



PORT COLBORNE City of Port Colborne
Committee of Adjustment Meeting Addendum

Date: Wednesday, July 10, 2024
Time: 6:00 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Pages

5. New Business

*5.3 Addendum Package Memorandum 1

6. Other Business

6.1 A11-24-PC - VL Humboldt Parkway

*a. A11-24-PC - VL Humboldt Parkway - Updated Planning Report 2

6.2 A13-24-PC; A14-24-PC; A15-24-PC; A16-24-PC - 19 Lakeshore Road West

*a. A13-24-PC - Amended Page 8 of Application 9

7. Approval of Minutes

7.1 Committee of Adjustment Hearing Minutes - June 12th, 2024

*a. Updated Committee of Adjustment Hearing Minutes - June 12, 2024 10

TO: Port Colborne Committee of Adjustment

FROM: Taya Taraba, Secretary-Treasurer

**CC: Diana Vasu, Planner
Denise Landry, Chief Planner**

RE: July 10, 2024, Committee of Adjustment Agenda Clarification

Please be advised that staff have received requests for clarification of the following matters on the July 10, 2024, Committee of Adjustment agenda:

Item 6.1: A11-24-PC – Humboldt Parkway

The Planning Report attached to item 6.1, dated June 7, 2024, states that the subject lands are Lots 257 and 256 on Plan 8, New Plan 836.

The subject Lot is 255, not 256 and 257.

The comments provided by Regional staff were written about Lots 256 and 257.

After Regional staff provided their updated comments, City staff prepared an updated recommendation report, which, along with the updated Regional comments, has been added as **item 6.1 (a)** on the July 10, 2024, Committee of Adjustment agenda.

Item 6.2: A13-24-PC; A14-24-PC; A15-24-PC; A16-24-PC - 19 Lakeshore Road West

The Notices of Hearing for applications A13-24-PC, A15-24-PC, and A16-24-PC each state that a “maximum” of 0.05 hectares of lot area is required in the First Density Residential (R1) zone.

These Notices should instead state that a *minimum* of 0.05 hectares is required.

The blank pages present from pages 81 to 170 in the [Agenda PDF](#) are just blank; these pages are not missing information.

The fully executed affidavit which forms part of application A13-24-PC has been added as **item 6.2 (a)** on the July 10, 2024, Committee of Adjustment agenda.

Item 7.1: Committee of Adjustment Hearing Minutes – June 12th, 2024

An amended copy of the June 12, 2024, Committee of Adjustment Hearing Minutes has been added as **item 7.1 (a)** on the July 10, 2024, Committee of Adjustment agenda.



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

Development and Legislative Services
Planning Division Report

July 10, 2024

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

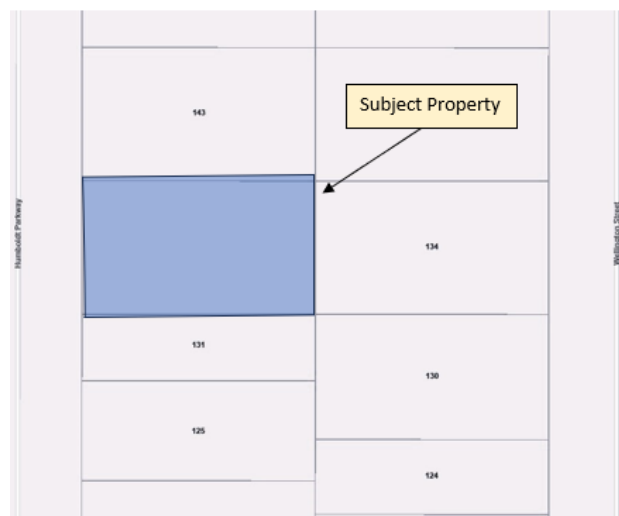
**Re: Application for Minor Variance A11-24-PC
Vacant Lot Humboldt Parkway
Lot 255 on Plan 8, New Plan 836
Agent: Timothy Sinke
Owner(s): Jonathon Sinke**

Proposal:

The purpose and effect of this application is to permit a decrease in the municipal drain setback from 10m to 8m, an increase in maximum parking area width from 50% of the lot frontage to 60% and to increase the maximum floor area for the accessory dwelling unit from 40% to 45%. The applicant is requesting the variances to facilitate the creation of a new detached dwelling and accessory dwelling unit within the detached dwelling.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, south, east, and west. The surrounding uses consist of 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 (OP). This designation permits a variety of uses including residential uses and accessory dwellings.

