



PORT COLBORNE City of Port Colborne
Committee of Adjustment Meeting Agenda

Date: Wednesday, February 12, 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 A02-25-PC - 179 Mellanby Avenue and 56-56.5 Main Street West 1

Action: Minor Variance
Applicant: 1000367026 Ontario Inc.
Location: 179 Mellanby Avenue and 56-56.5 Main Street West
 - 5.2 B03-25-PC - 2790 Highway 3 22

Action: Consent
Agent: Carol Moroziuk
Applicant: Francis and Paula Sneek
Location: 2790 Highway 3
 - 5.3 B04-25-PC - 153 Kent Street 48

Action: Consent
Agent: Carol Moroziuk
Applicant: Michael Smith
Location: 153 Kent Street

6. Other Business

7. Approval of Minutes

7.1 January 15, 2025, Committee of Adjustment Minutes

68

8. Adjournment



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

Minor Variance Application
File No. A02-25-PC

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 3.1.1 of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

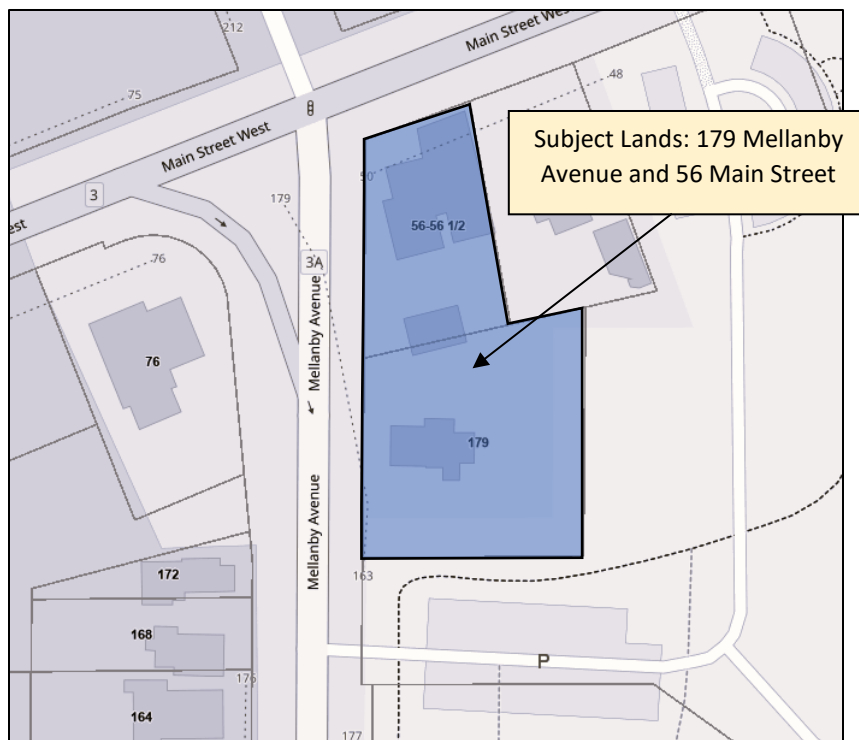
AND IN THE MATTER OF the lands legally known as Plan 25, Lot 45, New Plan 784, in the City of Port Colborne, located in the Downtown Commercial (DC) zone, municipally known as 179 Mellanby Avenue and 56 Main Street;

AND IN THE MATTER OF AN APPLICATION by the owner, 1000367026 Ontario Inc., 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 apartment building, notwithstanding the following:

1. That 1 parking space per dwelling unit be permitted, whereas 1.25 parking spaces per dwelling unit are required.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to decrease the number of parking spaces required for each dwelling unit, which requires a minor variance from the provisions of the Zoning By-law. 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:** February 12, 2025
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, February 7, 2025**. 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, February 11, 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.

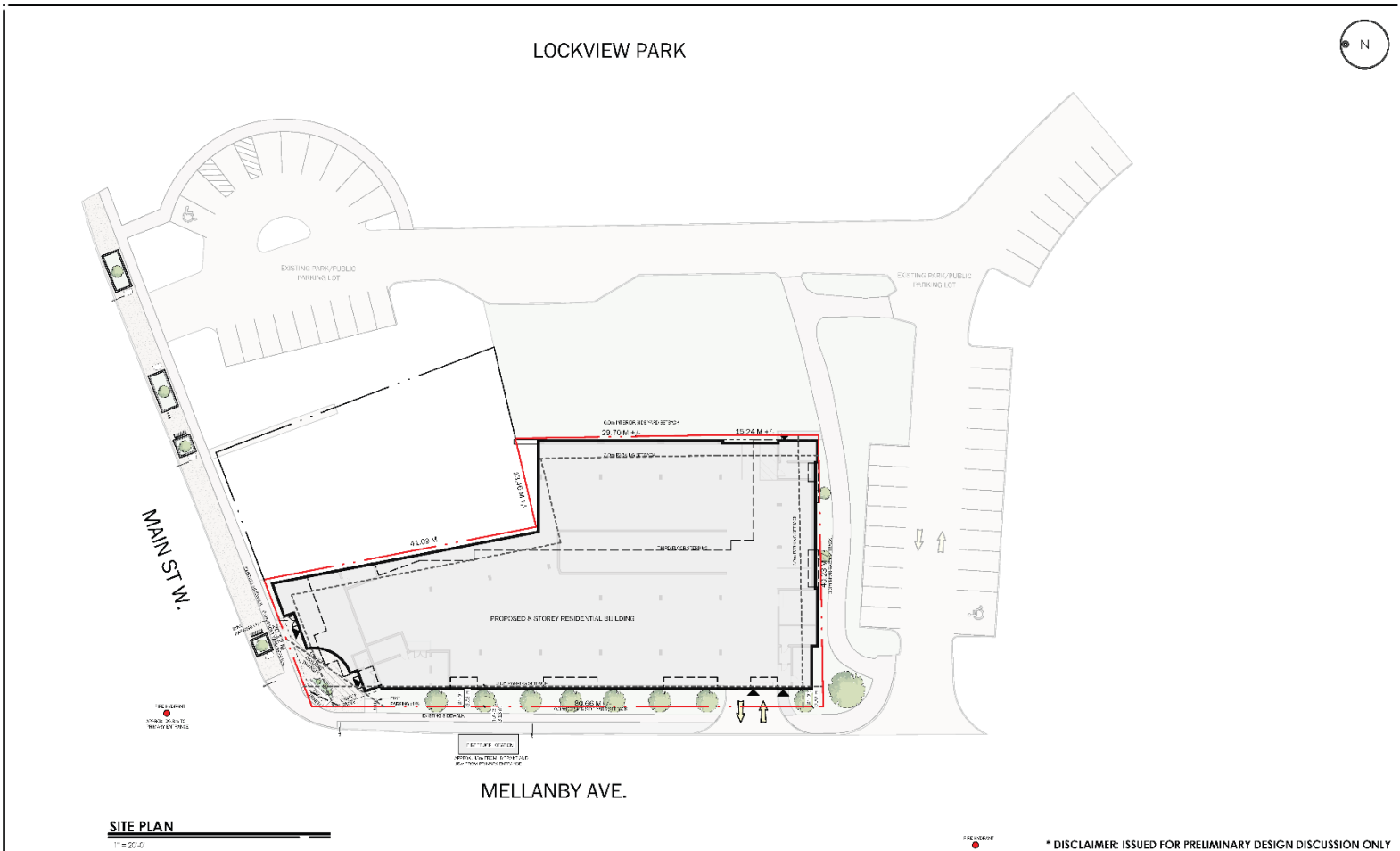


By order of the Committee of Adjustment,

Taya Taraba
 Secretary-Treasurer

Date of Mailing: January 28, 2025

SKETCH



SITE PLAN
 1" = 20'-0"

* DISCLAIMER: ISSUED FOR PRELIMINARY DESIGN DISCUSSION ONLY

NORTH PORT ISLAND HEIGHTS

10, 66 & 68 10 MAIN STREET W. & 174 MELLANBY AVE. PORT COLBORNE, ON L4K 2L6

A · C · K
 architects
 STUDIO INC.

SITE PLAN

SP1

SCALE: 1" = 20'-0"
 DATE: MARCH 2023
 PROJECT: 2022-101

Development and Government Relations Department

Planning Division Report

February 7, 2025

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

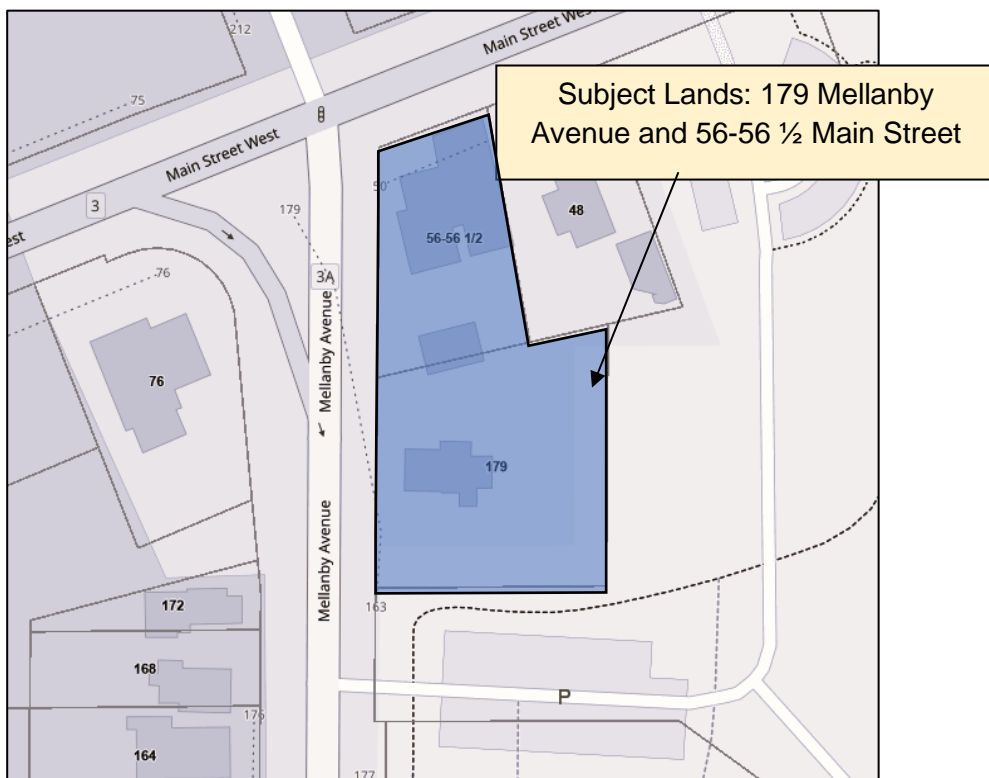
**Re: Application for Minor Variance A02-25-PC
 179 Mellanby Avenue and 56-56 1/2 Main Street
 Plan 25, Lot 45, New Plan 784
 Owner(s): 1000367026 Ontario Inc.**

Proposal

The purpose of this application is to request that 1 parking space per dwelling unit be permitted, whereas 1.25 parking spaces per dwelling unit are required, to facilitate the construction of a 101-unit apartment building.

Surrounding Land Uses and Zoning

The subject lands are in a special provision of the Downtown Commercial zone, with a holding provision (DC-79-H). The parcels surrounding the subject lands are zoned DC to the north and west, Second Density Residential (R2) to the west, and Public and Park (P) to the east and south. The surrounding uses consist of commercial and residential uses to the north, a park to the east and south, and detached dwellings and a community hall to the west.



Official Plan

The subject lands are in the Downtown Commercial designation in the City of Port Colborne Official Plan. This designation supports residential uses, which includes apartment buildings.

Zoning

The subject lands are in a special provision of the Downtown Commercial zone, with a holding provision (DC-79-H) in Zoning By-law 6575/30/18. Apartment buildings are a permitted use in the DC zone.

Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

Public Comments

Notice was circulated on January 28, 2025, as per section 45 (5) of the *Planning Act*, to properties within 60 metres of the subject lands. As of February 7, 2025, the following has been received:

Dennis Orosz, 53 Main Street West

The application to amend bylaw parking ratio to 1:00 from 1:25 is ludicrous for anyone to consider. Living across from the proposed site, I observe the use of Lock 8 parking lot as well as the Heritage Information Centre on the south west corner of Main st and Mellanby Ave. Particularly during spring, summer and fall, there are many people that use the park for family activities and to observe the ship traffic in the Canal.

To allow the request to amend the bylaw would create an even more overwhelming amount of vehicles in the immediate area.

To think that each apartment owner only has one vehicle is not realistic these days. Allowing the bylaw change would overflow to the Information Centre, private properties in the immediate area as well as Mellanby South residential areas.

My question I shall ask, where will you park the secondary vehicle (for those apartment owners who), where do visitors park, where do PSW park for those who may require that service? Also in the development there is Commercial space proposed. Where do customers/clients park for those businesses?

Please understand I do not oppose new development in our City. However I feel the proposed development is not suited for this location as is.

I strongly oppose the request to amend the Bylaw and developers should consider downsizing the building to 4-5 stories to accommodate our existing 1:1.25 parking ratio at minimum.

Staff Response

These comments raise concerns regarding where future residents of the apartment will park secondary vehicles, and where residential and commercial visitors will park their vehicles. Planning staff note that the parking provisions in section 3 of the Zoning By-law do not require any zone in the City to provide 2 parking spaces per dwelling unit; rather, most zones require a minimum of 1 parking space per unit. Apartment buildings require 1.25 parking spaces to recognize that the increased density of an apartment building will require additional space for visitor parking. As is discussed later in this report, the parking available at the abutting Lock 8 Park can provide temporary parking spaces for visitors of both the dwelling and commercial units.

Agency Comments

Notice was circulated on January 8, 2025, to internal departments and external agencies. As of February 7, 2025, the following comments have been received.

Drainage Superintendent

No objections.

Fire Department

No objections.

Engineering Division

No objections.

Discussion

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 application minor in nature?

The requested variance of 1 parking space per dwelling unit, where 1.25 is required, is minor in nature. The requested reduction in parking on the subject property will be mitigated by the adjacent Lock 8 Park parking lot which can provide additional temporary parking spaces for visitors. Following the surrounding context of the property, the reduced parking rate is unlikely to have an adverse impact as the additional parking area available at Lock 8 Park will contribute towards ensuring the apartment building has a sufficient

amount of parking spaces available for the expected vehicular traffic. As the requested variance is unlikely to negatively impact neighbouring properties, the application is minor in nature.

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

The proposal is desirable for the appropriate development of the land, as the application will facilitate the redevelopment of the subject lands. The application is a result of not being able to lease parking spaces from Lock 8 Park, which is controlled by the St. Lawrence Seaway Authority, as was addressed in zoning by-law amendment application D14-08-23 that Council approved on March 12, 2024. The request to reduce the required parking rate to 1 parking space per unit for the proposed 101 dwelling units. The requested variance aligns with the measures recommended in [Report 2024-53](#) if the applicants were unable to reach an agreement with the St. Lawrence Seaway Authority.

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

The intent of the required parking rate of 1.25 spaces per apartment dwelling unit is to ensure each dwelling unit is provided with a space to park, with some additional parking spaces provided for visitors. The request to reduce the parking rate to 1 space per unit will maintain the goal of each dwelling unit having a parking spot, with temporary visitor parking available at Lock 8 Park. The proposal meets the rest of the applicable zoning provisions, which include the parking provisions of section 3, the DC zoning provisions in section 23, and the special provision DC-79-H that was adopted by By-law 7199/21/24.

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

The subject lands are within the Downtown Commercial designation, which permits apartment buildings. The property is in an Intensification Area, as identified on [Schedule A1: Greenfields](#). Section 2.4.3 encourages intensification efforts to be directed towards local intensification areas which include the Main Street West. The reduced parking will facilitate the intensification of the subject lands. Additionally, this site is close to the bike trail network identified on [Schedule D: Transportation](#) which provides access to active transportation methods to mitigate the impact of the reduced parking.

Recommendation:

Given the information above, Planning Staff recommends application A02-25-PC be **granted** for the following reasons:

- 1. The application is minor in nature.**
- 2. It is desirable for the appropriate development of the land.**
- 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.**

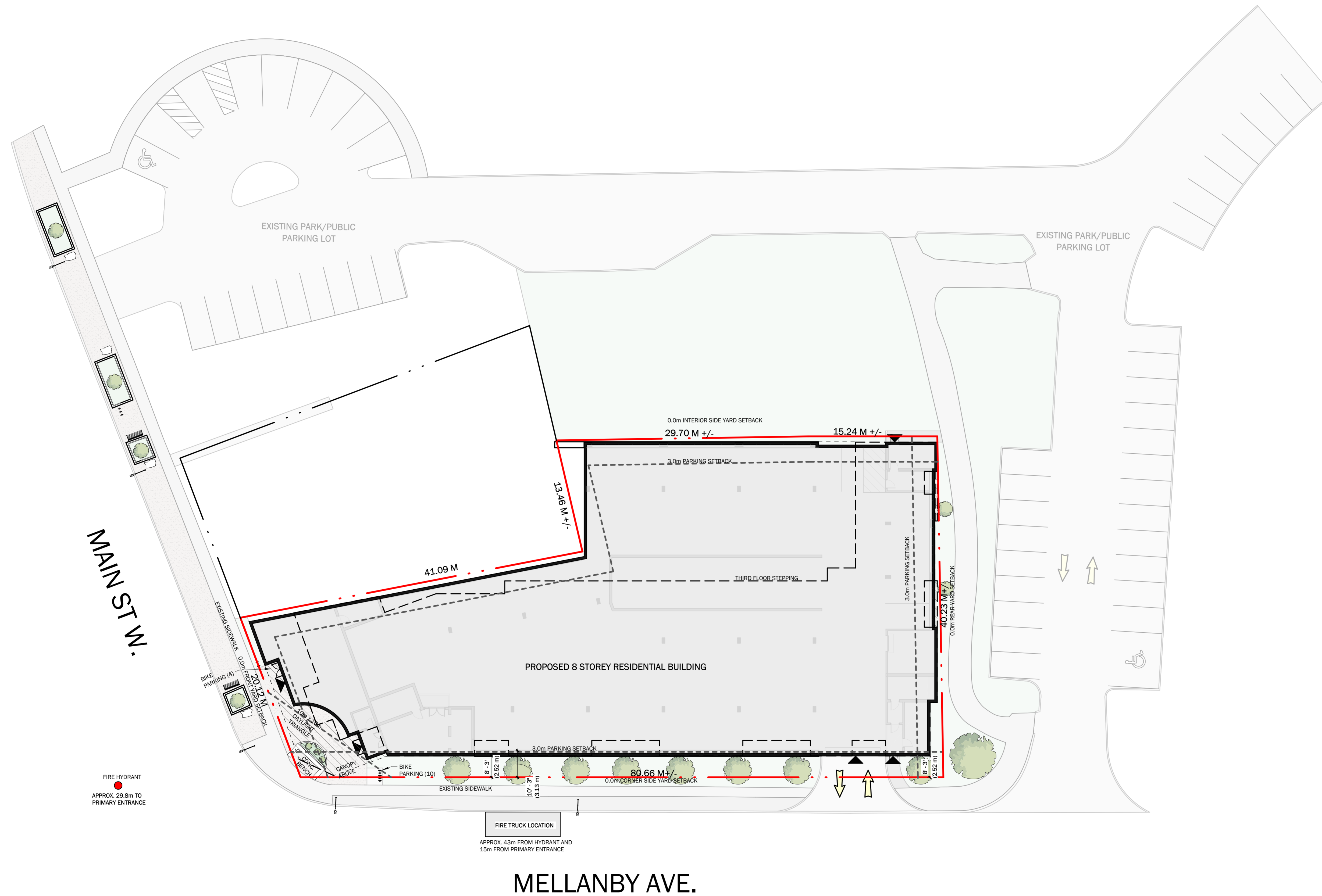
Prepared by,

Diana Vasu, BA, MA
Planner

Submitted by,

David Schulz, MCIP, RPP
Manager of Planning

LOCKVIEW PARK



SITE PLAN

1" = 20'-0"

* DISCLAIMER: ISSUED FOR PRELIMINARY DESIGN DISCUSSION ONLY

NORTH PORT ISLAND HEIGHTS

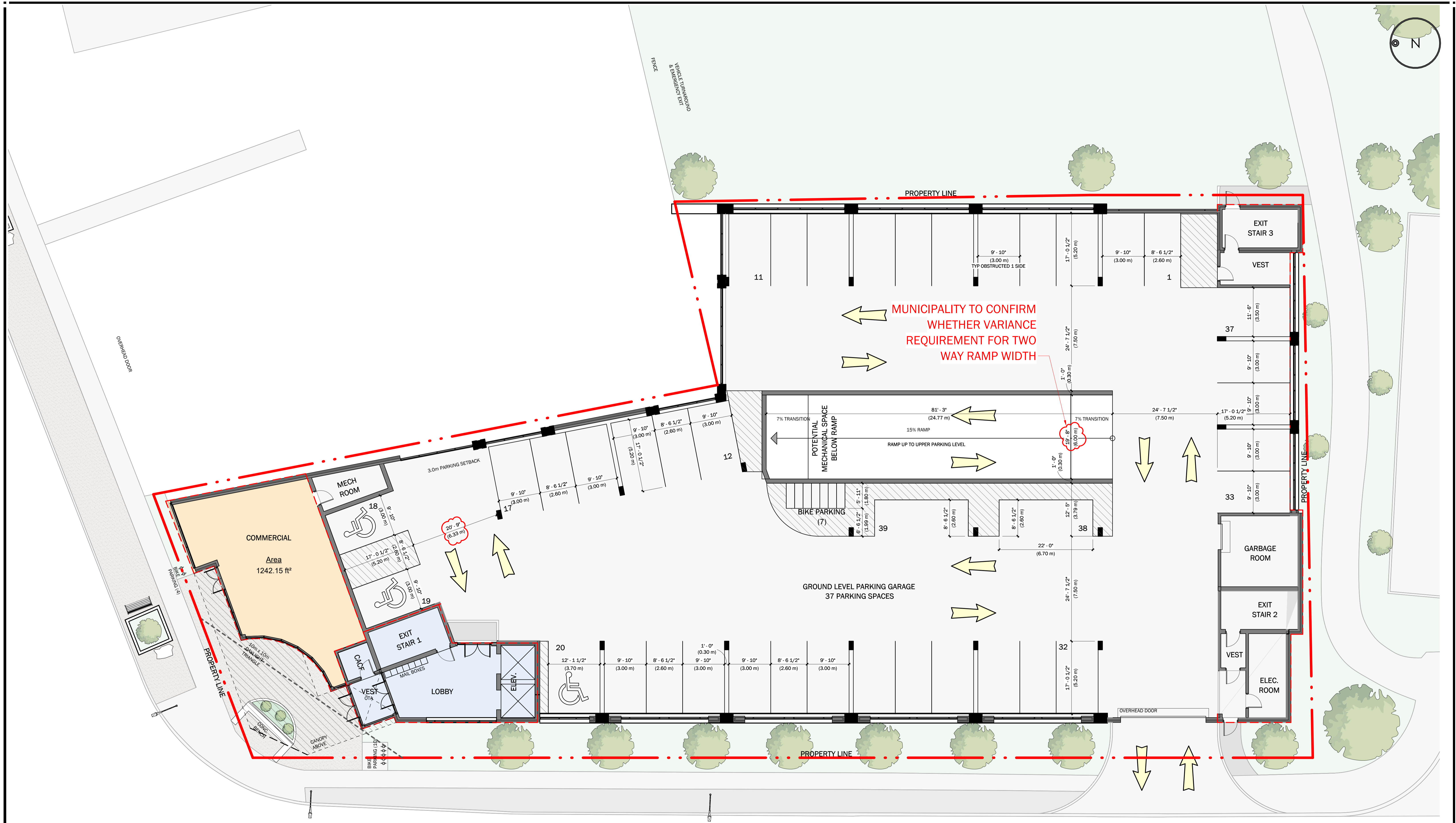
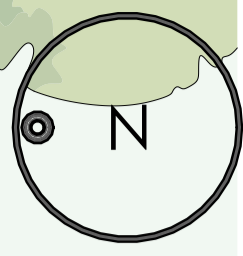
48, 56 & 56 1/2 MAIN STREET W. & 179 MELLANBY AVE, PORT COLBORNE, ON L3K 2L6

A · C · K
architects
STUDIO INC.

