

**Date:** Wednesday, September 10, 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 B01-25-PC; B02-25-PC - 484 Barrick Road 1

**Action:** Consent

**Applicant:** Trustees for Christian Life Assembly

**Agent:** Denise Landry

**Location:** 484 Barrick Road
  - 6.2 A14-25-PC - 3334 Nugent Road 39

**Action:** Minor Variance

**Applicant:** Colette Gravel-Willie

**Location:** 3334 Nugent Road
  - 6.3 A13-25-PC - VL Concession 2 70

**Action:** Minor Variance

**Applicant:** William Kemp

**Location:** Vacant Lot on Concession 2 and Snider Road

6.4 B07-25-PC - 3077 Highway 3 121

**Action:** Consent

**Applicant:** Thomas Lawrence

**Location:** 3077 Highway 3

6.5 B08-25-PC - 953 Cedar Bay Road 146

**Action:** Consent

**Applicant:** Crystal McNay

**Location:** 953 Cedar Bay Road

**7. Other Business**

**8. Approval of Minutes**

8.1 Approval of the August 13th, 2025, Committee of Adjustment Minutes 170

**9. Adjournment**

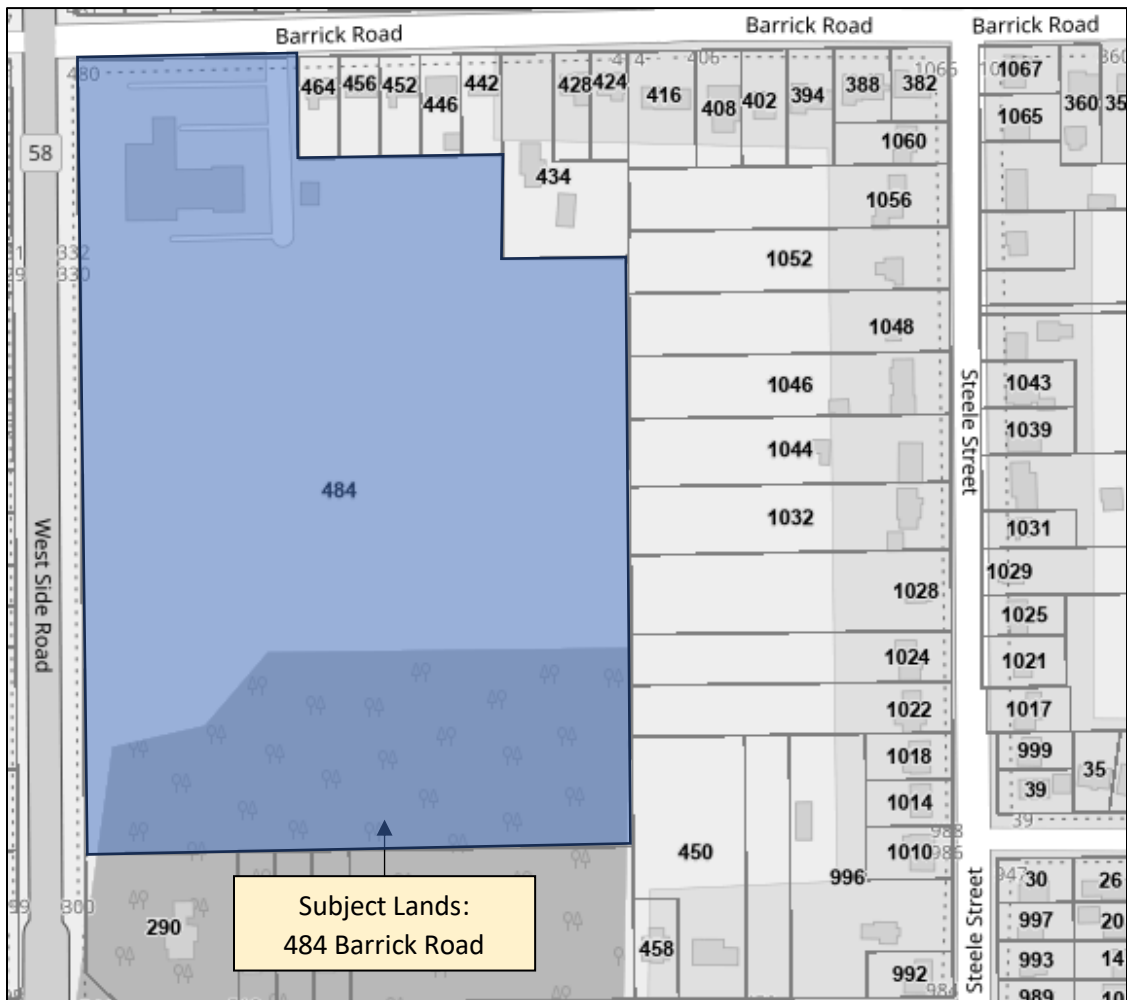


**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P. 13, Section 53 (1);*

**AND IN THE MATTER OF** the lands legally known as Concession 2, Part Lot 30, RP 59R1756, Part of Part 1, located in the Institutional (I) zone, municipally known as 484 Barrick Road.

**AND IN THE MATTER OF AN APPLICATION** by the agent, Denise Landry, on behalf of the owners, the Trustees for Christian Life Assembly, for consent to sever for the purposes of creating a new residential lot and to retain the environmentally protected land. The subject parcels are shown as Parts 1, 2, and 3 on the proposed sketch. A sketch of the subject lands is shown on the reverse side of this notice. More information, including a higher resolution PDF version of this sketch, can be requested through the Secretary-Treasurer.

**LOCATION MAP**



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

**Date:** September 10, 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, September 5, 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, September 9, 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.

