

Date: Wednesday, May 14, 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 and Consent

Applicant: Julie Cule

Location: 95 Victoria Street

6.2 A08-25-PC - 32 South Crescent

98

Action: Minor Variance

Agent: Dustin Porter

Applicant: Graham Hart and Erin Menard

Location: 32 South Crescent

6.3	A10-25-PC - 3611 Firelane 12	129
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Action: Minor Variance

Agent: Craig Esposti

Applicant: Danny Leon

Location: 3611 Firelane 12

6.4	B11-15-PC - 166 Chippawa Road	171
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Action: Cancellation of Consent

Applicant: Wendy Lehocki

Location: 166 Chippawa Road

7. Other Business

8. Approval of Minutes

8.1	April 9, 2025 - Committee of Adjustment Minutes	173
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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: May 14, 2025

Time: 6:00 p.m.

Location: 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, May 9, 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, May 13 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.

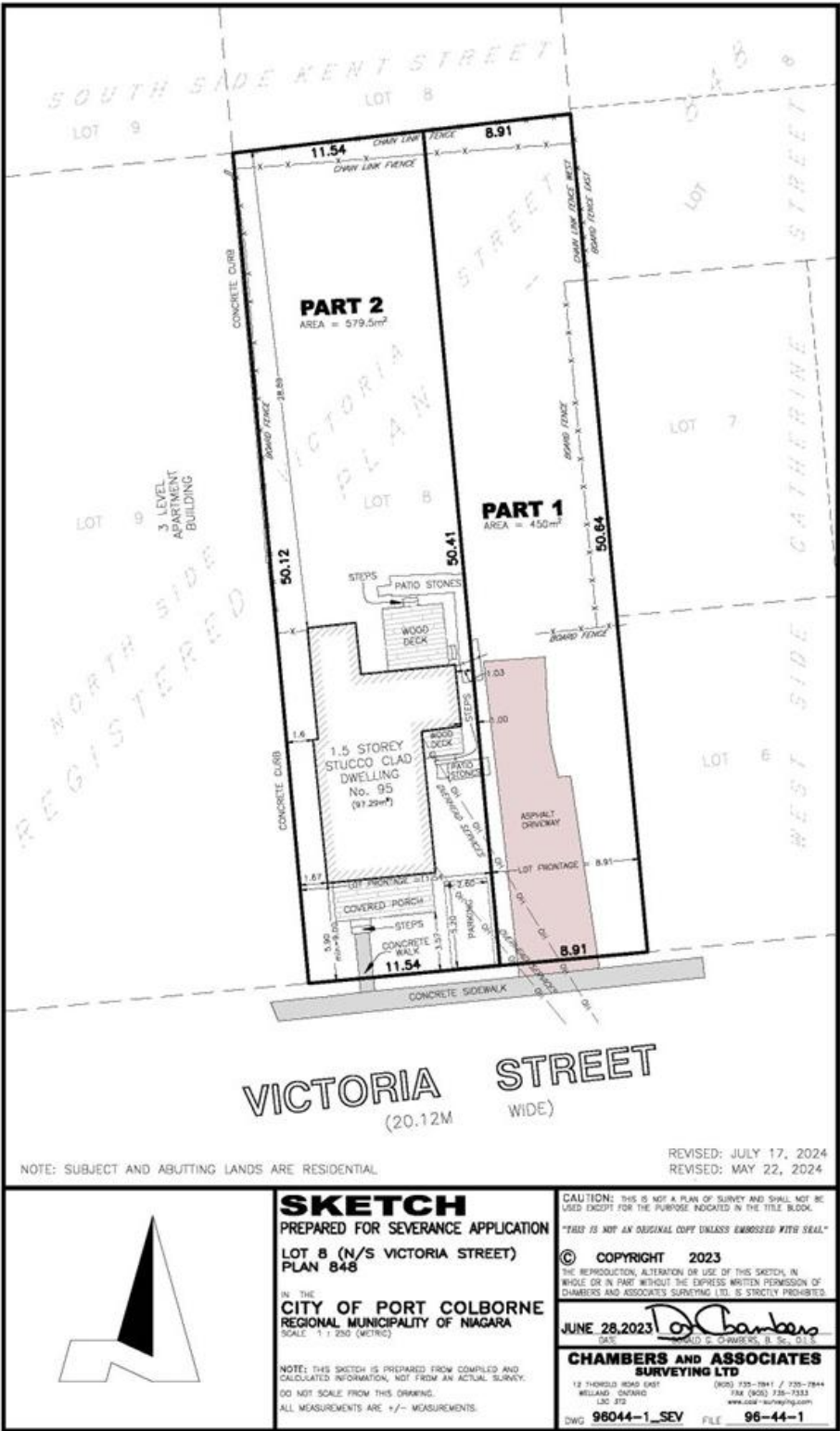
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba
Secretary-Treasurer

Date of Mailing: April 29, 2025

SKETCH





PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

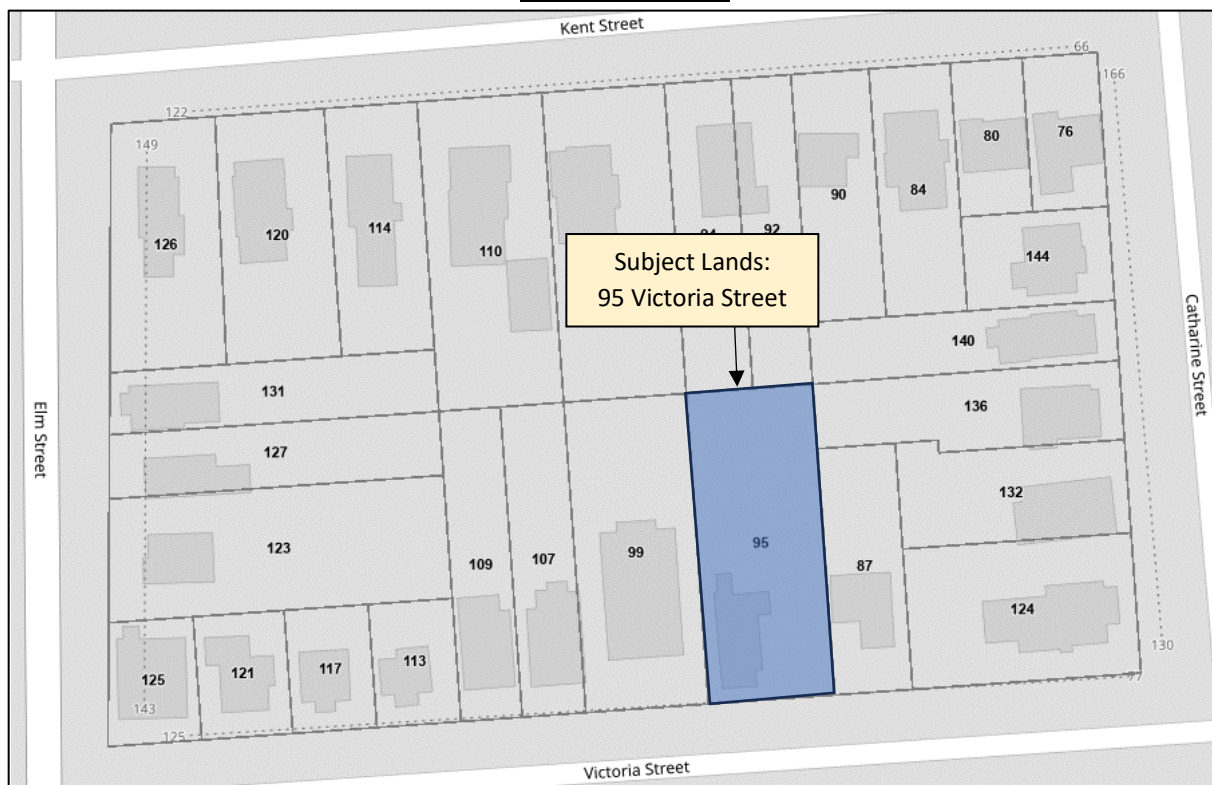
COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Consent Application File No. B15-23-PC

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

AND IN THE MATTER OF the lands legally known as 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 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.

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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,

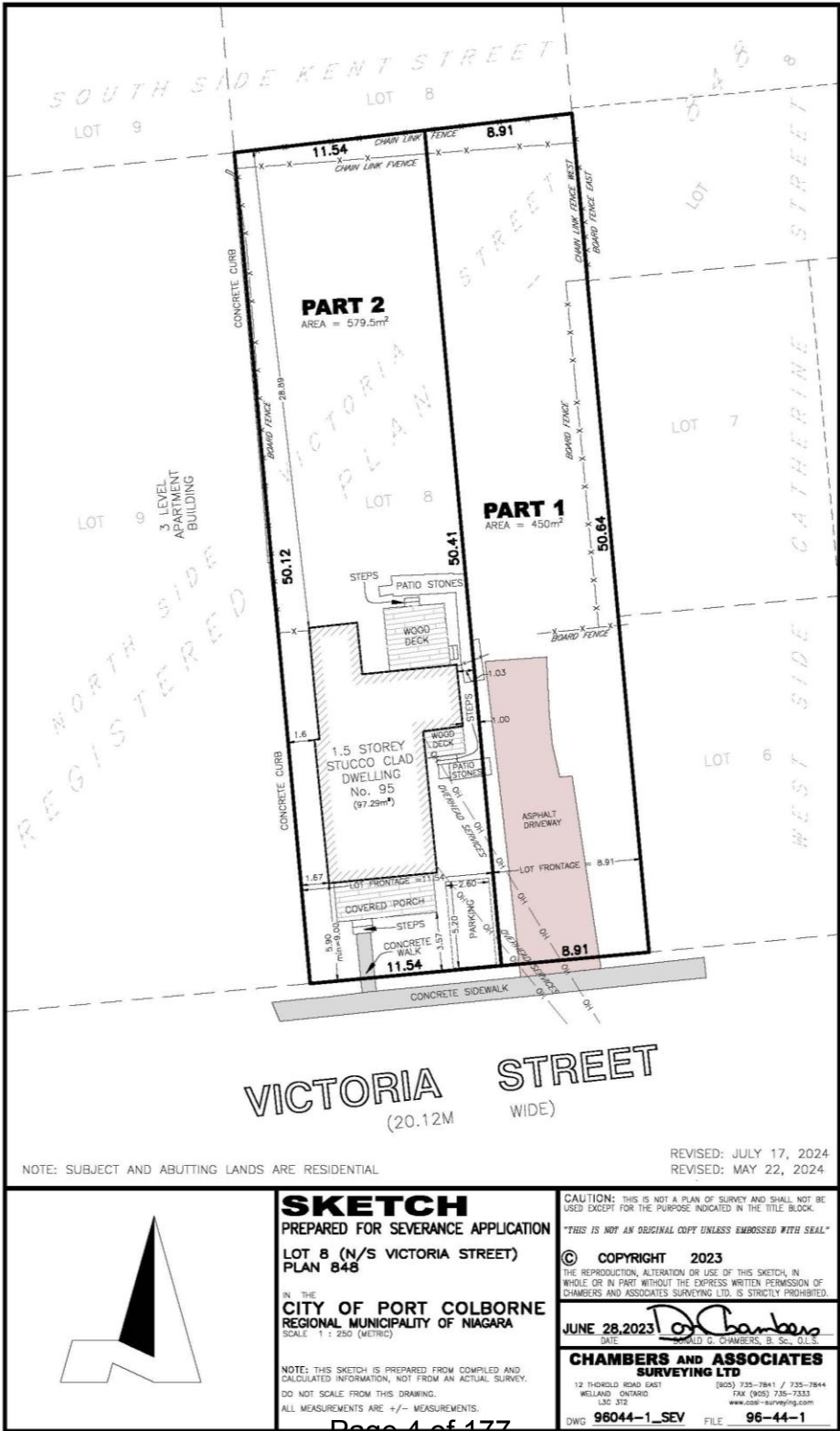
Taya Taraba
Secretary-Treasurer

Date of Mailing: April 29, 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

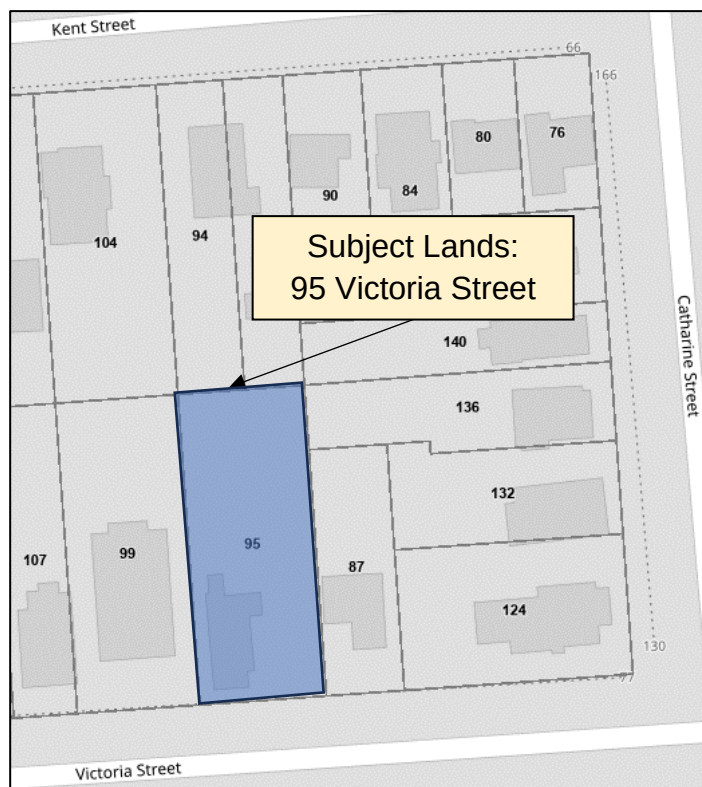
Re: Application for Consent: B15-23-PC
Applications for Minor Variance: A04-25-PC and A05-25-PC
Lot 8 on Plan 229, New Plan 848
95 Victoria Street
Owner: Julie Cule

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.

Drainage Superintendent	No objections.
Fire Department	No objections.
Engineering Technologist	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.
Niagara Region	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). 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.

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

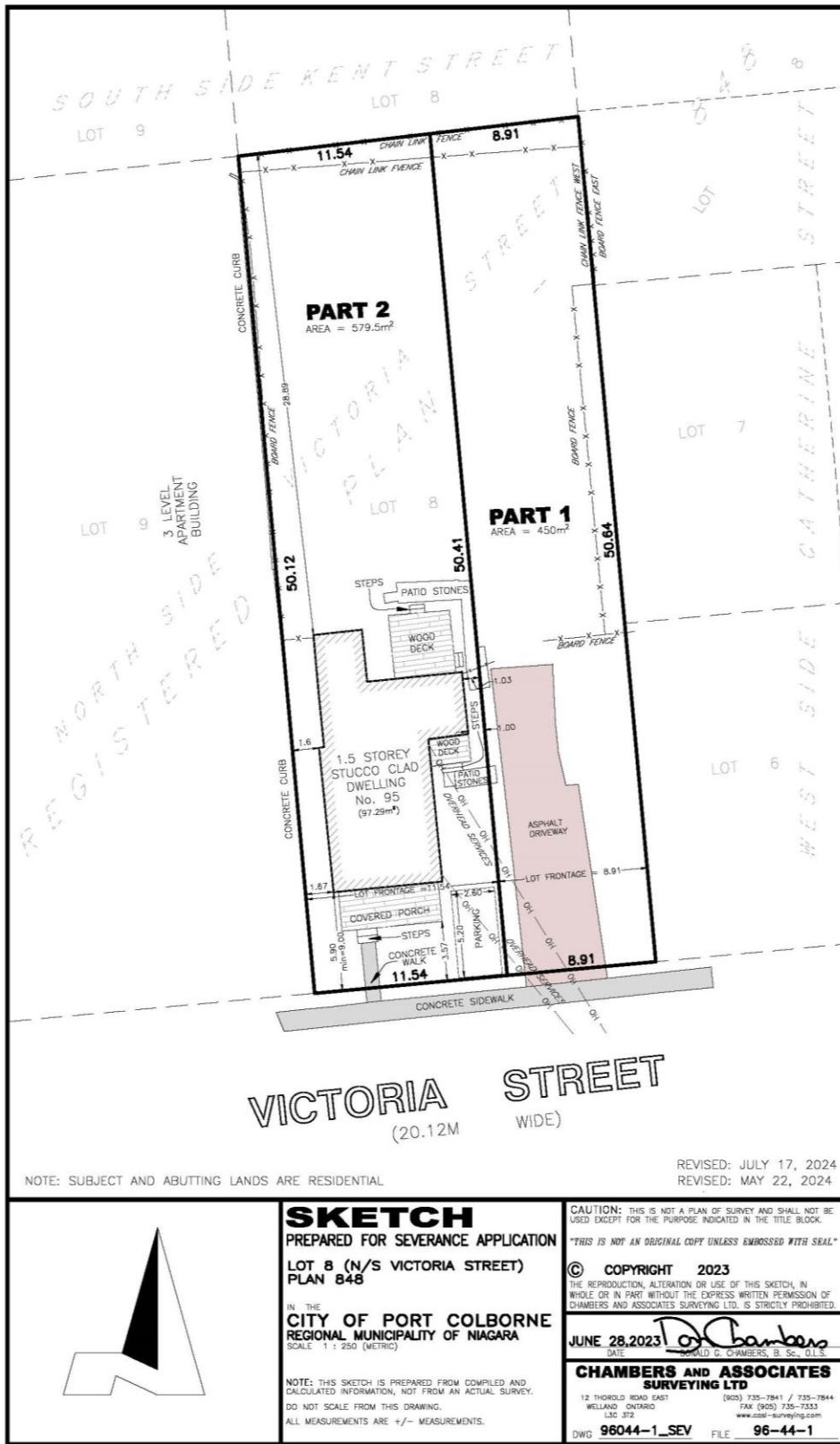
That minor variance applications A05-25-PC and A06-25-PC be **granted** for the following reasons:

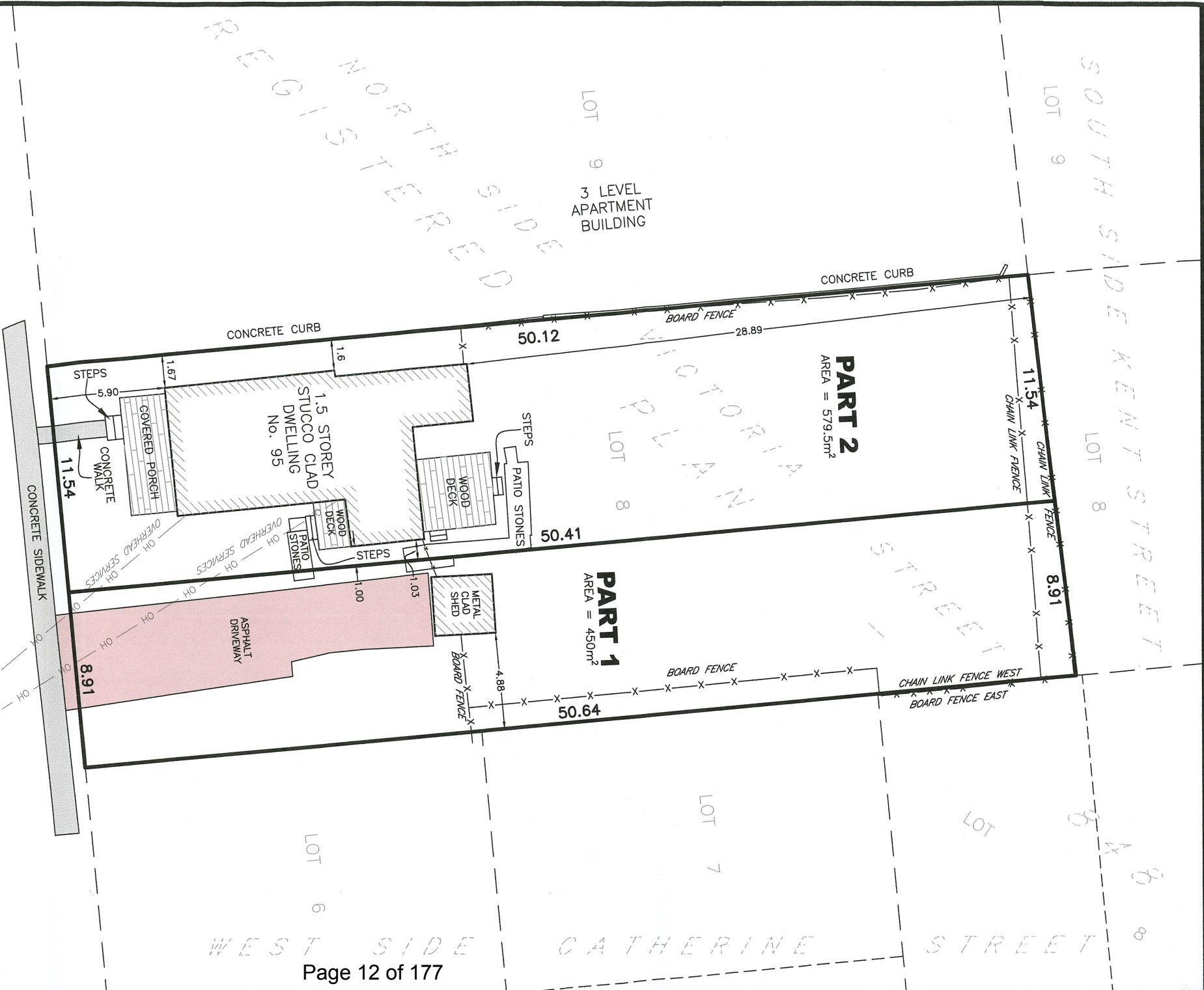
1. The applications are minor in nature.
2. They are appropriate for the development of the site.
3. They are desirable and in compliance with the general intent and purpose of the Zoning By-law.
4. They are desirable and in compliance with the general intent and purpose of the Official Plan.

Respectfully submitted,

Diana Vasu
Planner

Appendix A





NOTE: SUBJECT AND ABUTTING LANDS ARE RESIDENTIAL

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

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

**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:
TMHC Inc.
1108 Dundas Street, Unit 105
London, ON N5W 3A7
519-641-7222
tmhc.ca



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 19th-century settlement (Port Colborne);
- an early transportation route (Buffalo, Brantford and Goderich Railway)
- 19th-century thoroughfares (Sugarloaf, Adelaide, Victoria, Kent, Elm, Catharine, King, and West Streets);
- 19th-century churches;
- 19th-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)
Project Administrators	Kellie Theaker, CHRP Victoria Scott, MA, MLis Sara Harvey
Health and Safety Coordinator	Wendi Jakob, C.Tech, CAPM
Fieldwork Coordinators	Johnathan Freeman, MA (P274) Patryk Weglorz, MSc (R1170) Katherine Bishop, PhD (P407)
Field Director	Arwen Johns, MA (R1330)
Field Technician	Ethan Fisher
GIS Technician	Andrew Turner, BA (R1042)
Report Writers	Marya D'Alessio, MA (R1163) Casey Lun, MSc
Senior Reviewer	Matthew Beaudoin, PhD (P324)

ACKNOWLEDGEMENTS

Julie Cule	Property Owner
------------	----------------



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.



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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”).

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

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Matthew Beaudoin, PhD (P324)
Principal

I PROJECT CONTEXT

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 19th-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 19th-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 19th-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 17th 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-17th 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-18th and early-19th 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 19th-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 19th century (Port Colborne n.d.). Throughout the 19th 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 20th century progressed, improvements to the harbour and the enlargements of the Welland Canal facilitated industrial development and small 19th-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 19th-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 19th-century settlement (Port Colborne);
- early transportation routes (the Welland Canal and Buffalo, Brantford and Goderich Railway)
- 19th-century thoroughfares (Sugarloaf, Adelaide, Victoria, Kent, Elm, Catharine, King, and West Streets);
- 19th-century churches;
- 19th-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 m² 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

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.

5 ADVICE ON COMPLIANCE WITH LEGISLATION

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.

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7 IMAGES

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

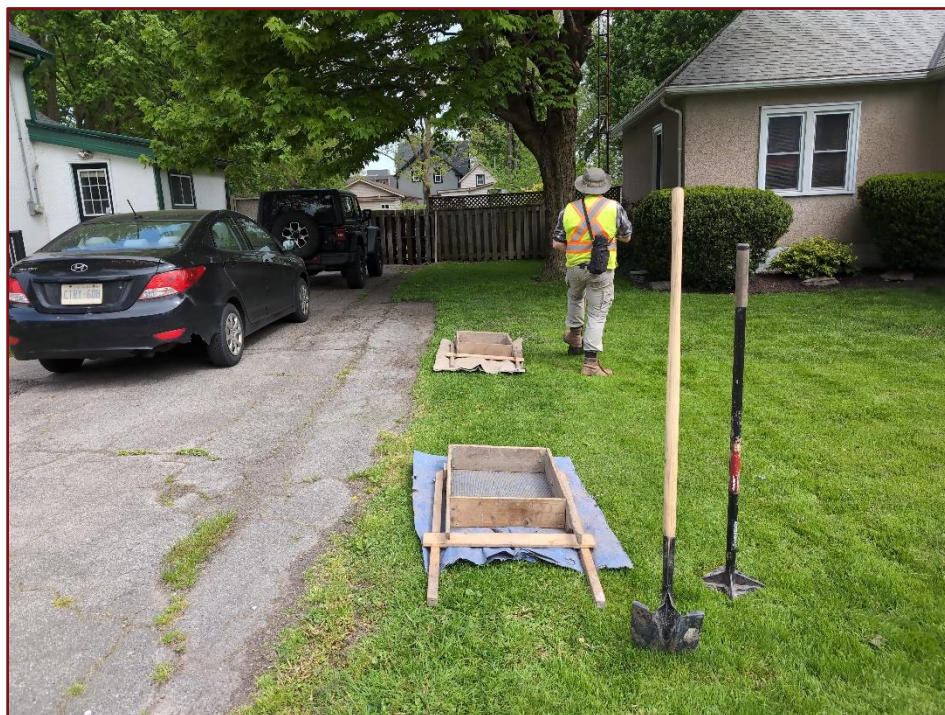


Image 3: Typical Test Pit within Intact Soil Profile



Image 4: Typical Test Pit with Disturbed Soil Profile



Image 5: Paved Driveway

Looking North



Image 6: Footprint of Former Shed

Looking South





8 MAPS

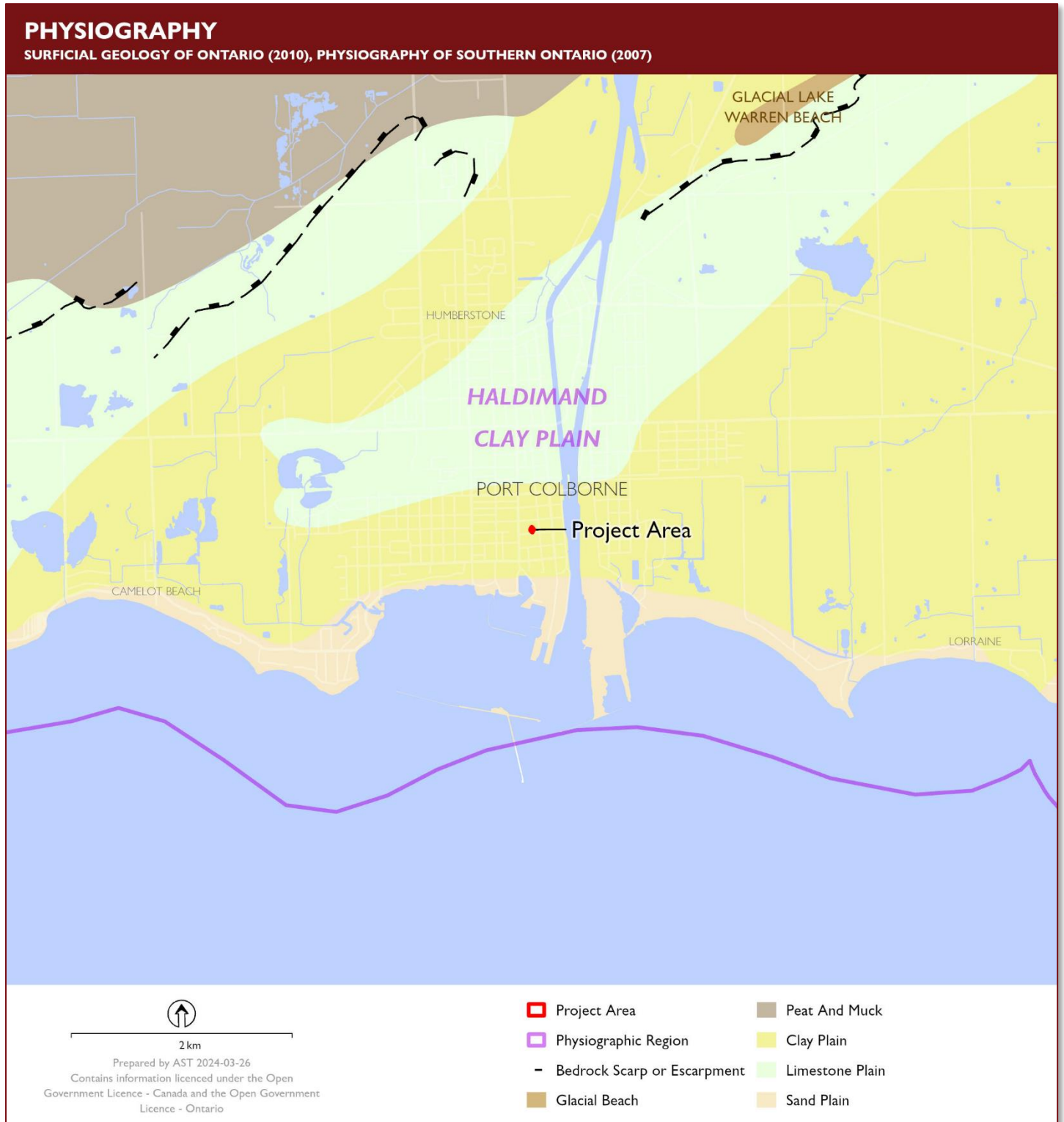
PROJECT LOCATION



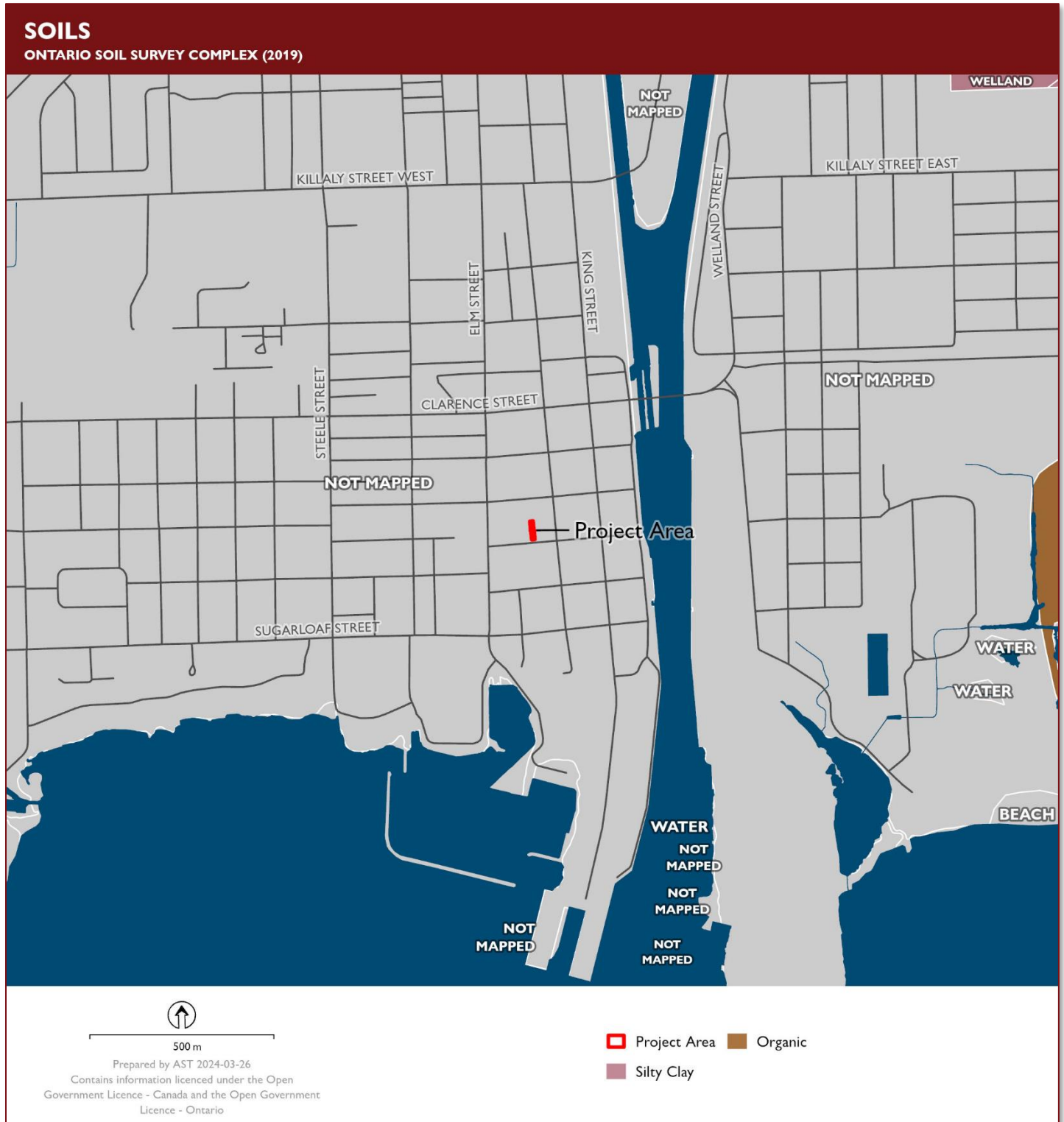
Map 1: Location of the Project Area in Port Colborne, ON



