

**Date:** Wednesday, April 9, 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. Adoption of Agenda
3. Reading of Meeting Protocol
4. Disclosures of Interest
5. Request for Any Deferrals or Withdrawals of Applications
6. New Business
  - 6.1 A05-25-PC, A06-25-PC, B15-23-PC - 95 Victoria Street 1

**Action:** Minor Variance  
**Applicant:** Julie Cule  
**Location:** 95 Victoria Street
  - 6.2 A07-25-PC - 3618 Firelane 12 98

**Action:** Minor Variance  
**Applicant:** Chris Simpson  
**Location:** 3618 Firelane 12
  - 6.3 B05-25-PC - 62-66 Page Street 141

**Action:** Consent  
**Agent:** Carol Moroziuk  
**Applicant:** Ahlstedt Homes Ltd.  
**Location:** 62-66 Pages Street

6.4	A04-25-PC - 178 Mitchell Street	160
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**Action:** Minor Variance

**Agent:** Carol Moroziuk

**Applicant:** Mohan Narain

**Location:** 178 Mitchell Street

**7. Other Business**

**8. Approval of Minutes**

8.1	March 12th, 2025 - Committee of Adjustment Minutes	191
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8.2	February 12th, 2025 - Committee of Adjustment Minutes	193
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**9. Adjournment**





## PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
Minor Variance Application  
File No. A05-25-PC  
A06-25-PC

**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 6.3 (a) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as Lot 8 on Plan 229, New Plan 848, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as 95 Victoria Street;

**AND IN THE MATTER OF THE APPLICATIONS** by the owner, Julie Cule, 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 reduce the minimum lot frontage, in association with application B15-23-PC, notwithstanding the following:

Application Number	Request
A05-25-PC	That a minimum lot frontage of 8.9m be permitted, whereas a minimum lot frontage of 12m is required.
A06-25-PC	That a minimum lot frontage of 11.5m be permitted, whereas a minimum lot frontage of 12m is required.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting relief of lot frontage to allow for the property to be severed. A sketch of the proposed site plan is shown on the reverse side of this notice. More information, such as a higher resolution PDF version of the sketch, can be requested through the Secretary-Treasurer.

### LOCATION MAP



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

**Date:** April 9, 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](mailto:taya.taraba@portcolborne.ca) to view the material.

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, April 4, 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, April 8, 2025**, by emailing [taya.taraba@portcolborne.ca](mailto: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](mailto: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.

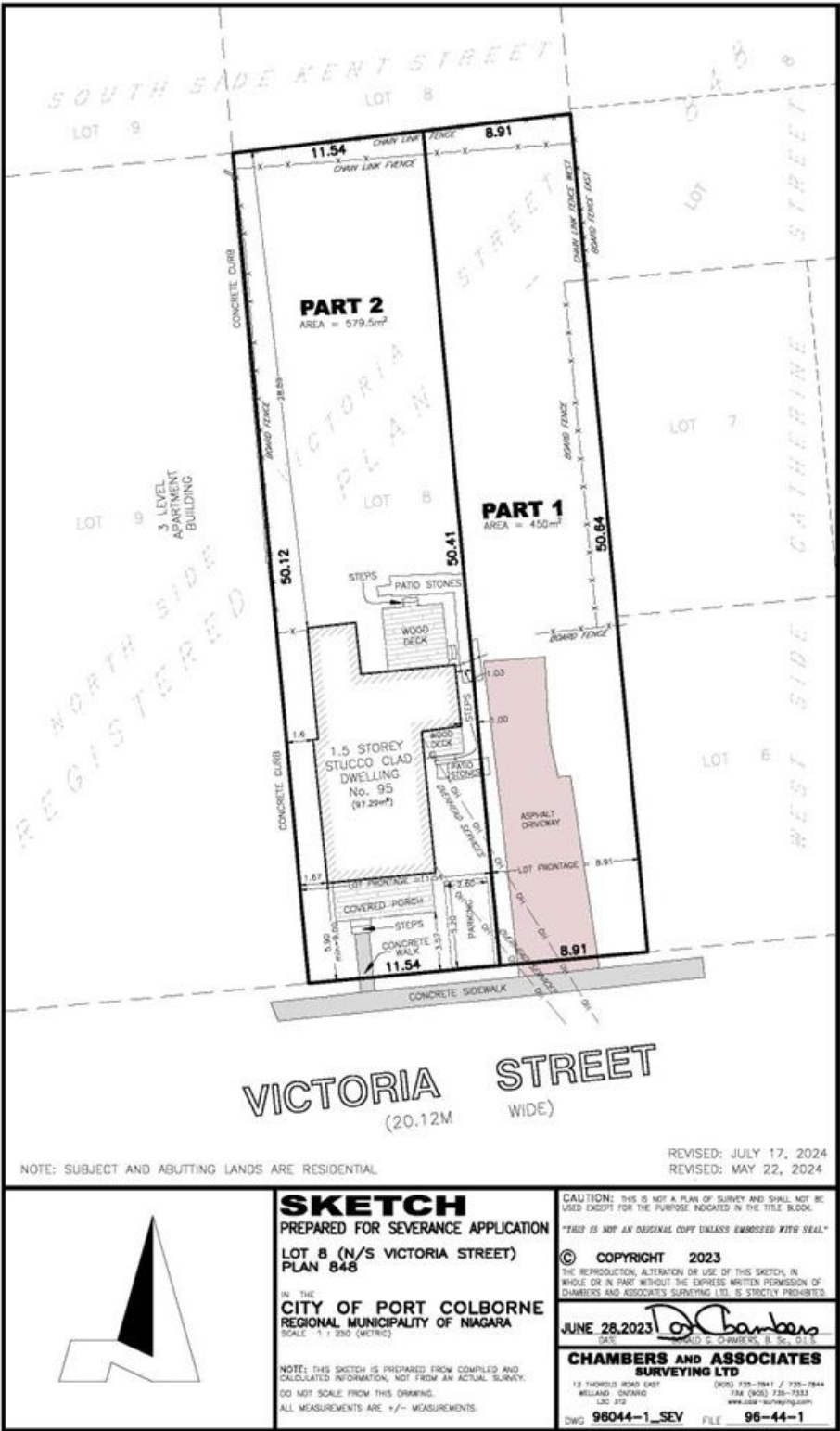
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

Date of Mailing: March 25, 2025

SKETCH





## DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

**AND IN THE MATTER OF AN APPLICATION** by owner Julie Cule, for consent to sever for the purposes of creating a new residential lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 2 is to be retained for an existing residential use, and Part 1 is to be severed for a future residential use. A sketch of the subject lands is shown on the reverse side of this notice. More information, such as a higher resolution PDF version of the sketch, can be requested through the Secretary-Treasurer.

Kent Street

Elm Street

Victoria Street

Catharine Street

Subject Lands:  
95 Victoria Street

Lot numbers visible on the map: 126, 120, 114, 110, 90, 84, 80, 76, 144, 140, 136, 132, 124, 123, 127, 131, 109, 107, 99, 87, 125, 121, 117, 113, 143, 149, 122, 66, 166, 130, and 95 (highlighted).

**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, April 4, 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.



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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.

Taya Taraba

By order of the Committee of Adjustment,

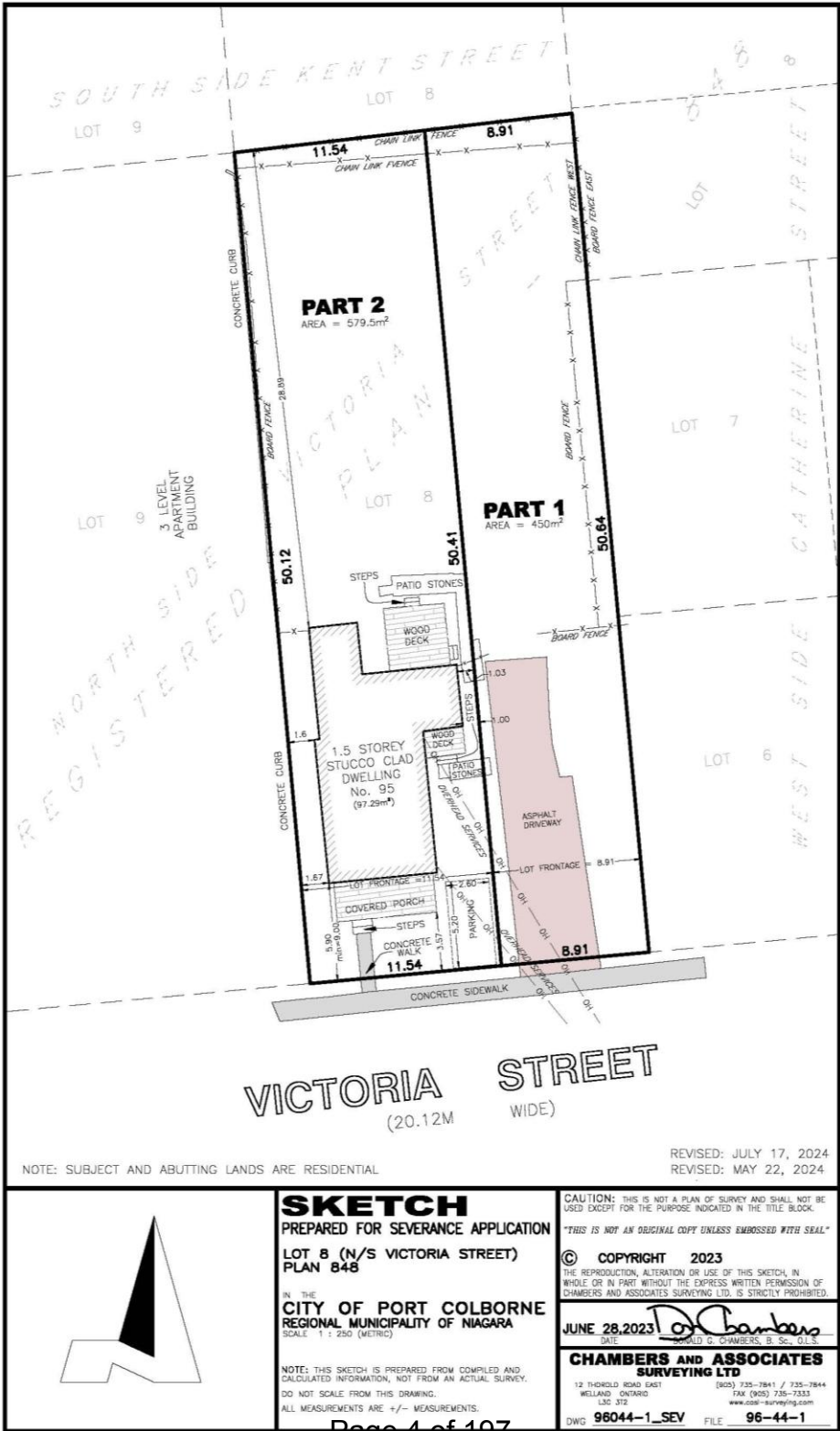
Taya Taraba  
Secretary-Treasurer

Date of Mailing: March 25, 2025

SKETCH



Sketch.pdf



**Development and Government Relations Department**

Planning Division Report

April 4, 2025

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

**Re: Application for Consent: B15-23-PC**  
**Applications for Minor Variance: A04-25-PC and A05-25-PC**  
**Lot 8 on Plan 229, New Plan 848**  
**95 Victoria Street**  
**Owner: Julie Cule**

**Proposal**

The purpose and effect of this application for consent to sever for the purposes of creating a new residential lot. The application proposes to sever Part 1, the vacant portion of the lot as shown on the severance sketch attached as Appendix A, and to retain Part 2, the portion of the lot with the existing dwelling.

**Surrounding Land Uses and Zoning**

The subject lands are in the Fourth Density Residential Zone (R4). The parcels surrounding the subject lands are zoned R4 to the north, east, south, and west. The surrounding uses are all residential, consisting primarily of single detached dwellings, with an apartment building abutting the subject lands to the west.



## Environmentally Sensitive Areas

The subject property does not feature any environmentally sensitive areas.

## Public Comments

Notice was circulated on March 25, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of April 4, 2025, no comments from the public have been received.

## Agency Comments

Notice of the application was circulated on March 12, 2025, to internal City departments and external agencies. As of April 4, 2025, the following comments have been received.

<b>Drainage Superintendent</b>	No objections.
<b>Fire Department</b>	No objections.
<b>Engineering Technologist</b>	No objections. Please note that new site services (water and sanitary) and individual driveway entrances will be required through a Municipal Consent Permit when construction is proposed.
<b>Niagara Region</b>	<p>Regional staff are satisfied that the proposal is consistent with the PPS and conforms to Regional policies, provided that the applicant/owner receive acceptance from the MCM for the Stage 1-2 Archaeological Assessment, prepared by TMHC Inc. (dated May 27, 2024).</p> <p>If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of the City of Port Colborne.</p> <p>No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through the City of Port Colborne, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.</p>

## Discussion

### Consent Application: B15-23-PC

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 Niagara Official Plan and Port Colborne Official Plan identify the subject lands as settlement area. Section 2.3.1.1 of the PPS 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 uses which efficiently use land and resources, optimizing existing and planned infrastructure. Section 2.3.1.3 requires that planning authorities support redevelopment to help achieve complete communities.

Planning staff are of the opinion that the severance application is consistent with the PPS. The proposal to sever the vacant portion of the lot from the existing detached dwelling for future residential use supports the provincial requirement to direct growth and development to settlement areas. The subject parcel is municipally serviced, which contributes to the efficient use of existing infrastructure. Permitting the severance will provide a new opportunity for intensification close to the City's downtown core, supporting the achievement of a complete community.

### Niagara Official Plan (NOP)

According to Schedule A to the NOP, the subject lands are located within the Settlement Area of Port Colborne. Schedule B identifies the lands as being located within the Delineated Built-up Area. The policies in Section 2.2 of the NOP directs forecasted growth to settlement areas. Section 2.2.1.1 requires development 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 of the opinion that the proposed consent conforms to the NOP. The proposal to sever the existing detached dwelling will provide increased opportunities to support a more diverse range and mix of housing options in the future.

### City of Port Colborne Official Plan (OP)

The subject lands are designated 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 of the OP outlines the requirements for intensification and infill in the Urban Residential designation. Proposals for severances 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 (OLS), the proposed lots having frontage on a public road, and the imposition of appropriate conditions.

Planning staff are of the opinion that the proposed consent meets the requirements of the OP, subject to necessary conditions, because a survey sketch prepared by an OLS was submitted and the proposed lots have frontage on a public road.

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

The subject lands are in the Fourth Density Residential Zone (R4) in Zoning By-law 6575/30/18.

The application proposes to create lots with the following dimensions:

Part Number	Proposed Lot Frontage	Proposed Lot Area
Part 1 (to be conveyed)	8.9 metres	450 square metres
Part 2 (to be retained)	11.5 metres	579.5 square metres

The R4 zone requires a frontage of 18 metres for triplexes, fourplexes, and apartment buildings, and 6 metres of frontage per unit for street and block townhouse dwellings. For detached dwellings, the Second Density Residential (R2) lot frontage requirement of 12 metres applies. For semi-detached dwellings and duplexes, the Third Density Residential (R3) lot frontage requirement of 18 metres applies.

The proposed lots do not meet the required lot frontage for the permitted uses in the R4 zone apart from street and block townhouse dwellings. As a result, the approval of minor variance applications A05-25-PC and A06-25-PC has been recommended as a condition of the severance.

**Recommendation:**

That consent application B05-25-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 with 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 minor variance applications A05-25-PC and A06-25-PC be approved.
3. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
4. That the applicant receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1-2 Archaeological Assessment, prepared by TMHC Inc. (dated May 27, 2024), or, if applicable, for the further archaeological



work submitted to and acknowledged by the Ministry, with a copy of the MCM acceptance letter being provided to Planning staff.

5. That all conditions of consent be completed by April 9, 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.

#### **Minor Variance Applications: A05-25-PC and A06-25-PC**

For a minor variance application to be approved, it must meet the four-part test outlined under section 45 (1) of the *Planning Act*. An analysis of the four tests follows.

#### ***Is the application minor in nature?***

The requested reduction in lot frontage is minor in nature. The variances have been requested to facilitate the creation of a new residential lot within the urban boundary. The proposed lots are similar in size to other nearby lots, which indicates that the variances are unlikely to produce any adverse impact on neighbouring parcels. The size of the proposed lots will allow for adequate spacing between future dwellings to mitigate any potential negative impact. There are no anticipated adverse impacts to adjacent properties as a result of the reduced lot frontage to the proposed lots.

#### ***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 subject lands. Permitting the reduced lot frontage will facilitate the creation of a new buildable lot on municipal services. No development of the lands is proposed as a direct result of the applications, but future development of the severed lots will be required to comply with the remainder of the R4 zoning provisions. The proposed lots will be of a sufficient size to maintain all other zoning provisions, which will help facilitate the appropriate development of the lands. The residential development that would result from the approval of these applications will add additional housing options to the available supply of housing.

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

The applications maintain the general intent and purpose of the Zoning By-law. The minimum lot frontage requirement in the R4 zone intends to ensure that dwellings are appropriately distanced. Minimum lot frontage requirements aim to maintain the character of a neighborhood character by providing sufficient space for access and utilities. The proposed lots are able to be municipally serviced despite the reduced frontage. The size of the proposed lots will allow enough space to ensure adequate access to future developments, which will be required to abide by the rest of the provisions of the R4 zone.

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

The applications meet the general intent and purpose of the Official Plan, as the Official Plan permits severances for residential purposes within the Urban Residential designation.

**Recommendation**

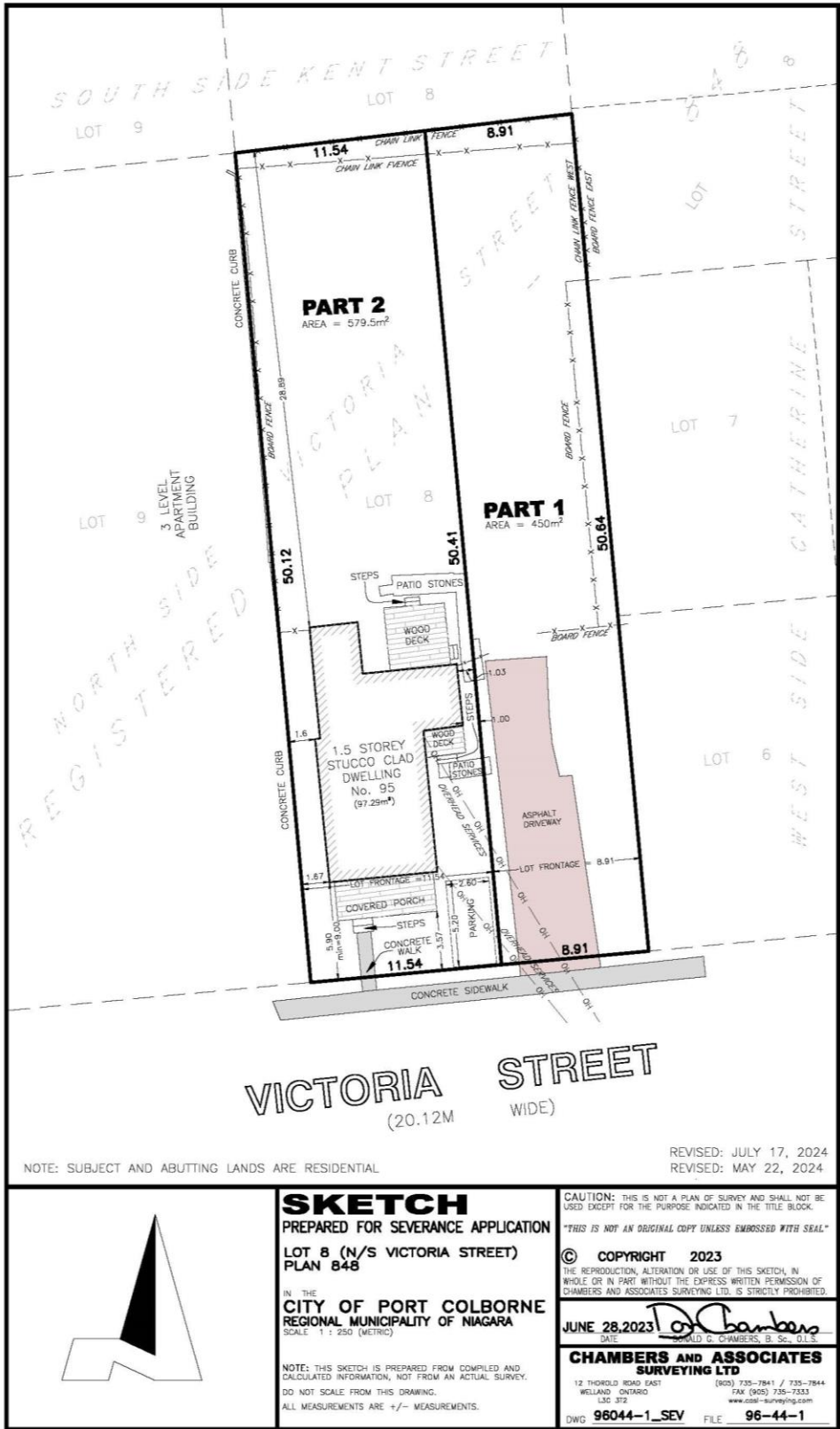
That minor variance applications A05-25-PC and A06-25-PC be **granted** for the following reasons:

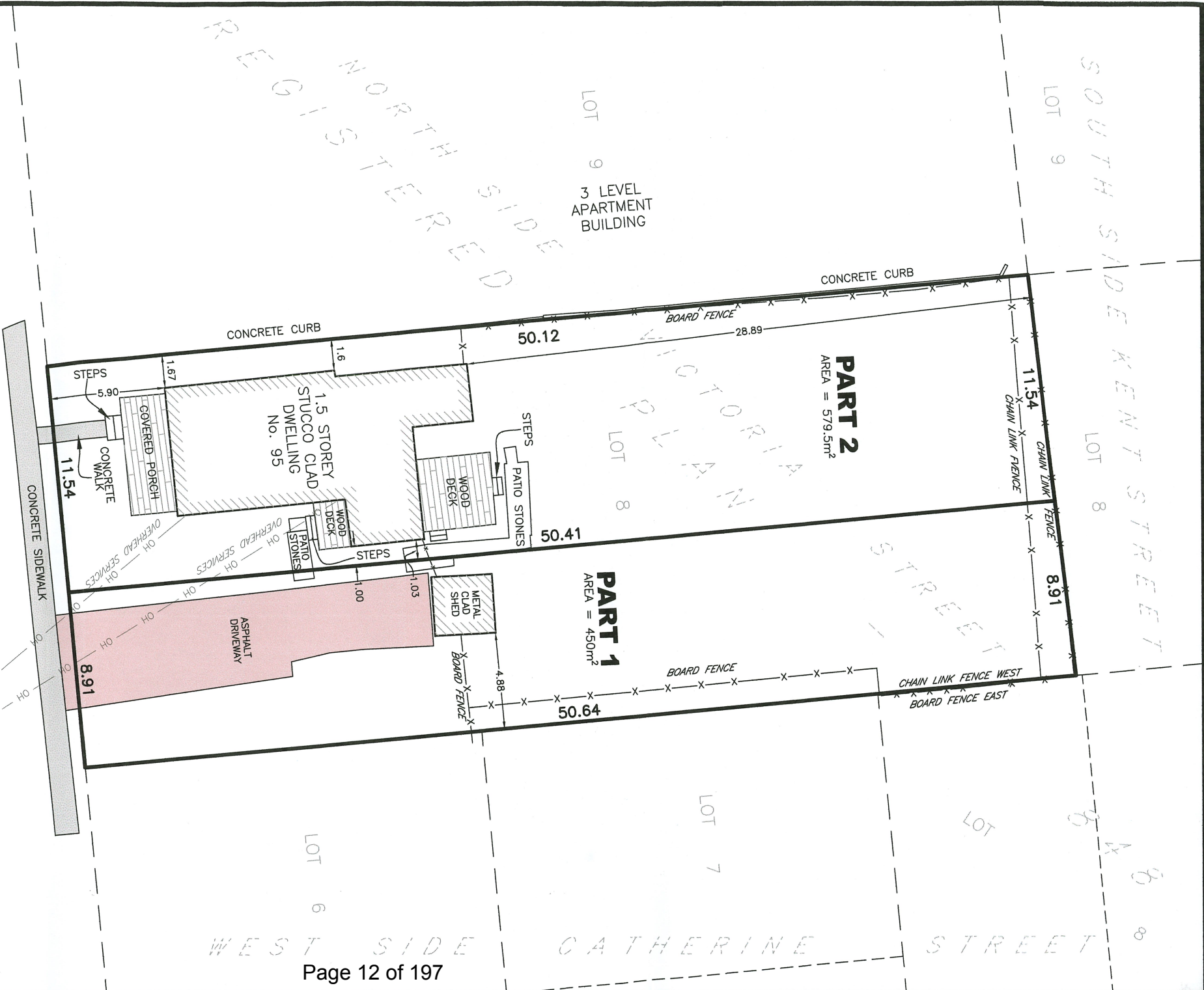
1. The applications are minor in nature.
2. They are appropriate for the development of the site.
3. They are desirable and in compliance with the general intent and purpose of the Zoning By-law.
4. They are desirable and in compliance with the general intent and purpose of the Official Plan.

Respectfully submitted,

Diana Vasu  
Planner

Appendix A





NOTE: SUBJECT AND ABUTTING LANDS ARE RESIDENTIAL

# VICTORIA STREET (20.12M WIDE)

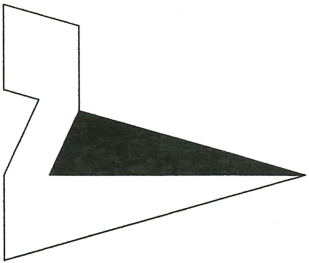
## SKETCH

PREPARED FOR SEVERANCE APPLICATION

LOT 8 (N/S VICTORIA STREET)  
PLAN 848

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

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY. DO NOT SCALE FROM THIS DRAWING. ALL MEASUREMENTS ARE +/- MEASUREMENTS.



CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK. "THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL"

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JUNE 28, 2023

DATE

CHAMBERS AND ASSOCIATES  
SURVEYING LTD

12 THOROLD ROAD EAST  
WELAND, ONTARIO  
L3C 3T2  
(905) 735-7841 / 735-7844  
FAX (905) 735-7333  
www.casb-surveying.com

DWG 96044-1-SEV FILE 96-44-1





## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

## MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

RECEIVED

FEB 24 2025

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  
Fax: 1-905-835-2939  
Email: [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca)

### 2025 APPLICATION FEES

Minor Variance	\$1,900
Minor Variance (Building without a Permit)	\$2,505
Minor Variance & Consent Combination	\$3,800

### COMPLETENESS OF APPLICATION

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

**To be considered complete, submitted applications must include:**

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

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



DRAWING REQUIREMENTS

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

To be considered complete, each sketch must identify:

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

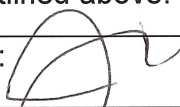
Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Julie Cule	Date: Feb 24 2025	Initials: 





## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

## MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

### SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: JULIE CULE	
Mailing Address: 95 VICTORIA STREET	
City: PORT COLBORNE	Province: ON
Postal Code: L3K 2Y5	Telephone: 905-921-3323
Fax:	Email: julie.cule@gmail.com
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name: HEDLEY, MCLAUCHLIN & ATTEMA : IAN ATTEMA	
Mailing Address: 311 BROAD STREET	
City: DUNNVILLE	Province: ON
Postal Code: N1A 1G4	Telephone: 905-774-7687
Fax: 905-774-6637	Email: iattema@hedleylaw.ca
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: CHAMBERS & ASSOCIATES SURVEYING LTD	
Mailing Address: 12 THOROLD ROAD EAST	
City: WELLAND	Province: ON
Postal Code: L3C 3T2	Telephone: 905-735-7841
Fax:	Email: don@CasI-Surveying.com
<b>1.5 All communications should be sent to the:</b>	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

### SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. 848	Lot(s): 8
Reference Plan No.	Part(s):
Name of Street: VICTORIA	Street No. 95

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 8.91	Depth: 50.64	Area: 451.2
Existing Use: home driveway		
Proposed Use: housing, small bungalow		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: urban residential		
Regional Policy Plan: delineated built up area		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
R4		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
8/28/2018	
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.	
Julie Aile, mortgage holder CMLS financial	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date:	



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

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

Proposed frontage of new lot amounting to 8.9m

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

building a small bungalow requires lot frontage of 12m with a 400 m<sup>2</sup> lot area

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:

Decision:

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

8.1 ALL EXISTING USE

☒ Residential

☐ Institutional

☐ Vacant

☐ Industrial

☐ Agricultural

☐ Other (specify):

☐ Commercial

☐ Parkland

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

unknown

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

☐ Yes

☒ No

If Yes, briefly describe and indicate their use.



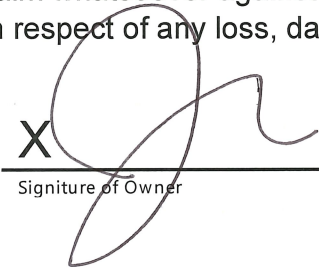
8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?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

ACKNOWLEDGMENT CLAUSE

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

X February 24 2025

Date

X 

Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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



# AUTHORIZATIONS

## SIGNATURE OF APPLICANT(S)

Feb. 24. 2025  
~~X February 24 2025~~  
Date

X  
Signature of Applicant(s)

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

I/We Julie Cule

Of the City/Town/Township of Port Colborne

In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the City of Port Colborne

In the Region of Niagara

This 24th day of February

2025

A Commissioner, etc.

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

Diana Vasu, a Commissioner, etc.,  
Province of Ontario, for the Corporation  
of the City of Port Colborne.  
Expires July 3, 2026.

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

X [Signature]  
Signature of Owner/Agent

X February 24 2025  
Date

X \_\_\_\_\_  
Signature of Owner/Agent

X \_\_\_\_\_  
Date

PERMISSION TO ENTER

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

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

X [Signature]  
Signature of Owner

X February 24 2025  
Date

X \_\_\_\_\_  
Signature of Owner

X \_\_\_\_\_  
Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We \_\_\_\_\_ am/are the owner(s) of the land that is subject to this application for a Minor Variance and I/We hereby authorize as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Minor Variance.

X  
\_\_\_\_\_  
Signature of Owner

X  
\_\_\_\_\_  
Date

X  
\_\_\_\_\_  
Signature of Owner

X  
\_\_\_\_\_  
Date

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

X  
\_\_\_\_\_  
Date



## SUGGESTION TO THE APPLICANT

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

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

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





PART 2



**PORT COLBORNE**

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

RECEIVED

FEB 24 2025

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  
Fax: 1-905-835-2939  
Email: taya.taraba@portcolborne.ca

2025 APPLICATION FEES

Minor Variance	\$1,900
Minor Variance (Building without a Permit)	\$2,505
Minor Variance & Consent Combination	\$3,800

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

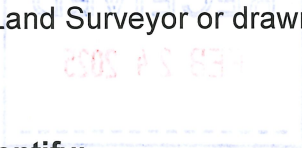
- One fully completed application for minor variance or permission signed by the applicant(s) and/or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the property owner, if applicable.
- **Two (2) copies** of a completed preliminary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

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



DRAWING REQUIREMENTS

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



To be considered complete, each sketch must identify:

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

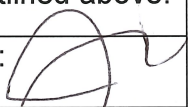
Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Julie Cule	Date: Feb 24 2025	Initials: 





## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

## MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

### SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: JULIE CULE	
Mailing Address: 95 VICTORIA STREET	
City: PORT COLBORNE	Province: ON
Postal Code: L3K 2Y5	Telephone: 905-921-3323
Fax:	Email: julie.cule@gmail.com
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name: HEDLEY, MCLAUCHLIN & ATTEMA : IAN ATTEMA	
Mailing Address: 311 BROAD STREET	
City: DUNNVILLE	Province: ON
Postal Code: N1A 1G4	Telephone: 905-774-7687
Fax: 905-774-6637	Email: iattema@hedleylaw.ca
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: CHAMBERS & ASSOCIATES SURVEYING LTD	
Mailing Address: 12 THOROLD ROAD EAST	
City: WELLAND	Province: ON
Postal Code: L3C 3T2	Telephone: 905-735-7841
Fax:	Email: don@CasI-Surveying.com
<b>1.5 All communications should be sent to the:</b>	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

### SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. 848	Lot(s): 8
Reference Plan No.	Part(s):
Name of Street: VICTORIA	Street No. 95

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 11.54	Depth: 50.12	Area: 579.5 m <sup>2</sup>
Existing Use: home		
Proposed Use: same, no change		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: urban residential		
Regional Policy Plan: delineated built up area		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
R4		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
8/28/2018	
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 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.	
Julie cille, mortgage holder cmfs financial	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date:	



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

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

proposed frontage of pt. 2 is 11.54m

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

lot frontage required  $12 \text{ m}^2$

**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:

Decision:

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

## 8.1 ALL EXISTING USE

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

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

unknown

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

- ☐ Yes ☒ No

If Yes, briefly describe and indicate their use.



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

ACKNOWLEDGMENT CLAUSE

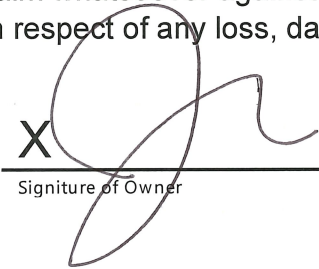
I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated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

X

February 24 2025

Date

X



Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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



# AUTHORIZATIONS

## SIGNATURE OF APPLICANT(S)

Feb. 24. 2025  
X February 24 2025  
Date

X  
Signature of Applicant(s)

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

I/We Julie Cule

Of the City/Town/Township of Port Colborne

In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the City of Port Colborne

In the Region of Niagara

This 24th day of February

20 25

A Commissioner, etc.

[Signature]

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

Diana Vasu, a Commissioner, etc.,  
Province of Ontario, for the Corporation  
of the City of Port Colborne.  
Expires July 3, 2026.



## 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 Julie Cule 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

February 24 2025

X

Signature of Owner/Agent

X

Date

## PERMISSION TO ENTER

I/We Julie Cule 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

February 24 2025

X

Signature of Owner

X

Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We \_\_\_\_\_ am/are the owner(s) of the land that is subject to this application for a Minor Variance and I/We hereby authorize as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Minor Variance.

