



Date: Wednesday, January 15, 2025
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 A01-25-PC - 1443 Firelane 1 1

Action: Minor Variance
Agent: Coleen Potter
Applicant: Frank Dicosimo
Location: 1443 Firelane 1
6. Other Business
 - 6.1 2025 Committee of Adjustment Schedule 58
7. Approval of Minutes
 - 7.1 December 11, 2024, Committee of Adjustment Minutes 59
8. Adjournment



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Minor Variance Application File No. A01-25-PC

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

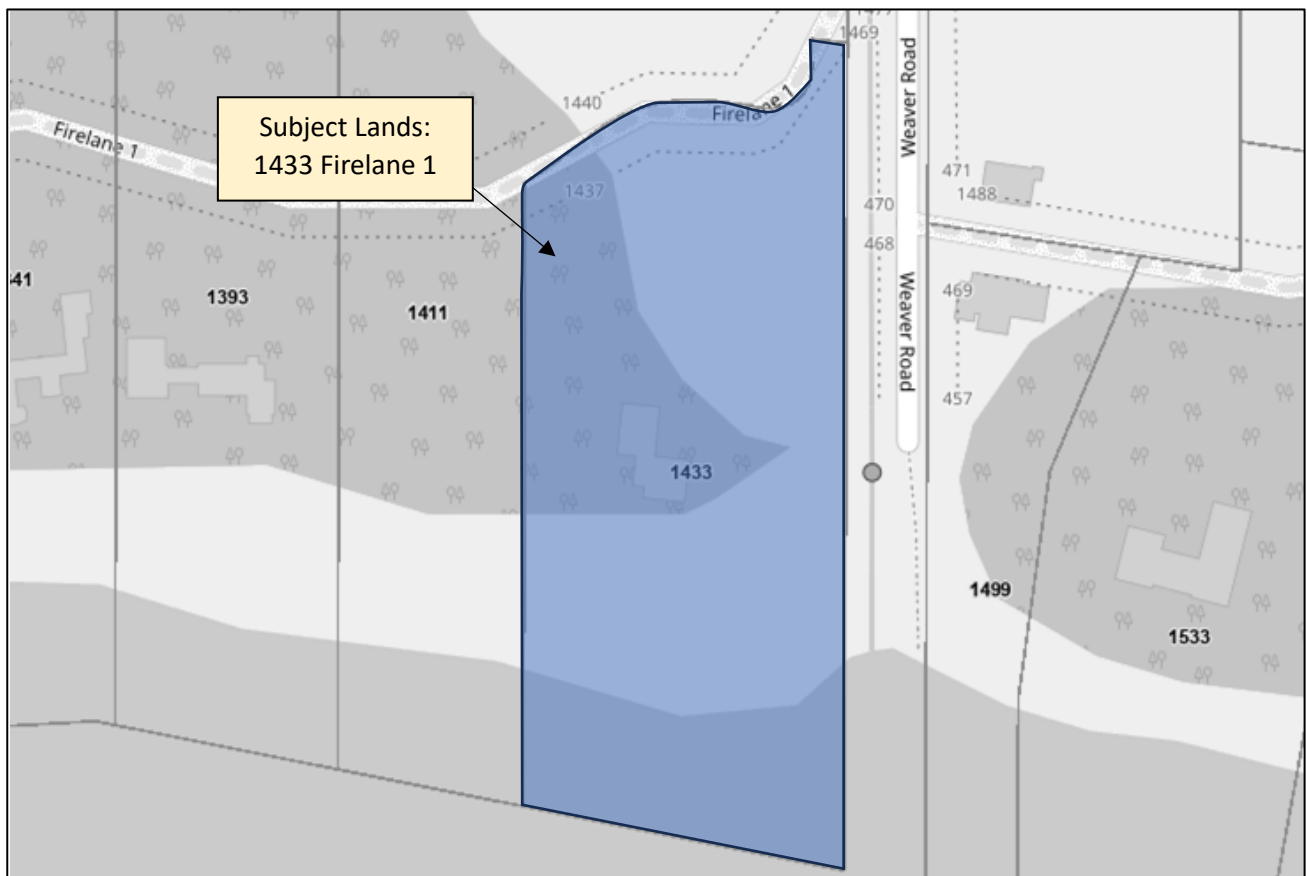
AND IN THE MATTER OF the lands legally known as Concession 1, Part of Lot 9, Part Water Lot, Plan 778, Part of Lots 1-3, Part Private Reserve and Sand Beach, Parts 1 and 2 on Reference Plan 59R5739, formerly in the municipality of Humberstone, currently in the City of Port Colborne, located in the Lakeshore Residential (LR) zone, municipally known as 1433 Firelane 1;

AND IN THE MATTER OF AN APPLICATION by the agent Coleen Potter, on behalf of the owner Frank DiCosimo, for relief from the provisions of Zoning by-law 6575/30/18, as amended, under section 45 of the *Planning Act, R.S.O 1990 C.P 13*, to permit the construction of a new accessory building, notwithstanding the following:

1. That an accessory building height of 9.4m 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: January 15, 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 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's report may be available for public inspection by **Friday, January 10, 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.

Electronic Hearing Procedures
How to Get Involved in the Hearing

The meeting will be held in person and will be livestreamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend either virtually or in-person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting. All comments submitted are part of the public record. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by 12:00 p.m. on Tuesday, January 14, 2024**, by emailing taya.taraba@portcolborne.ca or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

If you have any questions about the application(s) or submission process, please email taya.taraba@portcolborne.ca or call (905)-228-8124.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer.

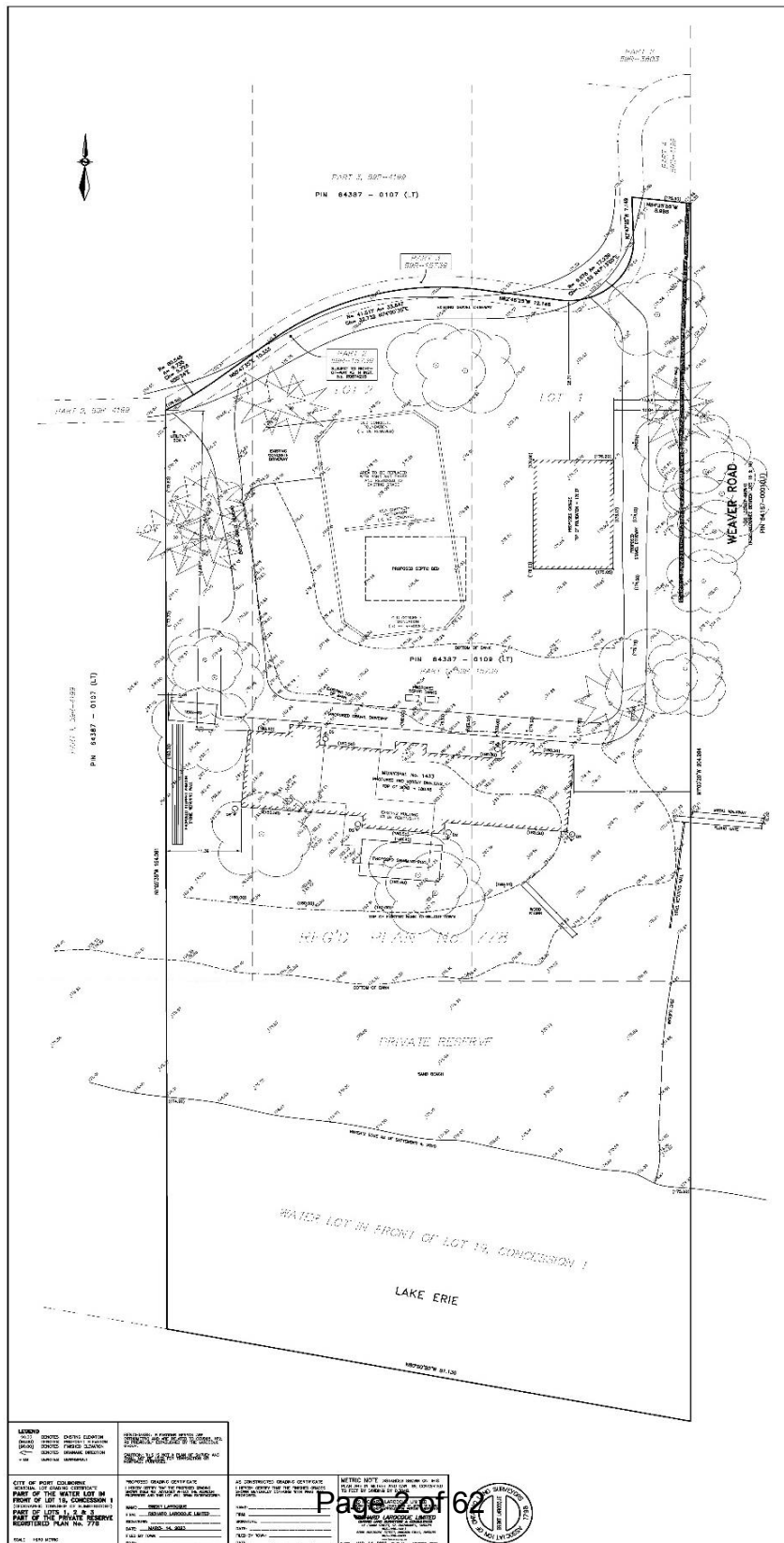


By order of the Committee of Adjustment,

Taya Taraba
Secretary-Treasurer

Date of Mailing: December 23, 2024

SKETCH





PART 3, 59R-4199

PIN 64387 - 0107 (LT)

PART 2
59R-3803

PART 4
59R-4109

PART 3
59R-15739

PART 2
59R-15739

LOT 2

LOT 1

PIN 64387 - 0109 (LT)

PART 1, 59R-15739

PIN 64387 - 0107 (LT)

PART 1, 59R-4199

WEAVER ROAD
(AS LOCALLY KNOWN)
(ROAD ALLOWANCE BETWEEN LOTS 18 & 19)
PIN 64167-0001(LT)

N1°00'20"W 204.264

PIN 64387 - 0109 (LT)

PART 1, 59R-15739

PIN 64387 - 0107 (LT)

PART 1, 59R-15739

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PART 1, 59R-15739

PIN 64387 - 0107 (LT)

PART 1, 59R-15739

LEGEND

90.00 DENOTES EXISTING ELEVATION
 (90.00) DENOTES PROPOSED ELEVATION
 [90.00] DENOTES FINISHED ELEVATION
 → DENOTES DRAINAGE DIRECTION
 • DS DENOTES DOWNSPOUT

BENCHMARK: ELEVATIONS HEREON ARE ORTHOMETRIC AND ARE RELATED TO CGVD28, HTZ, AS PREVIOUSLY ESTABLISHED BY THE LAROCQUE GROUP.