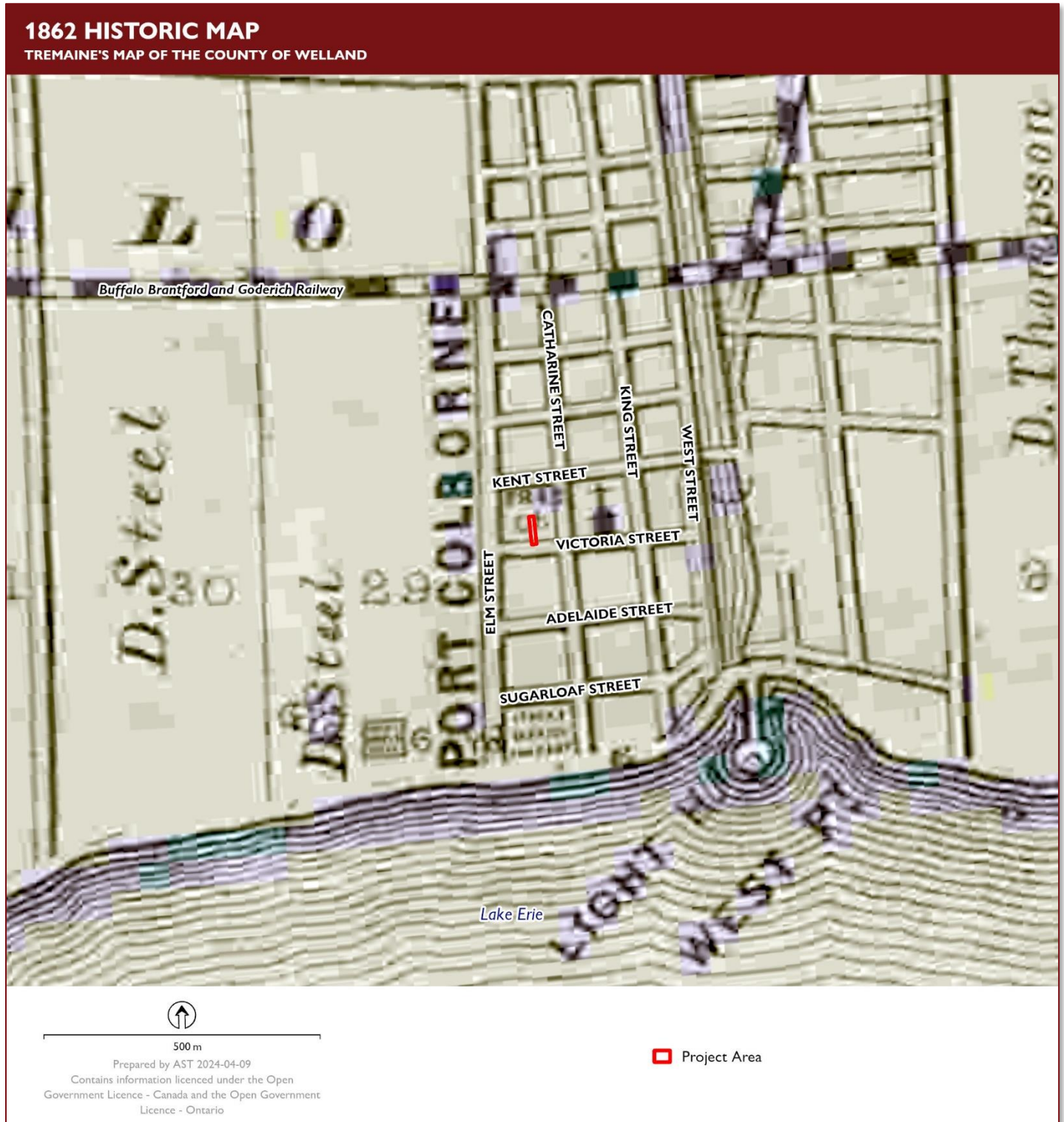
Map 2: Aerial Photograph Showing the Location of the Project Area



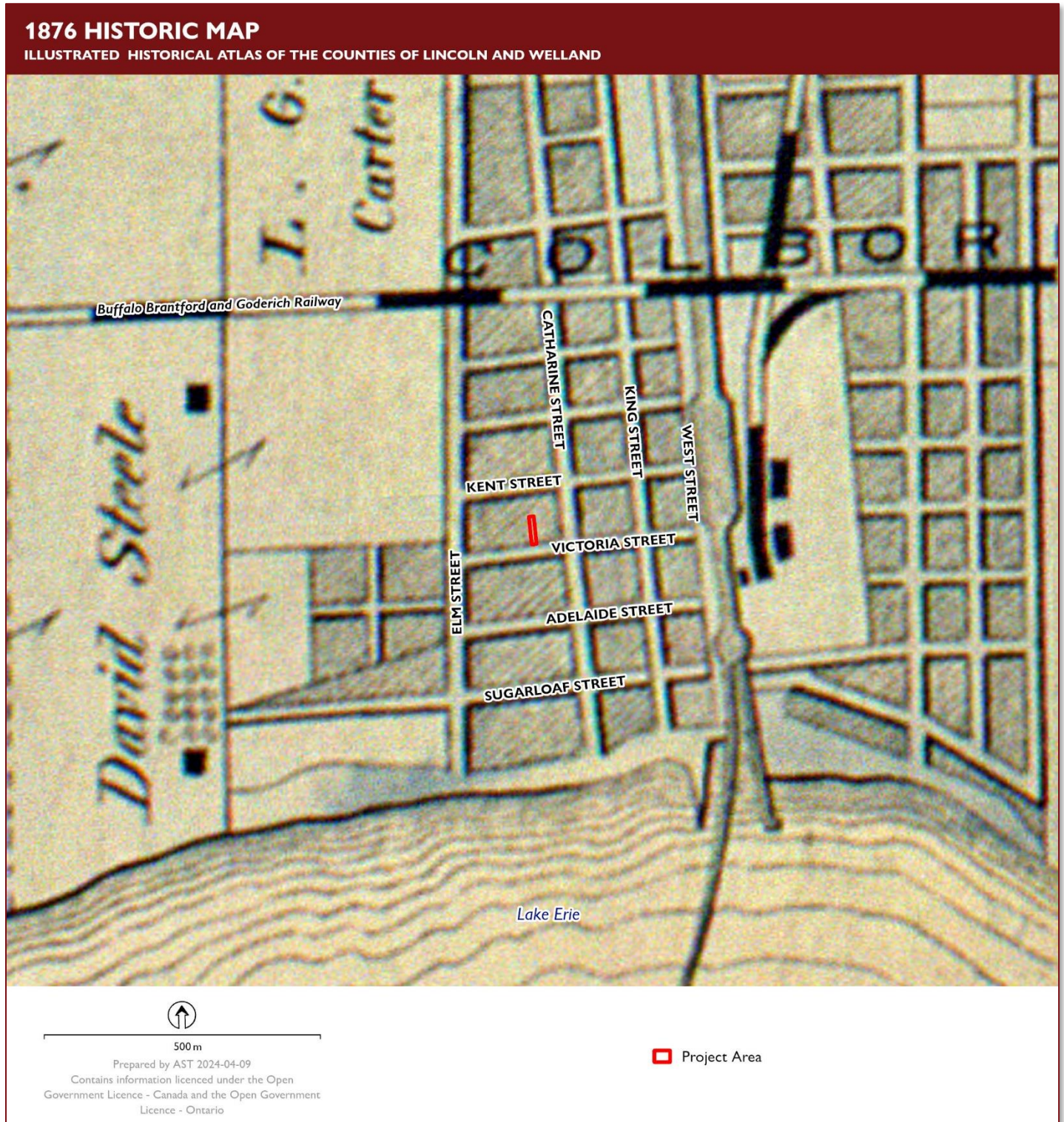
Map 3: Physiography Within the Vicinity of the Project Area



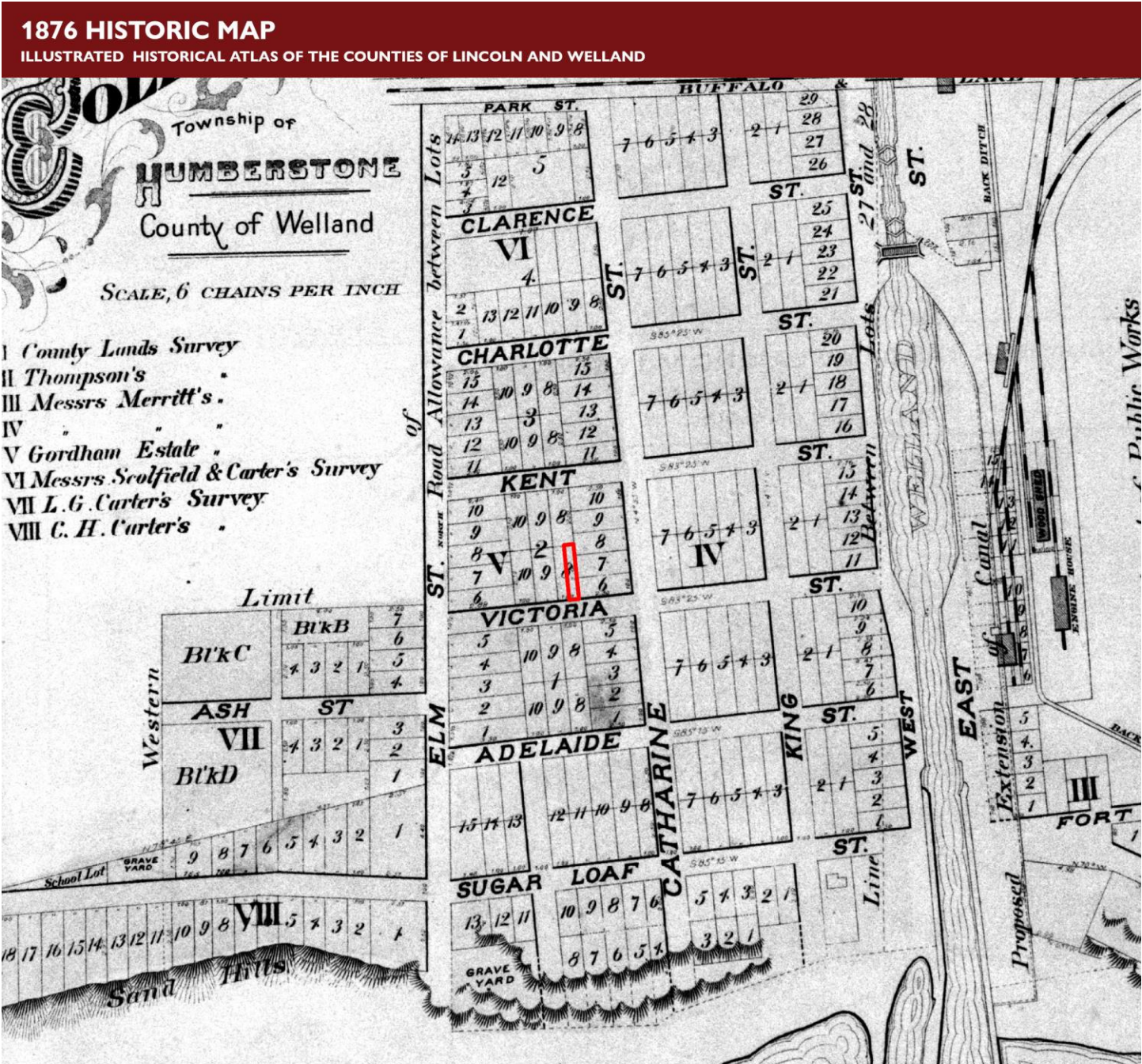
Map 4: Soils Within the Vicinity of the Project Area



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



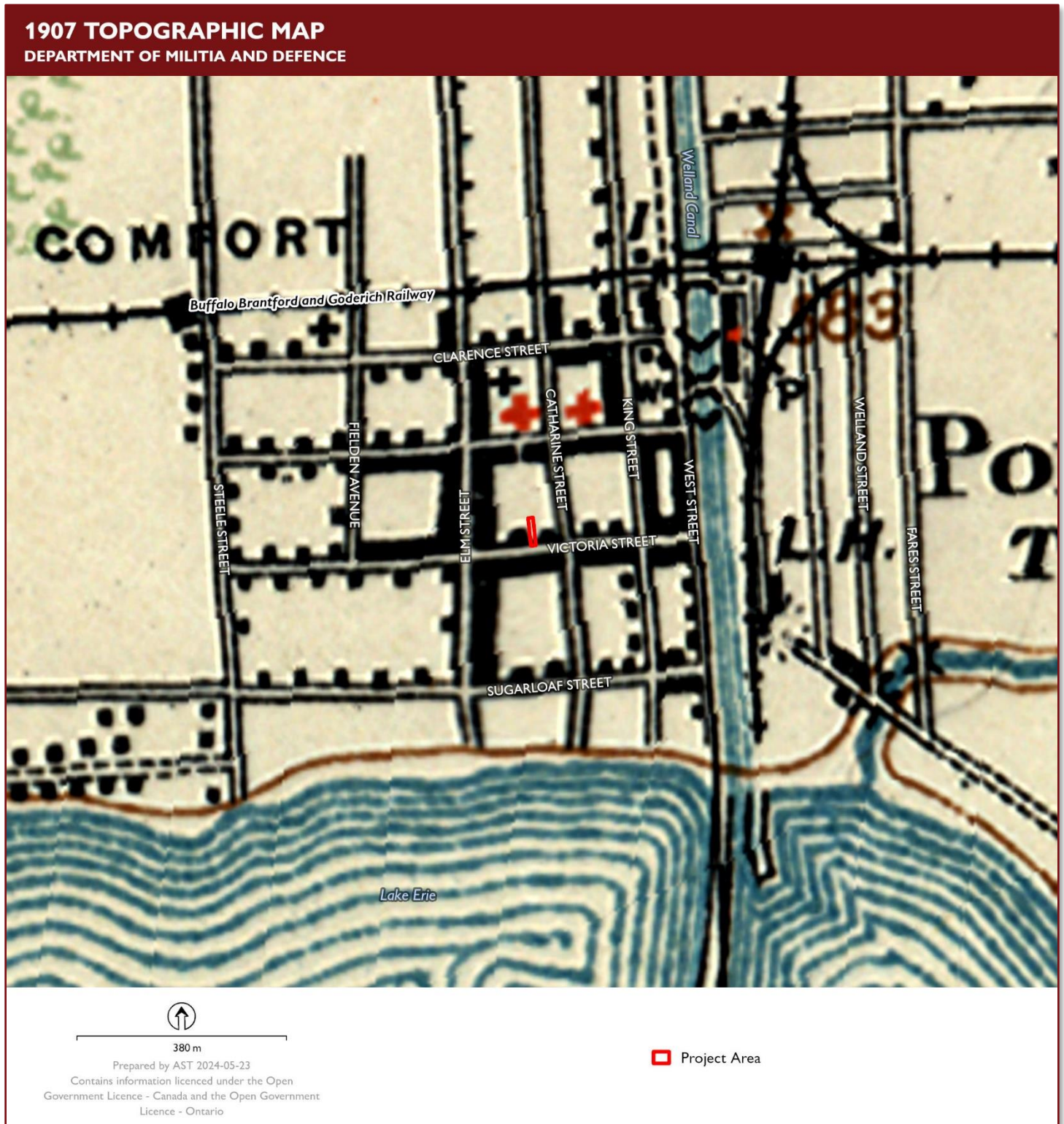
250 m

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

1934 AERIAL PHOTOGRAPHY
MINISTRY OF NATURAL RESOURCES



100 m

Prepared by AST 2024-05-24

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Licence - Ontario

 Project Area

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

95 VICTORIA STREET, PORT COLBORNE

STAGE 2 METHODS



Map 10: Stage 2 Field Conditions and Assessment Methods

95 VICTORIA STREET, PORT COLBORNE

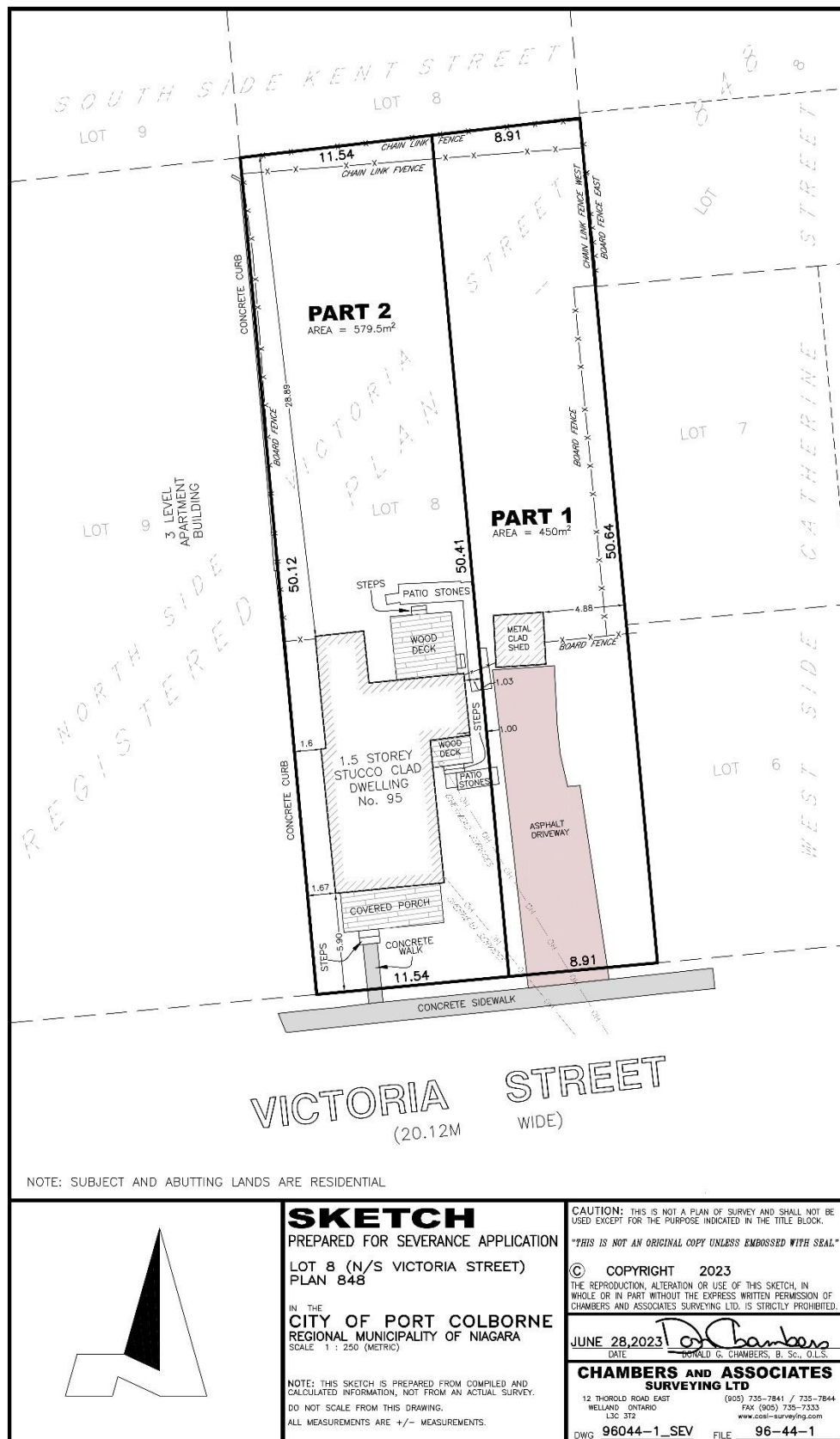
STAGE 2 METHODS



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
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 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

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

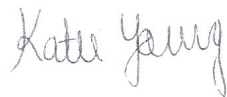
Regional Growth Management and Planning staff are satisfied that the proposal is consistent with the PPS and conforms to Regional policies, provided that the applicant/owner receive acceptance from the MCM for the Stage 1-2 Archaeological Assessment, prepared by TMHC Inc. (dated May 27, 2024).

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.

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner



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
- 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

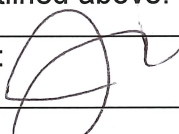
Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant 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

1.1 Registered Owner (s):	
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
1.2 Owner's SOLICITOR (if applicable)	
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
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: CHAMBERS & 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
1.5 All communications should be sent to the:	
☐ Owner ☐ Solicitor ☐ 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?	
☐ Yes	If "Yes" describe the easement or covenant and its effect:
☒ 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	
☐ Provincial Highway	☐ Municipal Road maintained seasonally
☐ Regional Road	☐ Right-of-Way
☒ Municipal Road maintained all year	☐ Water Access
☐ Other Public Road	☐ Private Road
4.6 What type of WATER SUPPLY is proposed?	
☒ Publicly owned and operated piped water supply	
☐ Lake	
☐ Well (private or communal)	
☐ Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
☒ Publicly owned and operated sanitary sewage system	
☐ Septic system (private or communal)	
☐ Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
☒ Publicly owned and operated stormwater system	
☐ Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
☐ Yes ☒ 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 m² 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?		
☐ Yes	☒ No	☐ Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
☐ Yes	☒ No	☐ Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
☐ Yes	☒ No	☐ Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
☐ Yes	☒ No	☐ Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
☐ Yes	☒ No	☐ Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
☐ Yes	☒ No	☐ Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
☐ Yes	☒ No	☐ 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?		
☐ Yes	☒ No	☐ 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)?		
☐ Yes	☒ No	☐ 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?		
☐ Yes	☒ No	☐ 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?*		
☐ Yes	☒ No	☐ Unknown
If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land. *Possible uses that can cause contamination include operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities, and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry-cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.		

ACKNOWLEDGMENT CLAUSE

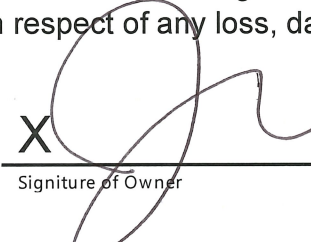
I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated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

X

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"?		
☐ Yes	☒ No	☐ Unknown
9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?		
☐ Yes	☒ No	☐ Unknown
9.3 Is the property located on or within 30 metres of the Lake Erie shoreline?		
☐ Yes	☒ No	☐ Unknown
9.4 Is there a valley slope on the property?		
☐ Yes	☒ No	☐ Unknown
9.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?		
☐ Yes	☒ No	☐ Unknown
9.6 Is the property on a Regional Road?		
☐ Yes	☒ No	☐ 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.

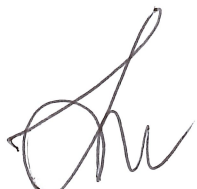
DECLARED before me at the City of Port Colborne

In the Region of Niagara

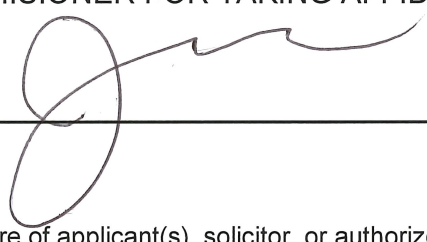
This 24th day of February

20 25

A Commissioner, etc.



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, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement

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
- 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

1.1 Registered Owner (s):	
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
1.2 Owner's SOLICITOR (if applicable)	
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
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: CHAMBERS & ASSOCIATES SURVEYING LTD	
Mailing Address: 12 THOROLD ROAD EAST	
City: WELLAND	Province: ON
Postal Code: L3C 3T2	Telephone: 905-735-7841
Fax:	Email: don@Cas1-Surveying.com
1.5 All communications should be sent to the:	
☐ Owner ☐ Solicitor ☐ 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 ²
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?	
☐ Yes	If "Yes" describe the easement or covenant and its effect:
☐ 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	
☐ Provincial Highway	☐ Municipal Road maintained seasonally
☐ Regional Road	☐ Right-of-Way
☒ Municipal Road maintained all year	☐ Water Access
☐ Other Public Road	☐ Private Road
4.6 What type of WATER SUPPLY is proposed?	
☒ Publicly owned and operated piped water supply	
☐ Lake	
☐ Well (private or communal)	
☐ Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
☒ Publicly owned and operated sanitary sewage system	
☐ Septic system (private or communal)	
☐ Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
☒ Publicly owned and operated stormwater system	
☐ Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
☐ Yes ☒ 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 12m²

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.

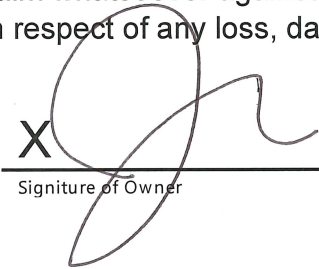
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8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
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8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
☐ Yes	☒ No	☐ Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
☐ Yes	☒ No	☐ 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?		
☐ Yes	☒ No	☐ 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)?		
☐ Yes	☒ No	☐ 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?		
☐ Yes	☒ No	☐ 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?*		
☐ Yes	☒ No	☐ Unknown
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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"?		
☐ Yes	☒ No	☐ Unknown
9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?		
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9.3 Is the property located on or within 30 metres of the Lake Erie shoreline?		
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☐ Yes	☒ No	☐ Unknown
9.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?		
☐ Yes	☒ No	☐ Unknown
9.6 Is the property on a Regional Road?		
☐ Yes	☒ No	☐ 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
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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, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement



PORT COLBORNE
DEVELOPMENT AND LEGISLATIVE SERVICES

CONSENT APPLICATION THE CITY OF PORT COLBORNE

The Planning Act – Section 53

For Office Use Only	
Date Received: _____	Application Complete: ☐ Yes ☐ No
Date of Completion: _____	

SUBMISSION OF APPLICATION

Completed applications can be sent to:

City of Port Colborne Diana Vasu 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: diana.vasu@portcolborne.ca
---	--

2023 APPLICATION FEES

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

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

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

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

DRAWING REQUIREMENTS

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

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

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Julie Cule	Date: 8/2/23	Initials: JC



SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Julie Cule	
Mailing Address: 95 Victoria Street	
City: Port Colborne	Province: Ontario
Postal Code: L3K2Y5	Telephone: 9059213323
Fax:	Email: julie.cule@gmail.com
1.2 Owner's SOLICITOR (if applicable)	
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
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Chambers and Associates	
Mailing Address: 12 Thorold Road East	
City: Welland	Province: Ontario
Postal Code: L3C3T2	Telephone: 9057357841
Fax: 9057357333	Email: isaac@casl-surveying.com
1.5 All communications should be sent to the:	
☒ Owner ☐ Solicitor ☐ Agent	

SECTION 2: LOCATION OF SUBJECT LAND

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

SECTION 3: PROPOSAL DESCRIPTION

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

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 1

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
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

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

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: 848	<i>urban residential</i>
Regional Policy Plan:	<i>delineated built up area</i>
6.2 What is the Zoning of the land (By-law 6575/30/18)?	
Residential	<i>R4 ju</i>
6.3 Date the Subject Land was acquired by the Current Owner:	
8/28/18	
6.4 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
☐ Yes	If "Yes" describe the easement or covenant and its effect:
☒ 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.		
julie cule, mortgage holder CMLS financial		
6.6 Type of ACCESS		
☐ Provincial Highway	☐ Water Access	☐ Private Road
☒ Regional Road	☒ Municipal Road maintained all year	☐ Other Public Road
☐ Right-of-Way	☐ Municipal Road maintained seasonally	
6.7 What type of WATER SUPPLY is proposed?		
☒ Publicly owned and operated piped water supply		
☐ Lake		
☐ Well (private or communal)		
☐ Other (specify): _____		
6.8 What type of SEWAGE DISPOSAL is proposed?		
☒ Publicly owned and operated sanitary sewage system		
☐ Septic system (private or communal)		
☐ Other (specify): _____		
6.9 What type of STORMWATER DISPOSAL is proposed?		
☒ Publicly owned and operated stormwater system		
☐ 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?		
☐ Yes,	☒ No	☐ Unknown

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

File Number:
Decision:

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

8.1 ALL EXISTING USE		
☒ 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?		
100+ years		
8.3 Are there any buildings or structures on the subject land?		
☒ Yes ☐ No		
If Yes, briefly describe and indicate their use. Small aluminum shed, storage		

8.4 Are any of these buildings designated under the Ontario Heritage Act?		
☐ Yes	☒ No	☐ Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
☐ Yes	☒ No	☐ Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
☐ Yes	☒ No	☐ Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
☐ Yes	☒ No	☐ Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
☐ Yes	☒ No	☐ Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
☐ Yes	☒ No	☐ Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
☐ Yes	☒ No	☐ 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?		
☐ Yes	☒ No	☐ 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)?		
☐ Yes	☒ No	☐ 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?		
☐ Yes	☒ No	☐ 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?*		
☐ Yes	☒ No	☐ Unknown
If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land. *Possible uses that can cause contamination include operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities, and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry-cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.		

ACKNOWLEDGMENT CLAUSE

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

X

8/2/23

Date

X

Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

X 08/04/2023
Date

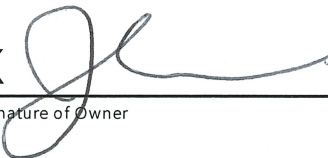
X _____
Signature of Owner/Agent

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 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



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Minor Variance Application File No. A08-25-PC

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 2.8.2 (a) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

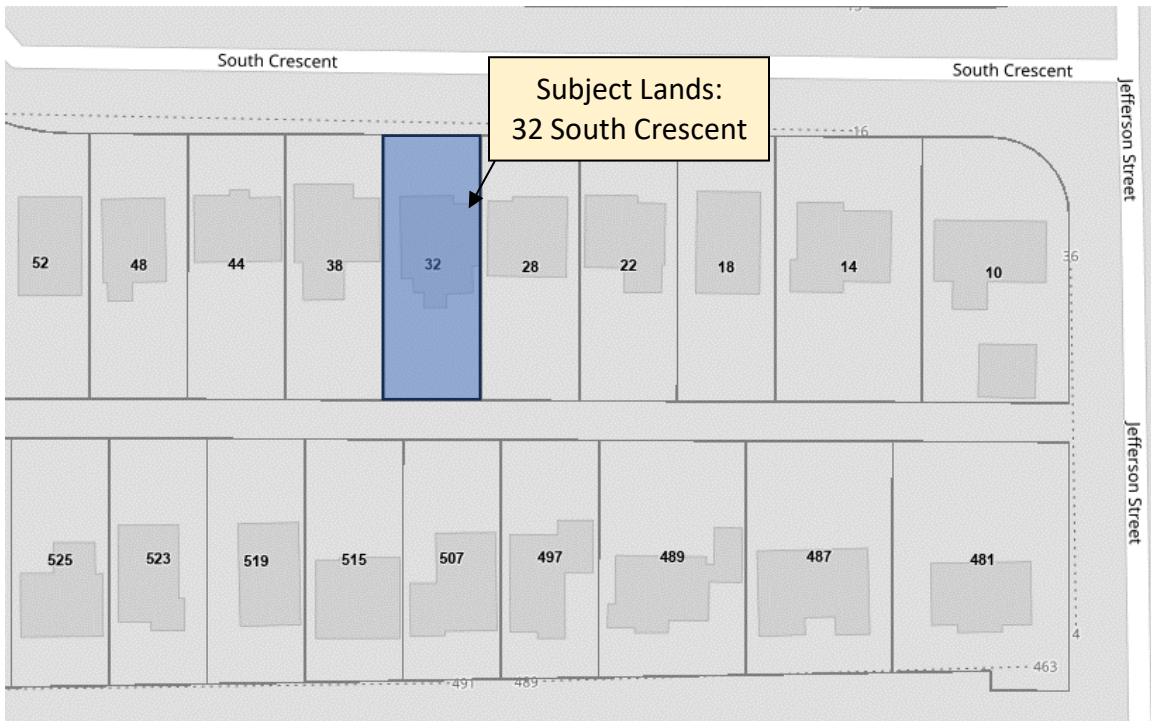
AND IN THE MATTER OF the lands legally known as Lot 89 on Plan 55, New Plan 814, in the City of Port Colborne, located in the First Density Residential (R1) zone, municipally known as 32 South Crescent;

AND IN THE MATTER OF AN APPLICATION by the agent, Dustin Porter, on behalf of the owners, Graham and Erin Menard, 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 new accessory residential dwelling, notwithstanding the following:

1. That the maximum lot coverage of 11.4% be permitted, whereas a maximum lot coverage of 10% is required.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to create an accessory housing unit with reductions in lot coverage, 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: May 14, 2025

Time: 6:00 p.m.

