



**Date:** Wednesday, November 13, 2024  
**Time:** 6:00 pm  
**Location:** Committee Room 3-City Hall  
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

**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 A25-24-PC - 88 Tennessee Avenue 1

**Action:** Minor Variance  
**Solicitor:** Christopher Wilson  
**Applicant:** James and Kim Kendrick  
**Location:** 88 Tennessee Avenue
  - 5.2 A27-24-PC - 280 Omer Avenue 23

**Action:** Minor Variance  
**Applicant:** Dominic and Lindsey Benincasa  
**Location:** 280 Omer Avenue
  - 5.3 A23-24-PC - VL Northland Avenue 49

**Action:** Minor Variance  
**Agent:** Matt Kernahan  
**Applicant:** 2600261 Ontario Inc.  
**Location:** VL Northland Avenue

<b>6.</b>	<b>Other Business</b>	
6.1	Approval of the 2025 Committee of Adjustment Schedule	50
<b>7.</b>	<b>Approval of Minutes</b>	
7.1	October 9th, 2024, Committee of Adjustment Minutes	51
7.2	Correction of the September 11th, 2024 Minutes	54
<b>8.</b>	<b>Adjournment</b>	



# PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

Minor Variance Application  
File No. A25-24-PC

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

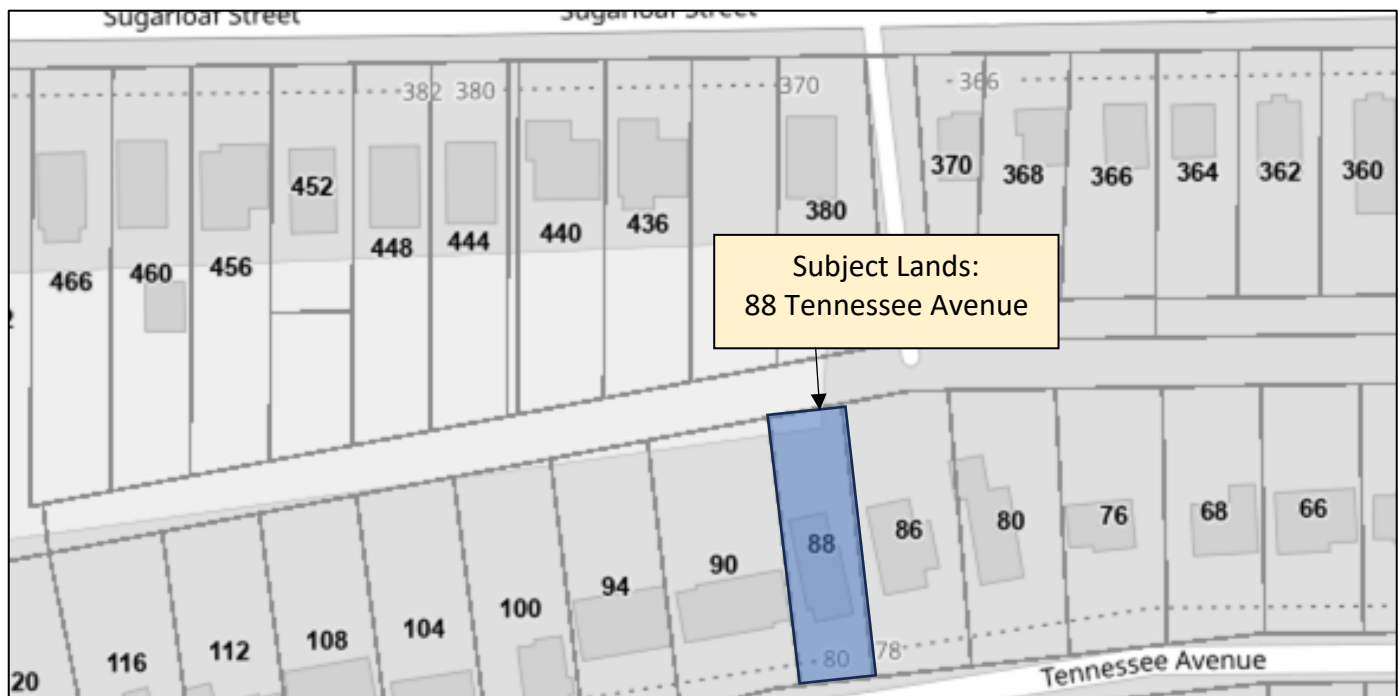
**AND IN THE MATTER OF** the lands legally known as Part of Lot 68 on Plan 3761, on New Plan 776, in the City of Port Colborne, located in the First Density Residential (R1) zone, municipally known as 88 Tennessee Avenue.

**AND IN THE MATTER OF AN APPLICATION** by the solicitor, Christopher Wilson, on behalf of the owners, James and Kim Kendrick, 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 location of an accessory structure in proximity to a property line, notwithstanding the following:

1. That an interior side setback of 0.07m be permitted whereas a maximum of 1m for an accessory structure is required.
2. That a rear yard setback of 0.44m be permitted whereas a maximum of 1m for an accessory structure is required.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission to reduce the setbacks for an existing accessory structure. Due to the location of the accessory structure, a minor variance is required. A sketch of the proposed site plan is shown on the reverse side of this notice. A higher resolution PDF version of this sketch can be found on the City's website.

### LOCATION MAP



**PLEASE TAKE NOTICE** that this application will be heard in-person and virtually by the Committee of Adjustment as shown below:

**Date:** November 13, 2024  
**Time:** 6:00 p.m.  
**Location:** 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

Additional information regarding this application is available for public inspection. An appointment can be scheduled in the office of the Planning and Development department, Monday to Friday, during the hours of 8:30 A.M. to 4:30 P.M., by telephone at (905)-228-8124 or through email at [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) to view the material.

**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 report is to be made available for public inspection by **Friday, November 8, 2024**. 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.



**Development and Government Relations Department**  
 Planning Division Report

November 8, 2024

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

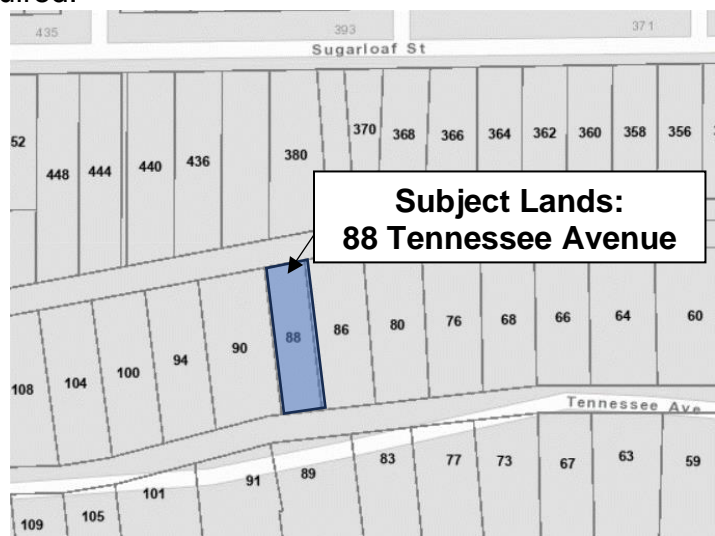
**Re: Application for Minor Variance A25-24-PC**  
**88 Tennessee Avenue**  
**Part of Lot 68 on Plan 3761, on New Plan 776**  
**Agent: Christopher Wilson**  
**Owner(s): James and Kim Kendrick**

**Proposal**

The purpose of this application is to request that the location of the existing garage be permitted. The application is requesting that a reduced interior side yard setback for an accessory structure of 0.07 metres be permitted, whereas 1 metre is required; and that a reduced a rear yard setback for an accessory structure of 0.44 metres be permitted, whereas a maximum of 1 metre is required.

**Surrounding Land Uses and Zoning**

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



**Official Plan**

The subject lands are in the Urban Residential designation in the City of Port Colborne Official Plan. This designation supports residential uses, which includes buildings accessory to the main residential use.

## **Zoning**

The subject lands are zoned First Density Residential (R1) in Zoning By-law 6575/30/18. The R1 zone permits residential uses, including detached dwellings and uses, structures, and buildings accessory thereto.

## **Environmentally Sensitive Areas**

The subject lands do not contain any environmentally sensitive areas.

## **Public Comments**

Notice was circulated on October 29, 2024, as per section 45 (5) of the *Planning Act*, to properties within 60 metres of the subject lands. As of November 8, 2024, no public comments have been received.

## **Agency Comments**

Notice was circulated on October 15, 2024, to internal departments and external agencies. As of November 8, 2024, the following comments have been received:

### Drainage Superintendent

No objections.

### Fire Department

No objections.

### Engineering Division

No objections.

### Niagara Region

No objections to this application but noted that the property is mapped as an area of archaeological potential in Schedule K of the Niagara Official Plan, 2022, and as such, advised that future *Planning Act* applications on the property may require an archaeological assessment.

## ***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 variance is required to legally permit the location of the existing accessory structure, which is 0.07 metres from the interior side yard lot line and 0.44 metres from the rear lot line. Section 2.8.1 (a) (iv) of the Zoning By-law provides that no accessory structure shall be located less than 1 metre from an interior side or rear lot line. The variance was triggered as the property was surveyed and the accessory building was found to be too close to the lot lines. Planning staff are satisfied that the application is minor as the requested relief is for an existing building and no further development has been proposed as a result of this application.

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

The proposal is desirable for the appropriate use of the land and building, as there are no changes proposed to result from this application. The accessory building is compatible with the majority of the requirements of the Zoning By-law, with the exception of the requested variance; the proposal is therefore desirable for the appropriate use of the subject lands.

