

City of Port Colborne
Committee of Adjustment Meeting Minutes

Date: Wednesday, April 9, 2025
Time: 6:00 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Members Present: E. Beauregard, Councillor
D. Elliott, Councillor
G. Bruno, Councillor
A. Desmarais, Vice-Chair
D. O'Hara, Chair

Staff Present: E. Acs, Chief Planner
T. Taraba, Secretary-Treasurer

1. Call to Order

The Chair called the meeting to order at approximately 6:02 P.M.

2. Adoption of Agenda

That the Committee of Adjustment Agenda, dated April 9, 2025, be approved as circulated.

3. Reading of Meeting Protocol

The Chair read the Meeting Protocol.

4. Disclosures of Interest

Councillor E. Beauregard declared a conflict on this item. (Member Beauregard declared a conflict of interest regarding consent application B05-25-PC due to a direct pecuniary interest as the grading plan completed for the application was done through Member Beauregard's employer.)

4.1 Councillor E. Beauregard - Disclosures of Interest

Member Beauregard declared a conflict of interest regarding consent application B05-25-PC due to a direct pecuniary interest as the grading plan completed for the application was done through Member Beauregard's employer.

5. Request for Any Deferrals or Withdrawals of Applications

Nil.

6. New Business

6.1 A05-25-PC, A06-25-PC, B15-23-PC - 95 Victoria Street

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 did not have anything further to add.

Member Beauregard expressed concerns regarding the Notice of Public Hearing sign being insufficiently posted on the property, as the sign was posted to the rear shed rather than the front of the parcel.

Member Beauregard and the Chair addressed various concerns regarding the sketch.

Member Beauregard inquired to the Chair that the application was to be adjourned, as the Notice of Public Hearing sign was posted outside of the *Planning Act* requirements.

That consent application **B15-23-PC** and minor variance applications **A05-25-PC** and **A06-25-PC** be **adjourned**, due to the insufficient postage of the Public Notice of Hearing sign. The applications will be heard at the May 14th, 2025, Committee of Adjustment hearing.

Carried

6.2 A07-25-PC - 3618 Firelane 12

The Secretary-Treasurer read the correspondence for the application.

The Chair asked if the applicant wished to speak to the application. The applicant did not have any additional concerns to add.

The Chair inquired about the footprint of the building and the reasons for the minor variance request. The applicant responded that the interior side-yard setback relief was due to the nature of the landscape and to maintain

the general aesthetics of the build, as the neighbouring house is relatively close to the respective property line.

The Chair inquired about where the side-yard setback would pertain to, as a covered porch was proposed alongside the property.

Moved By A. Desmarais

Seconded By Councillor G. Bruno

That application **A07-25-PC** be **granted** subject to the following conditions:

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.**

Carried

6.3 B05-25-PC - 62-66 Page Street

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

The Chair asked if the applicant wished to speak to the application. The applicant did not have any additional concerns to add.

Moved By Councillor G. Bruno

Seconded By A. Desmarais

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.

Carried

6.4 A04-25-PC - 178 Mitchell Street

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

The Chair asked if the applicant wished to speak to the application. The applicant mentioned that the application has been deferred several times in the past and contested the denial of the application due to the parking provision.

Member Desmarais questioned the amount of parking was offered by the current residential unit, to which the applicant replied that the residence does not offer any parking. Member Desmarais commented on the difficulty for parking to be offered in the area due to the amount of street parking presently occurring, favouring the denial of the parking variance.

The Chief Planner noted that there was an easement registered the neighbouring property and that parking could be provided to the satisfaction of Planning if the fence was removed, and parking was to be established in the rear yard. The Chief Planner mentioned that requesting for a variance for zero parking is an exemption and does not meet the criteria for a minor variance.

Member Beauregard commented on the lack of Traffic Study encompassing the property and that the parking would be difficult to support.

Moved By A. Desmarais

Seconded By Councillor E. Beauregard

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.**

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.**

That Variance 3 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.**

That Variance 4 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.**

Carried

7. Other Business

The Chief Planner mentioned that the Secretary-Treasurer and Member Beauregard will attend the OACA conference hosted in Collingwood and that the Chief Planner will attend on behalf of the Secretary-Treasurer should they not be in attendance.

The Chief Planner had provided a progress update on the Procedural By-law for Committee of Adjustment.

8. Approval of Minutes

8.1 March 12th, 2025 - Committee of Adjustment Minutes

Moved By Councillor G. Bruno

Seconded By Councillor D. Elliott

Carried

8.2 February 12th, 2025 - Committee of Adjustment Minutes

Moved By Councillor G. Bruno

Seconded By Councillor D. Elliott

Carried

9. Adjournment

There being no further business, the meeting was adjourned at approximately 7:36 P.M.