Location: 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, May 9, 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, May 13, 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.

Date of Mailing: April 29, 2025

SOUTH CRESCENT



Development and Government Relations Department

Planning Division Report

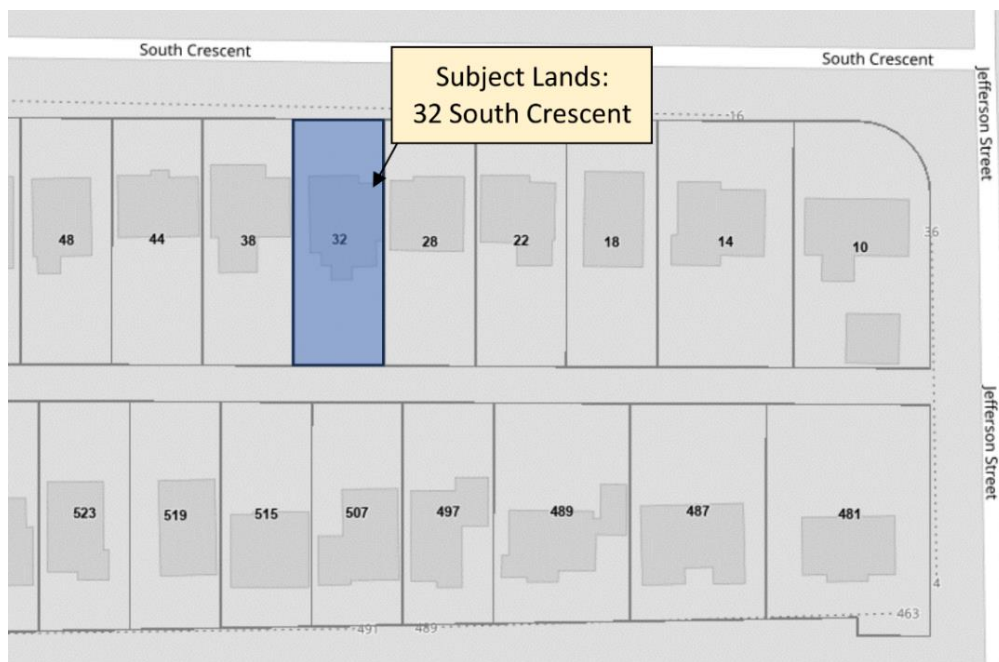
May 9, 2025

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

Re: Application for Minor Variance: A08-25-PC
Lot 89 on New Plan 814
32 South Crescent
Owners: Graham and Erin Menard
Agent: Dustin Porter

Proposal

The purpose of this minor variance application is to facilitate the demolition of an existing garage and the construction of an exterior accessory dwelling unit in its place, as depicted in the sketch attached as Appendix A. This application requests that a maximum accessory lot coverage of 11.4% be permitted, whereas a maximum of 10% is required.



Surrounding Land Uses and Zoning

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

Environmentally Sensitive Areas

The subject property does not feature any environmentally sensitive areas.

Public Comments

Notice was circulated on April 29, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of May 9, 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 14, 2025, the following comments have been received.

Drainage Superintendent	No objections.
Fire Department	No objections.
Engineering Technologist	No objections. Please note that a lot grading plan will be required at the time of the building permit application.
Niagara Region	The property is mapped as an area of archaeological potential. Staff recommend a Stage 1 Archaeological Assessment (at minimum), prepared by a licensed archaeologist and acceptance from the Ministry is provided. Note: this requirement was waived due to the scope of the project and that disturbance of the site has already occurred.

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.

Is the application minor in nature?

The requested increase in 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 construction of a new accessory dwelling unit. The new accessory structure is proposed to be built in a similar footprint to the existing garage that would be demolished—since the location or size of the existing garage has not caused any negative impacts to the neighbourhood, it is unlikely the new accessory dwelling unit will cause any disturbances due to the increased accessory lot coverage.

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

The requested increase in the maximum accessory lot coverage is desirable for the appropriate development of the subject lands, as the increased coverage will facilitate the creation of a new dwelling unit within the urban area. The residential development that would result from the approval of this application will add an additional option to the available supply of housing. The increased accessory lot coverage is unlikely to cause any noticeable difference, but will contribute towards the gentle intensification of a lower density residential neighbourhood in the urban area.

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

The application maintains the general intent and purpose of the Zoning By-law. The maximum accessory lot coverage requirement intends to ensure that accessory structures remain accessory to the primary structure on a property. Given that the accessory dwelling unit is proposed to be set adequately far back from the street when compared to the dwelling, the new structure will remain visibly accessory. The proposal indicates the size and siting of the detached accessory dwelling unit will meet the rest of the applicable zoning provisions from section 2.9.1 (Accessory Dwelling Unit), as the floor area for the accessory dwelling unit will be less than 40% of the gross floor area of the dwelling; the new building will not be in a required front or corner side yard, nor within a sight triangle; the new building will be less than 6 metres tall, as well as further than 1 metre from the interior side and rear lot lines; and will be located further than 1.5 metres from the main building.

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 the creation of accessory dwelling units within the Urban Residential designation.

Recommendation

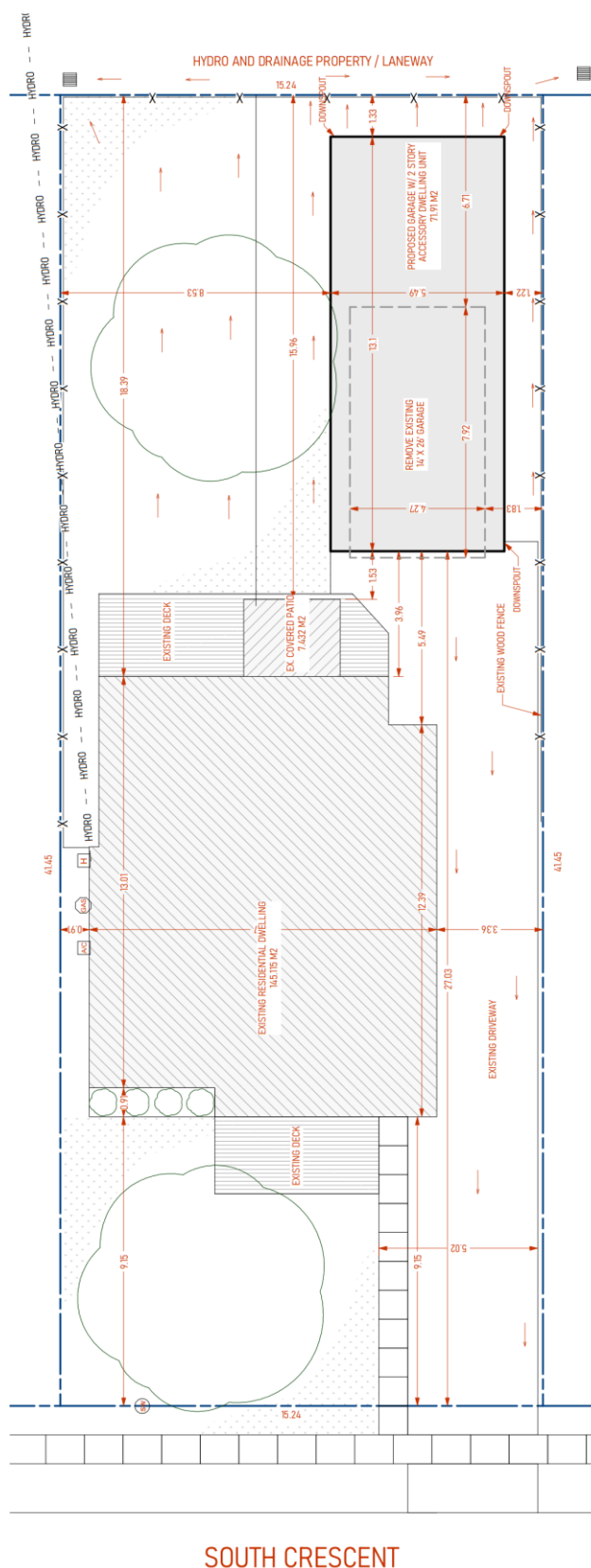
That minor variance applications A08-25-PC be **granted** for the following reasons:

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

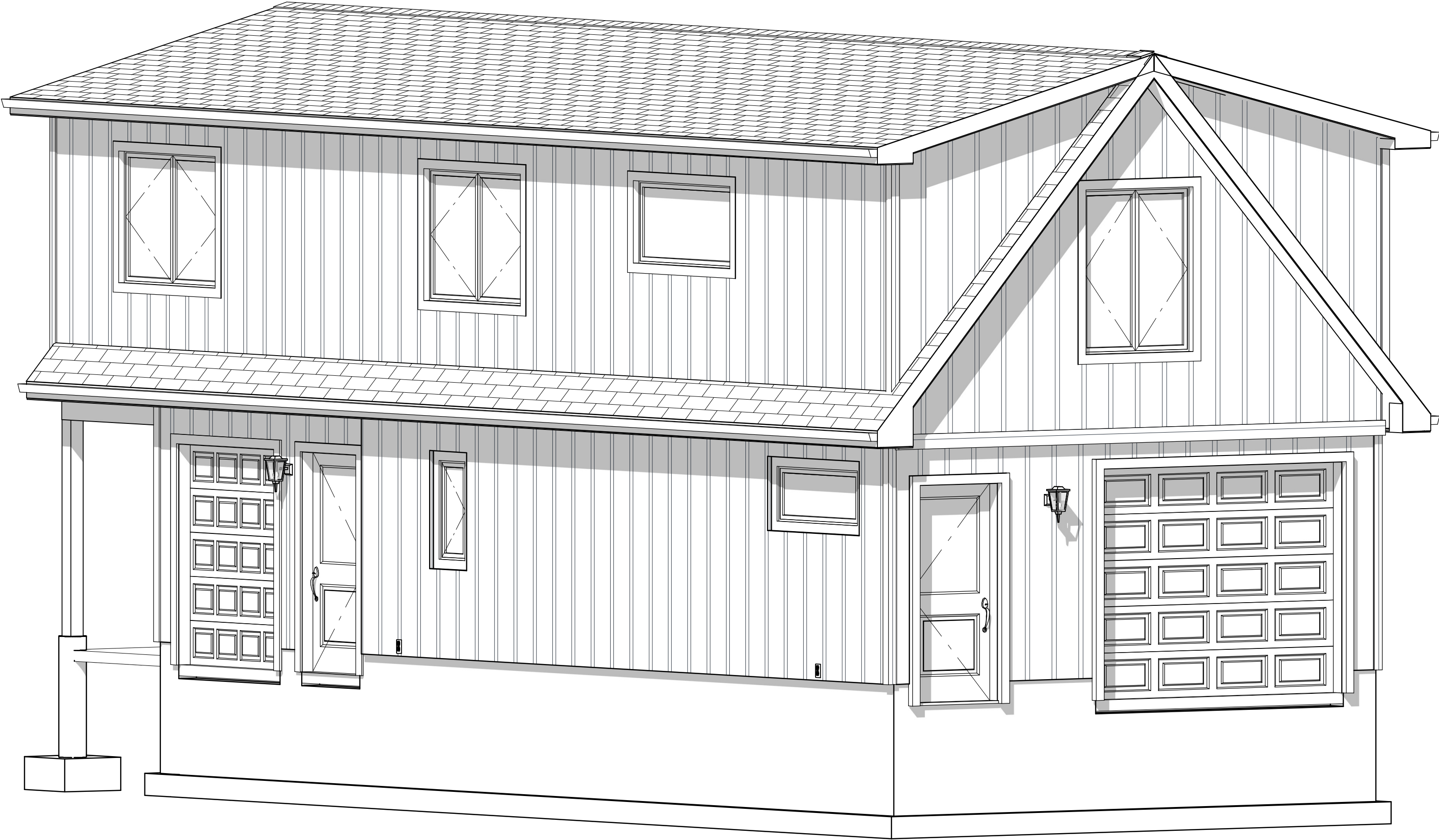


32 SOUTH CRES, PORT COLBORNE, ONTARIO

GARAGE - ACCESSORY DWELLING UNIT

ERIN & GRAHAM HART

PROJECT NO. 025-0323-GADU



DISCLAIMER - CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK. THESE DRAWINGS ARE THE PROPRIETARY WORK PRODUCT AND PROPERTY OF 816028 ONTARIO LIMITED O/A PORTER DESIGN, DEVELOPED FOR THE EXCLUSIVE USE OF 816028 ONTARIO LIMITED O/A PORTER DESIGN. USE OF THESE DRAWINGS AND CONCEPTS CONTAINED THEREIN WITHOUT THE WRITTEN PERMISSION OF 816028 ONTARIO LIMITED O/A PORTER DESIGN IS PROHIBITED.

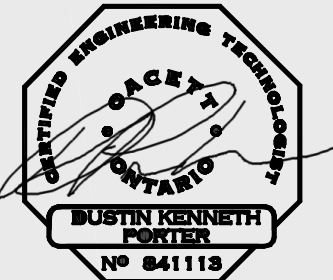
LAYOUT PAGE TABLE	
LABEL	TITLE
A.1	COVER
A.2	NOTES, TABLES & SCHEDULES
A.3	SITE PLAN
A.4	FOUNDATION & 1ST FLOOR PLAN
A.5	2ND FLOOR PLAN & 2ND FL./ROOF TIE-IN FRAMING
A.6	ELEVATIONS 1, 2 & 3
A.7	ELEV 4 & CROSS SECTION 1
A.8	CROSS SECTIONS 2, 3 & 4
A.9	CROSS SECTIONS NO.3 & DETAILS
S.1	ENGINEERED DESIGN
E.1	ELECTRICAL LAYOUT
M.1	HVAC DESIGN
M.2	HVAC DESIGN



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
DUSTIN PORTER, C.E.T.

DESIGNER NAME



SIGNATURE / STAMP

46915

DESIGNER BCIN

REGISTRATION INFORMATION
816028 ONTARIO LTD.

FIRM NAME

105277

FIRM BCIN

REVISIONS

NO.	DESCRIPTION	DATE
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32 SOUTH CRES, PORT COLBORNE, ONTARIO

GARAGE - ACCESSORY DWELLING UNIT

ERIN & GRAHAM HART

PROJECT NO. 025-0323-GADU

AUGUST 20, 2023

DATE

N.T.S.

SCALE

COVER

SHEET NAME

A.1

SHEET NO.

SHEET SIZE - ARCH C - 18" X 24"

SPECIFIED SNOW LOAD, KPA (OBC 9.4.2.2.)

Specified Snow Load, kPa (Ontario Building Code, 9.4.2.2. Specified Design Snow Loads)									
LOCATION: Port Colborne, Ontario									
Where Width of Roof Exceeds 4.3 m (14'-1")									
Roof Width Factor	C _b	=	0.55	S =	C _b	x	S _s	+	S _r
Snow Load,	S _s	=	2.3	S =	0.55	x	2.30	+	0.40
kPa, 1/50	S _r	=	0.4	S =	1.665 kPa		Use => 2.0		
Where Width of Roof is Less Than 4.3 m (14'-1")									
Roof Width Factor	C _b	=	0.45	S =	C _b	x	S _s	+	S _r
Snow Load,	S _s	=	2.3	S =	0.45	x	2.30	+	0.40
kPa, 1/50	S _r	=	0.4	S =	1.435 kPa		Use => 1.5		
***NOTE: MIN. SPECIFIED SNOW LOAD IS 1.0 kPa OR AS CALCULATED, WHICHEVER IS GREATER									

Table 9.23.3.5.
Fasteners for Sheathing and Subflooring
Forming Part of Sentence 9.23.3.5.(1)

Item	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	Element	Minimum Length of Fasteners, mm				Minimum Number or Maximum Spacing of Fasteners
		Common or Spiral Nails	Ring Thread Nails or Screws	Roofing Nails	Staples	
1.	Board lumber 184 mm or less wide	51	45	N/A	51	2 per support
2.	Board lumber more than 184 mm wide	51	45	N/A	51	3 per support
3.	Fibreboard sheathing up to 13 mm thick	N/A	N/A	44	28	150 mm (o.c.) along edges and 300 mm (o.c.) along intermediate supports
4.	Gypsum sheathing up to 13 mm thick	N/A	N/A	44	N/A	
5.	Plywood, OSB or waferboard up to 10 mm thick	51	45	N/A	38	
6.	Plywood, OSB or waferboard over 10 mm and up to 20 mm thick	51	45	N/A	51	
7.	Plywood, OSB or waferboard over 20 mm and up to 25 mm thick	57	51	N/A	N/A	

Table 9.23.3.4.
Nailing for Framing
Forming Part of Sentence 9.23.3.4.(1)

Item	Column 1	Column 2	Column 3
	Construction Detail	Minimum Length of Nails, mm	Minimum Number or Maximum Spacing of Nails
1.	Floor joist to plate – toe nail	82	2
2.	Wood or metal strapping to underside of floor joists	57	2
3.	Cross bridging to joists	57	2 at each end
4.	Double header or trimmer joists	76	300 mm (o.c.)
5.	Floor joist to stud (balloon construction)	76	2
6.	Ledger strip to wood beam	82	2 per joist
7.	Joist to joist splice (See also Table 9.23.13.8.)	76	2 at each end
8.	Header joist end nailed to joists along perimeter	101	3
9.	Tail joist to adjacent header joist (end nailed) around openings	82 101	5 3
10.	Each header joist to adjacent trimmer joist (end nailed) around openings	82 101	5 3
11.	Stud to wall plate (each end) toe nail or end nail	62 82	4 2
12.	Doubled studs at openings, or studs at walls or wall intersections and corners	76	750 mm (o.c.)
13.	Doubled top wall plates	76	600 mm (o.c.)
14.	Bottom wall plate or sole plate to joists or blocking (exterior walls) ⁽¹⁾	82	400 mm (o.c.)
15.	Interior walls to framing or subflooring	82	600 mm (o.c.)
16.	Horizontal member over openings in non-loadbearing walls – each end	82	2
17.	Lintels to studs	82	2 at each end
18.	Ceiling joist to plate – toe nail each end	82	2
19.	Roof rafter, roof truss or roof joist to plate – toe nail	82	3
20.	Rafter plate to each ceiling joist	101	2
21.	Rafter to joist (with ridge supported)	76	3
22.	Rafter to joist (with ridge unsupported)	76	See Table 9.23.13.8.
23.	Gusset plate to each rafter at peak	57	4
24.	Rafter to ridge board – toe nail – end nail	82	3
25.	Collar tie to rafter – each end	76	3
26.	Collar tie lateral support to each collar tie	57	2
27.	Jack rafter to hip or valley rafter	82	2
28.	Roof strut to rafter	76	3
29.	Roof strut to loadbearing wall – toe nail	82	2
30.	38 mm x 140 mm or less plank decking to support	82	2
31.	Plank decking wider than 38 mm x 140 mm to support	82	3
32.	38 mm edge laid plank decking to support (toe nail)	76	1
33.	38 mm edge laid plank to each other	76	450 mm (o.c.)

Notes to Table 9.23.3.4.:

⁽¹⁾ See Sentence 9.23.3.4.(2).

GENERAL NOTES

- GEN1. THIS BUILDING HAS BEEN DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF THE 2012 ONTARIO BUILDING CODE
GEN2. ALL WORK PERFORMED AND MATERIAL SUPPLIED SHALL COMPLY WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE
GEN3. ANY DEVIATION TO THE DESIGN OF THE BUILDING, STRUCTURE OR PLAN OR THE USE OF ANY ALTERNATIVE MATERIALS OTHER THAN SPECIFIED MUST BE NOTIFIED TO THE DESIGNER AND PORTER DESIGN. ANY CHANGES SHALL NOT BE CARRIED OUT WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER AND/OR MUNICIPALITY, WERE REQUIRED.
GEN4. 816028 ONTARIO LIMITED O/A PORTER DESIGN IS NOT LIABLE FOR ANY ERRORS OR EMISSIONS FOUND IN THESE BLUEPRINTS.
GEN5. DO NOT SCALE THESE BLUE PRINTS.

CONC. FOOTING, FND & SLAB NOTES

- C1. FOOTINGS SHALL BEAR ON UNDISTURBED SOIL.
C2. COMPRESSIVE STRENGTH OF CONCRETE AFTER 28 DAYS SHALL BE NOT LESS THAN, 32 MPA FOR GARAGE FLOORS, CARPORT FLOORS AND ALL EXTERIOR FLATWORK, 20 MPA FOR INTERIOR FLOORS OTHER THAN THOSE FOR GARAGES AND CARPORTS, AND 15 MPA FOR ALL OTHER APPLICATIONS.
C3. CONCRETE USED FOR GARAGE AND CARPORT FLOORS AND EXTERIOR STEPS SHALL HAVE AIR ENTRAINMENT OF 5% TO 8%.
C4. FOUND EXTERIOR FOOTINGS AND OTHER FOOTINGS SUSCEPTIBLE TO DAMAGE RESULTING FROM FROST ACTION A MINIMUM OF 4'-0" BELOW FINISHED GRADE IF NOT NOTED TO BE FOUNDED LOWER.
C5. ALL FOOTINGS ARE CENTERED UNDER WALLS AND COLUMNS UNLESS NOTED OTHERWISE.
C6. INSTALL 6 MIL POLY VAPOUR BARRIER OVER A MINIMUM 4" CLEAN GRANULAR FILL BELOW SLAB.
C7. CONCRETE SLAB TO BE SAW CUT WITHIN 12 HOURS OF COMMENCEMENT OF CONCRETE PLACEMENT TO THE DEPTH OF 1/4 OF SLAB DEPTH.
C8. CONCRETE GARAGE SLAB SHALL CONSIST OF 10M STEEL REINFORCING BAR SPACED AT 16" O/C QR 9-GAUGE 6" X 6" WELDED WIRE MESH.
C9. DAMPPROOFING IS PROVIDED ON FOUNDATION WALLS TO CONTROL THE ENTRY OF WATER AND WATER VAPOUR INTO FINISHED BUILDING SPACE. AS PER OBC 9.13.
C10. MINIMUM 4" SUB-DRAIN SHALL BE INSTALLED AND TIED INTO EXISTING SUB-DRAIN SYSTEM WHERE FOUNDATION WALLS ENCLOSE A BASEMENT AS PER OBC 9.14.3.3.
C11. SEE WALL SECTIONS AND DETAILS FOR FURTHER FOOTING, FOUNDATION WALL AND SLAB DETAILS.

EXT. CLADDING & ROOFING NOTES

- EXT1. ALL ROOFING MATERIALS SHALL BE INSTALLED AS PER MANUFACTURES RECOMMENDATION AND CONFORM TO SECTION 9.26 OF THE OBC.
EXT2. EAVE PROTECTION AS PER SECTION 9.26.5 OF THE OBC.
EXT3. METAL FLASHING REQUIRED AT ALL ROOF AND WALL INTERSECTIONS AS PER OBC 9.26.4.
EXT4. FASTENERS FOR ROOFING MATERIALS SHALL BE CORROSION RESISTANT.
EXT5. INSTALL RIDGE AND HIP VENTS TO MEET ONTARIO BUILDING CODE REQUIREMENTS.
EXT6. PROVIDE VENTILATION TO ATTIC STORAGE AREA AS PER ONTARIO BUILDING CODE SECTION 9.32
EXT7. ALL EXTERIOR GARAGE DOORS TO BE INSULATED STEEL WITH WEATHER STRIPPING.
EXT8. ALL EXTERIOR ENTRY DOORS TO BE INSULATED STEEL WITH WEATHER STRIPPING.
EXT9. ALL DOORS BETWEEN GARAGE AND DWELLING AREA SHALL BE EQUIPPED WITH A SELF-CLOSING DEVICE
EXT10. ALL CAPPING, FLASHING, FASCIA AND SOFFIT TO BE PRE-FINISHED ALUMINUM AND INSTALLED TO PREVENT WATER INFILTRATION.
EXTT1. SIDING MATERIALS MUST BE INSTALLED ACCORDING TO MANUFACTURES RECOMMENDATIONS.
EXTT2. FASTENERS USED FOR ATTACHMENT OF VINYL SIDING OR ASPHALT SHINGLES SHALL BE LONG ENOUGH TO PENETRATE THROUGH THE UNDERLYING SHEATHING

FLOOR PLAN NOTES

- FP1. REFER TO SHEET E.1 FOR ELECTRICAL LAYOUT, LIGHTING, RECEPTACLES, AND SWITCHES
FP2. GARAGE OVERHEAD DOORS TO BE INSULATED ALUMINUM TYPE TO MATCH EXISTING OVERHEAD DOORS
FP3. ENTRY DOORS TO BE INSULATED STEEL

DOOR SCHEDULE										
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	DESCRIPTION	HEADER	THICKNESS
D01	21068	1	1	21068 L IN	34"	80"	36"X82 1/2"	HINGED-DOOR P04		1 3/8"
D02	21068	1	1	21068 R EX	34"	80"	36"X83"	EXT. HINGED-DOOR E01	2"X6"X39" (2)	1 3/4"
D03	2668	1	2	2668 R IN	30"	80"	32"X82 1/2"	HINGED-DOOR P03		1 3/8"
D04	2868	1	1	2868 L IN	32"	80"	34"X82 1/2"	HINGED-DOOR P03		1 3/8"
D05	21068	1	2	21068 R IN	34"	80"	36"X82 1/2"	HINGED-DOOR P03		1 3/8"
D06	3068	1	1	3068 L EX	36"	80"	38"X83"	EXT. HINGED-DOOR E01	2"X6"X41" (2)	1 3/4"
D07	3068	1	1	3068 L EX	36"	80"	38"X83"	EXT. HINGED-DOOR P04		1 3/8"
D08	3068	1	2	3068 L	36"	80"	73 1/4"X82 1/2"	POCKET-DOOR P03		1 3/8"
D09	4068	1	1	4068 L/R	48"	80"	50"X82 1/2"	4 DR. BIFOLD-DOOR P03		1 3/8"
D10	4068	1	2	4068 L/R IN	48"	80"	50"X82 1/2"	DOUBLE HINGED-DOOR P03		1 3/8"
D11	5068	1	1	5068	60"	80 5/16"	63"X83 5/16"	GARAGE-GARAGE DOOR P02	2"X8"X69" (2)	1 3/4"
D12	9070	1	1	9070	108"	84"	111"X85 1/2"	GARAGE-GARAGE DOOR P02	2"X10"X117" (3)	1 3/4"

WINDOW SCHEDULE									
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	DESCRIPTION	HEADER
W01	1430SC	1	1	1430SC	16"	36"	17"X37"	SINGLE CASEMENT-HR	2"X4"X20" (2)
W02	2030SC	1	2	2030SC	24"	36"	25"X37"	SINGLE CASEMENT-HR	2"X4"X28" (2)
W05	4050DC	1	2	4050DC	48"	60"	49"X61"	DOUBLE CASEMENT-LHL/RHR	2"X4"X52" (2)
W06	4218FX	1	1	4218FX	50"	20"	51"X21"	FIXED GLASS	2"X8"X54" (2)
W07	5026FX	1	2	5026FX	60"	30"	61"X31"	FIXED GLASS	2"X8"X64" (2)
W08	5040DC	2	2	5040DC	60"	48"	61"X49"	DOUBLE CASEMENT-LHL/RHR	2"X6"X64" (2)

WALL SCHEDULE				
NUMBER	2D SYMBOL	WALL TYPE	CAVITY R-VALUE	CONTINUOUS R-VALUE
WA01		8" CONCRETE STEM WALL	0	0
WA02		EXT- 2"x6" @ 24" - R22 & C17.5 - SIDING	22	7.5
WA03		EXTERIOR - DRYWALL - 2"x6"@ 24" O/C - 7/16" OSB - TYVEK - B&B SI	0	0
WA04		INTERIOR - 2"x4" STUD @ 16" O/C	0	0
WA05		INTERIOR - 2"x6" STUD @ 16" O/C	0	22
WA06		SIDING-B&B-4-24"O/C-GARAGE	0	0

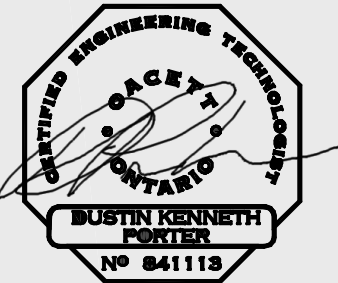
ROOM & WINDOW DAYLIGHT CALCULATIONS											
LOCATION	FLOOR	MIN. GLASS AREA W/ ELEC LIGTHING	ROOM AREA (FT2)	REQ'D GLASS AREA (FT2)	WINDOW NO.	FRAME WIDTH (INCH)	FRAME HEIGHT (INCH)	GLASS AREA (FT2) (Deduct 3" all around for frame thickness)	TOTAL GLASS AREA (FT2)	MEETS OBC REQ.	NOTES
LIVING/DINING/KITCHEN	2ND	10%	396	39.6	W07	60	30	9.00	40.50	YES	INCLUDES HALL AREA AND WINDOW
					W08	60	48	15.75			
					W08	60	48	15.75			
MASTER BEDROOM	2ND	5%	65	3.25	W05	48	60	15.75	15.75	YES	
BATHROOM	2ND	0%	35	0	W02	24	36	3.75	3.75	YES	



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
DUSTIN PORTER, C.E.T.

DESIGNER NAME



SIGNATURE / STAMP

46915

DESIGNER BCIN

REGISTRATION INFORMATION
816028 ONTARIO LTD.

FIRMT NAME

105277

FIRMT BCIN

REVISIONS

NO.	DESCRIPTION	DATE

32 SOUTH CRES. PORT COLBORNE, ONTARIO
GARAGE - ACCESSORY DWELLING UNIT
ERIN & GRAHAM HART

PROJECT NO. 025-0323-GADU

AUGUST 20, 2023

DATE

N.T.S.