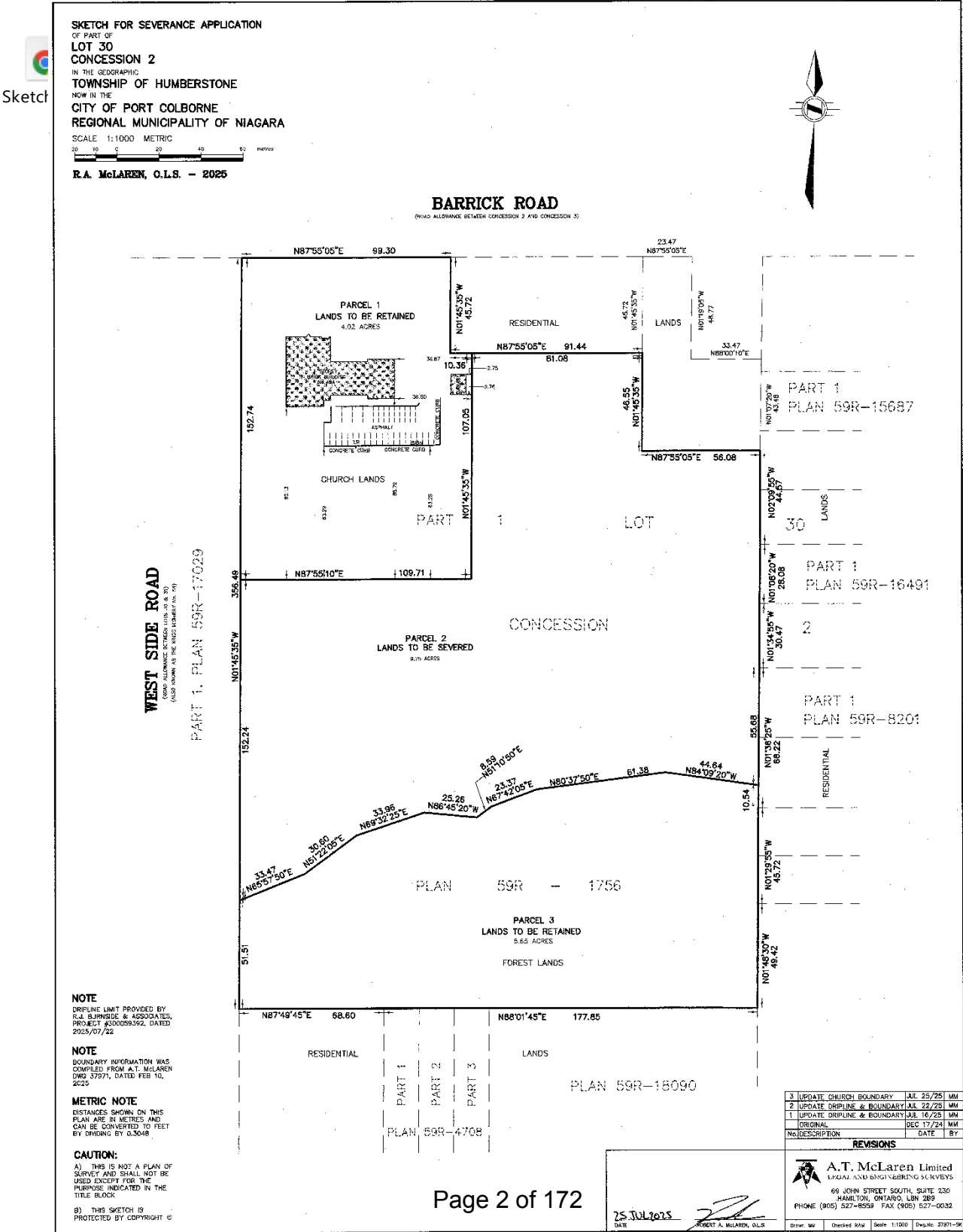
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

Date of Mailing: August 26th, 2025

SKETCH



**Development and Government Relations Department**

**Planning Division Report**

September 5, 2025

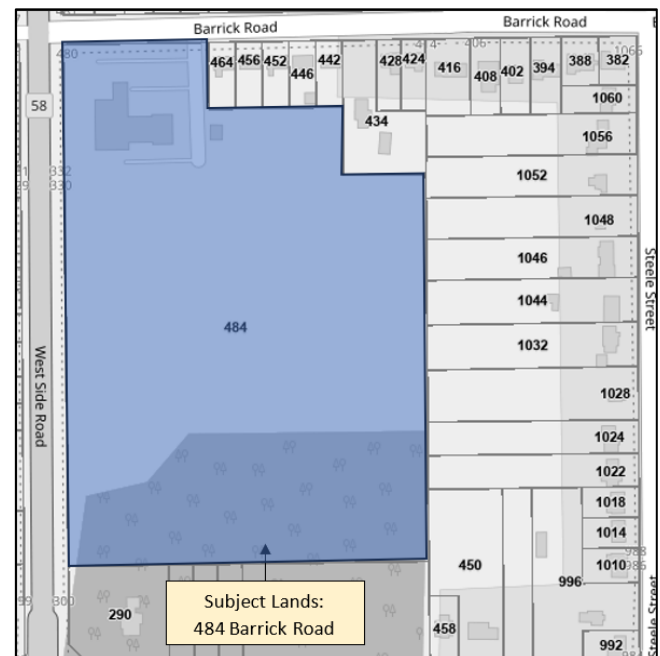
Secretary-Treasurer  
Port Colborne Committee of Adjustment  
66 Charlotte Street  
Port Colborne, ON L3K 3C8

**Re: Applications for Consent: B01-25-PC and B02-25-PC**  
**Concession 2, Part Lot 30, being Part of Part 1 on RP 59R1756**  
**484 Barrick Road**  
**Agent: Nethery Planning**  
**Owner: Trustees for Christian Life Assembly**

**Proposal**

The purpose of these applications is to sever the subject lands to create three separate lots, as illustrated in the provided figures and described below:

- **Parcel 1** is proposed to **be retained** by the current owners and will continue to be used as a place of worship.
- **Parcel 2** is proposed to **be severed** and conveyed for the creation of a new lot.
- **Parcel 3** is proposed to **be severed**, and will be retained by the current owners. The intent is to ensure this portion of the property remains environmentally protected, preserving its natural features and ecological value.



