



PORT COLBORNE City of Port Colborne Committee of Adjustment Meeting Addendum

Date: Wednesday, May 14, 2025
Time: 6:00 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Pages

6. New Business

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

*a. Michael Mercier - 90 Victoria Street

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Written Delegation

7. Other Business

*7.1 Draft Committee of Adjustment Procedural By-law

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Circulated for future discussion

95 Victoria St. - Opposal

From: Mike Mercier [REDACTED]
Sent: Monday, May 12, 2025 4:36:29 PM
To: Taya Taraba <Taya.Taraba@portcolborne.ca>
Subject: 95 Victoria St. - Opposal

In matter of the applications by the owner (Julie Cule) of 95 Victoria St. Port Colborne:

- Consent Application File No. B15-23-PC
- Minor Variance Applications File No. A05-25-PC, A06-25-PC

I oppose all of the applications listed above for the following reasons:

- The lot sizes are too small
- Reducing the lot sizes will alter the character of the neighbourhood
- Leads to more densely packed housing that clashes with the existing aesthetic and spacing norms
- More homes on smaller lots means more vehicles, increased traffic and reducing the available street parking, especially if driveways are shortened or removed
- The smaller lots reduce green space
- Changing to smaller lot sizes will negatively impact property values and decrease the desirability of the existing larger-lot homes
- Approving these minor variances can set a precedent, making it harder to deny future applications, potentially leading to further densification against community planning goals
- Smaller lot sizes can impact emergency access or limit space for fire breaks, creating a public safety hazard

Regards,
Michael Mercier
Owner - 90 Victoria St.

The Corporation of the City of Port Colborne

Committee of Adjustment Procedural By-law XXX

Whereas Council for The Corporation of the City of Port Colborne at its hearing held on **INSERT DATE** recommended the Report of the **INSERT POSITION** for the enactment of a procedure by-law for governing the calling, place and proceedings of hearings of the Committee of Adjustment; and

Whereas The Corporation of the City of Port Colborne has passed By-law **XXX** to constitute and appoint a Committee of Adjustment; and

Whereas **Section** 238(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act*"), as amended, requires every municipality and local board adopt a procedure by-law for the governing the calling, place and proceedings of hearings; and

Whereas Section 239(1) and Section 239(5) of the *Municipal Act* requires all meetings to be open to the public and state that a meeting shall not be closed to the public during the taking of a vote; and

Whereas the Committee of Adjustment has been established pursuant to the *Planning Act*, R.S.O. 1990, c.P.13, as amended; and

Now therefore the Council of The Corporation of the City of Port Colborne hereby enacts as follows:

PART I – APPLICATION

1. The procedures contained in this By-law shall be observed in all proceedings of the Committee of Adjustment.
2. The following legislation and documents shall govern the procedures for the order and dispatch of business conducted by the Committee of Adjustment:
 - The City of Port Colborne's Committee of Adjustment Procedural By-law
 - The City's Procedural By-law
 - The Planning Act, R.S.O. 1990, c. P.13
 - Roberts Rules of Order

PART II - CALLING OF HEARINGS

3. Where a zoning by-law is amended in response to an application by the owner of any land, building or structure affected by the by-law or by a person authorized in writing by the owner, no person shall apply for a minor variance from the provisions of a zoning by-law in respect of the same land, building or structure

before the second anniversary of the day on which the by-law was amended.

4. The Secretary-Treasurer shall refuse to accept an application for a variance where the circumstances in section 2 apply.
5. Sections 3 and 4 do not apply in respect of an application where the Council for the Corporation of the City of Port Colborne has declared by means of a resolution that such application is permitted.
6. All hearings of the Committee of Adjustment shall be called by the Secretary-Treasurer of the Committee of Adjustment and notice of any hearing shall be given by pre-paid first class mail and posting of a notice sign or in a manner that the Committee of Adjustment deems appropriate in accordance with the *Planning Act*, R.S.O. 1990, c.P.13, as amended; and in accordance with applicable regulations.