SCALE

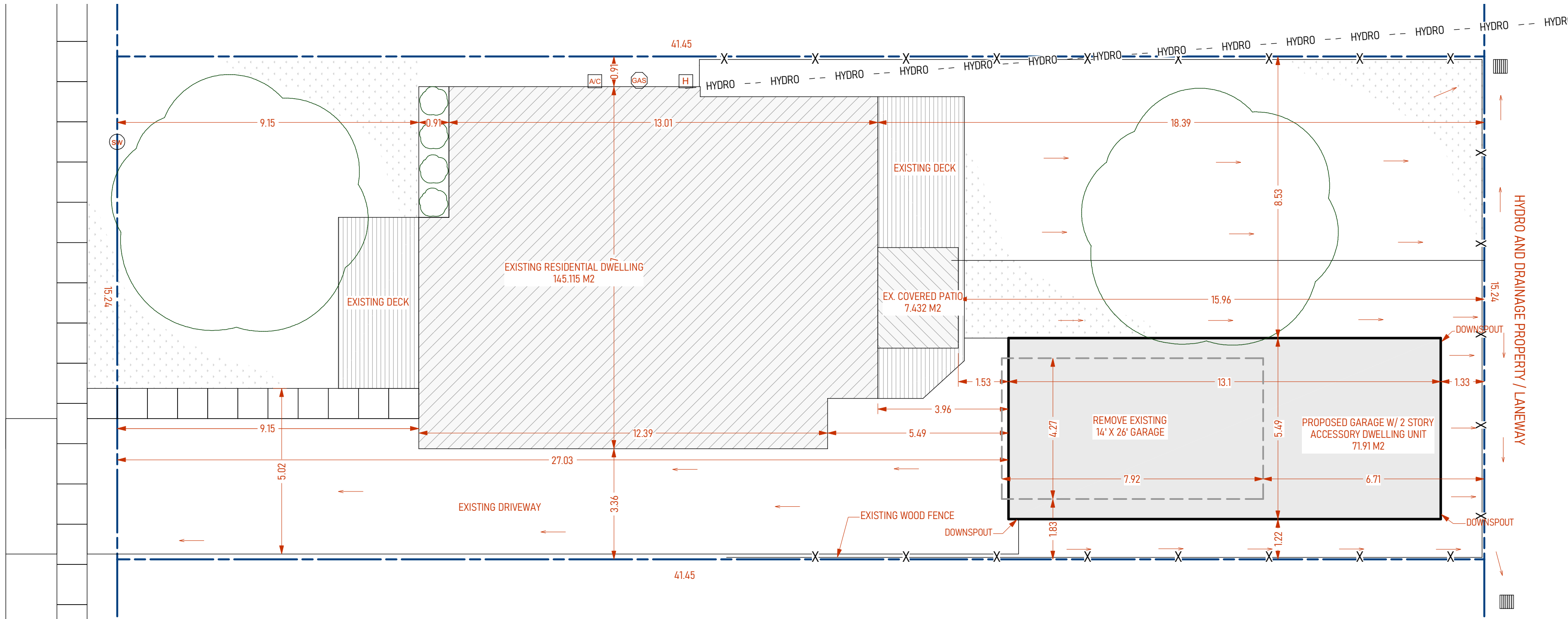
NOTES, TABLES &
SCHEDULES

SHEET NAME

A.2

SHEET NO.

SOUTH CRESCENT



SITE WORKS AND SOILS NOTES

- SP1. PROPERTY LINES TO BE VERIFIED PRIOR TO CONSTRUCTION.
SP2. THE GRADE SHALL BE SLOPED FROM THE BUILDING AND KEEP WATER FROM ACCUMULATING AROUND FOUNDATION. LOT MUST BE GRADED TO INSURE PROPER DRAINAGE AWAY FORM STRUCTURE.
SP3. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
SP4. DIRECT ALL DOWNSPOUTS AWAY FROM FOUNDATION.
SP5. ALL FOOTINGS SHALL BEAR ON UNDISTURBED AND STABLE SOILS WITH AN ALLOWABLE BEARING PRESSURE OF 75 KPA OR GREATER.
SP6. ALL STUMPS, ROOTS AND ORGANIC MATTER SHALL BE REMOVED FROM THE SOIL IN THE AREA OF THE BUILDING.
SP7. ALL EXTERIOR CONCRETE FLATWORK SHALL HAVE A COMPRESSIVE STRENGTH AT 28 DAYS OF NOT LESS THAN 32 MPA AND SHALL HAVE AIR ENTRAINMENT OF 5% TO 8%.
SP8. THE CONTRACTOR SHALL RETAIN THE REQUIRED VOLUME OF TOPSOIL AND EARTH FILL MATERIAL FROM THE EXCAVATION IN ORDER TO BACKFILL AND GRADE AROUND FOUNDATION.
SP9. ONTARIO BUILDING CODE AND MUNICIPAL BY-LAWS SHALL BE FOLLOWED.
SP10. CONTRACTOR MUST CALL ONTARIO ONE CALL @ 1-800-400-2255 TO ARRANGE FOR LOCATES PRIOR TO THE START OF ANY EXCAVATION WORK. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ANY UTILITY COMPANIES OR MUNICIPAL INFRASTRUCTURE OFFICE THAT MAY NOT BE IDENTIFIED BY ONTARIO ONE CALL.

ZONING BY-LAW 6575/30/18 NOTES

- 2.9.1 ACCESSORY DWELLING UNIT (MEETS BY-LAW)**
III) THE MAXIMUM FLOOR AREA FOR THE ACCESSORY DWELLING UNIT SHALL NOT EXCEED 40% OF THE GROSS FLOOR AREA OF THE DWELLING.
- MAIN DWELLING LIVING SPACE - MAIN FLOOR AND BASEMENT = 2240 FT²
- ADU ABOVE THE GARAGE LIVING SPACE = 714 FT²
- PERCENTAGE OF ADU FLOOR AREA COMPARED TO DWELLING = 31.88%
- 2.8.2 LOT COVERAGE (MINOR VARIANCE REQUIRED)**
A) FOR A LOT WITH MUNICIPAL SANITARY SEWERS AND MUNICIPAL WATER SERVICES THE TOTAL ACCESSORY LOT COVERAGE SHALL NOT EXCEED 10% OF THE LOT AREA OF THE SAID LOT, EXCLUDING SWIMMING POOLS.
- BUILDING LOT AREA = 631.7 m² (6800 FT²)
- PROPOSED ADU LOT COVERAGE = 71.9 m² (774 FT²)
- PERCENTAGE OF ADU FLOOR AREA COMPARED TO LOT AREA = 11.38%

SITE PLAN LEGEND

- x — FENCE
— . . . — PROPERTY LINES
--- HYDRO --- HYDRO LINE
[SB] SERVICE BOX
[H] HYDRO METER
[WS] WATER STOP
● R.I.B. ROUND IRON BAR
[GAS] GAS METER
[A/C] A/C UNIT
[H] HYDRO METER
[] STORM SEWER GRATE

LOCATION

32 SOUTH CRESCENT,
LT 89 PL 814 HUMBERSTONE
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF
NIAGARA

PROPERTY INFORMATION		
ZONING:	R1	
LOT NO:	LT 89	
PLAN NO:	PL 814	
LOT DIMENSIONS		
	METRIC	IMPERIAL
LOT AREA:	631.74 m ²	6800.00 ft ²
LOT FRONTAGE:	15.24 m	50.00 ft
LOT DEPTH:	41.45 m	136.00 ft

PROPOSED STRUCTURE INFORMATION		
TYPE OF STR:	GARAGE W/ ADU	
SIZE:	18'X 43'	
AREA:	774.0 ft ²	71.9 m ²
HEIGHT:	19.68 ft	6.00 m
DESCRIPTION:	RESIDENTIAL GARAGE WITH 2ND STORY ACCESSORY DWELLING UNIT	
ADDITIONAL NOTE*** Lot Description LT 89 PL 814 HUMBERSTONE; PORT COLBORNE		

LOT COVERAGE				
DESCRIPTION	NOTES	EXISTING		
		METRIC	IMPERIAL	%
DWELLING AREA	EXISTING	145.1 m ²	1,562.00 ft ²	22.97%
COVERED PATIO	EXISTING	8.4 m ²	90.0 ft ²	1.32%
GARAGE/ADU	EXISTING	71.9 m ²	774.0 ft ²	11.38%
TOTAL LOT COVERAGE		225.4 m ²	2426 ft ²	35.68%
ALLOWABLE LOT COVERAGE		252.7 m ²	2720.0 ft ²	40.0%

SET BACKS				
LOCATION	ALLOWABLE		PROPOSED	
	METRIC	IMPERIAL	METRIC	IMPERIAL
FRONT YARD	Side or Back Yard		Side or Back Yard	
REAR YARD	1.0 m	3.3 ft	1.3 m	4.3 ft
EAST SIDE YARD	1.0 m	3.3 ft	8.5 m	28.0 ft
WEST SIDE YARD	1.0 m	3.3 ft	1.2 m	4.0 ft

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
DUSTIN PORTER, C.E.T.

DESIGNER NAME



SIGNATURE / STAMP

46915

DESIGNER BORN

REGISTRATION INFORMATION
816028 ONTARIO LTD.

FIRM NAME

105277

FIRM BORN

REVISIONS

NO.	DESCRIPTION	DATE
1	METRIC DIM. & BY-LAW NOTES	2024-12-06

32 SOUTH CRES, PORT COLBORNE, ONTARIO

GARAGE - ACCESSORY DWELLING UNIT

ERIN & GRAHAM HART

PROJECT NO. 025-0323-GADU

AUGUST 20, 2023

DATE

1:100

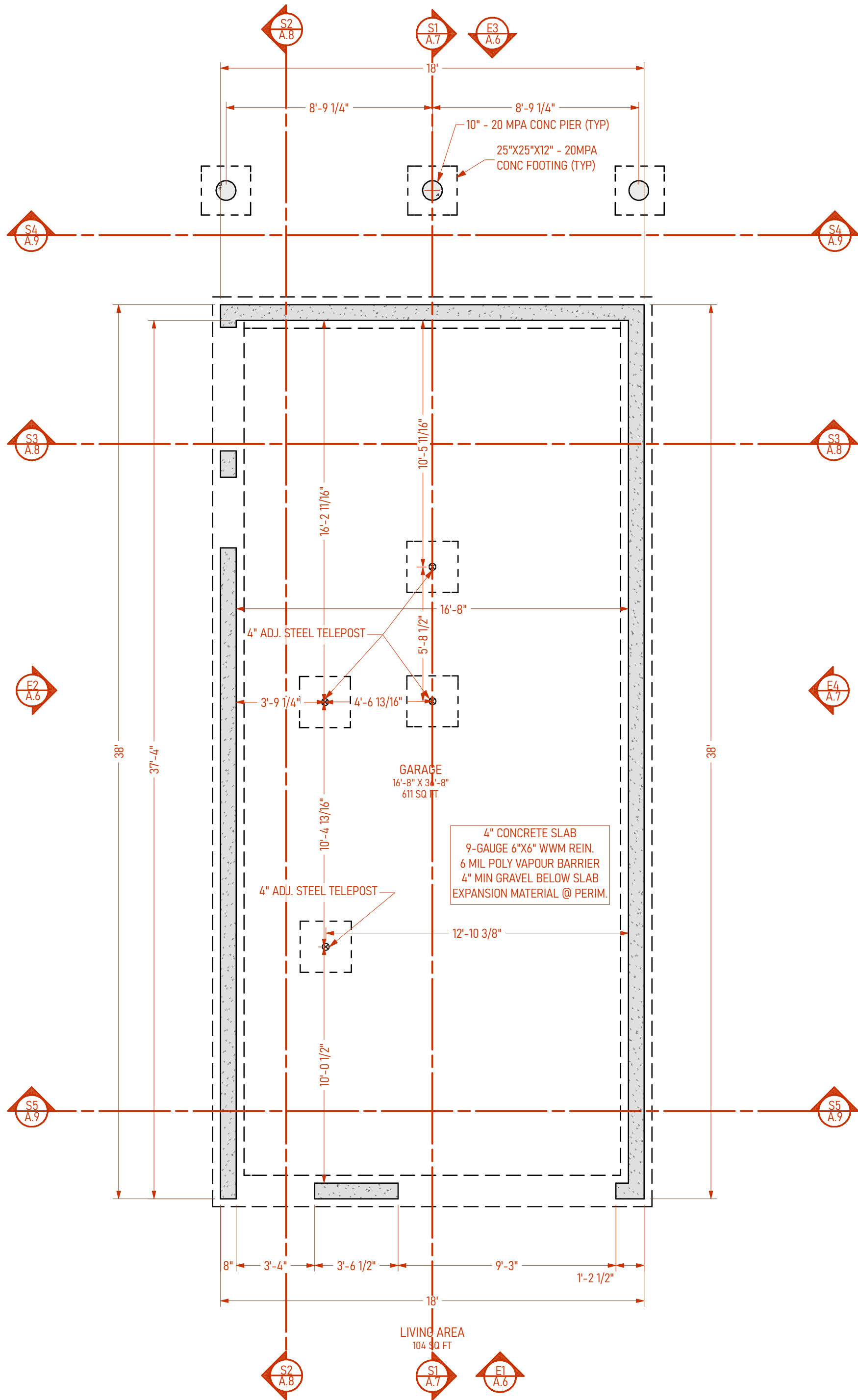
SCALE

SITE PLAN

SHEET NAME

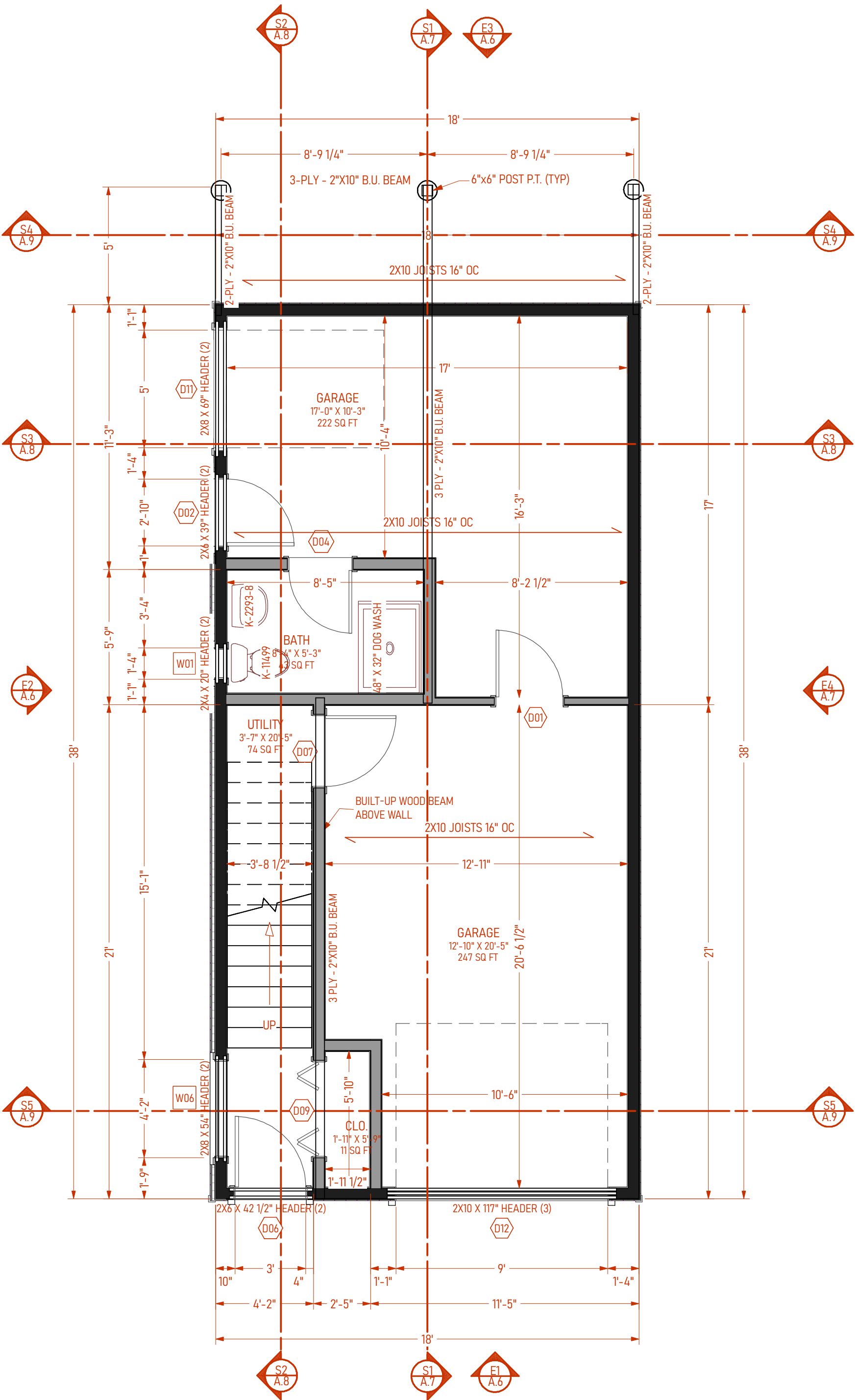
A.3

SHEET NO.



FOUNDATION - PLAN VIEW

SCALE: 1/4 IN = 1 FT



1ST FLOOR - PLAN VIEW

SCALE: 1/4 IN = 1 FT

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
DUSTIN PORTER, C.E.T.

DESIGNER NAME



SIGNATURE / STAMP

46915

DESIGNER BCIN

REGISTRATION INFORMATION
816028 ONTARIO LTD.

FIRM NAME

105277

FIRM BCIN

REVISIONS
NO. DESCRIPTION DATE

NO.	DESCRIPTION	DATE

32 SOUTH CRES, PORT COLBORNE, ONTARIO
GARAGE - ACCESSORY DWELLING UNIT
ERIN & GRAHAM HART

PROJECT NO. 025-0323-GADU

AUGUST 20, 2023
DATE

AS NOTED
SCALE

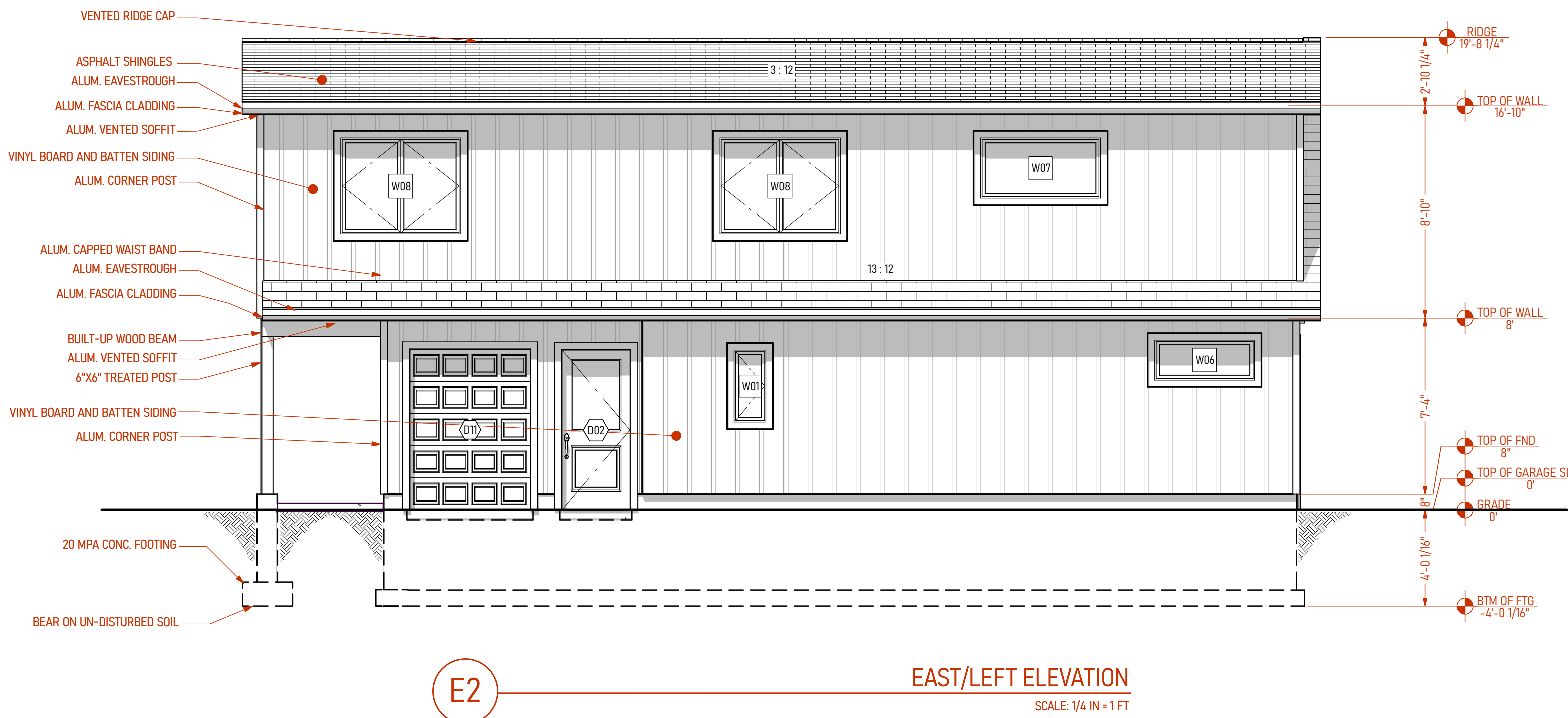
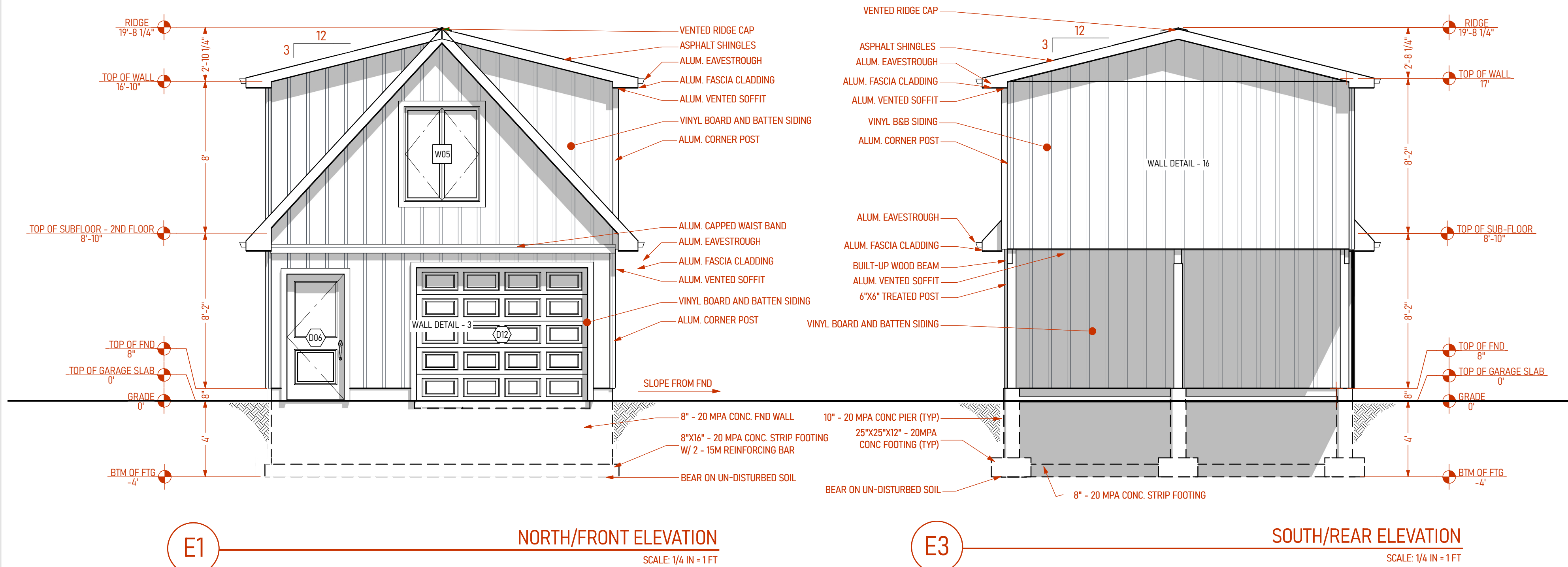
FOUNDATION & 1ST FLOOR
PLAN

SHEET NAME

SHEET NO.

A.4

SHEET SIZE - ARCH C - 18" X 24"



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
DUSTIN PORTER, C.E.T.

DESIGNER NAME



SIGNATURE / STAMP

46915

DESIGNER BORN

REGISTRATION INFORMATION
816028 ONTARIO LTD.

FIRST NAME

105277

FIRST BORN

REVISIONS

NO. DESCRIPTION DATE

NO.	DESCRIPTION	DATE

32 SOUTH CRES. PORT COLBORNE, ONTARIO
GARAGE - ACCESSORY DWELLING UNIT
ERIN & GRAHAM HART

PROJECT NO. 025-0323-GADU

AUGUST 20, 2023

DATE

1/4" = 1'-0"

SCALE

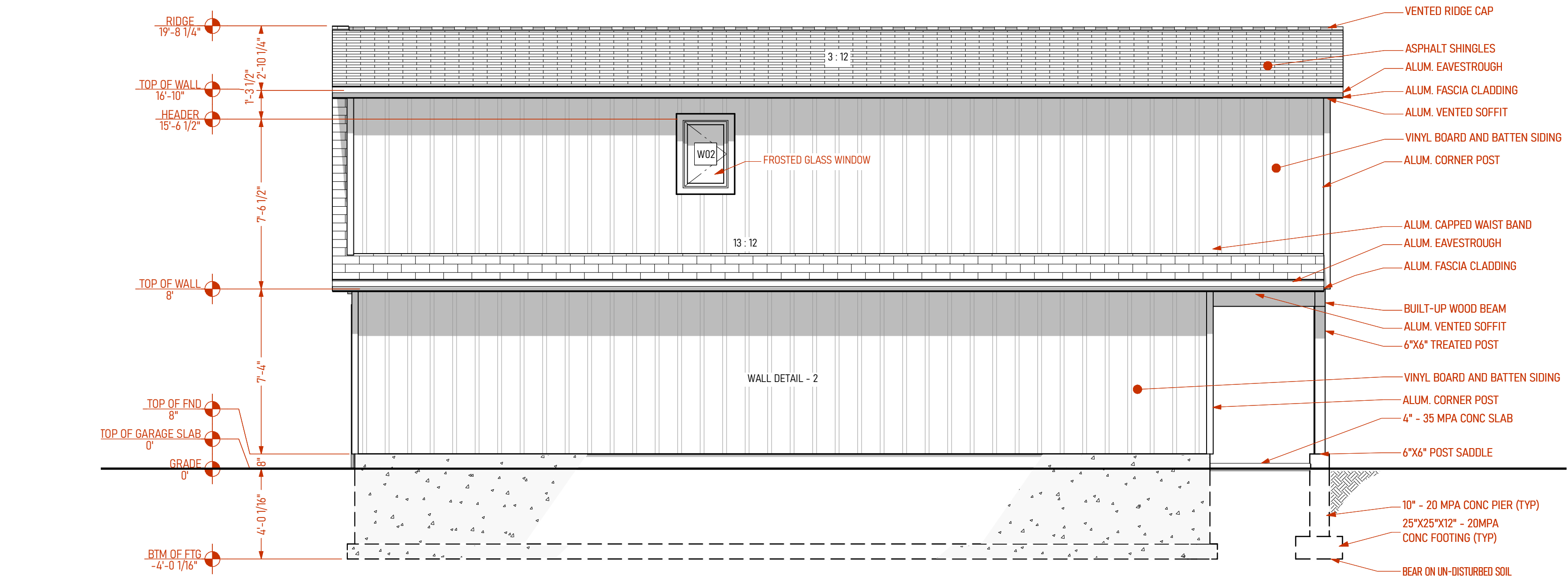
ELEVATIONS 1, 2 & 3

SHEET NAME

A.6

SHEET NO.

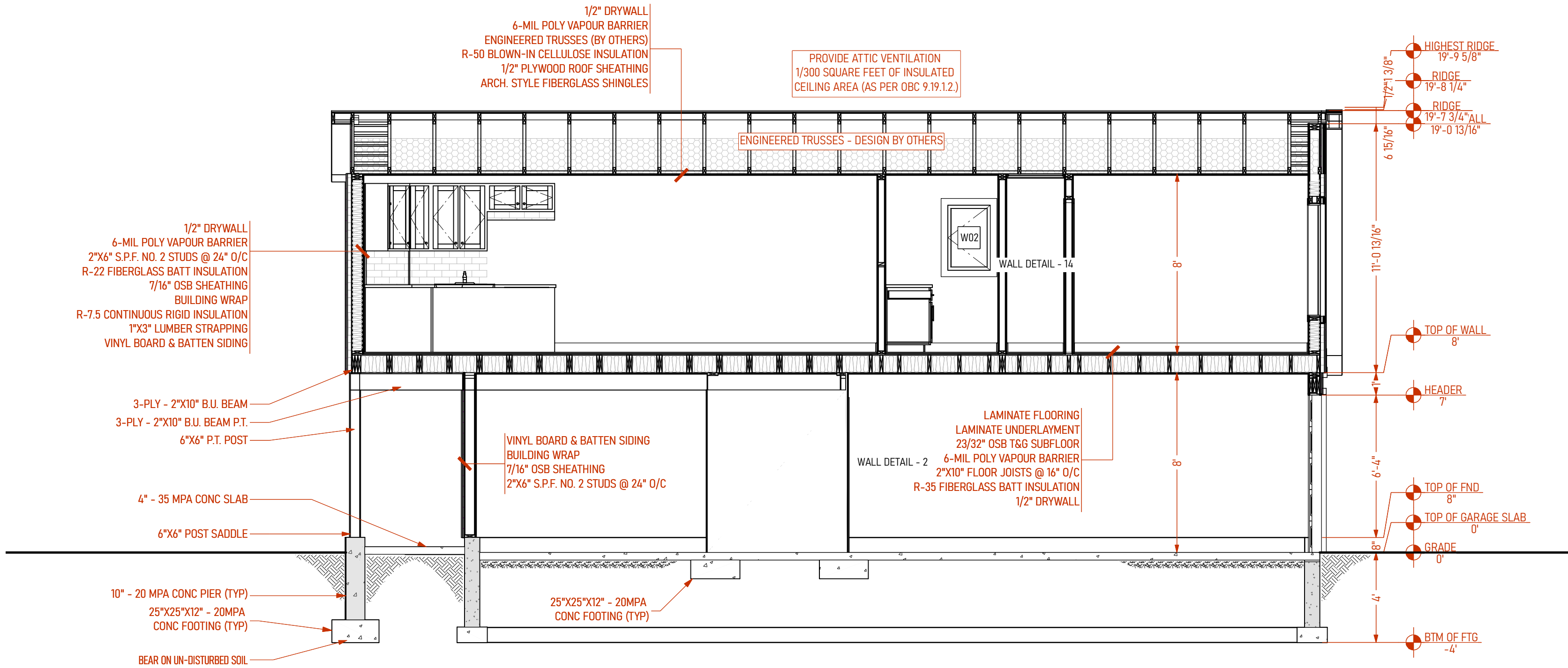
SHEET SIZE - ARCH C - 18" X 24"



E4

WEST/RIGHT ELEVATION

SCALE: 1/4 IN = 1 FT



S1

CROSS SECTION 1

SCALE: 1/4 IN = 1 FT

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
DUSTIN PORTER, C.E.T.

DESIGNER NAME



SIGNATURE / STAMP

46915

DESIGNER BORN

REGISTRATION INFORMATION
816028 ONTARIO LTD.

FIRM NAME

105277

FIRM BORN

REVISIONS
NO. DESCRIPTION DATE

32 SOUTH CRES. PORT COLBORNE, ONTARIO
GARAGE - ACCESSORY DWELLING UNIT
ERIN & GRAHAM HART

PROJECT NO. 025-0323-GADU

AUGUST 20, 2023

DATE

1/4" = 1'-0"

SCALE

ELEV.4 & CROSS SECTION 1

SHEET NAME

SHEET NO.