X  
\_\_\_\_\_  
Signature of Owner

X  
\_\_\_\_\_  
Date

X  
\_\_\_\_\_  
Signature of Owner

X  
\_\_\_\_\_  
Date

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

X  
\_\_\_\_\_  
Date



## SUGGESTION TO THE APPLICANT

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

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

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





**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: <input type="checkbox"/> Yes <input type="checkbox"/> No
Date of Completion: _____	

### SUBMISSION OF APPLICATION

Completed applications can be sent to:

<p>City of Port Colborne Diana Vasu 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: diana.vasu@portcolborne.ca</p>
---	---

### 2023 APPLICATION FEES

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

### 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](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: Julie Cule	Date: 8/2/23	Initials: JC





SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: Julie Cule	
Mailing Address: 95 Victoria Street	
City: Port Colborne	Province: Ontario
Postal Code: L3K2Y5	Telephone: 9059213323
Fax:	Email: julie.cule@gmail.com
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name: Hedley McLachlin & Attema	
Mailing Address: 311 Broad Street East	
City: Dunnville	Province: Ontario
Postal Code: N1A 1G4	Telephone: 9057747688
Fax: 905-774-6637	Email: iattema@hedleylaw.com
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: Chambers and Associates	
Mailing Address: 12 Thorold Road East	
City: Welland	Province: Ontario
Postal Code: L3C3T2	Telephone: 9057357841
Fax: 9057357333	Email: isaac@casl-surveying.com
<b>1.5 All communications should be sent to the:</b>	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: N/A	
Concession No. <u>N/A</u>	Lot(s): 8
<del>Registered Plan No. 848</del>	Lot(s):
<del>Reference Plan No. 229</del>	Part(s): 1 & 2
Name of Street: Victoria Steet	Street No. 95

### SECTION 3: PROPOSAL DESCRIPTION

<b>3.1 Type of proposed transaction: (Check appropriate space(s))</b>		
<input checked="" type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement
Reason for proposed transaction: Sever lot in order to build small bungalow <i>on part one</i>		
<b>3.2 If a lot addition, identify the lands to which the parcel will be added:</b>		
<del>part one of sketch prepared for severance application will be added</del> <i>ju</i>		
<b>3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:</b>		
<i>Julie Cule ju</i>		

### SECTION 4: SUBJECT PARCEL INFORMATION

**Part No. On Sketch: 1**

<b>DESCRIPTION OF SUBJECT PARCEL (in metric units)</b>		
Frontage: 8.91	Depth: 50.64	Area: 451.20
Existing Use: Home, Driveway and Shed		
Proposed Use: Housing, small bungalow		

### SECTION 5: RETAINED PARCEL INFORMATION

**Part No. On Sketch: 2**

<b>DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)</b>		
Frontage: 11.54	Depth: 50.12	Area: 584.39
Existing Use: Home		
Proposed Use: Home, as is		

### SECTION 6: SUBJECT LAND INFORMATION

<b>6.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>	
Port Colborne Official Plan: 848	<i>urban residential</i>
Regional Policy Plan:	<i>delineated built up area</i>
<b>6.2 What is the Zoning of the land (By-law 6575/30/18)?</b>	
Residential	<i>R4 ju</i>
<b>6.3 Date the Subject Land was acquired by the Current Owner:</b>	
8/28/18	
<b>6.4 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?</b>	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

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

## SECTION 7

<b>7.1 Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?</b>		
<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

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

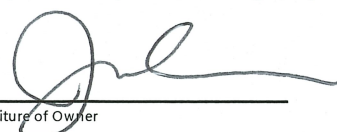


<b>8.4 Are any of these buildings designated under the Ontario Heritage Act?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject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

#### ACKNOWLEDGMENT CLAUSE

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

X 8/2/23  
\_\_\_\_\_  
Date

X   
\_\_\_\_\_  
Signature of Owner

# NIAGARA PENINSULA CONSERVATION AUTHORITY

## Pre-Screening Criteria

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



## AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X 08/04/2023

Date

X

Signature of Applicant(s)

Please note:

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

I/We Julie Cule

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

In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the

~~A~~ City of Port Colborne

In the Region of Niagara

This 4th day of August  
20 23

A Commissioner, etc.

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

X

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.

Diana Vasu, a Commissioner, etc.,  
Province of Ontario, for the Corporation  
of the City of Port Colborne.  
Expires July 3, 2026.

## 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 your 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 Julie Cule 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]  
Signature of Owner/Agent

X 08/04/2023  
Date

X \_\_\_\_\_  
Signature of Owner/Agent

X \_\_\_\_\_  
Date

## PERMISSION TO ENTER

I/We Julie Cule 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]  
Signature of Owner

X 08/04/2023  
Date

X \_\_\_\_\_  
Signature of Owner

X \_\_\_\_\_  
Date



AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

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

X

\_\_\_\_\_  
Signature of Owner

X

\_\_\_\_\_  
Date

X

\_\_\_\_\_  
Signature of Owner

X

\_\_\_\_\_  
Date

X

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

X

\_\_\_\_\_  
Date

**Stage I-2 Archaeological Assessment  
Property Severance  
95 Victoria Street  
Part I of Lot 8 (N/S Victoria Street), Registered Plan 848  
City of Port Colborne  
Lot 28, Concession I  
Geographic Township of Humberstone  
Former Welland County  
Now Regional Municipality of Niagara, Ontario**

**Original Report**

**Submitted to:**  
Ministry of Citizenship and Multiculturalism

**Prepared for:**  
Julie Cule  
95 Victoria Street  
Port Colborne, ON L3K 2Y5  
julie.cule@gmail.com

**Prepared by:**  
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Licensee: Amanda Parks, MA (P450)  
PIF No: P450-0122-2024  
Project No: 2023-514  
Dated: May 27, 2024





## EXECUTIVE SUMMARY

A Stage 1 and 2 archaeological assessment was conducted for a proposed property severance at 95 Victoria Street, located in Port Colborne, in the Regional Municipality of Niagara (Niagara Region), Ontario. Specifically, the project area is limited to the 0.05 ha (0.12 ac) parcel to be severed, which is located within Lot 28, Concession 1, in the Geographic Township of Humberstone, former Welland County, encompassing Part 1 of Lot 8 (N/S Victoria Street), Registered Plan 848. The project area contains an asphalt driveway and manicured grass. In 2023, TMHC Inc. (TMHC) was contracted by Julie Cule to conduct the assessment, which was conducted in accordance with the provisions of the *Planning Act* and *Provincial Policy Statement*. The work was also in keeping with *Niagara Region Archaeological Management Plan* (Niagara Region 2023), a guide for assessing potential archaeological impacts in land use planning in the Niagara Region. The purpose of the assessment was to determine whether there were archaeological resources present within the project area.

The Stage 1 background study included a review of current land use, historic and modern maps, past settlement history for the area and a consideration of topographic and physiographic features, soils and drainage. It also involved a review of previously registered archaeological resources within 1 km of the project area and previous archaeological assessments within 50 m. The background study indicated that the property had potential for the recovery of archaeological resources due the proximity (i.e., within 300 m) of features that signal archaeological potential, namely:

- a previously identified archaeological site (AfGt-82);
- areas of early 19<sup>th</sup>-century settlement (Port Colborne);
- an early transportation route (Buffalo, Brantford and Goderich Railway)
- 19<sup>th</sup>-century thoroughfares (Sugarloaf, Adelaide, Victoria, Kent, Elm, Catharine, King, and West Streets);
- 19<sup>th</sup>-century churches;
- 19<sup>th</sup>-century cemeteries; and,
- registered heritage properties.

As well, the *Niagara Region Archaeological Management Plan* identifies the project area as having archaeological potential.

The project area consists of non-ploughable lands; these were subject to Stage 2 assessment via standard test pit survey at a 5 m transect interval (80%; 0.04 ha), in keeping with provincial standards. The remainder of the project area consists of built features that were previously disturbed, deemed of low archaeological potential and were photo-documented (20%; 0.01 ha).

All work met provincial standards and no archaeological material was documented during the assessment. As such, no further archaeological assessment is recommended.

Should proposed impacts extend into the parcel to be retained, then additional assessment of the property may be required.

These recommendations are subject to the conditions laid out in Section 5.0, and to the Ministry of Citizenship and Multiculturalism's (MCM's) review and acceptance of this report into the provincial register of archaeological reports.



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## PROJECT PERSONNEL

Project Manager	Amanda Parks, MA (P450)
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Senior Reviewer	Matthew Beaudoin, PhD (P324)

## ACKNOWLEDGEMENTS

Julie Cule	Property Owner
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## **TERRITORIAL ACKNOWLEDGEMENT**

The project area is located on the traditional lands of the Anishinaabek (Ah-nish-in-a-bek), Haudenosaunee (Ho-den-no-show-nee), and Ojibway/Chippewa peoples on lands connected with the Between the Lakes Treaty (Treaty 3). Most recently, the territory is of the Mississaugas of the Credit First Nation who are direct descendants of the Mississauga of the Credit, and the Six Nations of the Grand River. This land continues to be home to diverse Indigenous peoples (e.g., First Nations, Métis and Inuit) whom we recognize as contemporary stewards of the land and vital contributors of our society.



## ABOUT TMHC

Established in 2003 with a head office in London, Ontario, TMHC Inc. (TMHC) provides a broad range of archaeological assessment, heritage planning and interpretation, cemetery, and community consultation services throughout the Province of Ontario. We specialize in providing heritage solutions that suit the past and present for a range of clients and intended audiences, while meeting the demands of the regulatory environment. Over the past two decades, TMHC has grown to become one of the largest privately-owned heritage consulting firms in Ontario and is today the largest predominately woman-owned CRM business in Canada.

Since 2004, TMHC has held retainers with Infrastructure Ontario, Hydro One, the Ministry of Transportation, Metrolinx, the City of Hamilton, and Niagara Parks Commission. In 2013, TMHC earned the Ontario Archaeological Society's award for Excellence in Cultural Resource Management. Our seasoned expertise and practical approach have allowed us to manage a wide variety of large, complex, and highly sensitive projects to successful completion. Through this work, we have gained corporate experience in helping our clients work through difficult issues to achieve resolution.

TMHC is skilled at meeting established deadlines and budgets, maintaining a healthy and safe work environment, and carrying out quality heritage activities to ensure that all projects are completed diligently and safely. Additionally, we have developed long-standing relationships of trust with Indigenous and descendent communities across Ontario and a good understanding of community interests and concerns in heritage matters, which assists in successful project completion.

TMHC is a Living Wage certified employer with the [Ontario Living Wage Network](#) and a member of the [Canadian Federation for Independent Business](#).





## KEY STAFF BIOS

### **Matthew Beaudoin, PhD – Principal**

Matthew received a PhD in Anthropology from Western University in 2013 and has a professional archaeological license with the Province of Ontario (P324). During his archaeological career, Matthew has conducted extensive field research and artifact analysis in Labrador and Ontario, and has taught the Field Methods Course and Principals of archaeology courses as a part-time faculty member at Western University. Matthew has also conducted ethnographic projects in Labrador, and has volunteered with the OAS to provide archaeological training to several Indigenous communities throughout the province.

Over the course of his career, Matthew has supervised over 800 archaeological assessments in Ontario, including Stages 1-4, under a variety of regulatory triggers including provincial and municipal Environmental Assessments, Green Energy projects, development projects under the *Planning Act*, and as due diligence process. Matthew has extensive experience managing large and complex archaeological projects in conjunction with other disciplines, specialists, and Indigenous communities including Enbridge Line 10 Westover Segment, Imperial Oil from Waterdown to Finch, and Highway 3 Widening in Kingsville. Since joining TMHC in 2008, Matthew has also been involved with several notable projects, such as the archaeological assessment of Stoney Point/Camp Ipperwash. For these and other projects, Matthew works closely with heritage staff at TMHC and with heritage staff employed by clients and stakeholder communities.

Matthew is an active member of the Canadian Archaeological Association, the Ontario Archaeological Society, the Society for American Archaeology, and the Society for Historical Archaeology.

### **Amanda Parks, MA – Manager – Environmental Assessments Project Division**

Amanda began her career in archaeology in 2004 and has dedicated her work to the conservation of cultural heritage resources in Ontario. Amanda has worked on numerous Stage 1-4 archaeological assessments in a multitude of roles: project manager, field director, report writer, artifact analyst, and engagement specialist. Regarding the latter, Amanda has worked regularly with Indigenous communities throughout Ontario, engaging communities for archaeological projects, environmental assessments, and property management plans. She has established good working relationships with communities by focusing on a collaborative approach to the protection and documentation of archaeological sites.

Amanda earned a BA in Archaeological Science from the University of Toronto in 2012 and completed her MA in Applied Archaeology at Western in 2018. Her masters research focused on the sweat baths at the Redeemer site, a Middle Ontario Iroquoian site located in the City of Hamilton.



## STATEMENT OF QUALIFICATIONS AND LIMITATIONS

The attached Report (the “Report”) has been prepared by TMHC Inc. (TMHC) for the benefit of the Client (the “Client”) in accordance with the agreement between TMHC and the Client, including the scope of work detailed therein (the “Agreement”).

The information, data, recommendations and conclusions contained in the Report (collectively, the “Information”):

- is subject to the scope, schedule, and other constraints and limitations in the Agreement and the qualifications contained in the Report (the “Limitations”);
- represents TMHC’s professional judgment in light of the Limitation and industry standards for the preparation of similar reports;
- may be based on information provided to TMHC which has not been independently verified;
- has not been updated since the date of issuance of the Report and its accuracy is limited to the time period and circumstances in which it was collected, processed, made or issued;
- must be read as a whole and sections thereof should not be read out of such context; and
- was prepared for the specific purposes described in the Report and the Agreement.

TMHC shall be entitled to rely upon the accuracy and completeness of information that was provided to it and has no obligation to update such information. TMHC accepts no responsibility for any events or circumstances that may have occurred since the date on which the Report was prepared and, in the case of subsurface, environmental or geotechnical conditions, is not responsible for any variability in such conditions, geographically or over time.

TMHC agrees that the Report represents its professional judgement as described above and that the Information has been prepared for the specific purpose and use described in the Report and the Agreement, but TMHC makes no other representations, or any guarantees or warranties whatsoever, whether express or implied, with respect to the Report, the Information or any part thereof.

Except (1) as agreed to in writing by TMHC and Client; (2) as required by-law; or (3) to the extent used by governmental reviewing agencies for the purpose of obtaining permits or approvals, the Report and the Information may be used and relied upon only by Client.

TMHC accepts no responsibility, and denies any liability whatsoever, to parties other than Client who may obtain access to the Report or the Information for any injury, loss or damage suffered by such parties arising from their use of, reliance upon, or decisions or actions based on the Report or any of the Information (“improper use of the Report”), except to the extent those parties have obtained the prior written consent of TMHC to use and rely upon the Report and the Information. Any injury, loss or damages arising from improper use of the Report shall be borne by the party making such use.

This Statement of Qualifications and Limitations is attached to and forms part of the Report and any use of the Report is subject to the terms hereof.



## QUALITY INFORMATION

Report prepared by:

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Casey Lun, MSc  
Report Writer

Project managed by:

---

Amanda Parks, MA (P450)  
Manager – Environmental Assessments Project Division

Report reviewed by:

---

Matthew Beaudoin, PhD (P324)  
Principal



---

# I PROJECT CONTEXT

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## I.1 Development Context

### I.1.1 Introduction

A Stage 1 and 2 archaeological assessment was conducted for a proposed property severance at 95 Victoria Street, located in Port Colborne, in the Regional Municipality of Niagara (Niagara Region), Ontario. Specifically, the project area is limited to the 0.05 ha (0.12 ac) parcel to be severed, which is located within Lot 28, Concession 1, in the Geographic Township of Humberstone, former Welland County, encompassing Part 1 of Lot 8 (N/S Victoria Street), Registered Plan 848. The project area contains an asphalt driveway and manicured grass. In 2023, TMHC Inc. (TMHC) was contracted by the property owner to conduct the assessment, which was conducted in accordance with the provisions of the *Planning Act* and *Provincial Policy Statement*. The work was also in keeping with *Niagara Region Archaeological Management Plan* (Niagara Region 2023), a guide for assessing potential archaeological impacts in land use planning in the Niagara Region. The purpose of the assessment was to determine whether there were archaeological resources present within the project area.

All archaeological assessment activities were performed under the professional archaeological license of Amanda Parks, MA (P450) and in accordance with the *Standards and Guidelines for Consultant Archaeologists* (MTC 2011, “Standards and Guidelines”). Permission to enter the property and carry out all required archaeological activities, including collecting artifacts when found, was given by the property owner.



### 1.1.2 Purpose and Legislative Context

The *Ontario Heritage Act* (R.S.O. 1990) makes provisions for the protection and conservation of heritage resources in the Province of Ontario. Heritage concerns are recognized as a matter of provincial interest in Section 2.6.2 of the *Provincial Policy Statement* (PPS 2020) which states:

*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.*

In the PPS, the term conserved means:

the identification, protection, management and use of *built heritage resources, cultural heritage landscapes and archaeological resources* in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Sections 2 (d) and 3.5 of the *Planning Act* stipulate that municipalities shall have regard for their conservation of features of significant architectural, cultural, historical, archaeological or scientific interest. Therefore, the purpose of a Stage 1 background study is to determine if there is potential for archaeological resources to be found on a property for which a change in land use is pending. It is used to determine the need for a Stage 2 field assessment involving the search for archaeological sites. In accordance with *Provincial Policy Statement* 2.6, if significant sites are found, a strategy (usually avoidance, preservation or excavation) must be put forth for their mitigation.

The *Niagara Region Archaeological Management Plan* (Niagara Region 2023), as part of the New Niagara Official Plan, is a planning tool developed to implement these requirements by identifying areas where there is potential for archaeological sites to exist. If properties are deemed to have potential for archaeological sites, a Stage 1 and 2 archaeological assessment is required.

## 2 STAGE I BACKGROUND REVIEW

### 2.1 Research Methods and Sources

A Stage I overview and background study was conducted to gather information about known and potential cultural heritage resources within the project area. According to the *Standards and Guidelines*, a Stage I background study must include a review of:

- an up-to-date listing of sites from the MCM's PastPortal for 1 km around the property;
- reports of previous archaeological fieldwork within a radius of 50 m around the property;
- topographic maps at 1:10,000 (recent and historical) or the most detailed scale available;
- historical settlement maps (e.g., historical atlas, survey);
- archaeological management plans or other archaeological potential mapping when available; and,
- commemorative plaques or monuments on or near the property.

For this project, the following activities were carried out to satisfy or exceed the above requirements:

- a database search was completed through MCM's PastPortal system that compiled a list of registered archaeological sites within 1 km of the project area (completed May 17, 2024);
- a review of known prior archaeological reports for the property and adjacent lands;
- Ontario Base Mapping (1:10,000) was reviewed through ArcGIS and mapping layers under the Open Government Licence – Canada and the Open Government Licence- Ontario;
- detailed mapping provided by the client was also reviewed;
- a series of historic maps and photographs was reviewed related to the post-1800 land settlement; and
- the *Niagara Region Archaeological Management Plan* (Niagara Region 2023) was reviewed.

Additional sources of information were also consulted, including modern aerial photographs, local history accounts, soils data provided by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), physiographic data provided by the Ontario Ministry of Northern Development and Mines, and detailed topographic data provided by Land Information Ontario.

When compiled, background information was used to create a summary of the characteristics of the project area, in an effort to evaluate its archaeological potential. The Province of Ontario (MTC 2011; Section 1.3.1) has defined the criteria that identify archaeological potential as:

- previously identified archaeological sites;
- water sources;
  - primary water sources (e.g., lakes, rivers, streams, creeks);
  - secondary water sources (e.g., intermittent streams and creeks, springs, marshes, swamps);
  - features indicating past water sources (e.g., glacial lake shorelines, relic river or stream channels, shorelines of drained lakes or marshes, cobble beaches);
  - accessible or inaccessible shorelines (e.g., high bluffs, sandbars stretching into a marsh);
- elevated topography (e.g., eskers, drumlins, large knolls, plateau);
- pockets of well-drained sandy soils;
- distinctive land formations that might have been special or spiritual places (e.g., waterfalls, rock outcrops, caverns, mounds, promontories and their bases);





- resource areas, including:
  - food or medicinal plants (e.g., migratory routes, spawning areas, prairies);
  - scarce raw materials (e.g., quartz, copper, ochre, or chert outcrops);
  - early industry (e.g., fur trade, logging, prospecting, mining);
- areas of early 19<sup>th</sup>-century settlement, including:
  - early military locations;
  - pioneer settlement (e.g., homesteads, isolated cabins, farmstead complexes);
  - wharf or dock complexes;
  - pioneer churches;
  - early cemeteries;
- early transportation routes (e.g., trails, passes, roads, railways, portage routes);
- a property listed on a municipal register, designated under the *Ontario Heritage Act*, or that is a federal, provincial, or municipal historic landmark or site; and,
- a property that local histories or informants have identified with possible archaeological sites, historical event, activities, or occupations.

In Southern Ontario (south of the Canadian Shield), any lands within 300 m of any of the features listed above are considered to have potential for the discovery of archaeological resources.

Typically, a Stage 1 assessment will determine potential for Indigenous and 19<sup>th</sup>-century period sites independently. This is due to the fact that lifeways varied considerably during these eras, so the criteria used to evaluate potential for each type of site also varies.

It should be noted that some factors can also negate the potential for discovery of intact archaeological deposits. The *Standards and Guidelines* (MTC 2011; Section 1.3.2) indicates that archaeological potential can be removed in instances where land has been subject to extensive and deep land alterations that have severely damaged the integrity of any archaeological resources. Major disturbances indicating removal of archaeological potential include, but are not limited to:

- quarrying;
- major landscaping involving grading below topsoil;
- building footprints; and,
- sewage and infrastructure development.

Some activities (agricultural cultivation, surface landscaping, installation of gravel trails, etc.) may result in minor alterations to the surface topsoil but do not necessarily affect or remove archaeological potential. It is not uncommon for archaeological sites, including structural foundations, subsurface features and burials, to be found intact beneath major surface features like roadways and parking lots. Archaeological potential is, therefore, not removed in cases where there is a chance of deeply buried deposits, as in a developed or urban context or floodplain where modern features or alluvial soils can effectively cap and preserve archaeological resources.



## 2.2 Project Context: Archaeological Context

### 2.2.1 Project Area: Overview and Physical Setting

The project area is a roughly 0.05 ha (0.12 ac) parcel of land located at 95 Victoria Street in Port Colborne, Ontario. More specifically, the project area is located within Lot 28, Concession 1, in the Geographic Township of Humberstone, and encompasses Part 1 of Lot 8 (N/S Victoria Street), Registered Plan 848 (Maps 1 and 2). The parcel to be severed contains the footprint of a metal clad shed, an asphalt driveway, and manicured grass. It is bound to the north, east, west by residential properties, and to the south by Victoria Street.

The project area is located within the Haldimand Clay Plain physiographic region (Map 3), as defined by Chapman and Putnam (1984:113). This region encompasses some 1,350 square miles between the Niagara Escarpment and Lake Erie and was once entirely submerged by glacial Lake Warren. It contains both flat clay plains and more gently rolling topography, particularly where till moraines and drumlins are prominent surface features (Chapman and Putnam 1984:156).

Formal soil surveys for Port Colborne do not map the soils in this area (Map 4). According to generalized soils for Port Colborne (Kingston and Presant 1989), the predominant soil type of the project area is a poor draining, fibric mesisol.

The project area lies within 300 m of the Welland Canal, and is 400 m north of Lake Erie (Map 1). The First Welland Canal began construction in 1824, with the current canal being its fourth iteration, built in 1913 (Scientific American 1919; Westwater and Albanese 2014). Its extension south reached Port Colborne in 1833. The Welland Canal plays an important role in the development of many port communities along Lake Ontario and Lake Erie, including Port Colborne, whose history, as the Canal's southern terminus, is intricately tied with the Canal.



### 2.2.2 Summary of Registered or Known Archaeological Sites

According to PastPortal (accessed May 17, 2024) there are seven registered archaeological sites within 1 km of the project area. The closest site is AfGt-82 (the Wildwood site), roughly 300 m southeast and part of a continuous aeolian dune complex along the northeast shore of Lake Erie. A 1995 survey done by J. Pengelly (license number 101) recovered Indigenous lithic material and 19<sup>th</sup>-century ceramics, and a possible 1812 cannonball. The researcher suggested that the lithic material (scraper and chert debitage) could be associated with nearby burial sites.

**Table 1: Registered Archaeological Sites within 1 km of the Project Area**

Borden Number	Site Name	Time Period	Affinity	Site Type	Current Development Review Status	Distance
AfGt-5	Solid Comfort Cemetary	Pre-Contact	Aboriginal			>1 km
AfGt-6	Pinelli					>1 km
AfGt-27	Ansari Site	Post-Contact, Pre-Contact			No Further CHVI	>1 km
AfGt-82	Wildwood	Post-Contact, Pre-Contact	Aboriginal, Euro-Canadian	Unknown		>300 m
AfGt-101	Sugarloaf	Archaic, Late	Aboriginal	Othercamp/campsite, workshop		>1 km
AfGt-102		Pre-Contact	Aboriginal	Scatter		>1 km
AfGt-347	23-354PI	Pre-Contact	Aboriginal	Scatter	No Further CHVI	<1 km

### 2.2.3 Summary of Past Archaeological Investigations within 50 m

During the course of this study no record was found of any archaeological investigations within 50 m of the project area. However, it should be noted that the MCM currently does not provide an inventory of archaeological assessments to assist in this determination.

### 2.2.4 Dates of Archaeological Fieldwork

The Stage 2 fieldwork was conducted on May 16, 2024, in mixed sunny/cloudy and warm weather conditions under the direction of Arwen Johns, MA (R1330).



## 2.3 Project Context: Historical Context

### 2.3.1 Indigenous Settlement in the Niagara Region

The Niagara Region attracted considerable Indigenous settlement in the past and contains numerous archaeological sites. In recent years, our archaeological knowledge of the area has improved greatly, at the hands of various cultural resource management surveys and archaeological research projects that have accompanied development in the region. Using existing data and regional syntheses, it is possible to propose a generalized model of Indigenous settlement in the project area. The general themes, time periods and cultural traditions of Indigenous settlement, based on archaeological evidence, are provided below and in Table 2.

**Table 2: Chronology of Indigenous Settlement in the Niagara Region**

Period	Time Range	Diagnostic Features	Archaeological Complexes
Early Paleo	9000-8400 BCE	fluted projectile points	Gainey, Barnes, Crowfield
Late Pale	8400-8000 BCE	non-fluted and lanceolate points	Holcombe, Hi-Lo, Lanceolate
Early Archaic	8000-6000 BCE	serrated, notched, bifurcate base points	Nettling, Bifurcate Base Horizon
Middle Archaic	6000-2500 BCE	stemmed, side & corner notched points	Brewerton, Otter Creek, Stanly/Neville
Late Archaic	2000-1800 BCE	narrow points	Lamoka
Late Archaic	1800-1500 BCE	broad points	Genesee, Adder Orchard, Perkiomen
Late Archaic	1500-1100 BCE	small points	Crawford Knoll
Terminal Archaic	1100-950 BCE	first true cemeteries	Hind
Early Woodland	950-400 BCE	expanding stemmed points, Vinette pottery	Meadowood
Middle Woodland	400 BCE-500 CE	dentate, pseudo-scallop pottery	Point Peninsula
Transitional Woodland	500-900 CE	first corn, cord-wrapped stick pottery	Princess Point
Late Woodland	900-1300 CE	first villages, corn horticulture, longhouses	Glen Meyer
Late Woodland	1300-1400 CE	large villages and houses	Uren, Middleport/Springwells
Late Woodland	1400-1650 CE	tribal emergence, territoriality	
Contact Period - Indigenous	1700 CE-present	treaties, mixture of Indigenous & European items	
Contact Period - Settler	1796 CE-present	industrial goods, homesteads	



### 2.3.1.1 Paleo Period

The first human populations to inhabit the region arrived between 12,000 and 10,000 years ago, coincident with the end of the last period of glaciation. Climate and environmental conditions were significantly different then they are today; local environs would not have been welcoming to anything but short-term settlement. Ontario's Indigenous peoples of this time period would have crossed the landscape in small groups (i.e., bands or family units) searching for food, particularly migratory game species. In this area, caribou may have provided the staple of the Paleo period diet, supplemented by wild plants, small game, birds and fish.

Given the low density of populations on the landscape at this time and their mobile nature, Paleo period sites are small and ephemeral. They are sometimes identified by the presence of fluted projectile points manufactured on a highly distinctive whitish-grey chert named "Fossil Hill" (after the formation) or "Collingwood." This material was acquired from sources near the edge of the escarpment on Blue Mountain. It was exploited by populations from as far south as the north shore of Lake Ontario, who would have traveled to the source as part of their seasonal round. There are known Paleo period sites in this region, and these are often found in association with glacial lake shorelines.

### 2.3.1.2 Archaic Period

Settlement and subsistence patterns changed significantly during the Archaic period as both the landscape and ecosystem adjusted to the retreat of the glaciers. Building on earlier patterns, early Archaic period populations continued the mobile lifestyle of their predecessors. Through time and with the development of more resource rich local environments, these groups gradually reduced the size of the territories they exploited on a regular basis. A seasonal pattern of warm season riverine or lakeshore settlements and interior cold weather occupations has been documented in the archaeological record.

Since the large cold weather mammal species that formed the basis of the Paleo period subsistence pattern became extinct or moved northward with the onset of warmer climate conditions, Archaic period populations had a more varied diet, exploiting a range of plant, bird, mammal and fish species. Reliance on specific food resources like fish, deer and nuts becomes more pronounced through time and the presence of more hospitable environments and resource abundance led to the expansion of band and family sizes. In the archaeological record, this is evident in the presence of larger sites and aggregation camps, where several families or bands would come together in times of plenty. The change to more preferable environmental circumstances led to a rise in population density. As a result, Archaic sites are more plentiful than those from the earlier period. Artifacts typical of these occupations include a variety of stemmed and notched projectile points, chipped stone scrapers, ground stone tools (e.g., celts, adzes) and ornaments (e.g., bannerstones, gorgets), bifaces or tool blanks, animal bone (where and when preserved) and waste flakes, a by-product of the tool making process.

### 2.3.1.3 Early, Middle and Transitional Woodland Periods

Significant changes in cultural and environmental patterns are witnessed in the Woodland period (c. 950 BCE-1700 CE). By this time, the coniferous forests of earlier times were replaced by stands of mixed and deciduous species. Occupations became increasingly more substantial in this period, culminating in major semi-permanent villages by 1,000 years ago. Archaeologically, the most significant changes by Woodland times are the appearance of artifacts manufactured from modeled clay and the construction of house structures. The Woodland period is often defined by the occurrence of pottery, storage facilities and residential areas similar to those that define the incipient agricultural or Neolithic period in Europe.



Early and Middle Woodland peoples are also known for a well-developed burial complex and ground stone tool industry. Unique Early Woodland ground stone items include pop-eyed birdstones and gorgets. In addition, there is evidence of the development of widespread trading with groups throughout the northeast. The recovery of marine shells from the Lake Superior area indicates that exchanges of exotic materials and finished items from distant places were common place. The Middle Woodland period in the region is dominated by sites recognized as part of the Point Peninsula archaeological complex. Point Peninsula groups were influenced by Hopewell culture developments in the American Midwest, including mound burial and participation in widespread trade in exotic materials, many of which were used as burial offerings.

#### 2.3.1.4 Late Woodland Period

Beginning circa 1000 BCE, the archaeological record documents the emergence of more substantial, semi-permanent settlements and the adoption of corn horticulture. These developments are most often associated with Iroquoian-speaking populations, the ancestors of the Wendat (Huron) and Attawandaron (Neutral) nations who were known to have resided in the province upon the arrival of the first European explorers and missionaries. Iroquoian villages incorporated a number of longhouses, multi-family dwellings that contained several families related through the female line. Precontact Iroquoian sites may be identified by a predominance of well-made pottery decorated with various simple and geometric motifs, triangular projectile points, clay pipes and ground stone artifacts. Sites post-dating European contact are recognized through the appearance of various items of European manufacture. The latter include materials acquired by trade (e.g., glass beads, copper/brass kettles, iron axes, knives and other metal implements) in addition to the personal items of European visitors and Jesuit missionaries (e.g., finger rings, stoneware, rosaries, and glassware).

Indigenous people had long inhabited the Niagara region prior to the arrival of European explorers and missionaries in the 17<sup>th</sup> century. The Iroquoian-speaking Attawandaron lived in the region between the Grand and Niagara Rivers prior to the arrival of Europeans. French explorers referred to the Attawandaron Nation as the Neutral, after observing that the group often remained neutral during conflicts between the Wendat (Huron) and the Haudenosaunee Confederacy, and their neighbours referred to them as the Attawandaron. In the mid-17<sup>th</sup> century, Attawandaron villages were destroyed by the Seneca, who lived on the east side of the Niagara River. The Attawandaron population was decimated by these attacks, as well as earlier smallpox epidemics.

In the late-18<sup>th</sup> and early-19<sup>th</sup> centuries the Niagara Peninsula and environs was actively used by the Haudenosaunee who had settled along the Grand River and the Mississaugas, whose territory included lands further west into present day Toronto. The project area is located within lands that made up the July 19, 1701 Deed, or Nanfan Treaty, between the Five Nations of the Iroquois Confederacy and John Nanfan, on behalf of the British Crown. The agreement was amended 60 years later to identify a strip of land 60 miles wide close to Lake Erie and Lake Ontario for Six Nations occupation and use. The project area is within lands that were part of Treaty Number 381, known as the Niagara purchase, made between the Mississaugas and Chippewas and the Crown on 9 May 1781. The Niagara purchase was completed in 1784 at Fort Niagara from the Iroquois and Chippewa Indians. The Niagara purchase was instigated by Sir William Johnson, the first official representative of an Indian Department in British North America, and later made by Colonel Guy Johnson, the acting superintendent general of Indian Affairs (ITS 1971; Morris 1943).



### **2.3.2 Treaty History**

The project area is encompassed by the Between the Lakes Treaty (Treaty No. 3). The Mississauga people reached a provisional agreement with the Crown in 1784, but it proved to be unclear. Consequently, the treaty was redrafted to provide a better description of the affected lands and signed on December 7, 1792. The area covered by the treaty extended from Mapleton Township in the northwest to Elgin County in the southwest to the edge of a tract of land ceded earlier along the Niagara River in the east. The stated purpose of Treaty No. 3 (MCFN 2020; Surtees 1984) was the Crown acquisition of land for the resettling of British allies from the American Revolutionary War, most notably allies from the Haudenosaunee Confederacy (Six Nations). Of these groups, Thayendanegea (Joseph Brant) and some 1,843 members of the Six Nations and their allies settled along the Grand River in what would become known as the Haldimand Tract (Surtees 1984:25).

### **2.3.3 Nineteenth-Century and Municipal Settlement**

Historically the project area falls within Lot 28, Concession I, in the Geographic Township of Humberstone, Welland County. A brief discussion of 19<sup>th</sup>-century settlement and land use in the township is provided below in an effort to identify features signaling archaeological potential.