*Figure 1 (above): Subject Lands*

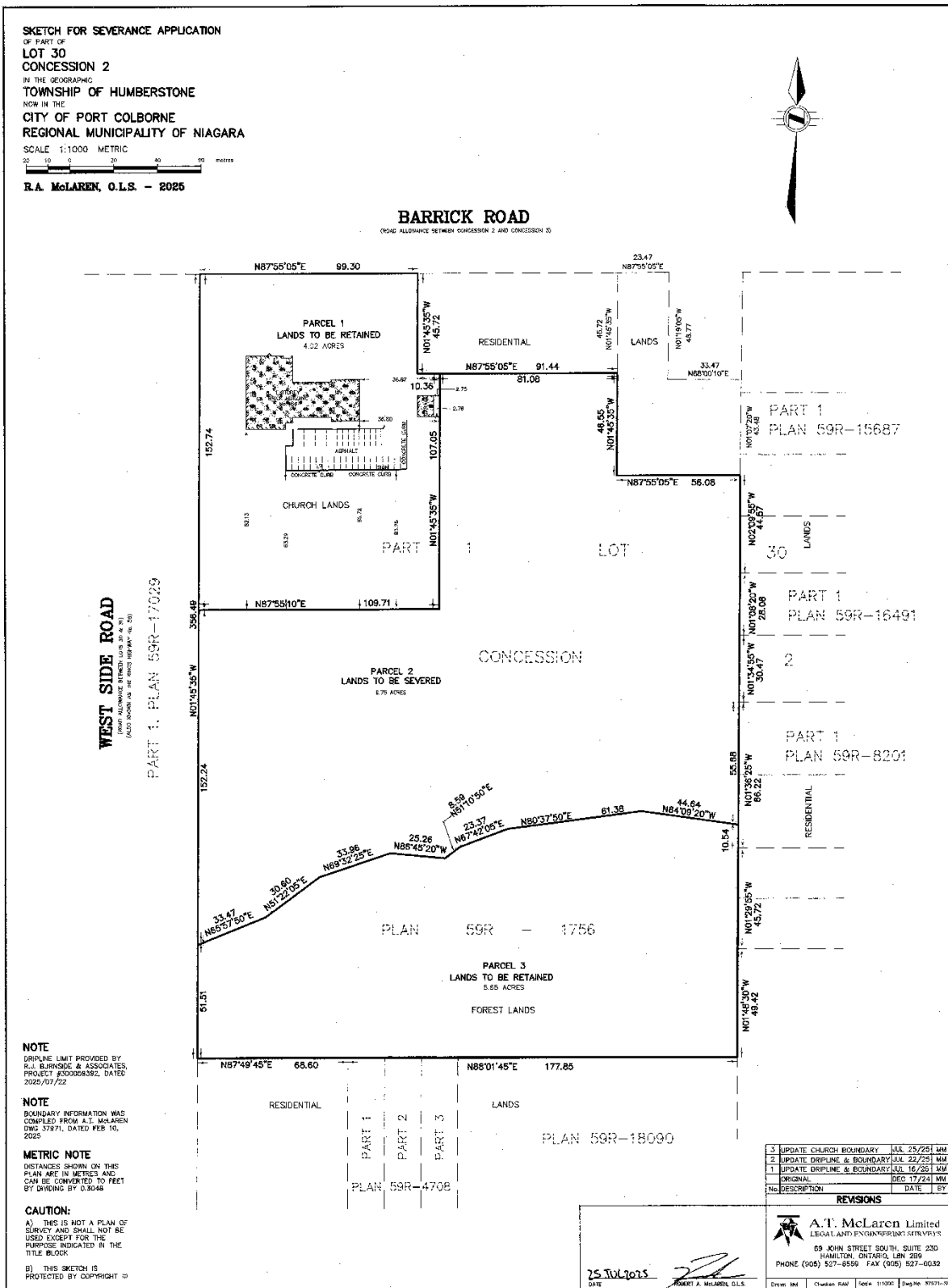


Figure 2 (above): Proposed severance sketch

## Surrounding Land Uses and Zoning

The subject lands are zoned Institutional (I). A Zoning By-law Amendment (ZBA) application has been submitted concurrently with the consent applications, to advance and facilitate future development of the Subject Lands (File: D14-12-24). Staff are reviewing this application separately, and a recommendation on the ZBA will be brought forward to Council for a decision at a future date.

More information on ZBA application D14-12-24 can be obtained on the Current Applications webpage, and the August 19, 2025, Public Meeting agenda. A report to Council with a recommendation on this application is forthcoming.

The parcels surrounding the subject lands include residential properties in the First, Second, Third, and Fourth Density Residential Zones (R1, R2, R3, and R4, respectively). One property to the south is zoned Institutional with a special provision (I-36) and one property to the southwest zoned Mixed Use with a special provision (MU-74). Figure 3 below shows the zoning of the subject and surrounding lands.

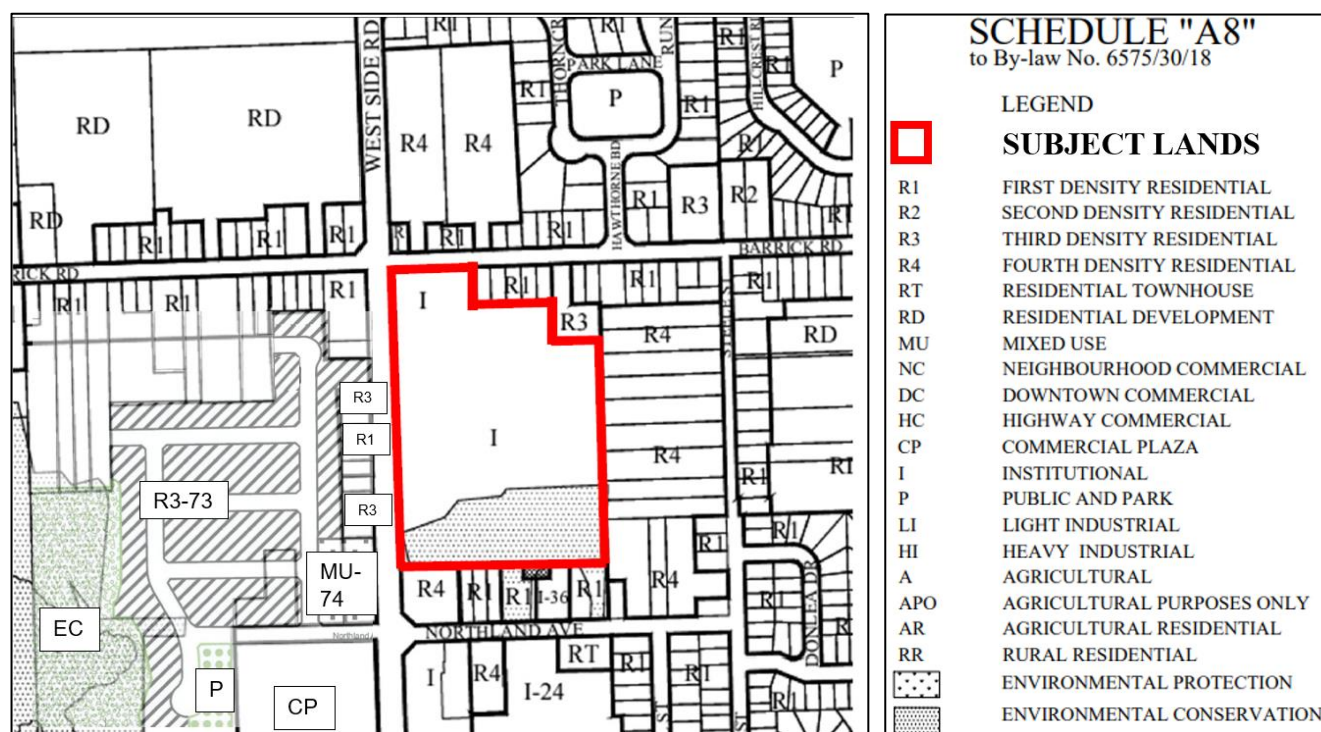


Figure 3 (above): Zoning of the subject and surrounding lands

## Environmentally Sensitive Areas

The subject property features a woodlot which is recognized through Zoning By-law 6575/30/18 via an Environmental Conservation overlay. This woodlot is proposed to be severed for continued environmental protection, in accordance with the [Environmental Impact Study](#) that was completed in support of these applications.