Zoning:

The subject lands are zoned Second Density Residential (R2) under Zoning By-law 6575/30/18. Residential uses including detached dwellings, duplex dwellings, semi-detached dwellings, and uses, structures and buildings accessory thereto 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 29th, 2024, as per Section 45 (5) of the Planning Act, to properties within 60m of the subject lands. As of June 6th, 2024 no comments from the public have been received.

Agency Comments:

Notice was circulated on May 13th, 2024, to internal departments and external agencies. As of June 6th, 2024, the following comments have been received.

Drainage Superintendent

The parcel is in the watershed of the Central Park Municipal Drain. The setback required is from the municipal drain. An 8m set back will be acceptable for this application.

Fire Department

Port Colborne Fire has no objection to the application.

Development Services Supervisor

Engineering has no concerns as the Drainage Superintendent supports the 8m setback to the drain.

Niagara Region

Region staff previously indicated that that the property is located within an area of archaeological potential on Schedule K of the Niagara Official Plan, 2022. Due to a buried storm dram traversing the property causing a disturbance no archaeological assessment is requested.

Niagara Region Staff on July 9, 2024, provided revised comments indicating that the original comments were for the property to the south.

Niagara Region Staff indicated that the current property is mapped as an area of archaeological potential in Schedule K of the Niagara Official Plan, 2022 (NOP). Upon review of the application and aerial imagery, Regional staff would recommend a Stage 1 Archaeological Assessment be completed by a licensed archaeologist for the property, with an acknowledgement letter provided from the Ministry of Citizenship and Multiculturalism. It does not appear the subject property has been subject to ground disturbance that would waive the requirement for the study. This could be made a condition to the Minor Variance application.

Staff Response

A condition of the minor variance has been added requiring a Stage 1 Archaeological Assessment be completed.

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?

A 2-metre reduction to the drain setback will not drastically impact the drain as it is an underground system, as confirmed with the Drainage Superintendent. Section 2.22 of the Zoning By-Law states the municipal drain setback is to be measured from the top of the bank, however as this is not applicable for underground systems, it has been interpreted that the centre line of the drain will be considered the 'top of bank' meaning a 2-metre difference can be considered negligible for this drain type.

The increase in maximum parking area width from 50% of the lot frontage to 60%, is to accommodate the two required parking spaces for the detached dwelling and accessory dwelling. Lot coverage, setback provisions and minimum landscaped area will not be impacted and can still be met with the increase in parking area.

The increase in the maximum floor area for the accessory dwelling from 40% to 45% of the gross floor area of the dwelling is a negligible increase. The accessory dwelling will be contained within the main dwelling and still be accessory in nature.

For the reasons noted above, Staff is of the opinion that the three requested variances are minor in nature.

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

The requested variances are desirable for the development of the site as the application is being requested to accommodate a permitted use on the subject property and will help to diversify the housing stock by providing an accessory dwelling. The proposal is consistent with uses of the surrounding parcels along Humboldt Parkway. Detached dwellings and accessory dwellings are permitted uses in the R2 zone. Staff are satisfied that the dwelling can be accommodated on the property without needing additional variances for setbacks or for landscaped area.

As such, Staff is of the opinion that the proposal is desirable for the appropriate development of the land.

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

The setback to a municipal drain intends to ensure that structures are set back far enough from the drain for maintenance purposes. The Drainage Superintendent has confirmed that the proposal will not impact future maintenance of the drain. The requested variance does not propose any further encroachment toward the municipal drain and is required for the construction of a detached dwelling on the subject property.