SITE PLAN

DWG. No.
.SP1

SCALE: AS SHOWN
DATE: MARCH 2023
PROJECT No.: 2023-144



1ST FLOOR PLATE

MELLANBY AVE.

1" = 10'-0"

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NORTH PORT ISLAND HEIGHTS

48, 56 & 56 1/2 MAIN STREET W. & 179 MELLANBY AVE, PORT COLBORNE, ON L3K 2L6

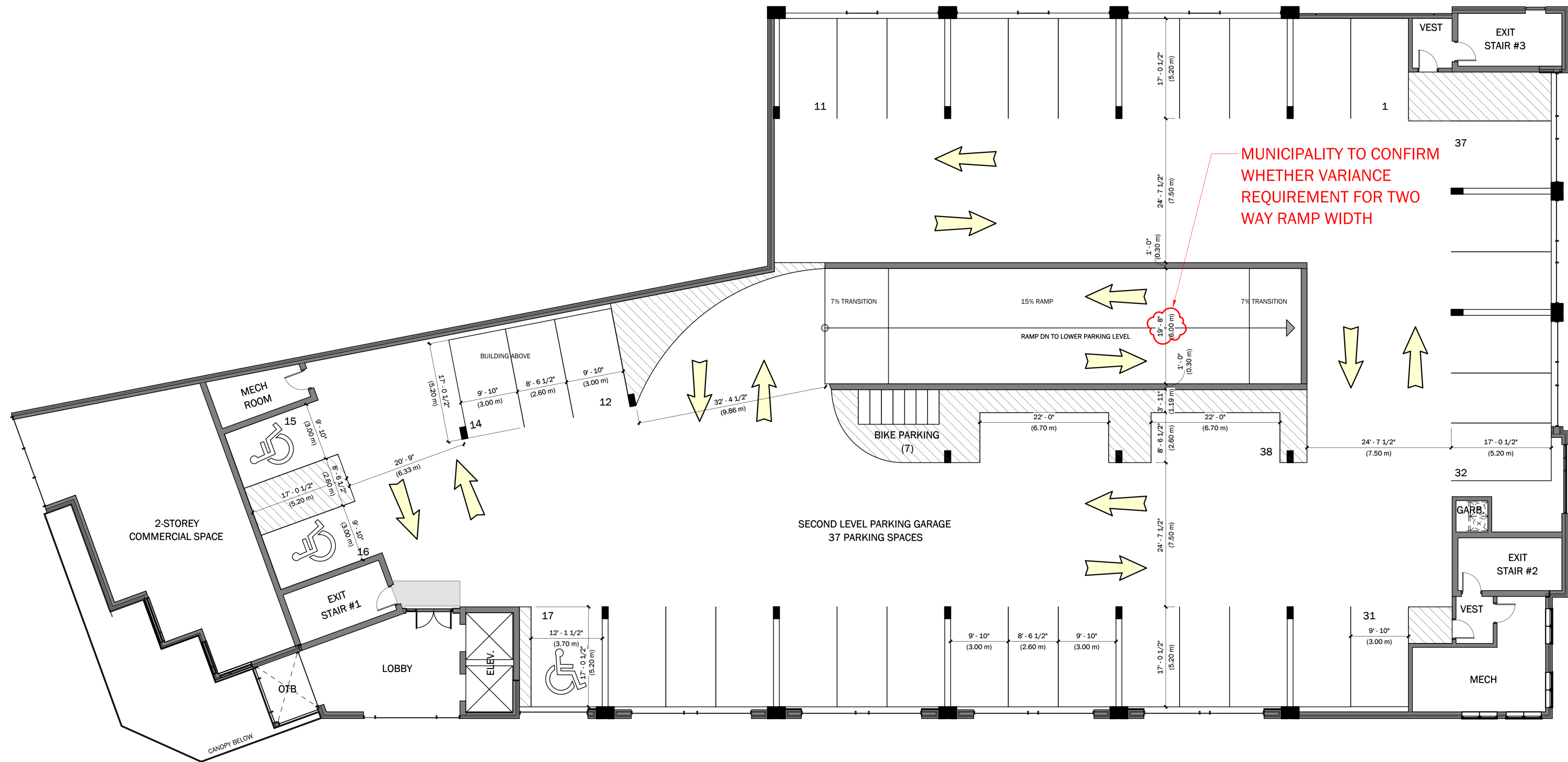
A · C · K
architects
STUDIO INC.

1ST FLOOR PLATE

DWG. No.

A1

SCALE: AS SHOWN
DATE: MARCH 2023
PROJECT No.: 2023-144



2ND FLOOR PLATE
 1" = 10'-0"
 16,622 S.F +/-

* DISCLAIMER: ISSUED FOR PRELIMINARY DESIGN DISCUSSION ONLY

NORTH PORT ISLAND HEIGHTS

48, 56 & 56 1/2 MAIN STREET W. & 179 MELLANBY AVE, PORT COLBORNE,
 ON L3K 2L6

A · C · K
 architects
 STUDIO INC.

2ND FLOOR PLATE

DWG. No.

A2

SCALE: AS SHOWN
 DATE: MARCH 2023
 PROJECT No.: 2023-144



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

RECEIVED
NOV 22 2024

For Office Use Only

Date Received: _____

Date of Completion: _____

Application Complete: Yes No

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

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

2024 APPLICATION FEES

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

COMPLETENESS OF APPLICATION

A complete application includes all required forms, fees, and applicable sketches, as well as any additional information that may be identified by the Secretary-Treasurer in accordance with the provisions under *the Planning Act, R.S.O. 1990, c.P. 13*, as amended.

To be considered complete, submitted applications must include:

- ✓ One fully completed application for minor variance or permission signed by the applicant(s) and/or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- ✗ A letter of authorization from the property owner, if applicable.
- ✓ **Two (2) copies** of a completed preliminary drawing (see the "Drawing Requirements" section).
- ✓ Payment of the appropriate fee submitted at the time of application through cash, credit, debit, or cheque payable to the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) if required by the Region, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the Niagara Region. If payment is submitted to the Region directly, please submit the receipt to the City of Port Colborne. Failure to pay the Region's fee may result in an incomplete application. The Region's fees are available on its website, https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Payment of the appropriate NPCA fee, if required, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the NPCA. If payment is submitted to the NPCA directly, please submit the receipt to the City of Port Colborne. Failure to pay the NPCA's fee may result in an incomplete application.

***Note:** Additional information may be required once a full review has been completed by planning staff. This may prevent deferral of your application. *

DRAWING REQUIREMENTS

Please submit two copies of each separate plan along with your completed application. Ensure that all the information below is included in the plan(s). Depending on the extent of the proposal, the **Planning Division may request a sketch prepared by a professional, and the Committee may require (at the discretion of the Manager of Planning Services) that the sketch be signed by an Ontario Land Surveyor.** This requirement can be clarified by the Planning Staff. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g., 1:100, 1:300, 1:500].

To be considered complete, each sketch must identify:

1. The boundaries and dimensions of the land / lot.
2. The location and nature of any easement affecting the land, if applicable.
3. The location, size, height, and type of all existing and proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
4. The parking areas, loading spaces, driveway entrance / exits.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant of any additional information and/or fees required by these agencies (ie. Niagara Region, Niagara Peninsula Conservation Authority). If applicable, the applicant must submit this additional information and/or pay the additional fees for their application to be deemed complete. Once the application is deemed complete, a hearing date will be confirmed in writing by the Secretary-Treasurer.

Prior to the hearing, members of the Committee may choose to conduct a site visit and/or contact the applicants. **Please note that the Committee should not be contacted by members of the public.** Any comments, questions, or concerns should be addressed through the Planning Division.

Following the hearing, the applicant/agent/solicitor will be notified of the Committee's decision in a written Notice of Decision. In addition, any other person or agency who filed a written request for the Committee's decision will be sent a copy. Any applicant objecting to the decision of the Committee, or the condition(s) imposed by the Committee may appeal the decision to the Local Planning Appeal Tribunal within 20 days after the Notice of Decision has been given. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related minor variance appeal.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 meters of a water course; on or within 30 meters of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within a groundwater recharge / discharge area, aquifer, or headwater on the property or within 30 meters of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: <u>STEPHEN FISHER</u>	Date: <u>11/20/2021</u>	Initials: <u>SA</u>



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: 1000367026 Ontario Inc.	
Mailing Address: 10 Wilfrid Laurier Cres.	
City: St. Catharines	Province: ON
Postal Code: L2P 0A1	Telephone: 613-979-8322
Fax:	Email: stephanie@eprime.ca / stephen@eprime.ca
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Chambers and Associates Surveying Ltd.	
Mailing Address: 12 Thorold Rd E	
City: Welland	Province: ON
Postal Code: L3C 3T2	Telephone: (905) 735-7841
Fax:	Email: don@casl-surveying.com
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Humberstone	
Concession No.	Lot(s):
Registered Plan No. 784	Lot(s): 27
Reference Plan No. BB68870	Part(s):
Name of Street: Mellanby Ave / Main St	Street No. 179 / 56-56.5

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 20.12 m	Depth: 80.66 m	Area: 2,562.5 m2
Existing Use: Mix of Downtown Commercial and Residential		
Proposed Use: Mixed-Use Condominiumized Apartment		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: Downtown Commercial		
Regional Policy Plan: Built-Up Area (Urban Area)		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
DC-79-H		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
January 2023	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
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.	
Green Leaf Financial (V) Limited (GLFVL) - 717 Diltz Road, Dunnville, ON N1A 2W2	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
1911 / 1930s	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, please indicate the meeting date: _____	

SECTION 5: NATURE & EXTENT OF RELIEF FROM THE ZONING BY-LAW

5.1 Nature and Extent of Relief from the Zoning By-law:

Relief is requested from Zoning By-law Section 3.1.1 requirement for 1.25 parking spaces per unit.

A parking ratio of 1 parking space per unit is requested, to align with City Staff's recommendation report during the zoning by-law amendment process (attached within this application package).

5.2 Why is it not possible to comply with the Zoning By-law?

A suitable arrangement for parking spaces, over and above the Staff recommended 1 parking spaces per unit in the Staff Report for ZBA for this property, could not be reached with the St. Lawrence Seaway Authority.

Council made an amendment to Staff's proposed zoning by-law amendment in the hopes that additional parking could be made available in Lock 8 Park, requesting 1.25 spaces per unit. A design has been re-engineered to accommodate as many spaces as possible within the constraints of the contained parcel area and, as per the initial Staff Report and Planning Justification report, the ratio of 1:1 can be effectively achieved.

5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?

Yes
 No

5.4 If the answer to 5.3 is YES, has a building permit been issued?

Yes
 No

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

File Number: X

Decision: X

SECTION 6: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

8.1 ALL EXISTING USE

<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other (specify):
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	

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

Since 1911 / 1930

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

Yes No

If Yes, briefly describe and indicate their use.
Commercial Retail Space and Residential Units

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

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X

11/20/2024

Date

X

Signature of Owner

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

11/20/2024
Date

[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 Stephen Fisher, President
Of the City/Town/Township of St. Catharines
In the County/District/Regional Municipality of Niagara

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City of Port Colborne
In the Region of Niagara
This 21st day of November
20 24.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS
 [Signature]
Signature of applicant(s), solicitor, or authorized

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

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

POSTING OF PUBLIC HEARING SIGN

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

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

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

I/We Stephen Fischer, President 1000367026 Ontario Inc. am/are the owner(s) of the land subject to this application for a Minor Variance and I/We agree to post the required sign(s) a minimum of 14 days prior to the hearing and will remain posted, and replaced, if necessary, until the day following the hearing.