## Public Comments

Notice was circulated on August 26, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of September 5, 2025, no comments from the public have been received.

## Agency Comments

Notice of the application was circulated on August 11, 2025, to internal City departments and external agencies. As of September 5, 2025, the following comments have been received.

Commenter	Comments	Planning Response	Staff
Drainage Superintendent	No objections.	Noted	
Fire Department	Parcel 2 as future development needs to have two access road to the property for emergency services Parcel 3 will be land locked without development to parcel 2	Condition 2a and 2b have been included as part of the recommendation to reflect the Fire Department comments	
Engineering Technologist	An 11-metre by 11-metre sight triangle (or the distance required by the Ministry of Transportation, whichever is less), at the northwest corner of Parcel 1 where Barrick Road and West Side Road intersect, must be dedicated to the City.	Condition 2c has been included as part of the recommendation to reflect the Engineering Technologist comments	
Ministry of Transportation (MTO)	No new entrances will be permitted for Parcels 2 or 3.  As noted by the applicants, an easement over Parcel 2 will be required to access Parcel 3. The MTO can only support this proposal if the easement meets the required 14-metre setback from West Side Road/Highway 58.  The proposed severance sketch shows Parcel 2 would be	Condition 2a and 2b have been included as part of the recommendation to reflect the MTO comments	

	landlocked without an alternative means of access. Given that the submission materials identify access to Parcel 2 will be provided from 434 Barrick Road, the MTO can only support the proposed severances if this method of access is addressed through the conditions of consent.	
--	--	--

## **Discussion**

Consent applications B01-25-PC and B02-25-PC were reviewed in consideration of the 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)**

Based on the policies and definitions in the PPS, the subject lands are within a 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.

Severance applications B01-25-PC and B02-25-PC are consistent with the PPS. The proposal to create two (2) new lots within the City's urban area supports the provincial requirement to direct growth and development to settlement areas. The retained and severed lands are municipally serviced, which contributes to the efficient use of existing infrastructure.

### **Niagara Official Plan (NOP)**

The Niagara Official Plan (NOP) provides the long-term land use planning framework for development across the Niagara Region, including the City of Port Colborne. The subject lands are designated as follows in the NOP:

- Delineated Built-up Area, in accordance with Schedule B, Regional Structure;
- Significant Woodlands, in accordance with Schedule C1, Natural Environment System Overlay and Provincial Natural Heritage Systems; and,
- Area of Archaeological Potential, in accordance with Schedule K, Areas of Archaeological Potential.

Section 2.2 of the NOP directs growth to settlement areas and states that most development will occur in urban areas, where municipal water and wastewater systems/services exist or are planned and a range of transportation options can be



provided. The urban growth management policies in NOP Policy 2.2.1 encourage land use patterns that minimize land consumption, make efficient use of existing infrastructure, and promote orderly development while protecting natural heritage features.

NOP Policy 3.1.4.8 states that where development is proposed within or adjacent to the natural environment system, new lots shall not be created which would fragment a natural heritage feature or area. The natural feature and its required buffer shall be maintained in a single block and zoned to protect the natural features and its ecological functions. As such, an Environmental Impact Study was required to determine an appropriate location for a proposed lot line which will not fragment the natural heritage features.

NOP Policy 6.4.2 states that development is not permitted on areas of archaeological potential unless those resources have been conserved, or the lands have been assessed and cleared or mitigated, with appropriate clearance from the Province. An archaeological assessment may be required as part of future development applications.

The proposed consent applications conform to the NOP.

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

The subject lands are designated Urban Residential in accordance with Schedule A of 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 on lands designated Urban Residential are considered in accordance with the policies of Section 3.2.4 of the OP.

The proposed consent applications meet the requirements to sever the lands set out in the OP, subject to necessary conditions which are outlined in the Recommendation section of this report.

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

The subject lands are zoned Institutional (I) in accordance with Zoning By-law 6575/30/18.

A Zoning By-law Amendment (ZBA) application has been submitted concurrently with the consent applications, to advance and facilitate future development of the Subject Lands (D14-12-24). More information on ZBA application D14-12-24 can be obtained on the Current Applications webpage, and the August 19, 2025, Public Meeting agenda.

Staff are reviewing this application separately, and a recommendation on the ZBA will be brought forward to Council for a decision at a future date. A condition of approval of the consent application before the Committee is that appropriate zoning be secured through ZBA Application D14-12-24.



## Recommendation:

That consent application B01-25-PC and B02-25-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 parcels, including a registrable legal description of the subject parcels, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That, prior to depositing the reference plan, the following amendments are made to the satisfaction of City staff:
  - a. That the applicant apply for and obtain an easement for access to Parcel 3, over Parcel 2, which maintains the Ontario Ministry of Transportation required 14-metre setback from Highway 58.
  - b. The applicant provide a written undertaking that access to Parcel 2 will be from 434 Barrick Road to the satisfaction of the Ontario Ministry of Transportation.
  - c. An 11-metre by 11-metre sight triangle is included, at the intersection of Barrick Road and West Side Road from Parcel 1, is included for conveyance to the City of Port Colborne.
3. That appropriate zoning be secured through application D14-12-24
4. That a final certification fee of \$400 per application, for a total of \$800, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
5. That all conditions of consent be completed by Sept 10, 2027.