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

The Zoning By-law permits accessory buildings within the R1 zone, and the proposal meets the majority of the zoning requirements. The accessory structure will remain accessory in nature to the primary dwelling as the accessory structure is not within the front yard and does not exceed 10% of the lot area, as is required by the accessory building provisions established in section 2.8 of the Zoning By-law. Planning staff therefore find 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 buildings 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 A25-24-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.**

Prepared by,

Diana Vasu, BA, MA  
Planner

Submitted by,

David Schulz, MCIP, RPP  
Manager of Planning



PART 2 - SURVEY REPORT

- DESCRIPTION  
PART OF LOT 68  
PLAN 776  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA

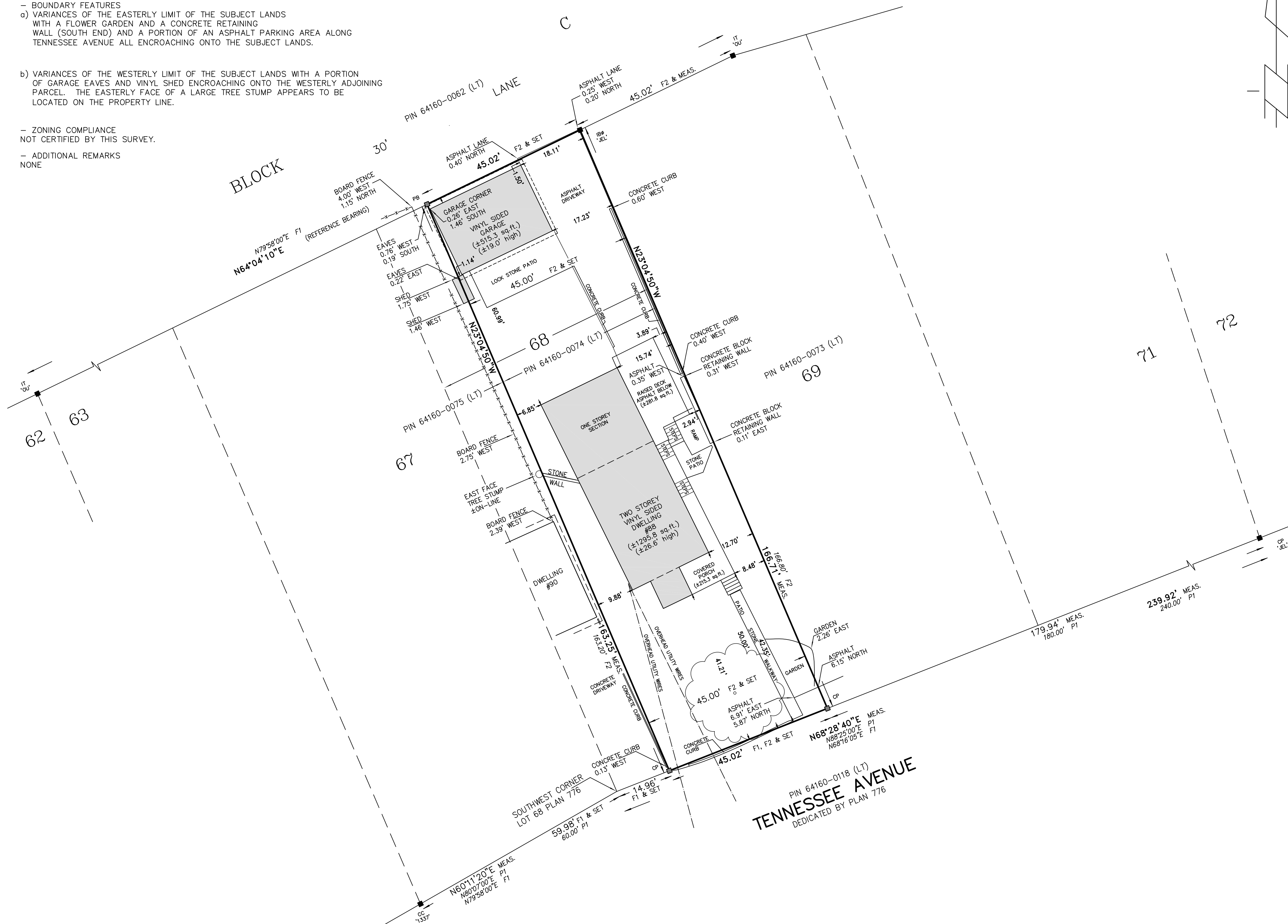
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAYS  
NONE

- BOUNDARY FEATURES  
a) VARIANCES OF THE EASTERLY LIMIT OF THE SUBJECT LANDS WITH A FLOWER GARDEN AND A CONCRETE RETAINING WALL (SOUTH END) AND A PORTION OF AN ASPHALT PARKING AREA ALONG TENNESSEE AVENUE ALL ENCRANCHING ONTO THE SUBJECT LANDS.

b) VARIANCES OF THE WESTERLY LIMIT OF THE SUBJECT LANDS WITH A PORTION OF GARAGE EAVES AND VINYL SHED ENCRANCHING ONTO THE WESTERLY ADJOINING PARCEL. THE EASTERLY FACE OF A LARGE TREE STUMP APPEARS TO BE LOCATED ON THE PROPERTY LINE.

- ZONING COMPLIANCE  
NOT CERTIFIED BY THIS SURVEY.

- ADDITIONAL REMARKS  
NONE



LOT AREA: ±7418.1 sq.ft.

SURVEYORS REAL PROPERTY REPORT

PART 1

PART OF LOT 68  
PLAN 776

IN THE

CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1"=15'



LANTHIER & GILMORE SURVEYING LTD.  
2024

LEGEND

Table with 2 columns: Symbol and Description. Includes symbols for survey monuments, iron bars, iron tubes, plastic bars, cut crosses, concrete pins, witness, and origin unknown.

BEARING NOTE:

BEARINGS SHOWN ON THIS PLAN ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF THE 30' LANE AS SHOWN ON '1337' FILE W.O. 07-4831 HAVING A BEARING OF N64°04'10"E.

IMPERIAL NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.

NOTE:

NO PERSON MAY COPY, REPRODUCE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF MARK GILMORE.

NOTE:

THIS REPORT WAS PREPARED FOR 1000954907 ONTARIO LIMITED AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON JULY 23, 2024.

DATE: JULY 24, 2024.

Signature of Mark Gilmore, Ontario Land Surveyor.

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 71762

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

SCALE: 1"=15' DR. BY: CM CH. BY: MG JEL FILE: 22-946 F-1467

---

**RE: COA November - Internal Circulation**

---

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

Date Wed 10/16/2024 2:00 PM

To Taya Taraba <Taya.Taraba@portcolborne.ca>

Hi Taya,

Regional staff have reviewed the proposed Minor Variance at 88 Tennessee Avenue to permit reduced setbacks for an existing accessory structure.

Regional staff advise that the property is mapped as an area of archaeological potential in Schedule K of the Niagara Official Plan, 2022. Provincial and Regional policies state that development and site alteration shall not be permitted within areas of archeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

As the accessory structure has already been constructed, staff offer no archaeological assessment requirements. Staff advise that future *Planning Act* applications on the property may require an archaeological assessment.

Should you have any questions, please do not hesitate to reach out to me.

Kind regards,  
Katie



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

Niagara Region, 1815 Sir Isaac Brock Way,  
Thorold, ON, L2V 4T7, PO Box 1042

P: (905) 980-6000 ext. 3727

W: [www.niagararegion.ca](http://www.niagararegion.ca)

E: [katie.young@niagararegion.ca](mailto:katie.young@niagararegion.ca)



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

---

**RE: COA November - Internal Circulation**

---

**From** Ali, Usama (MTO) <Usama.Ali@ontario.ca>  
**Date** Sun 10/20/2024 12:38 PM  
**To** Taya Taraba <Taya.Taraba@portcolborne.ca>  
**Cc** Hajjar, Nicole (She/Her) (MTO) <Nicole.Hajjar@ontario.ca>

Good Day Taya;

I have CCed Nicole Hajjar as she will address whether MTO permits are required for Minor Variance applications. I will address Consent, SPA, and OPA/ZBA applications. Please include Nicole in future communications

**Re:** Committee of Adjustment - Request for Comments  
City of Port Colborne  
City Files

1. 88 Tennessee Avenue, Port Colborne, ON (A25-24-PC **Minor Variance**)

The MTO has reviewed **site location #1** has no comments to provide as this site is outside of MTO permit jurisdiction. No MTO permits or approvals would be required by the proponent for any development at the above address at this time.

Please consider this email MTO authorization that no MTO permit will be required for the site location #1.

Please ensure that all other municipal and agency approvals and permits are obtained prior to any development on site.

2. 280 Omer Avenue, Port Colborne, ON (A27-24-PC **Minor Variance**)(Hwy 58 aka **West Side Road**)

The MTO has reviewed the **site location #2** and has determined it is within MTO permit jurisdiction.

MTO review, approvals and permits will be required for any development at the above address.

Please ensure that all other municipal and agency approvals and permits are obtained prior to any development on site.

To see if your site is within the MTO Permit Controlled Area(s) use this link:

[HCMS - View MTO Controlled Areas \(gov.on.ca\)](#)

**Disclaimer:**

This mapping tool is intended as a supplementary guide only and should not be relied on as a precise indicator of Ministry of Transportation (MTO) Permit Control Areas, routes or locations, nor as a guide to navigation. Where there is a discrepancy between the results of this mapping tool and the MTO Permit Control Areas, the latter shall take precedence. The MTO shall not be liable in any way for the use of, or reliance upon, this mapping tool or any resulting data/information.