X

Signature of Owner/Agent

X

Date

X

Signature of Owner/Agent

X

Date

11/20/2024

PERMISSION TO ENTER

I/We Stephen Fischer, President 1000367026 Ontario Inc. am/are the owner(s) of the land subject to this application for a Minor Variance and I/We authorize the members of the Committee of Adjustment and the City of Port Colborne Planning Staff to enter onto the property for the purpose of evaluating the merits of the application(s).

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

X

Signature of Owner

X

Date

11/20/2024

X

Signature of Owner

X

Date



Fw: Millar's Crossing Notification

From Diana Vasu <Diana.Vasu@portcolborne.ca>

Date Fri 2/7/2025 10:15 AM

To DENNIS COLLINGWOOD

Cc David Schulz <David.Schulz@portcolborne.ca>; Taya Taraba <Taya.Taraba@portcolborne.ca>

Good morning Dennis,

Sorry I just missed your call! Your comments have been received, with thanks.

I will be sure to address them in my recommendation report, which will be published later today as part of the agenda for the February 12th Committee of Adjustment hearing.

Taya, could you kindly ensure these comments are included in the agenda package to be published today?

Thank you all,
Diana



PORT COLBORNE



www.portcolborne.ca

Diana Vasu
Planner
City of Port Colborne

Phone 905-228-8120

Email Diana.Vasu@portcolborne.ca

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

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by telephone, fax or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.

From: DENNIS COLLINGWOOD
Sent: Friday, February 7, 2025 10:04 AM
To: Diana Vasu <Diana.Vasu@portcolborne.ca>
Subject: Re: Millar's Crossing Notification

Good morning Diana

I've decided to submit my comments and concerns through this email. Please forward it on my behalf.
Thank you

Good evening Committee members;

My name is Dennis Orosz residing at 53 Main St., West directly across Main St West north of the proposed development.

The application to amend bylaw parking ratio to 1:00 from 1:25 is ludicrous for anyone to consider. Living across from the proposed site, I observe the use of Lock 8 parking lot as well as the Heritage Information Centre on the south west corner of Main st and Mellanby Ave. Particularly during spring, summer and fall, there are many people that use the park for family activities and to observe the ship traffic in the Canal.

To allow the request to amend the bylaw would create an even more overwhelming amount of vehicles in the immediate area.

To think that each apartment owner only has one vehicle is not realistic these days. Allowing the bylaw change would overflow to the Information Centre, private properties in the immediate area as well as Mellanby South residential areas.

My question I shall ask, where will you park the secondary vehicle (for those apartment owners who), where do visitors park, where do PSW park for those who may require that service? Also in the development there is Commercial space proposed. Where do customers/clients park for those businesses?

Please understand I do not oppose new development in our City. However I feel the proposed development is not suited for this location as is.

I strongly oppose the request to amend the Bylaw and developers should consider downsizing the building to 4-5 stories to accommodate our existing 1:1.25 parking ratio at minimum.

Thank you,
Dennis Orosz



PORT COLBORNE

City of Port Colborne

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

Development and Government Relations Department

Planning Division Report

February 7, 2025

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

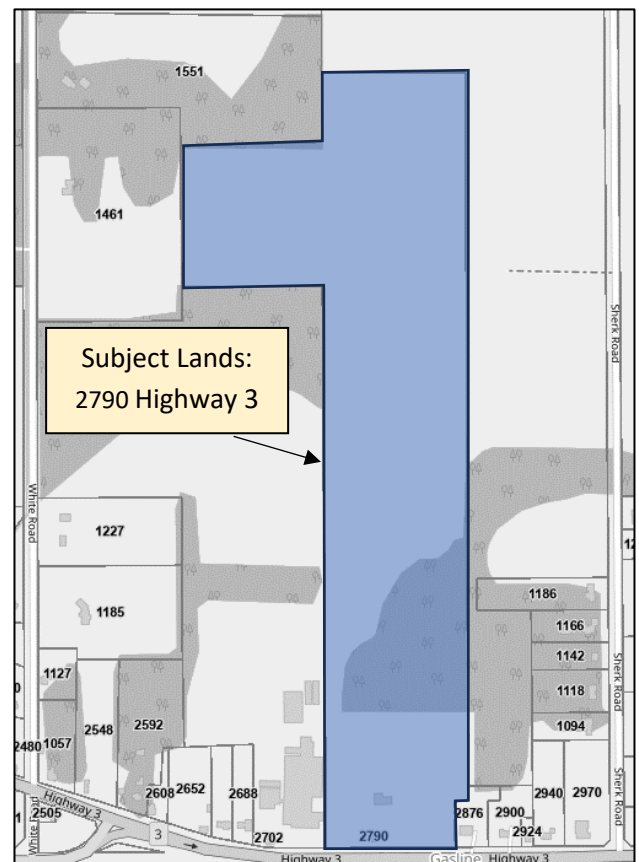
**Re: Application for Consent B03-25-PC
Concession 2, Part of Lots 13 and 14
2790 Highway 3
Agent: Carol Moroziuk
Owner(s): Francis and Paula Sneek**

Proposal

The purpose and effect of this application is to permit the adjustment of the interior lot boundary line between 2790 Highway 3 and 2702 Highway 3. The application proposes to convey Part 1 on the proposed severance sketch attached as Appendix A, having 47.51 metres of frontage along Highway 3 and an area of 8,960 square metres (0.9 hectares), to 2702 Highway 3 for an existing commercial use. Part 2 will retain a lot frontage of 136.79 metres on Highway 3 with a lot area of 25.51 hectares (255,100 square metres) for an existing commercial use.

Surrounding Land Uses and Zoning

The southern portion of the subject lands, which are the subject of this application, are in the Hamlet Commercial (HMC) zone; the northern portion of the lot is zoned Agricultural (A). The parcels surrounding the subject lands are zoned HMC to the west, Hamlet Residential (HR) to the south and east, and A to the north. The surrounding uses consist primarily of residential dwellings to the south and east, a greenhouse to the west, and agricultural operations to the north.



Environmentally Sensitive Areas

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. The subject property also features a Provincially Significant Wetland and a Regulated Floodplain. 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 February 7, 2025.

Public Comments

Notice was circulated on January 28, 2025, to properties within 60 metres of the subject lands, in accordance with section 44 (5) of the *Planning Act*. As of February 7, 2025, no comments from the public have been received.

Agency Comments

Notice of the application was circulated on January 8, 2025, to internal City departments and external agencies. As of February 7, 2025, the following comments have been received.

Niagara Region

Regional Growth Management and Planning staff offer no objection to the proposed consent (boundary adjustment) application and are satisfied the proposal is consistent with the PPS and conforms to Regional policy.

Note: Full comments are included in the Committee of Adjustment agenda package dated February 7, 2025.

NPCA

The subject location for the proposed boundary adjustment for the purpose of merging two lots does not contain and is not impacted by NPCA Regulated Features. Therefore, the NPCA has no objection to the proposed consent.

Note: Full comments are included in the Committee of Adjustment agenda package dated February 7, 2025.

Drainage Superintendent

The subject parcel is within the Beaver Dam Drain watershed. As such, a drainage apportionment agreement will be required. Once the deposited plan has been provided to the planning department, the applicant will have the option of the apportionment agreement being completed by an approved engineer at the cost of the applicant or having the City Drainage Superintendent complete the agreement. It is recommended that a mutual drain be established if the parcels do not drain independently of one another.

Staff Response

A drainage apportionment agreement has been included as a condition of the severance.

Fire Department

No objections.

Engineering Technologist

No objections.

Discussion

This application was reviewed with consideration of applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and Zoning By-law 6575/30/18.

Provincial Planning Statement (PPS)

The subject lands are identified as a Rural Settlement Area in the PPS. Section 2.5.1 of the PPS provides that healthy, integrated and viable rural areas should be supported, in part, by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.

Section 2.5.2 provides that rural settlement areas shall be the focus of growth and development. Section 2.5.3 states that, when directing development in rural settlement areas in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels. Section 2.5.3 also permits growth and development to be directed to rural lands in accordance with policy 2.6.

Section 2.3.1.2 encourages land use patterns within settlement areas to be based on a mix of land uses which efficiently use land and resources and optimize infrastructure. Section 2.6.4 encourages planning authorities to support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

Planning staff are satisfied that the boundary adjustment application is consistent with the PPS. The proposal to adjust the boundaries to support an existing commercial use supports the provincial requirement to direct growth and development to settlement areas, including rural settlement areas. Given that no physical development of the site is proposed, the application maintains the locally appropriate rural characteristics and service levels that have already been established on the subject lands. The boundary adjustment will assist the greenhouse operation at 2702 Highway 3, encouraging an efficient mix of land uses and supporting a diversified rural economy.

Niagara Official Plan (NOP)

The subject lands are within the Rural Settlement of Gasline designation in the NOP. The NOP permits a limited amount of development outside of urban areas to achieve the employment and population forecasts in Table 2-1. Rural Settlements are to be the focus of development outside of the urban area boundaries and should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area. There should be adequate amenities to serve the needs of rural residents, area businesses, and surrounding nearby agricultural community, active transportation infrastructure should be considered, increased resilience to climate change should be considered, and the Region's natural environment system should be protected.

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. NOP policy 3.1.4.9 states that applications for a lot boundary adjustment shall avoid the fragmentation of Significant Woodlands. The subject land is also mapped within Schedule K as an area of archaeological potential, where development and site alteration are not permitted unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Planning staff are satisfied that the proposed consent application conforms to the NOP. The proposal is to facilitate a boundary adjustment, resulting in no physical development or site alteration. The boundary adjustment is proposed in a location that will not fragment the Significant Woodlands. Archaeological conservation and private servicing requirements have been met as no physical development or site alteration has been proposed as a result of this application.

City of Port Colborne Official Plan (OP)

The subject lands are within the Hamlet designation in the OP. The Hamlet designation permits commercial and special agricultural uses, severances, and intensification. Proposals for the creation of new lots in the Hamlet designation are considered in accordance with the provisions of section 2.4.3 of the Official Plan, which encourages limited intensification and infill in Hamlets, and are also assessed by the policies of section 3.3.4, which provide that sections 3.2.2 and 3.2.4 apply. Section 3.2.4 sets out the requirements for severing a property, while section 3.3.2 outlines the requirements for intensification and infill.

Planning staff are satisfied that the proposal meets the requirements of the OP. An Ontario Land Surveyor sketch has been submitted. The boundary adjustment application has been requested to convey a portion of the property to an adjacent landowner, as supported by section 3.2.4 (d) (i); no new lots are being proposed by this application. If approved, both 2702 and 2790 Highway 3 will maintain their compliance with the Zoning By-law, as required by section 3.3.2 (b) (iii). No Minimum Distance Separation formula was required as the property is within a settlement area.

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

The lands subject to this application are in the Hamlet Commercial (HMC) zone in Zoning By-law 6575/30/18. Planning staff note that the northern portion of the property is in the Agricultural (A) zone, but the lands subject to this application are contained in the HMC portion to the south of the property. The application proposes to leave the following dimensions:

Part 1 (to be added to 2702 Highway 3): A lot frontage of 47.51 metres and a lot area of 8,960 square metres (0.9 hectares).

Part 2 (remanent parcel): A lot frontage 136.79 metres and a lot area of 25.51 hecatres (255,100 square metres).

Planning staff are satisfied that all applicable zoning requirements will be met. The requirements to create a new lot in the HMC zone are 15 metres of lot frontage and 0.5 hectares which have been acheived as a part of this application.