For the following reasons:

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

Respectfully submitted,

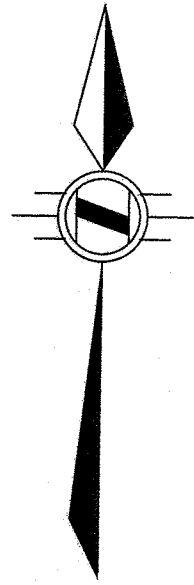
Erik Acs

Chief Planner

SKETCH FOR SEVERANCE APPLICATION  
OF PART OF  
LOT 30  
CONCESSION 2  
IN THE GEOGRAPHIC  
TOWNSHIP OF HUMBERSTONE  
NOW IN THE  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:1000 METRIC  
20 10 0 20 40 60 metres

R.A. McLAREN, O.L.S. - 2025

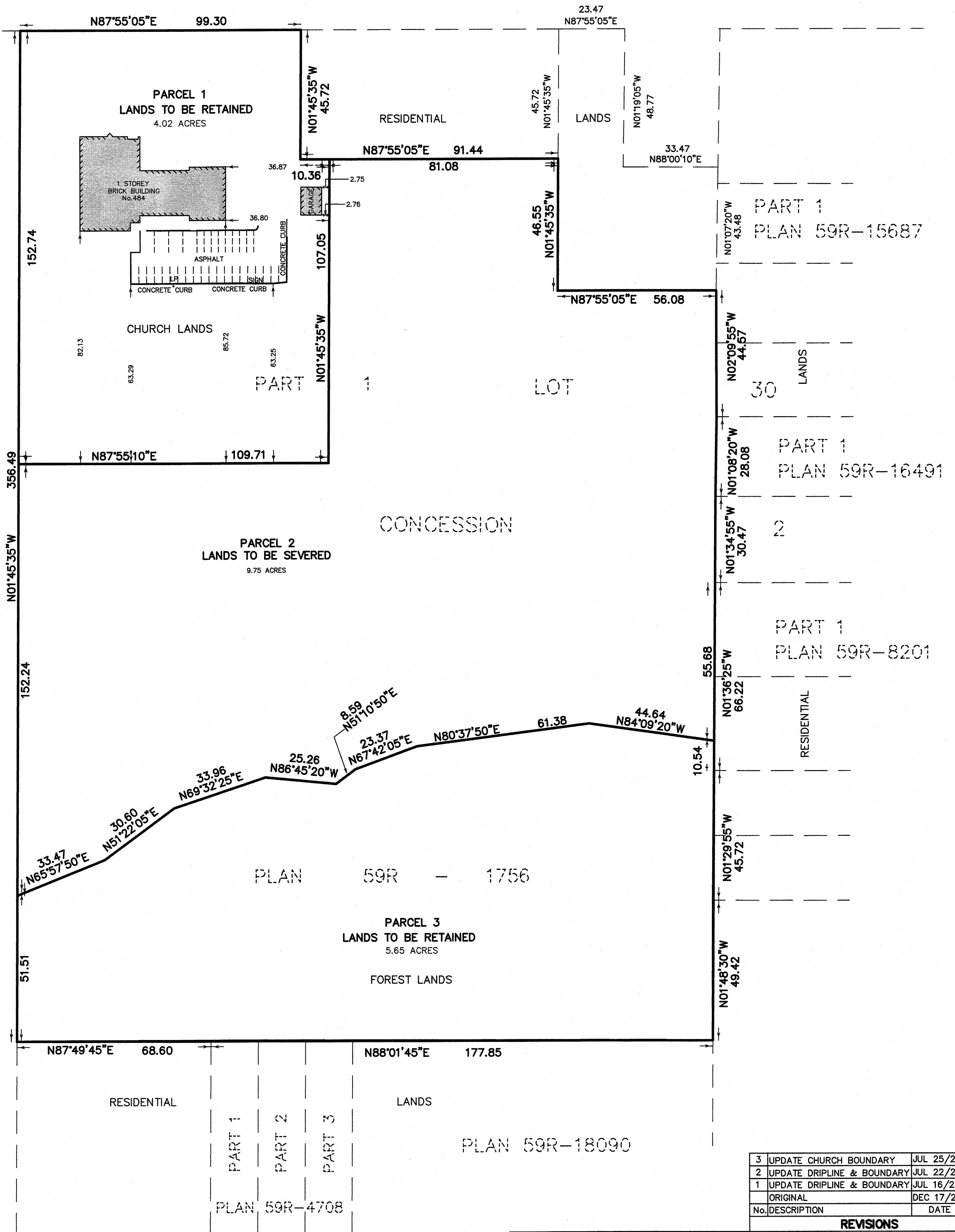


BARRICK ROAD

(ROAD ALLOWANCE BETWEEN CONCESSION 2 AND CONCESSION 3)

WEST SIDE ROAD  
(ROAD ALLOWANCE BETWEEN LOTS 30 & 31)  
(ALSO KNOWN AS THE KINGS HIGHWAY No. 50)

PART 1, PLAN 59R-17029



NOTE  
DRIPLINE LIMIT PROVIDED BY  
R.J. BURNSIDE & ASSOCIATES,  
PROJECT #300059392, DATED  
2025/07/22

NOTE  
BOUNDARY INFORMATION WAS  
COMPILED FROM A.T. McLAREN  
DWG 37971, DATED FEB 10,  
2025

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

CAUTION:  
A) THIS IS NOT A PLAN OF  
SURVEY AND SHALL NOT BE  
USED EXCEPT FOR THE  
PURPOSE INDICATED IN THE  
TITLE BLOCK  
B) THIS SKETCH IS  
PROTECTED BY COPYRIGHT ©

3	UPDATE CHURCH BOUNDARY	JUL 25/25	MM
2	UPDATE DRIPLINE & BOUNDARY	JUL 22/25	MM
1	UPDATE DRIPLINE & BOUNDARY	JUL 16/25	MM
	ORIGINAL	DEC 17/24	MM
No.	DESCRIPTION	DATE	BY

REVISIONS



A.T. McLaren Limited  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

25 JUL 2025  
DATE

ROBERT A. McLAREN, O.L.S.