In future, please apply for pre-consultation requests through the MTO portal:

[HCMS - Highway Corridor Management System \(gov.on.ca\)](#)

Regards,

**Usama Ali**

Corridor Management Planner (Hamilton/Niagara) | Corridor Management Office/Operations Division  
Ministry of Transportation (Central Operations) | Ontario Public Service  
416-457-8973 | [usama.ali@ontario.ca](mailto:usama.ali@ontario.ca)

**Ontario** 

*Taking pride in strengthening Ontario, its places and its people*

**Upcoming Absence: October 21**

---



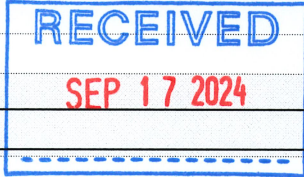
**PORT COLBORNE**

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45



For Office Use Only		
Date Received: _____	SEP 17 2024	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  
 Taya Taraba  
 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: taya.taraba@portcolborne.ca

2024 APPLICATION FEES

Minor Variance	\$1,383
Minor Variance (Building without a Permit)	\$1,805
Minor Variance & Consent Combination	\$2,528

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](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: James Kendrick Kim Kendrick	Date: September 16 2024	Initials: JK KK



**PORT COLBORNE**

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: <i>James Kendrick and Kim Kendrick.</i>	
Mailing Address: <i>40 Box 99</i>	
City: <i>Port Colborne</i>	Province: <i>Ont</i>
Postal Code: <i>L3K 5V3</i>	Telephone: <i>289-969-9185</i>
Fax:	Email:
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name: <i>Christopher Wilson</i>	
Mailing Address: <i>190 Elm St., Box 99</i>	
City: <i>Port Colborne</i>	Province: <i>Ontario</i>
Postal Code: <i>L3K 5V7</i>	Telephone: <i>905-835-1163</i>
Fax: <i>905-835-2171</i>	Email: <i>cwilson@wilsonop.com</i>
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.5 All communications should be sent to the:</b>	
<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality:	
Concession No.	Lot(s): <i>68</i>
Registered Plan No. <i>776</i>	Lot(s):
Reference Plan No.	Part(s):
Name of Street: <i>Tennessee Ave</i>	Street No. <i>88</i>

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch: 1

<b>3.1 Lot Description</b>		
Frontage: <u>13.72 m</u>	Depth: <u>49.75 m</u>	Area: <u>689.1 m<sup>2</sup></u>
Existing Use: <u>Single Family Residential</u>		
Proposed Use: <u>Single Family Residential</u>		
<b>3.2 What is the current designation of the land in the Official Plan and the Regional Plan?</b>		
Port Colborne Official Plan: <u>Urban</u>		
Regional Policy Plan: <u>Urban</u>		
<b>3.3 What is the current zoning of the land (By-law 6575/30/18)?</b> <u>R1</u>		

SECTION 4: LAND INFORMATION

<b>4.1 Date and Subject Land was acquired by the Current Owner:</b>	
<u>1979</u>	
<b>4.2 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If "Yes" describe the easement or covenant and its effect:
<b>4.3 MORTGAGES, Charges &amp; Other Encumbrances:</b>	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
<u>None</u>	
<b>4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:</b> <u>House 1945 Garage 2005</u>	
<b>4.5 Type of ACCESS</b>	
<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
<b>4.6 What type of WATER SUPPLY is proposed?</b>	
<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) _____	
<b>4.7 What type of SEWAGE DISPOSAL is proposed?</b>	
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system <input type="checkbox"/> Septic system (private or communal) <input type="checkbox"/> Other (specify) _____	
<b>4.8 What type of STORMWATER DISPOSAL is proposed?</b>	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system <input type="checkbox"/> Other (specify) _____	
<b>4.9 Has a Pre-Consultation application been filed for this proposal?</b>	
<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:**  
 Reduce rear yard for accessory garage from required 1m to existing .49m  
 Reduce interior side yard west for accessory garage from required 1m to existing 0.07m  
 Section 2.8.1(a)(iv) of Bylaw 6575/30/18

**5.2 Why is it not possible to comply with the Zoning By-law?**  
 Garage constructed by applicant in 2005 pursuant to a permit to replace earlier structure on same foot print which was over 50 years old. Incorrect marker used to determine boundary in error.

**5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?**  
 Yes  
 No

**5.4 If the answer to 5.3 is YES, has a building permit been issued?**  
 Yes  
 No

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

File Number: 2005-3501  
 Decision: Granted

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?**  
 Dwelling approx 1945. Garage 2005

**8.3 Are there any buildings or structures on the subject land?**  
 Yes  No

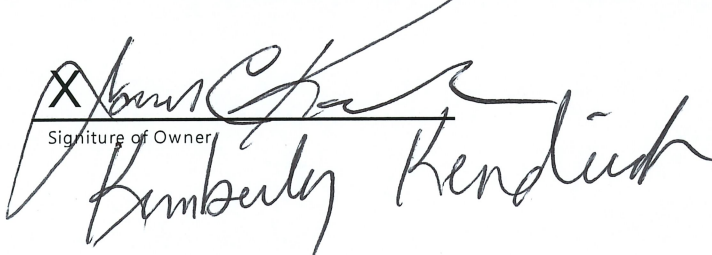
If Yes, briefly describe and indicate their use.  
 Single family frame dwelling + Accessory garage

<b>8.4 Are any of these buildings designated under the Ontario Heritage Act?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.10 Have the lands or adjacent lands ever been used as a weapon firing range?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>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?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>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)?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>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?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>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?*</b>		
<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 <b>YES</b> 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 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 September 16 2024  
Date

X   
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

# AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X September 16 2024

Date

X

Signature of Applicant(s)

James Kendrick  
Kimberly Kendrick

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 James Kendrick and Kim Kendrick

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 16<sup>th</sup> day of September

2024.

A Commissioner, etc.



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

X James Kendrick

Kimberly Kendrick

Signature of applicant(s), solicitor, or authorized

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

POSTING OF PUBLIC HEARING SIGN

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

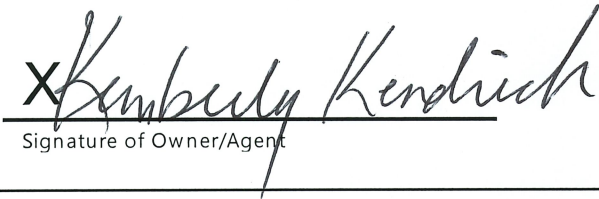
Each sign must remain posted a minimum of 14 days prior to the hearing, until the day following the hearing. Should a sign go missing or become damaged or illegible please contact the Secretary-Treasurer as soon as possible to request a replacement sign. Failure to post the sign as required may result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

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

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

X   
Signature of Owner/Agent

X September 16 2024  
Date

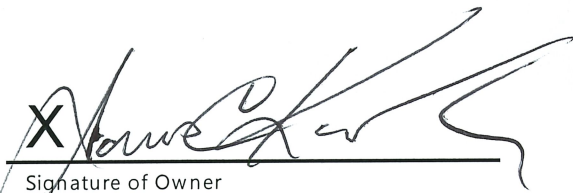
X   
Signature of Owner/Agent

X September 16 2024  
Date

PERMISSION TO ENTER

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

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

X   
Signature of Owner

X September 16 2024  
Date

X   
Signature of Owner

X September 16 2024  
Date

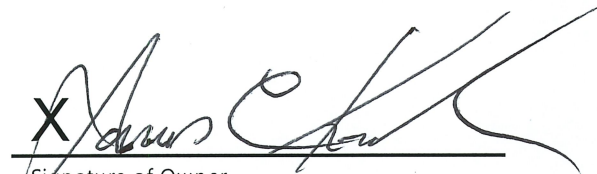
AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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.

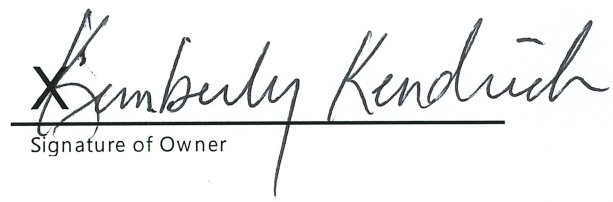
Please Note: If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

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 James Kendrick and Kim Kendrick 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.

