned Mixed-Use to the north, east, and west and Second Density Residential (R2) to the south. The surrounding uses consist of detached dwellings to the north, south, east, and west.



Official Plan:

The subject property is designated as Downtown Commercial (DC) in the City's Official Plan. Residential uses are permitted under this designation.

Zoning:

The subject property is zoned Mixed Use (MU) in accordance with Zoning By-Law 6575/30/18. Residential uses are permitted within this zone.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on May 31st, 2023, as per Section 45 (5) of the Planning Act to properties within 60m of the subject lands. As of June 9th, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 15th, 2023 to internal departments and external agencies. As of June 9th, 2023, the following comments have been received.

Ministry of Transportation Ontario

The subject site appears to be located within the MTO Permit Control Area for Highway 140 and as a result, the applicant should be made aware that an MTO Building and Land Use Permit will be required from this office prior to the start of any onsite construction/works.

Drainage Superintendent

There are no comments regarding municipal drains for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

A master grading plan is recommended to ensure that the severed parcels will drain independently and without adversely affecting the adjacent property. A municipal consent permit is also required for site servicing connections to existing City-owned infrastructure. Main Street West is a regional road and will therefore require regional permits to work within the public right-of-way.

Staff Response

A master lot grading plan was added as a condition of the consent application B10-23-PC.

Planning Justification Brief:

As part of a complete submission, Planning Staff required the submission of a Planning Justification Brief. The following is a summary of the brief submitted by the applicant, Joseph Tomaino

The first requested variance for Part 2, the severed parcel, is for the frontage reduction of 12 meters to 10.35 meters. The proposed lot frontage will not have any adverse impacts on the surrounding area, as similar size lots have been developed in the surrounding neighbourhood. The second requested variance for Part 2, the severed parcel, is for the lot area reduction from 400 square meters to 251.03 square meters. The proposed building envelope facilitates a lot coverage of 37%. It is Mr. Tomaino's opinion that the requested variance is minor and maintains sufficient amenity space.

The proposed variance is being requested to facilitate the redevelopment of the subject lands to accommodate the construction of a new single detached dwelling and maintain the existing duplex dwelling on the retained parcel. The proposed variance is appropriate for the development of the property. The reduced lot area for Part 2 will not impact adjacent properties. It is Mr. Tomaino's opinion that the requested variance is appropriate for the development of the land.

The proposed variances are being requested to facilitate the construction of a new residential dwelling and maintain the existing duplex dwelling on the retained lot. The reduction of lot area doesn't impact the overall amenity and landscaped area for Part 2. There is sufficient amenity and landscaped area provided on the property. No negative impacts to adjacent properties are anticipated. It is Mr. Tomaino's opinion that the requested variance would maintain the general intent and purpose of the zoning by-law.

The proposed variances facilitate the development of the creation of a residential lot that is compatible with the adjacent properties. The proposed new dwelling and existing duplex dwelling are consistent with the scale of development in the neighbourhood and is in keeping with the character of the neighbourhood. Therefore, the requested variance would maintain the general intent and purpose of the Official Plan.

Planning Staff does not object to any of the justifications provided by Mr. Tomaino.

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?

The proposed application is minor in nature as the requested changes to the lot frontage and lot area appear to be suitable for the outlined building envelope on the subject property. The surrounding parcels on Main Street and Oakwood Street appear to be of similar size to the newly severed parcel. The building envelope displays that the parcel can retain sufficient amenities and landscaped space, therefore staff is satisfied that the application is minor.

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

The application is desirable for the development and use of the subject lands. The proposed variance will facilitate the development of the subject property to accommodate the construction of a future residential use and to maintain the existing duplex on the retained parcel. The surrounding parcels consist of dwellings and lots of similar nature, therefore the application is appropriate for the surrounding lands, buildings, and uses.