#### **2.3.3.1 Welland County**

Welland County lies in the southeast portion of the Niagara peninsula of Ontario, bordered on the south by Lake Erie and on the east by the Niagara River. When Sir John Graves Simcoe became the first governor of Upper Canada in 1792, the Province of Ontario (then Upper Canada) began to be divided into counties and further into townships (Fretz 1953:55). In the Niagara peninsula, township names were to be taken from various places in England and Scotland, counter to previous methods of naming rights being given to their early settlers (Exploring Niagara 2014). Ontario, legally a part of Quebec as the Act of 1774, had previously been divided into four districts by Lord Dorchester: the Detroit settlement, called Hesse; the Niagara settlement, called Nassau; the Bay of Quinte and Lake Ontario settlement, called Mecklenberg; and the St. Lawrence front in the east, called Lunenburg (Fretz 1953:55). The Niagara district became the County of Lincoln; by 1845, the southern portion of Lincoln County was separated to form Welland County (Exploring Niagara 2014) and by about 1881, only the townships between the Niagara River and the Welland Canal were called Welland County (Fretz 1953:55).

#### **2.3.3.2 Humberstone Township**

The Township of Humberstone was settled by 1785 (H.R. Page & Co. 1876); it was bordered to the south by Lake Erie, to the north by the Township of Crowland, to the east by the Township of Bertie, and to the west by the Township of Wainfleet. Some of the original settler families of Humberstone Township include Knisley [Kniseley], Near [Neave/Neff], Sherk [Shirk], Zavitz [Sevitz/Savitz], and Steel [Steele], as well as U.E. Loyalist settlers from the American colonies (Exploring Niagara 2014; Fretz 1953:10). Early on, it was nicknamed Sugarloaf Township, so named because of the distinctively shaped lake-side hill which wistfully reminded the early settlers of a tasty loaf eaten by the former immigrants from Pennsylvania (Port Colborne n.d.). During the War of 1812, Sugarloaf Hill was used as a signal beacon to warn of impending American attacks but proved to be unable to halt a small attack on the Sugarloaf Settlement shoreline (Port Colborne n.d.). By 1817, the Township included a saw mill, grist mill, and over 75 families (H.R. Page & Co. 1876). By 1850, it contained

a grist mill, three saw mills, a foundry, two churches, eight public schools, and 279 inhabited houses that served its population of 2,377 (H.R. Page & Co. 1876).

### 2.3.3.3 Port Colborne

Settlement of the Port Colborne area, originally known as Gravelly Bay, began in the 1790s. Following the completion of the Welland Ship Canal in 1833, the settlement was renamed in honour of Upper Canada's then Lieutenant-Governor, Sir John Colborne, who was instrumental in securing funding for the canal project. Port Colborne became one of the largest communities in Humberstone Township, partly because of its location at the southern terminus of both the canal and the Welland Railway. It was also an important station along the Buffalo and Goderich Division of the Grand Truck Railway (H.R. Page & Co. 1876).

The presence of the Welland Canal, which effectively bisects the city, was the major driving factor for the city's growth in the 19<sup>th</sup> century (Port Colborne n.d.). Throughout the 19<sup>th</sup> century, Port Colborne developed into a business community serving the marine trade passing through the Welland Canal. By 1870, the population of Port Colborne had grown to 1,030, which prompted the citizens to become an incorporated village. In 1889, the Humberstone Club, composed of wealthy summer residents from the southern states such as Mrs. Jefferson Davis, wife of the former president of the Confederacy during the American Civil War, chose Port Colborne as their destination of escape from the summer heat. The discovery in the late 1880's of significant reserves of natural gas in the area led to the rapid industrialization of Port Colborne and the surrounding area as companies such as the Erie and Foster glass companies and the Ontario Silver Company established themselves in the area to utilize the new source of fuel (Port Colborne n.d.).

As the 20<sup>th</sup> century progressed, improvements to the harbour and the enlargements of the Welland Canal facilitated industrial development and small 19<sup>th</sup>-century commercial and manufacturing works began to be displaced by larger conglomerates (Port Colborne n.d.). In 1918, Port Colborne was officially declared a town with a population of 2,837. In the succeeding decades of steady growth, the Village of Humberstone and the Town of Port Colborne continued to grow towards one another geographically and this reality was officially recognized in 1952 with their amalgamation. In 1966, Port Colborne was officially accorded the status of 'City' (Port Colborne n.d.).

### 2.3.4 Review of Historic Maps and Aerial Imagery

The project area historically falls within Lot 28, Concession 1, Township of Humberstone, Welland County, Ontario. The 1862 *Tremaine's Map* (Map 5) shows the town of Port Colborne as being established at this time, with a bridge over the Welland Canal and various residential streets as being open at this time. A church is depicted to the east of Catherine Street. The Buffalo Brantford and Goderich Railway is depicted further north. Similarly, the 1876 historic atlas (Map 6) depicts the same streets and railway as open at this time, though no other details are shown. In another 1876 map specific to Port Colborne, the project area is associated with "Gordham's Estate", and a graveyard is shown roughly 300 m to the south, by Lake Erie (Map 7). This graveyard may be the Old Gravelly Bay Cemetery (Ontario Genealogical Society n.d.).

On the 1907 topographic map, there are three churches depicted near the project area to the north of Kent Street – one made of wood, two of stone and brick (Map 8). The area is densely populated with structures.

A review of a 1934 aerial photograph shows that a residential structure is depicted either side of the project area and that the surrounding area is characterized as largely residential (Map 9), a trend which continues to the present. The Port Colborne Harbour Railway is shown, approximately 190 m to the west.



### **2.3.5 Review of Heritage Properties**

There are numerous properties listed on the Port Colborne Heritage Property Registry (2008) in the vicinity (within 300 m) of the project area, including 95 Victoria Street. The city list identifies non-designated properties that contain Cultural or Heritage value or interests under the *Ontario Heritage Act*. The closest property, 95 Victoria Street itself, is a stucco house built in the Classic Revival variation style. While no date is provided for its year of construction, most of the surrounding properties that are also designated as heritage properties were built in the 19<sup>th</sup>-century, with the nearby 94 Victoria Street built in 1865.

Designated heritage properties within 50 m of the project area include:

- 86 Victoria Street
- 90 Victoria Street
- 94 Victoria Street
- 95 Victoria Street
- 108 Victoria Street
- 113 Victoria Street
- 94/96 Kent Street
- 104 Kent Street
- 110 Kent Street
- 136 Catharine Street
- 140 Catharine Street





## 2.4 Analysis and Conclusions

As noted in Section 2.1, the Province of Ontario has identified numerous factors that signal the potential of a property to contain archaeological resources. Based on the archaeological and historical context reviewed above, the project area is in proximity (i.e., within 300 m) to features that signal archaeological potential, namely:

- a previously identified archaeological site (AfGt-82);
- areas of early 19<sup>th</sup>-century settlement (Port Colborne);
- early transportation routes (the Welland Canal and Buffalo, Brantford and Goderich Railway)
- 19<sup>th</sup>-century thoroughfares (Sugarloaf, Adelaide, Victoria, Kent, Elm, Catharine, King, and West Streets);
- 19<sup>th</sup>-century churches;
- 19<sup>th</sup>-century cemeteries; and,
- registered heritage properties.

As well, the *Niagara Region Archaeological Management Plan* identifies the project area as having archaeological potential.

## 2.5 Recommendations

Given that the project area demonstrated potential for the discovery of archaeological resources, a Stage 2 archaeological assessment was recommended. In keeping with provincial standards, the areas within the project area that consist of grassed or treed areas are recommended for assessment by a test pit survey at a 5 m transect interval to achieve the provincial standard. As the project area is considered to have archaeological potential pending Stage 2 field inspection, a separate map detailing zones of archaeological potential is not provided herein (MTC 2011; Section 7.7.4, Standard 1 and Section 7.7.6, Standards 1 and 2).

## 3 STAGE 2 ARCHAEOLOGICAL ASSESSMENT

### 3.1 Field Methods

All fieldwork was undertaken in good weather and lighting conditions. No conditions were encountered that would hinder the identification or recovery of artifacts. The property boundaries were determined in the field based on proponent mapping, property markers, and geographic features.

The project area is comprised of non-ploughable lands consisting of manicured grass, gently sloping from south to north. As such, the project area was subject to a standard test pit assessment, employing a 5 m transect interval (80%; 0.04 ha; Images 1 and 2). Test pits measuring at least 30 cm (shovel-width) were excavated through the first 5 cm of subsoil with all fill screened through 6 mm hardware cloth. Once screening was finished, the stratigraphy in the test pits was examined and then the pits were backfilled as best as possible, tamped down by foot and shovel and re-capped with sod. Test pitting extended up to 1 m from all standing features, including trees and buildings, when present.

It was anticipated that when cultural material was found, the test pit survey would be intensified (reduced to 2.5 m) to determine the size of the site. If not enough archaeological materials were recovered from the intensification test pits, a 1 m<sup>2</sup> test unit would be excavated atop of one of the positive test pits to gather additional information.

Within the manicured grass, both intact and disturbed soil profiles were observed. The test pits with intact soil profiles typically contained roughly 30 cm of brown silty clay loam with root intrusions over grey-tan silty clay subsoil (Image 3). The test pits exhibiting disturbed soil profiles contained roughly four layers of soil reaching a depth of 70 cm. Layer 1 consisted of brown silty clay loam; Layer 2 was brown clay loam with gravel/builder's clay intrusions; Layer 3 was brown silty clay loam topsoil; and Layer 4 was grey-tan silty clay subsoil (Image 4). The disturbance was likely a result of past activities to level the lot, including depositing overburden or fill soils over intact topsoil.

As per Section 2.1, Standard 2 of the *Standards and Guidelines* (MTC 2011:28-29), certain physical features and deep land alterations are considered as having low archaeological potential and are thus exempt from the standard test pit survey. Approximately 20% (0.01 ha) of the project area was disturbed, consisting of the asphalt driveway (Image 5), and the footprint of a former shed on the property (Image 6).

Map 10 illustrates the Stage 2 field conditions and assessment methods; the location and orientation of all photographs appearing in this report are also shown on this map. Map 11 presents the Stage 2 results on the proponent mapping. An unaltered proponent map is provided as Map 12.



3.2 Record of Finds

No archaeological materials or sites were identified during the Stage 2 archaeological assessment of the project area. Table 4 provides an inventory of the documentary records generated during this project.

All files are currently being stored at the TMHC corporate office located at 1108 Dundas Street, Unit 105, London, ON, N5W 3A7.

Table 3: Documentary Records

Date	Field Notes	Field Maps	Digital Images
May 16, 2024	Digital and hard copies	Digital and hard copies	24 Images

3.3 Analysis and Conclusions

A Stage 2 field assessment was conducted in keeping with the MCM’s *Standards and Guidelines* (MTC 2011). The test pit survey did not result in the documentation of archaeological resources. As such, the project area should be considered free of archaeological concern.

3.4 Recommendations

All work met provincial standards and no archaeological material was documented during the assessment. As such, no further archaeological assessment is recommended.

Should proposed impacts extend into the parcel to be retained, then additional assessment of the property may be required (Map 13).

These recommendations are subject to the conditions laid out in Section 5.0 of this report and to the MCM’s review and acceptance of this report into the provincial register.





## 4 SUMMARY

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A Stage 1 and 2 archaeological assessment was conducted for a property severance at 95 Victoria Street (Part 1), located in Port Colborne, Ontario. The project area is roughly 0.05 ha (0.12 ac) in size and is located within Lot 28, Concession 1, in the Geographic Township of Humberstone, former Welland County, encompassing Part 1 of Lot 8 (N/S Victoria Street), Registered Plan 848. The Stage 1 assessment revealed that the property had potential for the discovery of archaeological resources and a Stage 2 survey was recommended and carried out. The Stage 2 assessment (test pit assessment at a 5 m interval) did not result in the documentation of archaeological resources. As such, no further archaeological assessment is recommended.

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## 5 ADVICE ON COMPLIANCE WITH LEGISLATION

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

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

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

The *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 requires that any person discovering human remains must notify the police or coroner and Ian Hember, Registrar of Burial Sites, Ontario Ministry of Public and Business Service Delivery. His telephone number is 416-212-7499 and e-mail address is [Ian.Hember@ontario.ca](mailto:Ian.Hember@ontario.ca).

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## 7 IMAGES

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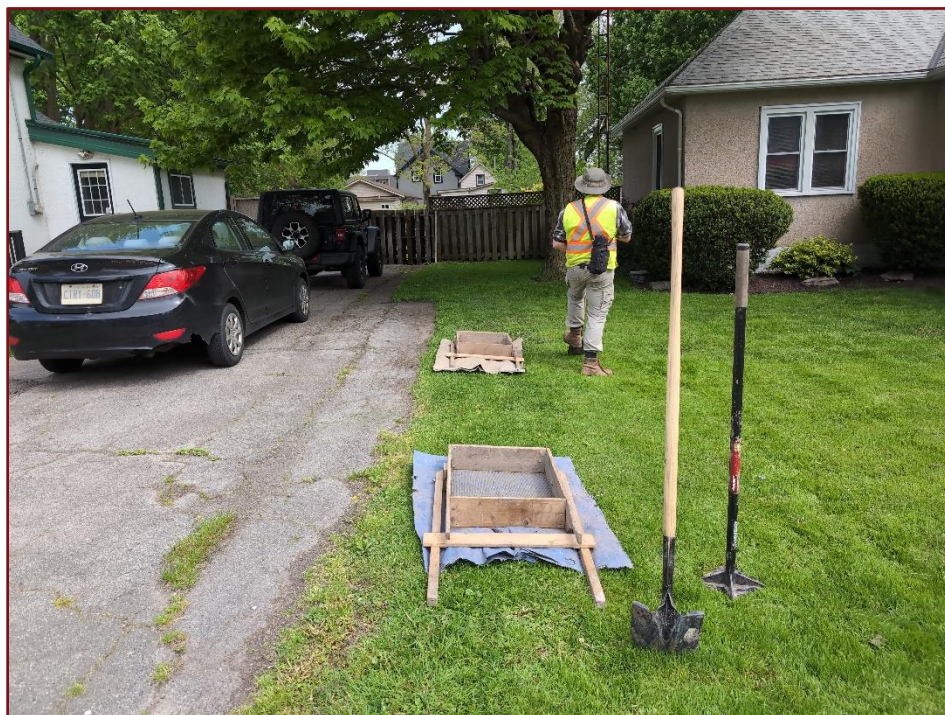
**Image 1: Test Pit Survey at 5 m Interval in Backyard**

Looking Northeast



**Image 2: Test Pit Survey at 5 m Interval in Front Yard**

Looking North





**Image 3: Typical Test Pit within Intact Soil Profile**



**Image 4: Typical Test Pit with Disturbed Soil Profile**





**Image 5: Paved Driveway**

Looking North



**Image 6: Footprint of Former Shed**

Looking South





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## 8 MAPS

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## PROJECT LOCATION

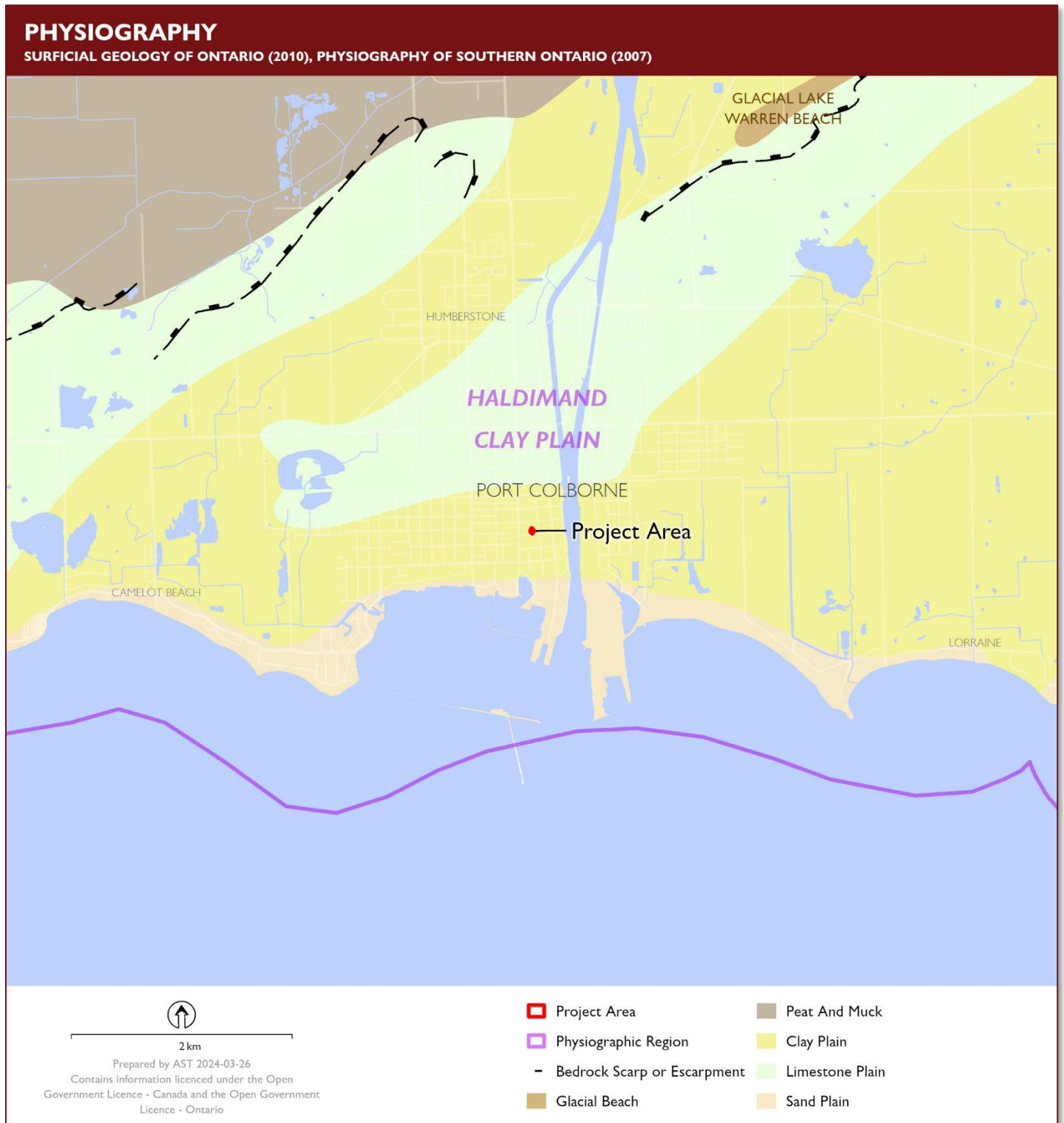


**Map 1: Location of the Project Area in Port Colborne, ON**



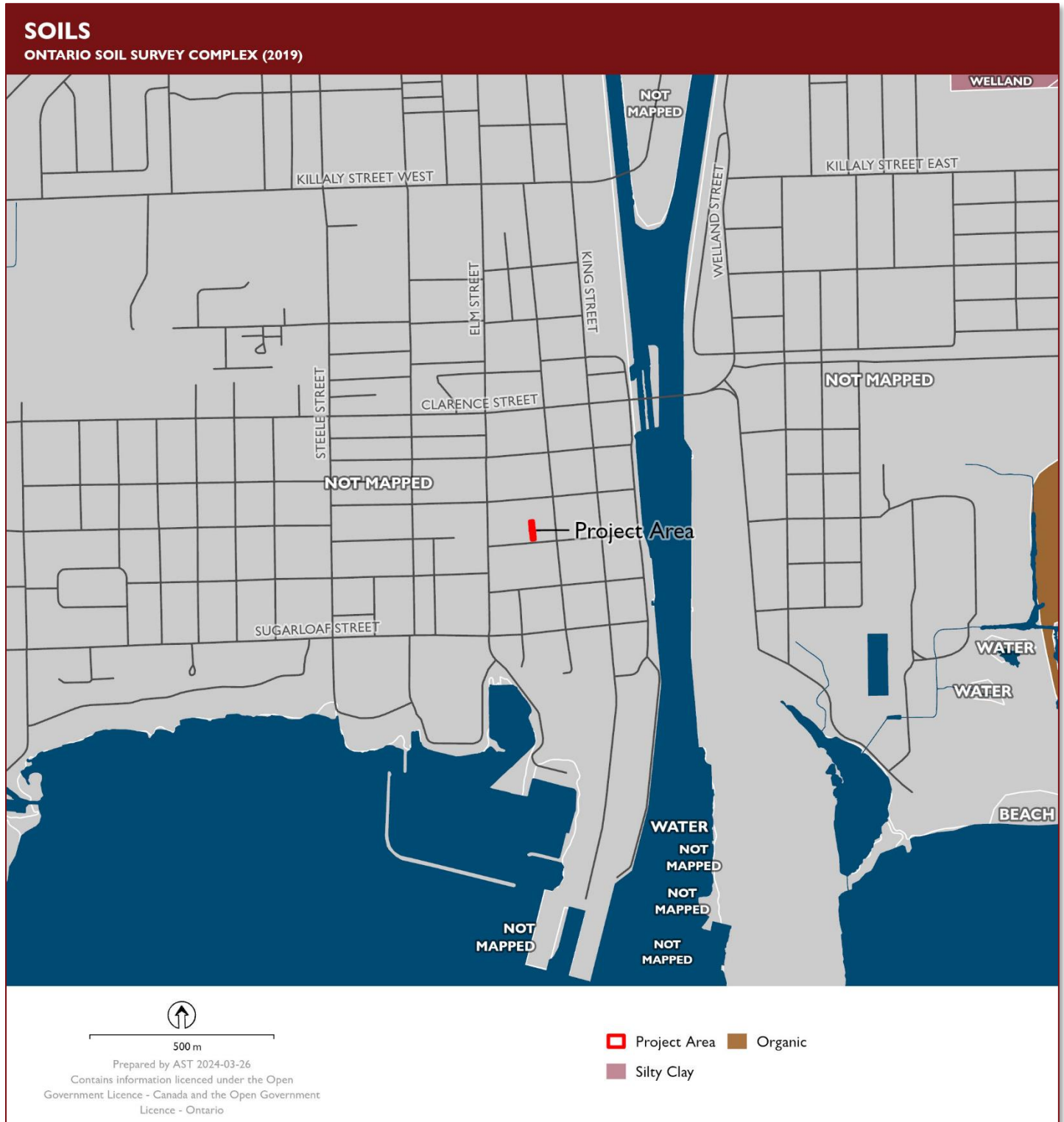


**Map 2: Aerial Photograph Showing the Location of the Project Area**



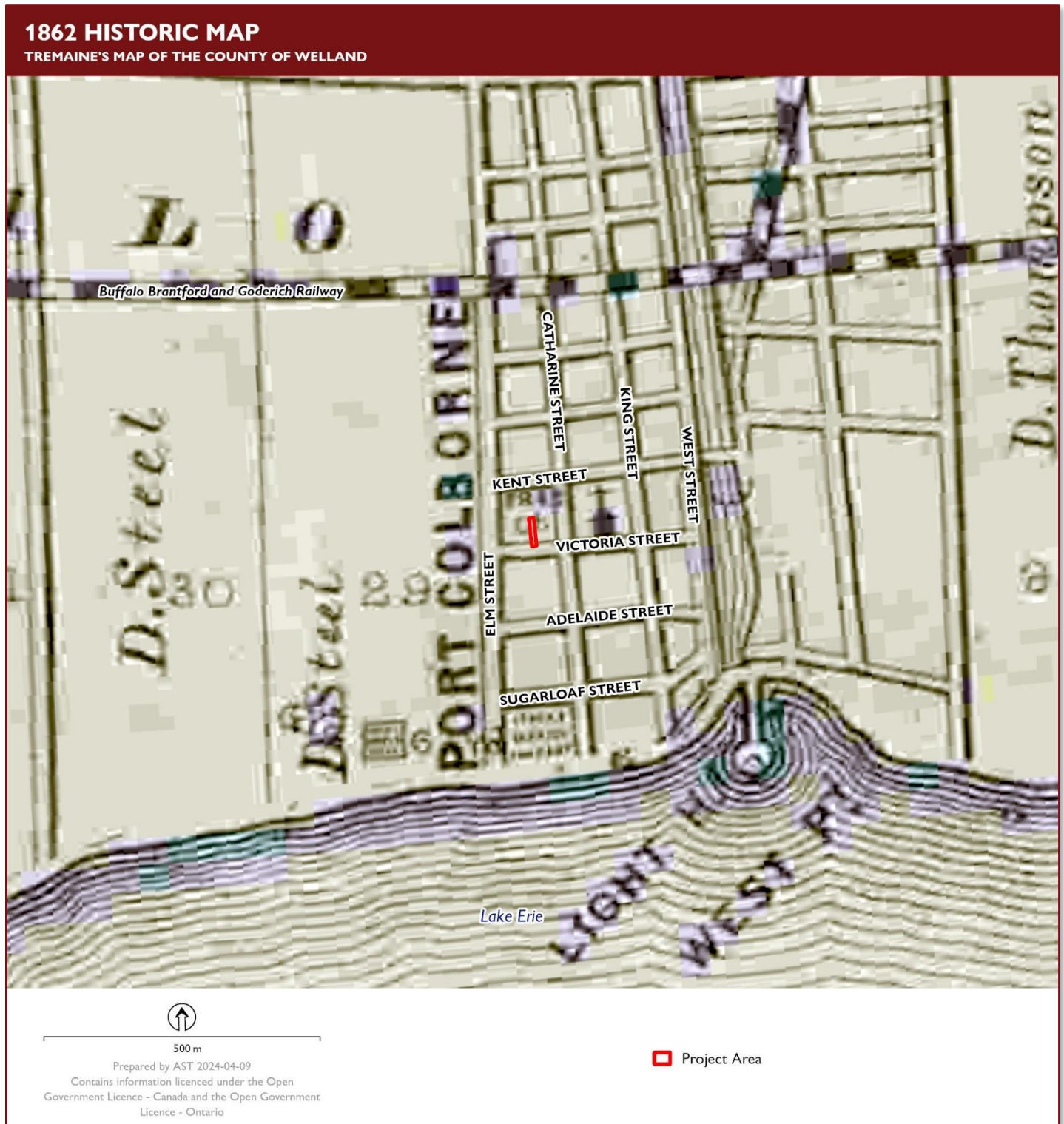
**Map 3: Physiography Within the Vicinity of the Project Area**





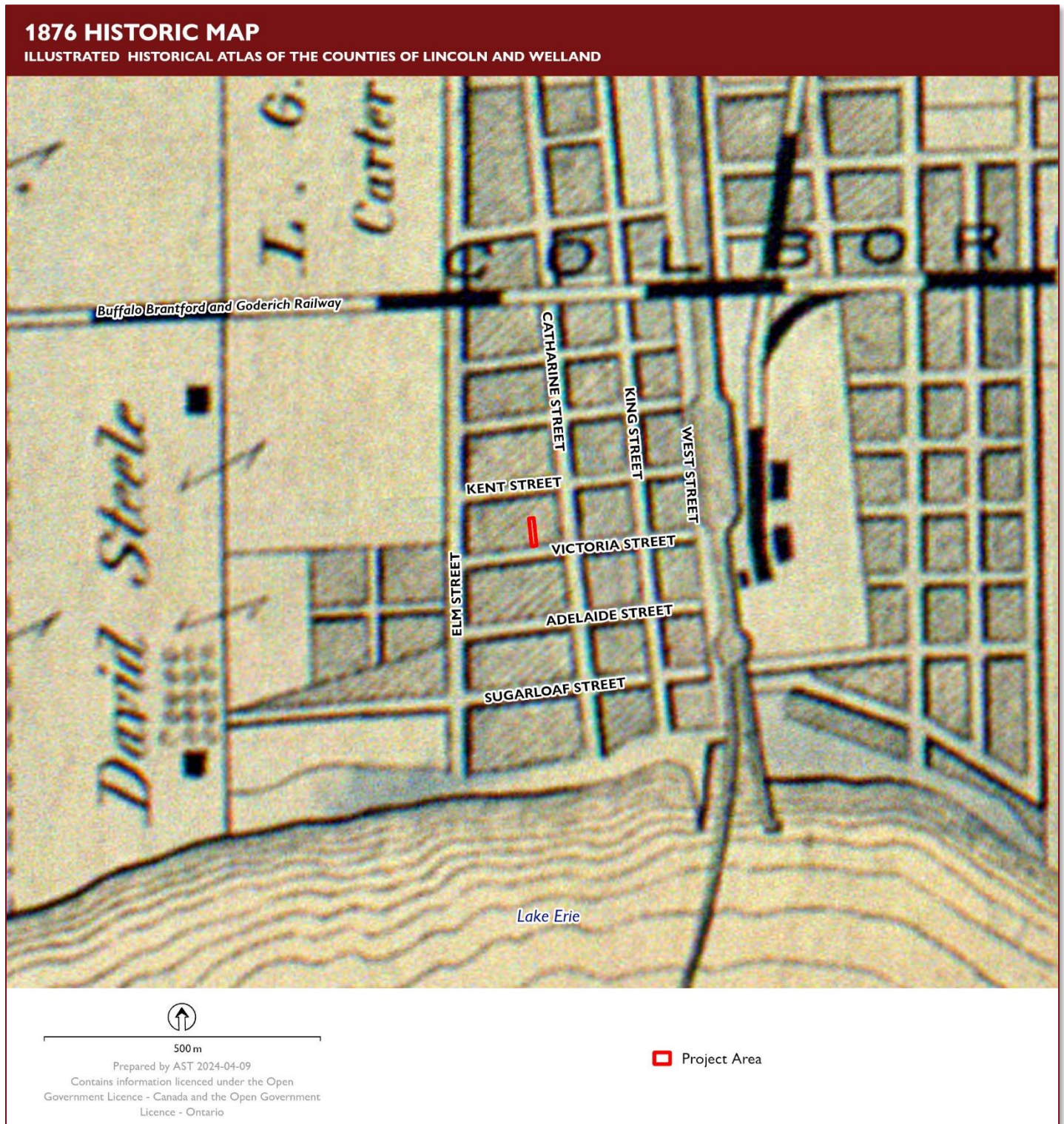
**Map 4: Soils Within the Vicinity of the Project Area**





**Map 5: Location of the Project Area Shown on the 1862 Map of Welland County**



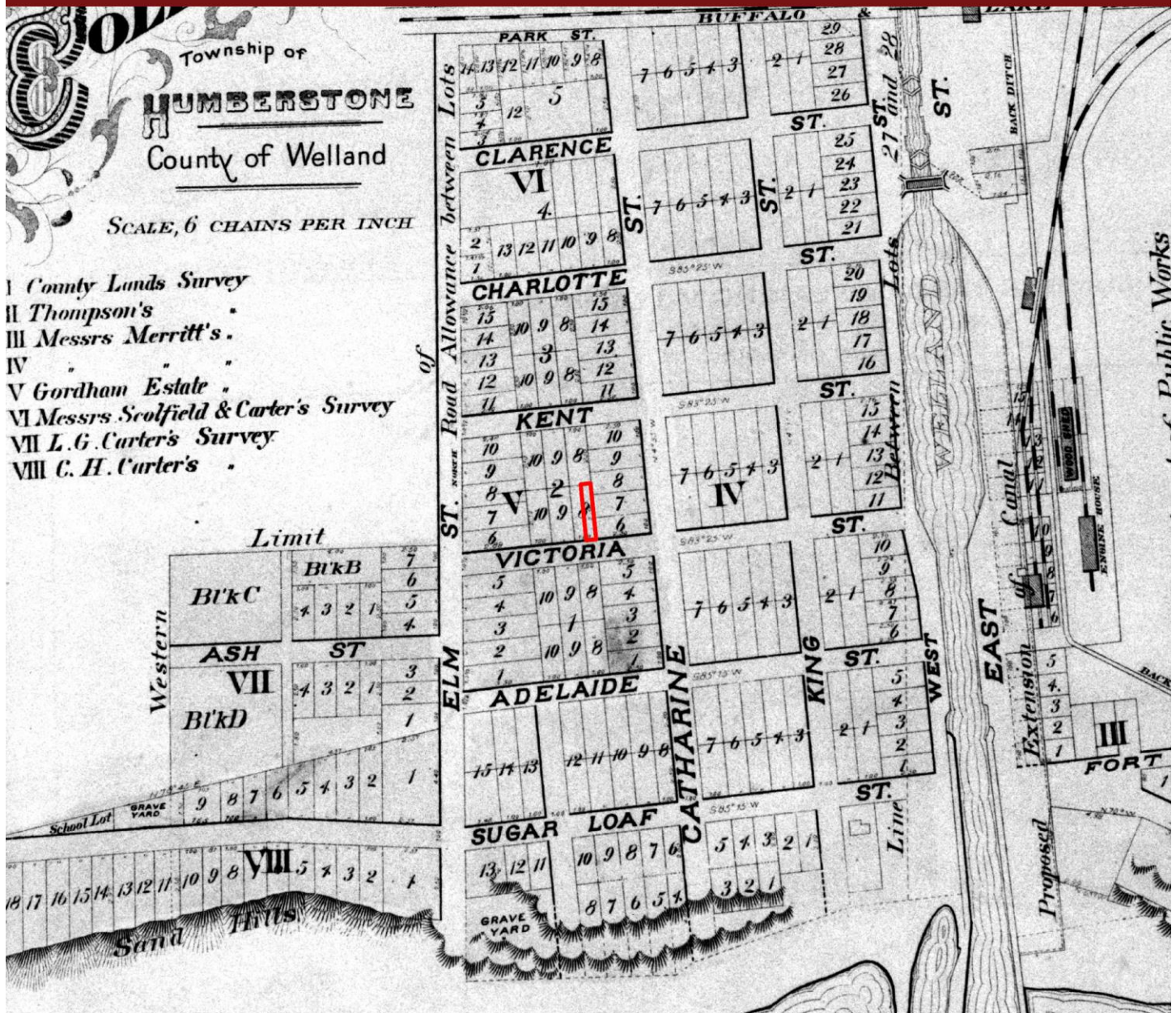


**Map 6: Location of the Project Area Shown on the 1876 Map of Lincoln and Welland County**



## 1876 HISTORIC MAP

ILLUSTRATED HISTORICAL ATLAS OF THE COUNTIES OF LINCOLN AND WELLAND



250 m

Prepared by AST 2024-05-24

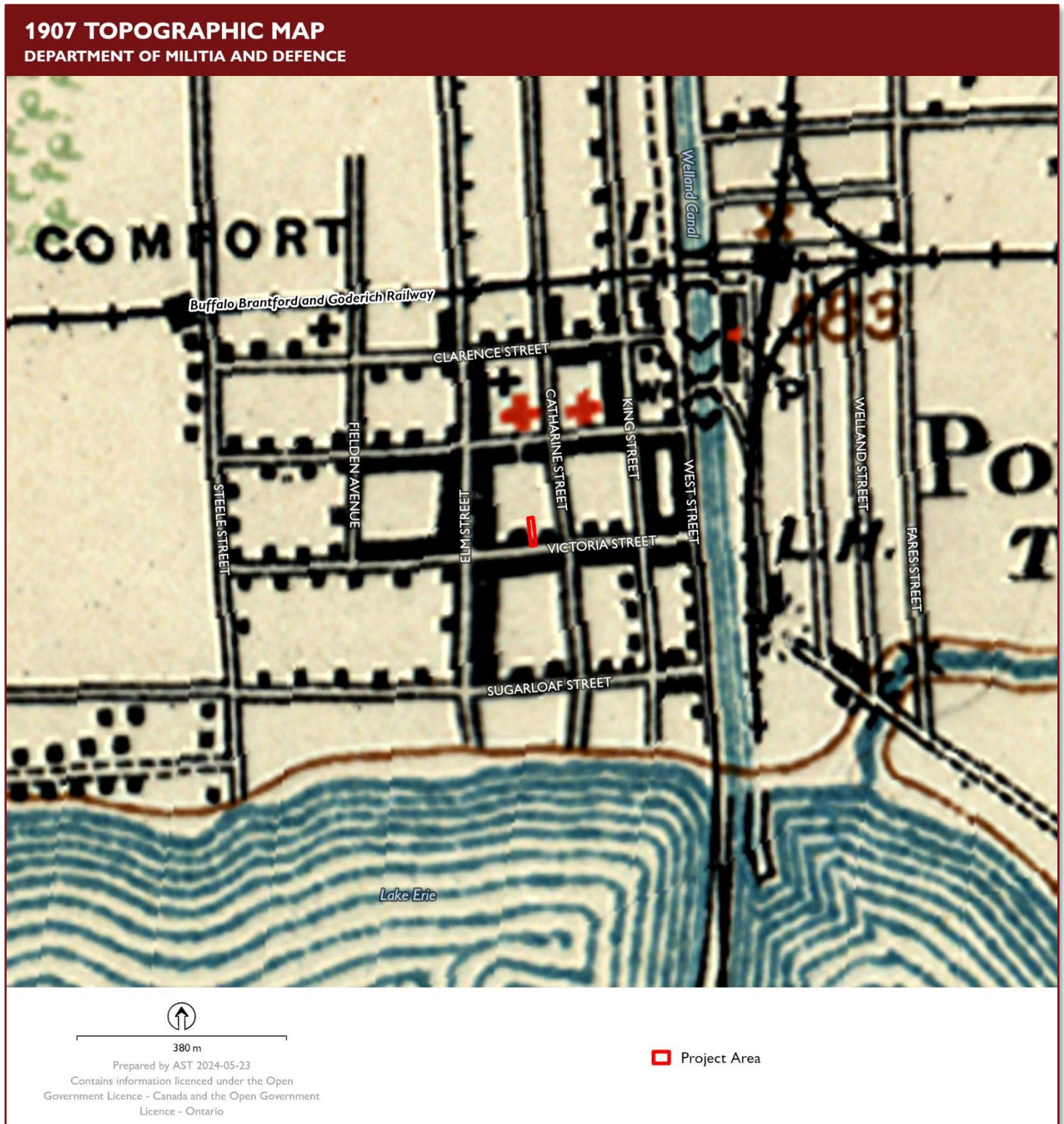
Contains information licenced under the Open Government Licence - Canada and the Open Government Licence - Ontario