  
Signature of Owner

September 16 2024  
Date

  
Signature of Owner

September 16 2024  
Date

\_\_\_\_\_  
Signature of Agent

\_\_\_\_\_  
Date

## SUGGESTION TO THE APPLICANT

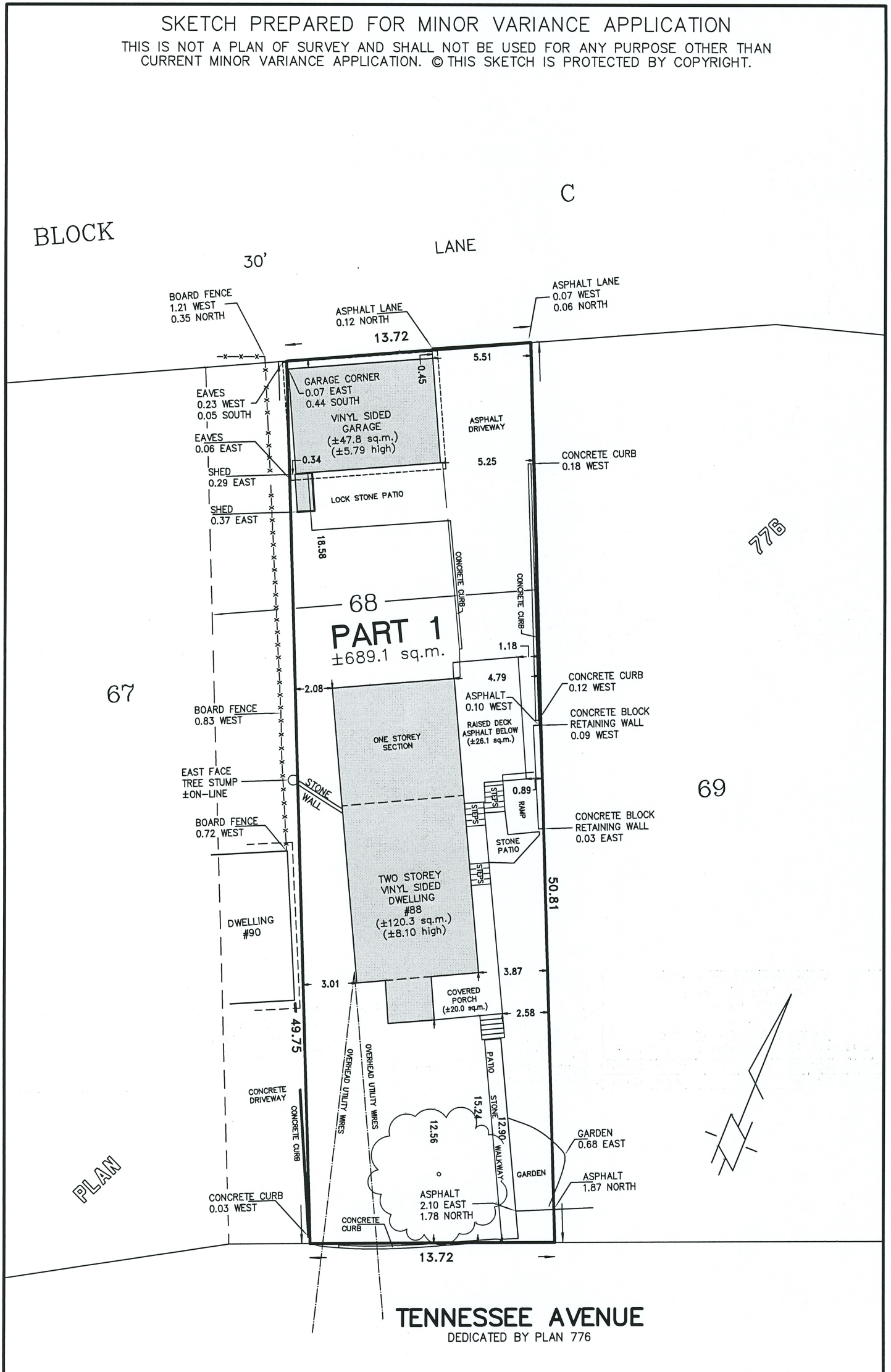
Notice of your application is required for several agencies. All written responses will be considered before reaching a decision on your application.

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, 7<sup>th</sup> 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, 7<sup>th</sup> 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

SKETCH PREPARED FOR MINOR VARIANCE APPLICATION

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



TENNESSEE AVENUE  
DEDICATED BY PLAN 776

**VOID**

IF USED FOR ANY OTHER PURPOSE THAN THIS CURRENT MINOR VARIANCE APPLICATION

PRELIMINARY ONLY

SEPT. 4, 2024  
DATE

*[Signature]*  
MARK GILMORE  
Ontario Land Surveyor

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

SKETCH OF PROPOSED MINOR VARIANCE  
PART OF LOT 68  
PLAN 776  
IN THE  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA  
DRAWN BY: CM  
CHECKED BY: MG  
SCALE: 1:250  
SURVEY 22-960





# PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

Minor Variance Application  
File No. A27-24-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;

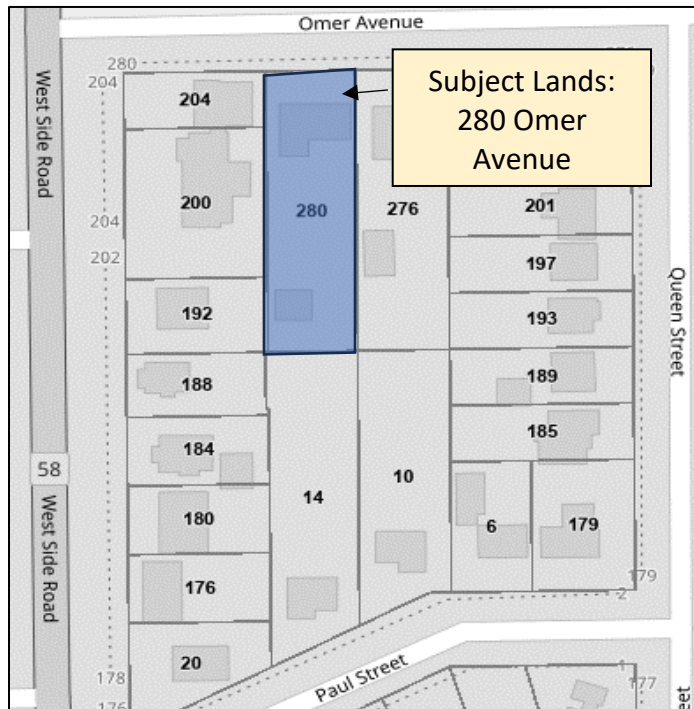
**AND IN THE MATTER OF** the lands legally known as Lot 28 on Plan 60, on New Plan 819, in the City of Port Colborne, located in the First Density Residential (R1) zone, municipally known as 280 Omer Avenue.

**AND IN THE MATTER OF AN APPLICATION** by the owner, Domenic and Lindsey Benincasa, 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 an increase in the height of an accessory building, notwithstanding the following:

1. That an accessory building height of 7.62m be permitted whereas a maximum of 6m is required.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission to increase the height of a future accessory building on the property. Due to surpassing the maximum height an accessory structure is allowed, a minor variance is required. A sketch of the proposed site plan is shown on the reverse side of this notice. A higher resolution PDF version of this sketch can be found on the City's website.

### LOCATION MAP



**PLEASE TAKE NOTICE** that this application will be heard in-person and virtually by the Committee of Adjustment as shown below:

**Date:** November 13, 2024  
**Time:** 6:00 p.m.  
**Location:** 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

Additional information regarding this application is available for public inspection. An appointment can be scheduled in the office of the Planning and Development department, Monday to Friday, during the hours of 8:30 A.M. to 4:30 P.M., by telephone at (905)-228-8124 or through email at [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) to view the material.

**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 report is to be made available for public inspection by **Friday, November 8, 2024**. 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.



**Development and Government Relations Department**

Planning Division Report

November 8, 2024

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

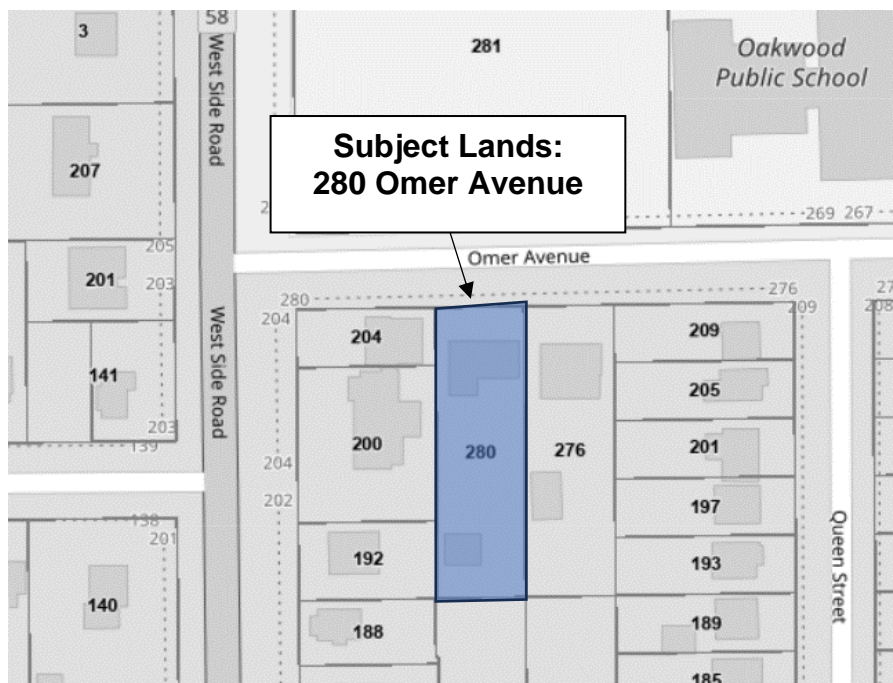
**Re: Application for Minor Variance A27-24-PC  
 280 Omer Avenue  
 Lot 28 on Plan 60, on New Plan 819  
 Owner(s): Domenic and Lindsey Benincasa**

**Proposal**

The purpose of this application is to permit an increase in the height of an accessory dwelling unit on the subject lands. The application is requesting that an accessory building height of 7.62 metres be permitted whereas a maximum of 6 metres is required.

**Surrounding Land Uses and Zoning**

The subject lands are in the First Density Residential (R1) zone. The parcels surrounding the subject lands are zoned R1 to the south, east, and west; Public and Park (P) to the north; and Commercial Plaza (CP) to the west. The surrounding uses consist of primarily of commercial uses to the west, a park to the north, and detached dwellings to south, east, and west.



## **Official Plan**

The subject lands are in the Urban Residential designation in the City of Port Colborne Official Plan. This designation supports residential uses, which includes buildings accessory to the main residential use.

## **Zoning**

The subject lands are zoned First Density Residential (R1) under Zoning By-law 6575/30/18. The R1 zone permits residential uses including detached dwellings, and uses, structures and buildings accessory thereto.

## **Environmentally Sensitive Areas**

The subject lands do not contain any environmentally sensitive areas.

## **Public Comments**

Notice was circulated on October 29, 2024, as per section 45 (5) of the *Planning Act*, to properties within 60 metres of the subject lands. As of November 8, 2024, no public comments have been received.

## **Agency Comments**

Notice was circulated on October 15, 2024, to internal departments and external agencies. As of November 8, 2024, the following comments have been received:

### Drainage Superintendent

No objections.

### Fire Department

No objections.

### Engineering Division

No objections.