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

The requested variance is in keeping with the general intent and purpose of Zoning Bylaw 6575/30/18. The proposed building envelope facilitates a lot coverage of 37%, which leaves ample space for amenities and landscaped space along the front, side, and rear yards. The lot meets the minimum setback requirements for the front yard at 6.5 meters, the rear yard at 6 meters, and the side yard at 1.2 meters. Parking space on the lot will also be sufficient, as Section 3.1.1 of the Zoning Bylaw requires only 1 parking spot per residential unit at a minimum of 2.6 meters in width. Staff are confident that the parking provisions can be met given the narrow dimensions of the lot, and without compromising the amenity space. The reduction in lot area will not negatively impact the adjacent properties, therefore staff is satisfied that the application is in keeping with the general intent and purpose of the Zoning Bylaw.

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

The subject property is in keeping with the general intent and purpose of the City of Port Colborne Official Plan, as the Downtown Commercial designation permits residential uses and intensification. The proposed development and Minor Variance application appears to be consistent with the size and scale of developments in the neighbourhood and is in keeping with the character of the community. In this instance, the requested variances would maintain the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A13-23-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

City of Port Colborne
Committee of Adjustment Meeting Minutes

Date: Wednesday, May 10, 2023
Time: 6:00 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: E. Beauregard, Councillor
D. Elliott, Councillor
G. Bruno, Councillor
A. Desmarais
D. O'Hara

Staff Present: D. Vasu, Planning Tech, Secretary Treasurer
C. Roome, Planner
R. Dreher, Planning Student (minutes)

1. Call to Order

The Chair called the meeting to order at approximately 5:58 pm.

2. Reading of Meeting Protocol

The Chair read the Meeting Protocol.

3. Disclosures of Interest

Nil.

4. Request for Any Deferrals or Withdrawals of Applications

Nil.

5. New Business

5.1 Application: A10-23-PC

The Secretary-Treasurer read the correspondence received for these applications.

The Chair asked the applicants present at the meeting, Catherine and Tyler Melnike, if they wished to add any further information to the application.

The applicants stated their intention to keep their dogs quiet as they insist on establishing a clean and appropriate living environment for the dogs.

Member Bruno noted that the mitigation of noise would be a primary concern arising from the habitation of the dogs on the property and asked the applicants how they will manage the noise on the property from the proposed kennel.

The applicants responded that they have a wooden fence to alleviate noise, in addition to their staff, who train the dogs to refrain from excessive barking.

Member Desmarais stated concern regarding the potential odour from the dogs and the kennel towards the adjacent property at 2754 Brookfield Road and asked the applicants if they received any concerns from the property owners.

The applicants insisted they were not aware of the odour concerns from the property owners at 2754 Brookfield Road.

The Chair asked if any members of the public audience wished to speak on behalf of the application.

Michelle Szabo, neighbour of 2710 Brookfield Road, expressed concern towards the application, noting that she had moved to the countryside to have tranquillity, and stated the existing wooden fence does not mitigate the noise from the dogs.

Zack Szabo, neighbour of 2710 Brookfield Road, expressed concern regarding traffic safety on Brookfield Road, stating that the number of accidents along the road may impact the safe operation of the dog kennel.

Member Elliott noted that kennels are a permitted use in the Agricultural zone and the subject property is within the Agricultural zone; as such, the applicants are permitted to operate a kennel.

Michelle Szabo expressed concern regarding the reduction of the setback to adjacent dwellings, clarifying that she and her family live in the respective dwelling.

Zack Szabo expressed concern that the future development of their property would be negatively impacted by an abutting dog kennel as they would not be able to develop closer to that side of their property.

The Chair stated that the minimum distance separation would still apply if the applicants moved the kennel to the required setback, adding that he sees little difference between a kennel operating at the required setback versus a few metres closer.

Member Bruno and Member Beauregard agreed that they did not believe a 17m difference in the setback requirement would address most of the concerns raised by the neighbours.

Member Beauregard noted that the 17m difference could reduce the concerns raised about noise, then asked Mr. Roome what noise mitigation measures could be implemented to protect both the applicants' and their neighbours' interests.

Mr. Roome stated that fencing is considered a noise mitigation measure and reiterated the applicants' intention to keep the dogs indoors at night to remain in compliance with the City of Port Colborne Noise By-law 4588/119/04, as amended.

Member Beauregard asked Mr. Roome whether the Building Department had commented on this application.

Mr. Roome responded that the Building Department had not provided comments, as no new buildings are proposed to be built.