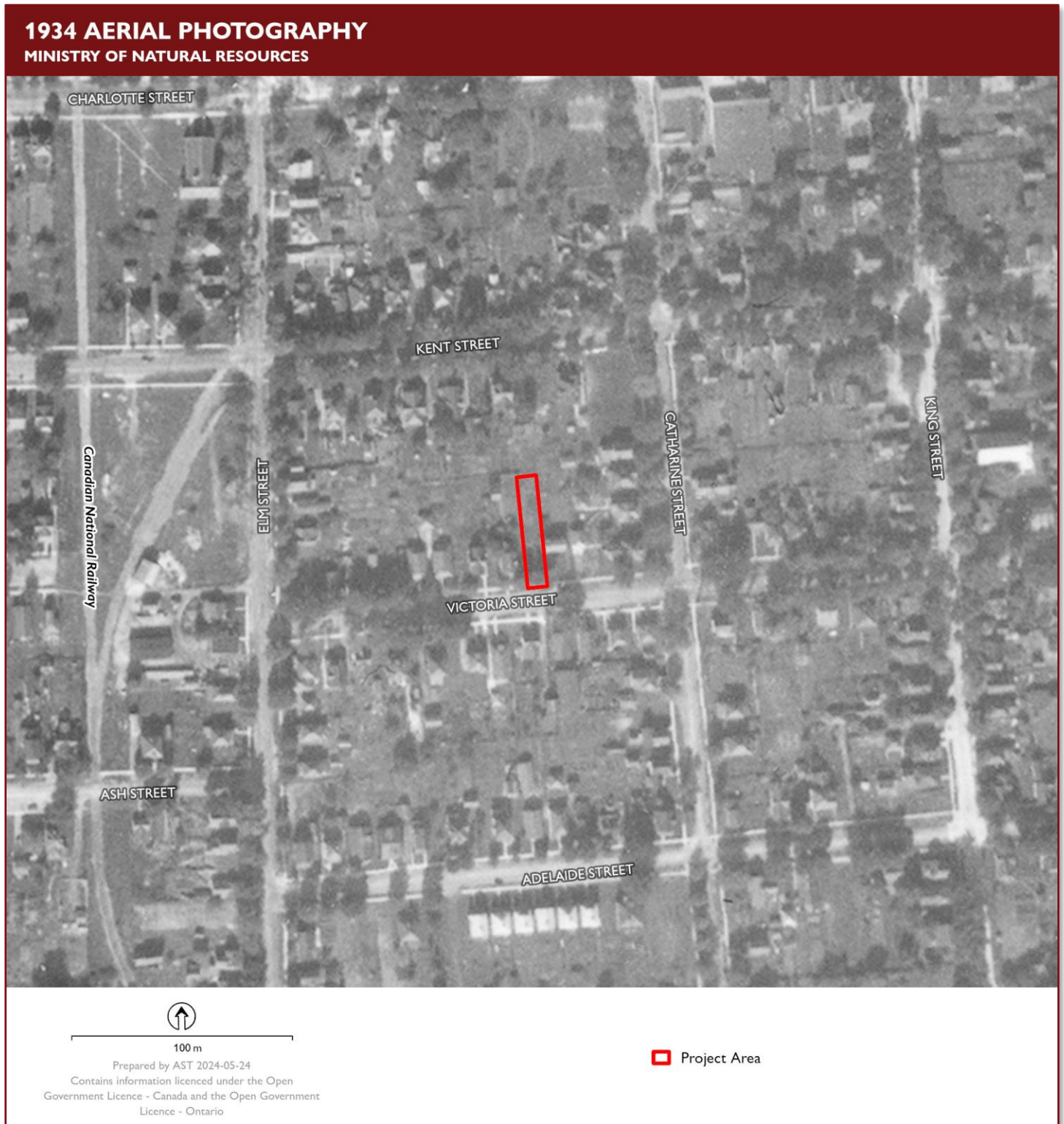
#### Project Area

### Map 7: Location of the Project Area Shown on 1876 Map of Lincoln and Welland County





**Map 8: Location of the Project Area Shown on a 1907 Topographic Map**



**Map 9: Location of the Project Area Shown on a 1934 Aerial Photography**



## 95 VICTORIA STREET, PORT COLBORNE

### STAGE 2 METHODS





20 m

Prepared by AST 2024-05-23  
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Government Licence - Canada and the Open Government  
Licence - Ontario

 Project Area  
 Report Photo

#### STAGE 2 ASSESSMENT METHODS

*Areas of Archaeological Potential*  
 Grassed (Test Pit Survey, 5m Interval)  
*Areas of Low Archaeological Potential*  
*Not Surveyed, Photo Documented*  
 Disturbed (Driveway)

**Map 10: Stage 2 Field Conditions and Assessment Methods**



## 95 VICTORIA STREET, PORT COLBORNE

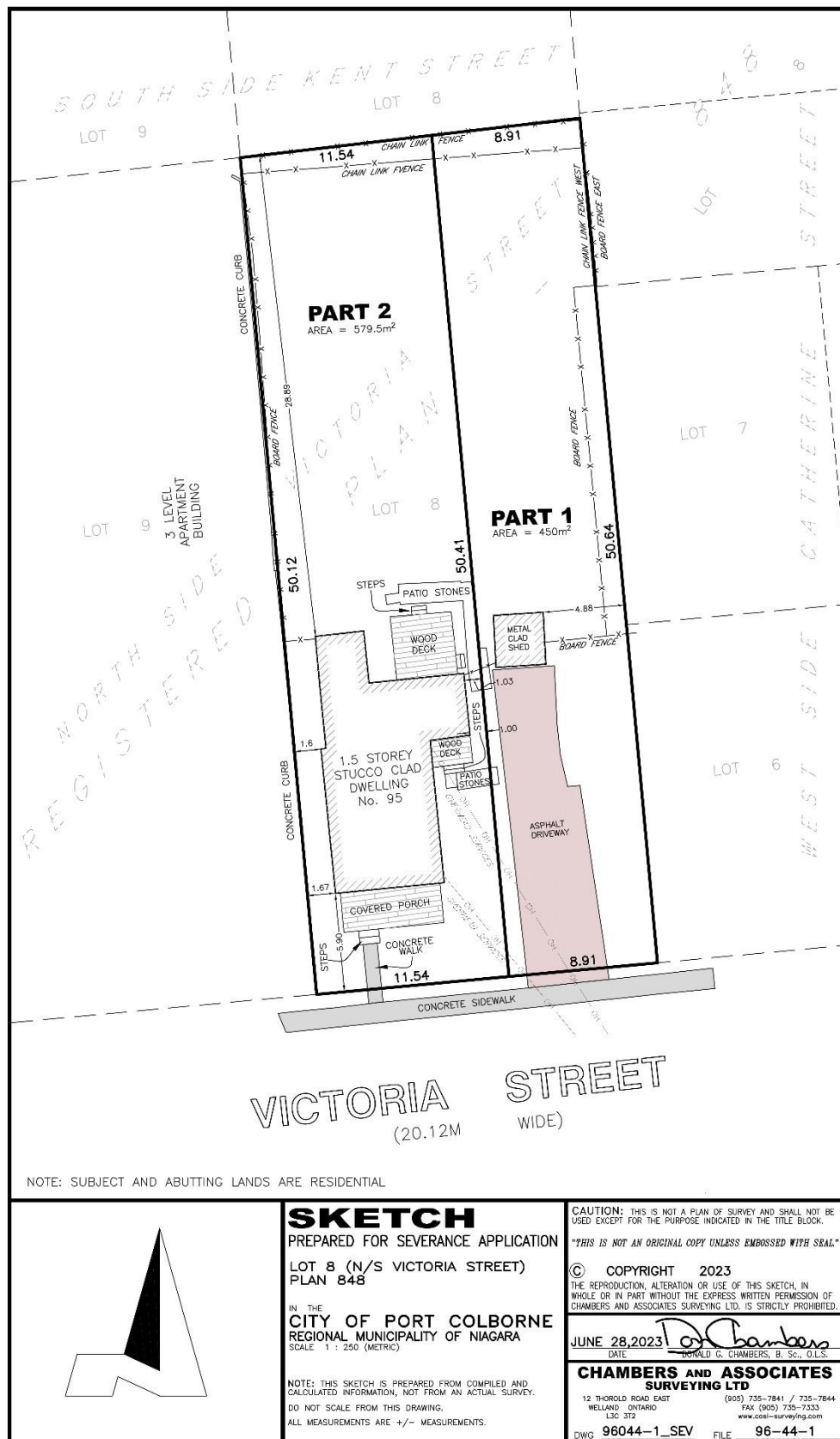
### STAGE 2 METHODS



**Map 11: Stage 2 Field Conditions and Assessment Methods Shown on Proponent Mapping**



Stage 1-2 Archaeological Assessment  
Property Severance, 95 Victoria Street, Port Colborne, ON



Map 12: Unaltered Proponent Mapping

## 95 VICTORIA STREET, PORT COLBORNE

### SUMMARY OF ARCHAEOLOGICAL POTENTIAL



20 m

Prepared by AST 2024-05-27  
Contains information licenced under the Open  
Government Licence - Canada and the Open Government  
Licence - Ontario

 Subject Property

 Severance Parcel

#### OUTSTANDING ARCHAEOLOGICAL POTENTIAL

 No Further Archaeological Assessment

 Further Archaeological Assessment

**Map 13: Summary of Archaeological Potential**



**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

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**Via Email Only**

March 20, 2025

Region File: CS-23-0060

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: B15-23-PC  
Applicant/Owner: Julie Cule  
95 Victoria Street  
City of Port Colborne**

---

Regional Growth Management and Planning staff has reviewed the proposed consent application for lands municipally known as 95 Victoria Street in the City of Port Colborne.

The consent application has been submitted to sever Part 1 for future residential use from Part 2, which will be retained for an existing residential use. Staff note there is an associated Minor Variance application (City Files: A05-25-PC and A06-25-PC) related to minimum lot frontage.

**Planning Act Changes**

Staff advise pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region will become an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a lower municipality, may provide advice and assistance to lower-tier municipalities in respect of planning matters generally. Niagara Region has not entered into any service level agreement to continue providing planning support and advice to the City of Port Colborne.

Regional staff provide the below comments on the basis that comments were requested by the City before March 31, 2025. As this application is going to the Committee of

Adjustment after March 31, 2025, the following comments are provided from a Provincial and Regional perspective for information purposes to assist City staff.

## **Provincial and Regional Policies**

The property is located within the Settlement Area under the *Provincial Planning Statement, 2024* (PPS) and designated Delineated Built-Up Area in the *Niagara Official Plan, 2022* (NOP).

The PPS directs growth to Settlement Areas and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The PPS states that planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

The NOP builds on the direction of the PPS, setting the minimum intensification target for the Built-Up Area of Port Colborne to 30 percent as set out within Table 2-2 of the NOP. The NOP encourages opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods.

Staff offer no objection to the proposed consent application and advise that the future residential dwelling on Part 1 will contribute to the City's intensification target as set out within the NOP.

## **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.

Staff has reviewed the submitted Stage 1-2 Archaeological Assessment, prepared by TMHC Inc. (dated May 27, 2024). The Stage 2 fieldwork resulted in no identification of archaeological resources and therefore the licensed archaeologist does not recommend any further work. Staff note that the assessment only covered Part 1 (as shown on Map 10 of the Assessment). Any future development or site alteration on Part 2 will require an archaeological assessment in the future.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry of Citizenship and Multiculturalism (MCM) through the City of Port Colborne confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

## Conclusion

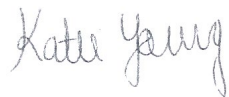
Regional Growth Management and Planning staff are satisfied that the proposal is consistent with the PPS and conforms to Regional policies, provided that the applicant/owner receive acceptance from the MCM for the Stage 1-2 Archaeological Assessment, prepared by TMHC Inc. (dated May 27, 2024).

If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of the City of Port Colborne.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through the City of Port Colborne, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Should you have any questions regarding the above comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca).

Kind regards,



Katie Young, MCIP, RPP  
Senior Development Planner





## PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Minor Variance Application File No. A07-25-PC

**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 10.3 (d) and (g) and Section 2.8.1 (a) (iii) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

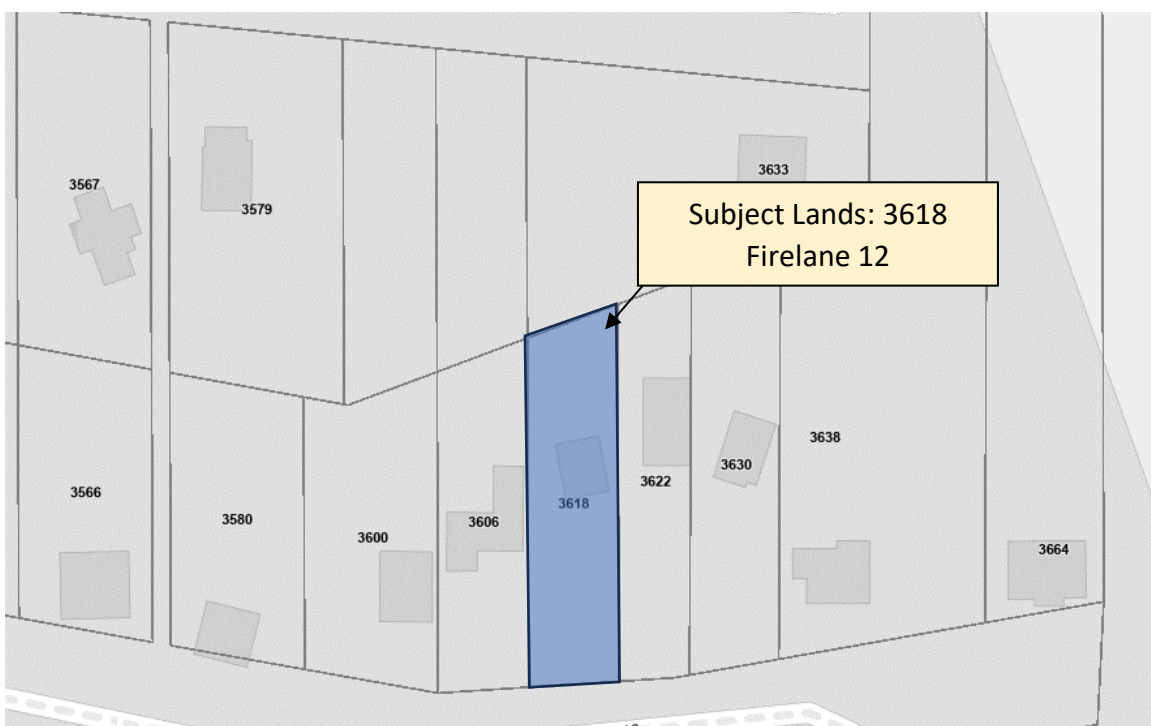
**AND IN THE MATTER OF** the lands legally known as Lot 32 on Plan 52, New Plan 811, in the City of Port Colborne, located in the Rural Residential (RR) zone, municipally known as 3618 Firelane 12;

**AND IN THE MATTER OF AN APPLICATION** by the owner, Chris Simpson, 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 creation of a new residential dwelling and accessory building, notwithstanding the following:

1. That a minimum interior side yard setback of 0.68m be permitted, whereas a minimum setback of 4m is required;
2. That a maximum lot coverage of 15.9% be permitted, whereas a maximum lot coverage of 15% is required;
3. That a front yard setback of 6 metres for the accessory building be permitted, whereas a minimum setback of 10 metres is required.

**Explanatory Relief from the Zoning By-law:** The applicant proposes to demolish existing buildings located on the lot and construct a new dwelling and detached garage. The applicant is requesting relief of the required side-yard setback and lot coverage provisions to accommodate the dwelling and relief of the required front yard setback to permit the garage. A sketch of the proposed site plan is shown on the reverse side of this notice. More information, such as a higher resolution PDF version of the sketch, can be requested through the Secretary-Treasurer.

### LOCATION MAP



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

**Date:** April 9, 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](mailto:taya.taraba@portcolborne.ca) to view the material.

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, April 4, 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, April 8, 2025**, 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.

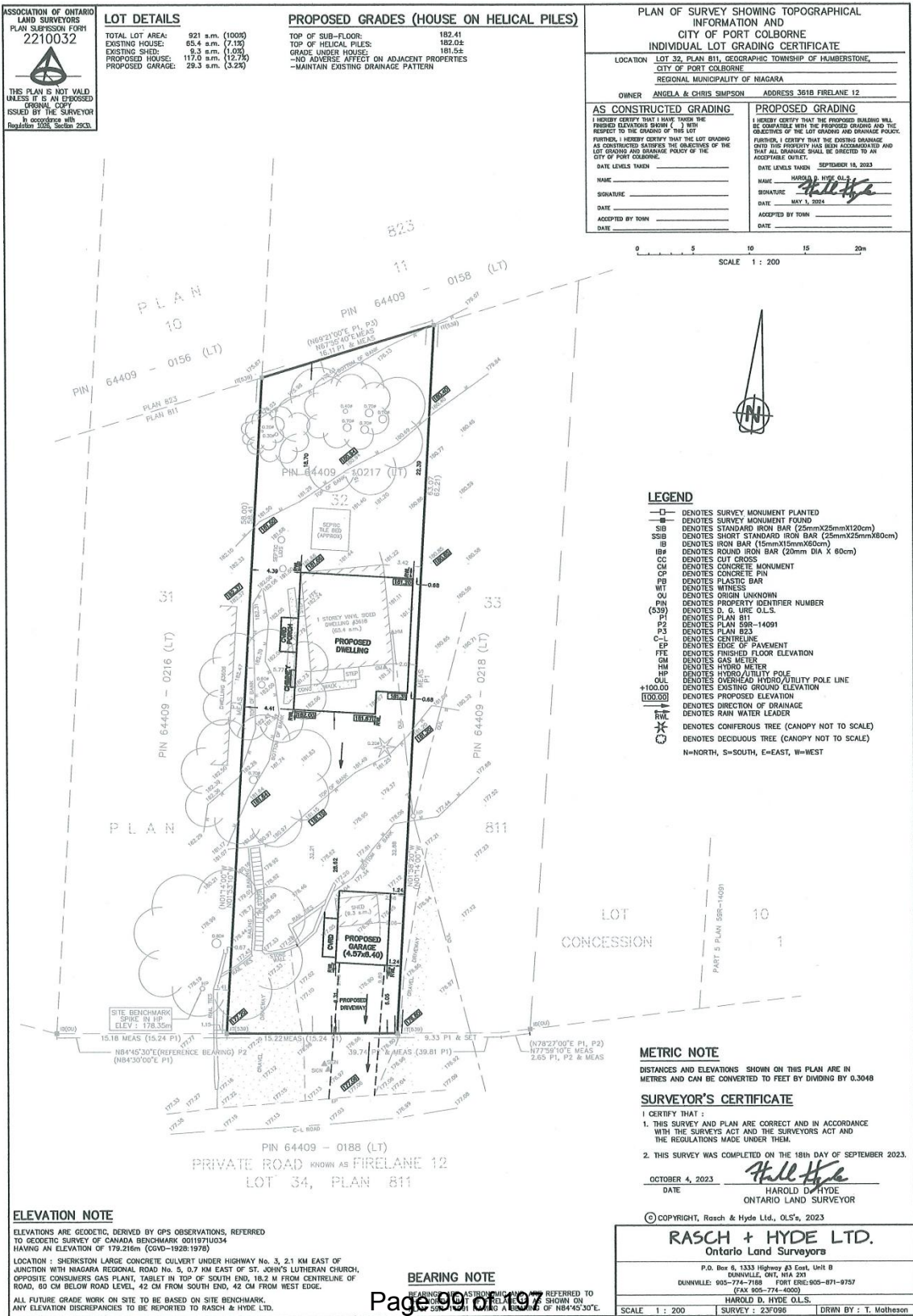
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

Date of Mailing: March 25, 2025

SKETCH



---

**Development and Government Relations**

**Planning Division Report**

April 4, 2025

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

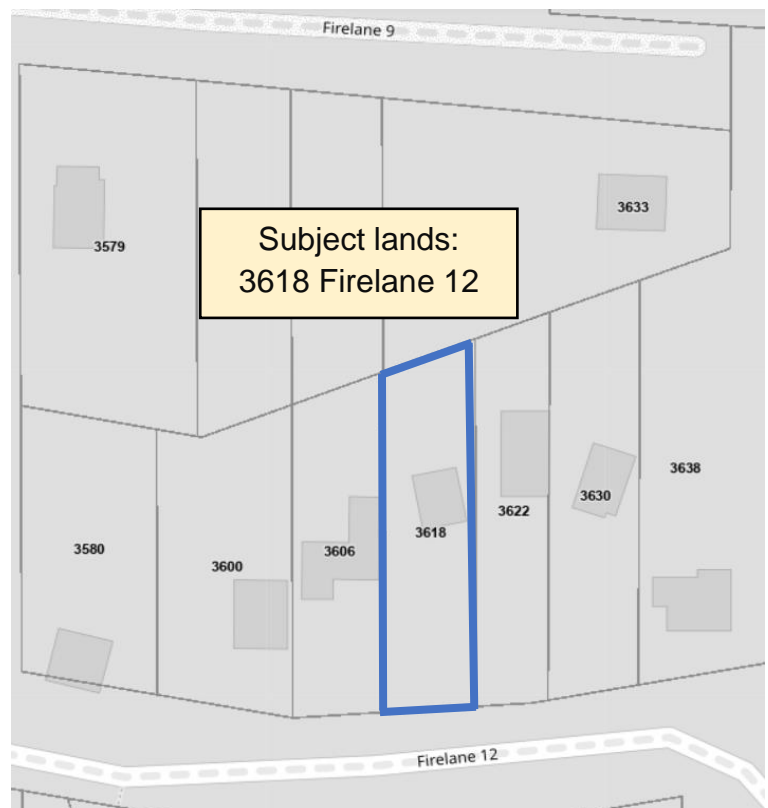
**Re: Application for Minor Variance A07-25-PC**  
**Lot 32 on Plan 52, New Plan 811**  
**3618 Firelane 12**  
**Owner(s): Chris Simpson**

**Proposal**

The purpose of this application is to request that a minimum interior side yard setback of 0.68m be permitted, whereas a minimum setback of 4m is required; that a maximum lot coverage of 15.9% be permitted, whereas a maximum lot coverage of 15% is required; and that a front yard setback of 6 metres for the accessory building be permitted, whereas a minimum setback of 10 metres is required. The application has been requested to facilitate the construction of a new residential dwelling and accessory building, as depicted in the sketch attached as Appendix A.

**Surrounding Land Uses and Zoning**

The subject lands are in the Rural Residential (RR) zone with an Environmental Conservation (EC) overlay. The parcels surrounding the subject lands are zoned RR with an EC overlay to the north, south, east, and west. The surrounding uses consist of detached dwellings.





### **Environmentally Sensitive Areas**

The subject lands are impacted by the Region's Natural Environment System (NES), consisting of Other Wetlands, which are considered Key Hydrologic Features (KHF) outside of Settlement Areas. The property also contains possible unevaluated wetlands and Dune Features that have Unstable Soil Hazards, which are regulated by the Niagara Peninsula Conservation Authority (NPCA). This application was circulated to the Niagara Region and the NPCA for formal comments. Full comments from each agency are included in the Committee of Adjustment agenda package dated April 4, 2025.

### **Public Comments**

Notice was circulated on March 25, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of April 4, 2025, no comments from the public have been received.

### **Agency Comments**

Notice of the application was circulated on March 12, 2025, to internal City departments and external agencies. As of April 4, 2025, the following comments have been received.

#### Niagara Region

With respect to the Other Wetland and KHF, Regional Growth Management and Planning staff note that Niagara Official Plan (NOP) policy 3.1.9.8.1 states that a proposal for new development or site alteration within 120 m of a KHF/natural heritage feature or area will require an Environmental Impact Study (EIS) that identifies a minimum 30 m Vegetation Protection Zone (VPZ), to be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KHF or its VPZ. The EIS must demonstrate that there will be no significant negative impact on the features or their ecological function.

However, NOP policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. As the proposal is for a reconstruction of a dwelling on a similar footprint and for a garage that is located further away from the feature, staff are satisfied that the future development will be minor and not have a negative impact on the NES, provided that standard Erosion and Sediment Control (ESC) fencing and Best Management Practices are implemented during construction. Staff offer no objection to the minor variance.

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

#### Staff Response

ESC fencing and Best Management Practices will be addressed as part of the building permit process.

## Niagara Peninsula Conservation Authority (NPCA)

NPCA has no objection to the construction of a new dwelling, detached garage, septic and cistern at the subject property, subject to the following condition:

- The NPCA work permit would be required prior to the commencement of the works on site as the proposed development encroaches within NPCA regulated area.

Please note that the areas of disturbed soil will need to be stabilized post construction to a pre-disturbed state or better. The native seed mix suited for dunes is recommended to ensure better soil stabilization and site restoration success over the long term.

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.

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

### Staff Response

An NPCA permit will be required as part of the building permit process.

### Fire Department

No objections.

### Engineering Division

No objections. Please note that a proposed grading plan will be required at the time of building permits.

### Discussion

For a minor variance application to be approved, it must meet the four-part test outlined under section 45 (1) of the *Planning Act*. An analysis of the four tests follows.

Variance 1: Requesting that a minimum interior side yard setback of 0.68 metres be permitted, whereas a minimum interior side yard setback of 4 metres is required.

#### ***Is the variance minor in nature?***

The requested decrease in the minimum interior side yard is minor in nature, as this variance is unlikely to cause negative impacts on neighbouring parcels. The variance has been requested to facilitate the demolition and reconstruction of the dwelling and accessory building in similar footprints to the existing structures. There are no anticipated compatibility concerns from neighbouring parcels as the buildings are proposed to be reconstructed in close to their existing size and layout.

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

The requested decrease in the minimum interior side yard is desirable for the appropriate development of the subject lands, as the design has had to be prepared in accordance with the Slope Stability Assessment which forms part of this application. The lot features environmental and landscaping features that constrain the buildable portion of the land. The decreased interior side yard is proposed to allow for the new dwelling to maximize the space available for development between the dunes, while ensuring the natural features are protected and the lot can accommodate the required septic system.

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

The requested decrease in the minimum interior side yard maintains the general intent and purpose of the Zoning By-law. This provision intends to ensure that dwellings are adequately spaced from one another. The new building envelope is proposed to be moved 1.4 metres to the east, which will still maintain an appropriate distance from the neighbouring dwelling.

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

The requested decrease in the minimum interior side yard meets the general intent and purpose of the Official Plan. The Official Plan permits residential uses within the Rural designation, which includes buildings accessory thereto.

Variance 2: Requesting that a maximum lot coverage of 15.9% be permitted, whereas a maximum lot coverage of 15% is required.

***Is the variance minor in nature?***

The requested increase in the maximum lot coverage is minor in nature, as this variance is unlikely to cause negative impacts on neighbouring parcels. The variance has been requested to facilitate the demolition and reconstruction of the dwelling and accessory building in similar footprints to the existing structures. There are no anticipated compatibility concerns from neighbouring parcels as the buildings are proposed to be reconstructed in close to their existing size and layout.

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

The requested increase in the maximum lot coverage is desirable for the appropriate development of the subject lands, as the increased coverage will help maximize the space that can be built up on the lot. The Slope Stability Assessment confirms there will be no negative impact on the slope as a result of the proposed construction.



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

The requested increase in the maximum lot coverage maintains the general intent and purpose of the Zoning By-law. This provision intends to ensure that lots maintain a balance between built up and naturalized areas. The proposed increase of 0.9% lot coverage will not result in a noticable change in the mix of buildings and landscaped areas on the lot.

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

The requested decrease in the minimum interior side yard meets the general intent and purpose of the Official Plan. The Official Plan permits residential uses within the Rural designation, which includes buildings accessory thereto.

Variance 3: Requesting that a front yard setback of 6 metres for the accessory building be permitted, whereas a minimum setback of 10 metres is required.

***Is the variance minor in nature?***

The requested decrease in the front yard setback of 6 metres is minor in nature, as this variance is unlikely to cause negative impacts on neighbouring parcels. The variance has been requested to facilitate the demolition and reconstruction of the dwelling and accessory building in similar footprints to the existing structures. There are no anticipated compatibility concerns from neighbouring parcels as the buildings are proposed to be reconstructed in close to their existing size and layout.

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

The requested decrease in the front yard setback is desirable for the appropriate development of the subject lands, as the decreased front yard will help maximize the space that can be built up on the lot. The Slope Stability Assessment confirms there will be no negative impact on the slope as a result of the proposed construction.

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

The requested decrease in the front yard setback maintains the general intent and purpose of the Zoning By-law. This provision intends to ensure that dwellings are kept adequately setback from the lot frontage, and to provide a measure of uniformity to a streetscape. The decrease in the front yard setback will not result in negative impacts to the streetscape as the unique lot shapes and environmental features have resulted in a diverse mix of front yard sizes along the street. The proposed structures will still be able to maintain the character of the neighbouring parcels as a result of allowing the decreased front yard setback.

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

The requested decrease in the minimum interior side yard meets the general intent and purpose of the Official Plan. The Official Plan permits residential uses within the Rural designation, which includes buildings accessory thereto.