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

CITY OF PORT COLBORNE
 INDIVIDUAL LOT GRADING CERTIFICATE
PART OF THE WATER LOT IN FRONT OF LOT 19, CONCESSION 1 (GEOGRAPHIC TOWNSHIP OF HUMBERSTONE)
PART OF LOTS 1, 2 & 3
PART OF THE PRIVATE RESERVE REGISTERED PLAN No. 778

SCALE 1:250 METRIC

PROPOSED GRADING CERTIFICATE
 I HEREBY CERTIFY THAT THE PROPOSED GRADING SHOWN DOES NOT ADVERSELY AFFECT THE ADJACENT PROPERTIES AND THIS LOT WILL DRAIN SATISFACTORILY.

NAME: BRENT LAROCQUE
 FIRM: RICHARD LAROCQUE LIMITED
 SIGNATURE: _____
 DATE: MARCH 14, 2023
 FILED BY TOWN: _____
 DATE: _____

AS CONSTRUCTED GRADING CERTIFICATE
 I HEREBY CERTIFY THAT THE FINISHED GRADES SHOWN GENERALLY CONFORM WITH WHAT WAS PROPOSED.

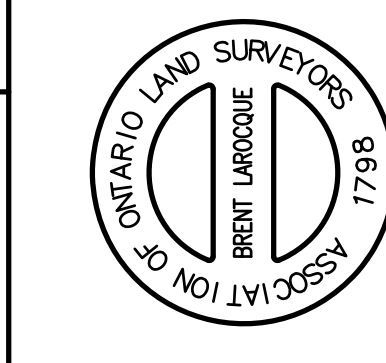
NAME: _____
 FIRM: _____
 SIGNATURE: _____
 DATE: _____
 FILED BY TOWN: _____
 DATE: _____

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

© RICHARD LAROCQUE LIMITED
 No person may copy, reproduce or alter this plan in whole or in part without the written permission of RICHARD LAROCQUE LIMITED

RICHARD LAROCQUE LIMITED
 ONTARIO LAND SURVEYORS & CONSULTANTS
 12 LEMAY STREET, 5TH FLOOR, TORONTO, ONTARIO
 M5E 1A5
 416-593-8400
 416-593-8401

DATE: MAR 14, 2023 FILE No.: NS2020-057A
 DWG No.: NS2020-057A-11



WATER LOT IN FRONT OF LOT 19, CONCESSION 1
LAKE ERIE

PRIVATE RESERVE

SAND BEACH

WATER'S EDGE AS OF SEPTEMBER 4, 2020

N80°00'20"W 81.130

BOTTOM OF BANK

REG'D PLAN No. 778

PIN 64387 - 0109 (LT)

PART 1, 59R-15739

PIN 64387 - 0107 (LT)

PART 1, 59R-15739

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PIN 64387 - 0107 (LT)

PART 1, 59R-15739

RECEIVED

SEP 19 2023



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: _____

Date of Completion: _____

Application Complete: Yes No

SUBMISSION APPLICATION

Completed applications are sent to:

City of Port Colborne
Diana Vasu
Secretary Treasurer of Committee of Adjustment
Chill
66 Cha Street
Port Colborneario L3K 3C8

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

2023 APPLICATION FEES

Minor Variance	\$1,330
Minor Variance (Building out a Permit)	\$1,736
Minor Variance & Combination	\$2,431

COMPLETENESS APPLICATION

A complete application includes required forms, fees, and applicable sketches, as well as any additional information that is 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, applications must include:

- One fully completed application for minor variance or permission signed by the applicant(s) and/or authorized agent 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 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 Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) if required by the Region, submitted at the time of 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 and the applicant's fees are available on its website, https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Payment of the appropriate 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 the planning department to prevent deferral of the 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: Frank DiGosimo	Date: 08-09-23	Initials: 
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PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Frank DiCosimo	
Mailing Address: 6387 Pinestone Rd.	
City: NF	Province: ON
Postal Code: L2T4L1	Telephone: 905-353-7133
Fax: 905-353-7159	Email: frank@niagarahri.com
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name: Coleen Potter	
Mailing Address: 6361 Fallsview Blvd	
City: NF	Province: ON
Postal Code: L2G3V9	Telephone: 905-658-5843
Fax: 905-353-7159	Email: coleen.potter@niagarahri.com
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: WSP	
Mailing Address: 55 King St Suite 700	
City: St. Catharines	Province: ON
Postal Code: L2R3H5	Telephone: 905-687-1771
Fax: 905-687-1773	Email:
1.5 All communications should be sent to the:	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality:	
Concession No. Humberston Conc 1PT	Lot(s): Lot 9
Registered Plan No. 778	Lot(s): P4 Lot 1, 2 & 3, Lot 19 cont
Reference Plan No.	Part(s):
Name of Street: Firelane 1	Street No. 1433

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 258.47	Depth: 204.26	Area:
Existing Use: Home + Garage		
Proposed Use: Home + Garage		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan:		
Regional Policy Plan:		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
LR		

SECTION 4: LAND INFORMATION

4.1 Date the Subject Land was acquired by the Current Owner:	
March 31, 2021	
4.2 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
Aug 2023	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input checked="" type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input checked="" type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input checked="" type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated stormwater system	
<input checked="" type="checkbox"/> Other (specify)	
Ditches	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date: _____	

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

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that 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 08-08-23
Date

X 
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X 08-09-23
Date

X [Signature]
Signature of Applicant(s)

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

I/We Frank DiGosimo

Of the City/Town/Township of _____

In the County/District/Regional Municipality of _____

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 Niagara Falls

In the Rain of Niagara

This 13th day of September

20 23

A Commissioner, etc.

[Signature]
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.

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

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

John B. Hopkins, B.A., LL.B.
Barrister, Solicitor & Notary Public

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

X [Signature]
Signature of Owner/Agent

X 08-09-23
Date

X _____
Signature of Owner/Agent

X _____
Date

PERMISSION TO ENTER

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

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

X [Signature]
Signature of Owner

X 08-09-23
Date

X _____
Signature of Owner

X _____
Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We Frank DiCosimo 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

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 Vince DiCosimo 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

9-12-23

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We Joe DiCosimo 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 9-12-23

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We Giancarlo Filippelli 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

9-12-23

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

Stage 1-2 Archaeological Assessment 1433 Firelane 1, Port Colborne

Part of Lot 19, Concession 1, Geographic Township of
Humberstone, Historical County of Welland, now the
Regional Municipality of Niagara, Ontario

Submitted to:

Frank DiCosimo
6361 Fallsview Blvd.
Niagara Falls, Ontario, L2G 3V9

and

Ontario's Ministry of Citizenship and Multiculturalism

Submitted by:



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CONSULTING LTD.
archaeology · heritage

196 Westheights Drive, Kitchener, Ontario, N2N 1J9

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Web: www.detritusconsulting.ca

Licensee: Walter McCall

License Number: P389

PIF Number: P389-0709-2024

CP Number: 2024-056

ORIGINAL REPORT

September 26, 2024

Executive Summary

Detritus Consulting Ltd. ('Detritus') was retained by Frank DiCosimo (the 'Proponent') to conduct a Stage 1-2 archaeological assessment on part of Lot 19, Concession 1, in the Geographic Township of Humberstone, within the Historical County of Welland, which is now the Regional Municipality of Niagara, Ontario (Figure 1). This assessment was undertaken in advance of future development on the property at 1433 Firelane 1, Port Colborne. The proposed development will span the entire property (the 'Study Area,' Figure 4).

This assessment was triggered by the Provincial Policy Statement ('PPS') that is informed by the *Planning Act* (Government of Ontario, 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger *Ontario Heritage Act* (Government of Ontario, 1990b). According to Section 2.6.2 of the PPS, "development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved." To meet this condition, a Stage 1-2 assessment was conducted as part of the application phase of development under archaeological consulting license P389 issued to Mr. Walter McCall by the Ministry of Citizenship and Multiculturalism ('MCM') and adheres to the archaeological license report requirements under subsection 65 (1) of the *Ontario Heritage Act* (Government of Ontario, 1990b) and the MCM's *Standards and Guidelines for Consultant Archaeologists* ('Standards and Guidelines'; Government of Ontario, 2011).

The Study Area comprises an irregular-shaped parcel that fronts onto Firelane 1 and measures approximately 1.43 hectares ('ha'). The Study Area is bound by Firelane 1 to the North, Weaver Road to the east, one residential property to the west, and Lake Erie to the south. At the time of assessment, the Study Area included one residential property fronting on Firelane 1, featuring a manicured lawn with several large trees, a house, a sand volleyball court, a driveway, an inground pool, a shed, a beachfront, a section of Lake Erie, and a tributary of the Niagara River. Near the opening of the gravel driveway, to the east, is a small paved area. The gravel driveway leads from Firelane 1 to the house, inground pool, and shed which are at the highest point of the property, surrounded by steep downward slopes to the east and south of these features. The slope forms an upside-down sickle-like shape around these features. The southern slope below the house contains large rocks, likely in place for erosion control. The tributary cuts into the southeastern corner of the Study Area. The southern edge of the Study Area comprises sandy shores which lead into Lake Erie. A portion of Lake Erie is included in the Study Area. (Figure 3).

The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. This research also indicated that the Study Area is located within an area of archaeological potential, as indicated by the Niagara Region Archaeological Management Plan (Niagara Region, 2021). Therefore, a Stage 2 Property Assessment was recommended for the Study Area.

The subsequent Stage 2 field assessment of the Study Area was conducted on July 19th and 30th, 2024. This investigation began with a property inspection, conducted according to Section 2.1.8, which is informed by Section 1.2 of the *Standards and Guidelines* (Government of Ontario, 2011). The inspection revealed that the house, driveway, inground pool, and shed retained no, or low, archaeological potential based on the identification of extensive and deep land alteration that has severely damaged the integrity of archaeological resources as per Section 2.1, Standard 2b of the *Standards and Guidelines* (Government of Ontario, 2011). The property inspection also revealed that a portion of the Study consisted of a steeply sloping area surrounding the house, shed, and inground pool to the east and south, which was evaluated as having no potential for archaeological resources. Finally, the portion of the Study Area extending into Lake Erie was determined to be permanently wet, and was therefore also excluded from the Stage 2 field survey, as per Section 2.1, Standard 2b of the *Standards and Guidelines* (Government of Ontario 2011). The previously disturbed, steeply sloping, and permanent wet areas, as confirmed during the Stage 2 property inspection, were mapped and photo documented only in accordance with Section 2.1, Standard 6, and Section 7.8.1, Standards 1a and 1b of the *Standards and Guidelines* (Government of Ontario, 2011).