Furthermore, the parking area provisions exist to ensure that there is area in the front yard for landscaping for amenity and aesthetic purposes. As all lot coverage and landscaping provisions are met, Staff are of the opinion that a 1-metre increase in driveway width is in keeping with the general intent and purpose of the Zoning By-law.

The intent of limiting accessory dwellings to a maximum of 40% of the total dwelling gross floor area is to ensure that the accessory dwelling remains accessory in nature to the dwelling.

For the reasons noted above, Staff is of the opinion that the three requested variances are 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 proposal is in keeping with the general intent and purpose of the City of Port Colborne Official Plan, as the Urban Residential designation permits residential uses (such as detached dwellings) and accessory dwellings. The proposed development and minor variance application are consistent with the scale of developments in the neighbourhood and is in keeping with the nature of the community.

In this instance, Staff are of the opinion that the requested variances align with the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A11-24-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.**

Subject to the following condition:

1. A Stage 1 Archaeological Assessment be completed by a licensed archaeologist for the property, with an acknowledgement letter provided from the Ministry of Citizenship and Multiculturalism.

Prepared & Submitted by,

A handwritten signature in black ink, appearing to read 'Denise Landry', written over a horizontal line.

Denise Landry, MCIP, RPP
Chief Planner

Fw: A-11-24-PC - Humboldt Parkway

Diana Vasu <Diana.Vasu@portcolborne.ca>

Tue 7/9/2024 4:11 PM

To: Denise Landry <Denise.Landry@portcolborne.ca>

📎 1 attachments (160 KB)

Archaeological Assessment Information Sheet.pdf;

From: Young, Katie <Katie.Young@niagararegion.ca>

Sent: Tuesday, July 9, 2024 3:54 PM

To: Diana Vasu <Diana.Vasu@portcolborne.ca>

Cc: Busnello, Pat <pat.busnello@niagararegion.ca>

Subject: A-11-24-PC - Humboldt Parkway

Hi Diana,

I left you a voicemail message. Previous Regional comments sent for this file were for the property to the south.

The current property is mapped as an area of archaeological potential in Schedule K of the Niagara Official Plan, 2022 (NOP). Upon review of the application and aerial imagery, Regional staff would recommend a Stage 1 Archaeological Assessment be completed by a licensed archaeologist for the property, with an acknowledgement letter provided from the Ministry of Citizenship and Multiculturalism. It does not appear the subject property has been subject to ground disturbance that would waive the requirement for the study. This could be made a condition to the Minor Variance application.

Let me know if you would like to chat further.

Thanks,
Katie



Katie Young, MsC (PI), MCIP, RPP
Senior Development Planner

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

P: (905) 980-6000 ext. 3727

W: www.niagararegion.ca

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My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.

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AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X JANUARY 19 2024
Date

X Dylan Earl
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 DYLAN EARL
Of the City/Town/Township of THOROLD
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 10th day of May
20 24.

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

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.

Taya Hope Taraba, a Commissioner, etc.,
Province of Ontario, for the Corporation
of the City of Port Colborne.
Expires January 31, 2027.

Taya Hope Taraba



PORT COLBORNE

Committee of Adjustment

-Meeting Minutes-

Wednesday, June 12th, 2024

Members Present: Dan O’Hara, Chair
Angie Desmarais, Committee Member
Dave Elliott, Committee Member
Gary Bruno, Committee Member
Eric Beauregard, Committee Member

Staff Present: Denise Landry, Chief Planner
Taya Taraba, Acting Secretary-Treasurer
Tyler Christian, Planning Assistant

1. Call Meeting to Order

The Vice Chair called the meeting to order at approximately 6:00 pm.

2. Reading of Meeting Protocol

The Vice Chair read the Meeting Protocol.

3. Disclosures of Interest

Member Beauregard declared an indirect pecuniary interest on application(s) A13-24-PC, A14-24-PC, A15-24-PC, and A16-24-PC, as the applicant is a client of his employer.