## ***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 variance has been triggered as the new accessory building is proposed to be 7.62 metres in height, which is in excess of the maximum of 6 metres in height required by section 2.8.1 (a) (ii) of the Zoning By-law. The increase in height from 6 metres to 7.62 metres will not negatively impact the subject parcel or neighboring properties because the accessory structure is proposed towards the rear of the lot, which will reduce the visual impact of the increased height. The accessory building remains visibly accessory to the dwelling due to the design elements which are more typical of a garage. All the buildings closest to the proposed accessory building appear to also be accessory buildings, ensuring the proposal will not result in impacts with respect to shadowing or loss of privacy. There are no other anticipated adverse impacts to adjacent properties.

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

The proposed accessory building would be set approximately 56 metres back from the front property line based on the site plan submitted as part of their building permit, which is attached as Appendix A to this report. The accessory structure is proposed to provide additional storage, which is permitted as an accessory use to the main residential use of the lot. The proposal conforms to the majority of the requirements of the Zoning By-law, with the exception of the requested variance. The proposal is therefore desirable for the appropriate development of the subject lands.

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

The maximum height for accessory buildings intends to ensure that accessory structures remain accessory in nature to the primary use of the dwelling. The proposed variance would provide necessary amenity space and storage to serve as accessory to the single detached dwelling on the lot. The Zoning By-law permits accessory dwelling units within the R1 zone, and the proposal meets the majority of the zoning requirements. The accessory structure will remain accessory in nature to the primary dwelling as the accessory structure is not within the front yard, is more than 1 metre from the interior side and rear lot lines, would not exceed 10% of the lot area, as is required by the accessory building provisions established in section 2.8 of the Zoning By-law. Planning staff therefore find 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 and accessory dwelling units 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 A27-24-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.**

Prepared by,

Diana Vasu, BA, MA  
Planner

Submitted by,

David Schulz, MCIP, RPP  
Manager of Planning

Appendix A



THESE PLANS FORM THE BASIS FOR PERMIT ISSUANCE. ANY DEVIATIONS FROM THESE PLANS AND DETAILS, INCLUDING THE VENTILATION SYSTEM, HEATING SYSTEM, WOODSTOVE, FIREPLACES, DECKS, BALCONIES AND FINISHED BASEMENTS, WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.

**GENERAL NOTES**

1. ALL WORK PERFORMED AND MATERIAL SUPPLIED SHALL COMPLY TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE.
2. NAUTA HOME DESIGNS IS NOT LIABLE FOR ANY ERRORS OR OMISSIONS FOUND IN THESE BLUEPRINTS.
3. DO NOT SCALE BLUEPRINTS.

**DESIGN CHANGES**

ANY DEVIATION TO THE DESIGN OF THIS BUILDING OR USE OF ALTERNATIVE BUILDING MATERIALS SHALL BE NOTIFIED TO THE DESIGNER OF THESE PLANS AND SHALL NOT BE CARRIED OUT UNTIL SUCH CAN BE CHECKED FOR ENGINEERING AND APPROVED.

© COPYRIGHT - NAUTA HOME DESIGNS  
IT IS ILLEGAL TO COPY THIS PLAN IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF NAUTA HOME DESIGNS.

**REVISIONS**

**QUALIFICATION INFORMATION**



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

**Philip VanBaalén**  
NAME

*[Signature]*  
SIGNATURE

36624  
BCIN

**REGISTRATION INFORMATION**

Required unless design is exempt under 2.17.4.1. of the building code

**Nauta Home Designs**  
NAME

29258  
BCIN



1-866-474-4320

1789 MERRITTVILLE HWY  
WELLAND, ON L3B 5N5

**PLAN NUMBER:**

**BARN**

**CONTRACT NUMBER:**

**PROJECT :**

**BARN**  
2601 SQ. FT.

WIDTH: 51' 0"  
DEPTH: 51' 0"

**LOCATION:**

280 OMER AVE  
FORT COLBORNE, ON

**TITLE:**

ELEVATIONS

**DATE :**

MAY 2024

**PAGE:**

1 OF 5

**FULL / PARTIAL WALKOUT BASEMENT NOTES**

STEP ALL CONCRETE FOOTINGS DOWN TO 4" MINIMUM BELOW FINISHED GRADE. ALL EXISTING AND FINISHED GRADES ARE TO BE CONFIRMED ON SITE BY THE CONTRACTOR. ANY LATERALLY UNSUPPORTED FOUNDATION WALLS ARE TO BE REINFORCED WITH REBAR. REBAR REQUIREMENTS TO BE DESIGNED BY A STRUCTURAL ENGINEER.

**EXTERIOR PATIO AND TERRACE DOORS**

ALL PATIO OR TERRACE DOORS WITH THRESHOLDS EXCEEDING 23 5/8" TO FINISHED GRADE TO HAVE A GUARD CONFORMING TO SB-1.

**DECKS AND PATIOS ABOVE GRADE**

PROVIDE GUARD CONFORMING TO SB-1 ON ALL PATIOS AND DECKS THAT HAVE A FINISHED HEIGHT OF 23 5/8" ABOVE FINISHED GRADE.

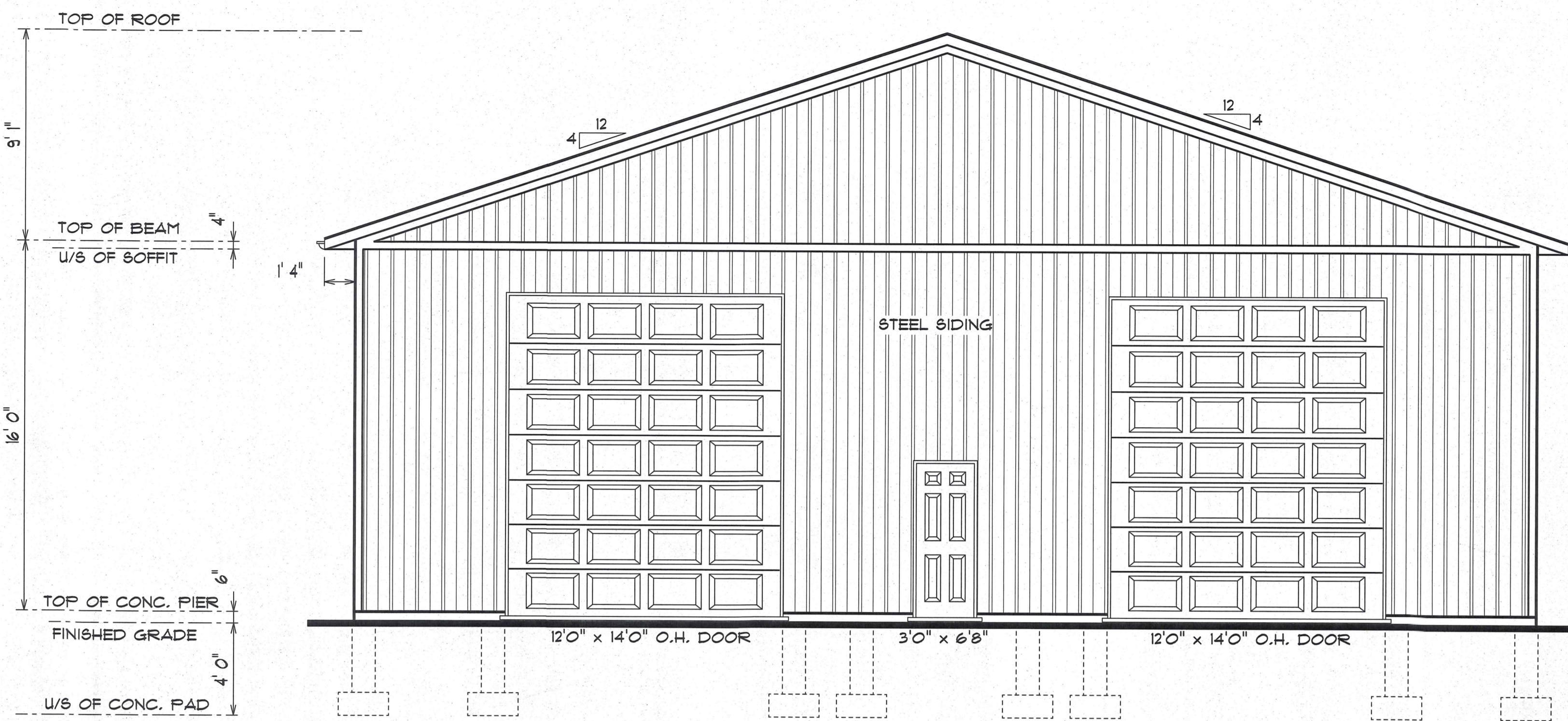
**WINDOW SIZES AND R.O. FRAMING**

ALL WINDOWS AND DOORS SHOWN ARE ILLUSTRATIVE ONLY. REFER TO WINDOW AND DOOR MANUFACTURER'S SCHEDULE FOR ROUGH OPENING SIZES. HEIGHT OF ALL WINDOWS FROM THE TOP OF SUBFLOOR TO BE CONFIRMED WITH CONTRACTOR ON SITE.