The remainder of the Study Area comprised the manicured lawns with trees and the sandy beachfront, which were assessed by means of a typical test pit survey at 5m intervals. No archaeological resources were observed. Given the results of the Stage 2 investigation and the identification and documentation of no archaeological resources, **no further archaeological assessment of the Study Area is recommended.**

Additionally, according to the MHSTCI web page for marine archaeology (Government of Ontario 2020), many of the cold, fresh waters of Ontario's lakes and rivers have conserved important evidence of Ontario's history of exploration, settlement and commerce. Some of Ontario's waterways have been surveyed for marine archaeological resources, leaving much to be discovered in Ontario's abundance of lake beds, river beds and shorelines. Therefore, **the unassessed portion of the Study Area that extends into Lake Erie retains archaeological potential.** If, in the future, the underwater portion of the Study Area will be impacted by development, then a marine archaeological assessment is required. According to Subsection 48(1), P.3 of the *Heritage Act* (Government of Ontario 1990b), a marine archaeological assessment must be carried out by the holder of a Marine Archaeology license, and adhere to Ontario Regulation 11/06 for Marine Archaeological sites within the larger *Heritage Act* (Government of Ontario 1990b).

The Executive Summary highlights key points from the report only; for complete information and findings, the reader should examine the complete report.

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Project Personnel

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Acknowledgments

Generous contributions by Frank DiCosimo made this report possible.

1.0 Project Context

1.1 Development Context

Detritus Consulting Ltd. ('Detritus') was retained by Frank DiCosimo (the 'Proponent') to conduct a Stage 1-2 archaeological assessment on part of Lot 19, Concession 1, Geographic Township of Humberstone, Historical County of Welland, now the Regional Municipality of Niagara, Ontario (Figure 1). This assessment was undertaken in advance of future development on the property at 1433 Firelane 1, Port Colborne and the development will span the entire property (the 'Study Area;' Figure 4).

This assessment was triggered by the Provincial Policy Statement ('PPS') that is informed by the *Planning Act* (Government of Ontario, 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger *Ontario Heritage Act* (Government of Ontario, 1990b). According to Section 2.6.2 of the PPS, "development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved." To meet this condition, a Stage 1-2 assessment was conducted as part of the application phase of development under archaeological consulting license P389 issued to Mr. Walter McCall by the Ministry of Citizenship and Multiculturalism ('MCM') and adheres to the archaeological license report requirements under subsection 65 (1) of the *Ontario Heritage Act* (Government of Ontario, 1990b) and the MCM's *Standards and Guidelines for Consultant Archaeologists* ('Standards and Guidelines'; Government of Ontario, 2011).

The purpose of a Stage 1 Background Study is to compile all available information about the known and potential archaeological heritage resources within the Study Area and to provide specific direction for the protection, management and/or recovery of these resources. In compliance with the *Standards and Guidelines* (Government of Ontario, 2011), the objectives of the following Stage 1 assessment are as follows:

- To provide information about the Study Area's geography, history, previous archaeological fieldwork and current land conditions;
- to evaluate in detail, the Study Area's archaeological potential which will support recommendations for Stage 2 survey for all or parts of the property; and
- to recommend appropriate strategies for Stage 2 survey.

To meet these objectives Detritus archaeologists employed the following research strategies:

- A review of relevant archaeological, historic and environmental literature pertaining to the Study Area;
- a review of the land use history, including pertinent historic maps; and
- an examination of the Ontario Archaeological Sites Database ('ASDB') to determine the presence of known archaeological sites in and around the Study Area.

The purpose of a Stage 2 Property Assessment is to provide an overview of any archaeological resources within the Study Area; to determine whether any of the resources might be archaeological sites with cultural heritage value or interest ('CHVI'); and to provide specific direction for the protection, management, and/or recovery of these resources. In compliance with the *Standards and Guidelines* (Government of Ontario, 2011), the objectives of the following Stage 2 assessment are as follows:

- To document all archaeological resources within the Study Area;
- to determine whether the Study Area contains archaeological resources requiring further assessment; and
- to recommend appropriate Stage 3 assessment strategies for archaeological sites identified.

The licensee received permission from the Proponent to enter the land and conduct all required archaeological fieldwork activities, including the recovery of artifacts.

1.2 Historical Context

1.2.1 Post-Contact Indigenous Resources

Prior to the arrival of European settlers, much of the central and southern Ontario was occupied by Iroquoian speaking linguistic groups that had united to form confederacies, including the Huron-Wendat, the Neutral (or Attawandaran), and the Petun in Ontario, as well as the Five Nations Iroquois Confederacy in Upper New York State (Warrick, 2013; Birch, 2010). Of these groups, the Huron-Wendat established themselves to the east of the Niagara escarpment and the Neutral, to the west (Warrick, 2000).

Throughout the middle of the 17th century, the Iroquois Confederacy sought to expand upon their territory and to monopolize the fur trade between the European markets and the tribes of the western Great Lakes region. A series of bloody conflicts followed known as the Beaver Wars or the French and Iroquois Wars, contested between the Iroquois Confederacy and the Algonkian speaking communities of the Great Lakes region. Many communities were destroyed including the Huron, Neutral, Susquehannock and Shawnee leaving the Iroquois as the dominant group in the region. By 1653 after repeated attacks, the Niagara peninsula and most of Southern Ontario had been vacated (Heidenreich, 1990).

At this same time, the Anishinaabeg Nation, an Algonkian-speaking community situated inland from the northern shore of Lake Huron, began to challenge the Haudenosaunee for dominance in the Lake Huron and Georgian Bay region in order to advance their own role in the fur trade (Gibson, 2006). The Algonkian-speaking groups that settled in the area bound by Lake Ontario, Lake Erie, and Lake Huron were referred to by the English as the Chippewas or Ojibwas. By 1680, the Ojibwa began expanding into the evacuated Huron-Wendat territory, and eventually into Southern Ontario. By 1701, the Haudenosaunee had been driven out of Ontario completely and were replaced by the Ojibwa (Gibson, 2006; Schmalz, 1991).

The late 17th and early 18th centuries also mark the arrival of an Ojibwa band known as the Mississaugas into Southern Ontario and, in particular, the watersheds of the lower Great Lakes. 'The Mississaugas' is the name that the Jesuits had used in 1840 for the Algonquin community living near the Mississagi River on the northwestern shore of Lake Huron (Smith, 2002). The oral traditions of the Mississaugas, as recounted by Chief Robert Paudash and recorded in 1904, suggest that the Mississaugas defeated the Mohawk Nation, who retreated to their homeland south of Lake Ontario. Following this conflict, a peace treaty was negotiated between the two groups (Praxis Research Associates, n.d.).

From the beginning of the 18th century until the end of the Seven Year War in 1763, the Ojibwa nation, including the Mississaugas, experienced a golden age in trade holding no alliance with either the French or the British (Schmalz, 1991). At the end of the 17th century, the Mississaugas' settled permanently in Southern Ontario (Praxis Research Associates, n.d.). Around this same time, in 1722, the Five Nation Iroquois Confederacy adopted the Tuscarora in New York becoming the Six Nations (Pendergast, 1995).

The Study Area first entered the Euro-Canadian historical record on December 7th, 1792, as part of Treaty No. 3, which included land acquired in the 'Between the Lakes Purchase' dating to May 22, 1784. According to the terms of the treaty, the Mississaugas ceded to the Crown approximately 3,000,000 acres of land between Lake Huron, Lake Erie, and Lake Ontario in return for trade goods valued at £1180.

The limits of the Treaty 3 lands are documented as comprising,

Lincoln County excepting Niagara Township; Saltfleet, Binbrook, Barton, Glanford and Ancaster Townships, in Wentworth County; Brantford, Onondaga, Tusc[a]r[o]ra, Oakland and Burford Townships in Brant County; East and West Oxford, North and South Norwich, and Dereham Townships in Oxford County; North Dorchester Township in Middlesex County; South Dorchester, Malahide and Bayham Township in Elgin County; all Norfolk and Haldimand Counties;

Pelham, Wainfleet, Thorold, Cumberland and Humberstone Townships in Welland County.

Morris, 1943, pp. 17-8

One of the stated objectives of the Between the Lakes Purchase was “to procure for that part of the Six Nation Indians coming into Canada a permanent abode” (Morris, 1943, p. 17). Shortly after the transaction had been finalised in May of 1784, Sir Frederick Haldimand, the Governor of Québec, made preparations to grant a portion of land to those Six Nations who remained loyal to the Crown during the American War of Independence. More specifically, Haldimand arranged for the purchase of approximately 550,000 acres of land adjacent to the Treaty 3 limits from the Mississaugas. This tract of land, referred to as either the Haldimand Tract or the 1795 Crown Grant to the Six Nations, was provided for in the Haldimand Proclamation of October 25th, 1784, and was intended to extend a distance of six miles on each side of the Grand River from mouth to source (Weaver, 1978). By the end of 1784, representatives from each constituent nation of the Six Nations, as well as other allies, relocated to the Haldimand Tract with Joseph Brant (Weaver, 1978; Tanner, 1987).

Throughout southern Ontario, the size and nature of the pre-contact settlements and the subsequent spread and distribution of Indigenous material culture began to shift with the establishment of European settlers. By 1834 it was accepted by the Crown that losses of portions of the Haldimand Tract to Euro-Canadian settlers were too numerous for all lands to be returned. Lands in the Lower Grand River area were surrendered by the Six Nations to the British Government in 1832, at which point most Six Nations people moved into Tuscarora Township in Brant County and a narrow portion of Oneida Township (Page, 1879; Weaver, 1978; Tanner, 1987). Following the population decline and the surrender of most of their lands along the Credit River, the Mississaugas were given 6000 acres of land on the Six Nations Reserve, establishing the Mississaugas of New Credit First Nation, now the Mississaugas of the Credit First Nation, in 1847 (Smith, 2002)

Despite the encroachment of European settlers on previously established Indigenous territories, “written accounts of material life and livelihood, the correlation of historically recorded villages to their archaeological manifestations, and the similarities of those sites to more ancient sites have revealed an antiquity to documented cultural expressions that confirms a deep historical continuity to Iroquoian systems of ideology and thought” (Ferris, 2009, p. 114). As Ferris observes, despite the arrival of a competing culture, First Nations communities throughout Southern Ontario have left behind archaeologically significant resources that demonstrate continuity with their pre-contact predecessors, even if they have not been recorded extensively in historical Euro-Canadian documentation.

1.2.2 Euro-Canadian Resources

The current Study Area is located on part of Lot 19, Concession 1, in the Geographic Township of Humberstone, within the Historical County of Welland, which is now the Regional Municipality of Niagara, Ontario.