Drawn MM Checked RAM Scale 1:1000 Dwg.No. 37971-SK



For Office Use Only

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

Application Complete:    ☐ Yes    ☐ No

Date of Completion: \_\_\_\_\_

## SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

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

## 2025 APPLICATION FEES

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

## COMPLETENESS OF APPLICATION

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

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

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

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

DRAWING REQUIREMENTS

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

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

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Denise Landry	Date: July 24, 2025	Initials: DL



## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

## CONSENT APPLICATION

### THE CITY OF PORT COLBORNE

The Planning Act – Section 53

## SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: Trustees for Christian Life Assembly	
Mailing Address: 484 Barrick Road	
City: Port Colborne	Province: Ontario
Postal Code: L3K4B7	Telephone:
Fax:	Email:
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name: Beth Mullin, McKenzie Lake Lawyers LLP	
Mailing Address: 140 Fullarton Street, Suite 1800	
City: London	Province: Ontario
Postal Code: N6A 5P2	Telephone: 519 672 5666 ext. 7324
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name: Dunsire Properties Inc. & Nethery Planning (c/o Denise Landry)	
Mailing Address: 8 Riding Park Pl	
City: Dundas	Province: Ontario
Postal Code: L9H0B1	Telephone: 289 902 3903 ext. 207
Fax:	Email: denise@netheryplanning.ca
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: Robert McLaren, O.L.S., P.Eng	
Mailing Address: 69 John St S., Suite 230	
City: Hamilton	Province: Ontario
Postal Code: L8N2B9	Telephone: 905 527 8559
Fax:	Email: mclaren@atmclaren.com
<b>1.5 All communications should be sent to the:</b>	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

## SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Humberstone	
Concession No. 2	Lot(s): 30
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Barrick Road	Street No. 484

SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))

☒ Creation of New Lot

☐ Addition to lot

☐ Mortgage or Charge

☐ Lease

☐ Disposal of Surplus Farm Dwelling

☐ Farm Retirement Lot

☐ Partial Discharge or Mortgage

☐ Right-of-Way

☐ Easement

Reason for proposed transaction:

Sever off land from the Church (Parcel 1) in order to develop Parcel 2 for future residential use. The purchaser of Parcel 2 is purchasing 434 Barrick Road to provide access to the site. Parcel 3 to be retained by the Church and protected from development. A separate application proposes to sever off the woodlot and remain in the ownership of the church. An easement will be registered over Parcel 2 to allow access from the Church (Parcel 1) to the woodlot (Parcel 3).

Parcel 1 - to be retained by church

Parcel 2 and 3 - Severed

3.2 If a lot addition, identify the lands to which the parcel will be added:

3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 2 & 3

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 203.75	Depth: 246.45 metres	Area: 15.4 acres
Existing Use: Part 2 is vacant and Part 3 is a woodlot		
Proposed Use: Part 2 future residential, Part 3 remain as woodlot		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 1

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 99.3 metrse	Depth: 152.74 metres	Area: 4.02 acres
Existing Use: Place of worship		
Proposed Use: Remain as place of worship		

SECTION 6: SUBJECT LAND INFORMATION

6.1 What is the current designation of the land in the Official Plan and the Regional Plan?

Port Colborne Official Plan: Urban Residential

Regional Policy Plan: Built up Area

6.2 What is the Zoning of the land (By-law 6575/30/18)?

Institutional

6.3 Date and Subject Land was acquired by the Current Owner:

November 6, 1987

6.4 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?

☐ Yes

☐ No

If “Yes” describe the easement or covenant and its effect:

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.		
<div></div> <div></div>		
6.6 Type of ACCESS		
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input checked="" type="checkbox"/> Municipal Road maintained <b>all year</b>	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained <b>seasonally</b>	
6.7 What type of WATER SUPPLY is proposed?		
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply		
<input type="checkbox"/> Lake		
<input type="checkbox"/> Well (private or communal)		
<input type="checkbox"/> Other (specify):		
<div></div>		
6.8 What type of SEWAGE DISPOSAL is proposed?		
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system		
<input type="checkbox"/> Septic system (private or communal)		
<input type="checkbox"/> Other (specify):		
<div></div>		
6.9 What type of STORMWATER DISPOSAL is proposed?		
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system		
<input type="checkbox"/> Other (specify):		
<div></div>		

SECTION 7

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

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

File Number:
Decision:

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

8.1 ALL EXISTING USE		
<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Institutional	<input checked="" type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	<div></div>
8.2 What is the length of time the existing use(s) of the land have continued?		
Since 1997 - 27 years		
8.3 Are there any buildings or structures on the subject land?		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, briefly describe and indicate their use. One building used as a place of worship		



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

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that 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 July 24, 2025  
Date

X Denise Landry  
Signature of Owner



Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X July 24, 2025  
Date

X Denise Landry  
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 Denise Landry

Of the City/Town/Township of Port Colborne

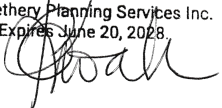
In the County/District/Regional Municipality of Niagara

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 Province of Ontario  
This 24th day of July  
20 25 .  
A Commissioner, etc.

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

OLGA BARBARA KWAK,  
a Commissioner, etc., Province of Ontario,  
for Nethery Planning Services Inc.  
Expires June 20, 2028  


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 Denise Landry 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 Denise Landry  
Signature of Owner/Agent

X July 24, 2025  
Date

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

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

PERMISSION TO ENTER

I/We \_\_\_\_\_ Denise Landry \_\_\_\_\_ am/are the agent 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 Denise Landry  
Signature of Owner

X July 24, 2025  
Date

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

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

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We \_\_\_\_\_ 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

## SUGGESTION TO THE APPLICANT

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

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

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

(On-line) at: <http://www.mah.gov.on.ca>

Under “Your Ministry” – Land Use Planning – Provincial Policy Statement

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

### SUBMISSION OF APPLICATION

Completed applications can be sent to:

<div> <div>City of Port Colborne</div> <div>Taya Taraba</div> <div>Secretary Treasurer of the Committee of Adjustment</div> <div>City Hall</div> <div>66 Charlotte Street</div> <div>Port Colborne, Ontario L3K 3C8</div> </div>	<div> <div>Telephone: 1-905-835-2900 ext. 204</div> <div>Fax: 1-905-835-2939</div> <div>Email: taya.taraba@portcolborne.ca</div> </div>
--	---

### 2025 APPLICATION FEES

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

### COMPLETENESS OF APPLICATION

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

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

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

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

DRAWING REQUIREMENTS

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

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

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Denise Landry	Date: July 24, 2025	Initials: DL





## SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: Trustees for Christian Life Assembly	
Mailing Address: 484 Barrick Road	
City: Port Colborne	Province: Ontario
Postal Code: L3K4B7	Telephone:
Fax:	Email:
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name: Beth Mullin, McKenzie Lake Lawyers LLP	
Mailing Address: 140 Fullarton Street, Suite 1800	
City: London	Province: Ontario
Postal Code: N6A 5P2	Telephone: 519 672 5666 ext. 7324
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name: Dunsire Properties Inc. & Nethery Planning (c/o Denise Landry)	
Mailing Address: 8 Riding Park Pl	
City: Dundas	Province: Ontario
Postal Code: L9H0B1	Telephone: 289 902 3903 ext. 207
Fax:	Email: denise@netheryplanning.ca
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: Robert McLaren, O.L.S., P.Eng	
Mailing Address: 69 John St S., Suite 230	
City: Hamilton	Province: Ontario
Postal Code: L8N2B9	Telephone: 905 527 8559
Fax:	Email: mclaren@atmclaren.com
<b>1.5 All communications should be sent to the:</b>	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

## SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Humberstone	
Concession No. 2	Lot(s): 30
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Barrick Road	Street No. 484

SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))		
<input checked="" type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement
Reason for proposed transaction: Sever off Parcel 2 from Parcel 3 (retained) in order to develop Parcel 2 for future residential use. Parcel 3 is a woodlot and will be retained and continued to be owned by the church. An easement will be registered over Parcel 2 to allow access from the Church (Parcel 1) to the woodlot (Parcel 3). Parcel 2 - to be severed Parcel 3 - to be retained and owned by the church		
3.2 If a lot addition, identify the lands to which the parcel will be added:		
<div></div> <div></div>		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:		
<div></div>		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 2

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 152.24	Depth: 246.45	Area: 9.75
Existing Use: Vacant		
Proposed Use: Future residential		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 3

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 51.51	Depth: 246.45	Area: 5.65
Existing Use: Woodlot		
Proposed Use: Remain as woodlot and in ownership of the church		

SECTION 6: SUBJECT LAND INFORMATION

6.1 What is the current designation of the land in the Official Plan and the Regional Plan?	
Port Colborne Official Plan: Urban Residential	
Regional Policy Plan: Built up Area	
6.2 What is the Zoning of the land (By-law 6575/30/18)? Institutional	
6.3 Date and Subject Land was acquired by the Current Owner: November 6, 1987	
6.4 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If “Yes” describe the easement or covenant and its effect:
<input type="checkbox"/> No	

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

SECTION 7

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

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

File Number:
Decision:

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

<b>8.1 ALL EXISTING USE</b>		
<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Institutional	<input checked="" type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	<div></div>
<b>8.2 What is the length of time the existing use(s) of the land have continued?</b>		
Since 1997 - 27 years		
<b>8.3 Are there any buildings or structures on the subject land?</b>		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, briefly describe and indicate their use.    One building used as a place of worship		

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

ACKNOWLEDGMENT CLAUSE

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

X July 24, 2025  
Date

X Denise Landry  
Signature of Owner

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X July 24, 2025  
Date

X Denise Landry  
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 Denise Landry

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 Province of Ontario  
This 24th day of July  
20 25 .  
A Commissioner, etc.

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

OLGA BARBARA KWAK,  
a Commissioner, etc., Province of Ontario,  
for Nethery Planning Services Inc.  
Expires June 20, 2028.  


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 Denise Landry 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 Denise Landry  
Signature of Owner/Agent

X July 24, 2025  
Date

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

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

PERMISSION TO ENTER

I/We Denise Landry 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 Denise Landry  
Signature of Owner

X July 24, 2025  
Date

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

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

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We \_\_\_\_\_ 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



## SUGGESTION TO THE APPLICANT

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

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

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

(On-line) at: <http://www.mah.gov.on.ca>

Under “Your Ministry” – Land Use Planning – Provincial Policy Statement

---

**RE: COA Sept 10th - Internal Circulation**

---

**From** Ali, Usama (MTO) <Usama.Ali@ontario.ca>

**Date** Mon 8/25/2025 6:11 PM

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

**Cc** Diana Vasu <Diana.Vasu@portcolborne.ca>; Prestinaci, Matthew (MTO) <Matthew.Prestinaci@ontario.ca>; Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>

Good Afternoon Taya:

[@Prestinaci, Matthew \(MTO\)](#) is the Corridor Management Officer for Niagara and he will provide comments on Minor Variance Applications. Please include Matthew Prestinaci in the distribution list for future Planning Applications.

Re: **MTO Consent & Minor Variance Comments**

1. Application File: **Minor Variance (A13-25-PC)**

Application Address: **VL Pcl at NW Cnr of Snider Road & 2<sup>nd</sup> Con Rd (PIN 64135-0047), Port Colborne, ON (Hwy 140)**

Minor Variance:

1. **Increase Lot coverage from 10% to 22.5%**
2. **Reduced Corner Side Yard Setback from 7.5m to:**
  - a. **5.67m (house)**
  - b. **7.19m (garage)**

Planner's Notes: Site is outside Permit Control Area (PCA) → **No Permit Required (NPR)**.

The MTO has reviewed this location and has no comments to provide as this site is outside of MTO permit jurisdiction. No MTO permits or approvals would be required by the proponent for any development at the above address at this time.

2. Application File: **Minor Variance (A14-25-PC)**

Application Address: **3334 Nugent Road, Port Colborne, ON**

Minor Variance: **Increase Roof Height beyond the ZB limit of 6m**

Planner's Notes: Site is outside Permit Control Area (PCA) → **No Permit Required (NPR)**.

The MTO has reviewed this location and has no comments to provide as this site is outside of MTO permit jurisdiction. No MTO permits or approvals would be required by the proponent for any development at the above address at this time.

3. Application File: **Consent (B01-25-PC & B02-25-PC)**

Application Address: **484 Barrick Road, Port Colborne, ON (Hwy 58)**

Proposed: **Residential Development**

Consent Description: **Sketch by A.T. McLaren Ltd., signed July 19, 2025, Rev. 3 (File: 37971-SK showing):**

1. **Retaining Parcel 1 (Church) and Parcel 3 (Woodlot)**
2. **Severance Parcel 2 for proposed Subdivision and**

Planner's Notes:

1. West Side Road (aka. Hwy 58) is CAH and classified as a 2B Arterial) → **No new entrances will be permitted for Parcels 2 & 3**
2. Any new easement through the Severed Parcel 2 must meet the **14m-setback from the Hwy 58 right-of-way/property limit.**
3. Planning Justification Report prepared by Netherby Planning (April 2025) acknowledges that access from West Side Road is restricted and an easement will be required to provide access to the retained Parcel 3 (Woodlot)
  - New easement must meet the 14m-setback from West Side Road
4. EIS report prepared by Burnside & Assoc. Ltd. (July 2025) includes the parcel at 434 Barrick Road (PIN 64140-0008) to support a Draft Plan of Subdivision.
  - The Sketch shows the Severed Parcel 2 as **landlocked** because MTO will not permit a new access onto West Side Road.. **It is MTO's understanding that access for Parcel 2 will be from 434 Barrick Road.**

MTO is supportive of the consent for Applications B01-25-PC and B02-25-PC **only on the conditions:**

1. Access for the Severed Parcel 2 will be from Barrick Road. It is MTO's understanding that access will be from 434 Barrick Road.
2. Any proposed easement through the Severed Parcel 2, in favor of the Church (Parcel 1) to gain access to the Woodlot (Parcel 3), must meet the 14m-setback from West Side Road.