**WINDOW WELLS (WHERE REQUIRED)**

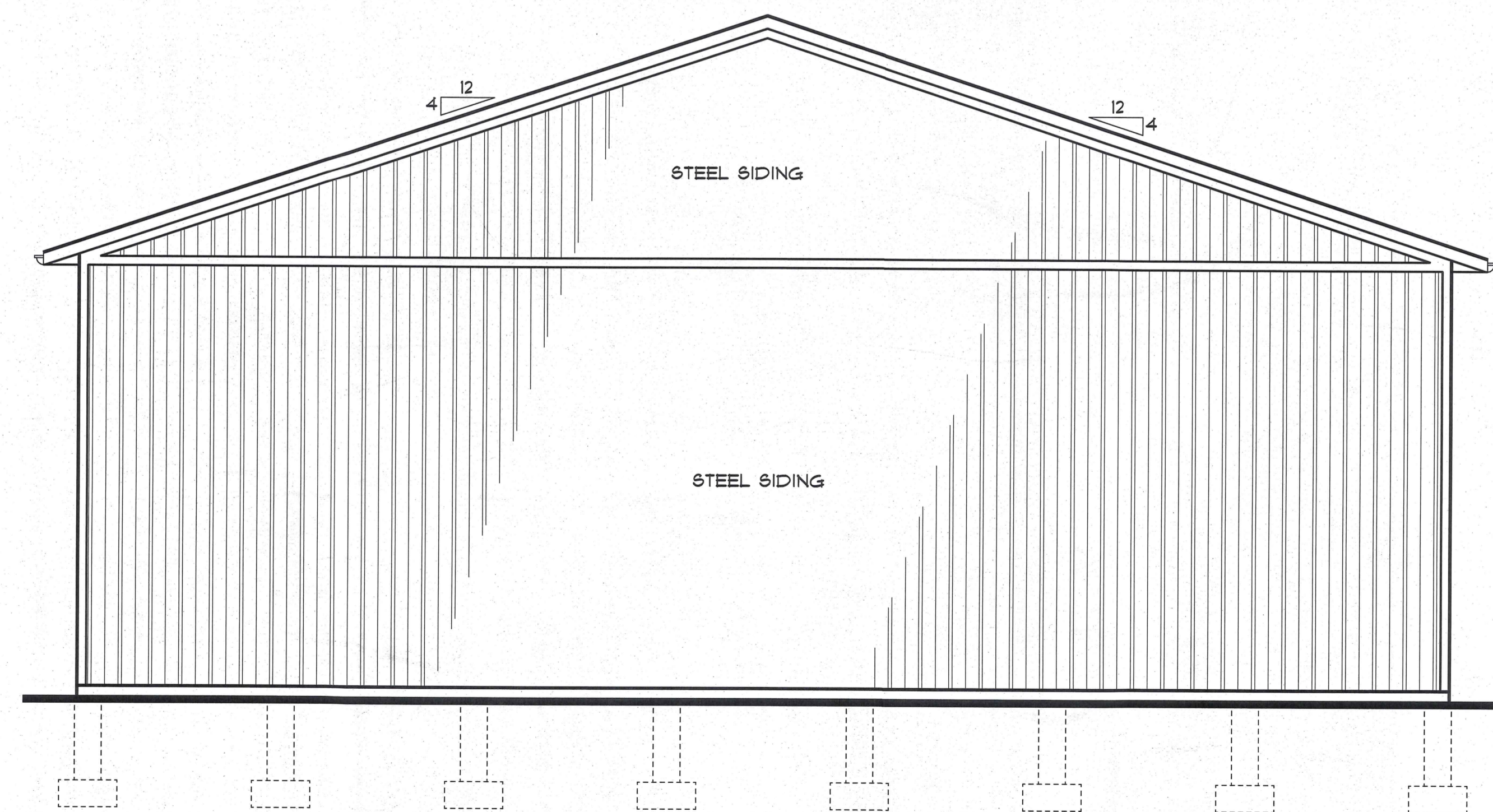
ALL WINDOW WELLS ARE TO BE CONSTRUCTED OF ZINC GALVANIZED CORRUGATED METAL AND BOLTED TO FACE OF CONCRETE WALL. WINDOW WELLS ARE TO HAVE A 4" DIA. WEEPER, WITH FILTER CLOTH COVER, AND WEEPER TO BE FILLED WITH 3/4" TH. CLEAR STONE RUNNING VERTICALLY FROM BOTTOM OF WINDOW WELL, CONNECTING TO HORIZONTAL WEEPER AT BASEMENT FOOTING LEVEL, THAT IS RUNNING THE PERIMETER OF THE FOUNDATION WALL AS PER 9.14.6.3 OF THE CBC. REQUIRED EGRESS WINDOW WELLS SHALL HAVE A MINIMUM CLEARANCE OF 27" AS PER 9.10.1.5 OF THE CBC.

REFER TO GENERAL NOTES PAGE FOR STANDARD ELEVATION CONSTRUCTION NOTES, CBC REQUIREMENTS AND TYPICAL CONSTRUCTION ASSEMBLIES. REFER TO STANDARD DETAIL PAGE FOR CONSTRUCTION DETAILS.



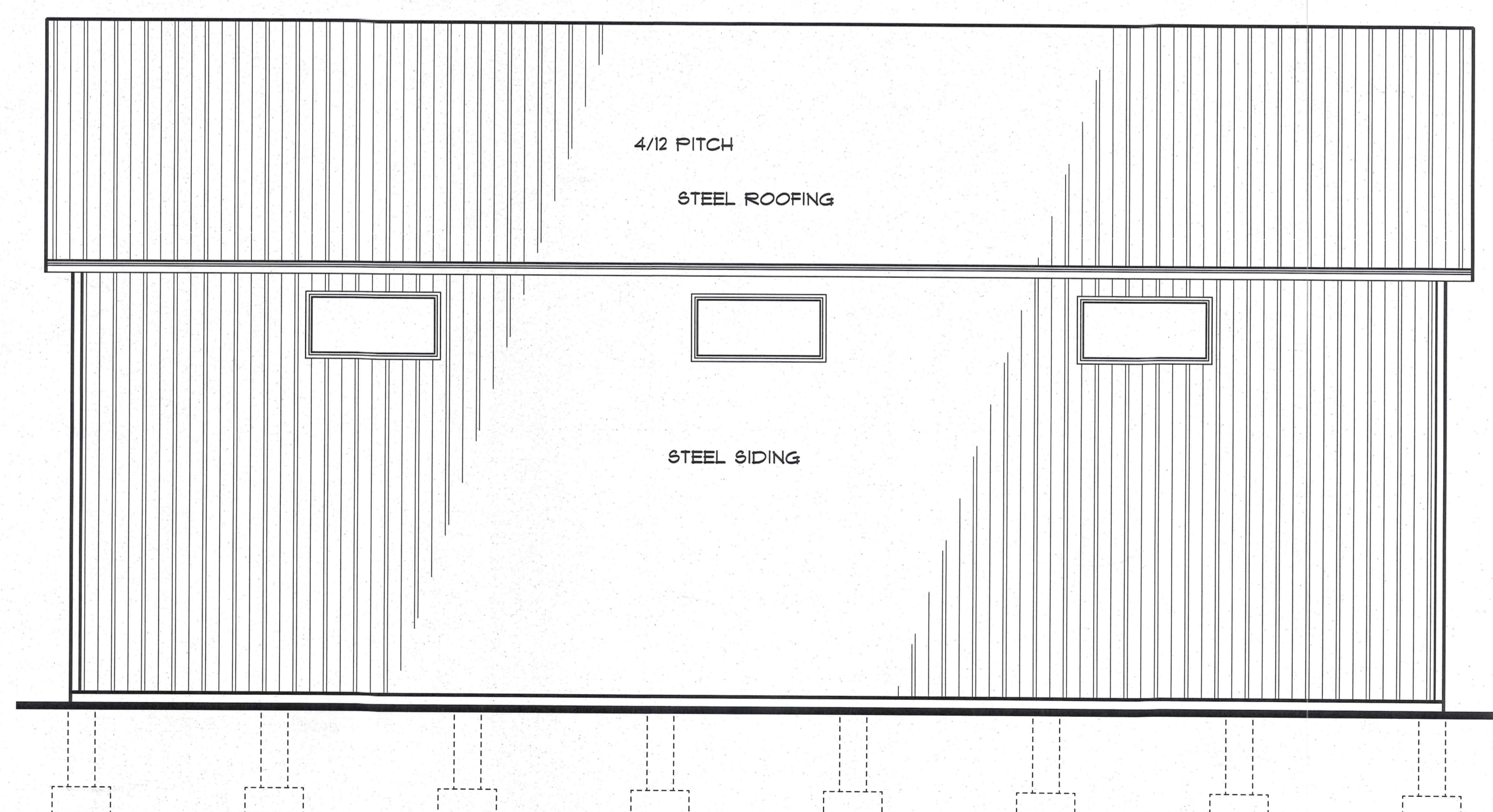
**FRONT ELEVATION** 1/4" = 1'0"

May 15, 2024 P.V. 06:00 PM



**REAR ELEVATION** 1/4" = 1'0"

May 15, 2024 P.V. 06:00 PM



**LEFT / RIGHT ELEVATION** 1/4" = 1'0"

May 15, 2024 P.V. 06:00 PM

Total  
7.168m

2.80m

4.8768m

TOP OF BEAM  
U/S OF SOFFIT

16'0"

TOP OF CONC. PIER  
FINISHED GRADE

U/S OF CONC. PAD

WWW.NAUTAHOMEDESIGNS.COM 1-866-474-4320  
SEARCH OVER 1000 HOUSE PLANS ONLINE,  
CUSTOM DESIGNS, ADDITIONS, & RENOVATIONS.



---

**RE: COA November - Internal Circulation**

---

**From** Ali, Usama (MTO) <Usama.Ali@ontario.ca>  
**Date** Sun 10/20/2024 12:38 PM  
**To** Taya Taraba <Taya.Taraba@portcolborne.ca>  
**Cc** Hajjar, Nicole (She/Her) (MTO) <Nicole.Hajjar@ontario.ca>

Good Day Taya;

I have CCed Nicole Hajjar as she will address whether MTO permits are required for Minor Variance applications. I will address Consent, SPA, and OPA/ZBA applications. Please include Nicole in future communications

**Re:** Committee of Adjustment - Request for Comments  
City of Port Colborne  
City Files

1. 88 Tennessee Avenue, Port Colborne, ON (A25-24-PC **Minor Variance**)

The MTO has reviewed **site location #1** has no comments to provide as this site is outside of MTO permit jurisdiction. No MTO permits or approvals would be required by the proponent for any development at the above address at this time.

Please consider this email MTO authorization that no MTO permit will be required for the site location #1.

Please ensure that all other municipal and agency approvals and permits are obtained prior to any development on site.