A.7

SHEET SIZE - ARCH C - 18" X 24"

STAIR AND RAILING NOTES

1. RISE, RUN & TREADS AS PER "OBC 9.8.4.2. DIMENSIONS FOR RECTANGULAR RUNS AND TREADS", AS FOLLOWS;

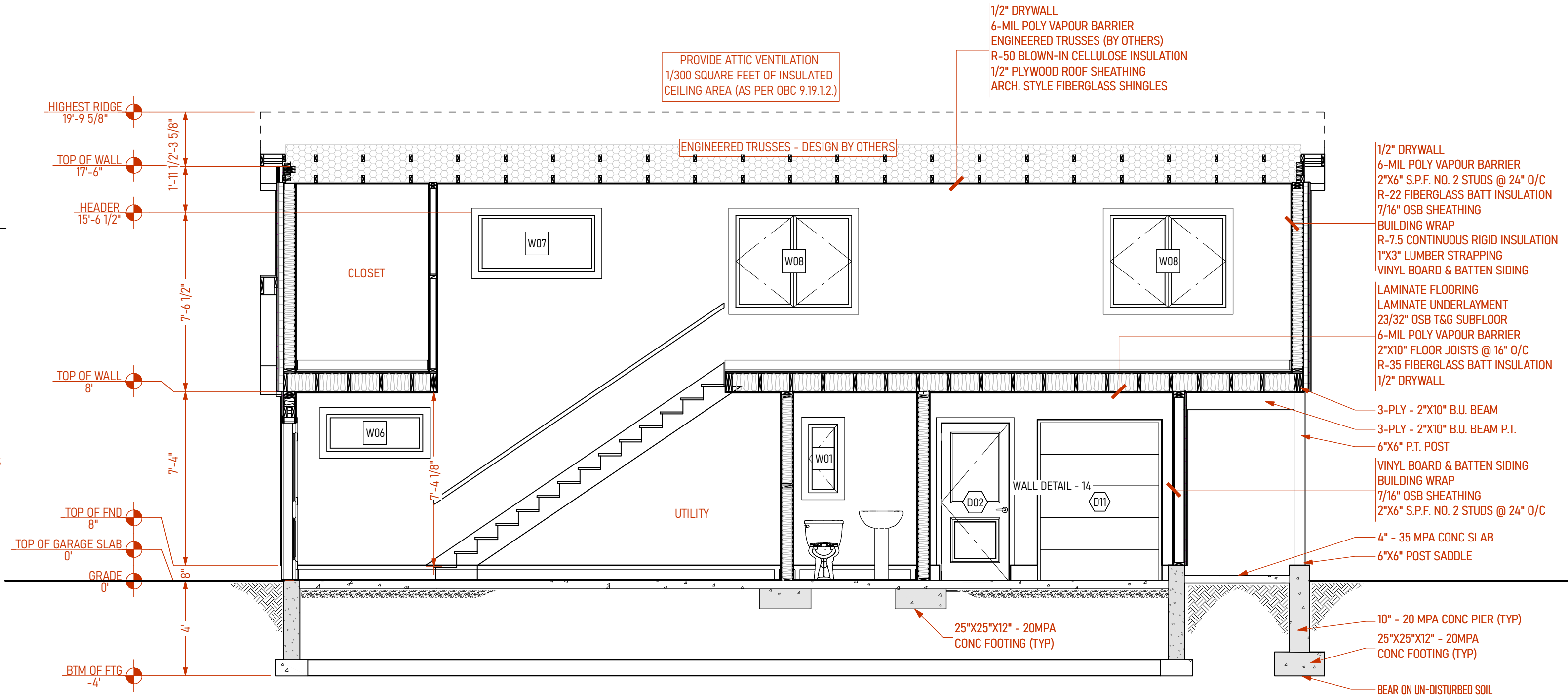
MAX RISE = 7 7/8" (200 mm)
MIN RISE = 4 15/16" (125 mm)

MAX RUN = 14" (355 mm)
MIN RUN = 8 1/4" (210 mm)

MAX TREAD = 14" (355 mm)
MIN TREAD = 9 1/4" (235 mm)

2. NOSING NOT TO EXCEED 1" (25 mm)

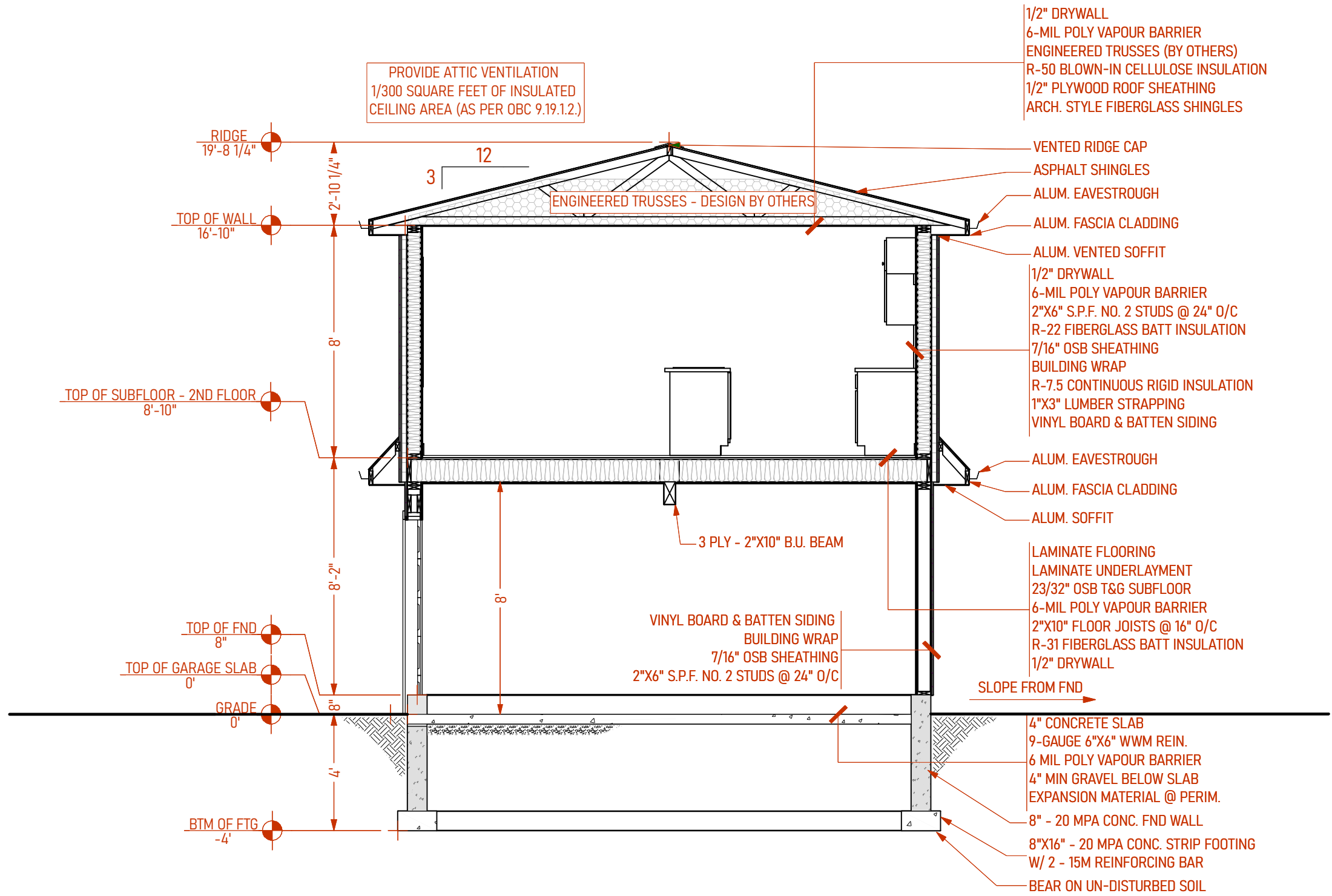
3. RAILING/GUARDS TO MEET "OBC 9.8." &, SB-7 - GUARDS FOR HOUSING AND SMALL BUILDINGS"



S2

CROSS SECTION 2

SCALE: 1/4 IN = 1 FT



S3

CROSS SECTION 3

SCALE: 1/4 IN = 1 FT

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QUALIFICATION INFORMATION
DUSTIN PORTER, C.E.T.

DESIGNER NAME



SIGNATURE / STAMP

46915

DESIGNER BORN

REGISTRATION INFORMATION
816028 ONTARIO LTD.

FIRM NAME

105277

FIRM BORN

REVISIONS

NO. DESCRIPTION DATE

32 SOUTH CRES, PORT COLBORNE, ONTARIO

GARAGE - ACCESSORY DWELLING UNIT

ERIN & GRAHAM HART

PROJECT NO. 025-0323-GADU

AUGUST 20, 2023

DATE

1/4" = 1'-0"

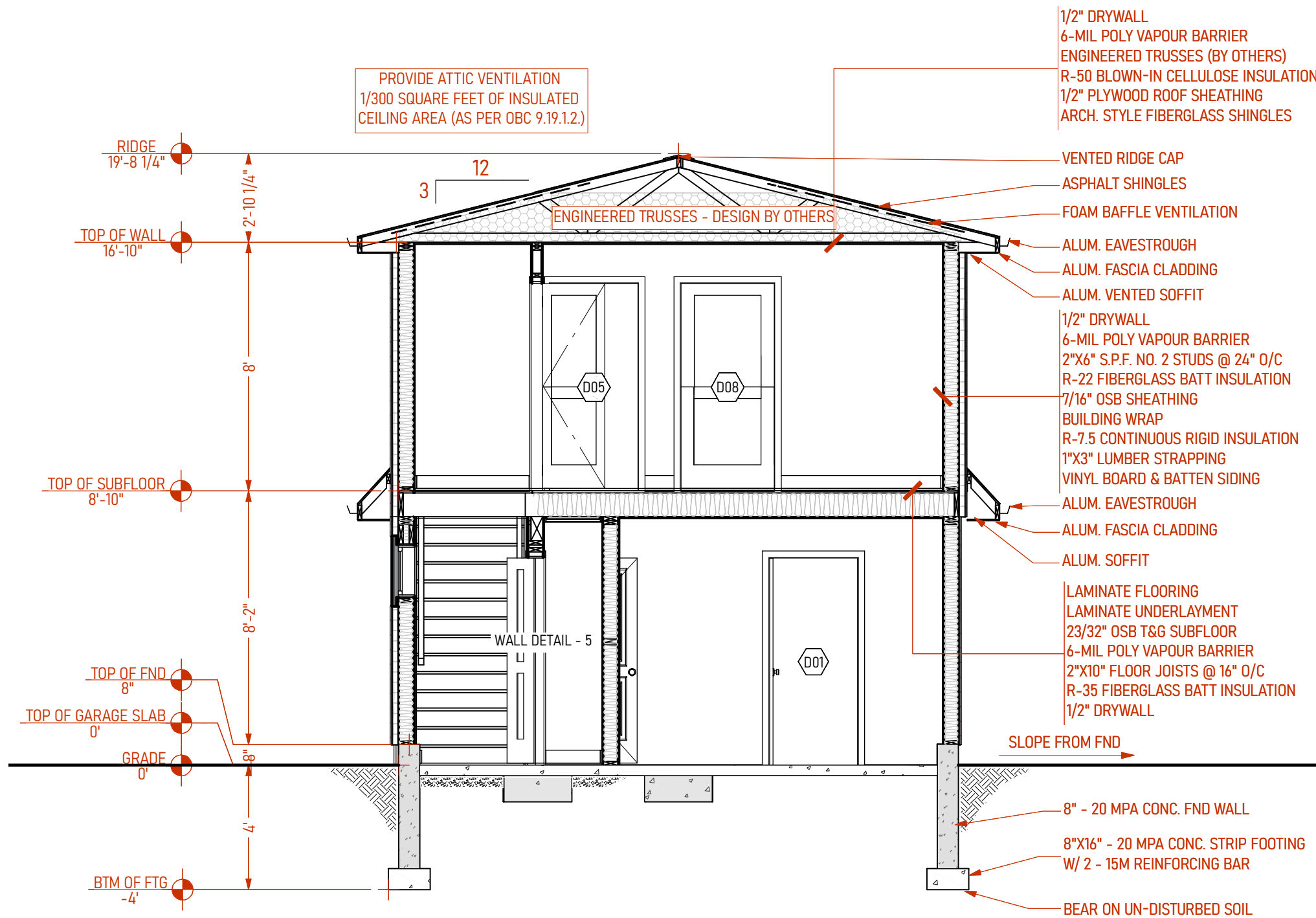
SCALE

CROSS SECTIONS 2, 3 & 4

SHEET NAME

SHEET NO.

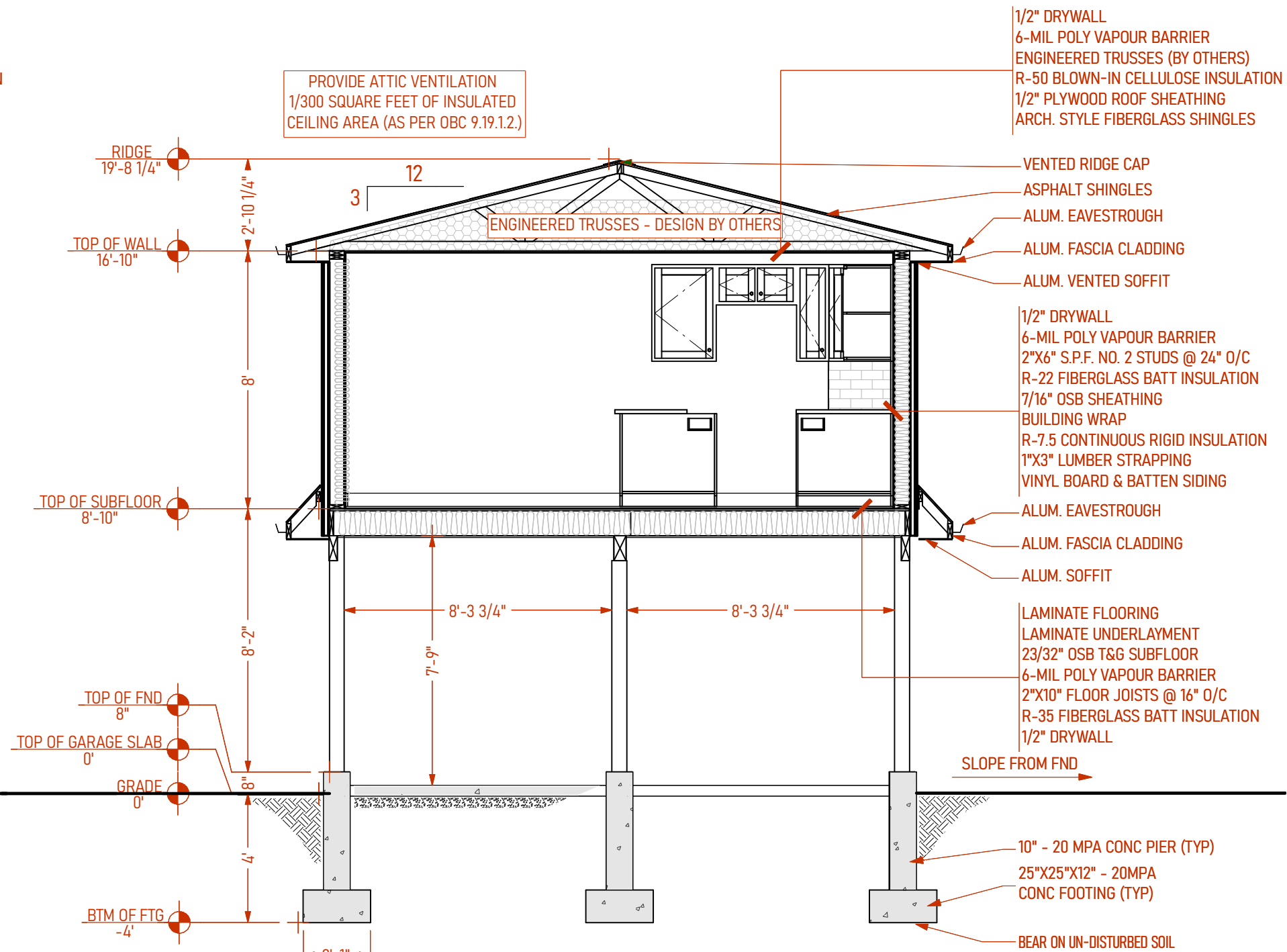
A.8



S5

CROSS SECTION 5

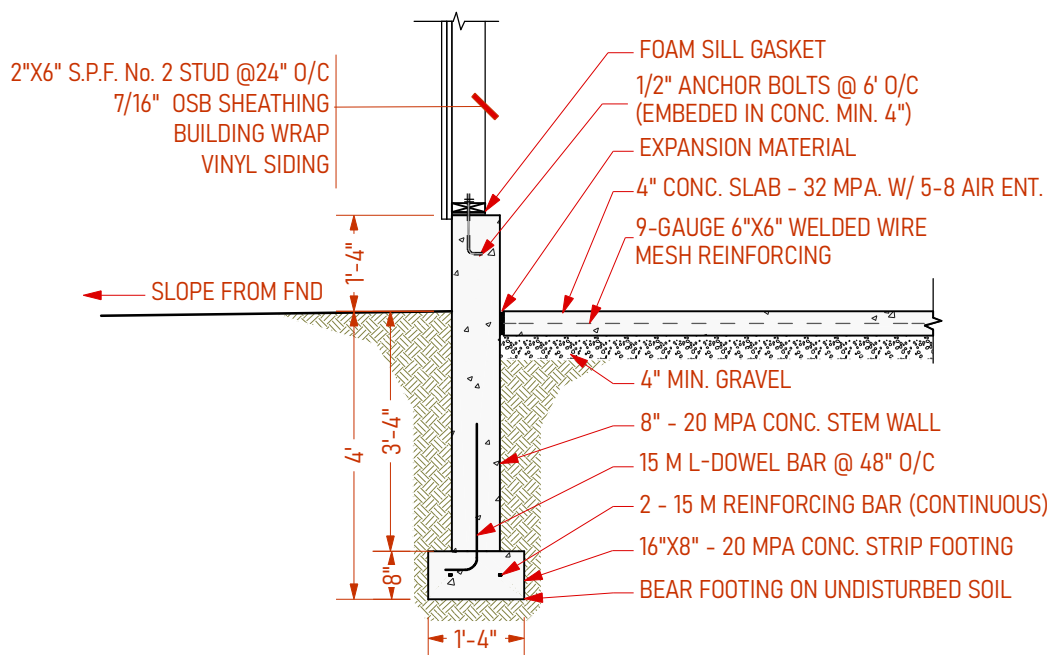
SCALE: 1/4 IN = 1 FT



S4

CROSS SECTION 4

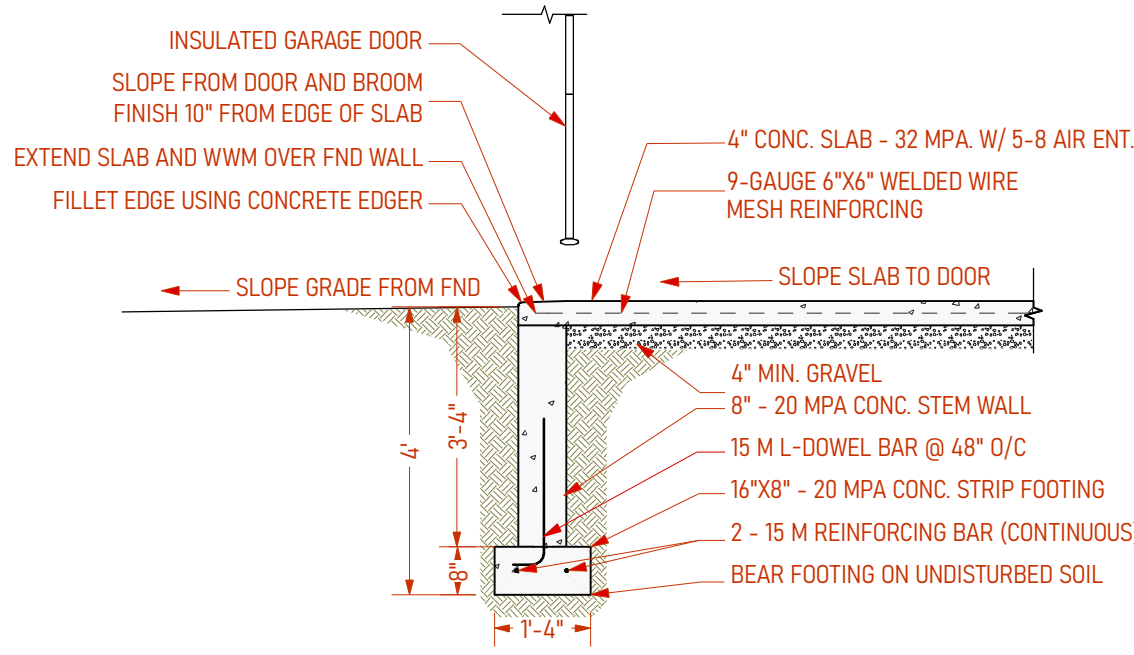
SCALE: 1/4 IN = 1 FT



D1

48" DEPTH CONC. FOOTING AND FND WALL

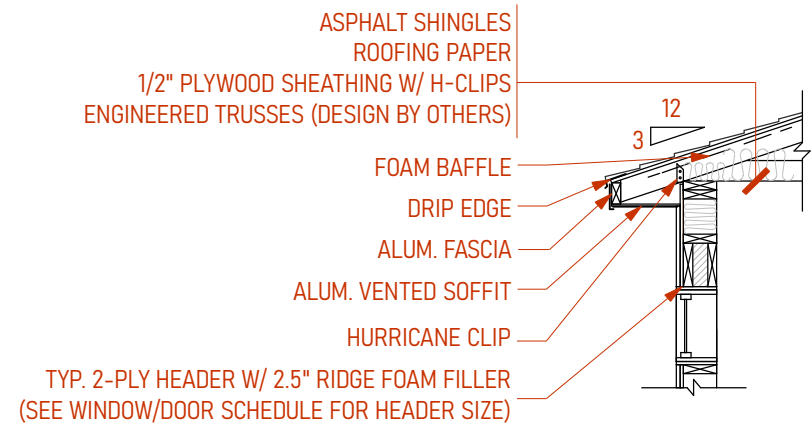
SCALE: 3/8 in = 1 ft



D2

48" DEPTH CONC. FOOTING AND FND - GARAGE DOOR

SCALE: 3/8 in = 1 ft



D3

EAVES & HEADER TYPICAL DETAIL (2"x6" STUD)

SCALE: 3/8 in = 1 ft

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
DUSTIN PORTER, C.E.T.

DESIGNER NAME



SIGNATURE / STAMP

46915

DESIGNER BORN

REGISTRATION INFORMATION
816028 ONTARIO LTD.

FIRM NAME

105277

FIRM BORN

REVISIONS
NO. DESCRIPTION DATE

NO.	DESCRIPTION	DATE

DATE
AUGUST 20, 2023

AS NOTED

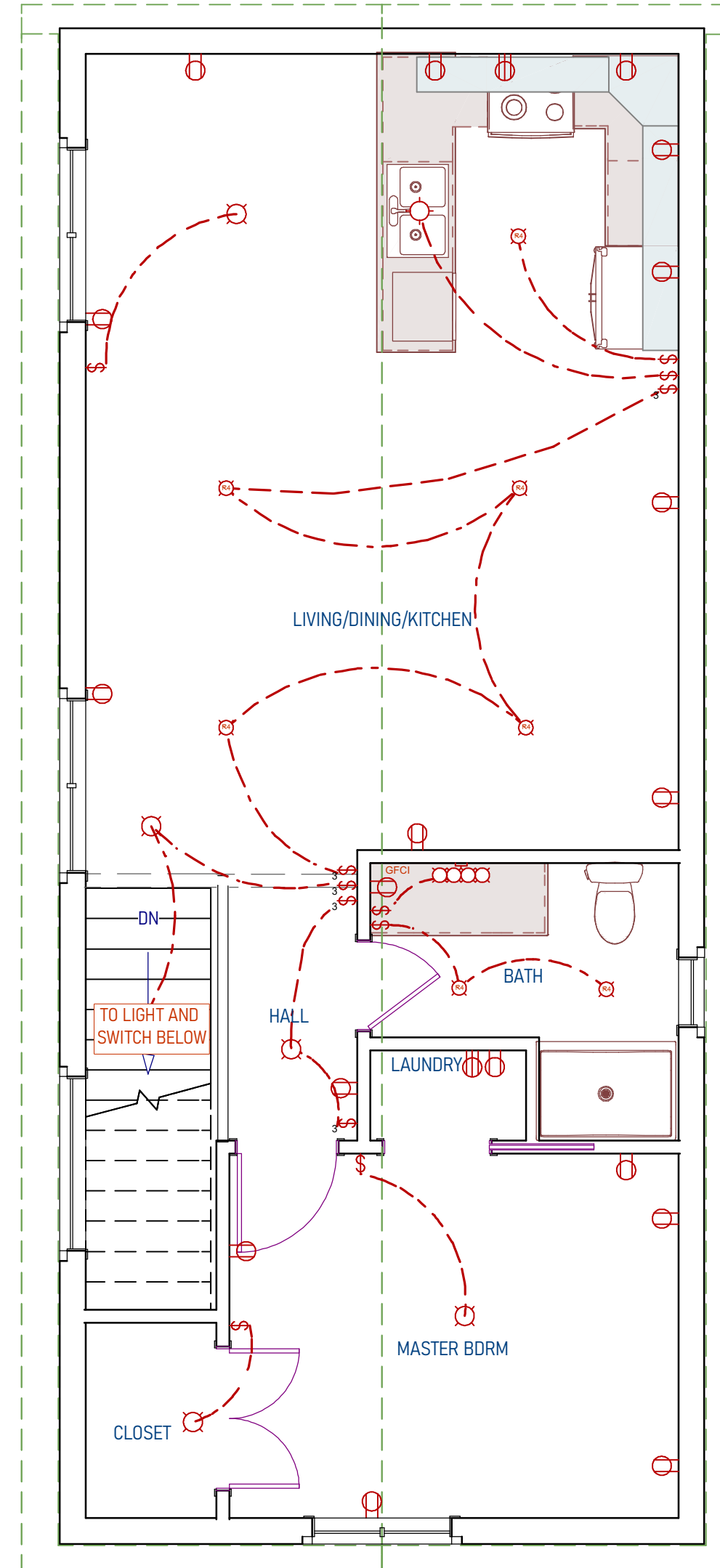
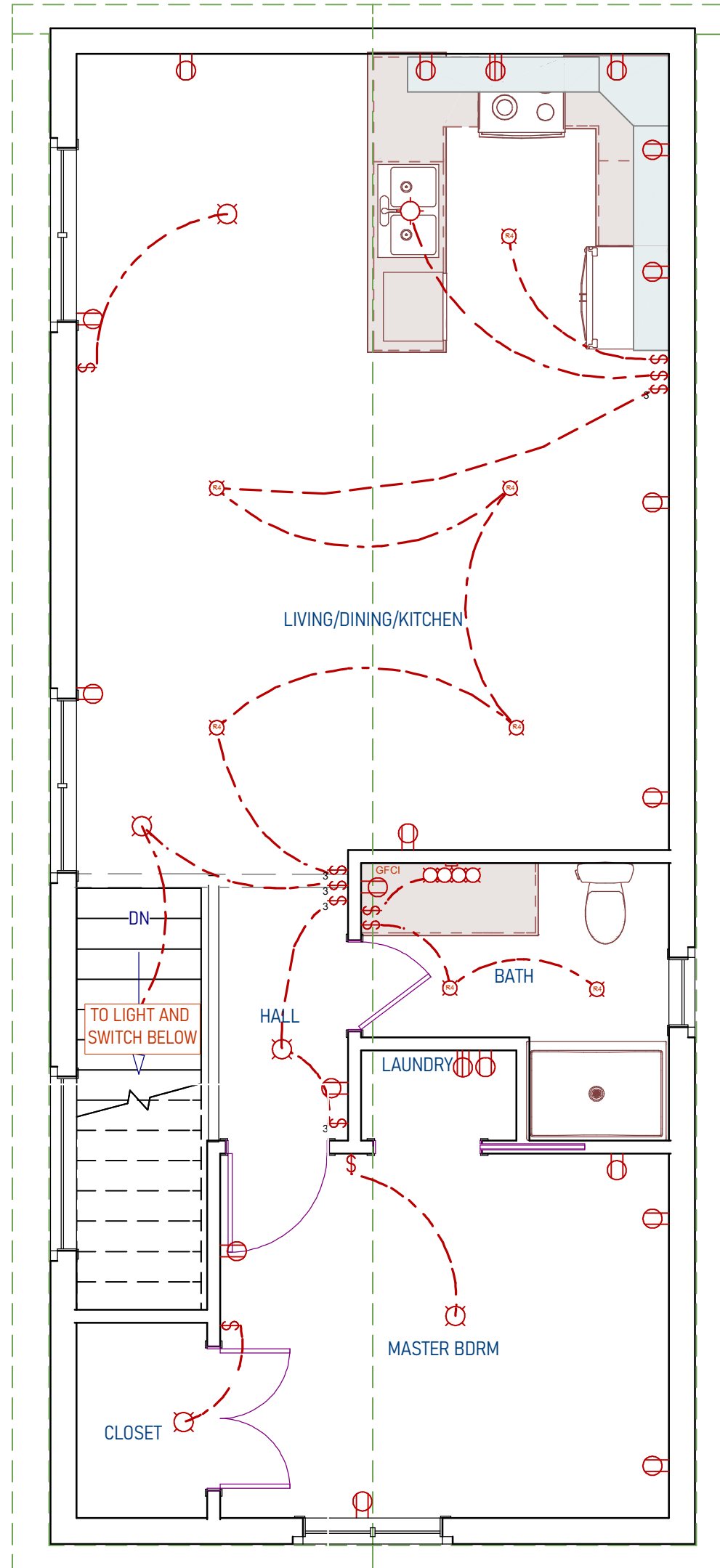
SCALE

CROSS SECTIONS NO.3 & DETAILS

SHEET NAME

ELECTRICAL NOTES

- | ELECTRICAL - DATA - AUDIO LEGEND | |
|----------------------------------|---|
| SYMBOL | DESCRIPTION |
| | CEILING FAN |
| | VENTILATION FANS: CEILING MOUNTED, WALL MOUNTED |
| | CEILING MOUNTED LIGHT FIXTURES: SURFACE/PENDANT, RECESSED, HEAT LAMP, LOW VOLTAGE |
| | WALL MOUNTED LIGHT FIXTURES: FLUSH MOUNTED, WALL SCNCE |
| | CHANDELIER LIGHT FIXTURE |
| | FLUORESCENT LIGHT FIXTURE |
| | 240V RECEPTACLE |
| | 110V RECEPTACLES: DUPLEX, WEATHER PROOF, GFCI |
| | SWITCHES: SINGLE POLE, WEATHER PROOF, 3-WAY, 4-WAY |
| | SWITCHES: DIMMER, TIMER |
| | AUDIO VIDEO: CONTROL PANEL, SWITCH |
| | SPEAKERS: CEILING MOUNTED, WALL MOUNTED |
| | WALL JACKS: CAT5, CAT5 + TV, TV/CABLE |
| | TELEPHONE JACK |
| | INTERCOM |
| | THERMOSTAT |
| | DOOR CHIME, DOOR BELL BUTTON |
| | SMOKE DETECTORS: CEILING MOUNTED, WALL MOUNTED |
| | ELECTRICAL BREAKER PANEL |



Energy Efficiency Design Summary: Prescriptive Method

This form is used by a designer to demonstrate that the energy efficiency design of a house complies with the building code using the prescriptive method described in Subsection 3.1.1. of SB-12. This form is applicable where the ratio of gross area of windows/skylights/glassing in doors and sliding glass doors to the gross area of peripheral walls is not more than 22%.

Application No:

For use by Principal Authority
Model Certification Number

A. Project Information

Building number, street name

32 South Crescent

Unit number

Lot/Con.

Municipality

Port Colborne

Postal code

L3K 2X9

Plan number/ other description

Plan 55 Lot 89 NP814

B. Prescriptive Compliance

SB-12 Prescriptive (input design package): Package: C4

Table: 3.1.1.2.C (IP)

C. Project Design Conditions

Climatic Zone (SB-2):

Zone 1 (< 5000 degree days)

Zone 2 (≥ 5000 degree days)

Heating Equipment Efficiency

Space Heating Fuel Source

Ratio of Windows, Skylights & Glass (W, S & G) to Wall Area

Other Building Characteristics

Area of walls = m² or 992 ft²

Area of W, S & G = m² or 97 ft²

D. Building Specifications

Energy Efficiency Substitutions

Airtightness test required (Refer to Design Guide Attached)

Permitted Substitution:

Building Component	Minimum RSI / R values or Maximum U-Value ⁽¹⁾	Building Component	Efficiency Ratings
Thermal Insulation	Nominal Effective	Windows & Doors	Provide U-Value ⁽¹⁾ or ER rating
Ceiling with Attic Space	50	Windows/Sliding Glass Doors	.28 er25
Ceiling without Attic Space	31	Skylights/Glazed Roofs	.49
Exposed Floor	35	Mechanicals	
Walls Above Grade	22+7.5 ci	Heating Equip (AFUE)	
Basement Walls	20 ci	HRV Efficiency (SRE% at 0°C)	55%
Slab (all >600mm below grade)	-	DHW Heater (EF)	
Slab (edge only <600mm below grade)	10	DWHR (CSA B55.1 (min. 42% efficiency))	
Slab (all <600mm below grade, or heated)	10	Combined Heating System	

E. Designer(s)

Qualified Designer

Declaration of designer to have reviewed and take responsibility for the design work.