Recommendation

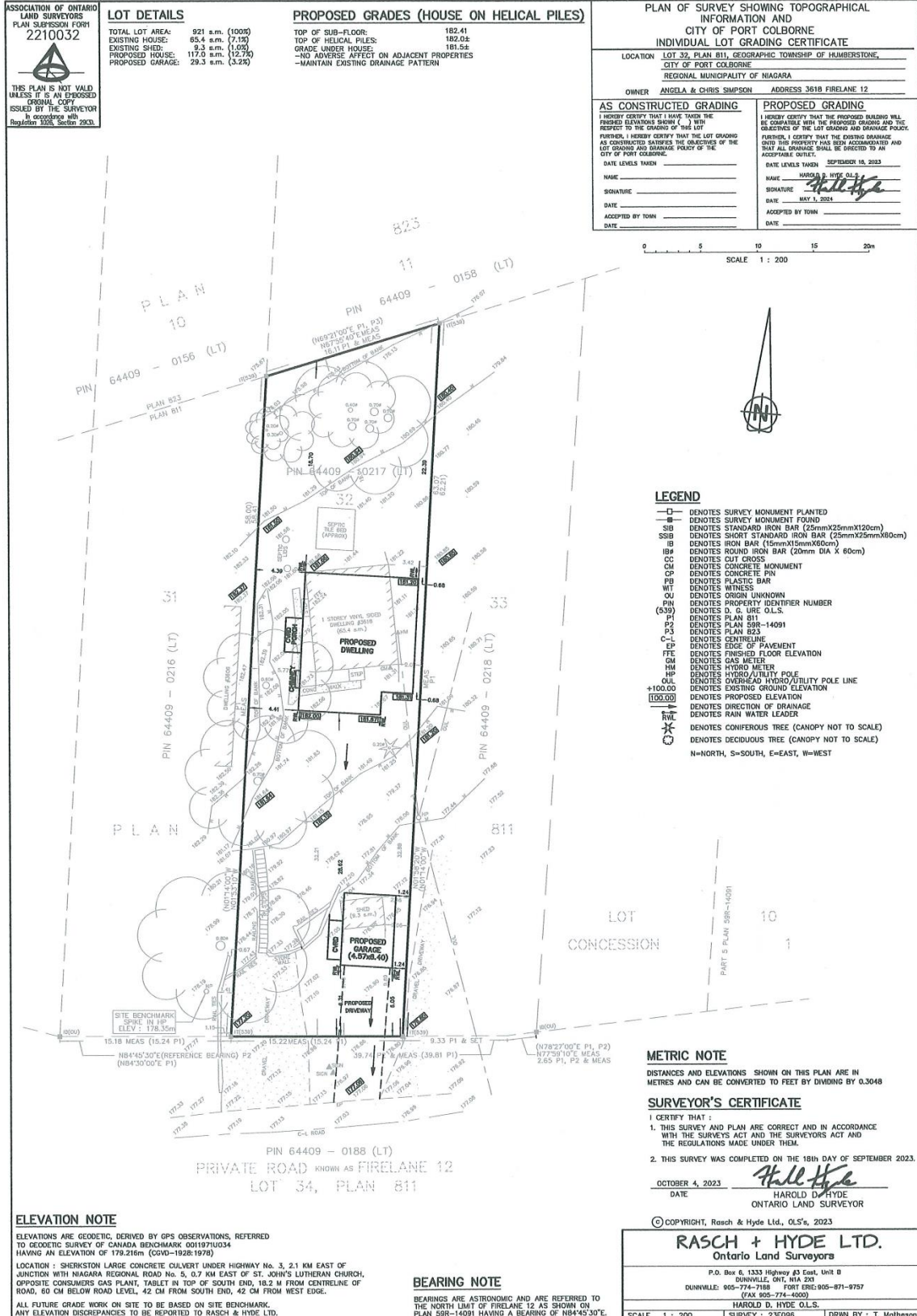
That minor variance application A07-25-PC be **granted** for the following reasons:

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

Respectfully submitted,

Diana Vasu  
Planner

# Appendix A





### LOT DETAILS

TOTAL LOT AREA: 921 s.m. (100%)  
EXISTING HOUSE: 65.4 s.m. (7.1%)  
EXISTING SHED: 9.3 s.m. (1.0%)  
PROPOSED HOUSE: 117.0 s.m. (12.7%)  
PROPOSED GARAGE: 29.3 s.m. (3.2%)

### PROPOSED GRADES (HOUSE ON HELICAL PILES)

TOP OF SUB-FLOOR: 182.41  
TOP OF HELICAL PILES: 182.0±  
GRADE UNDER HOUSE: 181.5±  
-NO ADVERSE AFFECT ON ADJACENT PROPERTIES  
-MAINTAIN EXISTING DRAINAGE PATTERN

### PLAN OF SURVEY SHOWING TOPOGRAPHICAL INFORMATION AND CITY OF PORT COLBORNE INDIVIDUAL LOT GRADING CERTIFICATE

LOCATION LOT 32, PLAN 811, GEOGRAPHIC TOWNSHIP OF HUMBERSTONE,  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA  
OWNER ANGELA & CHRIS SIMPSON ADDRESS 3618 FIRELANE 12

#### AS CONSTRUCTED GRADING

I HEREBY CERTIFY THAT I HAVE TAKEN THE  
FINISHED ELEVATIONS SHOWN ( ) WITH  
RESPECT TO THE GRADING OF THIS LOT  
FURTHER, I HEREBY CERTIFY THAT THE LOT GRADING  
AS CONSTRUCTED SATISFIES THE OBJECTIVES OF THE  
LOT GRADING AND DRAINAGE POLICY OF THE  
CITY OF PORT COLBORNE.

DATE LEVELS TAKEN \_\_\_\_\_  
NAME \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_  
ACCEPTED BY TOWN \_\_\_\_\_  
DATE \_\_\_\_\_

#### PROPOSED GRADING

I HEREBY CERTIFY THAT THE PROPOSED BUILDING WILL  
BE COMPATIBLE WITH THE PROPOSED GRADING AND THE  
OBJECTIVES OF THE LOT GRADING AND DRAINAGE POLICY.  
FURTHER, I CERTIFY THAT THE EXISTING DRAINAGE  
ON THIS PROPERTY HAS BEEN ACCOMMODATED AND  
THAT ALL DRAINAGE SHALL BE DIRECTED TO AN  
ACCEPTABLE OUTLET.

DATE LEVELS TAKEN SEPTEMBER 18, 2023  
NAME HAROLD D. HYDE O.L.S.  
SIGNATURE *Harold D. Hyde*  
DATE MAY 1, 2024  
ACCEPTED BY TOWN \_\_\_\_\_  
DATE \_\_\_\_\_

0 5 10 15 20m  
SCALE 1 : 200



#### LEGEND

- DENOTES SURVEY MONUMENT PLANTED
  - DENOTES SURVEY MONUMENT FOUND
  - SIB DENOTES STANDARD IRON BAR (25mmX25mmX120cm)
  - SSIB DENOTES SHORT STANDARD IRON BAR (25mmX25mmX60cm)
  - IB DENOTES IRON BAR (15mmX15mmX60cm)
  - IB# DENOTES ROUND IRON BAR (20mm DIA X 60cm)
  - CC DENOTES CUT CROSS
  - CM DENOTES CONCRETE MONUMENT
  - CP DENOTES CONCRETE PIN
  - PB DENOTES PLASTIC BAR
  - WT DENOTES WITNESS
  - OU DENOTES ORIGIN UNKNOWN
  - PIN DENOTES PROPERTY IDENTIFIER NUMBER
  - (539) DENOTES D. G. URE O.L.S.
  - P1 DENOTES PLAN 811
  - P2 DENOTES PLAN 598-14091
  - P3 DENOTES PLAN 823
  - C-L DENOTES CENTRELINE
  - EP DENOTES EDGE OF PAVEMENT
  - FPE DENOTES FINISHED FLOOR ELEVATION
  - GM DENOTES GAS METER
  - HM DENOTES HYDRO METER
  - HP DENOTES HYDRO/UTILITY POLE
  - OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
  - +100.00 DENOTES EXISTING GROUND ELEVATION
  - 100.00 DENOTES PROPOSED ELEVATION
  - DENOTES DIRECTION OF DRAINAGE
  - ↓ DENOTES RAIN WATER LEADER
  - DENOTES CONIFEROUS TREE (CANOPY NOT TO SCALE)
  - DENOTES DECIDUOUS TREE (CANOPY NOT TO SCALE)
- N=North, S=South, E=East, W=West

#### METRIC NOTE

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

#### SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND  
THE REGULATIONS MADE UNDER THEM.
  - THIS SURVEY WAS COMPLETED ON THE 18th DAY OF SEPTEMBER 2023.

OCTOBER 4, 2023  
DATE

*Harold D. Hyde*  
HAROLD D. HYDE  
ONTARIO LAND SURVEYOR

© COPYRIGHT, Rasch & Hyde Ltd., O.L.S.'s, 2023

**RASCH & HYDE LTD.**  
Ontario Land Surveyors

P.O. Box 6, 1333 Highway 83 East, Unit B  
DUNNVILLE, ONT. N1A 2X1  
DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-8757  
(FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 200 SURVEY: 23F096 DRWN BY: T. Motheson

#### ELEVATION NOTE

ELEVATIONS ARE GEODETIC, DERIVED BY GPS OBSERVATIONS, REFERRED  
TO GEODETIC SURVEY OF CANADA BENCHMARK 0011971U034  
HAVING AN ELEVATION OF 179.216m (CGVD-1928:1978)

LOCATION: SHERKSTON LARGE CONCRETE CULVERT UNDER HIGHWAY No. 3, 2.1 KM EAST OF  
JUNCTION WITH NIAGARA REGIONAL ROAD No. 5, 0.7 KM EAST OF ST. JOHN'S LUTHERAN CHURCH,  
OPPOSITE CONSUMERS GAS PLANT, TABLET IN TOP OF SOUTH END, 18.2 M FROM CENTRELINE OF  
ROAD, 60 CM BELOW ROAD LEVEL, 42 CM FROM SOUTH END, 42 CM FROM WEST EDGE.

ALL FUTURE GRADE WORK ON SITE TO BE BASED ON SITE BENCHMARK.  
ANY ELEVATION DISCREPANCIES TO BE REPORTED TO RASCH & HYDE LTD.

#### BEARING NOTE

BEARINGS ARE ASTRO-NOMIC AND ARE REFERRED TO  
THE NORTH LIMIT OF FIRELANE 12 AS SHOWN ON  
PLAN 598-14091 HAVING A BEARING OF N84°45'30"E.



## MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

**PORT COLBORNE**

DEVELOPMENT AND LEGISLATIVE SERVICES

The Planning Act – Section 45

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

### SUBMISSION OF APPLICATION

Completed applications can be sent to:

<p>City of Port Colborne Diana Vasu 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: <a href="mailto:diana.vasu@portcolborne.ca">diana.vasu@portcolborne.ca</a></p>
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### 2023 APPLICATION FEES

Minor Variance	<b>\$1,330</b>
Minor Variance (Building without a Permit)	<b>\$1,736</b>
Minor Variance & Consent Combination	<b>\$2,431</b>

### COMPLETENESS OF APPLICATION

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

**To be considered complete, submitted applications must include:**

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

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



## DRAWING REQUIREMENTS

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

To be considered **complete**, each sketch must identify:

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

## PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

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

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.

Name: CHRISTOPHER SIMPSON	Date: 20 AUGUST, 2024	Initials: CS
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## SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: Chris Simpson	
Mailing Address: 3618 Firelane 12	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 9053807325
Fax:	Email: clam.simpson@yahoo.com
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: Rasch & Hyde Ltd	
Mailing Address: 1333 Highway #3 East, Unit B	
City: Dunnville	Province: Ontario
Postal Code: N1A 2X1	Telephone: 905 774 7188
Fax: 905 774 4000	Email:
<b>1.5 All communications should be sent to the:</b>	
<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Solicitor <input type="checkbox"/> Agent

## SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Regional Municipality of Niagara	
Concession No.	Lot(s):
Registered Plan No. Plan 881	Lot(s): 32
Reference Plan No.	Part(s):
Name of Street: Firelane 12	Street No. 3618

## SECTION 3: SUBJECT LAND DESCRIPTION

### Part No. On Sketch:

<b>3.1 Lot Description</b>		
Frontage: 15.22 M	Depth: 58 M	Area: 921 M
Existing Use: Residential		
Proposed Use: Residential		
<b>3.2 What is the current designation of the land in the Official Plan and the Regional Plan?</b>		
Port Colborne Official Plan: <del>XXXX</del> Marine Commercial / Rural		
Regional Policy Plan: <del>XXXX</del> Rural Lands		
<b>3.3 What is the current zoning of the land (By-law 6575/30/18)?</b>		
Rural Residential		

## SECTION 4: LAND INFORMATION

<b>4.1 Date the Subject Land was acquired by the Current Owner:</b>	
Family aquired June 1947	
<b>4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?</b>	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
<b>4.3 MORTGAGES, Charges &amp; Other Encumbrances:</b>	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
N/A	
<b>4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:</b>	
1947 June.	
<b>4.5 Type of ACCESS</b>	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input checked="" type="checkbox"/> Private Road
<b>4.6 What type of WATER SUPPLY is proposed?</b>	
<input type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input checked="" type="checkbox"/> Other (specify) Cistern	
<b>4.7 What type of SEWAGE DISPOSAL is proposed?</b>	
<input type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input checked="" type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
<b>4.8 What type of STORMWATER DISPOSAL is proposed?</b>	
<input type="checkbox"/> Publicly owned and operated stormwater system	
<input checked="" type="checkbox"/> Other (specify) Run off	
<b>4.9 Has a Pre-Consultation application been filed for this proposal?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date: _____	



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

<b>5.1 Nature and Extent of Relief from the Zoning By-law:</b>
1) By-Law 10.3 d) East side of the property, the proposal setback of 0.68m where 4m is needed. A total relief of 3.32m is needed.
2) Proposed dwelling and proposed garage achieves a lot coverage of 15.9% where maximum total lot coverage of 15% is permitted. A total relief of 0.9% is needed.
3) Requesting relief from by-law Section 2.8.1 a) iii) as relates to the location of the proposed garage
<b>5.2 Why is it not possible to comply with the Zoning By-law?</b>
<p>We currently have a 50' wide lot, the current structure is .68m from the eastern side of the lot. A four metre set back on each side would leave us only 24' to build, which would not be suitable based on the lot profile. We are seeking to maintain the current arrangement which dates to 1947.</p> <p>Proposed garage will be replacing an existing shed on the property. We're planning on retiring on this property and will need the garage for additional storage. Other properties on our road have similar sized garages at the front of their property.</p>
<b>5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>5.4 If the answer to 5.3 is YES, has a building permit been issued?</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

File Number:
Decision:

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

<b>8.1 ALL EXISTING USE</b>		
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial	<input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland	<input type="checkbox"/> Vacant <input type="checkbox"/> Other (specify): _____
<b>8.2 What is the length of time the existing use(s) of the land have continued?</b>		
Used since 1947 Summer - Winter		
<b>8.3 Are there any buildings or structures on the subject land?</b>		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, briefly describe and indicate their use. Current residential dwelling		



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

## ACKNOWLEDGMENT CLAUSE

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

X 20 Aug, 2024  
Date

X Christophe Dupont  
Signature of Owner

# NIAGARA PENINSULA CONSERVATION AUTHORITY

## Pre-Screening Criteria

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

## AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X 20 Aug 2024  
Date

X Christopher Simpson  
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 Christopher Simpson  
Of the City/Town/Township of Mt. Hope  
In the County/District/Regional Municipality of Hamilton

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 20th day of August  
20 24.

Tanya Tardif  
A Commissioner, etc.,  
Province of Ontario, for the Corporation  
of the City of Port Colborne.

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

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

X Christopher Simpson  
Signature of applicant(s), solicitor, or authorized agent  
Christopher Simpson



## 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 your 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 Christopher Simpson 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 Christopher Simpson  
Signature of Owner/Agent

X 20 Aug 2024  
Date

X \_\_\_\_\_  
Signature of Owner/Agent

X \_\_\_\_\_  
Date

## PERMISSION TO ENTER

I/We Christopher Simpson 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 Christopher Simpson  
Signature of Owner

X 20 Aug 2024  
Date

X \_\_\_\_\_  
Signature of Owner

X \_\_\_\_\_  
Date

**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

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**Via Email Only**

March 26, 2025

Region File: PLMV202401239

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

Dear Ms. Taraba:

**Re: Regional and Provincial Comments  
Proposed Minor Variance Application  
City File: A07-25-PC  
Applicant/Owner: Chris Simpson  
3618 Firelane 12  
City of Port Colborne**

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Regional Growth Management and Planning staff has reviewed the proposed Minor Variance application for lands municipally known as 3618 Firelane 12 in the City of Port Colborne.

The applicant proposes to demolish existing buildings located on the property and construct a new dwelling and detached garage. The applicant has requested relief from the City of Port Colborne Zoning By-law 6575/30/18 related to the required side-yard setback and lot coverage provisions to accommodate the dwelling and relief of the required front-yard setback to permit the garage.

**Planning Act Changes**

Staff advise pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region will become an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a lower municipality, may provide advice and assistance to lower-tier municipalities in respect of planning matters generally. Niagara Region has not entered into any service level agreement to continue providing planning support and advice to the City of Port Colborne.

Regional staff provide the below comments on the basis that comments were requested by the City before March 31, 2025. As this application is going to the Committee of Adjustment after March 31, 2025, the following planning comments are provided from a Provincial and Regional perspective for information purposes to assist City staff. Please note comments related to private servicing must be addressed in accordance with the Memorandum of Understanding (MOU) for Engineering Services between the Region and the City.

## **Provincial and Regional Policies**

The subject land is located within 'Rural Lands' under the *Provincial Planning Statement, 2024* (PPS), and designated 'Rural Lands' in the *Niagara Official Plan, 2022* (NOP).

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

Regional staff acknowledge that the proposal contemplates the demolition of existing buildings on the property in order to construct a new dwelling and garage. The proposal does not propose municipal services as the property is privately serviced. The proposal will not expand into key hydrologic features, as detailed under the natural environmental system comments below. No new incompatible land uses are proposed. City staff should be satisfied that MDS is met for the subject property.

## **Natural Environment System**

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Other Wetlands, which are considered Key Hydrologic Features (KHF) outside of Settlement Areas.

NOP policy 3.1.9.8.1 states that a proposal for new development or site alteration within 120 m of a KHF/natural heritage feature or area will require an Environmental Impact Study (EIS) that identifies a minimum 30 m Vegetation Protection Zone (VPZ), to be established as natural self-sustaining vegetation. Development or site alteration is



generally not permitted within a KHF or its VPZ. The EIS must demonstrate that there will be no significant negative impact on the features or their ecological function.

However, NOP policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. As the proposal is for a reconstruction of a dwelling on a similar footprint and for a garage that is located further away from the feature, staff are satisfied that the future development will be minor and not have a negative impact on the NES, provided that standard Erosion and Sediment Control (ESC) fencing and Best Management Practices are implemented during construction. Staff offer no objection to the minor variance.

## **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.

Staff recommend the City considers requiring the completion of a Stage 1-2 Archaeological Assessment (at minimum), prepared by a licensed archaeologist prior to development or site alteration occurring on the property, given the sensitivity of this area from an archaeological potential standpoint. If determined to be required, the assessment must be entered into the Ministry of Citizenship and Multiculturalism's (MCM) Ontario Public Register of Archaeological Reports, with their acknowledgement letter shared to the City of Port Colborne.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the MCM through the City of Port Colborne confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

## **Private Servicing**

A septic permit was issued in 1987 by Niagara Region Health Services Department for the inground leaching field. Another septic permit was issued in 2007 by Niagara Region Public Health for a tank replacement on the property with continued use of the inground leaching field. The applicant is proposing to demolish the existing dwelling, decommission the existing septic system and install a new class 4 sewage system to accommodate the proposed dwelling.

The existing septic system consisting of a septic tank connected to an inground leaching field is located north of the dwelling. The applicant has applied for a septic permit for a class 4 sewage system to service the proposed dwelling containing two bedrooms, 16.5 fixture units and 194m<sup>2</sup> of living space. A top of slope analysis was conducted, and an inspection occurred with the proposed dwelling and septic system

marked out at the time of Regional inspection to confirm that the new class 4 sewage system would fit between the stable top of bank and the proposed dwelling while also meeting all the setbacks required by the Ontario Building Code.

The floor plans and site plan are consistent with what was reviewed for the septic permit application.

Therefore, Regional Private Sewage System staff has no objections to the minor variance as submitted given that the location of the dwelling and the floor plans are consistent with what was reviewed for the septic permit application. The septic permit will be issued once the minor variance application has been approved.

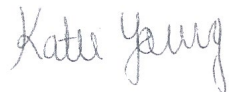
## Conclusion

Regional Growth Management and Planning staff offer no objection to the proposed Minor Variance application, provided the above Provincial and Regional policies, Archaeological Potential, and Natural Environment System comments are addressed by City staff.

Please send notice of the staff report and Committee's decision on the application so Regional Private Sewage System staff can proceed accordingly with the septic permit application.

Should you have any questions regarding the above comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca).

Kind regards,



Katie Young, MCIP, RPP  
Senior Development Planner

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

March 25, 2025  
NPCA File No.: PLMV202500346

VIA EMAIL ONLY

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

Attention: Taya Taraba, Planning Technician

**Subject: Application for Minor Variance, A07-25-PC**  
3618 Firelane 12, Port Colborne  
ARN 271104000211800

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To the Committee of Adjustment,

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

The applicant's proposal is to demolish existing buildings located on the lot and construct a new dwelling, detached garage, septic and cistern.

The NPCA has reviewed the NPCA Mapping of **ARN 271104000211800** and notes that the property is impacted by NPCA regulated features.

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

The subject property contains the following NPCA regulated features:

- Possible unevaluated wetlands.
- Dune Features that have Unstable Soil Hazards.

There are potential unevaluated wetlands closer to the rear lot line of the subject property. Due to the location of the proposed dwelling not being closer to the rear lot line than the existing dwelling the NPCA will not require a site visit, at this time, to review the possible unevaluated wetlands.

Please note that the subject proposal lies within the NPCA regulated Dune Features.

NPCA has reviewed the 'Slope Stability Assessment' dated Nov 28, 2024 by Soil-Mat Engineers and Plan of Survey Showing Topographical Information dated October 4, 2023 last revised November 5, 2024 and offers no concerns to the proposed works.



As per the NPCA Policies, and review of the provided site plan and slope stability assessment, NPCA has no objection to the construction of a new dwelling, detached garage, septic and cistern at the subject property, subject to the following condition:

- The NPCA work permit would be required prior to the commencement of the works on site as the proposed development encroaches within NPCA regulated area.

Please note that the areas of disturbed soil will need to be stabilized post construction to a pre-disturbed state or better. The native seed mix suited for dunes is recommended to ensure better soil stabilization and site restoration success over the long term.

## Conclusion

At this time, the NPCA has no objections to the construction of a new dwelling, detached garage, septic and cistern at the subject property, conditional on the fulfilment of the above outlined condition.

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

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

Regards,

*Kartiki Sharma*

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



# SOIL-MAT ENGINEERS & CONSULTANTS LTD.

401 Grays Road · Hamilton, ON · L8E 2Z3

🌐 [www.soil-mat.ca](http://www.soil-mat.ca) ✉ [info@soil-mat.ca](mailto:info@soil-mat.ca) ☎ 905.318.7440 🖨 905.318.7455

**PROJECT No.: SM 240708-G**

September 5, 2024

Revised: November 19, 2024

CHRISTOPHER SIMPSON  
3618 Firelane 12  
Port Colborne, Ontario  
L3K 5V3

Attention: Christopher Simpson

**SLOPE STABILITY ASSESSMENT  
PROPOSED NEW SINGLE-FAMILY DWELLING  
3618 FIRELANE 12  
PORT COLBORNE, ONTARIO**

Dear Mr. Simpson,

Further to your authorisation, SOIL-MAT ENGINEERS & CONSULTANTS LTD. has completed the fieldwork, slope stability analysis, and report preparation in connection with the above noted project. This slope stability assessment was conducted in general accordance with our email proposal, dated July 25, 2024. Our comments and recommendations, based on our observations and analysis are presented in the following paragraphs.

## **INTRODUCTION**

We understand that it is proposed to construct a new basementless two storey single family dwelling founded upon helical piers upon the demolition of the existing cottage with a new septic system located at 3618 Firelane 12 in Port Colborne, Ontario. The proposed septic system is to be located to the north of the proposed single family dwelling with a detached garage below the subject slope to the south of the proposed single family dwelling. The purpose of this slope stability assessment was to evaluate the stability of the existing slope, and to provide our comments and recommendations with respect to the design and construction of the proposed new development, from a geotechnical point of view.

This work has been conducted in general accordance with the guideline policies of NPCA, including Natural Hazards Technical Guide by MNR and the supporting document "Geotechnical Principles for Stable Slopes".

**PROCEDURE**

The site was visited on August 14, 2024, by a representative of SOIL-MAT ENGINEERS & CONSULTANTS LTD. During our site visit representative profiles of the subject slope were measured from the north face of the existing structure down to the toe of the slope and an additional profile from the south face of the existing structure to the toe of the slope. The locations of these slope profiles are illustrated on the attached Drawing No. 1, Slope Profile Location Plan, while the slope profiles themselves are illustrated on the attached Drawing Nos. 2, 3, and 4, Slope Profiles A-A to C-C.

In addition, a Slope Stability Rating Chart as per the Ontario Ministry of Natural Resources publication "Geotechnical Principles for Stable Slopes" [Geotechnical Principles publication] was completed for the slopes which indicated a Rating Value of 32 for the worst case slope indicating a slight potential for slope instability. A copy of the Slope Stability Rating Charts has been attached to this letter report.

The ground surface elevation at the start of the slope profiles, at the corners of the existing dwelling were referenced from the topographic information provided this office [Topographic Survey, Lot 32, Plan 811, Geographic Township of Humberstone, Rash+Hyde Ltd., Survey 23F096, Dated October 10, 2024]

**SLOPE CONDITIONS AND STABILITY ASSESSMENT**

The subject property is located at 3618 Firelane 12 in Port Colborne, Ontario. The property is currently occupied by a single-family dwelling, with surrounding landscaped areas. The property consists of table land with the property sloping downhill to the north and south.

A review of available published information [Quaternary Geology of Ontario, Southern Sheet Map 2556] indicate coarse-textured glaciolacustrine subsurface soils that consist of sand and gravel, with minor silt and clay consistent with our experience in the area, and observations in a series of hand dug test pits, as well as an open excavator advanced test pit, while on site.

**SLOPE CONDITIONS, STABILITY ASSESSMENT, AND TOP OF STABLE SLOPE LOCATION**

Slope Profiles A-A and B-B were measured from the north west and north east corners of the existing dwelling respectively, where Slope Profile C-C was measured from the south face of the existing dwelling, down to the toe of the slope, as illustrated in the Slope Profile Location Plan. The subject slope was measured to be approximately 5 to 6 metres in height to the north of the dwelling, to 5 metres in height to the south of the



dwelling, with an overall inclination of about 1.6 to 1.7 horizontal to 1 vertical from the toe to the crest in the north and 2.6 horizontal to 1 vertical from the toe to the crest in the south. The slope was noted to be well vegetated in the north with mature trees and scrub vegetation. The south facing slope was noted to vary in vegetation cover with areas with limited vegetation with the majority being well vegetated. There was no evidence of significant surficial movements, failure scars, or tension cracks on the majority of the slope.

As with all slopes, there is a reduction in shearing resistance attributed to the effects of freezing and thawing, wetting and drying, burrowing animals, etc. With time, the surface of the slope will degenerate and tend to reach equilibrium within its stress and ambient environment, including vegetative cover. However, this degeneration of the slope angle is a very slow process as is evident by the present condition of the existing slope.

A stability analysis of the subject slope was performed with a computerized modelling program [SLOPE/W 2023] utilizing multiple methods of analysis [Bishop, Janbu, and Morgenstern-Price] and considering different slip planes and centers of rotation, as well as normal and elevated groundwater conditions, to determine the minimum factor of safety for a series of potential trial slip surfaces.

Soil properties for the subsurface soils have been conservatively attributed based on the soil information as noted above, along with our past experience in the area. For the purposes of modeling the slope, the sand soils have been conservatively assigned a unit weight of  $\gamma = 18.0 \text{ kN/m}^3$ , an angle of internal friction of  $\phi = 32$  degrees, and cohesion of  $c = 0 \text{ kPa}$ .

The Ministry of Natural Resources "Geotechnical Principles for Stable Slopes" publication, Table 7.2 lists a minimum Factor of Safety of 1.2 to 1.3 for Light Land Use application [unoccupied structures, tile beds, etc.], and minimum Factors of Safety of 1.3 to 1.5 for Active Structures [habitable or occupied structures]. As there is no active water course in close proximity to these slopes, the top of stable slope location is determined strictly through stability analysis, and determining locations where the above criteria is met.

Based on our analyses, using the conservative assumptions noted above, the subject slopes were found to have minimum factors of safety of 1.2 for normal and elevated groundwater conditions, on the north side of the existing structure, locations approximately 4.0 and 9.0 metres north of the existing dwelling, for Profiles A-A and B-B respectively, as illustrated on Drawing No. 1, for the purposes of the proposed septic bed location.

With respect to the house, and using a factor of safety of 1.5 as a starting point, the top of stable slope location was determined to be at a distance of approximately 1.2 and 6.3 metres north of the existing dwelling for Profiles A-A and B-B respectively, and 7.0 metres south of the existing dwelling for Profile C-C, as illustrated on Drawing No. 1. Sample results of these analysis are attached to the end of this report. It is noted that theoretical surficial planes with lower factors of safety would exist, however these insignificant failure planes do not account for the stabilising effect of vegetation, nor would they impact the global stability of the slope.

From the updated drawings provided to our office, as noted above, the proposed septic system and house are noted to be 'uphill' of their respective top of stable slope locations based on the minimum factor of safety required for each type of construction.

It is noted the operation of the septic system consists of two parts; a holding tank, to store the solid waste which is pumped out periodically by a sanitary waste service, and the leaching bed, which is driven by gravity and the moisture infiltrating through the onsite soils to manage the liquid waste. As infiltration is a relatively slow process, much less than a typical storm event, outflow from the septic system is not a concern for slope stability. It is also noted that the proposed septic bed is only marginally closer than the existing septic bed, which has demonstrated no signs of negatively impacting the subject slope.

### **CONSTRUCTION CONSIDERATIONS**

Based on the above, the existing slope is considered stable in the long-term with respect to the top of stable slope locations. As such, it is our opinion that construction of the proposed septic bed and dwelling 'uphill' of each respective top of stable slope location, would have no negative impact on the stability of the subject slope, from a geotechnical point of view.

The following recommendations should be considered in the proposed construction:

- Excavated soil and/or heavy construction equipment should not be placed or travel near the top of stable slope location. In this regard it is recommended that a silt fence be placed along, or slightly 'uphill' from, the top of stable slope location for the duration of the construction. This will act as a barrier for construction activity and also prevent sediment runoff during construction
- Any drainage towards the slope should be in a controlled fashion, such as sheet flow through well established grass or vegetation, so as to not alter the natural drainage over the slope or create concentrated flows onto the slope.

- Vegetation on the slope should be protected during construction and all existing trees on the slope maintained during and following construction. Uphill of the crest of the slope the vegetation should be repaired/improved with the establishment of new deep rooted vegetation post construction, where required.
- As noted above, an area of limited vegetation existed on the south slope, which would be prone to surface erosion if left in its present condition. It is recommended to revegetate this area or provide erosion protection through other means.
- The foundations for the new dwelling should at least be nominally reinforced. Such reinforcement would include the provision of two continuous 15M bars in the footings and the top of the foundation wall, or as otherwise specified by the project structural engineer.



PROJECT No.: SM 240708-G

SLOPE STABILITY ASSESSMENT  
PROPOSED NEW SINGLE-FAMILY DWELLING  
3618 FIRELANE 12  
PORT COLBORNE, ONTARIO



We trust that this slope assessment report is sufficient for your present requirements. Should there be any questions regarding the content or comments within this report please do not hesitate to contact our office.

Yours very truly,  
SOIL-MAT ENGINEERS & CONSULTANTS LTD.

A handwritten signature in blue ink, appearing to be "K Reid".

Kevin Reid, B. Eng.  
Junior Engineer

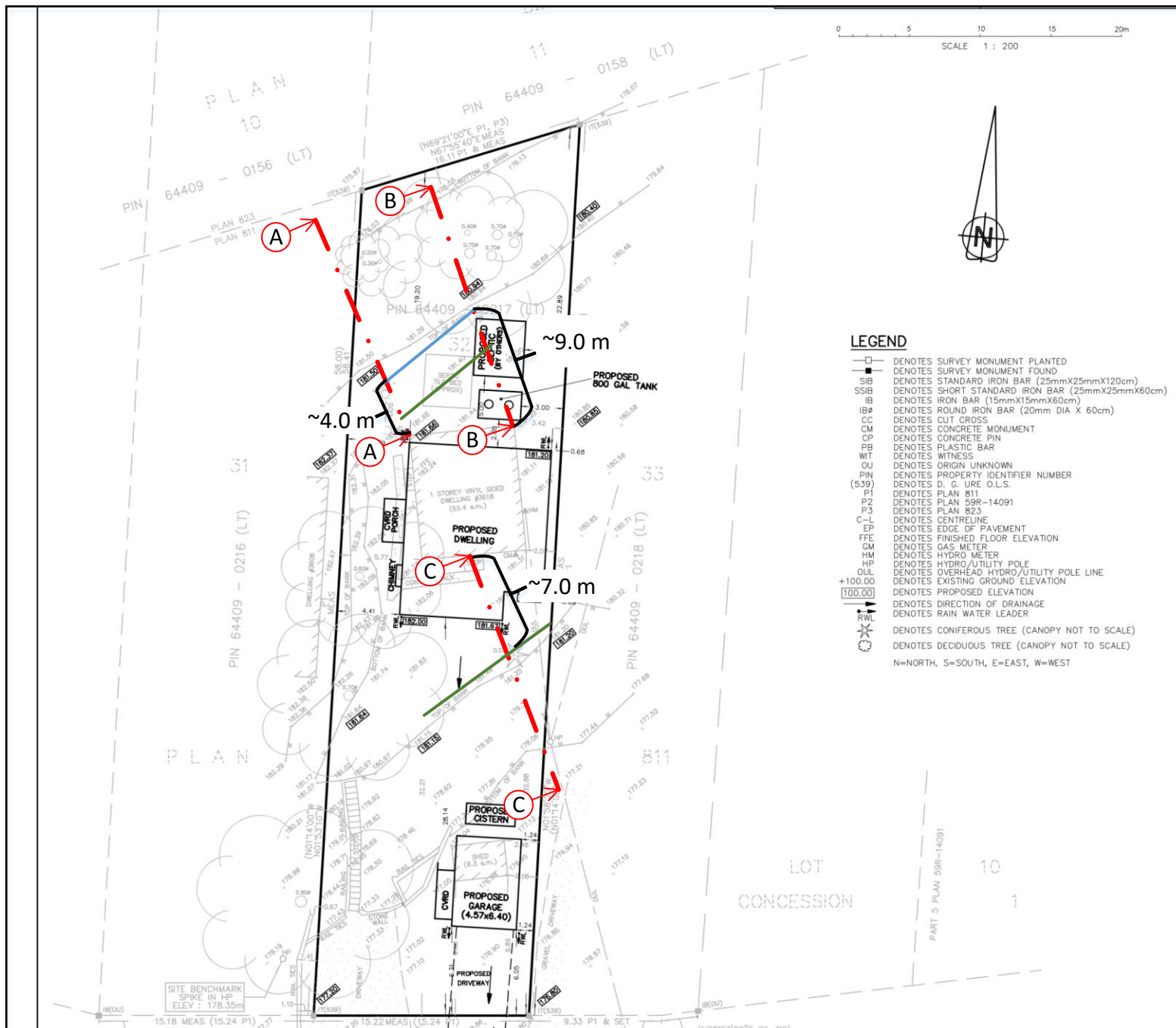


A handwritten signature in blue ink, appearing to be "Adam Roemmele".





Adam Roemmele, P. Eng.  
Project Engineer

Enclosures: Drawing No. 1, Slope Profile Location Plan  
Drawing No. 2 to 4, Slope Profile A-A to C-C  
Slope Stability Rating Charts  
Slope Stability Analyses

Distribution: Christopher Simpson [pdf]



## LEGEND

-   Slope Profile Location
-  1.2 FOS Location
-  1.5 FOS Location

## NOTES

- This drawing should be read in conjunction with Soil-Mat Engineers & Consultants Ltd. Report No. SM 240708-G.
- Slope profile location and ToSS location are approximate.
- Drawing Reference : Topographic Survey, Lot 32, Plan 811, Geographic Township of Humberstone, Rash + Hyde Ltd., Survey 23F096, Dated October 10, 2024]

# SOIL-MAT

ENGINEERS & CONSULTANTS LTD.