2. 280 Omer Avenue, Port Colborne, ON (A27-24-PC **Minor Variance**)(Hwy 58 aka **West Side Road**)

The MTO has reviewed the **site location #2** and has determined it is within MTO permit jurisdiction.

MTO review, approvals and permits will be required for any development at the above address.

Please ensure that all other municipal and agency approvals and permits are obtained prior to any development on site.

To see if your site is within the MTO Permit Controlled Area(s) use this link:

[HCMS - View MTO Controlled Areas \(gov.on.ca\)](#)

**Disclaimer:**

This mapping tool is intended as a supplementary guide only and should not be relied on as a precise indicator of Ministry of Transportation (MTO) Permit Control Areas, routes or locations, nor as a guide to navigation. Where there is a discrepancy between the results of this mapping tool and the MTO Permit Control Areas, the latter shall take precedence. The MTO shall not be liable in any way for the use of, or reliance upon, this mapping tool or any resulting data/information.

In future, please apply for pre-consultation requests through the MTO portal:

[HCMS - Highway Corridor Management System \(gov.on.ca\)](#)

Regards,

**Usama Ali**

Corridor Management Planner (Hamilton/Niagara) | Corridor Management Office/Operations Division  
Ministry of Transportation (Central Operations) | Ontario Public Service  
416-457-8973 | [usama.ali@ontario.ca](mailto:usama.ali@ontario.ca)

**Ontario** 

*Taking pride in strengthening Ontario, its places and its people*

**Upcoming Absence: October 21**

---



**PORT COLBORNE**

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

RECEIVED

SEP 03 2024

For Office Use Only		Application Complete: <input type="checkbox"/> Yes <input type="checkbox"/> No
Date Received:		
Date of Completion:		

SUBMISSION OF APPLICATION

Completed applications can be sent to:

City of Port Colborne  
 Taya Taraba  
 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: taya.taraba@portcolborne.ca

2023 APPLICATION FEES

Minor Variance	\$1,383
Minor Variance (Building without a Permit)	\$1,805
Minor Variance & Consent Combination	\$2,528

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.

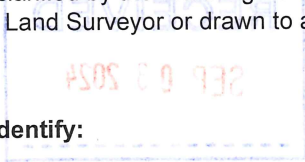
To be considered complete, submitted applications must include:

- 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](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: <i>Lemonice Benjamin</i>	Date: <i>09/03/2024</i>	Initials: <i>LB</i>



# MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

**PORT COLBORNE**

DEVELOPMENT AND LEGISLATIVE SERVICES

The Planning Act – Section 45

## SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: <i>Domenic &amp; Lindsey Benincasa</i>	
Mailing Address: <i>280 Omer Ave</i>	
City: <i>Port Colborne</i>	Province: <i>ON</i>
Postal Code: <i>L3K-3Z2</i>	Telephone: <i>905-941-4880</i>
Fax:	Email: <i>rockystang@live.com</i>
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.5 All communications should be sent to the:</b>	
<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. <i>Plan 60</i>	Lot(s): <i>Lot 28 NP819</i>
Reference Plan No.	Part(s):
Name of Street: <i>Omer Ave</i>	Street No. <i>280</i>

## SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

<b>3.1 Lot Description</b>		
Frontage: <u>22.84m</u>	Depth: <u>76.2 m</u>	Area: <u>1741.93m</u>
Existing Use: <u>Urban Residential</u>		
Proposed Use: <u>Urban Residential</u>		
<b>3.2 What is the current designation of the land in the Official Plan and the Regional Plan?</b>		
Port Colborne Official Plan: <u>Delineated Built-up Area 4</u>		
Regional Policy Plan: <u>Urban Residential</u>		
<b>3.3 What is the current zoning of the land (By-law 6575/30/18)?</b>		
<u>R1</u>		

## SECTION 4: LAND INFORMATION

<b>4.1 Date the Subject Land was acquired by the Current Owner:</b>	
<u>July 2003</u>	
<b>4.2 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?</b>	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
<b>4.3 MORTGAGES, Charges &amp; Other Encumbrances:</b>	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
<b>4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:</b>	
<u>House - 1967</u>	
<b>4.5 Type of ACCESS</b>	
<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
<b>4.6 What type of WATER SUPPLY is proposed?</b>	
<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)	
<b>4.7 What type of SEWAGE DISPOSAL is proposed?</b>	
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
<b>4.8 What type of STORMWATER DISPOSAL is proposed?</b>	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	
<b>4.9 Has a Pre-Consultation application been filed for this proposal?</b>	
<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

<b>5.1 Nature and Extent of Relief from the Zoning By-law:</b> <del>Request 7.62m where 6m is required</del>  I would like to request 7.62m when only 6m is allowed.
<b>5.2 Why is it not possible to comply with the Zoning By-law?</b> Storage
<b>5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>5.4 If the answer to 5.3 is YES, has a building permit been issued?</b> <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

<b>6.1 ALL EXISTING USE</b>		
<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	_____
<b>6.2 What is the length of time the existing use(s) of the land have continued?</b>		
Unknown		
<b>6.3 Are there any buildings or structures on the subject land?</b>		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, briefly describe and indicate their use. Shed - Storage - house		

<b>6.4 Are any of these buildings designated under the Ontario Heritage Act?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>6.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>6.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>6.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>6.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>6.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>6.10 Have the lands or adjacent lands ever been used as a weapon firing range?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>6.11 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?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>6.12 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)?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>6.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>6.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*</b>		
<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 <b>YES</b> 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 09/03/2024  
Date

X   
Signature of Owner



NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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



# AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)


X 08/30/2024  
Date

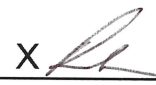
X   
Signature of Applicant(s)

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

I/We Domenico & Lindsey Benincasa  
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 3<sup>rd</sup> day of September  
2024.  
A Commissioner, etc. 

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

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



POSTING OF PUBLIC HEARING SIGN

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

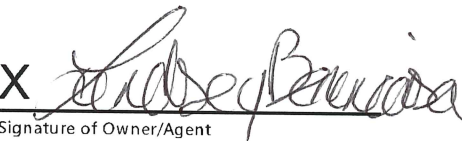
Each sign must remain posted a minimum of 14 days prior to the hearing, until the day following the hearing. Should a sign go missing or become damaged or illegible please contact the Secretary-Treasurer as soon as possible to request a replacement sign. Failure to post the sign as required may result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

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

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

X   
Signature of Owner/Agent

X 08/30/2024  
Date

X   
Signature of Owner/Agent

X 08/30/2024  
Date

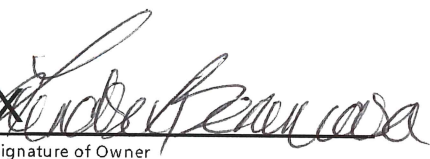
PERMISSION TO ENTER

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

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

X   
Signature of Owner

X 08/30/2024  
Date

X   
Signature of Owner

X 08/30/2024  
Date



AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We \_\_\_\_\_ 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, 7<sup>th</sup> 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, 7<sup>th</sup> 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



**To: Port Colborne Committee of Adjustment**

**From: Taya Taraba, Secretary-Treasurer**

**Re: Applications for Minor Variance, A23-24-PC**

---

At the October 9, 2024, Committee of Adjustment hearing, staff suggested that a legal opinion regarding Minor Variance application A23-24-PC should be sought to determine whether the variances would apply to the lots created as part of the concurrent subdivision process.

Following the adjournment at the last hearing, the applicants have applied for a Zoning By-law Amendment, file no. D14-09-24.

The applicant will no longer be proceeding with Minor Variance application A23-24-PC.

The Public Meeting for the Zoning By-law Amendment application D14-09-24 will be held as follows:

### **Public Meeting**

Date: Tuesday, November 12, 2024  
Time: 6:30 pm  
Place: City Hall, 66 Charlotte Street, Port Colborne ON  
Third Floor Council Chambers  
\*Virtual participation is also available via Zoom\*

For more information on Zoning By-law Amendment application D14-09-24, please visit the City of Port Colborne [Current Applications webpage](#).



# PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS

## COMMITTEE OF ADJUSTMENT

### 2025 HEARING SCHEDULE

#### COMMITTEE OF ADJUSTMENT 2025 HEARING DATES

January 15, 2025	February 12, 2025	March 12, 2025
April 9, 2025	May 14, 2025	June 11, 2025
July 9, 2025	August 13, 2025	September 10, 2025
October 8, 2025	November 12, 2025	December 10, 2025

This schedule is intended as a guideline only. Applicants will receive confirmation of their hearing date once a complete application has been received.

A complete application includes all required forms, fees, and applicable sketches, as well as 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.

Once the application has been received by the Secretary-Treasurer, it will be pre-circulated to external agencies for up to 10 days to determine whether additional information is required to deem the application complete. Once comments from these agencies have been received, the Secretary-Treasurer will identify the required fees, including external and internal agency's fees, if applicable (i.e. Niagara Region and NPCA).

The hearing date for your application will be confirmed in writing once the Secretary-Treasurer has deemed your application complete with all necessary documentation. Failure to submit a complete application will result in the hearing being delayed until deemed complete by Planning Staff.

Prior to an application submission, a pre-consultation meeting may be arranged to discuss the general intent of the application. Consent applications for properties outside the Urban Boundary must attend a pre-consultation meeting. The pre-consultation request form can be found on the City of Port Colborne - Planning and Development website.

All applications for minor variance or consent may be submitted to the Secretary-Treasurer by email at [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or in-person to City Hall - 60 Front Street East, Port Colborne - 2<sup>nd</sup> floor.