Name

Dustin Porter

BCIN

46915/105277

Signature

Form authorized by OSHA, CBCA, UACBO, UACBO, Revised December 1, 2016.

wrightsoft

Load Short Form

Entire House

Gazzola HVAC Design & Consulting Inc

Cert.#: 251(RHLG, RASD)

1133 Havel Street, Fonthill, On L8S 1E2 Phone: 905.892.2999 Email: gazzola.hvac@gmail.com License: 27452 / 104884

Job: 24-410

Date: September 05, 2024

By:

Project Information

For: 32 South Crescent, Port Colborne, ON

Design Information	Heating Equipment	Cooling Equipment
Outside db (°F)	5	86
Inside db (°F)	72	75
Design TD (°F)	67	11
Daily range	-	L
Inside humidity (%)	30	50
Moisture difference (gr/lb)	29	47

ROOM NAME	Area (ft²)	Htg load (Btu/h)	Cig load (Btu/h)	Htg AVF (cfm)	Cig AVF (cfm)
WR2 Primary	52	0	0	0	0
Laundry	152	3046	2693	103	269
WR	27	0	0	0	0
Stairs	15	0	0	0	0
Kitchen, GR, Din	63	0	0	0	0
Stairs.	54	0	0	0	0
	452	6387	3308	216	331
	89	8331	0	281	0

wrightsoft

Right-Soft® Universal 2023 23.0.05 RSU16290

...plember32 South Crescent32 South Crescent.up Calc = F280-12 Front Door faces: W

2024-Sep-13 10:27:51

Page 1

M.1

DATE: AUGUST 20, 2023

AS NOTED

SCALE: HVAC DESIGN

32 SOUTH CRES, PORT COLBORNE, ONTARIO
GARAGE - ACCESSORY DWELLING UNIT
ERIN & GRAHAM HART
PROJECT NO. 025-0323-GADU

Reset Form

Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

A. Project Information

Building number, street name

32 South Crescent

Unit no.

Lot/con.

Municipality

Port Colborne

Postal code

Plan number/ other description

B. Individual who reviews and takes responsibility for design activities

Name

Dan Gazzola

Firm

Gazzola HVAC Design & Consulting Inc.

Street address

29 Pancake Lane

Unit no.

Unit no.

Municipality

Fonthill

Postal code

L8S 1E2

Province

ON

Telephone number

905 1892 2999

E-mail

gazzola.hvac@gmail.com

Fax number

Cell number

905 1892 2999

C. Design activities undertaken by individual identified in Section B. [Building Code Table 3.5.2.1. of Division C]

☐ House

☒ HVAC – House

☐ Building Structural

☐ Small Buildings

☐ Building Services

☐ Plumbing – House

☐ Large Buildings

☐ Detection, Lighting and Power

☐ Plumbing – All Buildings

☐ Complex Buildings

☐ Fire Protection

☐ On-site Sewage Systems

Description of designer's work

heat loss / heat gain

ventilation design

D. Declaration of Designer

I, Dan Gazzola (print name)

declare that (choose one as appropriate):

☒ I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4. of Division C, of the Building Code, am qualified, and the firm is registered, in the appropriate classes/categories.

Individual BCIN: 27452

Firm BCIN: 104884

☐ I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under subsection 3.2.5 of Division C, of the Building Code.

Individual BCIN:

Basis for exemption from registration:

☐ The design work is exempt from the registration and qualification requirements of the Building Code.

Basis for exemption from registration and qualification:

I certify that:

1. The information contained in this schedule is true to the best of my knowledge.

2. I have submitted this application with the knowledge and consent of the firm.

September 09, 2024

Date

Signature of Designer

Dan Gazzola

NOTE:

- For the purposes of this form, "individual" means the "person" referred to in Clause 3.2.4.7(1)d) of Division C, Article 3.2.5.1. of Division C, and all other persons who are exempt from qualification under Subsections 3.2.4. and 3.2.5. of Division C.
- Schedule 1 is not required to be completed by a holder of a license, temporary license, or a certificate of practice, issued by the Ontario Association of Architects. Schedule 1 is also not required to be completed by a holder of a license to practise, a limited license to practise, or a certificate of authorization, issued by the Association of Professional Engineers of Ontario.

Application for a Permit to Construct or Demolish – Effective January 1, 2011

Print

Entire House	d	904	17763	6001	600	600
Other equip loads			0	0		
Equip. @ 1.00	RSM			6001		
Latent cooling				1800		
TOTALS		904	17763	7801	600	600

NO.	DESCRIPTION	DATE
-----	-------------	------



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

For Office Use Only

Date Received: _____

Date of Completion: _____

RECEIVED

FEB 04 2025

Application Complete: ☐ Yes ☐ No

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

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

2024 APPLICATION FEES

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

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

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

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

DRAWING REQUIREMENTS

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

To be considered complete, each sketch must identify:

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: 	Date: 2024/11/10	Initials: DP

**PORT COLBORNE**

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Graham Jeffery Hart & Erin Leigh Menard	
Mailing Address: 32 South Cresent	
City: Port Colborne	Province: Ontario
Postal Code: L3K 2X9	Telephone: 289-213-2759
Fax:	Email:
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: Dustin Porter	
Mailing Address: 59 Fallingbrook Drive	
City: Fonthill	Province: Ontario
Postal Code: L0S 1E1	Telephone: 289-687-0501
Fax:	Email: Dustin@PorterConstruction.ca
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.5 All communications should be sent to the:	
☐ Owner ☐ Solicitor ☒ Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Port Colborne PLAN 55 LOT 89 NP814	
Concession No.	Lot(s):
Registered Plan No. 55	Lot(s): 89
Reference Plan No.	Part(s):
Name of Street: South Cres.	Street No. 32

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 15.2 m / 50 ft	Depth: 41.5 m / 136 ft	Area: 631.7 m ² / 6800 ft ²
Existing Use: Residential		
Proposed Use: Residential		
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: Urban Area		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
R1 - First Density Residential		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
October 18, 2018	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
☐ Yes	If "Yes" describe the easement or covenant and its effect:
☒ 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.	
HART, GRAHAM JEFFERY & MENARD, ERIN LEIGH	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
Existing House and Garage built in 1955	
4.5 Type of ACCESS	
☐ Provincial Highway	☐ Municipal Road maintained seasonally
☐ Regional Road	☐ Right-of-Way
☒ Municipal Road maintained all year	☐ Water Access
☐ Other Public Road	☐ Private Road
4.6 What type of WATER SUPPLY is proposed?	
☒ Publicly owned and operated piped water supply	
☐ Lake	
☐ Well (private or communal)	
☐ Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
☒ Publicly owned and operated sanitary sewage system	
☐ Septic system (private or communal)	
☐ Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
☒ Publicly owned and operated stormwater system	
☐ Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
☐ Yes ☒ 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:

In accordance with, 2.8.2 Lot Coverage – a) For a lot with municipal sanitary sewers and municipal water services the total accessory lot coverage shall not exceed 10% of the lot area of the said lot, excluding swimming pools.

631.7 m2

The building lot area is 6800 ft² (620.6 m²) and the proposed Accessory Dwelling Unit lot coverage is 774 ft² (71.9 m²) which equals 11.23% lot coverage. We are requesting relief to the ADU lot coverage to allow for an additional 4.23% (11.23% Total)

1.38% (11.38% Total)

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

In order to provide an adequate living area and utilize an inside staircase for the tenants. The interior staircase is required for the safety of the Owner's senior Parents/Inlaws (the Tenants) during winter conditions. With the area lost by the Stairwell and the 1.23 % lot coverage deducted would not provided sufficient area for 2 tenants.

The Gross Floor Area is 718.92 ft² – Stairwell, 60 ft² – Lot Coverage, 94 ft² = 564.92 ft² total living area for the ADU.

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☐ Industrial☐ Commercial☐ Institutional☐ Agricultural☐ Parkland☐ Vacant

☐ Other (specify):

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

70 years -+

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

☒ Yes☐ No

If Yes, briefly describe and indicate their use. Existing Residential Dwelling and Garage Accessory Building serving the dwelling (garage to be removed)

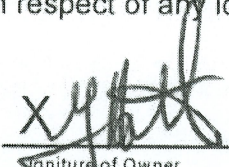
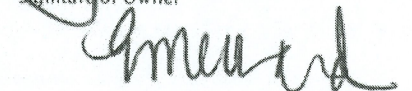
8.4 Are any of these buildings designated under the Ontario Heritage Act?		
☐ Yes	☒ No	☐ Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
☐ Yes	☒ No	☐ Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
☐ Yes	☒ No	☐ Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
☐ Yes	☒ No	☐ Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
☐ Yes	☒ No	☐ Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
☐ Yes	☒ No	☐ Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
☐ Yes	☒ No	☐ 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?		
☐ Yes	☒ No	☐ 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)?		
☐ Yes	☒ No	☐ 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?		
☐ Yes	☒ No	☐ 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?*		
☐ Yes	☒ No	☐ Unknown
If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land. *Possible uses that can cause contamination include operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities, and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry-cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.		

ACKNOWLEDGMENT CLAUSE

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

X NOV 22/24

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"?		
☐ Yes	☒ No	☐ Unknown
9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?		
☐ Yes	☒ No	☐ Unknown
9.3 Is the property located on or within 30 metres of the Lake Erie shoreline?		
☐ Yes	☒ No	☐ Unknown
9.4 Is there a valley slope on the property?		
☐ Yes	☒ No	☐ Unknown
9.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?		
☐ Yes	☒ No	☐ Unknown
9.6 Is the property on a Regional Road?		
☐ Yes	☒ No	☐ Unknown

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Nov 22, 2024
Date

X [Signature]
Signature of Applicant(s)

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

I/We DUSTIN PORTER
Of the City/Town/Township of Fonthill
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 4th day of February
20 25.

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

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

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

POSTING OF PUBLIC HEARING SIGN

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

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

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

I/We Dustin Porter 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



Dustin Porter, C.E.T.
Ontario Professional Engineer
No. 91923 Ont. E.G.
Email: Dustin@PorterConstruction.ca
2024.11.18 20:45:37 -0500

Signature of Owner/Agent

X

2024/11/18

Date

X

Signature of Owner/Agent

X

Date

PERMISSION TO ENTER

I/We Graham Jeffery Hart & Erin Leigh Menard 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).

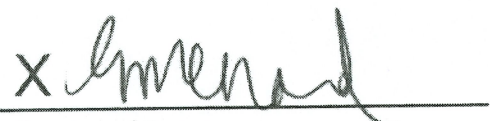
Please note that the Committee should not be contacted by members of the public. Any comments, questions or concerns should be addressed through the Planning Division.

X 

Signature of Owner

X NOV 22/24

Date

X 

Signature of Owner

X NOV 22/24

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.

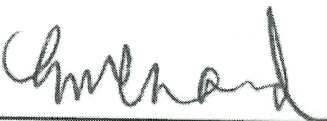
Please Note: If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

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 Graham Jeffery Hart & Erin Leigh Menard 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 NOV 22/24
Date

X 
Signature of Owner

X NOV 22/24
Date

X 
Signature of Agent

Dustin Porter, C.E.T.
on=Dustin Porter, C.E.T., c=CA,
e=816028-Dnt, Ltd.,
mailto=Dustin@PorterConstruction.ca
2024.11.18 22:45:53 -0500

X 2024/11/18
Date

SUGGESTION TO THE APPLICANT

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

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

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



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Minor Variance Application File No. A10-25-PC

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 11.3 (g), Section 2.8.2 (b), and Section 2.8.1 (a) (ii), of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

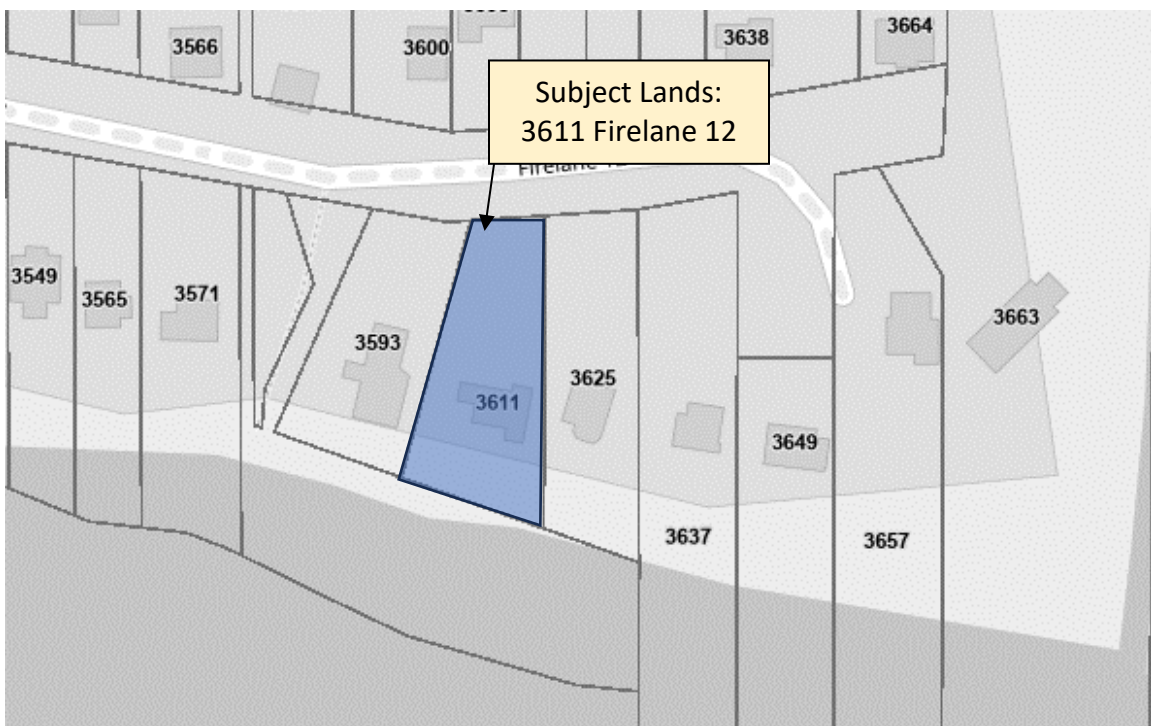
AND IN THE MATTER OF the lands legally known as Lot 38 on Plan 52, New Plan 811, in the City of Port Colborne, located in the Lakeshore Residential (LR) zone, municipally known as 3611 Firelane 12;

AND IN THE MATTER OF AN APPLICATION by the agent, Craig Esposti, on behalf of the owner, Danny Leon, 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 new accessory residential dwelling, notwithstanding the following:

1. That the maximum residential lot coverage of 19.7% be permitted, whereas a maximum lot coverage of 15% is required;
2. That a maximum accessory lot coverage of 5.9% be permitted, whereas a maximum lot coverage of 5% is required;
3. That a maximum height of 7.2m be permitted, whereas a maximum height of 6m is required;

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to create a new house and accessory structure with increased lot coverage and height, 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: May 14, 2025

Time: 6:00 p.m.

Location: 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, May 9, 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, May 13, 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.

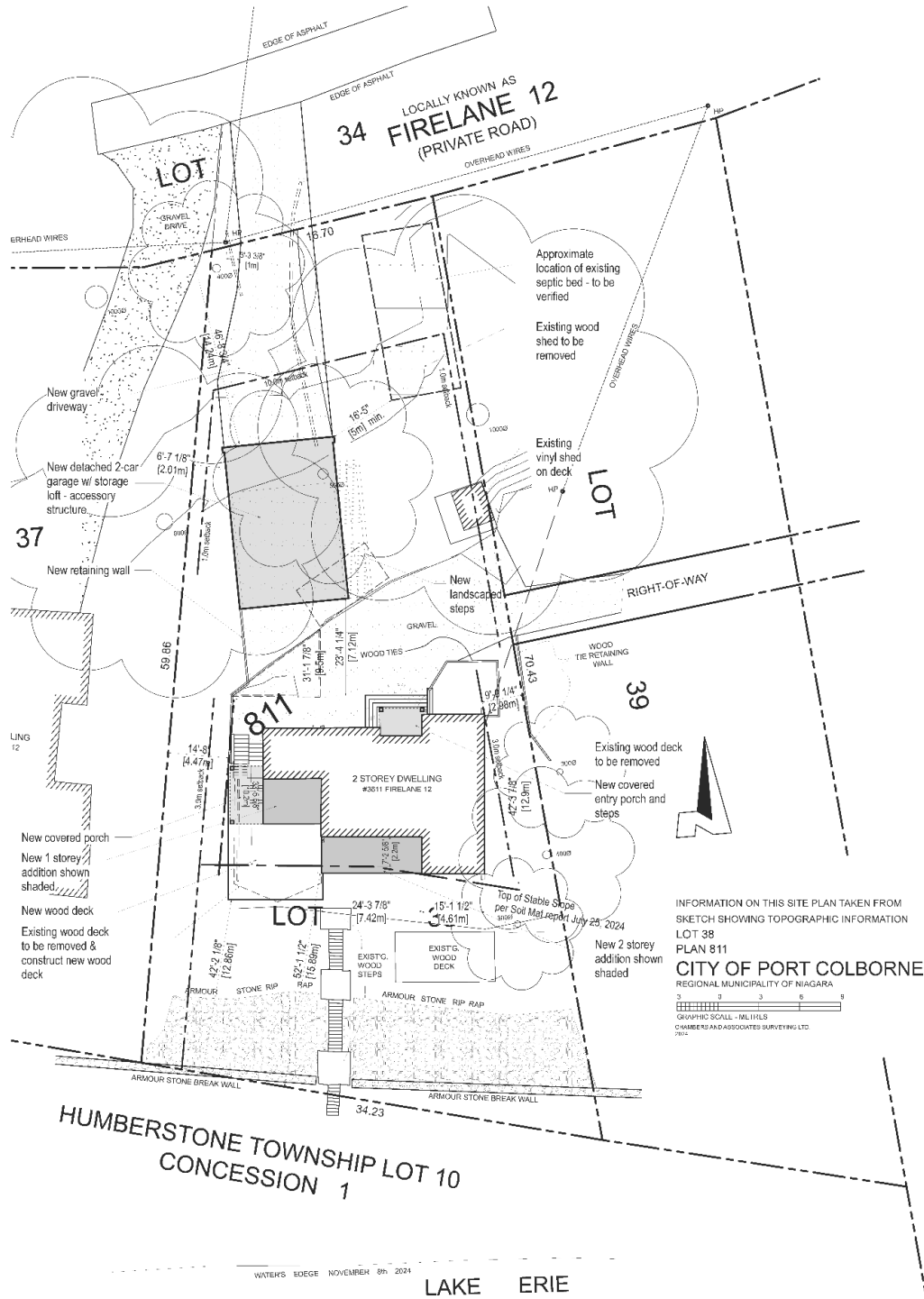
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba
Secretary-Treasurer

Date of Mailing: April 29, 2025

SKETCH



Development and Government Relations

Planning Division Report

May 9, 2025

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

Re: Application for Minor Variance A10-25-PC
Lot 38 on Plan 52, New Plan 811
3611 Firelane 12
Owner: Danny Leon
Agent: Craig Esposti, Willmott and Strickland Inc.

Proposal

The purpose of this minor variance application is to facilitate the construction of an addition to an existing residential dwelling and the construction of a new accessory building, as depicted in the sketch attached as Appendix A. This application requests:

Variance 1

That a maximum lot coverage of 19.65% be permitted, whereas a maximum lot coverage of 15% is permitted.

Variance 2

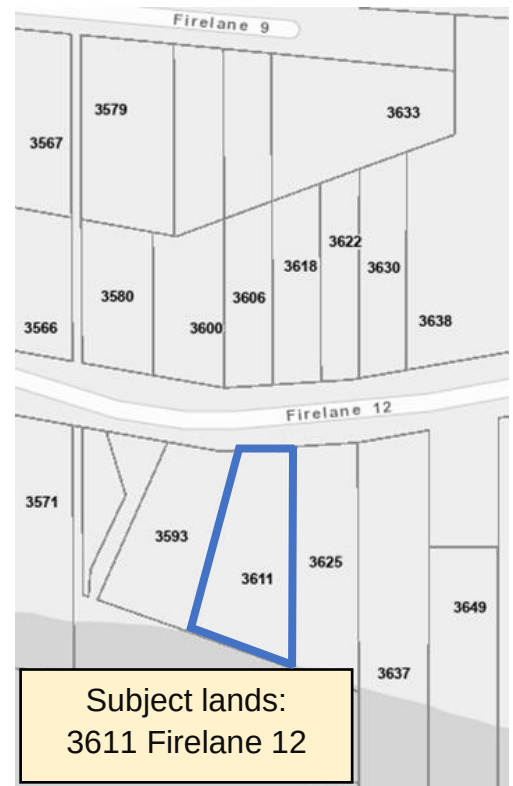
That a maximum accessory lot coverage of 5.93% be permitted, whereas a maximum accessory lot coverage of 5% is permitted.

Variance 3

That a minimum interior side yard setback of 2.9 metres be permitted, whereas a minimum interior side yard setback of 3 metres is permitted in the Lakeshore Residential (LR) zone.

Variance 4

Requesting that an accessory building height of 7.15 metres be permitted whereas a maximum accessory building of 6 metres is permitted.



Surrounding Land Uses and Zoning

The subject lands are in the Lakeshore Residential (LR) zone with a Hazard (H) overlay. The parcels surrounding the subject lands are zoned LR with an H overlay to the east and west, and Rural Residential (RR) with an Environmental Conservation (EC) overlay to the north. The surrounding uses consist of detached dwellings to the north, east, and west; Lake Erie abuts the subject lands to the south.

Environmentally Sensitive Areas

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Lake Erie, a Key Hydrologic Feature (KHF), and its Shoreline Area, as well as potential Other Woodlands. The property also contains features regulated by the Niagara Peninsula Conservation Authority (NPCA), including a back-dune feature on the northern portion of the property, and the Lake Erie Shoreline, along with its associated regulatory hazards, to the south of the property. 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 May 9, 2025.

Public Comments

Notice was circulated on April 29, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of May 9, 2025, no comments from the public have been received.

Agency Comments

Notice of the application was circulated on April 14, 2025, to internal City departments and external agencies. As of May 9, 2025, the following comments have been received.

Drainage Superintendent

The subject property is within the watershed of the Bearss Drain, but there are no objections to the proposed development.

Fire Department

Port Colborne Fire has no objections to this minor variance application.

Engineering Division

Development Engineering has no comments on this minor variance application.

Please note: Based on the reviewed site plan, a grading plan is not required at the time of building permit application. However, it remains the applicant's responsibility to ensure that adjacent properties are not adversely affected by improper drainage.

Niagara Region

The property is mapped as an area of archaeological potential in Schedule K of the NOP. Given the proposed development and site alteration, a Stage 1-2 Archaeological Assessment is required, prepared by a licensed archaeologist, as well as the Ministry's acknowledgement letter of receiving the report.

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Lake Erie and its Shoreline Area, and potential Other Woodland. Lake Erie is considered a Key Hydrologic Feature (KHF).

Due to the scope, nature and location of the proposed garage, a Tree Preservation Plan (TPP) will be required, to indicate any trees that need to be removed to allow for the construction of the garage, and appropriate mitigation measures to protect adjacent trees.

The TPP must be prepared in accordance with Region's Woodland Conservation By-law (By-law 20-79). If any trees are planned for removal, they should be compensated for by planting native species that complement that existing vegetation communities.

There is potential for sensitive habitat in the vicinity, including a Species at Risk (SAR) habitat, so the applicant is encouraged to contact the Ministry of Environment, Conservation and Parks to do their due diligence regarding their responsibilities under the *Endangered Species Act*.

A private sewage system inspection and review is required, as it appears a bedroom and living space are proposed to be added. A septic design will likely be needed as it is unlikely the existing septic system can accommodate the increased capacity. A septic permit will likely be required prior to a building permit being issued.

Note: Full Regional comments are included in the Committee of Adjustment agenda package dated May 9, 2025.

Staff Response

To facilitate the proposed development, a Stage 1-2 Archaeological Assessment and a Tree Preservation Plan must be completed, and a private sewage system inspection and potential redesign must be completed to accommodate the proposed new bedroom.

Note: Regional Planning staff provided their comments on this application on February 20, 2025, to assist City Planning staff in preparing this recommendation report.

As of March 31, 2025, the Niagara Region has become an upper-tier municipality without planning responsibilities under the Planning Act. As the 2022 Niagara Official Plan (NOP) is an official plan of an upper-tier municipality without planning responsibilities, section 70.13 (2) of the Planning Act provides that the NOP has been "deemed to constitute an official plan of the lower-tier municipality" and "remain in effect until the lower-tier

municipality revokes it or amends it to provide otherwise.” As of April 1, 2025, the City of Port Colborne is now responsible for administering both the NOP and the City’s 2013 Official Plan.

The Niagara Region continues to provide planning advice and assistance to the City of Port Colborne on matters related to archaeology, environmental review. The Niagara Region remains the approval authority for septic permitting.

Niagara Peninsula Conservation Authority (NPCA)

The Lake Erie Shoreline forms the southern lot line of this address. Lake Erie's associated regulatory hazards traverse onto the property. There is also a back-dune feature which forms a significant portion of the addresses' northern extent; the regulation distance for this feature must be established by a geotechnical report.

Two separate reports have been produced, for the proposed garage and addition, at this property. Both reports must be circulated on all future Minor Variances for this address.

The NPCA reviewed the Slope Stability Assessment for the proposed cottage addition at 3611 Firelane 12, authored by Soil-Mat Engineers & Consultants LTD., dated July 25, 2024. The NPCA agrees with this report's Stable Top of Slope limit. All development must remain setback landward from the Stable Top of Slope limit.

The proposed addition extends beyond the Stable Slope limit and, thus, is not supported by the NPCA; however, the NPCA could support a revised design which respects the Stable Top of Slope Allowance.

The NPCA recommends deferral of this application until the applicants provide a revised plan that no longer proposes any work beyond Lake Erie's Stable Top of Slope limit.

Note: Full NPCA comments are included in the Committee of Adjustment agenda package dated May 9, 2025.

Staff Response

The proposed addition to the dwelling that the NPCA objects to is at the southernmost building wall of the dwelling, which would extend beyond the stable slope limit. The NPCA recommends deferring the application until they revise their plan to propose works only within the stable top of slope limit.

Planning staff note that the subject property is impacted by the Hazard (H) overlay in the Zoning By-law. Section 35.3 (b) of the Zoning By-law prohibits any uses, buildings, structures, or expansion to existing buildings or structures until a permit for development or site alteration is issued by the NPCA.

NPCA and Planning staff note that the purpose and effect of the proposed minor variances are primarily to facilitate the construction of the garage; however, changes to the siting of the addition to the dwelling on the lot may result in changes to the garage.

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*. All four tests must be met for Planning staff to provide a positive recommendation. The four tests are:

1. Is the variance minor in nature?
2. Is the variance desirable for the appropriate development or use of the land, building, or structure?
3. Does the variance maintain the general intent and purpose of the Zoning By-law?
4. Does the variance maintain the general intent and purpose of the Official Plan?

City Planning staff note that Regional and NPCA Planning comments on this minor variance application have identified additional work for the applicants. As this work has not been completed yet, the application does not maintain the general intent and purpose of the Zoning By-law or Official Plan.

The intent of section 35 of the Zoning By-law, which includes regulations for the Hazard (H) overlay, is to ensure proposed uses, buildings, structures, or expansions to existing buildings or structures, are able to receive a permit for development or site from the NPCA. Since the NPCA has indicated they do not support the current proposal, an NPCA permit could not be received for the proposed development. Until the proposal is revised to satisfy the requirements of the NPCA, the application does not meet the general intent and purpose of the Zoning By-law.

The NOP has been deemed to constitute an official plan of the City of Port Colborne as of April 1, 2025. Section 6.4 of the NOP requires a Stage 1-2 Archaeological Assessment to be completed for lands mapped within Schedule K. Section 3.1 of the NOP requires an Environmental Impact Study for development proposed within 120 metres of a Key Hydrologic Feature and within 50 metres of an Other Woodland; however, Regional staff note that due to the scope, nature, and location of the proposed garage, a Tree Preservation Plan will suffice. Section 5.2.3 of the NOP requires development outside of urban areas to be serviced by sustainable individual on-site sewage services. The Niagara Region remains responsible for issuing permits for individual on-site sewage services, i.e. septic systems; therefore, Regional staff must be satisfied that the proposed private sanitary servicing is appropriate to facilitate the development.

To pass the test that requires this minor variance application to maintain the general intent of not only the Port Colborne Official Plan, but also the NOP, the outstanding archaeological, environmental, and private servicing matters must be satisfactorily addressed. Until these matters are further investigated, the application does not meet the general intent and purpose of the NOP.

An analysis of the remaining two tests follows for each requested variance.

Variance 1: That a maximum lot coverage of 19.65% be permitted, whereas a maximum lot coverage of 15% is permitted.

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 existing lot coverage is 11.2%, which is proposed to increase to 13.29% with the addition to the dwelling. The garage is proposed to be constructed into the dune and set far enough back from the road to help mitigate the impact of the increased lot coverage. The addition to the dwelling is proposed to be constructed primarily towards the Lake Erie shoreline, where only the neighbouring properties to the east and west would see it. There are no anticipated compatibility concerns from neighbouring parcels as the buildings are proposed to reflect other building envelopes of properties in the neighbourhood.

Is the variance 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 for the proposed cottage addition, by Soil-Mat Engineers and Consultants Ltd., dated July 25, 2024, and the Slope Stability Assessment completed by Soil-Mat Engineers and Consultants Ltd. for the proposed garage, dated January 27, 2025, states there will not be a negative impact on the stability of the subject slope at or uphill of the top of stable slope location, so long as their identified design and construction considerations are followed.

Variance 2: That a maximum accessory lot coverage of 5.93% be permitted, whereas a maximum accessory lot coverage of 5% is permitted.

Is the variance minor in nature?

The requested increase in the maximum accessory lot coverage is minor in nature, as this variance is unlikely to cause negative impacts on neighbouring parcels. The new garage is proposed to cover 5.93% of the lot while only 5% accessory lot coverage is permitted. The increase of 0.93% will not result in a visible difference in the accessory lot coverage. The garage is proposed to be constructed into the dune and set far enough back from the road to help mitigate the impact of the increased lot coverage. There are no anticipated compatibility concerns from neighbouring parcels as the garage is proposed to reflect similar accessory buildings of other properties in the neighbourhood.

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

The requested increase in the maximum accessory 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 for the proposed garage, by Soil-Mat Engineers and Consultants Ltd., dated January 27, 2025, states there will not be a negative impact on the stability of the subject slope at or uphill of the top of stable slope location, so long as their identified design and construction considerations are followed.

Variance 3: That a minimum interior side yard setback of 2.9 metres be permitted, whereas a minimum interior side yard setback of 3 metres is permitted in this zone.

Is the variance minor in nature?

The requested decrease in the minimum interior side yard is minor in nature, as this variance will not cause negative impacts on neighbouring parcels. The variance has been requested to legalize an existing reduced side yard setback of 2.9 metres. As no changes are proposed to the existing deficient side yard setback, there are no anticipated compatibility concerns from neighbouring parcels.

Is the variance 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 use of the subject lands, as no issues have arisen in the past from this reduced side yard setback. The interior side yard setback deficiency of 0.1 metres has no impact on the use of the land, and is unlikely to have any impact on any future development.

Variance 4: That an accessory building height of 7.15 metres be permitted, whereas a maximum accessory building of 6 metres is permitted.

Is the variance minor in nature?

The requested increase in accessory building height of 7.15 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 construction of a new accessory building, which would be constructed on a portion of the lot with a significantly lower elevation than that of the dwelling. There are no anticipated compatibility concerns from neighbouring parcels as the accessory building is proposed to be constructed into the lower portion of the dune.

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

The increase in accessory building height is desirable for the appropriate development of the subject lands. The height proposed for the new accessory building has been requested to permit a two-storey garage. The northeastern portion of the lot includes a septic bed that constrains where a building can be situated. The environmental features on and around the lot pose additional constraints to the building footprint. The increased height is proposed to allow for the desired amenity space despite these constraints.