In 1763, the Treaty of Paris brought an end to the Seven Years’ War, contested between the British, the French, and their respective allies. Under the Royal Proclamation of 1763, the large stretch of land from Labrador in the east, moving southeast through the Saint Lawrence River Valley to the Great Lakes and on to the confluence of the Ohio and Mississippi Rivers became the British Province of Québec (Niagara Historical Society and Museum, 2008).

On July 24, 1788, Sir Guy Carleton, the Governor-General of British North America, divided the Province of Québec into the administrative districts of Hesse, Nassau, Mecklenburg, and Lunenburg (Archives of Ontario, 2012-2024). Further change came in December 1791 when the former Province of Québec was rearranged into Upper Canada and Lower Canada under the provisions of the Constitutional Act. Colonel John Graves Simcoe was appointed as Lieutenant-Governor of Upper Canada and he spearheaded several initiatives to populate the province including the establishment of shoreline communities with effective transportation links between them (Coyne, 1895).

In July 1792, Simcoe divided Upper Canada into 19 counties, including Welland County, stretching from Essex in the west to Glengarry in the east. Each new county was named after a county in England or Scotland; the constituent townships were then given the names of the corresponding townships from each original British county (Powell & Coffman, 1956).

Later that year, the four districts originally established in 1788 were renamed the Western, Home, Midland, and Eastern Districts. As population levels in Upper Canada increased, smaller and more manageable administrative bodies were needed resulting in the establishment of many new counties and townships. As part of this realignment, the boundaries of the Home and Western Districts were shifted and the London and Niagara Districts were established. Under this new territorial arrangement, the Study Area became part of the Niagara District (Archives of Ontario, 2012-2024). In 1845, after years of increasing settlement that began after the War of 1812, the southern portion of Lincoln County was severed to form Welland County, of which Humberstone Township was a part. The two counties would be amalgamated once again in 1970 to form the Regional Municipality of Niagara.

Humberstone Township was settled in 1785. In 1817 it featured 75 inhabited houses, a grist mill, and a sawmill. By 1850 the number of inhabited houses had increased to 279, and the population to 2,377 inhabitants. At this time, the township also contained a grist mill, three sawmills, a foundry, two churches, and eight public schools. The township continued to grow throughout the 19th century. By 1875, the population had increased to 3,200 (Page, 1876).

The *Illustrated Historical Atlas of the Counties of Lincoln and Welland* ('*Historical Atlas*'), demonstrates the extent to which Humberstone Township had been settled by 1876 (Page, 1876). Landowners are listed for most of the lots within the township, many of which had been subdivided multiple times into smaller parcels to accommodate an increasing population throughout the late 19th century. Structures and orchards are prevalent throughout the township.

According to the *Historical Atlas* map of Humberstone Township, the Study Area is located in the southeastern corner of Lot 19 Concession 1. The Lot is owned in its entirety by Nicholas Weaver (Figure 2). The Grand Trunk Railway passes within 1.5 km of the Study Area to the north. Various other railways crisscross the township, including the Canadian Southern Railway further to the north of the Study Area. The historic community of Port Colborne is visible 3 kilometres ('km') to the west of the Study Area, towards the western edge of the township.

Significant and detailed landowner information is available on the current *Historical Atlas* map of Humberstone Township; however, it must be recognized that historical county atlases were funded by subscriptions fees and were produced primarily to identify factories, offices, residences, and landholdings of subscribers. Landowners who did not subscribe were not always listed on the maps (Caston, 1997). Moreover, associated structures were not necessarily depicted or placed accurately (Gentilcore & Head, 1984).

1.3 Archaeological Context

1.3.1 Property Description and Physical Setting

The Study Area comprises an irregular-shaped parcel that fronts onto Firelane 1 and measures approximately 1.43 hectares ('ha'). The Study Area is bound by Firelane 1 to the North, Weaver Road to the east, one residential property to the west, and Lake Erie to the south. At the time of assessment, the Study Area included one residential property fronting on Firelane 1, featuring a manicured lawn with several large trees, a house, a sand volleyball court, a driveway, an inground pool, a shed, a beachfront, a section of Lake Erie, and a tributary of the Niagara River. Near the opening of the gravel driveway, to the east, is a small paved area. The gravel driveway leads from Firelane 1 to the house, inground pool, and shed which are at the highest point of the property, surrounded by steep downward slopes to the east and south of these features. The slope forms an upside-down sickle-like shape around these features. The southern slope below the house contains large rocks, likely in place for erosion control. The tributary cuts into the southeastern corner of the Study Area. The southern edge of the Study Area comprises sandy shores which lead into Lake Erie. A portion of Lake Erie is included in the Study Area. (Figure 3).

The majority of the region surrounding the Study Area has been subject to European-style agricultural practices for over 100 years, having been settled by Euro-Canadian farmers by the mid-19th century. Much of the region today continues to be used for agricultural purposes.

The Study Area is located within Haldimand Clay Plain physiographic region (Chapman & Putnam, 1984). During pre-contact and early contact times, this area comprised a mixture of deciduous trees and open areas. In the early 19th century, Euro-Canadian settlers began to clear the forests for agricultural purposes, which have been ongoing in the vicinity of the Study Area for over 100 years.

Haldimand Clay is slowly permeable, imperfectly drained with medium to high water-holding capacities. Surface runoff is usually rapid, but water retention of the clayey soils can cause it to be droughty during dry periods (Kingston & Presant, 1989). According to Chapman and Putnam,

...although it was all submerged in Lake Warren, the till is not all buried by stratified clay; it comes to the surface generally in low morainic ridges in the north. In fact, there is in that area a confused intermixture of stratified clay and till. The northern part has more relief than the southern part where the typically level lake plains occur.

Chapman & Putnam, 1984, p. 156

Huffman and Dumanski add that the soil within the region is suitable for corn and soybeans in rotation with cereal grains as well as alfalfa and clover (Huffman & Dumanski, 1986).

The Niagara Region as a whole is located within the Deciduous Forest Region of Canada and contains tree species which are typical of the more northern Great Lakes-St. Lawrence Biotic zone, such as beech, sugar maple, white elm, basswood, white oak, and butternut (MacDonald & Cooper, 1997). During pre-contact and early contact times, the land in the vicinity of the Study Area comprised a mixture of hardwood trees such as sugar maple, beech, oak, and cherry. This pattern of forest cover is characteristic of areas of clay soil within the Maple-Hemlock Section of the Great Lakes-St. Lawrence Forest Province-Cool Temperate Division (McAndrews & Manville, 1987). In the early 19th, Euro-Canadian settlers began to clear the forests for agricultural purposes.

The closest source of potable water is Lake Erie which is located within the southern portion of the Study Area.

1.3.2 Pre-Contact Indigenous Land Use

This portion of southern Ontario was occupied by people as far back as 11,000 years ago as the glaciers retreated. For the majority of this time, people were practicing hunter-gatherer lifestyles with a gradual move towards more extensive farming practices. Table 1 provides a general outline of the cultural chronology of Humberstone Township (Ellis & Ferris, 1990).

Table 1: Cultural Chronology for Humberstone Township

Time Period	Cultural Period	Comments
9500–7000 BC	Paleo Indian	first human occupation hunters of caribou and other extinct Pleistocene game nomadic, small band society
7500–1000 BC	Archaic	ceremonial burials increasing trade network hunter-gatherers
1000–400 BC	Early Woodland	large and small camps spring congregation/fall dispersal introduction of pottery
400 BC–AD 800	Middle Woodland	kinship based political system incipient horticulture long distance trade network
AD 800–1300	Early Iroquoian (Late Woodland)	limited agriculture developing hamlets and villages

Time Period	Cultural Period	Comments
AD 1300–1400	Middle Iroquoian (Late Woodland)	shift to agriculture complete increasing political complexity large, palisaded villages
AD 1400–1650	Late Iroquoian	regional warfare and political/tribal alliances destruction of Huron and Neutral

1.3.3 Previous Identified Archaeological Work

In order to compile an inventory of archaeological resources, the registered archaeological site records kept by the MCM were consulted. In Ontario, information concerning archaeological sites stored in the ASDB (Government of Ontario, n.d.) is maintained by the MCM. This database contains archaeological sites registered according to the Borden system. Under the Borden system, Canada is divided into grid blocks based on latitude and longitude. A Borden Block is approximately 13 kilometres (‘km’) east to west and approximately 18.5km north to south. Each Borden Block is referenced by a four-letter designator and sites within a block are numbered sequentially as they are found. The Study Area lies within block AfGt.

Information concerning specific site locations is protected by provincial policy and is not fully subject to the *Freedom of Information and Protection of Privacy Act* (Government of Ontario, 1990c). The release of such information in the past has led to looting or various forms of illegally conducted site destruction. Confidentiality extends to all media capable of conveying location, including maps, drawings, or textual descriptions of a site location. The MCM will provide information concerning site location to the party or an agent of the party holding title to a property, or to a licensed archaeologist with relevant cultural resource management interests.

According to the ASDB, one pre-contact Indigenous archaeological site has been registered within a 1km radius of the Study Area (Table 2).

Table 2: Registered Archaeological Sites within 1km of the Study Area

Borden Number	Site Name	Time Period	Affinity	Site Type
AfGt-311	-	Pre-Contact	Indigenous	camp / campsite

To the best of Detritus’ knowledge, no other assessments have been conducted adjacent to the Study Area, and no sites are registered within 50m of the Study Area.

1.3.4 Archaeological Potential

Detritus applied archaeological potential criteria commonly used by the MCM to determine areas of archaeological potential within the Study Area. According to Section 1.3.1 of the *Standards and Guidelines* (Government of Ontario, 2011), these variables include proximity to previously identified archaeological sites, distance to various types of water sources, soil texture and drainage, glacial geomorphology, elevated topography, and the general topographic variability of the area.

Distance to modern or ancient water sources is generally accepted as the most important determinant of past human settlement patterns and, when considered alone, may result in a determination of archaeological potential. However, any combination of two or more other criteria, such as well-drained soils or topographic variability, may also indicate archaeological potential. When evaluating distance to water it is important to distinguish between water and shoreline, as well as natural and artificial water sources, as these features affect site locations and types to varying degrees. As per Section 1.3.1 of the *Standards and Guidelines* (Government of Ontario, 2011), water sources may be categorized in the following manner:

- Primary water sources, lakes, rivers, streams, creeks;
- secondary water sources, intermittent streams and creeks, springs, marshes and swamps;
- past water sources, glacial lake shorelines, relic river or stream channels, cobble beaches, shorelines of drained lakes or marshes; and

- accessible or inaccessible shorelines, high bluffs, swamp or marshy lake edges, sandbars stretching into marsh.

As was discussed above, the closest source of potable water is Lake Erie which is located within the southern portion of the Study Area.