**PORT COLBORNE**

## Committee of Adjustment -Meeting Minutes-

Wednesday, October 9, 2024

---

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

Staff Present: Dave Schulz, Manager of Planning  
Diana Vasu, Planner  
Taya Taraba, Secretary-Treasurer

1. Call Meeting to Order  
The Chair called the meeting to order at approximately 6:02 p.m.
2. Reading of Meeting Protocol  
The Chair read the Meeting Protocol.
3. Disclosures of Interest  
Member Beauregard declared an indirect pecuniary interest on application(s) A23-24-PC, as his employer is an agent for the owner of the Subject Lands.
4. Requests for Deferrals or Withdrawals of Applications  
Nil.
5. Order of Business
  - a. Application: A24-24-PC  
Action: Minor Variance  
Agent: Julian Allen  
Applicant: James and Janet Smythe  
Location: 1070 Brookfield Avenue

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

The Chair asked the applicant if they wanted to add any further information on the application. The applicant did not have anything to add.

The Chair asked the Committee if there were any further questions, to which, Member Elliott asked to clarify the nature of the accessory dwelling.

There were no further comments from the Committee or members of the public.

Motion: Eric Beauregard

Seconded: Gary Bruno

Carried: 5-0

b. Application: A23-24-PC  
Action: Consent  
Agent: Matt Kernahan  
Applicant: 260026 Ontario Inc.  
Location: VL Northland Avenue

The Chair introduced the application and addressed the continuation from last month.

The Planner addressed the comments from the Chair brought up in the meeting on September 11<sup>th</sup>, 2024. The Planner recommended to adjourn the application for an additional month to ensure that the nature of the minor variance was made apparent.

The Chair asked the Committee if they wanted to add any further information on the application. There were no further questions or comments.

Motion: Angie Desmarais

Seconded: Gary Bruno

Carried: 3-0

## 6. Other Business

Member Desmarais discussed the policies regarding the Committee of Adjustment receiving information from the public outside of Committee hearing periods. The Committee agreed upon defining the protocols regarding communication.

Member Bruno had brought up concerns regarding the appellant receiving public correspondence regarding their application through the form of comments.

The Chair inquired to the Secretary-Treasurer whether the applicant receives a copy of any comments provided on their application.

The Secretary-Treasurer provided insight regarding the Planning processes, stating that comments are forwarded to the Committee, addressed in the Planning Reports, and put on the public agenda for those interested to view.

Member Desmarais motioned for Staff to develop a clearer communication policy further.

Motion: Angie Desmarais  
Carried: 4-0

Seconded: Eric Beauregard

7. Approval of Minutes

Motion: Gary Bruno  
Carried: 4-0

Seconded: Angie Desmarais

8. Adjournment

There being no further business, the meeting was adjourned at approximately 6:28 pm.

---

Dan O'Hara, Chair

---

Taya Taraba, Acting Secretary-Treasurer



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

Staff Present: Denise Landry, Chief Planner  
Diana Vasu, Planner  
Taya Taraba, Acting Secretary-Treasurer

1. Call Meeting to Order  
The Chair called the meeting to order at approximately 6:00 p.m.
2. Reading of Meeting Protocol  
The Chair read the Meeting Protocol.
3. Disclosures of Interest  
Member Beauregard declared an indirect pecuniary interest on application(s) A23-24-PC, as his employer is an agent for the owner of the Subject Lands.
4. Requests for Deferrals or Withdrawals of Applications  
Nil.
5. Order of Business
  - a. Application: B11-24-PC ; B15-24-PC  
Action: Consent  
Agent: Weston Consulting  
Applicant: One Forty Development Inc.  
Location: 5088 Highway 140

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

The Chair asked the applicant if they wanted to add any further information on the application; the agent gave a short presentation describing the nature of the application and the development.



A member of the public had asked whether the development planned to include sidewalks along Forkes Road to make the area safer and more accessible for residents living within the neighbourhood. The agent reassured the public that there will be stages for them to work through City standards regarding the development.

There were no further comments from the Committee or members of the public.

That consent application **B11-24-PC** be **granted** subject to the conditions outlined in the staff report dated September 6th, 2024:

1. That application B15-24-PC be granted.
2. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels, with a paper and electronic copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
3. That a final certification fee of \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
4. That a drainage apportionment agreement be completed by an approved engineer at the cost of the applicant, with a copy of the deposited plan to be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed, to the satisfaction of City staff.
5. That the owner enters into a Development Agreement with the City Port Colborne to require the identification of the permanent roadway location for the roadway that will service the “lands to be severed” identified on the severance sketch, such that the City will be able to place the water and sanitary into a future Right of Way, and that vehicular traffic will be provided adequate access to Highway 140 from municipal streets prior to site occupancy, to the satisfaction of City staff.
6. That the applicant submits an affidavit that Parts 4 and 5 will merge, to the satisfaction of City staff.
7. That all conditions of consent be cleared by September 11, 2026.

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, will comply with the provisions of Zoning By-law 6575/30/18, as amended, and with O. Reg. 337/24.

That consent application **B15-24-PC** be **granted** subject to the conditions outlined in the staff report dated September 6th, 2024:

1. That the applicant provides the Secretary-Treasurer with the deeds 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 \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That application B11-24-PC be granted.
4. That all the conditions of consent for application B11-24-PC be cleared.
5. That all conditions of consent be cleared by September 11, 2026.

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, will comply with the provisions of Zoning By-law 6575/30/18, as amended, and with O. Reg. 337/24.

Motion: Angie Desmarais

Seconded: Eric Beauregard

Carried: 4-0

- b. Application: A20-24-PC  
Action: Minor Variance  
Agent: Isaac Adams  
Applicant: Emily and Andrew Brondes  
Location: 1628 Third Concession Road

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

The Chair asked the applicant if they wanted to add any further information on the application; the applicant expanded on the reason for requesting the variance.

Member Beauregard questioned what the building would be used for and asked the applicant to provide clarification on the nature of the application.

The applicant answered that the building would be used for both storage and an accessory dwelling unit.

Member Desmarais questioned Staff regarding Melissa Bigford-Loquists concerns submitted in August 2024. The Chief Planner mentioned that the resident's inquiries were addressed within the Staff Report.

Concerns were addressed regarding why the variance was not applied for during the building permit phase.

Melissa Bigford-Loquists presented points encompassing the development being located within NPCA regulated lands and also any potential violations of the minor variance.

There were no further comments from the Committee or members of the public.

That minor variance application **A20-24-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: Eric Beauregard

Seconded: Gary Bruno

Carried: 4-0

- c. Application: A21-24-PC  
Action: Minor Variance  
Applicant: Henley Heights Construction Inc.  
Location: VL Steele Street

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

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

Member Beauregard inquired as to whether there was enough parking for the property, to which both Staff and the applicant reassured that there was.

There were no further comments from the Committee or members of the public.

That minor variance application **A20-24-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: Angie Desmarais

Carried: 4-0

d. Application: A22-24-PC  
Action: Minor Variance  
Applicant: Henley Heights Construction Inc.  
Location: VL Fielden Avenue

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

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

There were no further comments from the Committee or members of the public.

That minor variance application **A20-24-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: 4-0

e. Application: A23-24-PC  
Action: Consent  
Agent: Matt Kernahan  
Applicant: 260026 Ontario Inc.  
Location: VL Northland Avenue

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

The Chair asked the applicant if they wanted to add any further information on the application. The agent outlined concerns from the public.

Member Bruno inquired about the nature of the minor variance increasing the density of housing on the land if the setbacks are altered.

The applicant responded that it could facilitate the increase in density and about why a variance was applied for over a Zoning By-Law amendment.

Shane Parisi inquired about the negative effects on traffic regarding the development as there is only two vehicular exits.

The Committee motioned to adjourn the application until the nature of the variance was made transparent, as there was confusion encompassing which lots the variance applied to.

There were no further comments from the Committee or members of the public.

Motion: Angie Desmarais

Seconded: Gary Bruno

Carried: 3-0

- f. Application: B12-24-PC; B13-24-PC; B14-24-PC
- Action: Consent
- Agent: Steven Rivers
- Applicant: Whiskey Run Golf Course
- Location: 631 Lorraine Road

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

The Chair asked the applicant if they wanted to add any further information on the application; the agent gave a short presentation describing the nature of the application and the development.

Member Bruno brought up concerns regarding the recommendations, particularly the Nitrate Impact Assessment.

The Chief Planner had mentioned that Planning would be hesitant on supporting altering any of the recommendations as the Region were the ones who had requested the condition initially.

There were no further comments from the Committee or members of the public.

Motion: Eric Beauregard

Seconded: Angie Desmarais

Carried: 4-0

That consent application **B12-24-PC; B13-24-PC; B14-24-PC** be **granted** subject to the conditions outlined in the staff report dated September 6th, 2024:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels or a registrable legal description of the subject parcels, 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 \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That the applicant(s) sign the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
5. That the applicant/owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled Stage 2 Archaeological Assessment, prepared by Irvin Heritage Inc. (dated May 24, 2024). 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.
6. That a Restoration Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate dense plantings of native trees, shrubs and wildflowers that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Landscape Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA) or a qualified environmental professional.
7. That the Nitrate Impact Assessment and Water Supply Potential Assessment, prepared by Hydrogeology Consultants Services Inc. (dated July 2, 2024) be updated with the proposed location of the bed, dilution area and groundwater

flow direction for the location of the septic systems to be located appropriately to meet the nitrate concentration requirements at the lot boundaries.

8. The owner provides a written undertaking stating future purchase and sales agreements will include a clause advising that the septic systems for Parcels 1, 2, and 3 will need to include pre-treatment with an effluent level of 5.5 mg/L.
9. That a Minimum Distance Separation I calculation be submitted which identifies that each lot is sufficiently setback from mitigating agricultural operations, to the satisfaction of City staff.
10. That all conditions of consent be cleared by September 11, 2026

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.

7. Approval of Minutes

Motion: Angie Desmarais

Seconded: Eric Beauregard

Carried: 4-0

8. Adjournment

There being no further business, the meeting was adjourned at approximately 9:00 pm.

---

Dan O'Hara, Chair

---

Taya Taraba, Acting Secretary-Treasurer