Recommendation:

Given the information above, Planning staff recommend application B03-25-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcel or a registrable legal description of the subject parcel, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That all conditions of consent be completed by February 12, 2027.

For the following reasons:

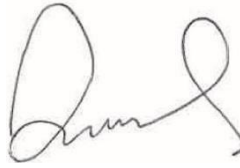
1. The application is consistent with the Provincial Planning Statement and conforms to the Niagara Official Plan, City of Port Colborne Official Plan, will comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,



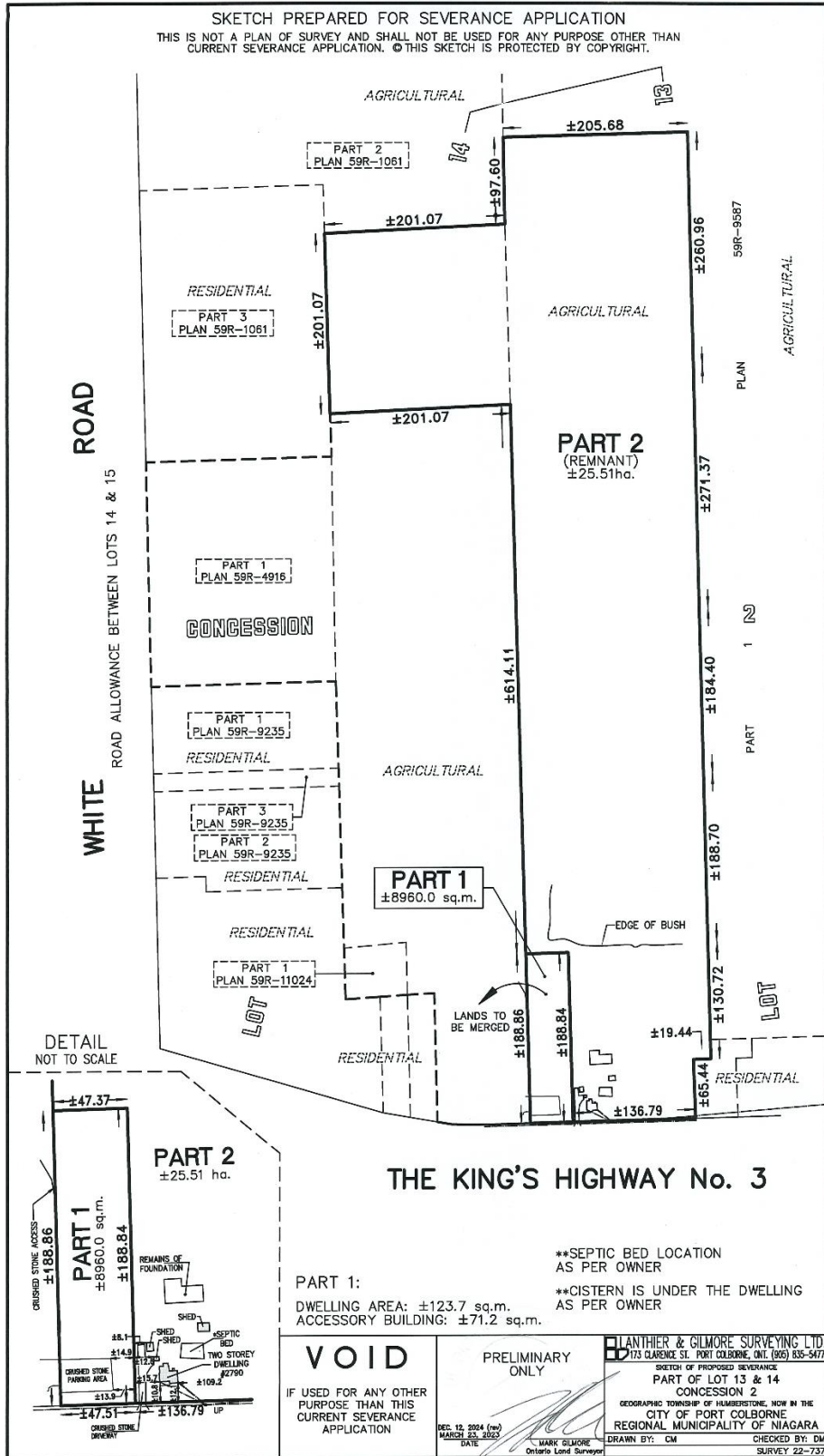
Diana Vasu, BA, MA
Planner

Submitted by,



David Schulz, BURPI, MCIP, RPP
Manager of Planning

Appendix A



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

ROAD

ROAD ALLOWANCE BETWEEN LOTS 14 & 15

WHITE

AGRICULTURAL

PART 2
PLAN 59R-1061

RESIDENTIAL
PART 3
PLAN 59R-1061

PART 1
PLAN 59R-4916

CONCESSION

PART 1
PLAN 59R-9235

RESIDENTIAL

PART 3
PLAN 59R-9235
PART 2
PLAN 59R-9235

RESIDENTIAL

RESIDENTIAL

PART 1
PLAN 59R-11024

LOT

RESIDENTIAL

PART 1
±8960.0 sq.m.

PART 2
(REMNANT)
±25.51ha.

AGRICULTURAL

59R-9587

PLAN

AGRICULTURAL

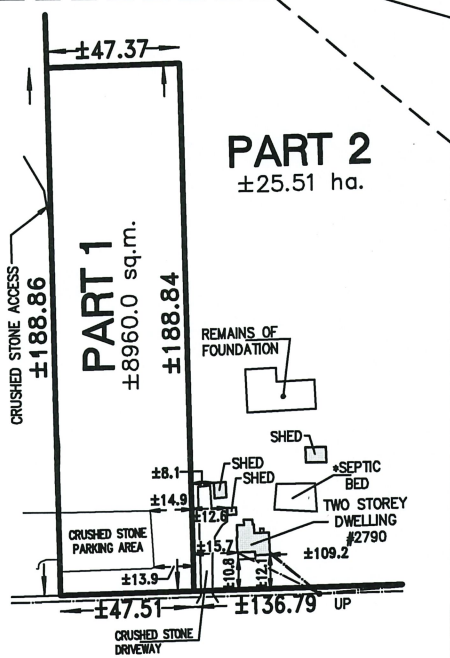
2

1

PART

LOT

DETAIL
NOT TO SCALE



PART 2
±25.51 ha.

THE KING'S HIGHWAY No. 3

PART 1:

DWELLING AREA: ±123.7 sq.m.
 ACCESSORY BUILDING: ±71.2 sq.m.

**SEPTIC BED LOCATION
AS PER OWNER

**CISTERN IS UNDER THE DWELLING
AS PER OWNER

VOID

IF USED FOR ANY OTHER
PURPOSE THAN THIS
CURRENT SEVERANCE
APPLICATION

PRELIMINARY
ONLY

DEC 12, 2024 (REV)
MAY 23, 2023
DATE

MARK GILMORE
Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.
 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
 SKETCH OF PROPOSED SEVERANCE
 PART OF LOT 13 & 14
 CONCESSION 2
 GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW IN THE
 CITY OF PORT COLBORNE
 REGIONAL MUNICIPALITY OF NIAGARA
 DRAWN BY: CM CHECKED BY: DM
 SURVEY 22-737



For Office Use Only

Date Received: _____ Application Complete: Yes No
Date of Completion: _____

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

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

2024 APPLICATION FEES

Consent (New Lot)	\$1,926	Changes to Consent Conditions	\$601
Easement	\$1,323	Final Certification Fee	\$240
Lot Addition / Boundary Adjustment	\$1,323	Validation of Title	\$1,083

COMPLETENESS OF APPLICATION

A complete application includes all required forms, fees, and applicable sketches, as well as any additional information that may be identified by the Secretary-Treasurer in accordance with the provisions under *the Planning Act, R.S.O. 1990, c.P. 13, as amended.*

To be considered complete, submitted applications must include:

- One fully completed application for consent signed by the applicant(s) and/or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the property owner, if applicable.
- **Two (2) copies** of a sketch prepared by a licensed Land Surveyor, reduced to legal size.
- Payment of the appropriate fee submitted at the time of application through cash, credit, debit, or cheque payable to the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) if required by the Region, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the Niagara Region. If payment is submitted to the Region directly, please submit the receipt to the City of Port Colborne. Failure to pay the Region's fee may result in an incomplete application. The Region's fees are available on its website, https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Payment of the appropriate NPCA fee, if required, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the NPCA. If payment is submitted to the NPCA directly, please submit the receipt to the City of Port Colborne. Failure to pay the NPCA's fee may result in an incomplete application.

***Note: Additional information may be required once a full review has been completed by planning staff. This may prevent deferral of your application. ***

DRAWING REQUIREMENTS

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

1. As provided for in Section 14 of Ontario Regulation 197/96, as amended, and as required by this Committee of Adjustment, an application must be accompanied by **two (2)** copies of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor.
2. One (1) copy of each separate type of plan reduced to legal size.
3. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
4. One (1) copy of a Registered Deed including full legal description of the subject lands.

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant of any additional information and/or fees required by these agencies (ie. Niagara Region, Niagara Peninsula Conservation Authority). If applicable, the applicant must submit this additional information and/or pay the additional fees for their application to be deemed complete. Once the application is deemed complete, a hearing date will be confirmed in writing by the Secretary-Treasurer.

Prior to the hearing, members of the Committee may choose to conduct a site visit and/or contact the applicants. **Please note that the Committee should not be contacted by members of the public.** Any comments, questions, or concerns should be addressed through the Planning Division.

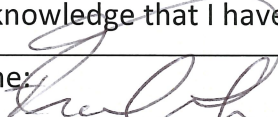
Following the hearing, the applicant/agent/solicitor will be notified of the Committee's decision through a written Notice of Decision. In addition, any other person or agency who filed a written request for the Committee's decision will be sent a copy.

Any applicant objecting to the decision of the Committee, or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the notice of decision has been given. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related consent appeal.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the *Planning Act*, if the consent granted by the Committee is conditional, the conditions must be fulfilled within two years of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 meters of a water course; on or within 30 meters of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 meters of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: 	Date: Dec. 16 2024	Initials: FS



SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Francis & Paula Sneek	
Mailing Address:	
City: Port Colborne	Province: Ontario <input type="text"/>
Postal Code:	Telephone: 289-241-6455
Fax:	Email: fandpsneek@gmail.com
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province: <input type="text"/>
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name: Carol Moroziuk	
Mailing Address: 243 Killaly Street East	
City: Port Colborne	Province: Ontario <input type="text"/>
Postal Code: L3K1P2	Telephone: 905-736-9739
Fax:	Email: clmoroziuk@gmail.com
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Lanthier & Gilmore Surveying Ltd	
Mailing Address: 173 Clarence Street	
City: Port Colborne	Province: Ontario <input type="text"/>
Postal Code:	Telephone: 905-835-5477
Fax:	Email: info@lanthierandgilmore.ca
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: Humberstone	
Concession No. 2	Lot(s): Part of Lots 13 & 14
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Highway 3	Street No. 2790

SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))		
<input type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input checked="" type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement
Reason for proposed transaction: Boundary adjustment to merge lands occupied by the Mill Greenhouse and Garden Centre to their property		
3.2 If a lot addition, identify the lands to which the parcel will be added:		
Lands to be merged with the lands of The Mill Greenhouse directly to the west of the subject lands		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:		
The Mill Greenhouse and Garden Centre Ltd.		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 1

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 47.51m	Depth: 188.86m	Area: 8960.0 sq.m.
Existing Use: Agricultural		
Proposed Use: Agricultural		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 136.79 m	Depth: 1101.64m	Area: 25.51 ha
Existing Use: Agricultural		
Proposed Use: Agricultural		

SECTION 6: SUBJECT LAND INFORMATION

6.1 What is the current designation of the land in the Official Plan and the Regional Plan?	
Port Colborne Official Plan: Hamlet	
Regional Policy Plan: Hamlet	
6.2 What is the Zoning of the land (By-law 6575/30/18)?	
HMC	
6.3 Date the Subject Land was acquired by the Current Owner:	
12/13/02	
6.4 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

6.5 MORTGAGES, Charges & Other Encumbrances:		
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.		
None		
6.6 Type of ACCESS		
<input checked="" type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained seasonally	
6.7 What type of WATER SUPPLY is proposed?		
<input type="checkbox"/> Publicly owned and operated piped water supply		
<input type="checkbox"/> Lake		
<input checked="" type="checkbox"/> Well (private or communal)		
<input type="checkbox"/> Other (specify):		

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

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

SECTION 7

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

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

File Number:
Decision:

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

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

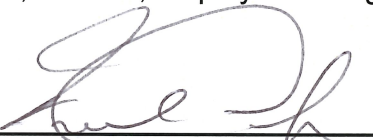
8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" 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 type="checkbox"/> No	<input checked="" 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 type="checkbox"/> No	<input checked="" 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 type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown
8.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<p>If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.</p> <p>*Possible uses that can cause contamination include operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities, and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry-cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.</p>		

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X

Date



X

Signature of Owner

Dec. 16 24

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Dec. 16/24
Date

X Carol Morozziuk
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 Carol Morozziuk
Of the City/Town/Township of Port Colborne, ON
In the County/District/Regional Municipality of Niagara

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City of Port Colborne
In the Region of Niagara
This 16th day of December
20 24. Tayatawada

A Commissioner, etc
Tayatawada, a Commissioner, etc
Province of Ontario, for the Corporation
of the City of Port Colborne.
Expires January 31, 2027.