Slope Stability Assessment  
Proposed Septic System  
3618 Firelane 12  
Port Colborne, Ontario

Slope Profile Location Plan

Project No. SM 240708-G

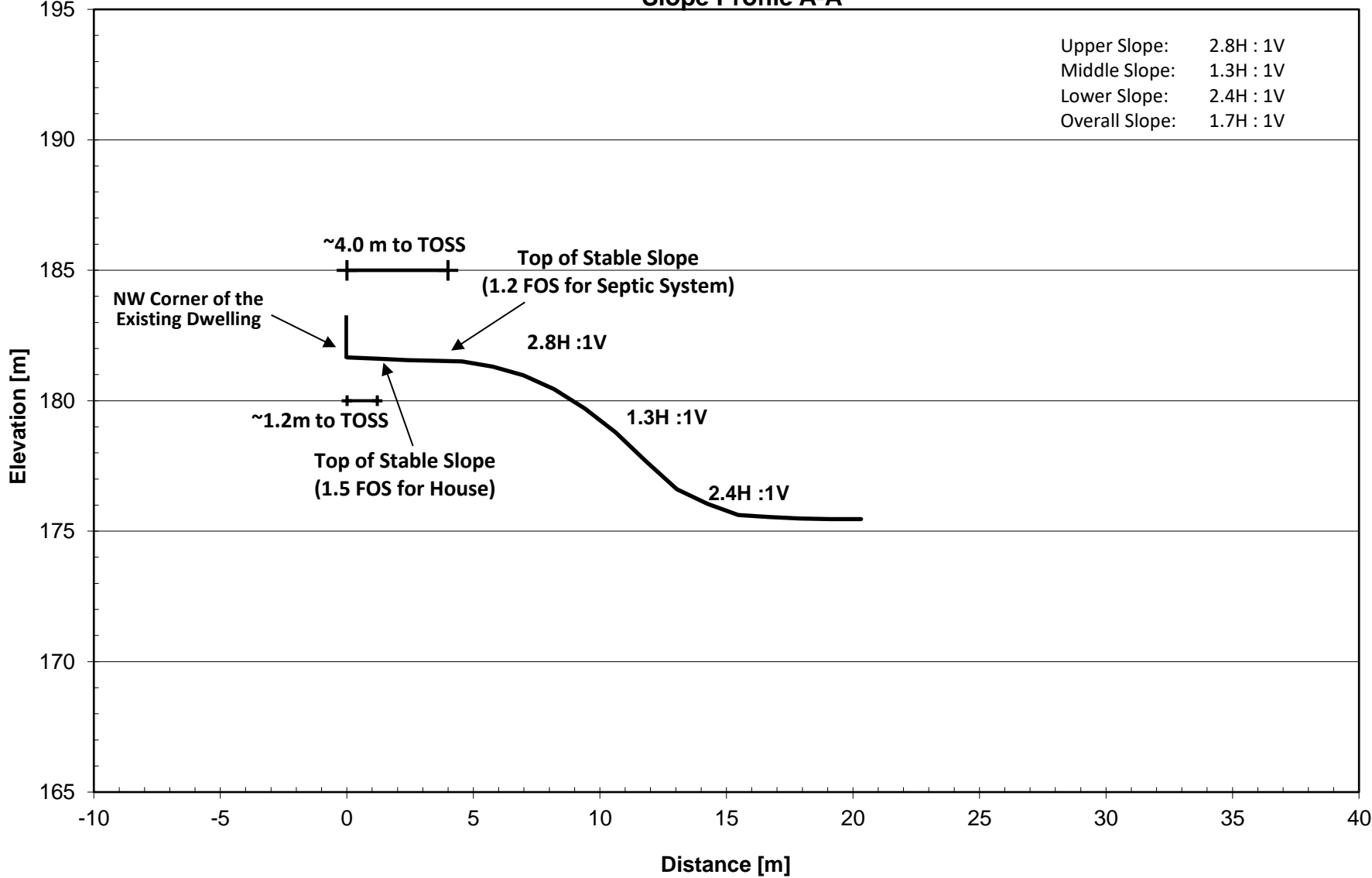
Date: November 2024

Drawn: KJR | Checked: AR

SM 240708-G Slope Profile Location Plan

Drawing No. 1

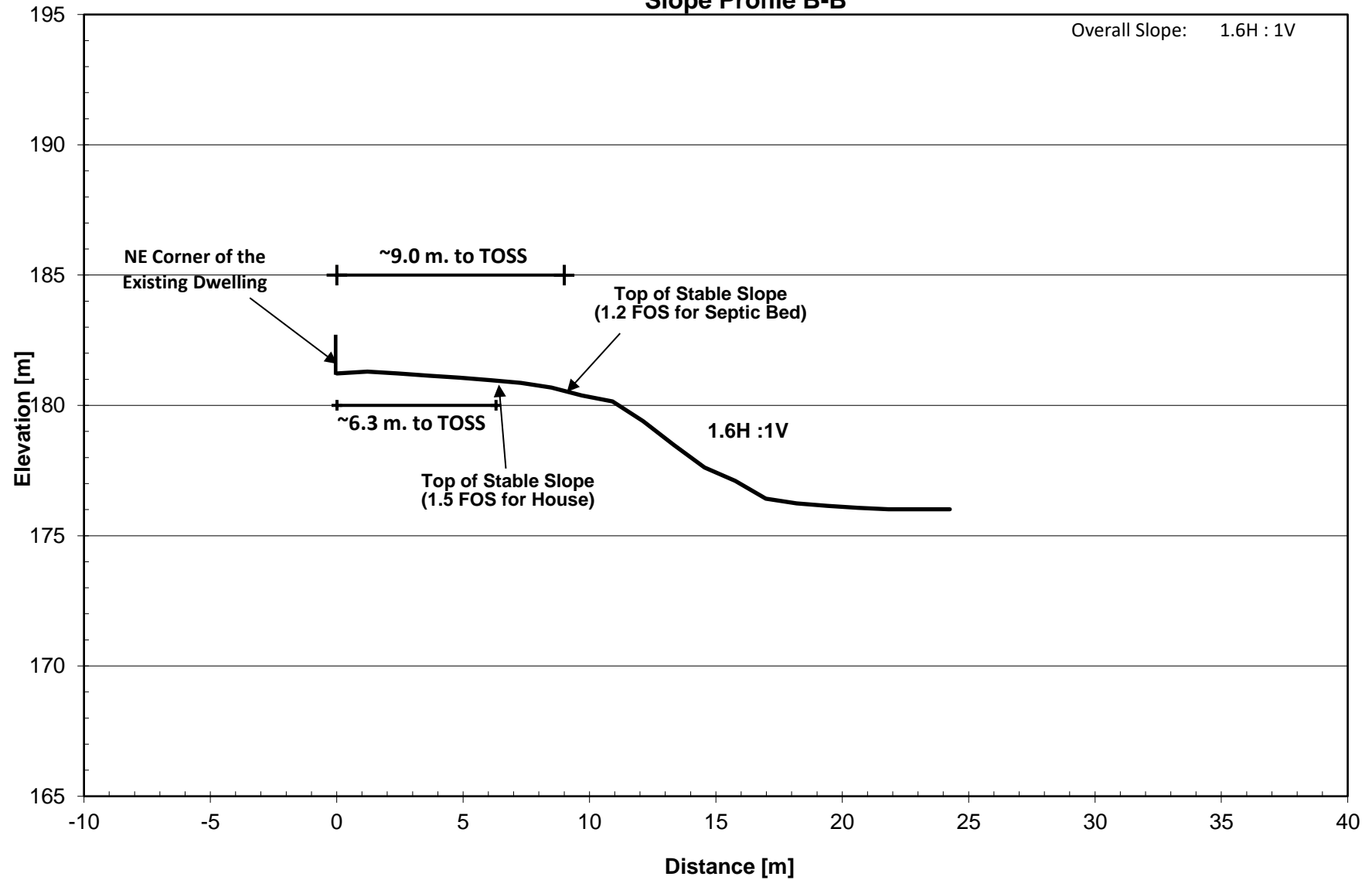
**Slope Profile Section  
3618 Firelane 12  
Port Colborne, Ontario  
Slope Profile A-A**





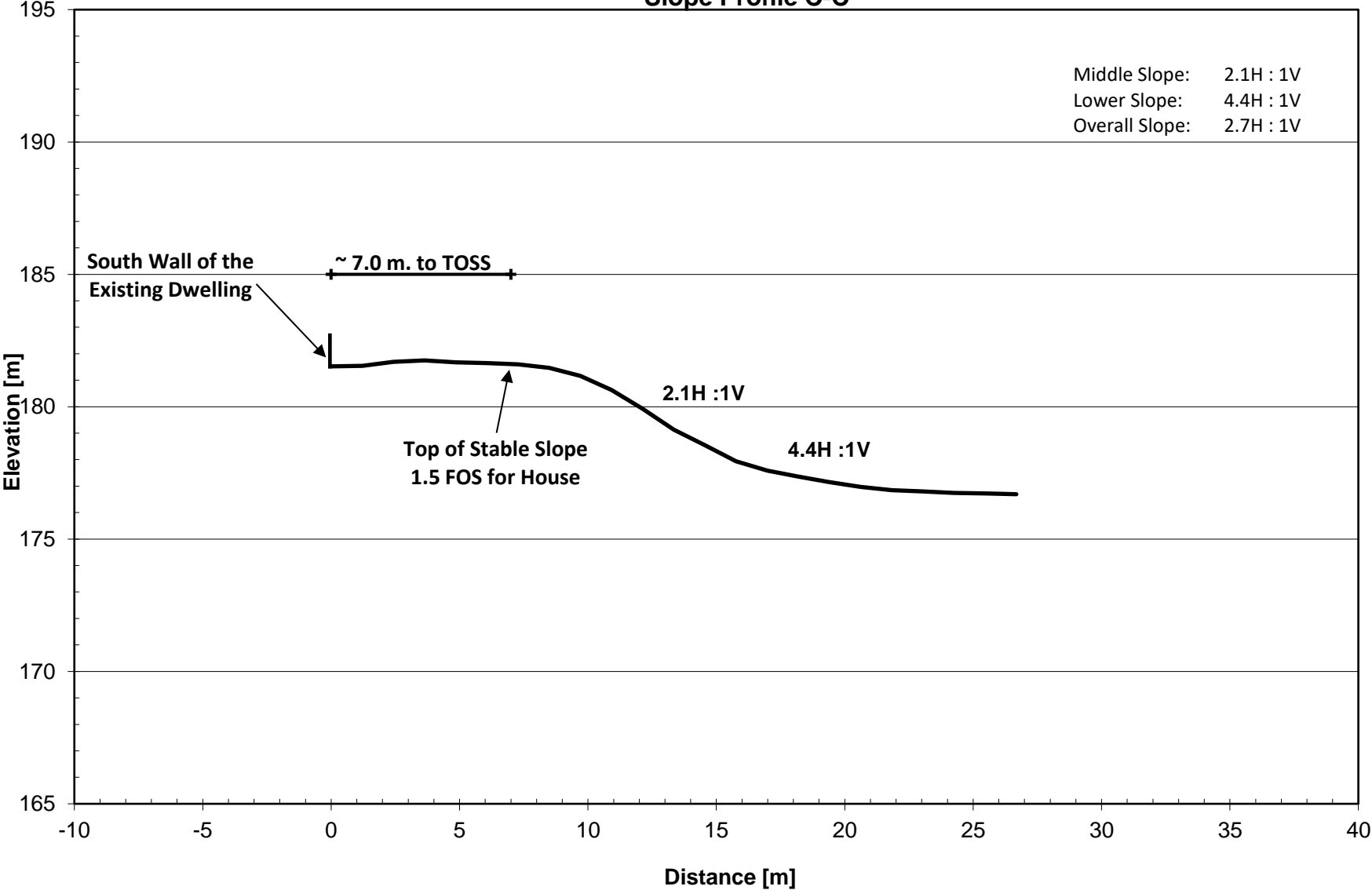
**Slope Profile Section  
3618 Firelane 12  
Port Colborne, Ontario  
Slope Profile B-B**

Overall Slope: 1.6H : 1V



**Slope Profile Section  
3618 Firelane 12  
Port Colborne, Ontario  
Slope Profile C-C**

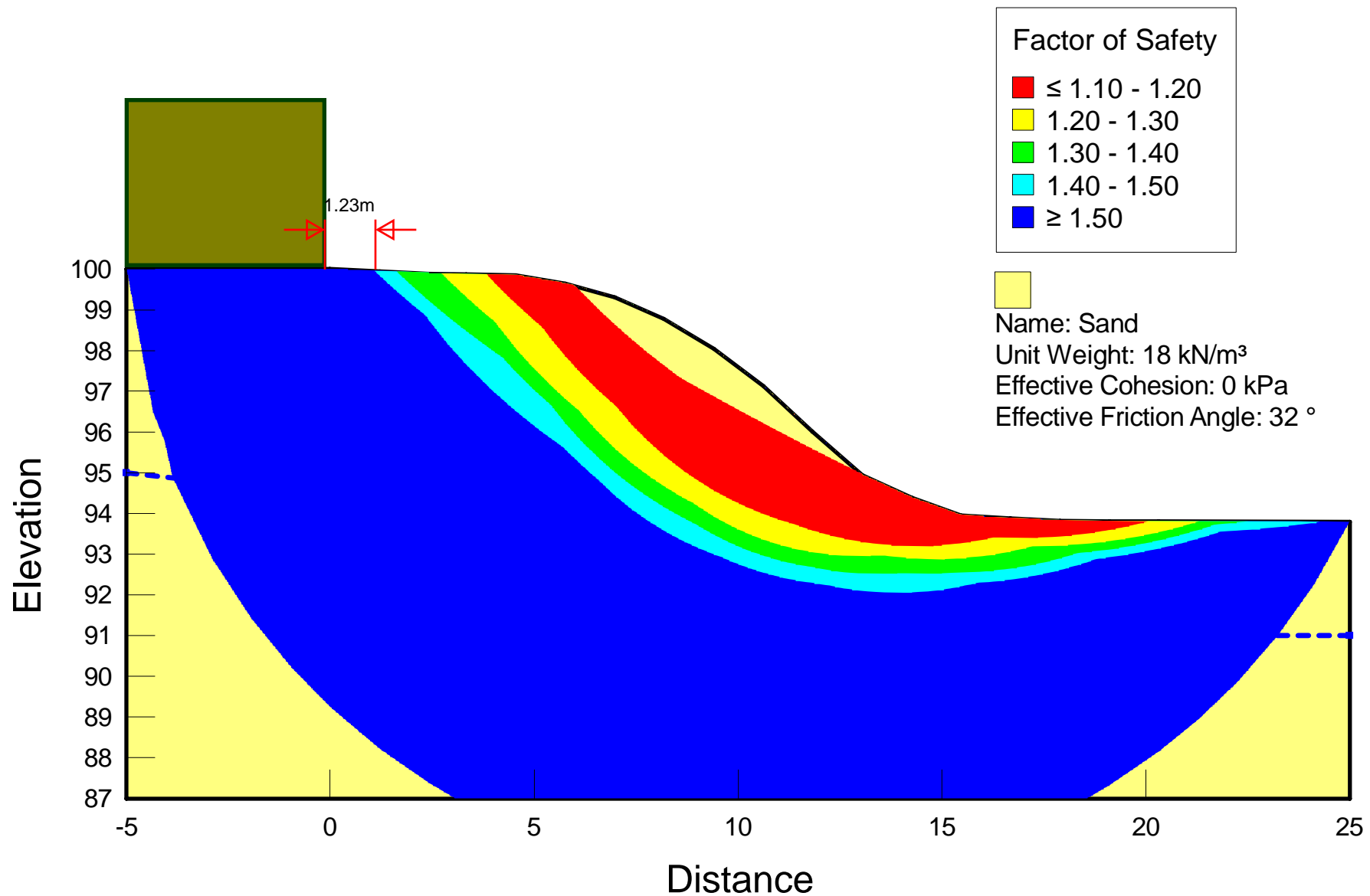
Middle Slope: 2.1H : 1V  
Lower Slope: 4.4H : 1V  
Overall Slope: 2.7H : 1V



**TABLE 8.1 - SLOPE STABILITY RATING CHART**

Site Location: 3618 Firelane 12, Port Colborne			File No. SM 240708-G
Property Owner:			Inspection Date: August 14, 2024
Inspected By: Ishan Chauhan			Weather:
<b>1.</b>	<b>SLOPE INCLINATION</b>		<b>Rating Value</b>
	<b>degrees</b>	<b>horiz. : vert.</b>	
a)	18 or less	3 : 1 or flatter	0
b)	18 - 26	2 : 1 to more than 3 : 1	6 <b>16</b>
c)	more than 26	steeper than 2 : 1	16
<b>2.</b>	<b>SOIL STRATIGRAPHY</b>		
a)	Shale, Limestone, Granite (Bedrock)		0
b)	Sand, Gravel		6
c)	Glacial Till		9 <b>6</b>
d)	Clay, Silt		12
e)	Fill		16
f)	Leda Clay		24
<b>3.</b>	<b>SEEPAGE FROM SLOPE FACE</b>		
a)	None or Near bottom only		0
b)	Near mid-slope only		6 <b>0</b>
c)	Near crest only or, From several levels		12
<b>4.</b>	<b>SLOPE HEIGHT</b>		
a)	2 m or less		0
b)	2.1 to 5 m		2 <b>4</b>
c)	5.1 to 10 m		4
d)	more than 10 m		8
<b>5.</b>	<b>VEGETATION COVER ON SLOPE FACE</b>		
a)	Well vegetated; heavy shrubs or forested with mature trees		0 <b>4</b>
b)	Light vegetation; Mostly grass, weeds, occasional trees, shrubs		4
c)	No vegetation, bare		8
<b>6.</b>	<b>TABLE LAND DRAINAGE</b>		
a)	Table land flat, no apparent drainage over slope		0
b)	Minor drainage over slope, no active erosion		2 <b>2</b>
c)	Drainage over slope, active erosion, gullies		4
<b>7.</b>	<b>PROXIMITY OF WATERCOURSE TO SLOPE TOE</b>		
a)	15 metres or more from slope toe		0 <b>0</b>
b)	Less than 15 metres from slope toe		6
<b>8.</b>	<b>PREVIOUS LANDSLIDE ACTIVITY</b>		
a)	No		0 <b>0</b>
b)	Yes		6
	<b>SLOPE INSTABILITY RATING</b>	<b>RATING VALUES TOTAL</b>	<b>INVESTIGATION REQUIREMENTS</b>
			<b>TOTAL</b>
			<b>32</b>
1.	Low potential	< 24	Site inspection only, confirmation, report letter.
2.	Slight potential	25-35	Site inspection and surveying, preliminary study, detailed report.
3.	Moderate potential	> 35	Boreholes, piezometers, lab tests, surveying, detailed report.
<b>NOTES:</b>			
a)	Choose only one from each category; compare total rating value with above requirements.		
b)	If there is a water body (stream, creek, river, pond, bay, lake) at the slope toe; the potential for toe erosion and undercutting should be evaluated in detail and, protection provided if required.		

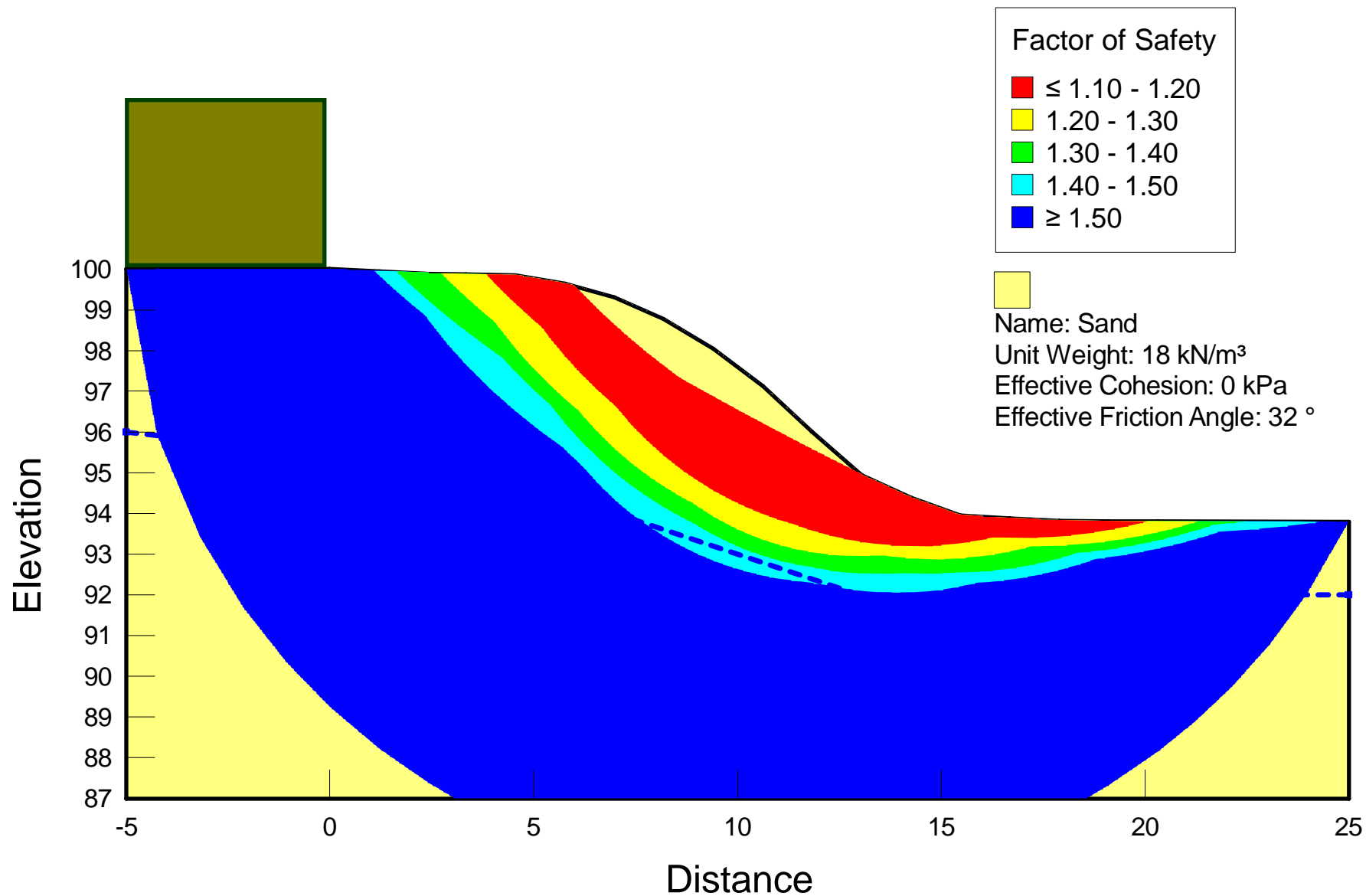




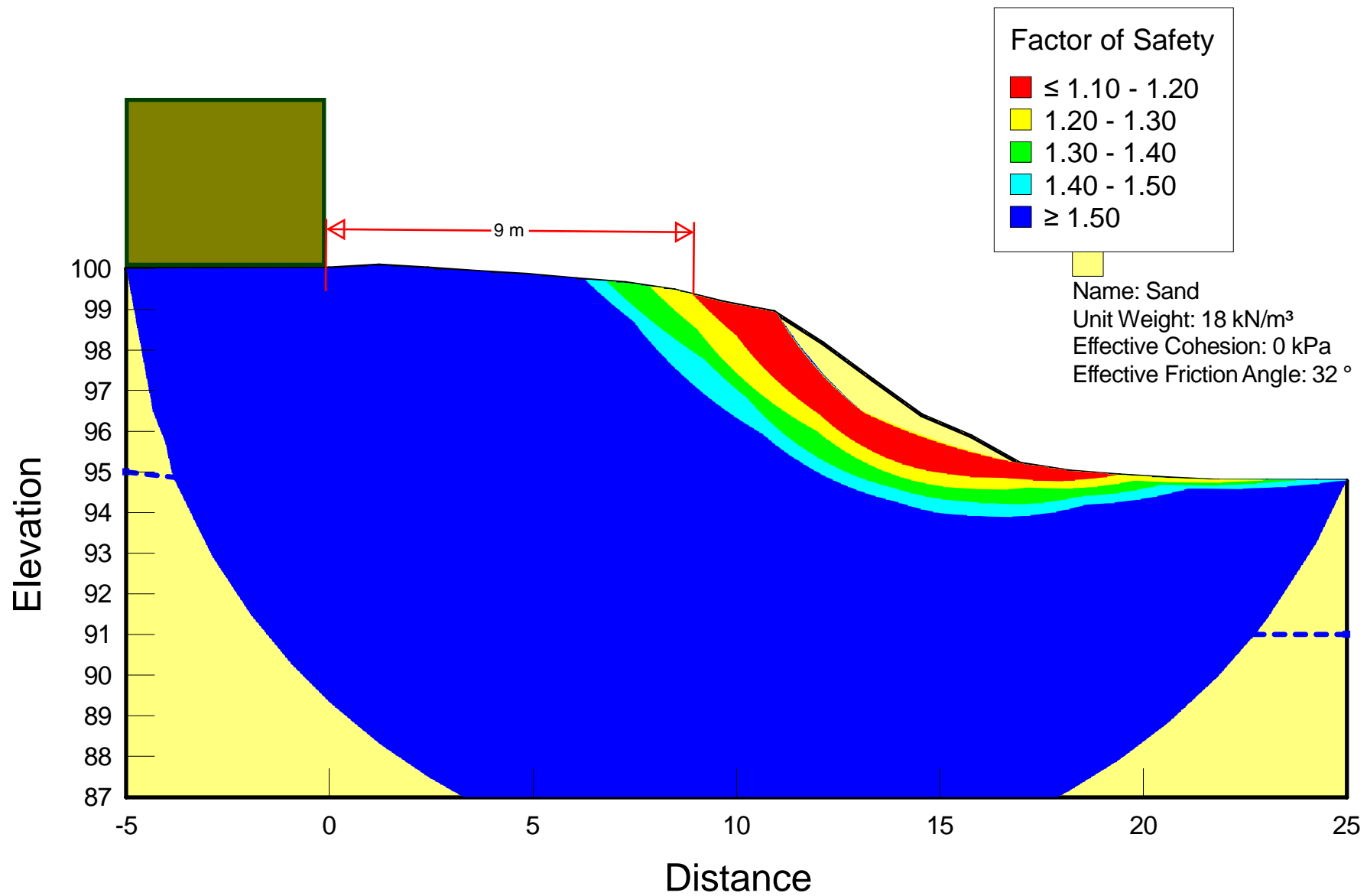
Slope Stability Analysis - 3618 Firelane 12, Port Colborne

Slope Profile A-A (Normal Groundwater)

August, 2024



Slope Stability Analysis - 3618 Firelane 12, Port Colborne
Slope Profile A-A (Elevated Groundwater)
August, 2024

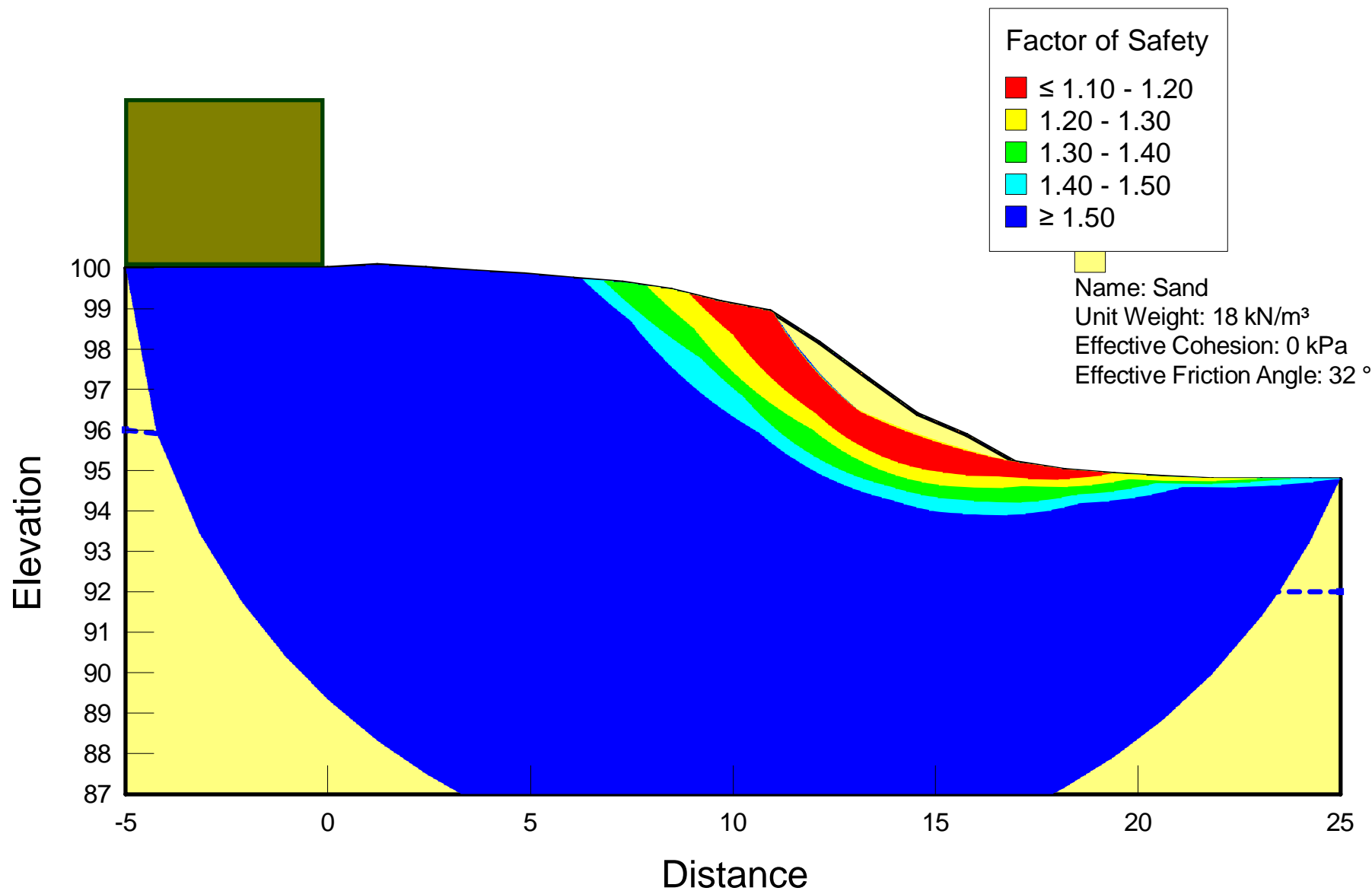


Slope Stability Analysis - 3618 Firelane 12, Port Colborne

Slope Profile B-B (Normal Groundwater)

August, 2024

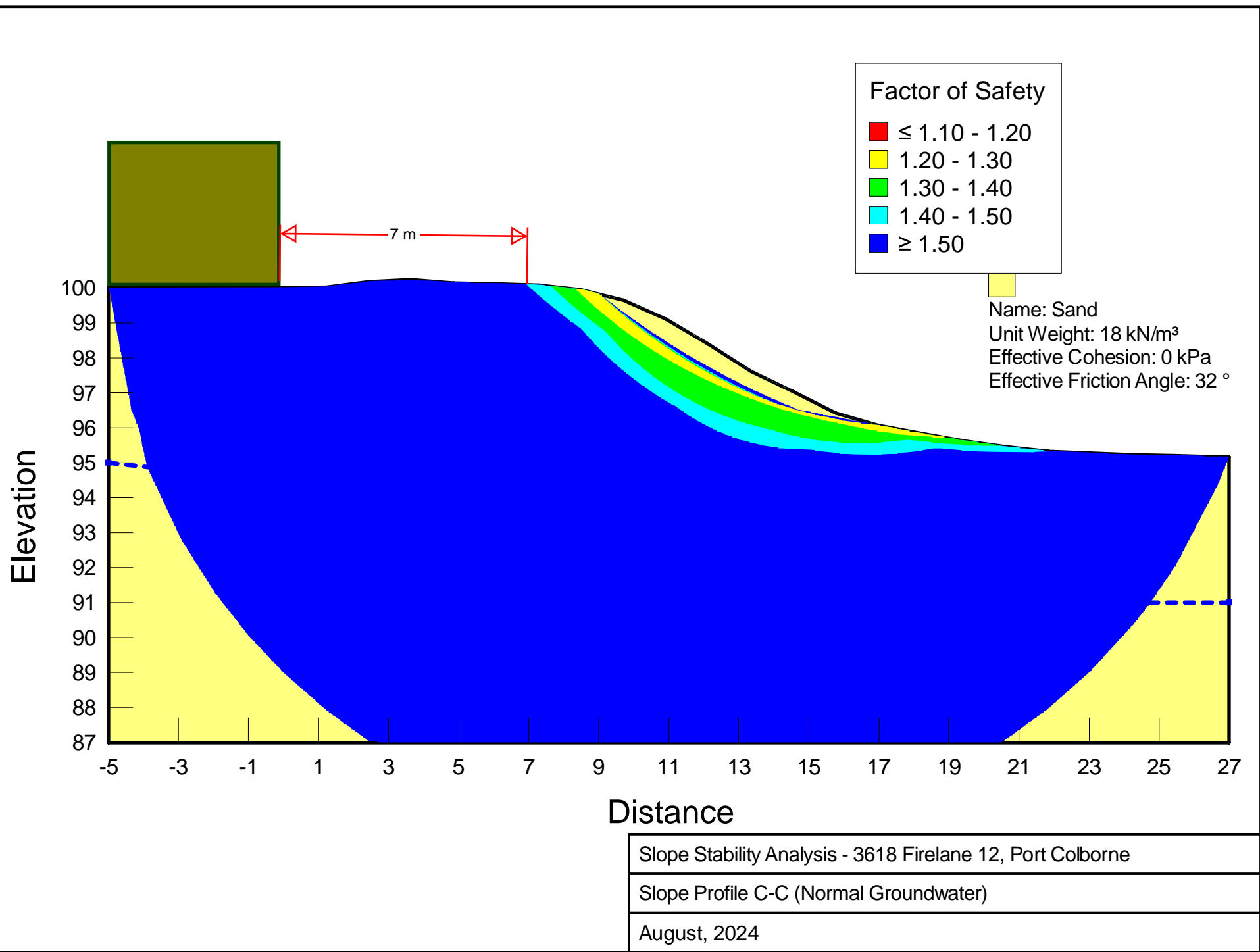


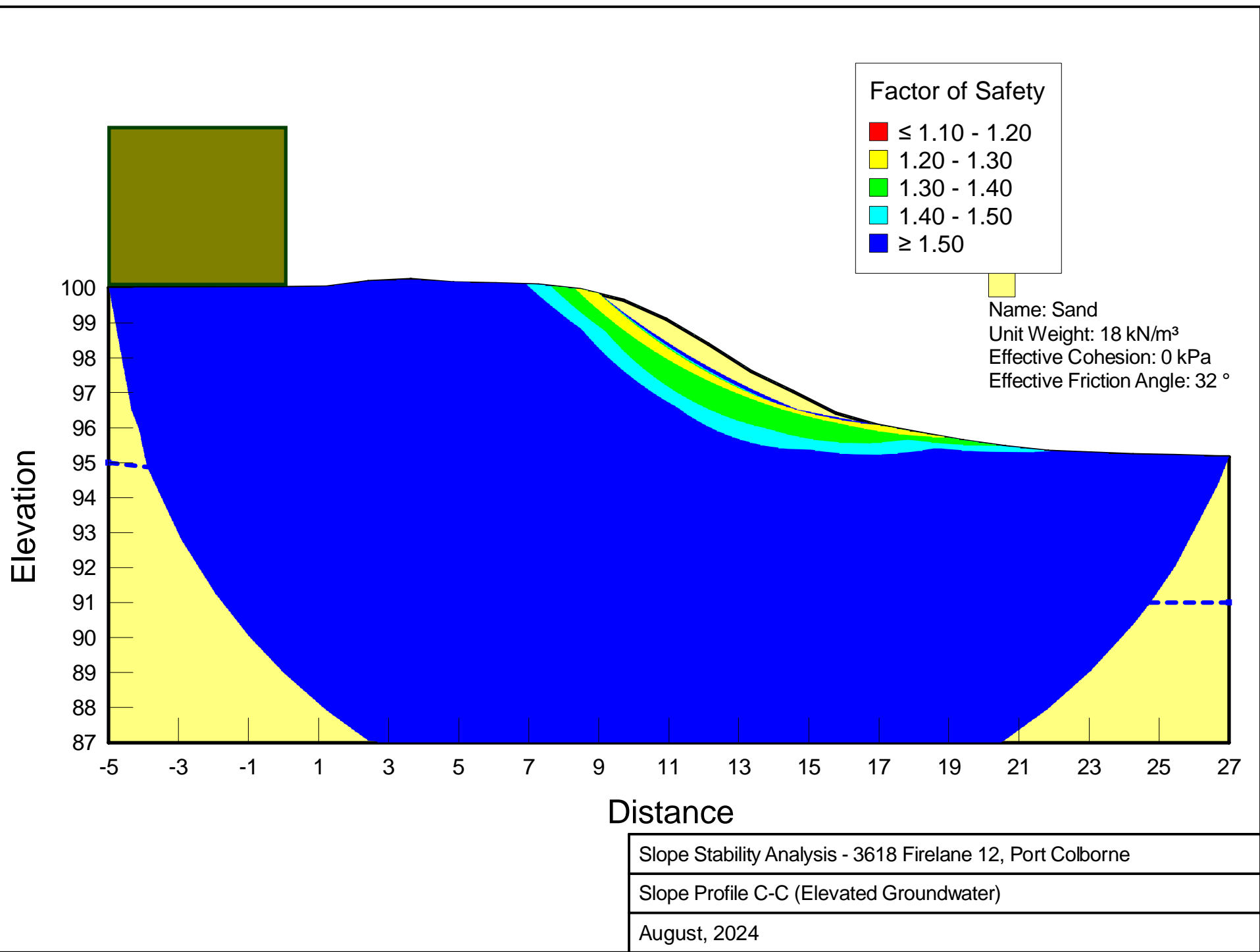


Slope Stability Analysis - 3618 Firelane 12, Port Colborne

Slope Profile B-B (Elevated Groundwater)