Soil texture is also an important determinant of past settlement, usually in combination with other factors such as topography. The Study Area is situated within the Haldimand Clay Plain physiographic region. As was discussed earlier, the soils within this region are imperfectly drained, but suitable for pre-contact and post contact Indigenous agricultural. Considering also the length of occupation of Humberstone Township prior to the arrival of Euro-Canadian settlers, as evidenced by the one pre-contact Indigenous site registered within 1km, the pre-contact and post-contact Indigenous archaeological potential of the Study Area is judged to be moderate to high.

For Euro-Canadian sites, archaeological potential can be extended to areas of early Euro-Canadian settlement, including places of military or pioneer settlements; early transportation routes; and properties listed on the municipal register or designated under the *Ontario Heritage Act* (Government of Ontario, 1990b) or property that local histories or informants have identified with possible historical events. The *Historical Atlas* from 1876 shows the Study Area in close proximity to historical infrastructure, including Grand Trunk Railway. Considering the location of the Study Area near to Port Colborne, the potential for post-contact Euro-Canadian archaeological resources is judged to be moderate to high. Additionally, Detritus reviewed the *Niagara Region Archaeological Management Plan* (Niagara Region, 2023) which indicates that portions of the Study Area retain archaeological potential.

Finally, despite the factors mentioned above, extensive land disturbance can eradicate archaeological potential within a Study Area, as outlined in Section 1.3.2 of the *Standards and Guidelines* (Government of Ontario, 2011). Aerial imagery identified a possible disturbance area within the Study Area in the form of a house, driveway, inground pool, shed and small paved area. It is recommended that these potential disturbances be subject to a Stage 2 property inspection to confirm the limits of the disturbance. Detritus determined that the remainder of the Study Area, including the manicured lawns with trees and beachfront, demonstrated the potential for the recovery of pre-contact Indigenous, post-contact Indigenous, and Euro-Canadian archaeological resources, and were recommended for Stage 2 assessment.

2.0 Field Methods

The Stage 2 assessment of the Study Area was conducted on July 19th and 30th, 2024, under archaeological consulting license P389 issued to Mr. Walter McCall by the MCM. The limits of the Study Area were established in the field using a georeferenced shapefile produced using QGIS and uploaded to a hand-held GPS device running Qfield. Buried utility locates were obtained prior to initiating fieldwork.

During the Stage 2 assessment conditions were excellent and at no time were the field, weather, or lighting conditions detrimental to the recovery of archaeological material as per Section 2.1, Standard 3 of the *Standards and Guidelines* (Government of Ontario, 2011). Table 3 provides a summary of the weather and field conditions during the Stage 2 archaeological assessment. Photos 1 to 22 demonstrate the land conditions at the time of the survey throughout the Study Area, including areas that met the requirements for a Stage 2 archaeological assessment, as per Section 7.8.6, Standards 1a of the *Standards and Guidelines* (Government of Ontario, 2011). Figure 3 illustrates the Stage 2 assessment methods, as well as photograph locations and directions all in relation to the proposed development of the Study Area. First Nations Representative joined Detritus on site during the Stage 2 Assessment (see Supplementary Documentation for further details regarding Indigenous Engagement).

Table 3: Field and Weather Conditions

Date	Activity	Weather	Field Conditions
July 19, 2024	test pit survey and photo documentation	Sunny	soil dry
July 30, 2024	test pit survey and photo documentation	Sunny, humid, 25°C (feels like 35°C)	soil dry and screens easily

The Stage 2 field assessment began with a property inspection conducted as per Section 2.1.8, of the *Standards and Guidelines* (Government of Ontario, 2011). According to the results of this inspection, approximately 14% of the Study Area comprised the possible disturbance areas identified on the current aerial imagery (see Section 1.3.4 above). The disturbed areas, which includes the house, driveway, inground pool, sheds, and small paved area, were evaluated as having no potential based on the identification of extensive and deep land alteration that has severely damaged the integrity of archaeological resources, as per Section 2.1, Standard 2b of the *Standards and Guidelines* (Government of Ontario, 2011).

The Stage 2 property inspection revealed 13% (0.20 ha) of the Study Area consisted of a steeply sloping area surrounding the house, inground pool, and shed, roughly in the centre of the Study Area (Photos 3 to 6). This area was evaluated as having no potential for archaeological resources due to the identification of a physical feature of low archaeological potential, in this case a steeply sloped area greater than 20° as per Section 2.1, Standard 2.a(iii) of the *Standards and Guidelines* (Government of Ontario, 2011). The areas of previous disturbance and slope observed within the Study Area were mapped and photo documented in accordance with Section 2.1, Standard 6 and Section 7.8.1, Standard 1b of the *Standards and Guidelines* (Government of Ontario, 2011).

Approximately 25% of the Study Area comprised the open water of Lake Erie, within the entirety of the southern edge of the Study Area, and a small tributary from the Niagara River located on the southeastern edge of the Study Area (Photos 7, 8, 12). The open water of Lake Erie and the tributary could not be evaluated as this is a marine feature. There is a separate process for marine archaeological assessment. There is a checklist provided by the MCM to ensure marine concerns are not overlooked. This can be consulted in order to determine whether or not a marine archaeological assessment of this waterbody is required.

Approximately 48% (0.69 ha) of the Study Area comprised the manicured lawns with trees and beachfront area that were deemed inaccessible to ploughing. These areas were subject to a typical test pit survey at five-metre intervals in accordance with Section 2.1.2 of the *Standards and Guidelines* (Government of Ontario, 2011; Photos 1-3, 6, 8-12, 14, 17-20) The test pit survey was conducted to within 1m of the built structures or until test pits show evidence of recent ground disturbance, as per Section 2.1.2, Standard 4 of the *Standards and Guidelines* (Government of

Ontario, 2011). Each test pit was at least 30 centimetres ('cm') in diameter and excavated 5cm into sterile subsoil as per Section 2.1.2, Standards 5 and 6 of the *Standards and Guidelines* (Government of Ontario, 2011). The soils were then examined for stratigraphy, cultural features, or evidence of fill.

The test pits ranged in total depth from 30cm to 110cm and featured mostly light grey sand with bands of dark sand throughout (topsoil) above a dark brown sand subsoil with river rocks within the beachfront (Photo 21) and a light brown topsoil mixed with rocks and gravel over a sandy subsoil within the manicured lawn (Photo 22). Considering that each test pit was excavated 5cm into sterile subsoil, the observed topsoil layer ranged in depth from 25cm to 105cm. All soil was checked for stratigraphy and screened through six-millimetre mesh hardware cloth to facilitate the recovery of small artifacts, and then the screened material used to backfill the pit as per Section 2.1.2, Standards 7 and 9 of the *Standards and Guidelines* (Government of Ontario, 2011).

No artifacts were encountered during the test pit survey; therefore, no further survey methods were employed.

3.0 Record of Finds

The Stage 2 archaeological assessment was conducted employing the methods described in Section 2.0. An inventory of the documentary record generated by fieldwork is provided in Table 4 below.

Table 4: Inventory of Document Record

Document Type	Current Location	Additional Comments
1 Page of Field Notes	Detritus office	Stored digitally in project file
1 Map provided by the Proponent	Detritus office	Stored digitally in project file
1 Field Maps	Detritus office	Stored digitally in project file
31 Digital Photographs	Detritus office	Stored digitally in project file

No archaeological resources were identified within the Study Area during the Stage 2 assessment; therefore, no artifacts were collected. As a result, no storage arrangements were required.

4.0 Analysis and Conclusions

Detritus was retained by the Proponent to conduct a Stage 1-2 archaeological assessment in advance of future development on the property at 1433 Firelane 1, Port Colborne.

The Stage 1 background research indicated that portions of the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. This research also indicated that the Study Area is located within an area of archaeological potential, as indicated by the Niagara Region Archaeological Management Plan (Niagara Region, 2021). Therefore, a Stage 2 Property Assessment was recommended for the Study Area.

The subsequent Stage 2 field assessment of the Study Area was conducted on July 19th and 30th, 2024. This investigation began with a property inspection, conducted according to Section 2.1.8, which is informed by Section 1.2 of the *Standards and Guidelines* (Government of Ontario, 2011). The inspection revealed that the house, driveway, inground pool, and shed retained no, or low, archaeological potential based on the identification of extensive and deep land alteration that has severely damaged the integrity of archaeological resources as per Section 2.1, Standard 2b of the *Standards and Guidelines* (Government of Ontario, 2011). The property inspection also revealed that a portion of the Study consisted of a steeply sloping area surrounding the house, shed, and inground pool to the east and south, which was evaluated as having no potential for archaeological resources. The previously disturbed and sloped areas, as confirmed during a Stage 2 property inspection, were mapped and photo documented only in accordance with Section 2.1, Standard 6, and Section 7.8.1, Standards 1a and 1b of the *Standards and Guidelines* (Government of Ontario, 2011).

The open water of Lake Erie visible in the aerial imagery could not be evaluated as this is a marine feature. There is a separate process for marine archaeological assessment. There is a checklist provided by the MCM to ensure marine concerns are not overlooked. This can be consulted in order to determine whether or not a marine archaeological assessment of this waterbody is required.

The remainder of the Study Area comprised the manicured lawns with trees and the sandy beachfront, which were assessed by means of a typical test pit survey at 5m intervals. No archaeological resources were observed.