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

X Carol Morozziuk

Signature of applicant(s), solicitor, or authorized

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

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 type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown
9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.3 Is the property located on or within 30 metres of the Lake Erie shoreline?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.4 Is there a valley slope on the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" 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

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

X Carol Moroziuk
Signature of Owner/Agent

X Dec. 16/24
Date

X
Signature of Owner/Agent

X
Date

PERMISSION TO ENTER

I/We Francis & Paula Sneed am/are the owner(s) of the land subject to this application for Consent and I/We authorize the members of the Committee of Adjustment and the City of Port Colborne Planning Staff to enter onto the property for the purpose of evaluating the merits of the application(s).

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

X
Signature of Owner

X
Date

X
Signature of Owner

X
Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We Francis & Paula Sneek am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize Carol Moroziuk as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

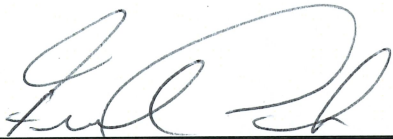
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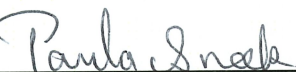
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X 
Signature of Owner/Agent

X Dec. 16 '24
Date

X 
Signature of Owner/Agent

X Dec. 16/24
Date

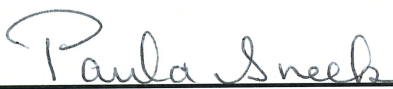
PERMISSION TO ENTER

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

X 
Signature of Owner

X Dec. 16 '24
Date

X 
Signature of Owner

X Dec. 16/24
Date


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

I/We Francis & Paula Sneek am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize Carol Moroziuk as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

X 
Signature of Owner

X Dec. 16 '24
Date

X Paula Sneek
Signature of Owner

X Dec. 16/24
Date

X Moroziuk
Signature of Agent

X Dec. 16/24
Date

SUGGESTION TO THE APPLICANT

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

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. This pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries, and other relevant information which may have a direct effect upon the final decision on your application.

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
General Planning Department
(905) 835-2900, Ext. 286
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Engineering Technologist
(905) 835-2900, Ext. 226
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Building Clerk
(905) 835-2900, Ext 229
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement (PPS)* available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement

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

January 24, 2025

Region File: PLCS202401880

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 Consent Application
City File: B03-25-PC
Owners: Francis and Paula Sneek
Agent: Carol Moroziuk
2790 Highway 3
City of Port Colborne**

Regional Growth Management and Planning staff has reviewed the proposed Consent application for lands municipally known as 2790 Highway 3 in the City of Port Colborne.

The application proposes a boundary adjustment to merge Part 1 to the neighbouring property to the west (2702 Highway 3) used for commercial purposes. Part 2 is to be retained for an existing commercial use.

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 land is within the 'Rural Settlement Area' under the *Provincial Planning Statement, 2024* (PPS) and designated 'Rural Settlement of Gasline' in the *Niagara Official Plan, 2022* (NOP).

The PPS states that within rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. Consideration to rural characteristics, the scale of development, and the provision of appropriate service levels shall be considered when directing development to this area.

The NOP builds on the direction of the PPS and notes that a limited amount of development will occur outside of urban areas to achieve the employment and population forecasts in Table 2-1. Rural Settlements are to be the focus of development outside of the urban area boundaries and should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area. There should be adequate amenities to serve the needs of rural residents, area businesses, and surrounding nearby agricultural community, active transportation infrastructure should be considered, increased resilience to climate change should be considered, and the Region's natural environment system should be protected. Furthermore, rural settlements will be serviced by sustainable private water and wastewater treatment systems.

Staff acknowledge that the proposal is to facilitate a boundary adjustment, resulting in no physical development or site alteration. Subject to the below comments, staff offer no objection to the proposal.

Natural Environment System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. NOP policy 3.1.4.9 states that applications for a lot boundary adjustment shall avoid the fragmentation of Significant Woodlands. The boundary adjustment meets these requirements, and as such, staff offer no requirements.

Staff advise that future *Planning Act* applications, involving development or site alteration proposed within 120 metres of the Significant Woodland, will require the completion of an Environmental Impact Study (EIS) to demonstrate that there will be no negative impact on the features or their ecological function.

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. As the proposal is for a boundary adjustment resulting in no physical development or site alteration, staff offer no archaeological assessment requirements.

Staff advise that future *Planning Act* applications involving development or site alteration on the property will require an archaeological assessment to be completed.

Private Sewage System

The retained parcel (part 2) known as 2790 Highway 3 is serviced by a class 4 sewage system. A two-compartment septic tank was exposed east of the dwelling. The inground leaching field appears to be located to the East side of the dwelling however, the exact location is unknown. At the time of inspection the property was covered in snow; however, no defects were found with the septic system. The proposed property line appears to meet all setbacks required by the Ontario Building Code to the existing sewage system. There is plenty of useable area on the retained parcel (Part 2) for a new class 4 sewage system to be installed should one be needed in the future.

Part 1 is to be severed off and merged with 2702 Highway 3. The existing septic system for 2702 Highway 3 was not exposed during the inspection. The existing septic system is not negatively affected by acquiring Part 1 from Part 2.

Therefore, provided that no changes are proposed for the existing greenhouse operation or the existing dwelling on Part 2, Regional staff has no objection to the application as submitted.

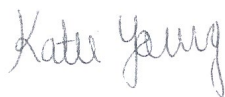
Conclusion

Regional Growth Management and Planning staff offer no objection to the proposed consent (boundary adjustment) application and are satisfied the proposal is consistent with the PPS and conforms to Regional policy.

Should you have any questions regarding the above comments, 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

RE: NPCA Comments: COA February 12th - Internal Circulation

From Kartiki Sharma <ksharma@npca.ca>
Date Mon 1/20/2025 11:10 AM
To Taya Taraba <Taya.Taraba@portcolborne.ca>

 1 attachment (795 KB)
2790 Highway 3- NPCA Map.pdf;

Good Morning Taya,

The NPCA has reviewed the CoA Applications for the February 12th, 2025 Hearing and can offer the following comments:

1. 2790 Highway 3, Consent Application, B03-25-PC

- The NPCA has reviewed the Consent Application for the subject property. Based on the NPCA Mapping the subject location for the proposed boundary adjustment for the purpose of merging two lots does not contain and is not impacted by NPCA Regulated Features. Therefore, the NPCA has no objection to the proposed consent.
Please be advised that the Northern part of the subject property is impacted by the following
- NPCA Regulated Features:
 - Provincially Significant Wetland and associated 30m buffer
 - Regulated Floodplain
- 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.

Please let me know if you have any questions.

Kind Regards,



Kartiki Sharma
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

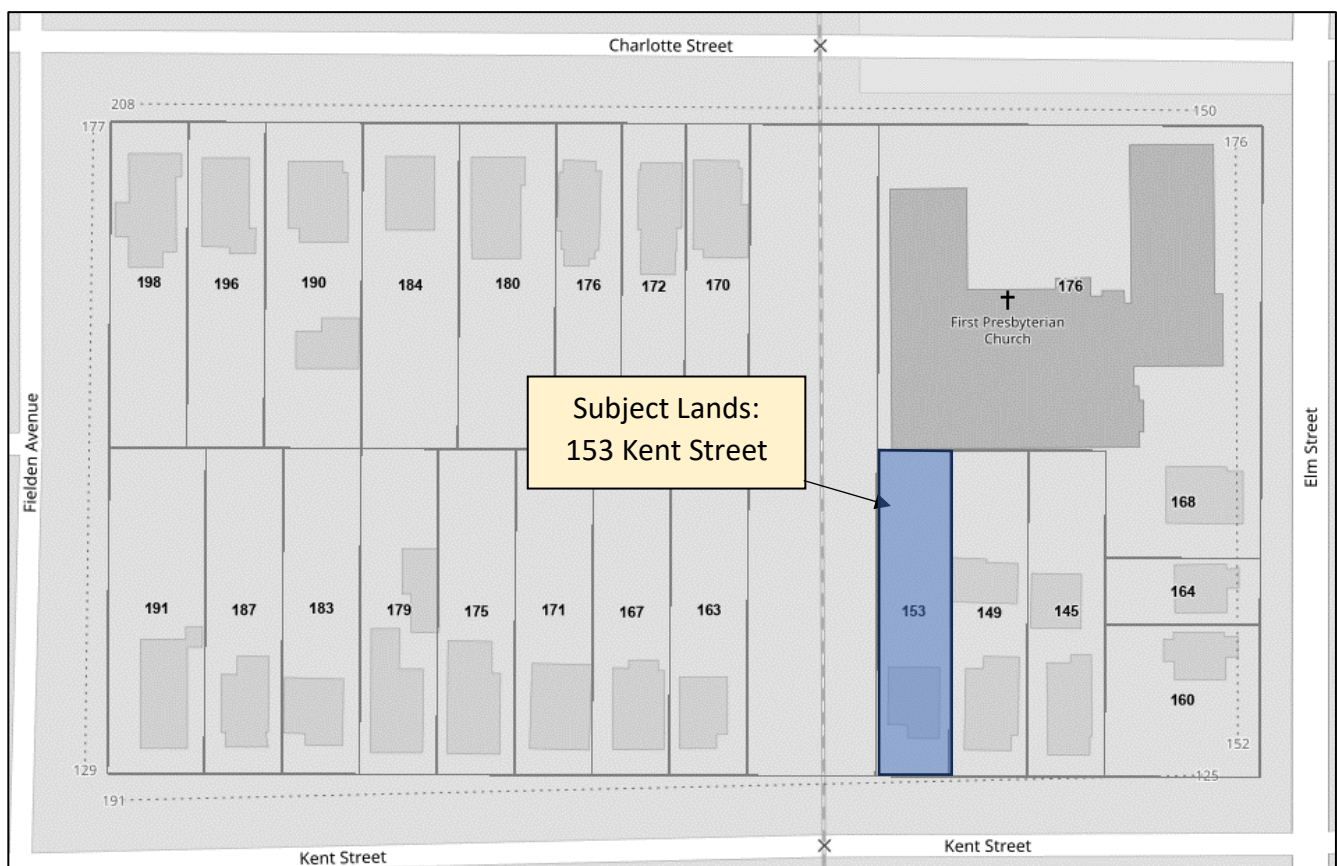
COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Consent Application File No. B04-25-PC

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P. 13, Section 53 (1)*;

AND IN THE MATTER OF the lands legally known as Plan 16, Lot 365, New Plan 854, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as 153 Kent Street;

AND IN THE MATTER OF AN APPLICATION by the agent Carol Moroziuk, on behalf of the owner Michael Smith, for consent to adjust the boundary of a property for the purposes of merging two lots. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 2, which contains a dwelling, is proposed to be merged with Part 1, which contains two accessory structures, for residential use. A sketch of the subject lands 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:** February 12, 2025
- 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, February 7, 2025**. 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.