August, 2024





**Ministry of Citizenship and Multiculturalism (MCM)**

Archaeology Program Unit  
 Heritage Branch  
 Citizenship, Inclusion and Heritage Division  
 5th Floor, 400 University Ave.  
 Toronto ON M7A 2R9  
 Tel.: (416) 414-7787  
 Email: Jessica.Marr@ontario.ca

**Ministère des Affaires civiques et du Multiculturalisme (MCM)**

Unité des programme d'archéologie  
 Direction du patrimoine  
 Division de la citoyenneté, de l'inclusion et du patrimoine  
 5e étage, 400 ave. University  
 Toronto ON M7A 2R9  
 Tél. : (416) 414-7787  
 Email: Jessica.Marr@ontario.ca



Feb 19, 2025

Michael Pitul (P462)  
 Detritus Consulting  
 32 Clarke Port Colborne ON L3K 2G1

**RE: Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Stage 1-2 Archaeological Assessment 3618 Firelane 12, Port Colborne Part of Lot 10, Concession 1, Geographic Township of Humberstone, Historical County of Welland, now the Regional Municipality of Niagara, Ontario ", Dated Dec 16, 2024, Filed with MCM on N/A, MCM Project Information Form Number P462-0327-2024, MCM File Number 0022764**

Dear Mr. Pitul:

The above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18, has been entered into the Ontario Public Register of Archaeological Reports without technical review.<sup>1</sup>

Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require further information, please do not hesitate to send your inquiry to [Archaeology@Ontario.ca](mailto:Archaeology@Ontario.ca)

cc. Archaeology Licensing Officer  
 Katie Mitchell, Mitchell Contracting  
 Pat Busnello, Niagara Region

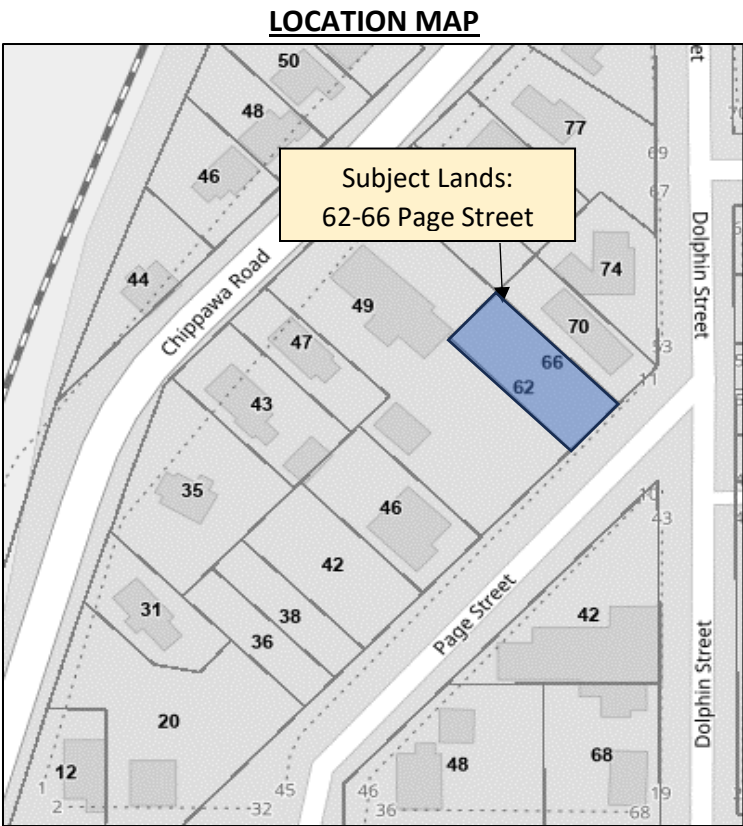
<sup>1</sup>In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.



**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 Lot 769 and part of lot 770, Plan 836, in the City of Port Colborne. The lands are municipally known as 62 and 66 Page Street.

**AND IN THE MATTER OF AN APPLICATION** by the agent Carol Moroziuk, on behalf of the owner Ahlstedt Homes Ltd., for consent to sever a parcel of land occupied by an existing semi-detached dwelling to facilitate ownership of the individual units. The subject parcels are shown as Parts 1 and 2 on the proposed sketch. A sketch of the subject lands is shown on the reverse side of this notice. More information, including a higher resolution PDF version of this sketch, can be requested through the Secretary-Treasurer.



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

Date:

April 9, 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](mailto:taya.taraba@portcolborne.ca) to view the material.

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **Friday, April 4, 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, April 8, 2024**, by emailing [taya.taraba@portcolborne.ca](mailto: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](mailto: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.

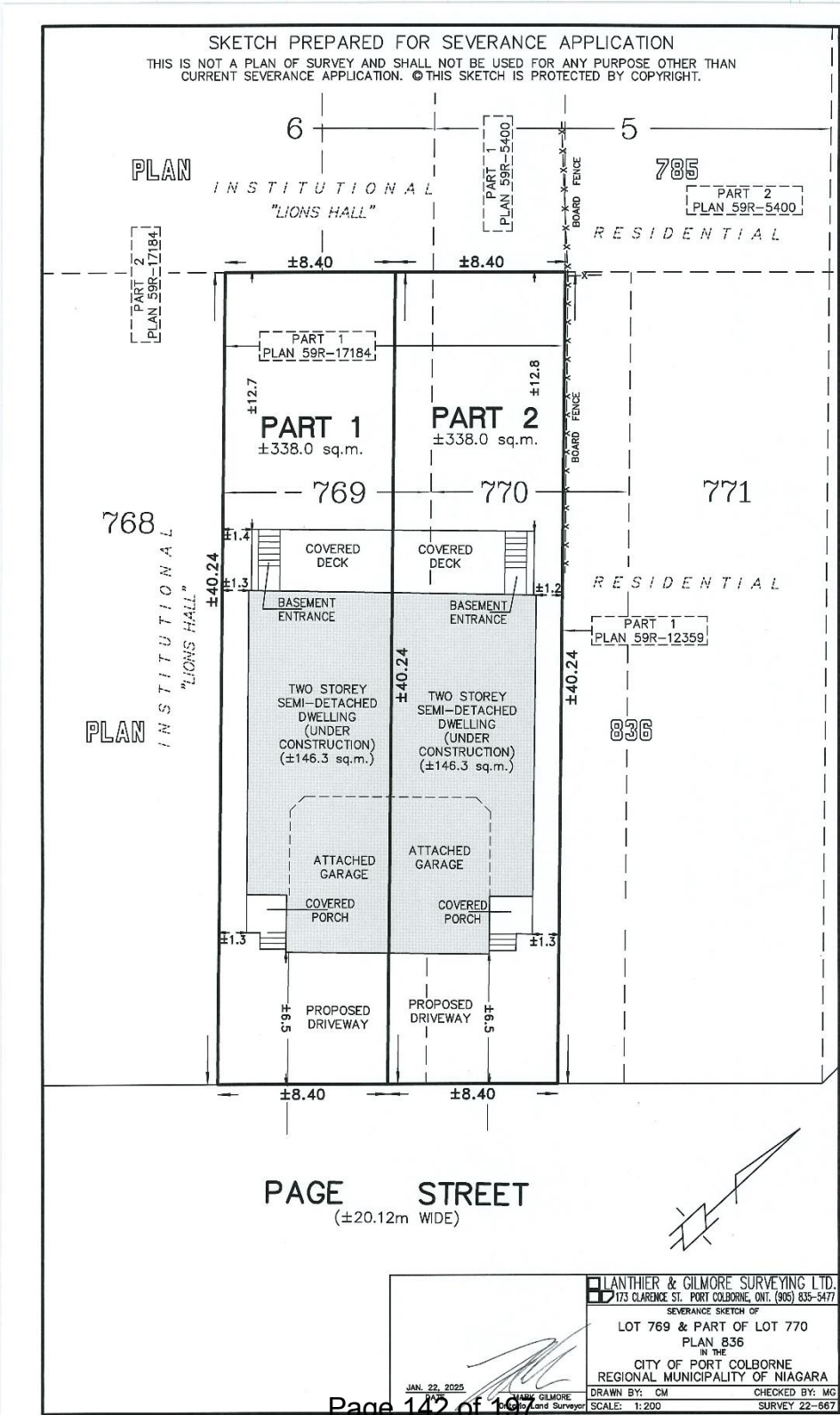
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

Date of Mailing: March 25, 2025

SKETCH



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

April 4, 2025

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

**Re: Application for Consent B05-25-PC**  
**Lot 769 and Part of Lot 770, Plan 836**  
**62 and 66 Page Street**  
**Agent: Carol Moroziuk**  
**Owner(s): Ahlstedt Homes Ltd.**

**Proposal**

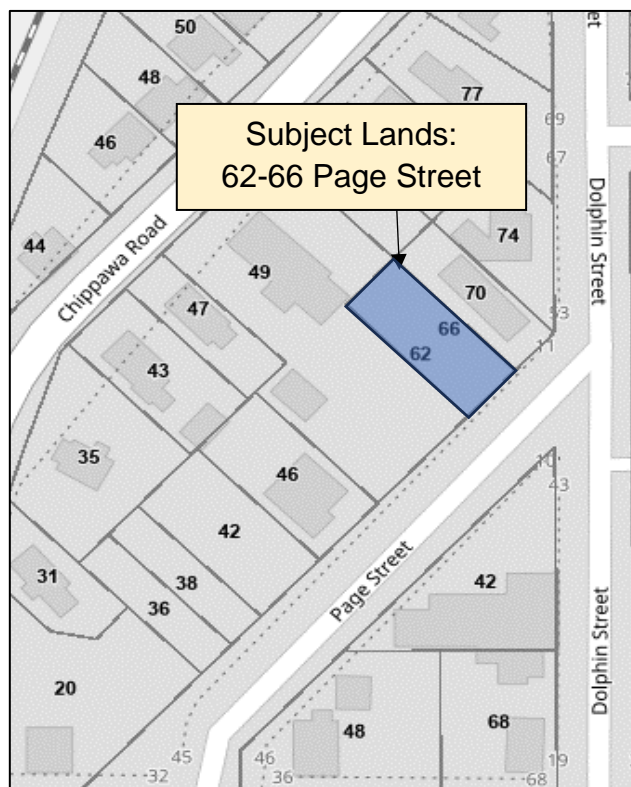
The purpose and effect of this application for consent to sever is to allow the units in the existing semi-detached dwelling to be individually owned. The application proposes to sever 62 Page Street (Part 1 on Appendix A) and to retain 66 Page Street (Part 2).

**Surrounding Land Uses and Zoning**

The subject lands are in the Second Density Residential Zone (R2). The parcels surrounding the subject lands are zoned R2 to the north and east, Institutional (I) to the west, and Highway Commercial (HC) to the south. The surrounding uses consist primarily of residential dwellings to the north and east, the Port Colborne Lions Club Community Centre to the west and commercial uses to the south.

**Environmentally Sensitive Areas**

The subject property does not feature any environmentally sensitive areas.



## Public Comments

Notice was circulated on March 25, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of April 4, 2025, no comments from the public have been received.

## Agency Comments

Notice of the application was circulated on February 18, 2025, to internal City departments and external agencies. As of April 4, 2025, the following comments have been received.

<b>Drainage Superintendent</b>	No objections.
<b>Fire Department</b>	No objections.
<b>Engineering Technologist</b>	No objections.
<b>By-law Enforcement Services</b>	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 Niagara Official Plan and Port Colborne Official Plan identify the subject lands as settlement area. Section 2.3.1.1 of the PPS 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 uses which efficiently use land and resources, optimizing existing and planned infrastructure. Section 2.3.1.3 requires that planning authorities support redevelopment to help achieve complete communities.

Planning staff are of the opinion that the severance application is consistent with the PPS. The proposal to sever the existing semi-detached dwelling for existing residential uses supports the provincial requirement to direct growth and development to settlement areas. The proposed lots are municipally serviced, contributing to an efficient use of existing infrastructure. Permitting the severance will allow each half of the semi-detached dwelling to be owned individually, which will provide a new opportunity for homeownership at a more attainable price when compared to the price of owning both dwelling units, thereby contributing toward the provision of an appropriate range and mix of housing.



### Niagara Official Plan (NOP)

According to Schedule A to the NOP, the subject lands are located within the Settlement Area of Port Colborne. Schedule B identifies the lands as being located within the Delineated Built-up Area. The policies in Section 2.2 of the NOP directs forecasted growth to settlement areas. Section 2.2.1.1 requires development 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 of the opinion that the proposed consent conforms to the NOP. The proposal to sever the existing semi-detached dwelling will provide increased opportunities to support a more diverse range and mix of housing options in the future,

### City of Port Colborne Official Plan (OP)

The subject lands are designated 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 of the OP outlines the requirements for intensification and infill in the Urban Residential designation. Section 3.2.2 (c) (i) permits infill within a registered plan of subdivision, subject to the provisions of the Zoning By-law, to create 2 lots for a semi-detached dwelling.

Proposals for severances 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, the proposed lots having frontage on a public road and the imposition of appropriate conditions.

Planning staff are of the opinion that the proposed consent meets the requirements of the OP subject to necessary conditions.

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

The subject lands are in the Second Density Residential Zone (R2) in Zoning By-law 6575/30/18.

The application proposes to create lots with the following dimensions:

- Part 1, the parcel to be conveyed, is proposed to have a lot frontage of 8.4 metres and a lot area of 338 square metres.

- Part 2, the parcel to be retained, is proposed to have a lot frontage of 8.4 metres and a lot area of 338 square metres.

Both the severed and retained lots meet the minimum requirements of the R2 Zone.

**Recommendation:**

That consent application B05-25-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 April 9, 2027.

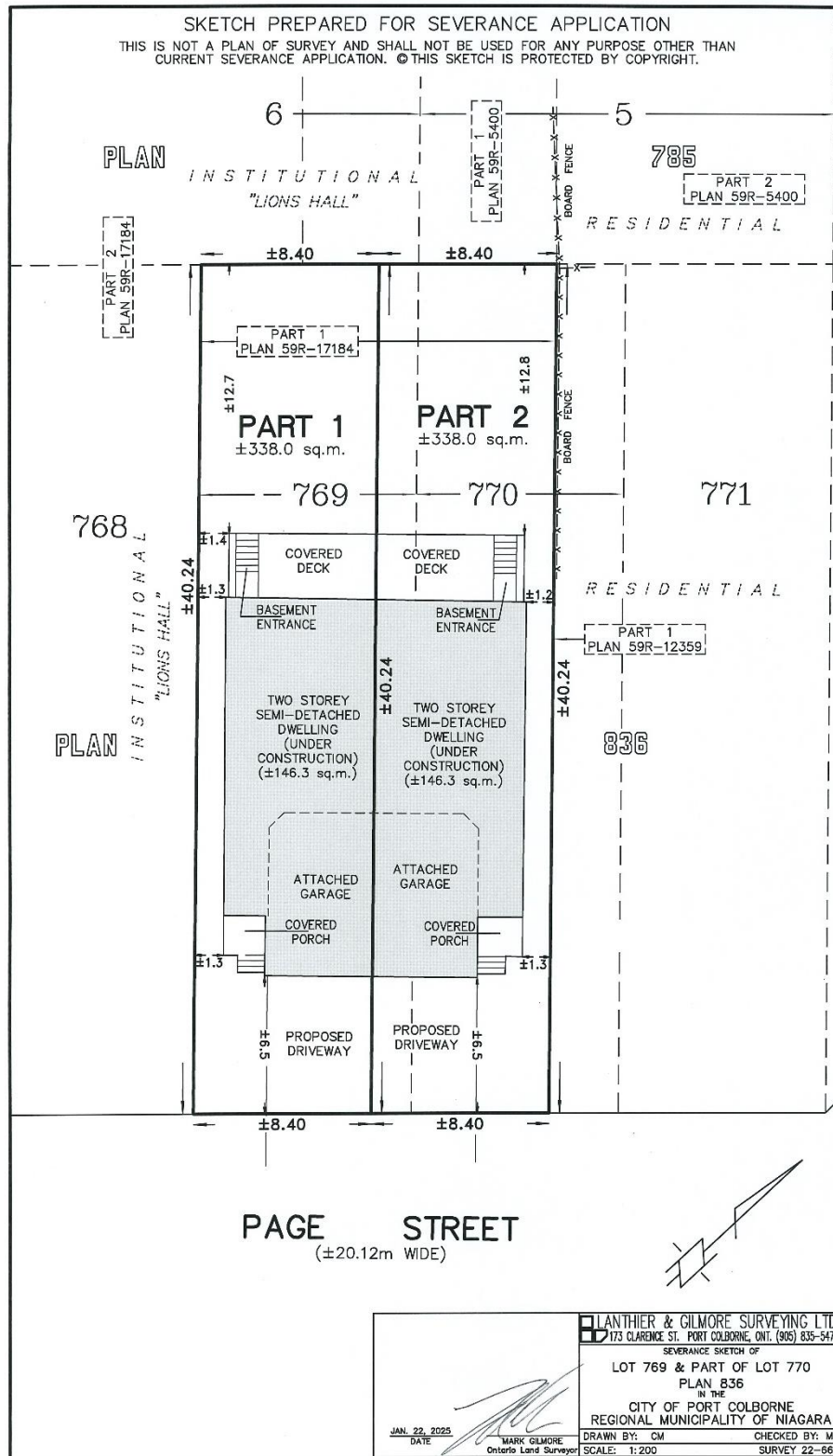
For the following reasons:

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.

Respectfully submitted,

Diana Vasu  
Planner

# Appendix A



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.







## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

## CONSENT APPLICATION THE CITY OF PORT COLBORNE

The Planning Act – Section 53

RECEIVED

JAN 22 2025

### 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

## 2025 APPLICATION FEES

Consent (New Lot)	\$2,900	Changes to Consent Conditions	\$750
Easement	\$1,850	Final Certification Fee	\$400
Lot Addition / Boundary Adjustment	\$1,850	Validation of Title	\$1,500

## 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](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: Carol Moroziuk	Date: Jun 22/25	Initials: CM





## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

## CONSENT APPLICATION

### THE CITY OF PORT COLBORNE

The Planning Act – Section 53

#### SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: <u>Ahlstedt Homes Ltd</u>	
Mailing Address: <u>3452 Babion Road</u>	
City: <u>Port Colborne</u>	Province: <u>ON</u>
Postal Code: <u>L3K 5V5</u>	Telephone: <u>905 329 4516</u>
Fax:	Email: <u>adam.ahltd@gmail.com</u>
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name: <u>Carol Morozniuk</u>	
Mailing Address: <u>243 Killaly St East</u>	
City: <u>Port Colborne</u>	Province: <u>ON</u>
Postal Code: <u>L3K 1P2</u>	Telephone: <u>905 736 9739</u>
Fax:	Email: <u>cmorozniuk@gmail.com</u>
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: <u>Lanthier + Gilmore &amp; Surveying</u>	
Mailing Address: <u>173 Clarence Street</u>	
City: <u>Port Colborne</u>	Province: <u>ON</u>
Postal Code: <u>L3K 3G4</u>	Telephone: <u>905 835 5477</u>
Fax:	Email: <u>info@lanthierandgilmore.ca</u>
<b>1.5 All communications should be sent to the:</b>	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

#### SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: <u>Village of Humberstone</u>	
Concession No.	Lot(s):
Registered Plan No. <u>836</u>	Lot(s): <u>769, Pt. lot 769</u>
Reference Plan No. <u>51R-17184</u>	Part(s): <u>Part 1</u>
Name of Street: <u>De Page St.</u>	Street No.



SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))		
<input checked="" type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement
Reason for proposed transaction: Split Semi-Detached dwelling into 2 properties to sell.		
3.2 If a lot addition, identify the lands to which the parcel will be added:		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged: unknown		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 1

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 8.40 m	Depth: 40.24 m	Area: 338.0 m <sup>2</sup>
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: 8.40 m	Depth: 40.24 m	Area: 338.0 m <sup>2</sup>
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:	
Regional Policy Plan:	
6.2 What is the Zoning of the land (By-law 6575/30/18)?	
R2	
6.3 Date and Subject Land was acquired by the Current Owner:	
February 24 2022	
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.		
David Eccles Construction -240 Taylor Rd Ancaster L9G 1P5		
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):		
6.8 What type of SEWAGE DISPOSAL is proposed?		
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system		
<input type="checkbox"/> Septic system (private or communal)		
<input type="checkbox"/> Other (specify):		
6.9 What type of STORMWATER DISPOSAL is proposed?		
<input checked="" 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 checked="" type="checkbox"/> Yes Consent	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

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

File Number:	to create the current bldg lot
Decision:	Approved

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

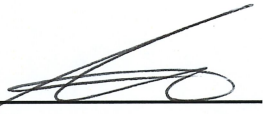
8.1 ALL EXISTING USE		
<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Institutional	<input type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	
8.2 What is the length of time the existing use(s) of the land have continued?		
3 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.		
2 storey Semi-Detached Dwelling		



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

ACKNOWLEDGMENT CLAUSE

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

<div>X 1-21-25</div> <div>Date</div>	<div>X </div> <div>Signature of Owner</div>
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NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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



AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Jan. 22/25  
Date

X CMoroziuk  
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 Moroziuk  
Of the City/Town/Township of Port Colborne  
In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the  
City of Port Colborne  
In the Region of Niagara  
This 22nd day of January  
20 25.

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

TO BE SIGNED IN THE PRESENCE OF A  
COMMISIONER FOR TAKING AFFIDAVITS  
X CMoroziuk  
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.



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 Adam Alstede, Alstede Homes Ltd am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize Carol Morozink 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

1-21-25

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

Jan 22/25

## 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 Morozink 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 Morozink  
Signature of Owner/Agent

X Jan 22/25  
Date

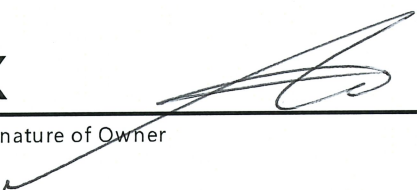
X \_\_\_\_\_  
Signature of Owner/Agent

X \_\_\_\_\_  
Date

## PERMISSION TO ENTER

I/We Adam Aulstedt, Aulstedt Homes Ltd 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 1-21-25  
Date



## SUGGESTION TO THE APPLICANT

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

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

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



## PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

Minor Variance Application

File No. A04-25-PC

**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 3.1.1 and 7.5 (a) (c) (g) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

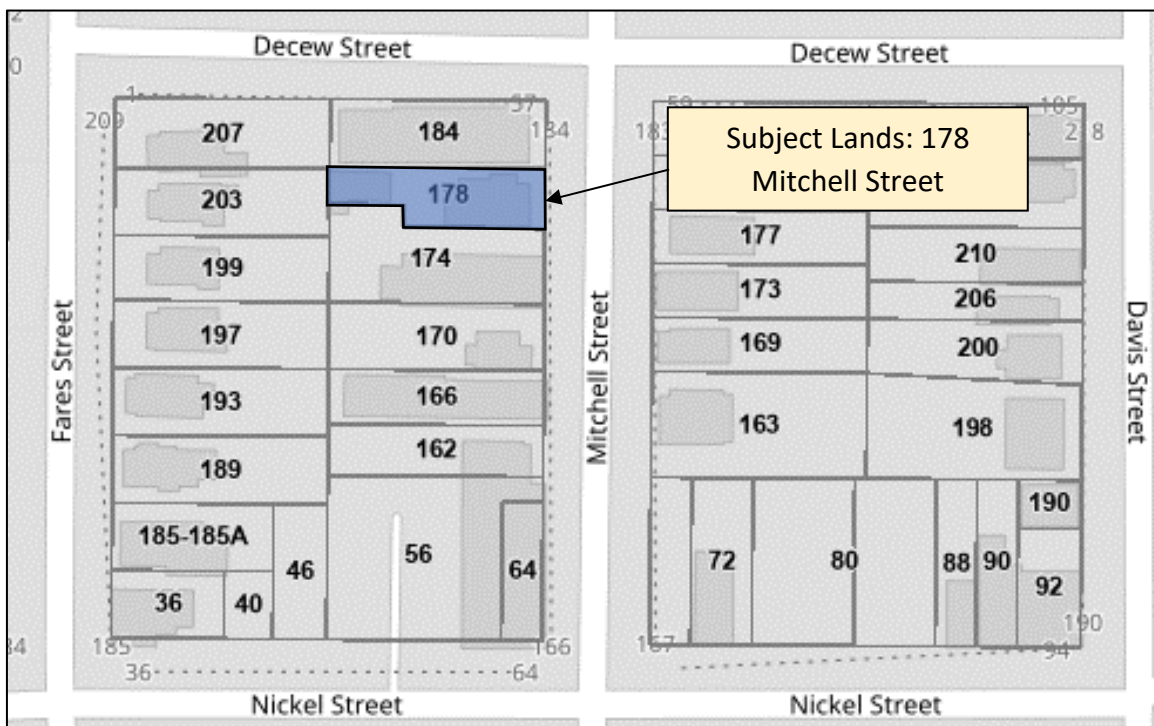
**AND IN THE MATTER OF** the lands legally known as Part Lot 16 on Plan 283, New Plan 849, in the City of Port Colborne, located in the Third Density Residential (R3) zone, municipally known as 178 Mitchell Street;

**AND IN THE MATTER OF AN APPLICATION** by the agent, Carol Moroziuk, on behalf of the owner, Mohan Narain, for relief from the provisions of Zoning By-law 6575/30/18, as amended, under section 45 of the *Planning Act, R.S.O 1990 C.P 13*, to permit an additional dwelling unit, notwithstanding the following:

1. That no parking space per dwelling unit be permitted, whereas 1.25 parking spaces per dwelling unit are required;
2. That a minimum lot frontage of 11.23m be permitted, whereas a minimum lot frontage of 18m is required;
3. That a minimum front yard setback of 3.4m be permitted, whereas a minimum front yard setback of 9m is required;
4. That a maximum lot coverage of 41% be permitted, whereas a maximum lot coverage of 40% is required.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission to allow an additional dwelling unit to be constructed with no parking space, 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. More information, such as a higher resolution PDF version of the sketch, can be requested through the Secretary-Treasurer.

### LOCATION MAP



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

**Date:** April 9, 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](mailto:taya.taraba@portcolborne.ca) to view the material.

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, April 4, 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, April 8, 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.

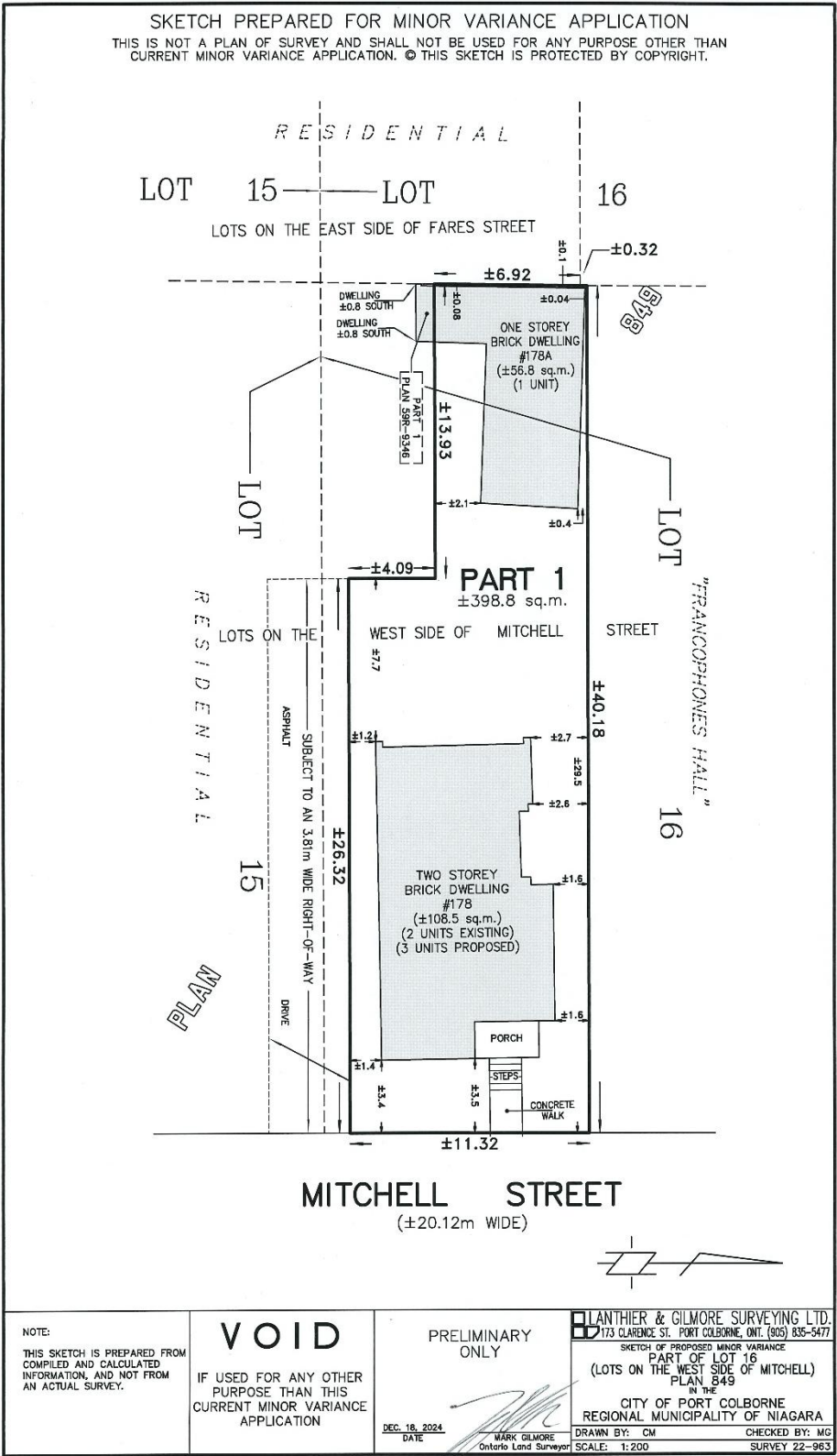
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

Date of Mailing: March 25, 2025

SKETCH



**Development and Government Relations Department**

Planning Division Report

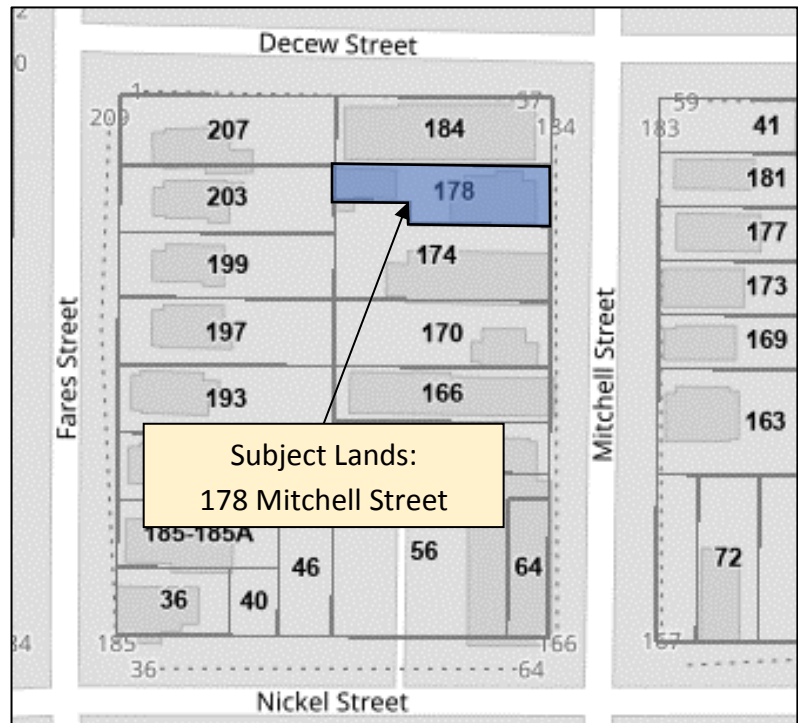
April 4, 2025

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

**Re: Application for Minor Variance A04-25-PC**  
**178 Mitchell Street**  
**Part Lot 16 on Plan 283, New Plan 849**  
**Agent: Carol Moroziuk**  
**Owner(s): Mohan Narain**

**Proposal**

The purpose of this application is to permit the conversion of an existing duplex to a triplex on the subject lands. The application is requesting that no parking space per dwelling unit be permitted, whereas 1 parking space per dwelling unit is required; that a minimum lot frontage of 11.23 metres be permitted, whereas a minimum lot frontage of 18 metres is required; that a minimum front yard setback of 3.4 metres be permitted, whereas a minimum front yard setback of 9 metres is required; and that a maximum lot coverage of 41% be permitted, whereas a maximum lot coverage of 40% is required.