PART III - LOCATION OF HEARINGS

7. The location of all hearings of the Committee of Adjustment shall be identified on the Notice of Public Hearing as circulated by the Secretary-Treasurer of the Committee of Adjustment. The location of Committee of Adjustment Hearings will be set at a City facility.

PART IV – QUORUM

8. A minimum of **three (3)** members shall be present to constitute a quorum.
9. Subject to Subsection (5) above, the inability of a member to act due to a declared conflict does not impair the powers of the committee or of the remaining members.
10. As soon as there is a quorum after the time appointed for the start of the hearing, the Hearing chair of the Committee of Adjustment shall call the hearing to order.
11. If quorum for a hearing is not present within fifteen (15) minutes of the designated time of commencing the hearing, the Secretary-Treasurer shall record the names of the Members present and the hearing shall stand adjourned until the date of the next Regular Hearing or Special Hearing.

PART V - HEARING PROCEDURES

12. The Hearing chair of the Committee of Adjustment shall:
 - a. call the hearing to order;

- b. call for declaration of Conflicts of Interest pursuant to Part IX;
- c. call for any requests for adjournment/deferral of an application or any requests for withdrawal of an application pursuant to Part X; and call each application in the order in which it appears on the agenda or at the Hearing chair and Committee's discretion.

Introduction of Applications

- 13. The Hearing chair will ask the applicant, the authorized agent or the applicant's representative to introduce him/herself and present the application. The applicant shall be provided with a maximum ten (10) minute time period to present the nature of the application to the Committee. Any presentations beyond the maximum time period shall be at the discretion of the Hearing chair and Committee.
- 14. The Committee may ask questions of the applicant at this time, during or after the presentation.
- 15. At anytime, the Hearing chair or Committee may ask the Secretary-Treasurer to:
 - a. read aloud all comments received from agencies who responded to the circulation of the notice of the application;
 - b. read aloud any letters received from persons expressing an interest in the application and;
- 16. With respect to applications for Consent (including Changes of Conditions) and Certificate of Validation, the Hearing chair may ask the Secretary-Treasurer to read aloud the proposed draft conditions to be attached to the decision should the Committee approve the application. The Committee may delete from, add to or revise the proposed draft conditions.

Public Input

- 17. Public input shall be sought following the presentation of each application, reading of comments and proposed draft conditions. The Committee may limit the length of a public submission if there are multiple submissions from the public to ensure that all members of the public can be heard. Any other public input after the Applicant's Reply shall be at the discretion of the Hearing chair & Committee.
- 18. An interested person shall confine his/her remarks to the subject application.
- 19. Following the introduction of each application, the Hearing chair shall:
 - (a) invite anyone else having an interest in the application to come

- forward, identify themselves and express his/her interest; and
- (b) ask questions of the interested person on behalf of the Committee and allow the Committee members to ask questions.

Applicant's Reply

- 20. Following the public input stage, the Committee shall give the applicant, the authorized agent or the applicant's representative the opportunity to respond to any comments received from commenting agencies or interested parties; and to provide a summary of the substance of the application.
- 21. The Hearing chair and Committee may ask additional questions at this time.

Minor Variances

- 22. Following the Applicant's Reply on applications for Minor Variance, the Committee shall consider the issues raised by the applicant, agent and any respondents and the evidence heard by the Committee. The Hearing chair shall:
 - a. ask whether the members wish to conduct further discussions on the merits of the application;
 - b. at the conclusion of submissions, ask the members of the Committee for a motion with respect to the disposition of the application;
 - c. upon a motion from a Committee member, ask for a remaining member to second the motion;
 - d. permit discussions on the motion;
 - e. call for a vote by the Committee on the motion;
 - f. announce the decision of the Committee; and
 - g. may summarize any dissenting decisions orally.

Consents

- 23. Following the Applicant's Reply on applications for Consent (including Changes of Conditions), Certificate of Validation and Approval for Foreclosure or the Exercise of Power of Sale, the Committee shall consider the issues raised by the applicant, agent and any respondents and the evidence heard by the Committee. The Hearing chair shall:
 - a. ask whether the members wish to conduct further discussions on

- the merits of the application;
- b. at the conclusion of submissions, ask the members of the Committee for a motion with respect to the disposition of the application;
 - c. upon a motion from a Committee member, ask for a remaining member to second the motion;
 - d. permit discussions on the motion;
 - e. call for a vote by the Committee on the motion;
 - f. announce the decision of the Committee; and
 - g. may summarize any dissenting decisions orally.