PORT COLBORNE

City of Port Colborne

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

Development and Government Relations Department

Planning Division Report

February 7, 2025

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

**Re: Application for Consent B04-25-PC
Plan 16, Lot 365, New Plan 854
153 Kent Street
Agent: Carol Moroziuk
Owner(s): Michael Smith**

Proposal

The purpose and effect of this application is to permit the adjustment of the rear lot boundary line between 153 Kent Street and 176 Elm Street. The application proposes to convey Part 1 on the proposed severance sketch attached as Appendix A, to 176 Elm Street for residential use. Part 2 will retain a lot frontage of 11.58 metres on Kent Street with a lot area of 438.7 square metres for residential use.

Surrounding Land Uses and Zoning

153 Kent Street, the subject of this application, is in the Fourth Density Residential (R4) zone; 176 Elm Street is in a special provision of the R4 zone (R4-56). The parcels surrounding the subject lands are zoned R4 to the east and south, Downtown Commercial (DC) to the north, and Second Density Residential (R2) to the west. The surrounding uses consist primarily of residential dwellings to the east, west, and south, and a post office and office building to the north.



Environmentally Sensitive Areas

The subject property does not feature any environmentally sensitive areas.

Public Comments

Notice was circulated on January 28, 2025, to properties within 60 metres of the subject lands, in accordance with section 44 (5) of the *Planning Act*. As of February 7, 2025, no comments from the public have been received.

Agency Comments

Notice of the application was circulated on January 8, 2025, to internal City departments and external agencies. As of February 7, 2025, the following comments were received.

Drainage Superintendent

No objections.

Fire Department

No objections.

Engineering Technologist

No objections.

Discussion

This application was reviewed with consideration of applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and Zoning By-law 6575/30/18.

Provincial Planning Statement (PPS)

The subject lands are identified as a Settlement Area in the PPS. Section 2.3.1.1 states that settlement areas shall be the focus of growth and development. Section 2.3.1.2 encourages land use patterns within settlement areas to be based on densities and a mix of land uses which efficiently use land and resources, and optimize existing and planned infrastructure. Section 2.3.1.3 requires that planning authorities support redevelopment to support the achievement of complete communities.

Planning staff are satisfied that the boundary adjustment application is consistent with the PPS. The proposal to adjust the boundaries for existing residential uses supports the provincial requirement to direct growth and development to settlement areas. The proposed boundary adjustment would be for lots that are municipally serviced, contributing to a more efficient use of the existing infrastructure. The proposal contributes

toward the provision of an appropriate range and mix of housing by supporting the needs of two existing residential lots.

Niagara Official Plan (NOP)

The subject lands are within the Delineated Built-up Area designation in the NOP, which also classifies the lands as being within an Urban Area and a Settlement Area. The policies in section 2.2 of the NOP directs forecasted growth to settlement areas. Section 2.2.1.1 requires development in urban areas to support a diverse range and mix of housing types, unit sizes, and densities to accommodate housing needs. Housing options must consider the character of established residential neighbourhoods, and the development of a mix of residential built forms must be in appropriate locations to ensure compatibility with established residential areas.

Planning staff are satisfied that the proposed consent application conforms to the NOP. The proposal to facilitate a boundary adjustment will result in 153 Kent Street providing its surplus storage buildings to 176 Elm Street for additional storage space to support the apartment building. As no physical development or site alteration is proposed to result from this application, the structures on each property will remain compatible with the character of the established residential neighbourhood.

City of Port Colborne Official Plan (OP)

The subject lands are designated as Urban Residential in the OP. The Urban Residential designation (section 3.2 of the OP) permits residential uses, neighbourhood commercial uses, cemeteries, parks, schools, community facilities and institutional uses normally located in residential areas.

Section 3.2.2 and 2.4.3 outline the requirements for intensification and infill in the Urban Residential designation. Proposals for boundary adjustments in the Urban Residential designation are considered in accordance with the provisions of section 3.2.4 of the OP, which permits severances subject to the submission of a survey sketch prepared by a registered Ontario Land Surveyor and the proposed lots having frontage on a public road. Section 3.2.4 (d) allows boundary adjustments for the purpose of conveying part of a property to an adjacent landowner and for any other purpose that does not create a separate lot.

Planning staff are satisfied that the proposal meets the requirements of the OP. An Ontario Land Surveyor sketch has been submitted. The boundary adjustment application has been requested to convey part of a property to an adjacent landowner, as supported by section 3.2.4 (d) (i); no new lots are being proposed by this application. If approved, both 153 Kent Street and 176 Elm Street will maintain their compliance with the Zoning By-law, as required by section 3.3.2 (b) (iii). No Minimum Distance Separation formula was required as the property is within a settlement area.

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

The lands subject to this application are in the Fourth Density Residential (R4) zone in Zoning By-law 6575/30/18. The application proposes to leave the following dimensions:

Part 1 would be added to 176 Elm Street. Part 1 has a width of 11.58 metres, a depth of 14 metres, and an area of 162.1 square metres.

Part 2 would be the remanent parcel, retaining a lot frontage 11.58 metres and a lot area of 438.7 square metres.

Planning staff are satisfied that all applicable zoning requirements will be met, as the required.

Recommendation:

Given the information above, Planning staff recommend application B03-25-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcel or a registrable legal description of the subject parcel, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That all conditions of consent be completed by February 12, 2027.

For the following reasons:

1. The application is consistent with the Provincial Planning Statement and conforms to the Niagara Official Plan, City of Port Colborne Official Plan, will comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,



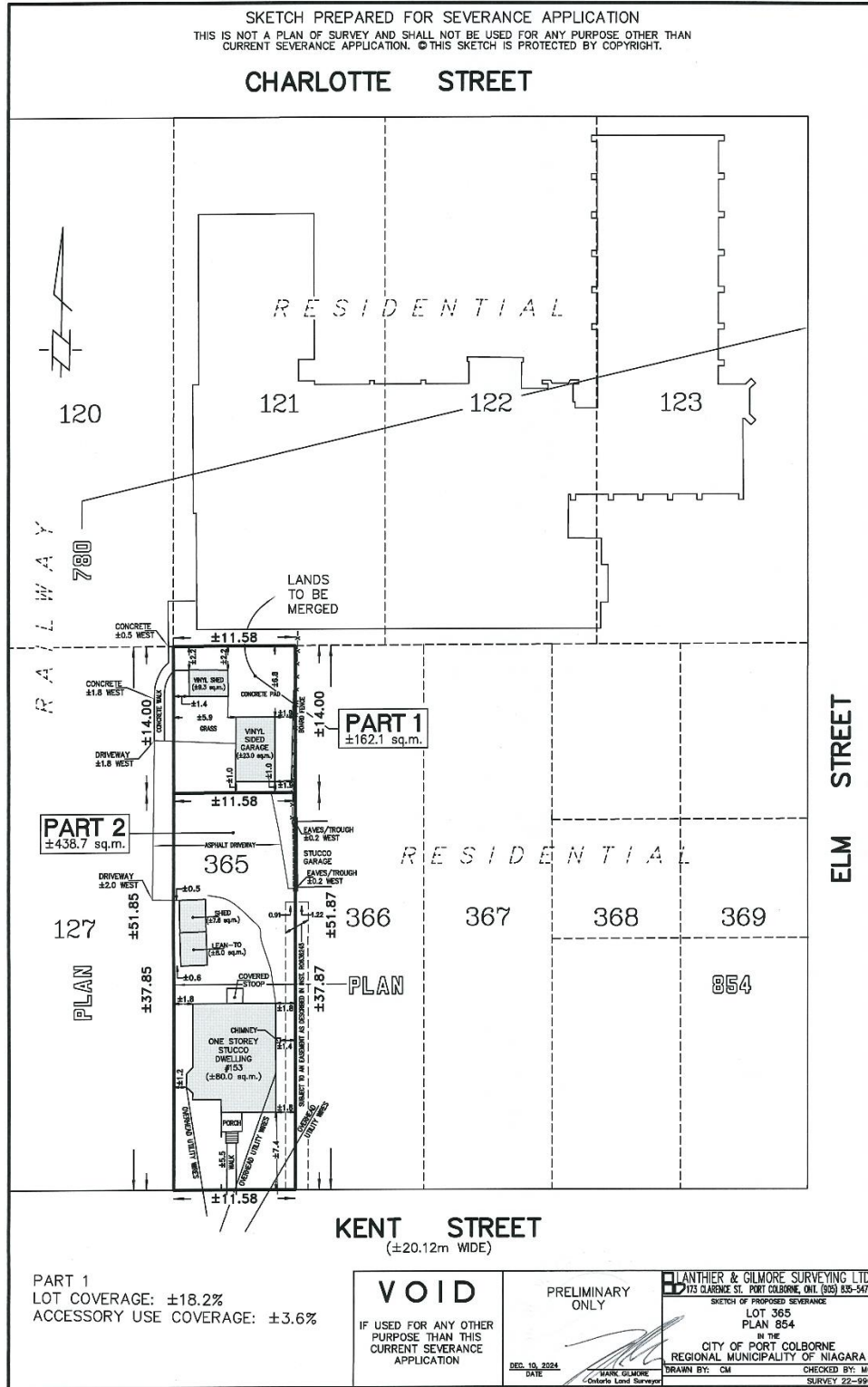
Diana Vasu, BA, MA
Planner

Submitted by,



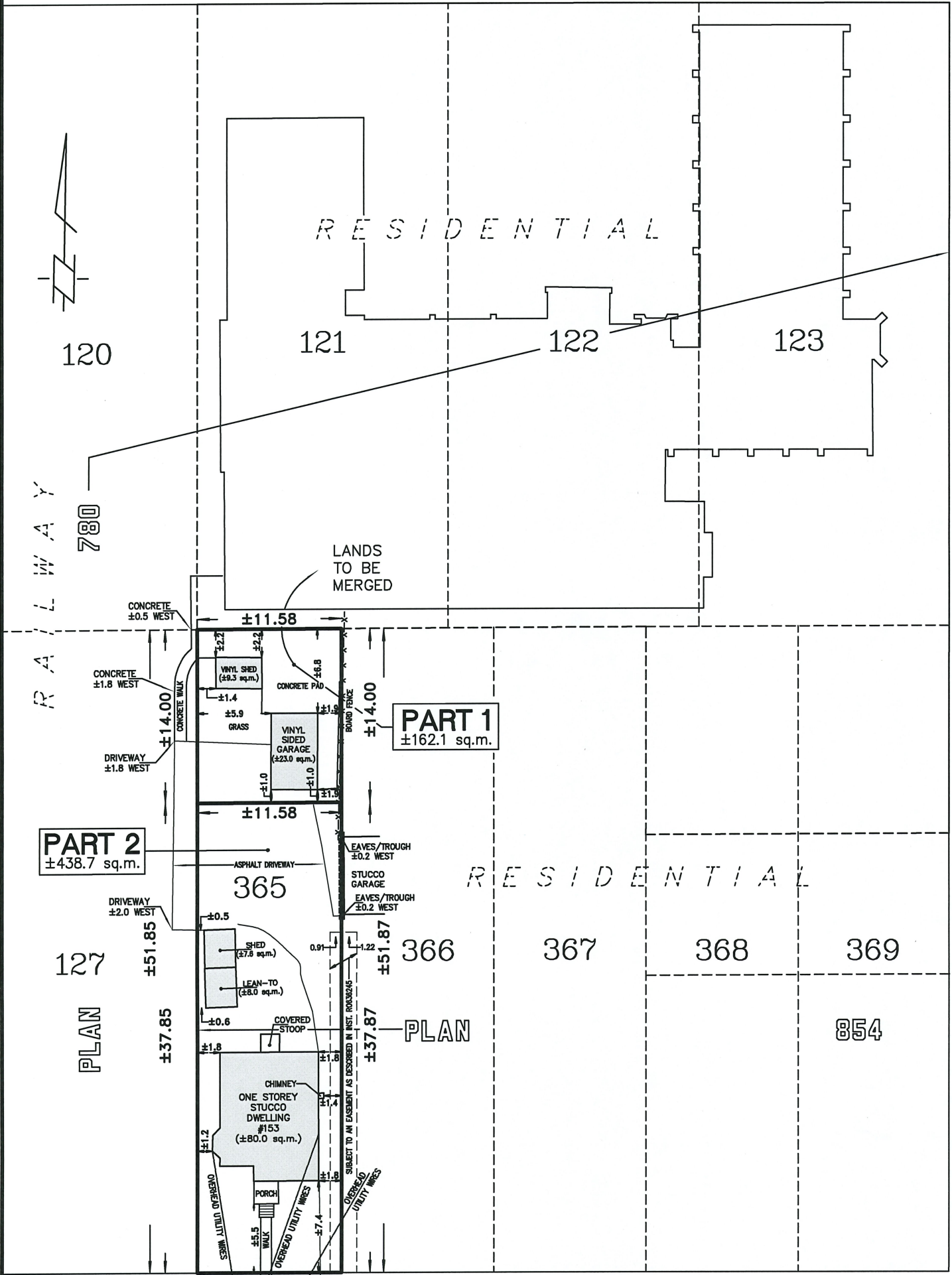
David Schulz, BURPI, MCIP, RPP
Manager of Planning