Member Beauregard asked whether the Building Department has any additional requirements due to the proposed change in use of the building.

Mr. Roome clarified that the Building Department was not circulated on the application and thus have provided no additional requirements.

Member Beauregard asked the applicants how many dogs they intend to train and house within the proposed kennel at any given time.

The applicants stated that approximately thirty dogs will be trained on the property and will stay in the proposed kennel.

Member Beauregard asked if there is a limit to the number of dogs permitted to be at the kennel at any given time.

The Secretary-Treasurer stated that the City of Port Colborne licenses kennels, adding that staff can follow up with the Licensing Clerk regarding the kennel licensing requirements.

Member Bruno asked whether a condition could be added to the variance to require that the Building Department inspect the structure for compliance with the Building Code.

Mr. Roome stated that enforcing such a condition would be difficult, as the applicants have not been issued a building permit and have thus not paid for a Building Inspector to visit the property, adding that he believed the kennel licensing requirements would suffice.

The Chair asked if the minimum distance separation (MDS) setback calculation changes based on the size of the building.

Mr. Roome stated that MDS setbacks are calculated using a formula established by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and are thus not included in the current zoning by-law, Zoning By-law 6575/30/18; however, the 160-meter setback for a kennel is included in the zoning by-law because such a setback is not subject to the MDS calculation requirements set by OMAFRA.

Member Beauregard asked Mr. Roome to reiterate how noise levels will be reduced to eliminate nuisances for neighbours.

Mr. Roome stated that boarding the dogs indoor at night, in addition to the wooden fence, can contribute to noise reduction but will likely not eliminate all noises entirely.

Member Beauregard stated that while he understands the property may not currently provide sufficient noise mitigation, he also recognizes that expanding the existing structure away from the abutting property may cause the applicants undue hardship.

The applicants stated that if their business continues to grow, they intend on moving the kennel operation closer to the middle of their property by constructing a larger facility, but they need a place to start.

Member Desmarais raised the importance of the kennel licensing requirements, asking the applicants whether they have followed the licensing checklist and have consulted with the Licensing Clerk.

The applicants stated that they have followed the kennel licensing requirements checklist provided by the Licensing Clerk.

The Chair presented the sketch of 2710 Brookfield Road and asked the applicants to clarify where the dogs will be kept while outside of the main kennel building.

The applicants stated the dogs will remain within the fenced-in area between the kennel and the berm.

The Chair asked the applicants about the height of the berm indicated on the sketch of the property.

The applicants stated that while they are unsure of the exact height, but the berm is taller than the buildings and has evergreen trees at the top.

The Chair noted that the height of this berm would assist as a noise barrier from the kennel unit.

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

That minor variance application A10-23-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the decreased setback from a municipal drain would allow the existing structure, which was constructed before the zoning by-law provisions were in effect, to be brought into conformity with the by-law, and the decreased setback to an existing structure is minor and measures will be taken to mitigate noise concerns.
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 convert an existing structure into a dog kennel.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the noise mitigation measures will preserve the intent and purpose of the required setback of the kennel from the dwelling, and the setback to a municipal drain intends to ensure that structures are set back far enough from the drain for maintenance, while the Drainage Superintendent has confirmed that all maintenance work on the drain is done on the south side of the drain and thus the proposal will not impact future maintenance.

4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as dog kennels are permitted in the Agricultural designation established in the Official Plan.

Moved By Councillor G. Bruno

Seconded By A. Desmarais

Carried.

6. Other Business

The Chair noted that the Ontario Association of Committees of Adjustment & Consent Authorities (OACA) is hosting its annual Spring Conference from June 4 to 7 in Niagara Falls, Ontario. The Committee proceeded to discuss funding for visitor packages to attend the conference.

7. Approval of Minutes

7.1 Committee of Adjustment Hearing Minutes - April 12, 2023

That the minutes from the April 12, 2023, Committee of Adjustment meeting be approved.

Moved By Councillor G. Bruno

Seconded By Councillor E. Beauregard

Carried.

8. Adjournment

There being no further business, the meeting was adjourned at approximately 6:43 pm.