PART VI - VOTING

Minor Variances

- 24. Each member of the Committee, when requested by the Hearing chair on a seconded motion, shall indicate by show of hands, or by any other form of acknowledgement, their position on the motion. The majority decision of the Committee on this motion shall constitute the decision of the Committee.

Consents

- 25. Each member of the Committee, when requested by the Hearing chair on a seconded motion, shall indicate by show of hands, or by any other form of acknowledgement, their position on the motion. The majority decision of the Committee on this motion shall constitute the decision of the Committee.

PART VII - POWERS OF THE CHAIR AT THE PUBLIC HEARING

- 26. Public Hearings shall be chaired by a member of the Committee, as determined by the Committee at the first hearing of the term of the Committee.
- 27. The Hearing chair is entitled to all rights of a Committee member, including voting.

PART VIII - DECISIONS OF THE COMMITTEE OF ADJUSTMENT

- 28. No decision of the Committee on an application is valid unless it is concurred in by the majority of the members of the Committee that heard the application. In addition, the decision of the Committee shall:

- a. be in writing, whether granting or refusing an application;
 - b. set out the reasons for the decision;
 - c. contain a brief explanation of the effect, in any, that the written and oral submissions relating to the application made to the committee before its decision or at the hearing, had on the decision; and
 - d. be signed by the members who concur in the decision.
29. A copy of the Committee's written decision will be prepared and issued in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and applicable regulations.
30. A copy of the Committee's written decisions shall be sent to each person who appeared in person or by counsel to express his/her interest in the application. In addition, any other person expressing an interest in an application shall leave his/her name and address with the Secretary-Treasurer at the hearing, or may submit a written request, should they wish to receive a copy of the written decision of the Committee and any further correspondence with respect to the Application pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

PART IX - CONFLICT OF INTEREST

31. In accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended, any member of the Committee required to do so by the provisions of the Act, shall disclose any direct or indirect pecuniary interest for themselves or a family member and shall state the general nature of such interest; and it shall be recorded by the Secretary-Treasurer accordingly. The member shall leave the hearing room for the duration of the subject application.

PART X- REQUESTS FOR DEFERRAL OR WITHDRAWAL

32. A request for adjournment/deferral of a matter on the scheduled hearing date by the applicant or authorized agent must be for reasonable cause and must be made at the hearing. If granted, the Committee will set a new hearing date for the application at the hearing and indicate any other requirements or conditions of the adjournment/deferral, such as re-notification or amendment, at that time.
33. A request for an application to be withdrawn from the scheduled hearing date by the applicant or authorized agent must be for reasonable cause. The request for withdrawal must be set out in writing if made prior to the hearing, or the request may be made orally at the commencement of the hearing.
- a. If a request for withdrawal of an application is made in writing prior to the

commencement of the hearing, on the basis of reasonable cause, the Secretary-Treasurer shall make a record that the application has been withdrawn and shall immediately give notice to all property owners within 60 m of the subject lands that the application has been withdrawn. Where the Secretary-Treasurer has made a record that an application has been withdrawn, the Committee shall take no further action in respect of that application.

- b. Where a written request for withdrawal of an application fails to set out reasonable cause for the withdrawal, or where the Secretary-Treasurer is unable to determine whether the written request for the withdrawal sets out reasonable cause, the request for withdrawal of an application shall be presented to the Committee at its next scheduled hearing and the Committee shall determine what further action to take in respect of that application.
- c. Where a request for withdrawal of an application is made orally at the hearing, the Committee shall become seized of the matter and shall determine whether to grant the request or whether to continue with a hearing on the application. If the Committee grants the request for withdrawal of an application, upon the conclusion of the hearing the Secretary-Treasurer shall immediately give notice to all property owners within 60 m of the subject lands that the application has been withdrawn.