## Official Plan

The subject lands are in the Medium-Density Urban Neighbourhood designation, as identified in Schedule F: East Waterfront Secondary Plan in the City of Port Colborne Official Plan. This designation supports residential uses, which includes duplexes and triplexes.

## Zoning

The subject lands are in the Third Density Residential (R3) zone, as per Zoning By-law 6575/30/18. The R3 zone permits residential uses, which includes duplexes and triplexes.

## Surrounding Land Uses and Zoning

The parcels surrounding the subject lands are zoned R3 to the north, east, and west; the parcel to the south is in a special provision of the Fourth Density Residential zone (R4-80). All the surrounding land uses are residential, apart from le Centre des Aines Francophones de Port Colborne, which is to the north of 178 Mitchell Street.

## Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

## Public Comments

Notice was circulated on March 25, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of April 4, 2025, no comments from the public have been received.

## Agency Comments

Notice of the application was circulated on February 18, 2025, to internal City departments and external agencies. As of April 4, 2025, the following comments have been received.

<b>Drainage Superintendent</b>	No objections.
<b>Fire Department</b>	No objections to the application for relief of the parking. Port Colborne Fire staff will require an inspection of the property to ensure proper fire separation and exits from the proposed third unit in the basement.
<b>Engineering Technologist</b>	No objections.
<b>By-law Enforcement Services</b>	No objections.



<b>Niagara Region</b>	No objections to this application, though Regional staff note that 178 Mitchell Street is mapped as an area of archaeological potential in the Niagara Official Plan. As there is no development or site alteration proposed with the application, there are no archaeological assessment requirements. Future <i>Planning Act</i> applications may require an archaeological assessment to be completed.
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### Staff Response

If this application is approved, the applicant will need to receive a building permit to convert the duplex into a triplex. The Fire Department is circulated on building permit applications to ensure proper fire safety, and an inspection of the property can be conducted at that time.

### Discussion

For a minor variance application to be approved, the requested variances must meet each of the four tests outlined in section 45 (1) of the *Planning Act*. An analysis of the requested variances and the four tests follows.

#### Variance 1

*That no parking space per dwelling unit be permitted, whereas 1 parking space per dwelling unit is required.*

#### ***Is the application minor in nature?***

Planning staff find the reduction in parking to be minor in nature. This variance was requested as the configuration of the existing buildings on the lot does not have enough space in the front or side yards to provide on-site parking (see Appendix A). The conversion of the duplex to a triplex would result in a total of 4 dwelling units on the property, none of which would have parking on site. The impact of the reduction in parking is unlikely to have a negative impact on the subject or neighbouring properties as By-law Enforcement Services were circulated on the application and did not express any objections to the reduction in parking. The subject property is close to the Port Colborne Bike Trail network identified in [Schedule D: Transportation](#) in the Official Plan, which helps reduce the need for future occupants to own a vehicle.

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

The requested variance would facilitate the addition of a new dwelling unit to the City's housing supply and contributes to the City's intensification target. The new unit in the basement would result in the conversion of a duplex to a triplex, both of which are permitted uses in the R3 zone. The proposed parking reduction is desirable for the appropriate development of the land because it will result in increased housing options.

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

The requested variance does not maintain the general intent and purpose of the Zoning Bylaw. The purpose of section 3.1.1 of the Zoning By-law is to ensure residential dwelling units are provided with adequate parking for residents of the unit. The existing dwelling units do not have on-site parking; thus, allowing an additional dwelling unit with no parking results in further eliminating, not reducing, the parking requirement. The parking requirement intends, in part, to ensure residents can use their vehicles in accordance with other parking regulations, such as the prohibition of street parking during snow events. Allowing a complete elimination of required parking for this property would therefore allow a variance that does not maintain the general intent and purpose of the Zoning By-law.

Section 3.1a) requires one or more parking spaces to be provided for buildings in accordance with sections 3.1.1, and this proposal does not qualify for the exceptions provided for in section 3. Section 3.8 requires that parking standards related to the expansion of a building with existing parking deficiencies, must be adhered to. This proposal cannot satisfy these provisions.

Planning staff note that, due to the additional provisions 3.1a), 3.1.1 and 3.8, a minor Zoning By-law Amendment is a more appropriate application type to facilitate the proposed development.

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

The Medium Density Urban Neighbourhood designation in the East Waterfront Secondary Plan area in the Official Plan permits the repair and renovation of existing housing stock; however, as noted above, the request for elimination of parking does not maintain the applicable zoning regulations. Section 5.2.2 (a) (ii) requires properties in this designation to be developed in accordance with the applicable zoning by-law uses and regulation, which this variance would not conform to. Accordingly, this variance does not maintain the general intent and purpose of the Official Plan.

**Recommendation:**

That Variance 1 in application A04-25-PC be **denied** for the following reasons:

- 1. The application is minor in nature.**
- 2. It is desirable for the appropriate development or use of the land, building, or structure.**
- 3. It does not maintain the general intent and purpose of the Zoning By-law.**
- 4. It does not maintain the general intent and purpose of the Official Plan.**

Planning staff note that a variance must meet all 4 tests for approval to be recommended.

#### Variance 2

*That a minimum lot frontage of 11.23m be permitted, whereas a minimum lot frontage of 18m is required.*

#### ***Is the application minor in nature?***

The request for a reduced lot frontage has been applied for as the conversion of the existing duplex to a triplex requires relief of the existing lot frontage deficiency. The existing lot frontage will not change as a result of this variance being approved. Since the lot fabric is not proposed to change at all, there will be no negative impact, which makes the variance minor in nature.

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

The requested reduction in lot frontage will not result in any changes to the frontage; rather, the variance would permit the increased density of the dwelling from a duplex to a triplex. This variance would result in an increase in the available housing supply in the City without causing any visual change to the lot frontage. The proposal is therefore desirable for the appropriate development of the subject lands.

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

The existing lot already has a reduced frontage, as the R3 zone requires an 18 metre frontage for duplexes and triplexes. The variance has been requested due to the proposed change in use, but the lot is not proposed to change. The reduced frontage still maintains a wide enough lot to accommodate multiple dwelling units, thus the proposal maintains the general intent and purpose of the Zoning By-law.

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

The Medium Density Urban Neighbourhood designation in the East Waterfront Secondary Plan area in the Official Plan permits the repair and renovation of existing housing stock. Accordingly, this variance maintain the general intent and purpose of the Official Plan.

#### **Recommendation:**

That Variance 2 in application A04-25-PC be **granted** for the following reasons:

- 1. The variance is minor in nature.**
- 2. It is desirable for the appropriate development or use of the land, building, or structure.**
- 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.**



### Variance 3

*That a minimum front yard setback of 3.4m be permitted, whereas a minimum front yard setback of 9m is required.*

#### ***Is the application minor in nature?***

The request for a reduced front yard has been applied for as the conversion of the existing duplex to a triplex requires relief of the existing front yard deficiency. The existing front yard will not change as a result of this variance being approved. Since the lot fabric is not proposed to change at all, there will be no negative impact, which makes the variance minor in nature.

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

The requested reduction in front yard will not result in any changes to the lot; rather, the variance would permit the increased density of the dwelling from a duplex to a triplex. This variance would result in an increase in the available housing supply in the City without causing any visual change to the lot. The proposal is therefore desirable for the appropriate development of the subject lands.

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

The existing lot already has a reduced front yard, as the R3 zone requires a minimum front yard of 6.5 metres for a duplex and 9 metres for a triplex. The variance has been requested due to the proposed change in use, but the lot is not proposed to change. The reduced front yard still maintains enough space to accommodate multiple dwelling units, thus the proposal maintains the general intent and purpose of the Zoning By-law.

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

The Medium Density Urban Neighbourhood designation in the East Waterfront Secondary Plan area in the Official Plan permits the repair and renovation of existing housing stock. Accordingly, this variance maintain the general intent and purpose of the Official Plan.

#### **Recommendation:**

Given the information above, Planning Staff recommends Variance 2, as requested in application A04-25-PC, be **granted** for the following reasons:

- 1. The variance is minor in nature.**
- 2. It is desirable for the appropriate development or use of the land, building, or structure.**
- 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.**

#### Variance 4

*That a maximum lot coverage of 41% be permitted, whereas a maximum lot coverage of 40% is required.*

#### ***Is the application minor in nature?***

The request for increased lot coverage has been applied for as the conversion of the existing duplex to a triplex requires relief of maximum lot coverage. The existing lot frontage will not change as a result of this variance being approved. Since the lot fabric is not proposed to change at all, there will be no negative impact, which makes the variance minor in nature.

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

The requested increase in lot coverage will not result in any changes to the lot coverage; rather, the variance would permit the increased density of the dwelling from a duplex to a triplex. This variance would result in an increase in the available housing supply in the City without causing any visual change to the lot coverage. The proposal is therefore desirable for the appropriate development of the subject lands.

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

The existing lot already has a lot coverage of 41%, which is permitted for a duplex in the R3 zone, but a triplex has a maximum permitted lot coverage of 40%. The variance has been requested due to the proposed change in use, but the lot is not proposed to change. The increase in lot coverage still maintains private outdoor amenity space, thus the proposal maintains the general intent and purpose of the Zoning By-law.

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

The Medium Density Urban Neighbourhood designation in the East Waterfront Secondary Plan area in the Official Plan permits the repair and renovation of existing housing stock. Accordingly, this variance maintains the general intent and purpose of the Official Plan.

#### **Recommendation:**

Given the information above, Planning Staff recommends Variance 2, as requested in application A04-25-PC, be **granted** for the following reasons:

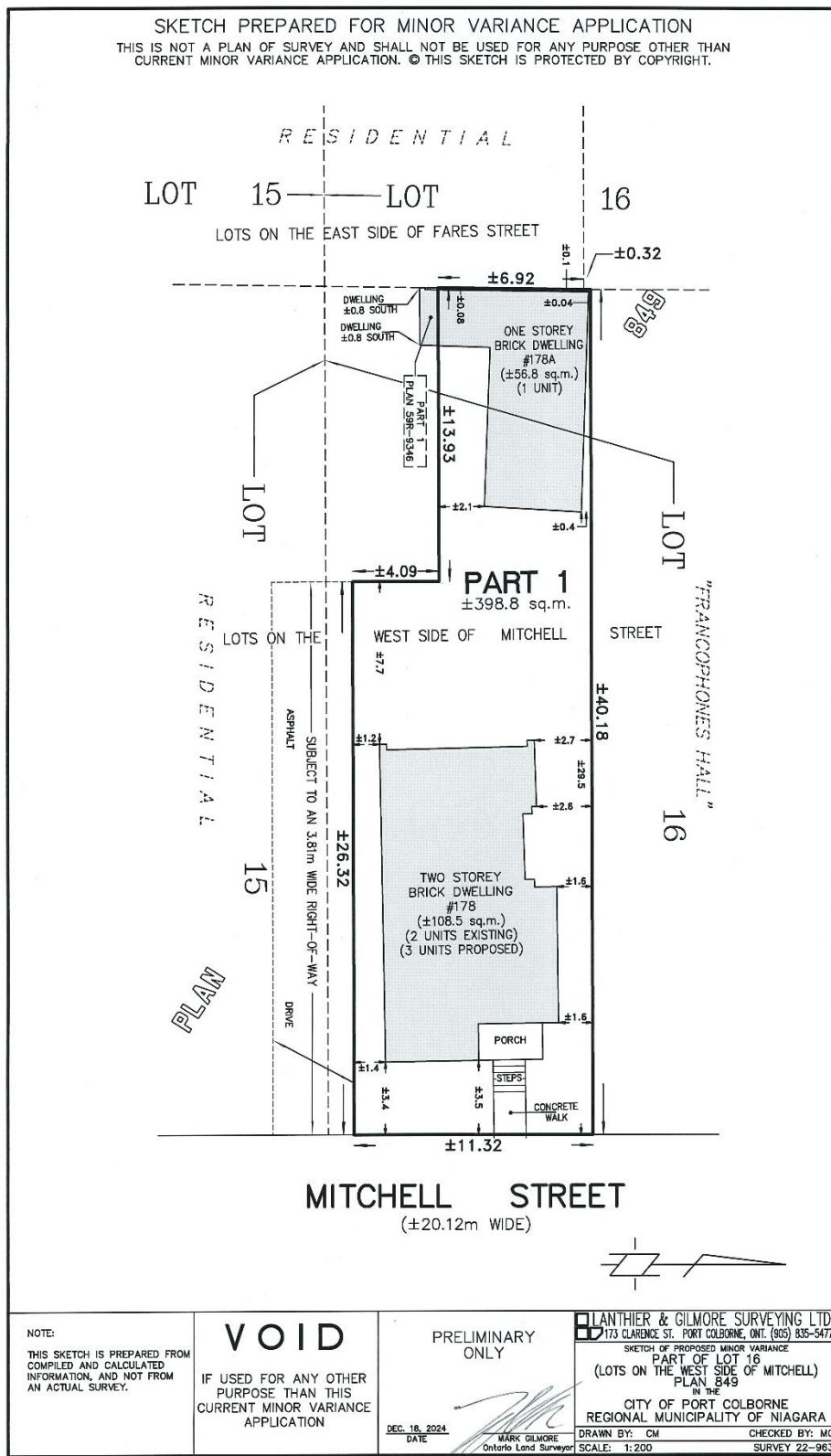
- 1. The variance is minor in nature.**
- 2. It is desirable for the appropriate development or use of the land, building, or structure.**
- 3. It maintains the general intent and purpose of the Zoning By-law.**
- 4. It maintains the general intent and purpose of the Official Plan.**

Respectfully submitted,

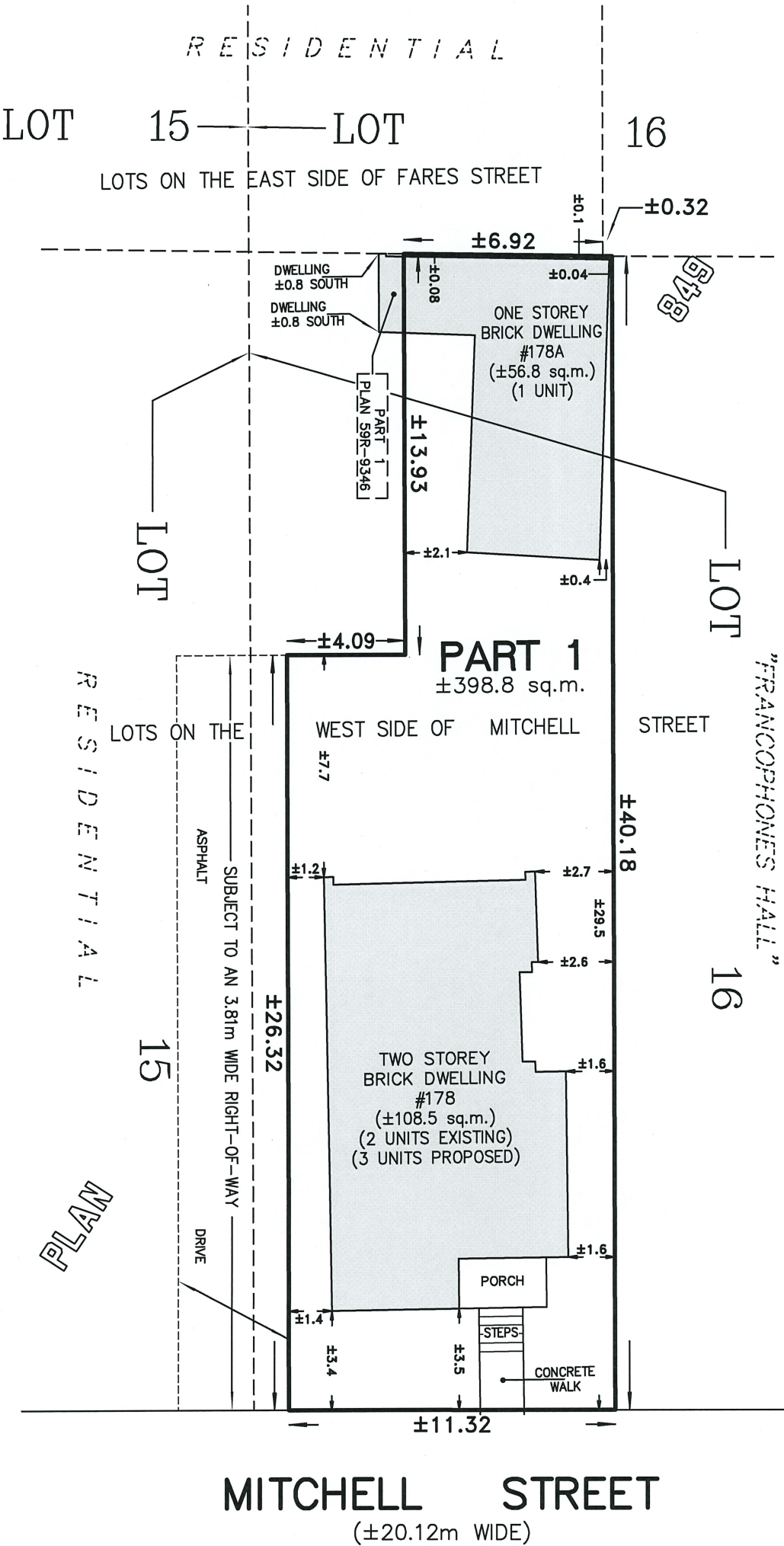
Diana Vasu  
Planner



## Appendix A



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



NOTE:

THIS SKETCH IS PREPARED FROM  
COMPILED AND CALCULATED  
INFORMATION, AND NOT FROM  
AN ACTUAL SURVEY.

VOID

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

PRELIMINARY  
ONLY

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DEC 19, 2024

MARK GILMORE

Ontario Land Surveyor

LANTHIER & GILMORE SURVEYING LTD.

173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SKETCH OF PROPOSED MINOR VARIANCE  
PART OF LOT 16  
(LOTS ON THE WEST SIDE OF MITCHELL)  
PLAN 849  
IN THE

CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM

CHECKED BY: MG

SCALE: 1:200

SURVEY 22-963





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## MINOR VARIANCE OR PERMISSION

This application is used by persons applying to the Committee of Adjustment for the City of Port Colborne under Section 45 of the *Planning Act*, as amended, for relief from By-law 6575/30/18 (as amended).

The Applicant is required to provide appropriate answers to all questions on the application form. If all prescribed information is not provided, the application will not be accepted.

### SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne  
Chris Roome  
Secretary/Treasurer of the Committee of Adjustment  
City Hall  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8  
Telephone: 1-905-835-2900 ext. 205  
FAX: 1-905-835-2939  
Email: [chris.roome@portcolborne.ca](mailto:chris.roome@portcolborne.ca)

### COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse, to accept, or further consider any application that does not provide the information, material and fees prescribed.

A Minor Variance or Permission approved by the Committee of Adjustment of the City of Port Colborne may be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Niagara Region and the Niagara Peninsula Conservation authority have additional fees / information requirements.

### PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

For help completing the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1<sup>st</sup>, 2020. Both provide policy direction on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal

Affairs web site ([www.mah.gov.on.ca](http://www.mah.gov.on.ca)) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and to pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's Planning & Development website.

## PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

Under the provisions of the *Planning Act*, land owners or their agents must obtain approval of the Committee of Adjustment for minor variances from the provisions of the Zoning By-law or from another by-law implementing the City's Official Plan.

Under the Provisions of the *Planning Act*, a public hearing must held on each application within 30 days of the date upon which the properly completed application for minor variance or permission is received. Notice of Hearing is circulated to the applicant or properly appointed agent as least 10 (ten) days before the hearing date. The applicant and / or agent will be responsible for posting notice of the hearing on the land subject of the application.

Before the public hearing, an agenda is prepared and this, together with a copy of the application form and other relevant information, is forwarded to the members of the Committee of Adjustment who will hear the application. Before the hearing and in as many cases as possible, the members of the Committee will examine the land in an effort to obtain as much information as possible about physical characteristics.

Following the public hearing, the applicant or agent, is notified in writing of the decision of the Committee. In addition, any other person who is present at the public hearing and who makes a written request is also entitled to receive a copy of the decision of the Committee. Any person who objects to the decision and / or the conditions imposed, may lodge an appeal within 20 days from the date of the decision. Appeals are filed with the Secretary/Treasurer of the Committee of Adjustment, who in turn, files the appeal with the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal arranges an appeal hearing date and the applicant or agent and the person who appealed, will receive notice of such date.

## POLICIES

In addition to the matters set out in "Procedures for Procession Applications for Minor Variance or for Permission", the Port Colborne Committee of Adjustment has adopted the following general policies:

## THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee, submitted at the time of application as cash

or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.

- One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the application for Minor Variance or Permission the following supplementary information / sketches are requested:

1. Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. This requirement can be clarified by the Planning & Development Services Division.
  1. A sketch or sketches showing the following shall be submitted:
    1. The boundaries and dimensions of the land.
    2. The location and nature of any easement affecting the land.
    3. The location, size, and type of all existing and height of proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
    4. The location and nature of any easement affecting the land.
    5. Parking areas, loading spaces, driveway entrance / exits
    6. Existing and proposed servicing [e.g. water, storm and sanitary]
  2. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a useable metric scale [e.g. 1:100, 1:300, 1:500].
  3. One (1) copy of each separate type of plan reduced to legal size.
  4. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
  5. One (1) copy of a Registered Deed including full legal description of the subject lands.
  6. A sketch must be provided with this application. Council MAY require (at the discretion of the Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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



## NOTICE REQUIREMENTS

Notice of Public Hearing of Council MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 10 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 10 day period, the public hearing date may be rescheduled.

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Mohan Narain	
Mailing Address: 3 Salamander Street	
City: Scarborough	Province: On
Postal Code: M1X1Y9	Telephone: 647-381-8024
Fax:	Email: mission108@hotmail.com

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

1.3 Owner's Authorized AGENT (if applicable)	
Name: Carol Moroziuk	
Mailing Address: 243 Killaly Street East	
City: Port Colborne	Province: On
Postal Code: L3K1P2	Telephone: 905-736-9739
Fax:	Email: clmoroziuk@gmail.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
Bank of Montreal - 2465 Argentia Road, 8th Floor, Mississauga, ON L5N 0B4
Ronald G. Lippert - 10640 First Line, Moffat, ON L0P 1J0

1.5 Date and Subject Land was acquired by the Current Owner:
September 30, 2010

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Lanthier & Gilmore Surveying Ltd	
Mailing Address: 173 Clarence Street	
City: Port Colborne	Province: On
Postal Code: L3K 3G4	Telephone: 905-835-5477
Fax:	Email: info@lanthierandgilmore.ca

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

Section 2: LOCATION

Former Municipality: Port Colborne	
Concession No.	Lot(s): Part of 16
Registered Plan No. 849	
Reference Plan No.	Part(s):
Name of Street: Mitchell Street	Street No. 178

Section 3: DESCRIPTION Part No. On Sketch: \_\_\_\_\_

Frontage: 11.32m	Depth: 40.18m	Area: 398.8 sq.m.
Existing Use: Residential		
Proposed Use: Residential		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Medium Desnity Urban Neighbourhood
Regional Policy Plan: Built up area

4.2 What is the Zoning of the land (By-law 1150/97/81)?
R3

Section 5

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:  Together with an right-of-way over a strip shown on sketch
<input type="checkbox"/> No	

Section 6

Type of ACCESS
<input type="checkbox"/> Provincial Highway

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

Section 7

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

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
<p>The owner would like to add an apartment to the basement of the main dwelling, thus adding more attainable housing to the Port Colborne housing market. In order to add this apartment, relief/variance is being sought from the current requirement to have a parking space. There is plenty of street surface parking available on both sides of Mitchell Street and within 15m on both sides of Decew Street. In addition to seeking relief from the parking space requirement, relief is being sought for the following items in a R3 Triplex zoning: a frontage of 11.23m, a front yard setback of 3.4m and a lot coverage of 41%</p>

10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No



Section 11

WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
There isn't space on the property to allow for on-site parking. With the addition of a third unit, relief would be needed from certain criteria of the R3 Triplex zoning designation, it would be impossible to meet the requirements as these are long existing structures with the same setbacks and lot coverages since the structures were constructed.

Section 12

DATE OF ACQUISITION of the land by the current owner:
September 30, 2010

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:
50 plus years

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:
50 plus years

Section 15: OTHER APPLICATIONS

15.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:		
Official Plan Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Minor Variance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Consent	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

15.2 If the answer to the above is yes, and if known, provide the following for each application noted:
File number of the application:
Name of the approval authority considering the application:
Lands affected by the application:
Purpose of the application:

Status of the application:
Effect of the application on the proposed amendment:

Section 16: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

16.1 ALL EXISTING USE
<div><input checked="" type="checkbox"/> Residential</div> <div><input type="checkbox"/> Industrial</div> <div><input type="checkbox"/> Commercial</div> <div><input type="checkbox"/> Institutional</div> <div><input type="checkbox"/> Agricultural</div> <div><input type="checkbox"/> Parkland</div> <div><input type="checkbox"/> Vacant</div> <div><div><input checked="" type="checkbox"/> Other</div><div>"Le Centre Polyvalent des Aines Francophones de Port Colborne" is to the north</div></div>

16.2 What is the length of time the existing use(s) of the land have continued?
50+ years

16.3 Are there any buildings or structures on the subject land?
<div><input checked="" type="checkbox"/> Yes</div> <div><input type="checkbox"/> No</div>

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
2 storey dwelling	3.4m	7.7m	1.2m	1.6m	2 storey - 8.4m	108.5 sq.m.	pre 1955
1 storey dwelling	29.5m	0.08m	0.04m	2.1m	1 storey - 4.1m	56.8 sq.m.	pre 1955

16.4 ALL PREVIOUS USE
<div><input checked="" type="checkbox"/> Residential</div> <div><input type="checkbox"/> Industrial</div> <div><input type="checkbox"/> Commercial</div> <div><input type="checkbox"/> Institutional</div> <div><input type="checkbox"/> Agricultural</div> <div><input type="checkbox"/> Parkland</div> <div><input type="checkbox"/> Vacant</div> <div><input type="checkbox"/> Other</div> <div></div>

16.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	Community Centre			

16.6 If Industrial or Commercial, specify use

16.7 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown

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

16.9 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

16.10 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

16.11 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

16.12 Have the lands or adjacent lands ever been used as a weapons firing range?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

**16.13** Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?

- ☐ Yes  
☒ No  
☐ Unknown

**16.14** If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?

- ☐ Yes  
☐ No  
☒ Unknown

**16.15** Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?\*

- ☐ Yes  
☒ No  
☐ Unknown

- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

**ACKNOWLEDGMENT CLAUSE**

I hereby acknowledge that 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



Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY  
Pre-screening Criteria

<b>17.1</b> 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

<b>17.2</b> 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

<b>17.3</b> 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

<b>17.4</b> Is there a valley slope on the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

<b>17.5</b> Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

X

Date

X

Signature of Applicant(s)

Please note:

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

I/We

Of the City/Town/Township of

In the County/District/Regional Municipality of

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

DECLARED before me at the

Of

In the of

This day of

A.D 20

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

X

Signature of applicant(s), solicitor, or authorized agent

A Commissioner, etc.

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: Amber LaPointe, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

**FOR OFFICE USE ONLY**

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:

**Processing**

Date: \_\_\_\_\_

Accepted by Manager of Planning and Development Services:
Circulated:

Comments Received:
Solicitor:
Engineer:
<div><input type="checkbox"/> C.B.O</div> <div><input type="checkbox"/> Fire Chief</div> <div><input type="checkbox"/> C. N. Power</div> <div><input type="checkbox"/> Region</div> <div><input type="checkbox"/> NPCA</div> <div><input type="checkbox"/> MTO</div> <div><input type="checkbox"/> MOE</div> <div><input type="checkbox"/> Other</div> <div>_____</div>

Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

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

Carol Moroziuk

(name of agent)

of the \_\_\_\_\_ of \_\_\_\_\_

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the \_\_\_\_\_ of \_\_\_\_\_

in the \_\_\_\_\_ of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

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

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



SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. This pre-consultation could provide you with information about: the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 1150/97/81, 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

Director of Planning & Development  
(905) 835-2901, Ext. 203

Information on the Port Colborne Official Plan and Zoning Bylaw

2. Port Colborne Engineering & Operations Department  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8

Director of Engineering & Operations  
(905) 835-2901, Ext. 223

Information on Servicing, Lot Grading and Drainage

3. Port Colborne Building Division  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8

C.B.O.  
(905) 835-2901, Ext 201

Information about the Building Code

4. Region of Niagara Public Works Department  
Development Services Division  
2201 St. David’s Road, P.O. Box 1042, Thorold,

Director  
(905) 984-3630  
1-800-263-7215

Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health  
- AND -  
For Concerns regarding Provincial Policy and Ministry responsibilities

5. The Niagara Peninsula Conservation Authority  
250 Thorold Road West, Welland, Ontario L3C 3W2

Watershed Planner  
(905) 788-3135  
Ext 272

For information about lands which may be zoned as “Hazard” in the local zoning by-law, lands adjacent to watercourses, Lake Erie or flood plains

6. Ministry of Transportation of Ontario  
Corridor Management Section  
159 Sir William Hearst Ave, 7<sup>th</sup> Floor,  
Toronto, Ontario M3M 1J8

For information about sight plan applications for lands fronting onto provincial highways

7. Ministry of Transportation of Ontario  
Corridor Management Section

1201 Wilson Avenue, Bldg D, 7<sup>th</sup> Floor  
Downsview, ON., M3M 1J8

For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways 1-866-636-0663

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



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**RE: COA Minor Variance App - Initial Review**

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

**Date** Tue 1/21/2025 8:56 AM

**To** Taya Taraba <Taya.Taraba@portcolborne.ca>; Kartiki Sharma <ksharma@npca.ca>

**Cc** devtplanningapplications@niagararegion.ca <devtplanningapplications@niagararegion.ca>

Hi Taya,

Regional staff do not require review of this minor variance application. I would note for information that 178 Mitchell Street is mapped as an area of archaeological potential in the Niagara Official Plan. As there is no development or site alteration proposed with the application, staff offer no archaeological assessment requirements. Future Planning Act applications may require an archaeological assessment to be completed.

Thank you,  
Katie



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

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

**P:** (905) 980-6000 ext. 3727

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

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



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

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**Members Present:** Dan O'Hara, Chair  
Gary Bruno, Committee Member  
Dave Elliott, Committee Member  
Eric Beauregard, 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**
  - a. **Application:** B05-25-PC  
**Action:** Consent  
**Applicant:** Ahlstedt Homes Ltd.  
**Agent:** Carol Moroziuk  
**Location:** 62-66 Page Street

The request for deferral of this application was made by Planning Staff to further finalize the report for this application.

- b. **Application:** A04-25-PC  
**Action:** Minor Variance  
**Applicant:** Mohan Narain  
**Location:** 178 Mitchell Street

The request for deferral of this application was made by Planning Staff to further finalize the report for this application.



5. Order of Business  
Nil.

6. Other Business  
Nil.

7. Approval of Minutes  
Nil.

8. Adjournment

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

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Dan O'Hara, Chair

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Taya Taraba, Acting Secretary-Treasurer

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

Member Beauregard declared conflict of interest regarding applications A02-25-PC and B04-25-PC due to a direct pecuniary interest as the owners are clients of Member Beauregard's employer.

**4. Requests for Deferrals or Withdrawals of Applications**

Nil.

**5. Order of Business**

**a. Application:** A02-25-PC

**Action:** Minor Variance

**Applicant:** 1000367026 Ontario Inc

**Location:** 179 Mellanby Ave & 56-56.5 Main Street West

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

The Chair asked the applicant if they wished to add any further information to the application. The applicant provided some additional background information on the application regarding communication with the City.

Member Bruno posed a clarifying question regarding the feasibility of adjusting the site plan to accommodate more parking spaces.

The applicant indicated that the development had already been adjusted to reach the proposed number and that decreasing the quantity any further would jeopardize the feasibility of the project.

Member Elliot raised several concerns with the development, including the restriction of one space per unit and the reliance on utilizing public and/or street parking for visitors. Member Bruno inquired into the provision of parking for visiting medical staff/ personal support worker(s) (PSWs).

Member Desmarais inquired about the feasibility of adding a third parking deck, to which the applicant noted that doing so would render the project unviable. Member Desmarais also inquired about the provisions of parking for medical staff and PSW's.

Member Bruno inquired as to if the applicant has investigated other potential sources of parking through the acquisition of additional parcels of land. The applicant reiterated that all other options have been explored, leading to the current application being a last resort option.

The Chair inquired into the proposed number handicap parking spots. Member Bruno requested the Planner provide clarification on the number of handicap spots required. The Planner provided clarification.

The Chair asked if any members of the public wished to speak to the application; Gino Stinziani expressed concern for the lack of visitor parking proposed.

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

That minor variance application **A02-25-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: Dan O'Hara  
Carried: 4-0

Seconded: Angie Desmarais

b) **Application:** B03-25-PC  
**Action:** Consent  
**Agent:** Carol Moroziuk  
**Applicant:** Francis and Paula Sneek  
**Location:** 2790 Highway 3

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

The Chair asked the applicant if they wanted to add any further information on the application, to which the applicant provided clarification on the nature of the application.

Member Beauregard asked a clarifying question pertaining to the sketch.

Member Bruno asked a question regarding the fees charged.

There were no comments received from members of the public.

That 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.

**Motion:** Gary Bruno

**Seconded:** Dave Elliot

**Carried:** 5-0



c) **Application:** B04-25-PC  
**Action:** Consent  
**Agent:** Carol Moroziuk  
**Applicant:** Michael Smith  
**Location:** 153 Kent Street

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

The Chair asked the applicant if they wanted to add any further information on the application, to which the agent provided some clarification.

There were no further questions from the committee and no members of the public were present to speak to the application.

That 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 \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That 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.

**Motion:** Angie Desmarais

**Seconded:** David Elliot

**Carried:** 4-0

## 6. Other Business

Nil.

## 7. Approval of Minutes

That the minutes from the January 15<sup>th</sup>, 2025 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 7:00 pm.

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Dan O'Hara, Chair

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Taya Taraba, Acting Secretary-Treasurer