5.0 Recommendations

Given the results of the Stage 2 investigation and the identification and documentation of no archaeological resources, **no further archaeological assessment of the Study Area is recommended.**

6.0 Advice on Compliance with Legislation

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

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

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

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

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8.0 Maps

Figure 1: Study Area Location










Figure 2: Historic Map Showing Study Area Location



Figure 3: Stage 2 Field Methods Map



Legend

- | | | |
|--|--|--|
|  Study Area |  Test Pit Survey at 5m Interval |  Open Water, not assessed |
|  Photo Location and Direction |  Previously Disturbed | |
|  Sample Test Pit Location |  Slope | |

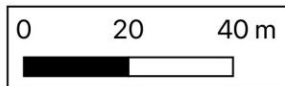
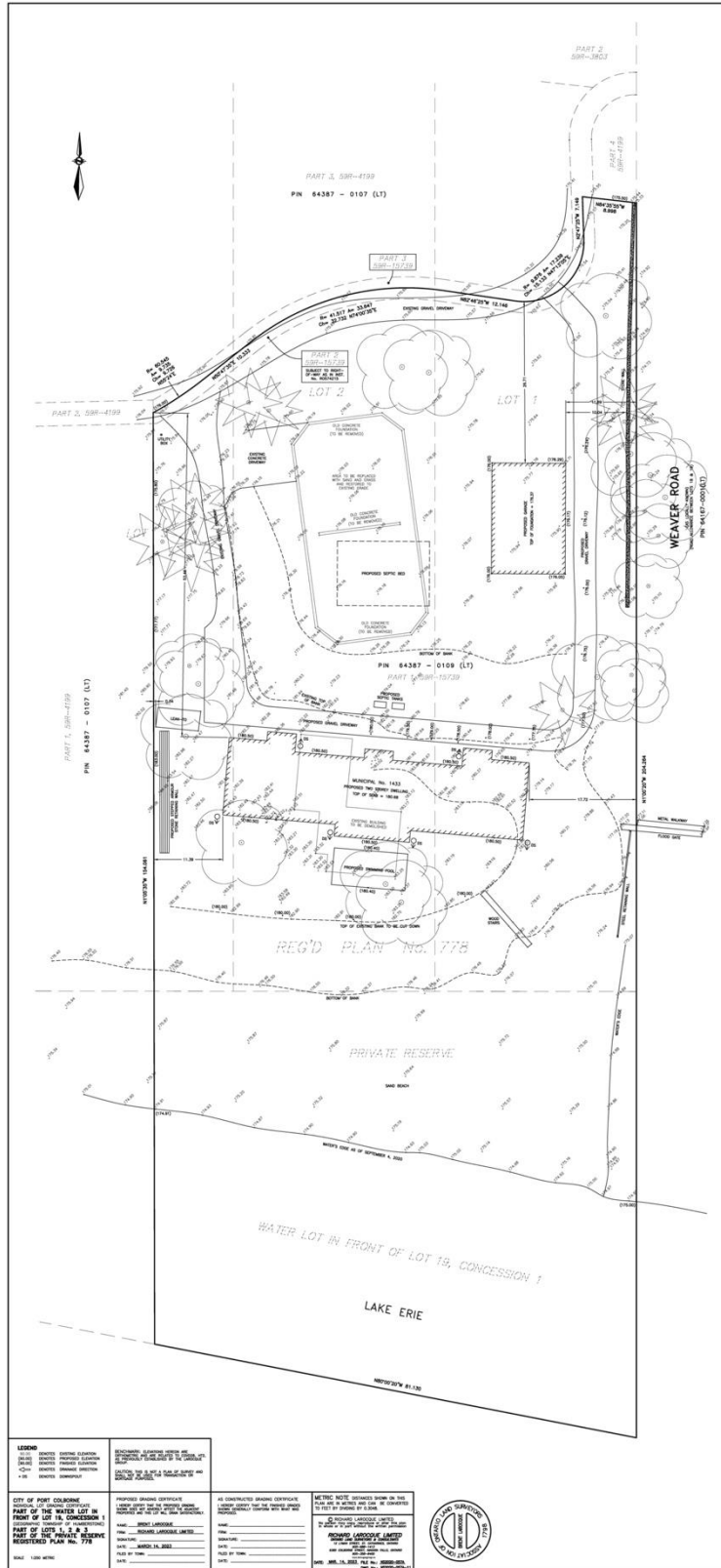


Figure 3: Stage 2 Field Methods

Figure 4: Development Plan



9.0 Images

9.1 Field Photos

Photo 1: Manicured Lawn with Trees, Test Pit Surveyed at 5m Intervals, northeast corner looking south



Photo 2: Manicured lawn with trees along Firelane 1, Test Pit Surveyed at 5m Intervals, looking west



Photo 3: Manicured lawn, Test Pit Surveyed at 5m Intervals, and Slope, looking south



Photo 4: Gravel driveway and small paved area, Previously Disturbed, and Slope, northwest corner looking southeast



Photo 5: Retaining wall of southern slope, Previously Disturbed, southwest corner of beach looking north



Photo 6: Beachfront, Test Pit Surveyed at 5m Intervals, and Slope, work photo looking northeast



Photo 7: Open Water Tributary, southeast corner of beachfront looking north



Photo 8: Beachfront, Test Pit Surveyed at 5m Intervals, Lake Erie, Open Water, southwest corner looking east



Photo 9: Manicured lawn and sand, Test Pit Surveyed at 5m Intervals, and house, Previously Disturbed looking west



Photo 10: Cluster of Trees on Eastern Edge of Study Area, Test Pit Surveyed at 5m Intervals, looking south



Photo 11: Cluster of Trees on Eastern Edge of Study Area, Test Pit Surveyed at 5m Intervals, looking south



Photo 12: Beachfront, Test Pit Surveyed at 5m Intervals, and Lake Erie, Open Water, looking south



Photo 13: House and Inground Pool, Previously Disturbed, looking west



Photo 14: House, Previously Disturbed, and Manicured Lawn, Test Pit Surveyed at 5m Intervals, looking east



Photo 15: Gravel Driveway, Previously Disturbed, looking north



Photo 16: Gravel Driveway and House, Previously Disturbed, looking east



Photo 17: Manicured lawn, Test Pit Surveyed at 5m Intervals, and Inground Pool and Small Paved Area, Previously Disturbed, looking east



Photo 18: Manicured Lawn and Beach Volleyball Court, Test Pit Surveyed at 5m Intervals, looking north



Photo 19: Manicured Lawn and Beach Volleyball Court, Test Pit Surveyed at 5m Intervals, work photo looking north



Photo 20: Manicured lawn, Test Pit Surveyed at 5m Intervals, work photo looking northeast



Photo 21: Sample Test Pit from Beachfront



Photo 22: Sample Test Pit from Manicured Lawn



Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

December 18, 2024

Region File: MV-23-0117

Taya Taraba
Secretary Treasurer of the Committee of Adjustment
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Ms. Taraba:

**Re: Regional and Provincial Comments
Proposed Minor Variance Application
City File: A01-25-PC
Owner: Frank DiCosimo
Applicant/Agent: Coleen Potter
1433 Firelane 1
City of Port Colborne**

Regional Growth Management and Planning staff has reviewed the proposed Minor Variance application for lands municipally known as 1433 Firelane 1 in the City of Port Colborne.

The applicant is requesting relief from the provisions of the City of Port Colborne Zoning By-law 6575/30/18, as amended, to permit the construction of a new accessory building with a height of 9.4 metres, whereas a maximum of 6 meters is required.

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

Provincial and Regional Policies

The subject lands are identified as 'Rural Lands' under the *Provincial Planning Statement, 2024* (PPS) and designated 'Rural Lands' under the *Niagara Official Plan, 2022* (NOP). The PPS permits a number of uses within Rural Lands, including residential development, so long as development can be sustained by rural service levels.

The NOP states that the predominant use of rural lands will continue to be agriculture, but some non-agricultural related development may be permitted under limited circumstances. The NOP acknowledges that the rural lands along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development and that these uses and expansions thereof continue to be permitted in accordance with Local official plans and zoning by-law provisions. Furthermore, the NOP notes that accessory structures are permitted subject to new municipal services not being required, the proposal not expanding into key natural heritage features and key hydrologic features, the proposal does not result in the intrusion of new incompatible land uses and the proposed use is in accordance with the minimum distance separation (MDS) formulae.

Regional staff acknowledge that the proposal contemplates the construction of a new accessory building. The proposal does not propose municipal services and will not expand into key natural heritage features, subject to the natural environmental system comments below. No new incompatible land uses are proposed, and City staff should be satisfied that MDS is met for the subject property.

Private Sewage System

No record was found for the existing sewage system servicing the property. The existing system for the house was not exposed at the time of inspection and therefore the exact location of the tank and tile bed is unknown. A septic permit was issued by our department in December 2022 to service the proposed two-storey dwelling. That septic permit has since expired.

As proposed, the location of the garage would meet all setbacks to the previously approved septic system shown on the sketch. The property contains enough useable area for the installation of a new class 4 sewage system.

Therefore, our department has no objections to the minor variance application as submitted provided that the applicant reapplies for a new class 4 sewage system to service the two-storey dwelling and garage.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Other Woodland, Other Wetland and Lake Erie, including its Shoreline Area. The wetland and lake are considered Key Hydrologic Features (KHF).

NOP policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of a KHF and within 50 m of an Other Woodland. Further, NOP policies require that a minimum 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KHF be established as natural self-sustaining vegetation. Development or site alteration is generally not

permitted within a KHF or its VPZ. Additionally, a minimum buffer of 10 m is required for Other Woodland.

However, NOP policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. As the Minor Variance is for relief of accessory structure height restrictions, and is an expansion of an existing use, staff have no objection to the proposed minor variance and proposed development, on condition that a Landscape Plan is submitted for Regional approval for a 5 m buffer from dripline of the Other Woodland, in lieu of an EIS. The plan shall include native trees, shrubs and/or ground cover as appropriate, and complement the existing vegetation community.

Archaeological Potential

The PPS and NOP state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. The subject land is mapped within Schedule K as an area of archaeological potential.

Niagara Region is in receipt of a clearance letter (dated November 16, 2024) from the Ministry of Citizenship and Multiculturalism for a Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (October 31, 2024). Staff advise that the archaeological assessment submitted is dated September 26, 2024. Staff will require the October 31, 2024 dated assessment that matches the Ministry's clearance letter. This can be managed as a condition to the minor variance application. The submitted archaeological assessment did not identify any archaeological resources and therefore the licensed archaeologist does not recommend further archaeological assessment work for the study area.

The assessment notes that a portion of the property extends into Lake Erie and retains archaeological potential. A marine archaeological assessment would be required in the future if any development is proposed in this area. Staff advise that no development is proposed in this area and therefore for the purposes of this application no further work is required.

Conclusion

Regional Growth Management and Planning staff offer no objection to the proposed minor variance application to construct a new accessory building provided the following conditions are fulfilled:

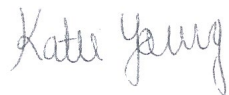
1. That a Landscape Plan be submitted for Regional approval for a 5 m buffer from the Other Woodland. The plan shall include native trees, shrubs and/or ground cover as appropriate, and complement the existing vegetation community.

2. That the Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated October 31, 2024) is submitted to Niagara Region, to match the Ministry clearance letter received.
3. That the Applicant reapplies for a Class 4 Sewage System to service the two-storey dwelling and accessory building.

Provided these conditions are fulfilled, staff are satisfied that the proposal is consistent with the PPS and conforms to Regional policies.

Should you have any questions, please contact the undersigned at Katie.Young@niagararegion.ca. Please send the staff report and notice of the Committee's decision on the application when available.

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner

cc: Lori Karlewicz, Planning Ecologist
Devon Haluka, Private Sewage System Inspector

December 23, 2024
NPCA File No.: PLMV202401631

VIA EMAIL ONLY

Committee of Adjustment
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Attention: Taya Taraba, Planning Technician

Subject: Application for Minor Variance, A01-25-PC

1433 Firelane 1, Port Colborne
ARN 271104000313000

To the Committee of Adjustment,

Further to your request for comments for the minor variance for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

The applicant's proposal is to construct a new accessory building on the North-Eastern side of the property.