Recommendation

That minor variance application A10-25-PC be **deferred** until:

1. The proposal is revised to ensure the addition is no longer proposed on an unstable portion of the slope, to the satisfaction of the NPCA staff.
2. A Stage 1-2 Archaeological Assessment is completed;
3. A Tree Preservation Plan is completed; and
4. An inspection is completed to determine whether the existing private sanitary service can accommodate the proposal, and if the existing system will not suffice, a new design of the septic system, to the satisfaction of Regional staff;

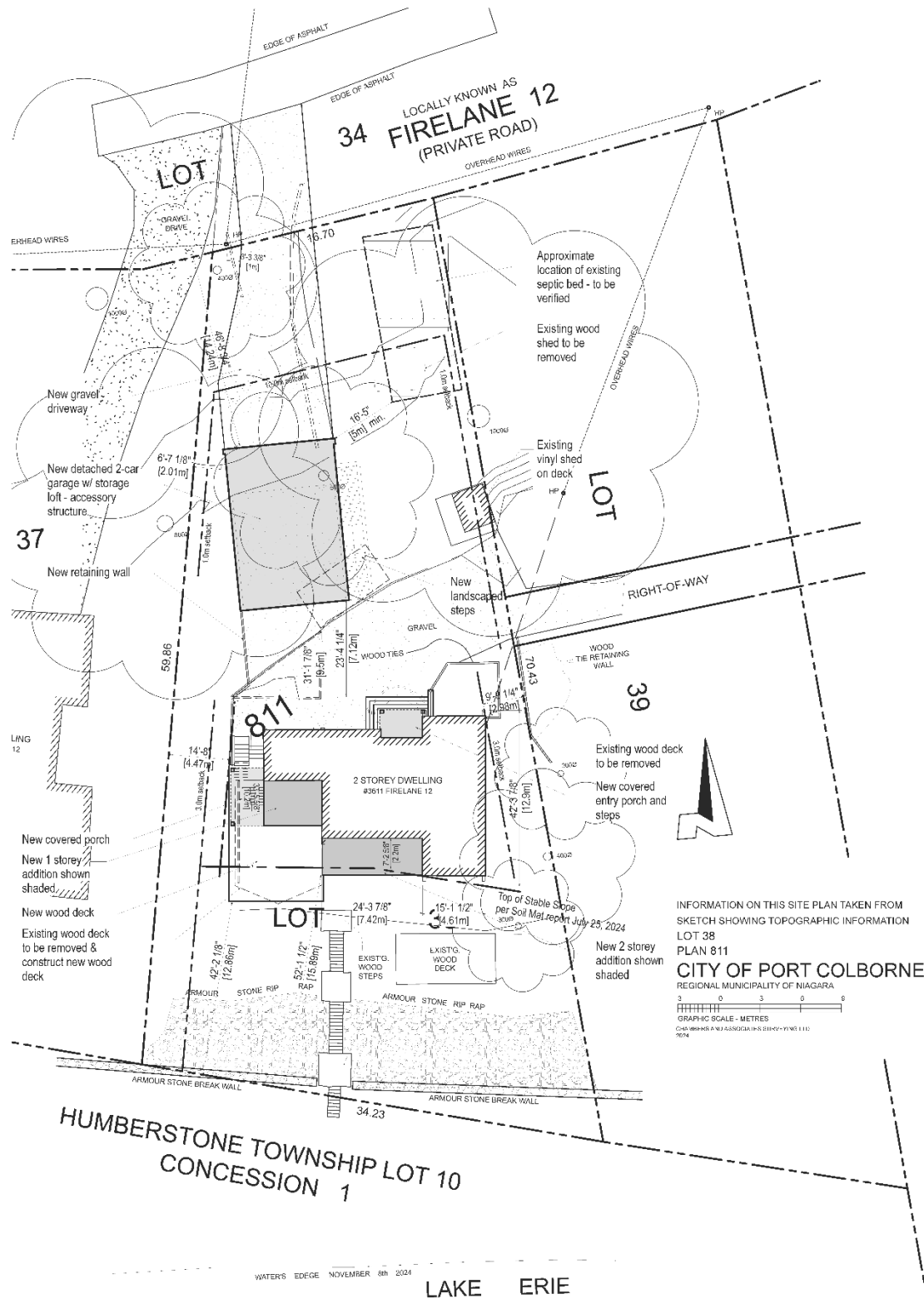
For the following reasons:

1. While the proposed variances are minor in nature and desirable for the appropriate development of the site, the proposed variances do not maintain the general intent and purpose of the Zoning By-law or Official Plan at this time.

Respectfully submitted,

Diana Vasu
Planner

Appendix A



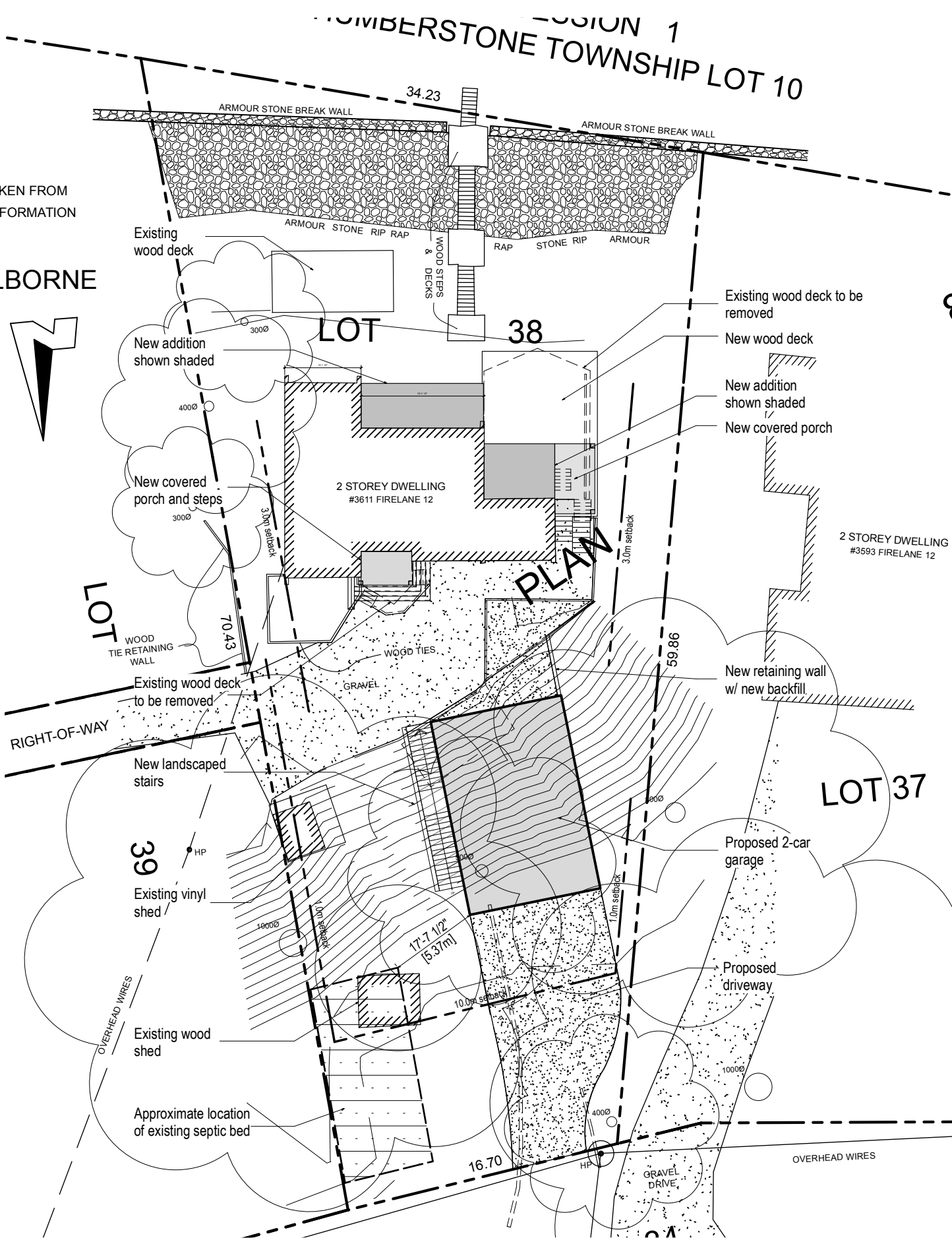
LEON RESIDENCE

Site Plan • C.A.V. Application • 1:250
3611 Firelane 12, Port Colborne, ON • March 27, 2025

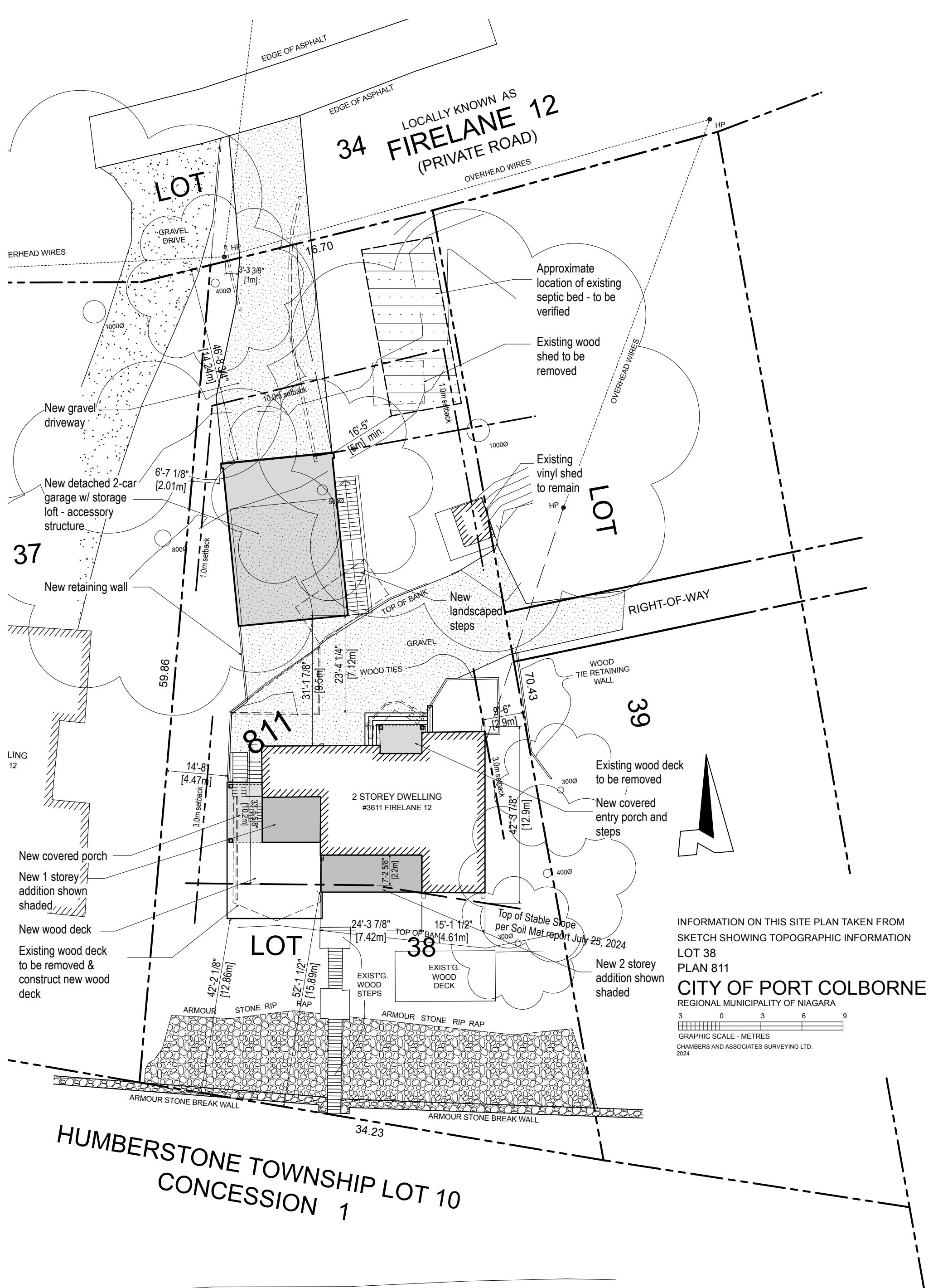
WILLMOTT &
STRICKLAND
Architecture & Interiors

LEON RESIDENCE

INFORMATION ON THIS SITE PLAN TAKEN FROM
SKETCH SHOWING TOPOGRAPHIC INFORMATION
LOT 38
PLAN 811
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 300
GRAPHIC SCALE - METRES
CHAMBERS AND ASSOCIATES SURVEYING LTD.
2024



PORT COLBORNE ZONING CHECK REVIEW				
Zoning				By-Law 6575/30/18
				LR
Lot Area	1,611.12 m2	17,341.96 ft2		N/A
Lot Frontage	16.70 m	54.79 ft		30 m
Lot Coverage				
Exsting Dwelling	125.73 m2	1353.34 ft2	7.80%	
Existing wood deck (on bank)	26.94 m2	289.95 ft2	1.67%	
Existing vinyl shed on wood deck	13.20 m2	142.12 ft2	0.82%	
New Front Cov'd Porch	6.33 m2	68.12 ft2	0.39%	
New Rear Cov'd Porch	11.57 m2	124.49 ft2	0.72%	
New Addition	34.81 m2	374.67 ft2	2.16%	
New Garage	94.43 m2	1016.49 ft2	5.86%	
New Deck	38.25 m2	411.69 ft2	2.37%	
Total	351.25 m2	3780.87 ft2	21.8%	15% (max)
Lot Coverage (Accessory Building)				
Accessory Structure	94.43 m2	1016.49 ft2		
Total	94.43 m2	1016.49 ft2	5.9%	5% (max)
Residential Floor Area				
Lower Level	118.54 m2	1276.00 ft2		
Upper Level	151.06 m2	1626.00 ft2		
Total	269.60 m2	2902 ft2		
Building Height				
Dwelling Height	8.84 m	29.00 ft		11.0 m (max)
New Accessory Structure	7.20 m	23.62 ft		6.0 m (max)
Setbacks (Dwelling)				
Front Yard	35.58 m	116.73 ft		10.0m (min)
Rear Yard	15.89 m	52.13 ft		7.0m (min)
Interior Side Yard (W)	4.62 m	15.16 ft		3.0m (min)
Interior Side Yard (E)	2.98 m	9.78 ft		3.0m (min)
Setbacks (Accessory)				
Front Yard	15.15 m	49.70 ft		10.0 m (min)
Rear Yard	33.62 m	110.30 ft		N/A
Interior Side Yard (W)	2.34 m	7.67 ft		1.0 m (min)
Interior Side Yard (E)	10.11 m	33.17 ft		1.0 m (min)
Shaded items require minor variance				



INFORMATION ON THIS SITE PLAN TAKEN FROM
SKETCH SHOWING TOPOGRAPHIC INFORMATION
LOT 38
PLAN 811
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
3 0 3 6 9
GRAPHIC SCALE - METRES
CHAMBERS AND ASSOCIATES SURVEYING LTD.
2024

LEON RESIDENCE

Site Plan • C.A.V. Application • 1:250
3611 Firelane 12, Port Colborne, ON • March 27, 2025

**WILLMOTT &
STRICKLAND**
Architecture & Interiors

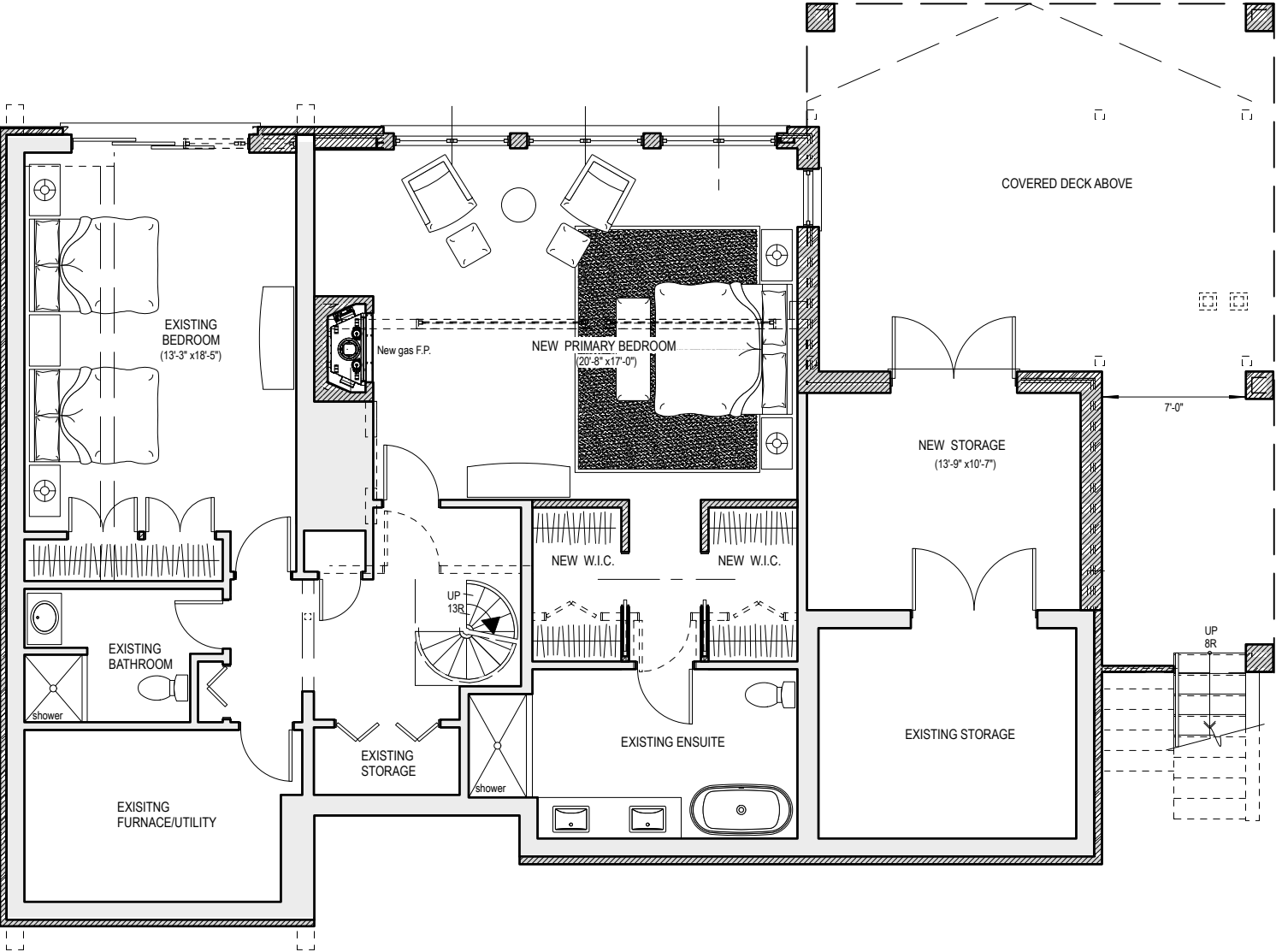
PORT COLBORNE ZONING CHECK REVIEW				
Zoning				By-Law 6575/30/18
				LR
Lot Area	1,611.12 m2	17,341.96 ft2		N/A
Lot Frontage	16.70 m	54.79 ft		30 m
Lot Coverage				
Exsting Dwelling	125.73 m2	1353.34 ft2	7.80%	
Existing vinyl shed	6.86 m2	73.82 ft2	0.43%	
New Entry Cov'd Porch	6.23 m2	67.10 ft2	0.39%	
New Deck and Cov'd Porch	48.47 m2	521.75 ft2	3.01%	
New Addition	33.67 m2	362.39 ft2	2.09%	
New Detached Garage Accessory Structure	95.60 m2	1028.99 ft2	5.93%	
Total	316.56 m2	3407.39 ft2	19.65%	15% (max)
Lot Coverage (Accessory Building)				
New Detached Garage Accessory Structure	95.60 m2	1028.99 ft2		
Total	95.60 m2	1028.99 ft2	5.93%	5% (max)
Residential Floor Area				
Lower Level	118.54 m2	1276.00 ft2		
Upper Level	151.06 m2	1626.00 ft2		
Total	269.60 m2	2902 ft2		
Building Height (from average grade)				
Dwelling Height	8.00 m	26.24 ft		11.0 m (max)
New Detached Garage Accessory Structure	7.15 m	23.46 ft		6.0 m (max)
Setbacks (Dwelling)				
Front Yard	35.58 m	116.73 ft		10.0m (min)
Rear Yard	15.89 m	52.13 ft		7.0m (min)
Interior Side Yard (W)	4.47 m	14.66 ft		3.0m (min)
Interior Side Yard (E)	2.90 m	9.50 ft		3.0m (min)
Setbacks (Accessory Building)				
Front Yard	14.24 m	46.72 ft		10.0 m (min)
Rear Yard	33.62 m	110.30 ft		N/A
Interior Side Yard (W)	2.01 m	6.59 ft		1.0 m (min)
Interior Side Yard (E)	10.25 m	33.63 ft		1.0 m (min)
Shaded items require minor variance				