Appendix A



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

CHARLOTTE STREET



KENT STREET
 (±20.12m WIDE)

PART 1
 LOT COVERAGE: ±18.2%
 ACCESSORY USE COVERAGE: ±3.6%

VOID

IF USED FOR ANY OTHER
 PURPOSE THAN THIS
 CURRENT SEVERANCE
 APPLICATION

PRELIMINARY
 ONLY

DEC. 10, 2024
 DATE

[Signature]
 MARK GILMORE
 Ontario Land Surveyor

BLANTHIER & GILMORE SURVEYING LTD.
 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477
 SKETCH OF PROPOSED SEVERANCE
 LOT 365
 PLAN 854
 IN THE
 CITY OF PORT COLBORNE
 REGIONAL MUNICIPALITY OF NIAGARA
 DRAWN BY: CM CHECKED BY: MG
 SURVEY 22-990



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

CONSENT APPLICATION THE CITY OF PORT COLBORNE

The Planning Act – Section 53

For Office Use Only

Date Received: _____

Application Complete: Yes No

Date of Completion: _____

SUBMISSION OF APPLICATION

Completed applications can be sent to:

<p style="text-align: center;">City of Port Colborne Taya Taraba Secretary Treasurer of the Committee of Adjustment City Hall 66 Charlotte Street Port Colborne, Ontario L3K 3C8</p>
--

<p>Telephone: 1-905-835-2900 ext. 204 Fax: 1-905-835-2939 Email: taya.taraba@portcolborne.ca</p>
--

2024 APPLICATION FEES

Consent (New Lot)	\$1,926	Changes to Consent Conditions	\$601
Easement	\$1,323	Final Certification Fee	\$240
Lot Addition / Boundary Adjustment	\$1,323	Validation of Title	\$1,083

COMPLETENESS OF APPLICATION

A complete application includes all required forms, fees, and applicable sketches, as well as any additional information that may be identified by the Secretary-Treasurer in accordance with the provisions under *the Planning Act, R.S.O. 1990, c.P. 13*, as amended.

To be considered complete, submitted applications must include:

- One fully completed application for consent signed by the applicant(s) and/or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the property owner, if applicable.
- **Two (2) copies** of a sketch prepared by a licensed Land Surveyor, reduced to legal size.
- Payment of the appropriate fee submitted at the time of application through cash, credit, debit, or cheque payable to the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) if required by the Region, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the Niagara Region. If payment is submitted to the Region directly, please submit the receipt to the City of Port Colborne. Failure to pay the Region's fee may result in an incomplete application. The Region's fees are available on its website, https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Payment of the appropriate NPCA fee, if required, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the NPCA. If payment is submitted to the NPCA directly, please submit the receipt to the City of Port Colborne. Failure to pay the NPCA's fee may result in an incomplete application.

***Note:** Additional information may be required once a full review has been completed by planning staff. This may prevent deferral of your application. *

DRAWING REQUIREMENTS

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

1. As provided for in Section 14 of Ontario Regulation 197/96, as amended, and as required by this Committee of Adjustment, an application must be accompanied by **two (2)** copies of a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor.
2. One (1) copy of each separate type of plan reduced to legal size.
3. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
4. One (1) copy of a Registered Deed including full legal description of the subject lands.

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant of any additional information and/or fees required by these agencies (ie. Niagara Region, Niagara Peninsula Conservation Authority). If applicable, the applicant must submit this additional information and/or pay the additional fees for their application to be deemed complete. Once the application is deemed complete, a hearing date will be confirmed in writing by the Secretary-Treasurer.

Prior to the hearing, members of the Committee may choose to conduct a site visit and/or contact the applicants. **Please note that the Committee should not be contacted by members of the public.** Any comments, questions, or concerns should be addressed through the Planning Division.


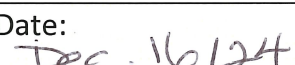
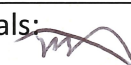
Following the hearing, the applicant/agent/solicitor will be notified of the Committee's decision through a written Notice of Decision. In addition, any other person or agency who filed a written request for the Committee's decision will be sent a copy.

Any applicant objecting to the decision of the Committee, or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the notice of decision has been given. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related consent appeal.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the *Planning Act*, if the consent granted by the Committee is conditional, the conditions must be fulfilled within two years of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 meters of a water course; on or within 30 meters of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 meters of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: 	Date: 	Initials: 



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

CONSENT APPLICATION
THE CITY OF PORT COLBORNE

The Planning Act – Section 53

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Michael Smith	
Mailing Address: 153 Kent Street	
City: Port Colborne	Province: Ontario <input type="text"/>
Postal Code: L3K2Z7	Telephone: 905-650-4740
Fax:	Email: michael@royalpage.ca
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province: <input type="text"/>
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name: Carol Moroziuk	
Mailing Address: 243 Killaly Street East	
City: Port Colborne	Province: Ontario <input type="text"/>
Postal Code: L3K1P2	Telephone: 905-736-9739
Fax:	Email: cmoroziuk@gmail.com
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Lanthier & Gilmore Surveying Ltd	
Mailing Address: 173 Clarence Street	
City: Port Colborne	Province: Ontario <input type="text"/>
Postal Code:	Telephone: 905-835-5477
Fax:	Email: info@lanthierandgilmore.ca
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: Port Colborne	
Concession No.	Lot(s):
Registered Plan No. Plan 854	Lot(s): 365
Reference Plan No.	Part(s):
Name of Street: Kent Street	Street No. 153

SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))		
<input type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input checked="" type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement
Reason for proposed transaction: Boundary adjustment to merge lands containing a garage and shed used by The Sanctuary Suites on Elm.		
3.2 If a lot addition, identify the lands to which the parcel will be added:		
Lands to be merged with the lands of The Sanctuary Suites on Elm north of the subject parcel.		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:		
Hometown Properties Inc.		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 1

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 11.58m	Depth: 14m	Area: 162.1 sq.m.
Existing Use: Residential		
Proposed Use: Residential		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 11.58m	Depth: 37.85m	Area: 438.7 sq.m.
Existing Use: Residential		
Proposed Use: Residential		

SECTION 6: SUBJECT LAND INFORMATION

6.1 What is the current designation of the land in the Official Plan and the Regional Plan?	
Port Colborne Official Plan: Urban Residential	
Regional Policy Plan: Built-Up Area	
6.2 What is the Zoning of the land (By-law 6575/30/18)?	
R2	
6.3 Date the Subject Land was acquired by the Current Owner:	
1/16/23	
6.4 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input checked="" type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect: 3' wide and 90' long easement for access along the mutual drive way. S
<input type="checkbox"/> No	

6.5 MORTGAGES, Charges & Other Encumbrances:		
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.		
Meridian		
6.6 Type of ACCESS		
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained seasonally	
6.7 What type of WATER SUPPLY is proposed?		
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply		
<input type="checkbox"/> Lake		
<input type="checkbox"/> Well (private or communal)		
<input type="checkbox"/> Other (specify):		
<hr/>		
6.8 What type of SEWAGE DISPOSAL is proposed?		
<input type="checkbox"/> Publicly owned and operated sanitary sewage system		
<input type="checkbox"/> Septic system (private or communal)		
<input type="checkbox"/> Other (specify):		
<hr/>		
6.9 What type of STORMWATER DISPOSAL is proposed?		
<input type="checkbox"/> Publicly owned and operated stormwater system		
<input type="checkbox"/> Other (specify):		
<hr/>		

SECTION 7

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

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

File Number:
Decision:

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

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

8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.12 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" 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 type="checkbox"/> No	<input checked="" 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 Dec 16/24

Date

X 

Signature of Owner

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Dec. 16/24
Date

X Carol Morozuk
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 Carol Morozuk

Of the City/Town/Township of Port Colborne, ON

In the County/District/Regional Municipality of Niagara

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
City of Port Colborne

In the Region of Niagara

This 16th day of December

20 24.

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

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

X Carol Morozuk

Signature of applicant(s), solicitor, or authorized

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

POSTING OF PUBLIC HEARING SIGN

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

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

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

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

X

Signature of Owner/Agent

X

Date

X Carol Moroziuk
Signature of Owner/Agent

X Dec 16/24
Date

PERMISSION TO ENTER

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

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

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

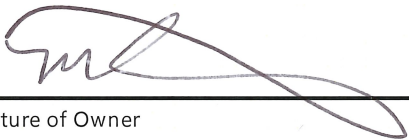
AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We Michael Smith am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize Carol Moroziuk as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

X 
Signature of Owner

X Dec. 16/24
Date

X _____
Signature of Owner

X _____
Date

X _____
Signature of Agent

X _____
Date

SUGGESTION TO THE APPLICANT

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

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. This pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries, and other relevant information which may have a direct effect upon the final decision on your application.

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
General Planning Department
(905) 835-2900, Ext. 286
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Engineering Technologist
(905) 835-2900, Ext. 226
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Building Clerk
(905) 835-2900, Ext 229
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement



PORT COLBORNE

Committee of Adjustment -Meeting Minutes-

Wednesday, January 15, 2025

Members Present: Dan O'Hara, Chair
Angie Desmarais, 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:** A01-25-PC
Action: Minor Variance
Applicant: Frank DiCosimo
Agent: Coleen Potter
Location: 1433 Firelane 1

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

The Chair asked the applicant if they wanted to add any further information on the application. The applicant had stated the nature of the application to the Committee and mentioned that there were no further concerns from their side.

The Chair asked if there were any members of the public who wished to speak on the application. Rick Bertin residing at 1499 Firelane 2, who had previously

submitted a list of written comments, reiterated the points that he had made in the aforementioned document.

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

That minor variance application **A01-25-PC** be **granted** for the following reasons:

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

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

6. Other Business

Amendments were made to the Committee schedule proposed in December to rectify an issue with the scheduling around Remembrance Day. Additional alterations to the Committee of Adjustment schedule to include meeting time and submission deadlines.

Motion: Gary Bruno **Seconded:** David Elliot
Carried: 4-0

7. Approval of Minutes

That the minutes from the December 11th, 2024 meeting be approved.

Motion: David Elliot **Seconded:** Gary Bruno
Carried: 4-0

8. Adjournment

There being no further business, the meeting was adjourned at approximately 6:35 pm.

Dan O'Hara, Chair

Taya Taraba, Acting Secretary-Treasurer