The NPCA has reviewed the NPCA Mapping of **ARN 271104000313000** and notes that the property is impacted by NPCA regulated features.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 41/24 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The subject property contains the following regulated features: The Southern part of the subject property is impacted by Lake Erie Shoreline Flood and Erosion Hazard Limit and Dynamic Beach Hazard. The Eastern part of the subject property is impacted by a Regulated Watercourse along with its associated Buffer and Floodplain. The Northern part of the property is impacted by NPCA Regulated Floodplain associated with the Regulated Watercourse flowing along the Eastern side of the property.

The subject proposal to construct a new accessory building (garage) on the North-Eastern side of the property lies within the NPCA Regulated Floodplain.

As per the NPCA Policies, NPCA has no objection to the construction of the proposed accessory structure within the regulated floodplain subject to the following condition:

- The NPCA work permit would be required prior to the commencement of the works on site as the proposed development encroaches within NPCA regulated area. Confirmation of the following will be required:
 - The accessory structure is non-habitable and does not contain any dwelling units.
 - All openings on the ground floor of the building are to be located above the regulatory flood elevation (Lake Erie flood elevation, 176.8 m).

Conclusion

At this time, the NPCA has no objections to the construction of the proposed new accessory building on the subject property, conditional on the fulfilment of the above outlined requirements.

Please be advised that any future development within a NPCA Regulated area will require NPCA review, approval and Permits from this office prior to the commencement of any works on site.

I trust the above will be of assistance to you. Please do not hesitate to email should you have any further questions on this matter.

Regards,

Kartiki Sharma

Kartiki Sharma
Watershed Planner
(905) 788-3135, ext. 278
ksharma@npca.ca

Development and Government Relations

Planning Division Report

January 10, 2025

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

**Re: Application for Minor Variance A01-25-PC
 Humberstone Con 1 Pt Lot 9 Pt Water Lot Plan 778 Pt Lots 1 To 3 Pt Private
 Reserve and Sand Beach RP 59R5739 Parts 1 and 2
 1433 Firelane 1
 Owner(s): Frank DiCosimo
 Agent: Coleen Potter**

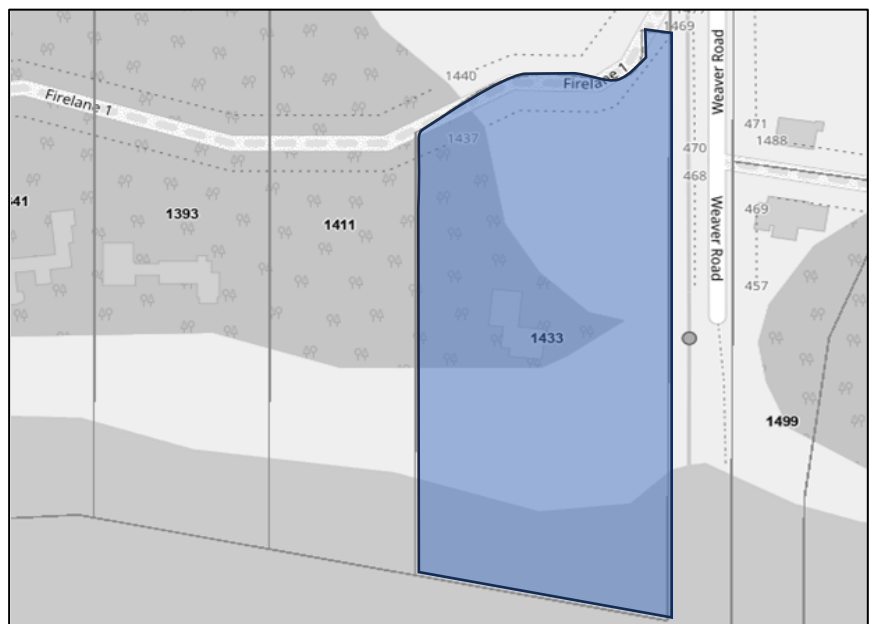
Proposal

The purpose of this application is to request that a maximum accessory building height of 9.4 metres be permitted, whereas the maximum permitted height of an accessory building is 6 metres. The application has been requested to facilitate the construction of a new accessory building, as depicted in the front elevation drawing attached as Appendix A.

Surrounding Land Uses and Zoning

The subject lands are in the Lakeshore Residential (LR) zone. The parcels surrounding the subject lands are zoned LR to the east and west; the parcels to the north are in the Agricultural (A) and Agricultural Residential (AR) zones. The surrounding uses consist of detached dwellings to north, east, and west, with Lake Erie to the south.

Figure 1 (right): the subject property, 1433 Firelane 1.



Environmentally Sensitive Areas

The subject lands are impacted by the Region's Natural Environment System (NES), consisting of Other Woodland, Other Wetland and Lake Erie, including its Shoreline Area. The wetland and lake are considered Key Hydrologic Features (KHF). This application was circulated to the Niagara Region and the Niagara Peninsula Conservation Authority (NPCA) for formal comments. Full comments from each agency are included in the Committee of Adjustment agenda package dated January 10, 2025.

Public Comments

Notice was circulated on December 23, 2024, to properties within 60 metres of the subject lands, in accordance with section 44 (5) of the *Planning Act*. As of January 10, 2025, no comments from the public have been received.

Agency Comments

Notice of the application was circulated on December 9, 2024, to internal City departments and external agencies. As of January 10, 2025, the following comments have been received.

Niagara Region

With respect to the Other Woodland, Other Wetland, and KHF, Regional Growth Management and Planning staff note that Niagara Official Plan (NOP) policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development is proposed within 120 metres of a KHF and within 50 metres of an Other Woodland; however, NOP policy 3.1.9.8.2 allows EIS requirements to be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES.

Regional Growth Management and Planning staff offer no objection to the proposed minor variance application to construct a new accessory building provided the following conditions are fulfilled:

1. That a Landscape Plan be submitted for Regional approval for a 5 m buffer from the Other Woodland. The plan shall include native trees, shrubs and/or ground cover as appropriate, and complement the existing vegetation community.
2. That the Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated October 31, 2024) is submitted to Niagara Region, to match the Ministry clearance letter received.
3. That the Applicant reapplies for a Class 4 Sewage System to service the two-storey dwelling and accessory building.

Note: Full comments are included in the Committee of Adjustment agenda package dated January 10, 2025.

Staff Response

The conditions recommended by Regional staff have been included as recommendations of the approval of this application.

Niagara Peninsula Conservation Authority (NPCA)

No objections.

Note: Full comments are included in the Committee of Adjustment agenda package dated January 10, 2025.

Drainage Superintendent

The Drainage Superintendent has noted that the proposed building is more than 10 metres away from top of bank on the municipal drain and therefore offered no objections.

Fire Department

No objections.

Engineering Division

No objections.

Discussion

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*. An analysis of the four tests follows.

Is the variance minor in nature?

Planning staff find the requested increase in accessory building height to be minor in nature, as there is a low probability of this variance leading to negative impacts on neighbouring parcels. The variance has been requested to facilitate the construction of a new accessory building, which would be constructed on a portion of the lot with a significantly lower elevation than that of the dwelling. There are no anticipated compatibility concerns from neighbouring parcels as the accessory building is proposed in a location surrounded by landscaping features which will help mitigate the impact of the increased size on neighbouring parcels.

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

The increase in accessory building height is desirable for the appropriate development of the subject lands. The height proposed for the new accessory building has been requested to allow the applicant to construct a two-storey garage, with the goal of

maintaining a smaller building footprint. The northern portion of the lot includes constraints such as an existing concrete foundation which is proposed to be removed to accommodate a new septic bed, while the southern portion of the lot is proposed to be demolished to accommodate a future larger dwelling, as depicted in Appendix B. The environmental features on and around the lot pose additional constraints to the building footprint. The increased height is proposed to allow for the desired amenity space while ensuring the natural features are protected and the lot can accommodate the septic system that will be required by the future dwelling.

Does it maintain the general intent and purpose of the Zoning By-law?

Planning staff find the requested increase in accessory building height maintains the general intent and purpose of the Zoning By-law. The maximum accessory building height provision intends to ensure that accessory buildings remain accessory to the primary building on a lot. The accessory building would still be smaller than the dwelling, and the lower ground elevation of the proposed accessory building will help mitigate the visual impact of the increased height, as the higher ground elevation of the dwelling will ensure the accessory building remains visibly accessory to the primary use.

Does it maintain the general intent and purpose of the Official Plan?

Planning staff find the requested increase in accessory building height meets the general intent and purpose of the Official Plan. The Official Plan permits residential uses within the Rural designation, which includes buildings accessory thereto.

Recommendation

Planning staff recommend application A01-25-PC be **granted**, subject to the following conditions:

1. That a Landscape Plan be submitted for Regional approval for a 5 m buffer from the Other Woodland. The plan shall include native trees, shrubs and/or ground cover as appropriate, and complement the existing vegetation community.
2. That the Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated October 31, 2024) is submitted to Niagara Region, to match the Ministry clearance letter received.
3. That the Applicant reapplies for a Class 4 Sewage System to service the two-storey dwelling and accessory building.

For the following reasons:

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

Prepared by,

Diana Vasu, BA, MA

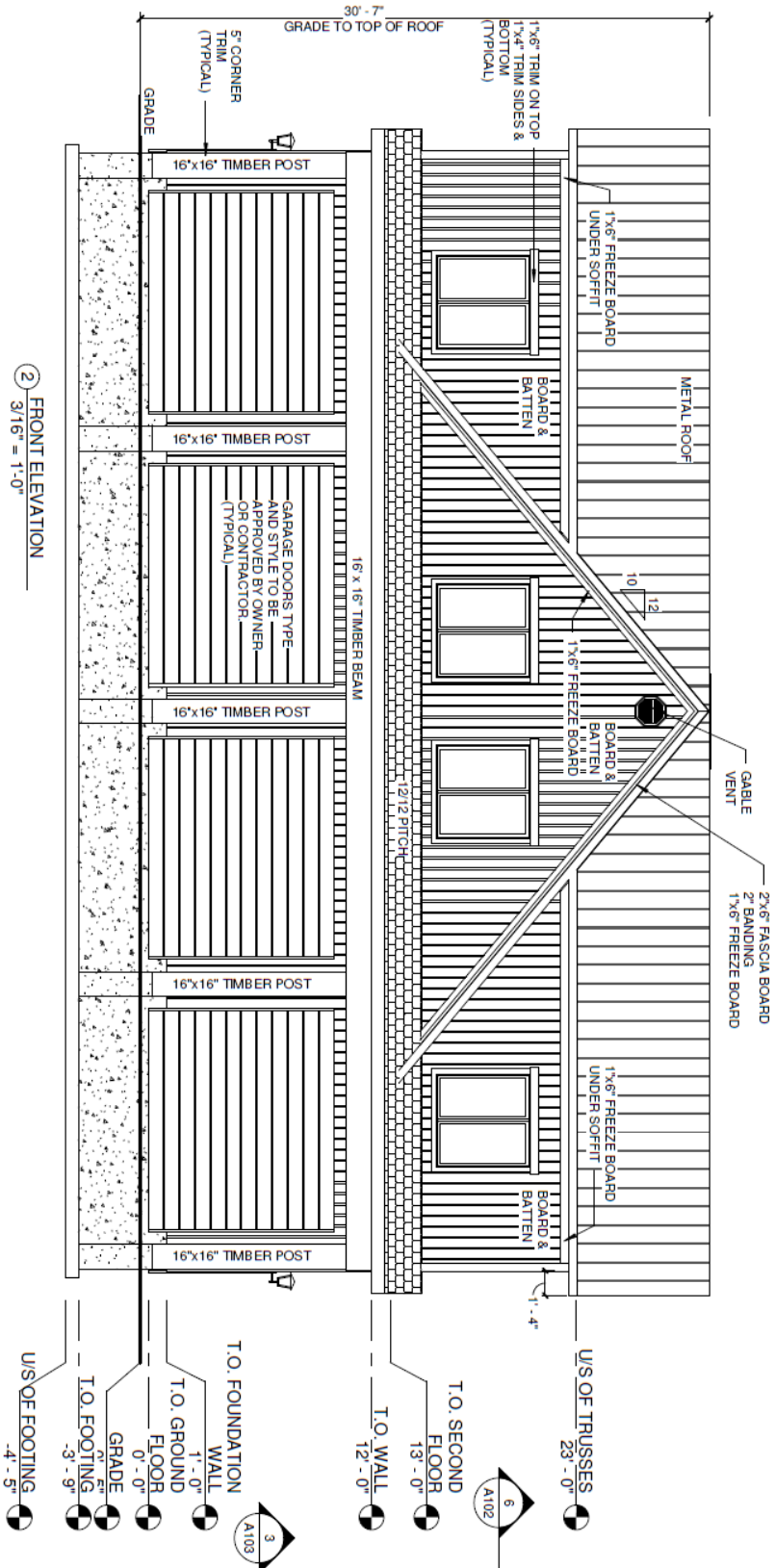
Planner

Submitted by,

David Schulz, MCIP, RPP

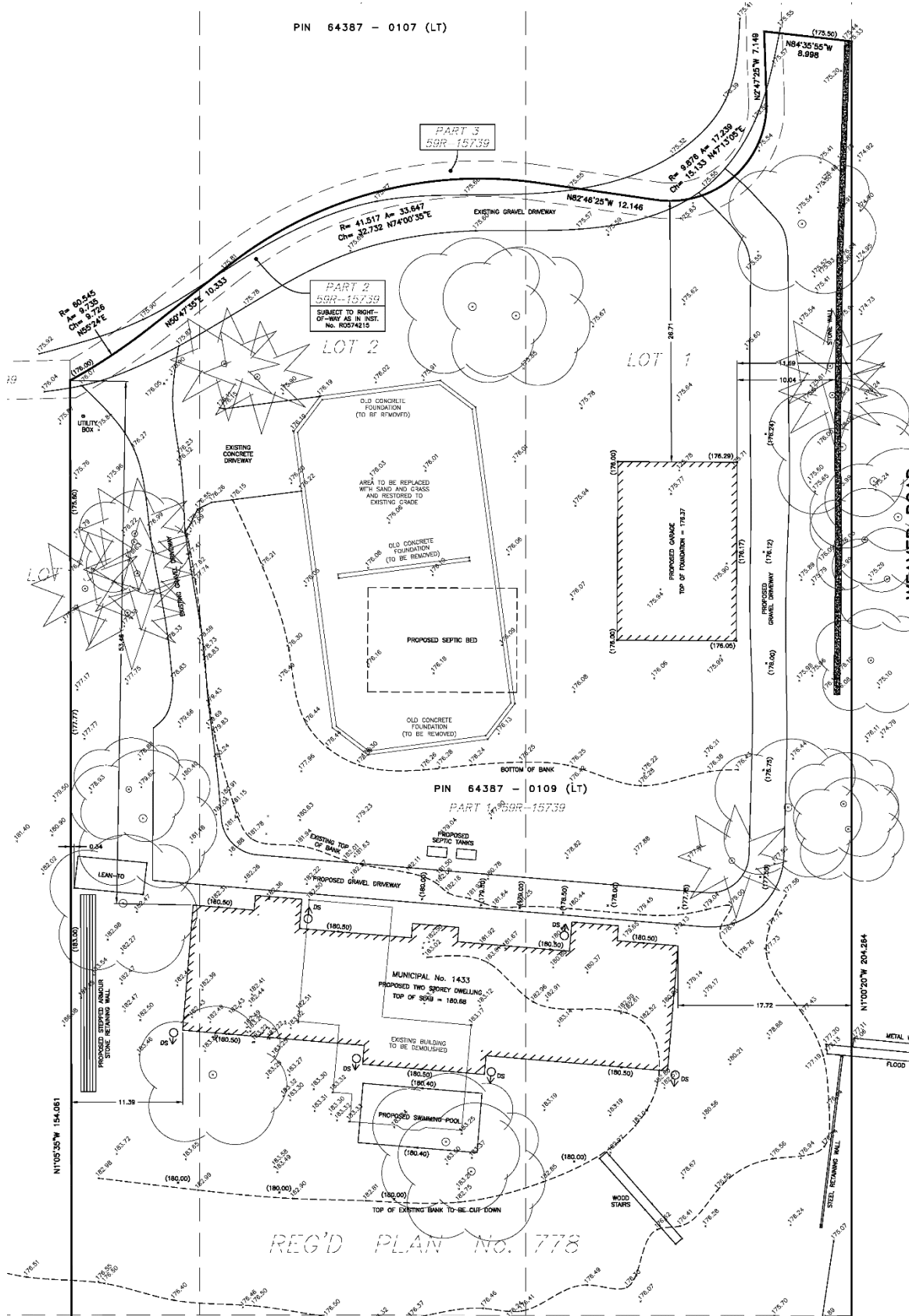
Manager of Planning

Appendix A



Appendix B

PIN 64387 - 0107 (LT)





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 13, 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 or in-person to City Hall - 66 Charlotte St. Port Colborne – 2nd floor.



PORT COLBORNE

Committee of Adjustment -Meeting Minutes-

Wednesday, December 11, 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: Diana Vasu, Planner
Taya Taraba, 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

Nil.

4. Requests for Deferrals or Withdrawals of Applications

Nil.

5. Order of Business

a. Application: A19-24-PC
Action: Minor Variance
Applicant: Rick Pare
Location: 465 Davis 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, to which, the applicant had nothing to add.

The Chair posed to the applicant how they were planning to handle drainage on their property, as a portion of their parcel is elevated higher than the rest.

The applicant answered that there was existing infrastructure to deal with the proposed issue.

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

Motion: Angie Desmarais

Seconded: Gary Bruno

Carried: 5-0

b. Application: A26-24-PC

Action: Minor Variance

Applicant: Stif Kozelj

Location: 1196 Chippawa 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 did not have any further information to add.

The Chair inquired how the applicant planned to access the building. The applicant answered that they plan to provide access through the interior side yard.

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

Motion: Gary Bruno

Seconded: Angie Desmarais

Carried: 5-0

c. Application: A29-24-PC, A30-24-PC, B16-24-PC

Action: Minor Variance and Consent

Agent: Martyn Perrin

Applicant: Lucia Pinelli

Location: 607 Barrick 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 did not have any further information to add.

The Chair inquired regarding the concrete tank alongside the western boundary, to which, the Agent responded that it was a decommissioned septic tank. The Chair expressed concern regarding leaving the septic bed on the property, as it extends past the property's boundary. The Agent responded that they will speak to the neighbour to gain consent to remove the old septic bed.

The Chair also posed a question regarding the rear yard setback on the addition and whether or not it complies, as it looks to be about 7m. The Agent responds that it's about 7.041m, which is on the edge of the rear yard.

The Chair asked the Agent about the additional driveway entrance for the additional parcel to ensure that there's access and whether they planned to tear down the shed on the current property. The applicant responded that there were talks encompassing tearing it down.

The Committee deliberated regarding the prospects of keeping the shed on the property. The Agent then asked the applicant if she would like to tear down the shed instead, to which the applicant agreed.

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

Motion: Dan O'Hara **Seconded:** Gary Bruno
Carried: 5-0

d. Application: A31-24-PC, A32-24-PC, B17-24-PC, B18-24-PC, B19-24-PC
Action: Minor Variance and Consent
Agent: Urban Belief c/o Palak Kataria
Applicant: Hassan Kurabi
Location: 4838 Sherkston 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 did not have any further information to add.

Member Beauregard asked the applicant if the easement would be wide enough for the intended purpose. The applicant responded that the easement would be sufficient for the intended purpose.

The Chair asked the applicant if they planned to renovate the house located on the property. The applicant responded that they wish to restore the house and do not have any intention on destroying it.

Dianne Grenier, the neighbour of 4750 Sherkston Avenue, voiced concerns regarding the easement.

The Chair mentioned that an easement cannot be developed upon and that a buffer will remain near the property line.

Dianne Grenier also inquired about the developer's ability to rid the horses on her property, to which, Staff and Committee reassured that the horses were a legal use on the property. The developers would not be able to have the horses removed from her parcel.

Member Beauregard inquired about the status of the Stage 1 Archaeological Assessment. The applicant mentioned that work has not been started.

Member Beauregard expressed concerns that the Archaeological Assessment may take longer than the allotted 2-year period given to an applicant to complete their conditions of consent. The applicant reassured the Committee that they plan to start immediately.

The Chair mentioned to the applicant that they are allowed to come back to the Committee to change a condition of consent, provided it does take longer than the 2-year period.

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

Motion: Dave Elliot **Seconded:** Gary Bruno
Carried: 5-0

6. Other Business

As the 2025 Committee of Adjustment schedule was not decided upon in the prior hearing, the Secretary-Treasurer had reappointed the schedule as a topic of discussion. The Committee then motioned to move the 2025 Committee of Adjustment schedule.

Motion: Angie Desmarais **Seconded:** Eric Beauregard
Carried: 5-0

7. Approval of Minutes

That the minutes from the December 11th meeting be approved.

Motion: Gary Bruno **Seconded:** Dan O'Hara
Carried: 5-0

8. Adjournment

There being no further business, the meeting was adjourned at approximately 7:00 pm.

Dan O'Hara, Chair

Taya Taraba, Acting Secretary-Treasurer