4. Requests for Deferrals or Withdrawals of Applications

- a. Application:** A11-24-PC
- Action:** Minor Variance
- Applicant:** Jonathan Sinke
- Agent:** Timothy Sinke (Henley Heights Construction Inc.)
- Location:** Vacant Lot Humboldt Parkway

The applicant requested an additional variance on to their application outside of the required circulation window, as per the Planning Act, and requested for an adjournment. The motion was moved by the Chair and carried unanimously.

5. Order of Business

- a. Application:** A10-24-PC
- Action:** Minor Variance
- Applicant:** Marc Arcand
- Location:** 21 Royal Road

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

The Chair asked the present applicant if they wanted to add any further information on the application, to which, they presented the Committee with some background information on the property and their plans regarding the development.

Member Beauregard posed some clarifying questions about the nature of the development.

The Chair asked if any members of the public wished to speak towards the nature of the application. No delegates were present.

That minor variance application **A10-24-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.**

Motion: *Gary Bruno* **Seconded:** *Eric Beauregard*
Carried: 5-0

- b. Application:** A12-24-PC
- Action:** Minor Variance
- Applicant:** Sarah Schaffer
- Location:** 3233 Snider Road

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

The Chair asked the present applicant if they wanted to add any further information on the application, to which, the applicant had no additional information to add.

Member Beauregard inquired about whether the NPCA had any concerns about the application.

The Chief Planner provided clarification on the matter.

The Chair asked if any members of the public wished to speak towards the nature of the application.

Antonella Ricci, resident, asked for clarification regarding the nature of the application, and whether there would be any impact to their property as a result of the application.

Sybren Heeg, resident, asked for clarification regarding how close the proposed development would be located to their property line.

Both delegates received clarification, and no further delegates requested to speak.

That minor variance application **A12-24-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.**

Motion: *Angie Desmarais* **Seconded:** *Dave Elliot*

Carried: 5-0

- c. Application:** A13-24-PC, A14-24-PC, A15-24-PC, A16-24-PC
Action: Minor Variance
Agent: Dylan Earl
Applicant: Leo Di Fabio
Location: 19 Lakeshore Road West

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

The Chair asked the present agent if they wanted to add any further information, to which, they presented the Committee with a PowerPoint presentation regarding the nature of the variance.

Member Elliot inquired about the potential servicing of the lots. The Committee had agreed that the issue was not relevant to the application at hand.

The Chair asked if any members of the public wished to speak towards the nature of the application.

Eric Hughes, resident, expressed concern regarding the 6.5m front yard setback, and the potential of the actual buildings varying in design from those displayed in the PowerPoint. The delegate expressed further concern regarding the location of the services, noting their desire to see engineered drawings.

The Chair confirmed with the delegate that any future development would be subjected to the same zoning setbacks as every other property in the zone.

Allen Kendrick, resident, asked for clarification regarding the nature of the application, which was thereafter provided.

Julian Renaud, resident, expressed concern regarding the verbiage on the Notices of Hearing regarding notification of proceedings before the Ontario Land Tribunal (OLT), and the proposed reduction in lot area. The delegate noted that they believe the development should go through the zoning by-law amendment and/or development agreement process, noting further concerns with servicing of the lots.

The applicant's agent responded to comments made by the public.

Member Bruno expressed concern regarding the fact that the public delegate was not informed of the OLT hearing and advocated for the application to be adjourned until the July hearing so legal counsel could be sought on the matter.

That minor variance applications **A13-24-PC, A14-24-PC, A15-24-PC, A16-24-PC** be **adjourned** until the July Committee of Adjustment Hearing.

Motion: *Gary Bruno* **Seconded:** *Angie Desmarais*
Carried: 4-0

6. Other Business

Nil.

7. Approval of Minutes

Nil.

8. Adjournment

There being no further business, the meeting was adjourned at approximately 8:30 pm.

Dan O'Hara, Chair

Taya Taraba, Acting Secretary-Treasurer