LEON RESIDENCE

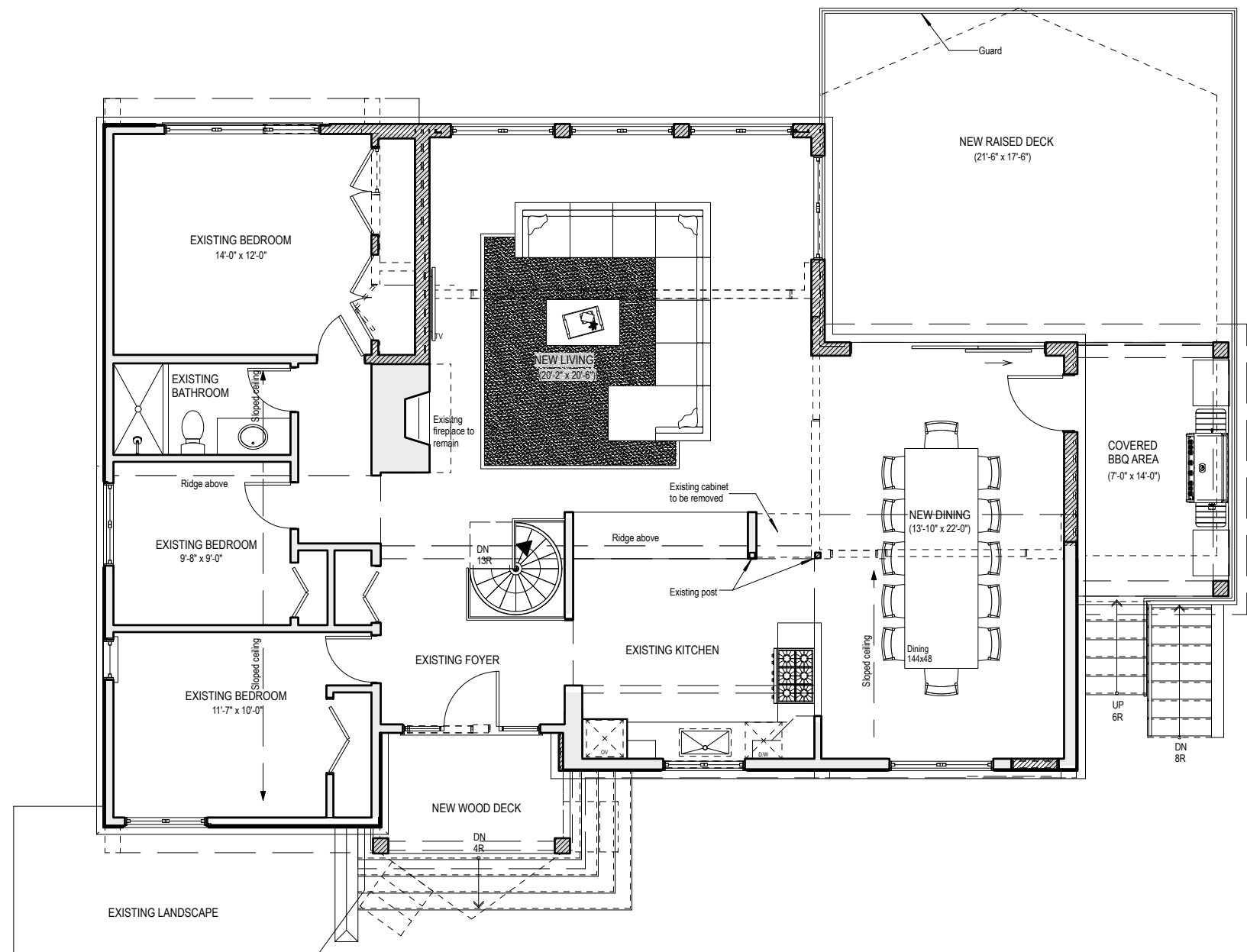
New Walls

Existing Walls

Walls to be Removed



-  New Walls
-  Existing Walls
-  Walls to be Removed





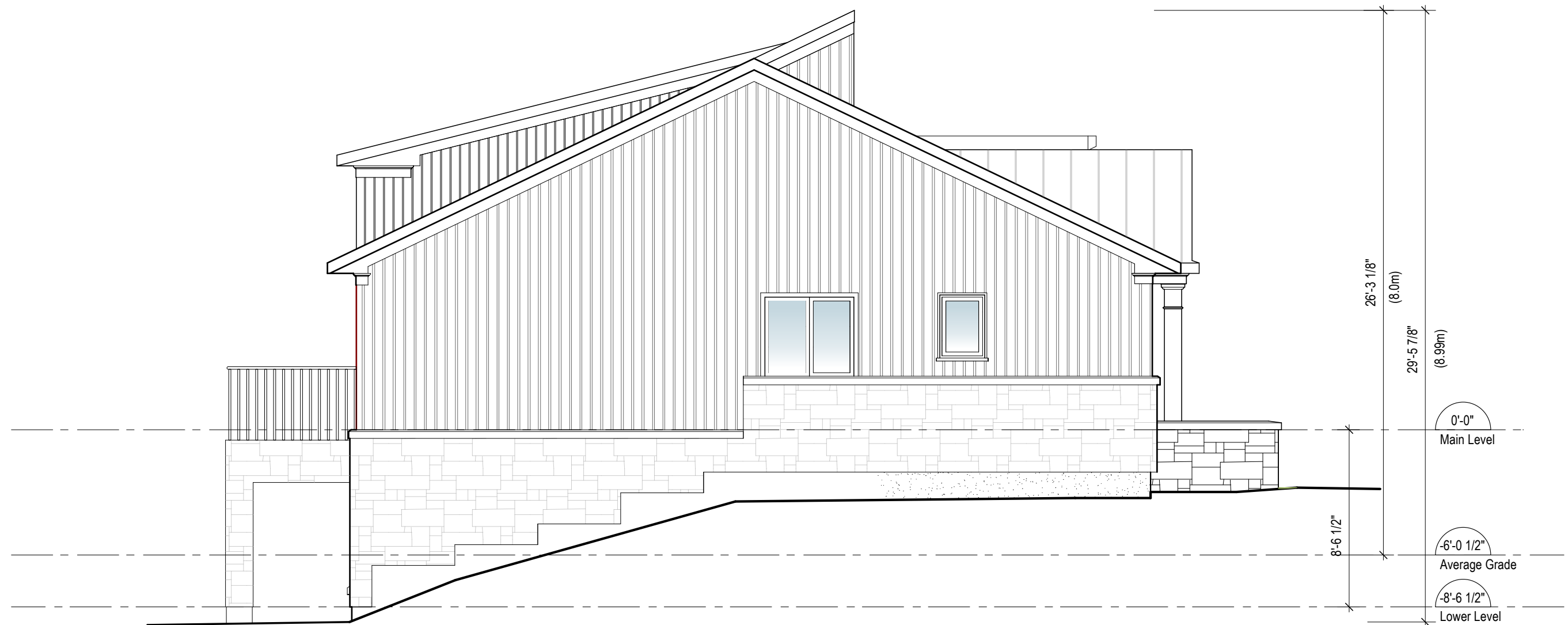
LEON RESIDENCE

Lake (South) Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



LEON RESIDENCE

Front (North) Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



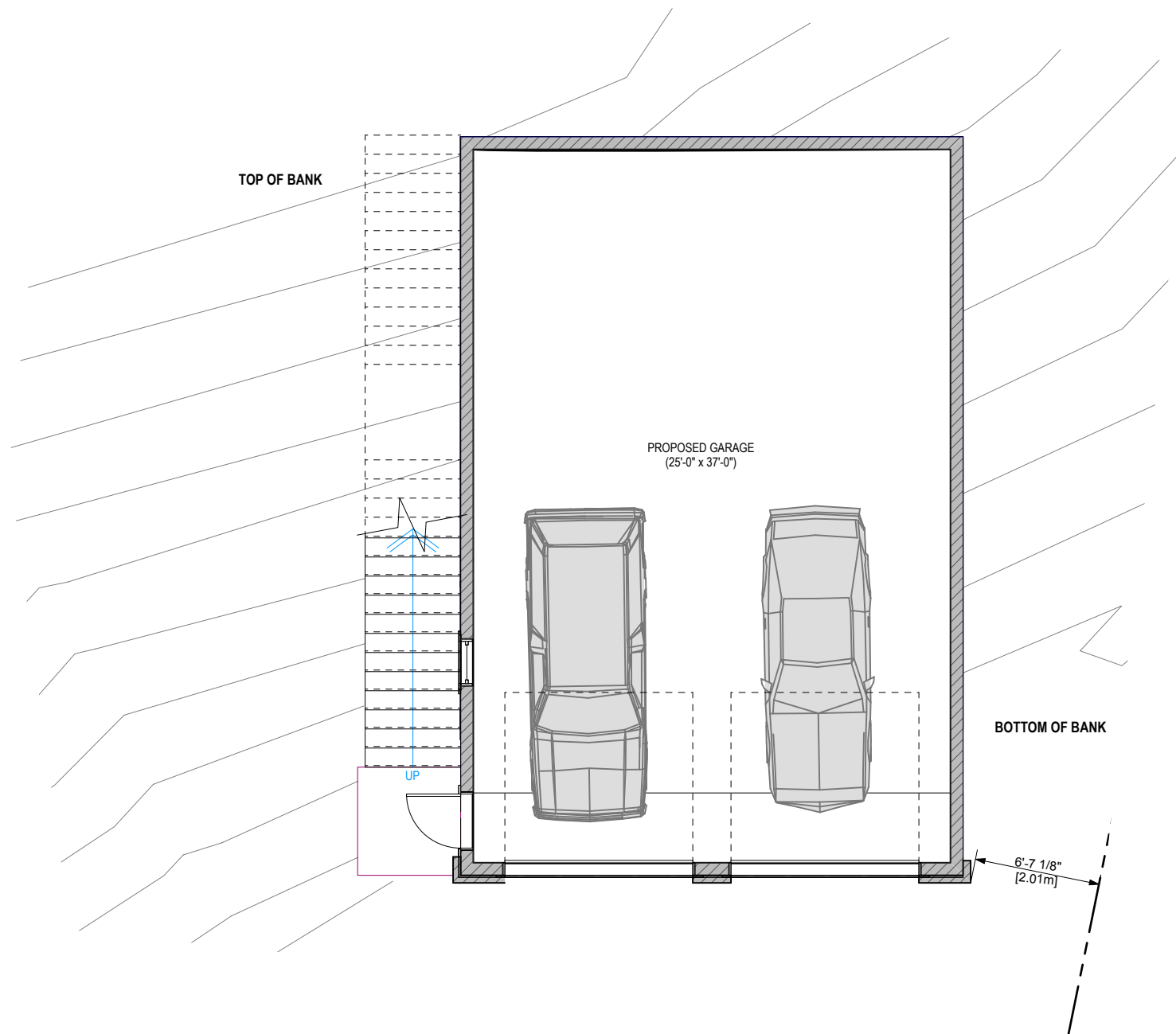
LEON RESIDENCE

East Side Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025

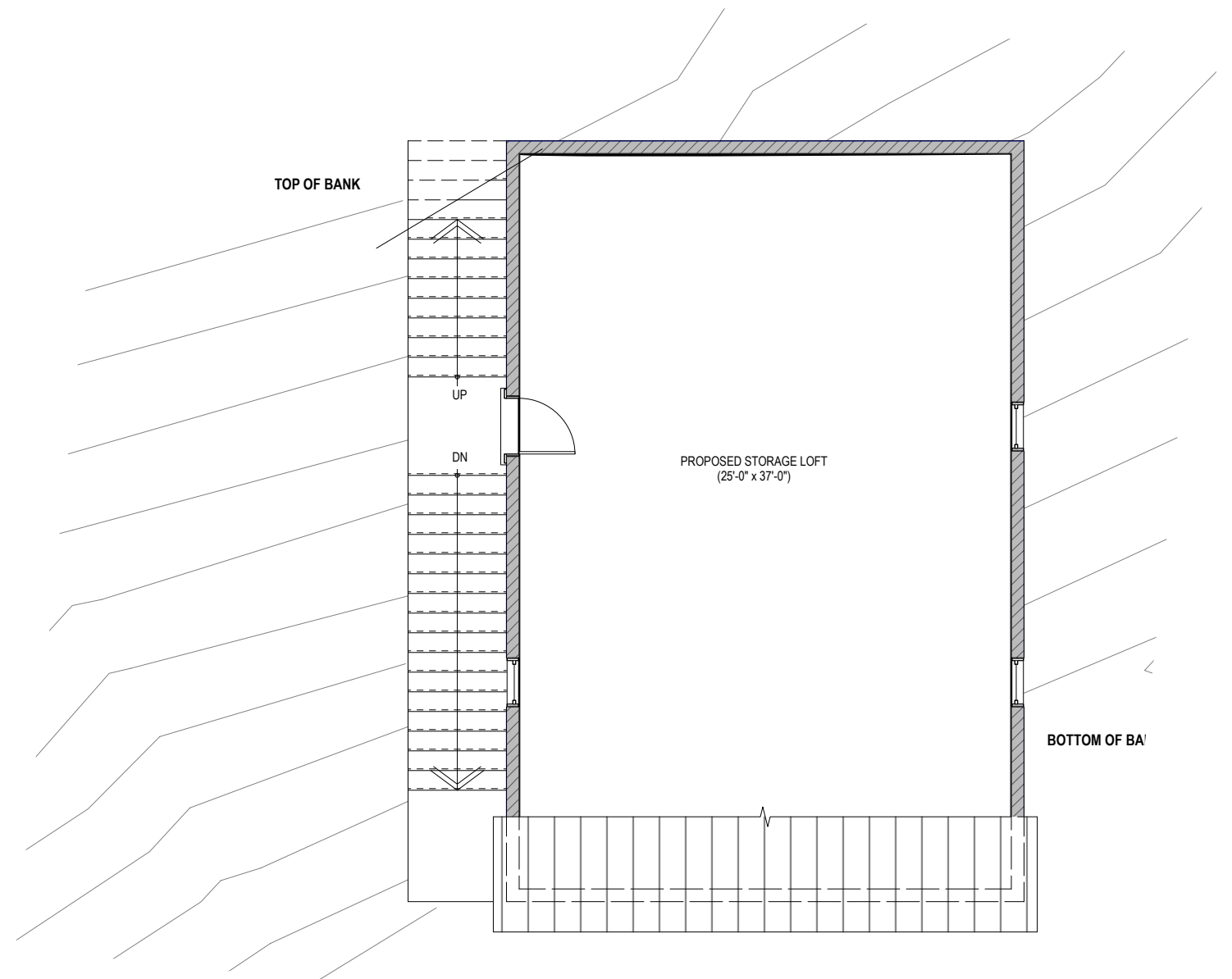


LEON RESIDENCE

West Side Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



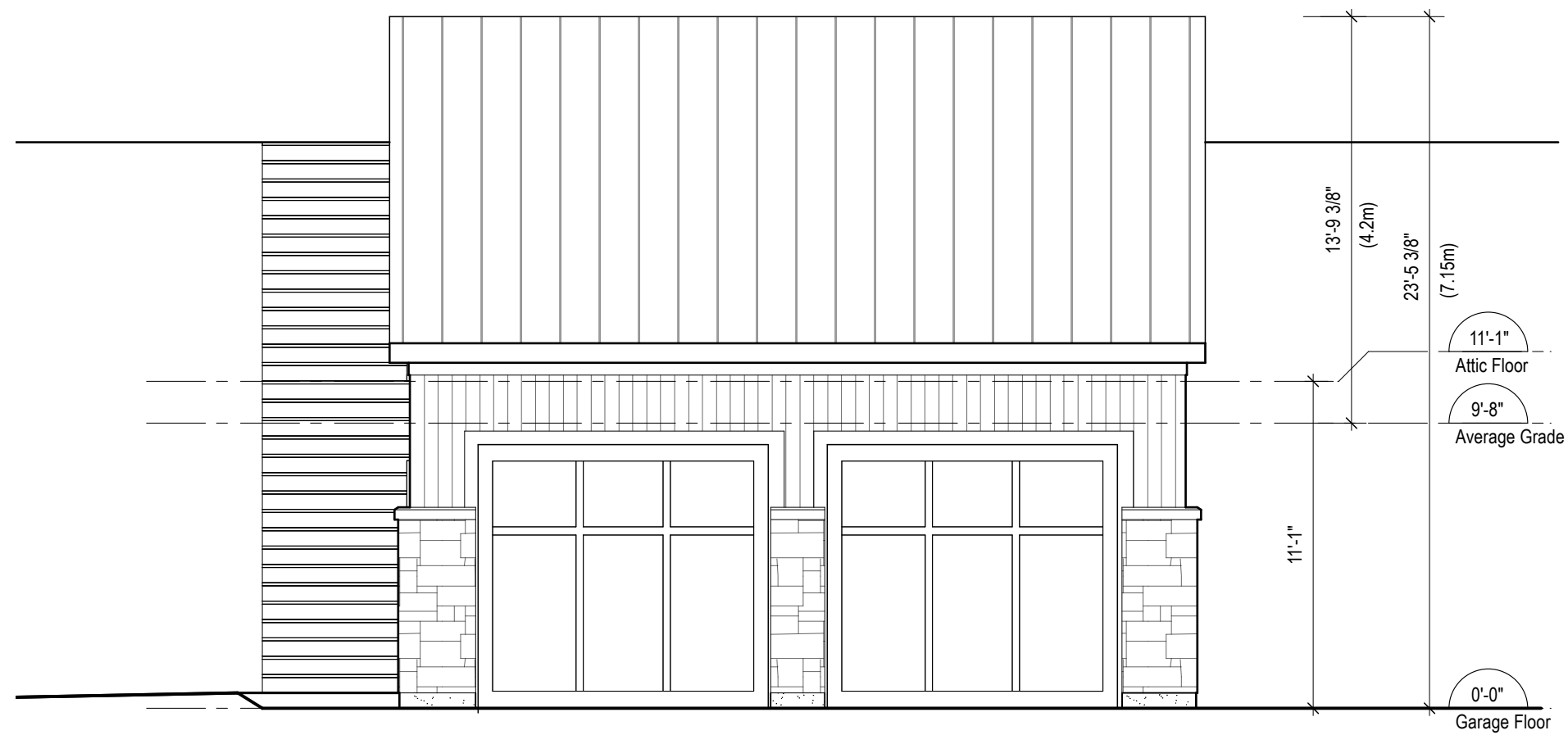
Garage Plan



Garage Loft

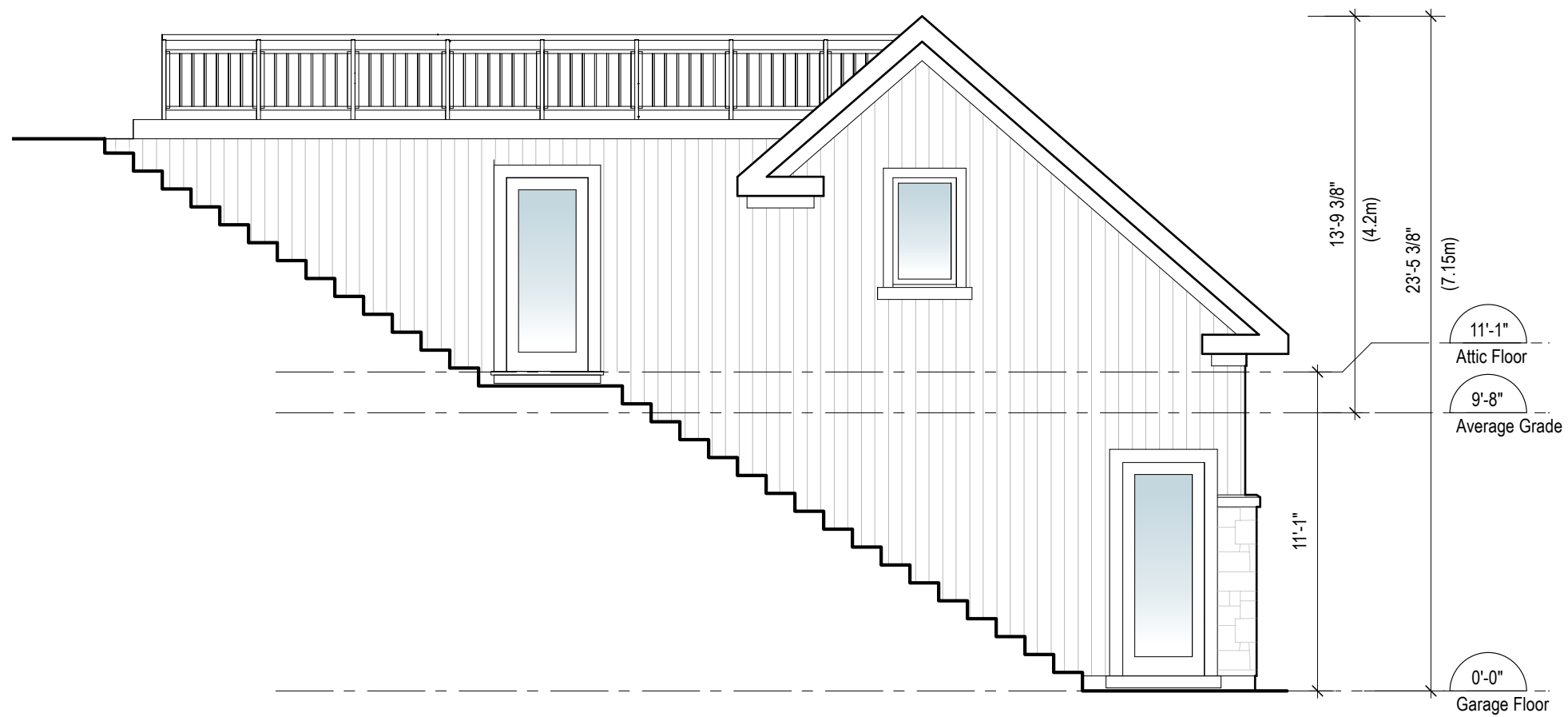
LEON RESIDENCE

Garage Floor Plan • C.A.V. Application • 1/8" = 1'-0"
3611 Firelane 12, Port Colborne, ON • March 27, 2025



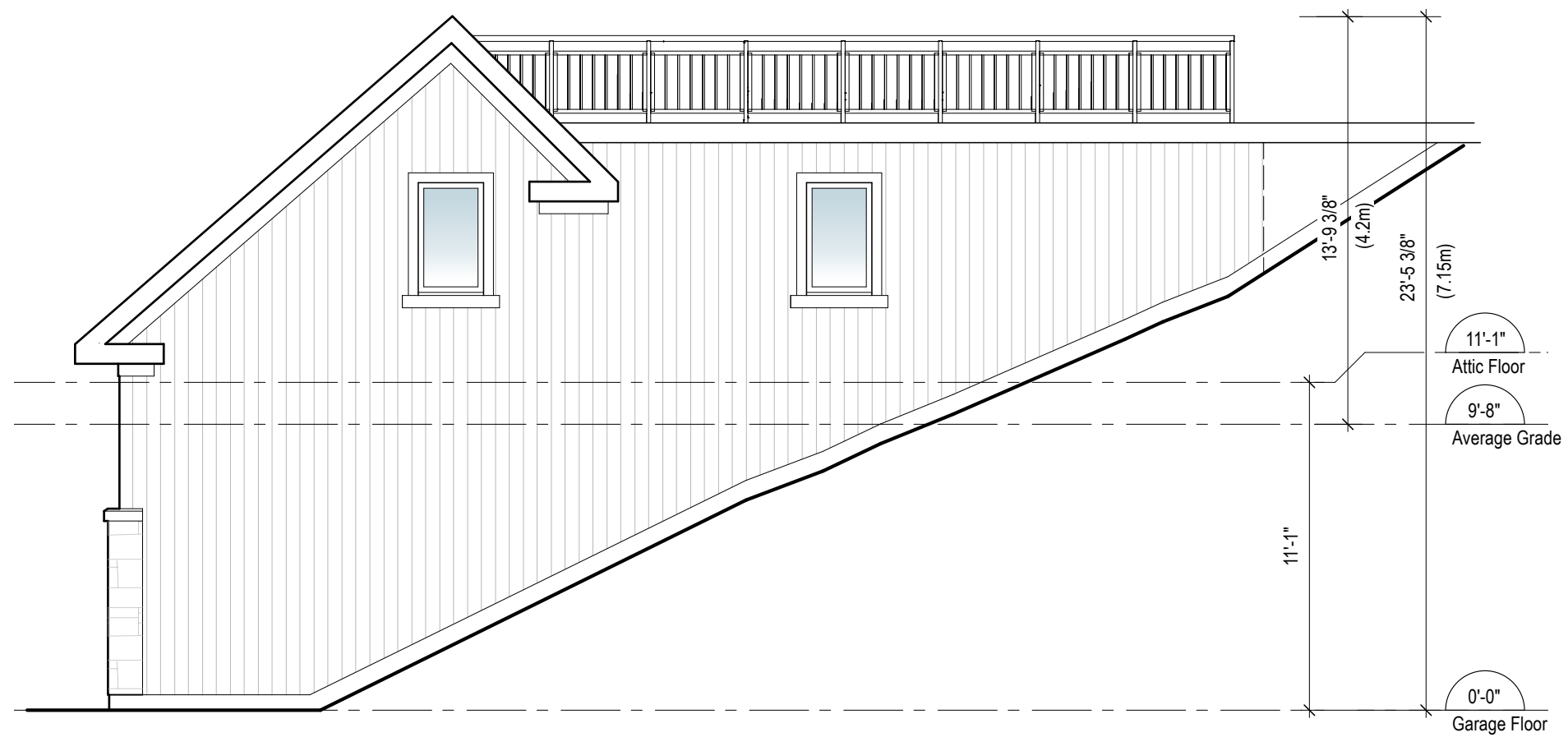
LEON RESIDENCE

Garage Front (North) Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



LEON RESIDENCE

Garage Side (East) Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



LEON RESIDENCE

Garage Side (West) Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

For Office Use Only

Date Received: _____

Application Complete: ☐ Yes ☐ No

Date of Completion: _____

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

Telephone: 1-905-835-2900
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
- 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:	Date:	Initials:



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: DANNY LEON	
Mailing Address: 3611 FIRELANE 12	
City: PORT COLBORNE	Province: ONTARIO
Postal Code: L3K 5V3	Telephone: 416-464-3554
Fax:	Email: danny.leon@lflgroup.ca
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name: WILLMOTT & STRICKLAND INC., contact: CRAIG ESPOSTI	
Mailing Address: 594 CHARTWELL ROAD, SUITE 3	
City: OAKVILLE	Province: ONTARIO
Postal Code: L6J 4A5	Telephone: 905-842-2332 EXT. 13
Fax:	Email: craig@willmottstrickland.ca
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.5 All communications should be sent to the:	
☐ Owner ☐ Solicitor ☒ Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. 811	Lot(s): 38
Reference Plan No.	Part(s):
Name of Street: FIRELANE 12	Street No. 3611

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 16.7 m	Depth: 64.57 m	Area: 1,611.12 m2
Existing Use: RESIDENTIAL SINGLE FAMILY DWELLING		
Proposed Use: RESIDENTIAL SINGLE FAMILY DWELLING WITH DETACHED GARAGE		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: RURAL		
Regional Policy Plan:		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
LR		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
July 2013	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
☐ Yes ☒ No	If “Yes” describe the easement or covenant and its effect:
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.	
None	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
+/- 1980	
4.5 Type of ACCESS	
☐ Provincial Highway ☐ Regional Road ☐ Municipal Road maintained all year ☐ Other Public Road	☐ Municipal Road maintained seasonally ☒ Right-of-Way ☐ Water Access ☒ Private Road
4.6 What type of WATER SUPPLY is proposed?	
☐ Publicly owned and operated piped water supply ☒ Lake ☐ Well (private or communal) ☐ Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
☐ Publicly owned and operated sanitary sewage system ☒ Septic system (private or communal) ☐ Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
☐ Publicly owned and operated stormwater system ☒ Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
☐ Yes ☒ No If Yes, please indicate the meeting date:	

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

[illegible]

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 ☐ Industrial ☐ Commercial	☐ Institutional ☐ Agricultural ☐ Parkland	☐ Vacant ☐ Other (specify):
8.2 What is the length of time the existing use(s) of the land have continued?		
UNKNOWN - SINCE CONSTRUCTION		
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?		
☐ Yes	☒ No	☐ Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
☐ Yes	☒ No	☐ Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
☐ Yes	☒ No	☐ Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
☐ Yes	☒ No	☐ Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
☐ Yes	☒ No	☐ Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
☐ Yes	☒ No	☐ Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
☐ Yes	☒ No	☐ 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?		
☐ Yes	☒ No	☐ 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)?		
☐ Yes	☒ No	☐ 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?		
☐ Yes	☒ No	☐ 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?*		
☐ Yes	☒ No	☐ Unknown
If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land. *Possible uses that can cause contamination include operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities, and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry-cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.		

ACKNOWLEDGMENT CLAUSE

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

X MARCH 25/2025
Date

X *Danay Lee*
Signature of Owner

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

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 _____
20 ____.
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.

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 Danny Leon 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 *Danny Leon*
Signature of Owner/Agent

X MARCH 25/2025
Date

X

Signature of Owner/Agent

X

Date

PERMISSION TO ENTER

I/We Danny Leon 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 *Danny Leon*
Signature of Owner

X MARCH 25/2025
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 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 Danny Leon 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 Danny Leon X MARCH 25/2025.
Signature of Owner Date

X
Signature of Owner

X
Date

X
Signature of Agent

X
Date

SUGGESTION TO THE APPLICANT

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

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

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

**Forming part of C.A.V. Application for Minor Variance, 3611 Firelane 12,
March 27, 2025**

Zoning By-law 6575/30/18
Zone LR

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

To permit a maximum lot coverage of **19.8%** where the Zoning By-law permits a maximum lot coverage of 15.0%, inclusive of accessory structures, in this zone.

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

A variance is requested to permit an increase in lot coverage to accommodate a modest addition to the existing cottage, reconstruction of the existing raised deck, and construction of an accessory detached garage.

The existing dwelling and raised deck have a lot coverage of 11.2%. The proposed dwelling with addition and new deck would result in an increase in lot coverage of 2.3%.

The proposed additions to the cottage are along the south elevation, are modest in size, and located within the stepped profile of the current cottage and within the footprint of the existing deck, limiting any impact on the neighboring properties or view from the streetscape. The existing deck is proposed to be reconstructed and shall remain largely in the same location as the existing deck with the same setback to the top of bank. The southern edge is squared off, with new access steps along the west property line. A small portion is proposed to be covered at the upper floor to create a cover for the BBQ area, but otherwise, there would be no change or impact on the surrounding area.

A detached garage is proposed to be located at the road level on the north side of the dune with vehicle access directly from Firelane 12. The garage is to be set into the dune, with access steps to the upper cottage level along the east side of the garage. The scale of the garage is minimized by placement back from the road and setting into the landscape, resulting in a slight increase in lot coverage of 5.9%, over the permitted 5%, and a total lot coverage of 19.4% over the permitted 15%. Given the placement into the bank of the dune, the increased coverage would not be perceived and would be further mitigated by the increased setback to the road.

The lot also consists of an existing at grade deck & wood steps to the shoreline, which do not contribute to lot coverage.

Minor Variance 3611 Firelane 12

From Kyle Riley <kriley@npca.ca>

Date Fri 4/25/2025 3:23 PM

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

Cc Kartiki Sharma <ksharma@npca.ca>

 1 attachment (613 KB)
3611 Firelane 12 Basemap.pdf;

Hello Taya,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the subject matter forming A10-25-PC — Proposed Minor Variance at 3611 Firelane 12 — and offers the following comments.

The Applicants are requesting an increase in the permitted lot coverage from 19.7%, whereas 15% is allowed, an increase in the maximum lot coverage for an accessory structure from 5% to 5.9%, and an increase in the maximum allowable height from 7.2m where 6m is permitted.

The Lake Erie Shoreline forms the southern lot line of this address. Lake Erie's associated regulatory hazards traverse onto the property.

There is also a back-dune feature which forms a significant portion of the addresses' northern extent. The regulation distance for this feature must be established by a Geotechnical Report

Please note that the NPCA's current understanding is that separate reports have been produced for the proposed garage and house. Both Geotechnical Reports must be circulated on all future Minor Variances for this address.

The NPCA has reviewed the Geotechnical Report titled "Slope Stability Assessment Proposed Cottage Addition 3611 Firelane 12 Port Colborne" authored by Soil-Mat Engineers & Consultants LTD. On July 25th, 2024. The NPCA would agree to this report's Stable Top of Slope limit.

As such, all development must remain setback landward from the Stable Top of Slope limit, which Soil-Mat has suggested as part of their report.

The proposed addition extends beyond the Stable Slope limit and, thus, could not be supported by the NPCA.

Please note that Soil-Mat must speak to whatever setback is respected from Stable Top of Slope at this address on the revised plan. Soil-Mat must be able to reasonably justify that their suggested setback would produce no negative impacts.

The NPCA notes that the attic space of the garage is defined as an ADU within the circulated Minor Variance. The NPCA could not support a second-storey ADU. The NPCA will not support an increase in

residential density on top of a known hazard. The NPCA further notes that the drawing set specifies the second storey of the garage as a storage area. Please ask the Applicants to rectify this inconsistency.

Recommendations

The NPCA notes the purpose and effect of the proposed Minor Variances are to facilitate the construction of the garage predominantly.

The NPCA could support a revised design which respects the Stable Top of Slope Allowance.

As such, the NPCA recommends that deferral be offered on the basis that the Applicants supply a revised plan that no longer proposes to conduct works beyond Lake Erie's Stable Top of Slope limit.

We may offer conditions for a revised design if our Offices support the works.

Should you have any questions on the subject matter above, please do not hesitate to contact the undersigned.

Best regards,



Kyle Riley
Watershed Planner

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

(O) 905.788.3135 Ext 252
(Cell) 905.933.2541
[\[www.npca.ca%20\]www.npca.ca](http://www.npca.ca)
kriley@npca.ca

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

The NPCA completed its [Watershed-based Resource Management](#) and [Conservation Area](#) Strategies, paving the way for sustainable conservation across the Niagara Peninsula watershed. It's [Watershed Natural Asset Analysis and Valuation](#) for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.



RE: 3611 Firelane 12, Port Colborne

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

Date Thu 2/20/2025 11:37 AM

To Craig Esposti <craig@willmottstrickland.ca>

Cc Taya Taraba <Taya.Taraba@portcolborne.ca>; Diana Vasu <Diana.Vasu@portcolborne.ca>; Cierra Miller <Cierra.Miller@portcolborne.ca>; devtplanningapplications@niagararegion.ca <devtplanningapplications@niagararegion.ca>

1 attachment (148 KB)

Niagara Region Private Servicing Development Application Requirements - July 2024.pdf;

Hi Craig,

That's good to hear you've reached out to the City as well. I've copied their staff to this email so they can keep it on file.

Archaeological Potential

- The property is mapped as an area of archaeological potential in the Niagara Official Plan, 2022 (NOP). Given the proposed development and site alteration, staff would request a Stage 1-2 Archaeological Assessment, prepared by a licensed archaeologist, as well as the Ministry's acknowledgement letter of receiving the report.

Natural Environment

- The subject property is impacted by the Region's Natural Environment System (NES), consisting of Lake Erie and its Shoreline Area, and potential Other Woodland. Lake Erie is considered a Key Hydrologic Feature (KHF).
- NOP policies require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of KHF's and within 50 m of Other Woodland. The EIS must demonstrate that there will be no negative impact on the features or their ecological function.
- NOP policy 3.1.10.4 requires a vegetated protection zone be maintained along the Lake Erie shoreline where existing lots are being redeveloped. Through previous communication and review, it has been determined that the existing slope vegetation along the shoreline of this property will satisfy this policy.
- Staff note that the proposed additions are within the existing development footprint and as such, staff offer no requirements for these components. However, the construction of the garage is within the above-noted setbacks. Due to the scope, nature and location of the garage, staff request the completion of a Tree Preservation Plan (TPP), in lieu of an EIS, that indicates any trees that need to be removed to allow for the construction of the garage, and appropriate mitigation measures to protect adjacent trees. The TPP should be prepared in accordance with Region's Woodland Conservation By-law (By-law 20-79). If any trees are planned for removal, they should be compensated for by planting native species that complement that existing vegetation communities.
- There is potential for sensitive habitat in the vicinity as well, including Species at Risk (SAR) habitat, so the applicant is encouraged to do their due diligence with respect to their responsibilities under the Endangered Species Act, and contact the Ministry of

Environment, Conservation and Parks, as soon as possible if they have not already done so.

Private Sewage System

- A private sewage system inspection and review would be required at the Minor Variance stage.
- It appears a bedroom and living space are being added so a septic design will most likely be needed as you won't likely be able to continue use of the existing septic.
- A holding tank would not be accepted to service the proposed project
- You will likely need to apply for a septic permit application prior to the building permit being issued.
- Private Sewage System instructions are attached.

Please note as of March 31, 2025, Niagara Region will no longer have land use planning responsibilities under the Planning Act. Niagara Region to date has not signed an agreement with the City of Port Colborne to continue providing planning support to the City. Accordingly, if the application is submitted after March 31, 2025, the archaeological requirements and natural environment comments/requirements are at the discretion of local staff. Please be advised that Niagara Region will continue to comment on Planning Act applications as it relates to regional infrastructure, including septic review.

Please let me know if you have any questions.

Kind regards,
Katie



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

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

P: (905) 980-6000 ext. 3727

W: www.niagararegion.ca

E: 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.

From: Craig Esposti <craig@willmottstrickland.ca>

Sent: Wednesday, February 19, 2025 2:55 PM

To: Young, Katie <Katie.Young@niagararegion.ca>

Subject: Re: 3611 Firelane 12, Port Colborne

**Niagara Region Security
Warning:**

This is an external email, use caution when opening attachments or clicking links

Thanks Katie,

Appreciate the reply.

I have also reached out to planning staff at the City. Just wanted to be proactive given the similarity to 3637 Firelane.

I look forward to any feedback you receive back from your team.

Thanks
Craig

Craig Esposti B.ARCH OAA LEED AP
Associate Architect

WILLMOTT & STRICKLAND INC.

594 Chartwell Road, Suite 3
Oakville, ON L6J 4A5
905.842.2332 ext.13
willmottstrickland.ca

On Feb 19, 2025, at 10:48 AM, Young, Katie <Katie.Young@niagararegion.ca> wrote:

Hi Craig,

Thanks for your email. You'll need to speak to a staff member at the City of Port Colborne regarding what applications may be required (pre-cons, applications, development permits, etc.) as the Region is a commenting agency only.

I've circulated your proposal internally to our team and will follow-up with any requirements we may have. As you've noted, it will likely be similar to 3637 Firelane 12, but I will confirm soon.

Kind regards,
Katie

<image001.png>

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

E: katie.young@niagararegion.ca

<image002.png> <image003.png> <image004.png> <image005.png> <image006.png>

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

From: Craig Esposti <craig@willmottstrickland.ca>

Sent: Tuesday, February 18, 2025 4:13 PM

To: Young, Katie <Katie.Young@niagararegion.ca>

Subject: 3611 Firelane 12, Port Colborne

**Niagara Region Security
Warning:**

This is an external email, use caution when opening
attachments or clicking links

Good afternoon Katie,

I just left you a phone message (hopefully not too long).

You may recall, we had an application for a new house at 3637 Fireplane 12 in Port Colborne early last year. We have a new project starting at 3611 Firelane 12, just two lots west. I assume there will be similar requirements as part of a development application, but wanted to reach out and clarify requirements and process with you.

I have attached a PDF of the proposed site plan drawing and a separate PDF set with the proposed drawings for reference. The application is for an addition to the existing cottage, as well as a new detached garage structure. Variances will be required.

Hoping you can help direct me, whether there is a formal pre-consultation process. I'm looking to determine the requirements that will be required through a minor variance application, as well as for any development permits required prior to a building permit.

I'm happy to discuss further if you want to set up a time for a call.

Thanks
Craig

Craig Esposti B.ARCH OAA LEED AP
Associate Architect

WILLMOTT & STRICKLAND INC.

594 Chartwell Road, Suite 3

Oakville, ON L6J 4A5

905.842.2332 ext.13

willmottstrickland.ca

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**WILSON,
OPATOVSKY**
BARRISTERS & SOLICITORS

Christopher E.H. Wilson, LL.B. *
Margaret P. Opatovsky, B.A., LL.B

* Christopher E.H. Wilson Law Professional Corporation

Mailing Address
P.O. Box 99
Port Colborne, Ontario
L3K 5V7

Delivery Address
190 Elm Street
Port Colborne, Ontario
L3K 4N8

Tel. (905) 835-1163
Fax (905) 835-2171
email: cwilson@wilsonop.com
email: mopatovsky@wilsonop.com

April 28, 2025

City of Port Colborne
Planning Department



Re: Cancellation of Consent Certificate - B11-15-PC
John and Wendy Lehocki - 166 Chippawa Road
and Vacant Land, Chippawa Road, Port Colborne

We act for John Joseph Lehocki and Wendy Anne Lehocki who purchased the property at 166 Chippawa Road, PC in 1989, original PIN 64150-0021. Wendy Lehocki purchased two parcels on Hubbard Drive in 2015 original PINS 64150-0015 and 64150-0016. In 2016 John Lehocki purchased vacant land that was severed by Afred and Christine Torbicki at 160 Chippawa Road PIN 64150-0020.

In 2024 all of the properties were transferred and in the names of John Joseph Lehocki and Wendy Anne Lehocki as Joint Tenants and a PIN consolidation for all of the above noted 4 PINS was registered. You have previously been provided with all these documents. Please advise if you require anything further. The owners want to create a single parcel solely for their own use.

The Lehocki's would like to merge all the properties with the City of Port Colborne together for estate planning purposes as they are getting closer to retirement and wish to simplify their assets, having one tax bill etc. They have no plans to develop the property or build a further dwelling.

MPAC and your office have advised you require a Certificate of Cancellation

of the Consent on the Transfer from the Torbicki's to John Lehocki for PIN 64150-0020 registered transfer containing consent , File B 11-15-PC be annulled in order for these properties to merge. John and Wendy Lehocki are requesting that at this time.

If you require any further information or explanation please do not hesitate to contact me.

Attached is a personal cheque from John and Wendy Lehocki in the amount of \$700.00 representing your fee in this matter.

Thank you

WILSON, OPATOVSKY

Per:

A handwritten signature in dark ink, appearing to read 'CEHW', written over a light blue horizontal line.

CHRISTOPHER E.H. WILSON

CEHW:wl

enclosure



Committee of Adjustment -Meeting Minutes-

Wednesday, April 9, 2025

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

Staff Present: Erik Acs, Chief Planner
Taya Taraba, Secretary-Treasurer

1. Call Meeting to Order

The Chair called the meeting to order at approximately 6:02 p.m.

2. Reading of Meeting Protocol

The Chair read the Meeting Protocol.

3. Disclosures of Interest

Member Beauregard declared 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. Requests for Deferrals or Withdrawals of Applications

Nil.

5. Order of Business

a. Application: B15-23-PC; A05-25-PC; A06-25-PC

Action: Consent and Minor Variance

Applicant: Julie Cule

Location: 95 Victoria Avenue

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: 5-0

b) Application:	A07-25-PC
Action:	Minor Variance
Applicant:	Chris Simpson
Location:	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.

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.**

Motion: Angie Desmarais

Seconded: Gary Bruno

Carried: 5-0

c. Application: B05-25-PC
Action: Consent
Applicant: Ahlstedt Homes Ltd.
Agent: Carol Moroziuk
Location: 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.

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.

Motion: Gary Bruno

Seconded: Angie Desmarais

Carried: 4-0

d. Application: A04-25-PC
Action: Minor Variance
Applicant: Mohan Narain
Location: 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.

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.**

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.**

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.**

Motion: Angie Desmarais

Seconded: Eric Beauregard

Carried: 5-0

6. 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.

7. Approval of Minutes

That the minutes from the February 12th, 2025 and March 12th, 2025 meeting be approved.

Motion: Gary Bruno

Seconded: Dave Elliot

Carried: 5-0

8. Adjournment

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

Dan O'Hara, Chair

Taya Taraba, Acting Secretary-Treasurer