4. Application File: **Consent (B01-25-PC & B02-25-PC)**

Application Address: **484 Barrick Road, Port Colborne, ON (Hwy 58)**

Proposed: **Residential Development**

Consent Description: **Sketch by A.T. McLaren Ltd., signed July 19, 2025, Rev. 3 (File: 37971-SK showing):**

1. **Retaining Parcel 1 (Church) and Parcel 3 (Woodlot)**
2. **Severance Parcel 2 for proposed Subdivision and**

Planner's Notes:

1. West Side Road (aka. Hwy 58) is CAH and classified as a 2B Arterial) → **No new entrances will be permitted for Parcels 2 & 3**
2. Any new easement through the Severed Parcel 2 must meet the **14m-setback from the Hwy 58 right-of-way/property limit.**
3. Planning Justification Report prepared by Netherby Planning (April 2025) acknowledges that access from West Side Road is restricted and an easement will be required to provide access to the retained Parcel 3 (Woodlot)
  - New easement must meet the 14m-setback from West Side Road
4. EIS report prepared by Burnside & Assoc. Ltd. (July 2025) includes the parcel at 434 Barrick Road (PIN 64140-0008) to support a Draft Plan of Subdivision.
  - The Sketch shows the Severed Parcel 2 as **landlocked** because MTO will not permit a new access onto West Side Road.. **It is MTO's understanding that access for Parcel 2 will be from 434 Barrick Road.**

MTO is supportive of the consent for Applications B01-25-PC and B02-25-PC **only on the conditions:**

1. Access for the Severed Parcel 2 will be from Barrick Road. It is MTO's understanding that access will be from 434 Barrick Road
2. Any proposed easement through the Severed Parcel, in favor of the Church (Parcel 1) to gain access to the Woodlot (Parcel 3), must meet the 14m-setback from West Side Road.

5. Application File: **ZBA (D14-12-24)**

Application Address: **484 Barrick Road, Port Colborne, ON (Hwy 58)**

Proposed: **Residential Development**

ZBA: **Rezone to site-specific provisions for minimum lot frontage and minimum lot area to allow future severance of subject lands.**

Planner's Notes:

- a. The current minimum lot frontage and minimum lot area provisions are set as "as existing," which does not accommodate the proposed severances. To facilitate the proposed severance, a Zoning By-law Amendment (ZBA) is required to establish site-specific provisions for minimum lot frontage and minimum lot area.
- b. The ZBA is tied to the consent applications, provided that the conditions are met.

MTO is supportive of the ZBA Application D14-12-24 in principle provided that all conditions for the above Consent Applications B01-25-PC and B02-25-PC are met.

Because no Concept Plan was provided for MTO's review, MTO can not provide Pre-Con for this ZBA Application (D14-12-24) at this moment.

As a friendly reminder, once the Draft Plan of Subdivision is submitted to the City, please circulate the clearance of Subdivision Conditions to [Peter.Deluca@ontario.ca](mailto:Peter.Deluca@ontario.ca), who is the Senior Project Manager for Hamilton/Niagara.

6. Application File: **Consent (B07-25-PC)**

Application Address: **3077 Highway 3, Port Colborne, ON**

Proposed: **Sell Dwelling and Barn**

Consent Description: **Sketch by Rasch & Hyde Ltd., signed September 24, 2024**

**(File: 23F023):**

- i. **Severed Parcel 1 (Dwelling & Barn)**
- ii. **Retained Parcel 2 (Farmland)**

Planner's Notes:

1. Consent App B07-25-PC (3077 Hwy 3) abuts Consent App B08-25-PC (953 Cedar Bay Road)
  - ➔ Similar sketch is provided Consent App B08-25-PC
  - ➔ Parcel 2 for Consent App B08-25-PC is to be merged to the parcel (PIN 64168-0409), which is along Cedar Bay Road at a later stage.
  - ➔ Process B07-25-PC first.
2. Hwy 3 is Controlled-Access-Highway (CAH). No additional entrances permitted.
3. Parcel 2 fronts onto Cedar Bay Road where access can be attained. **No conditions for access required.**

MTO is supportive of the consent for Applications B07-25-PC.

7. Application File: **Consent (B08-25-PC)**

Application Address: **953 Cedar Bay Road, Port Colborne, ON (Hwy 3)**

Proposed: **To make larger lot by joining Pcl 2 to Pcl 4 (PIN 64168-0409)**

Consent Description: **Sketch by Rasch & Hyde Ltd., signed July 8, 2025 (File: 23F023):**

1. **Retaining Parcel 4 (Dwelling)**
2. **Severance Parcel 2 (VL)**
3. **Retained Parcel 3 (Farmland)**

Planner's Notes:

1. Consent App B08-25-PC (953 Cedar Bay Road) abuts Consent App B07-25-PC (3077 Hwy 3).
  - ➔ Similar sketch is provided Consent App B07-25-PC
  - ➔ Parcel 2 for Consent App B08-25-PC is to be merged to the parcel 4 (PIN 64168-0409) – being 953 Cedar Bay road.
  - ➔ Process B07-25-PC first
2. Hwy 3 is Controlled-Access-Highway (CAH). No additional entrances permitted.
3. Parcel 3 fronts onto Cedar Bay Road where access can be attained. **No conditions for access required.**

MTO is supportive of the consent for Applications B08-25-PC.

I trust that the above is satisfactory. If you have any further questions or concerns, please send an email or call me at the number below.

MTO looks forward to working together with the stakeholders during the Site Plan Application Process to reach amenable solutions that satisfy all parties.

Kind Regards,

**Usama Ali**

Corridor Management Planner (Hamilton/Niagara) | Corridor Management Office/Operations Division  
Ministry of Transportation (Central Operations) | Ontario Public Service  
416-457-8973 | [usama.ali@ontario.ca](mailto:usama.ali@ontario.ca)

*Taking pride in strengthening Ontario, its places and its people*

**Upcoming Absence: August 25**



## PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

Minor Variance Application

File No. A14-25-PC

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

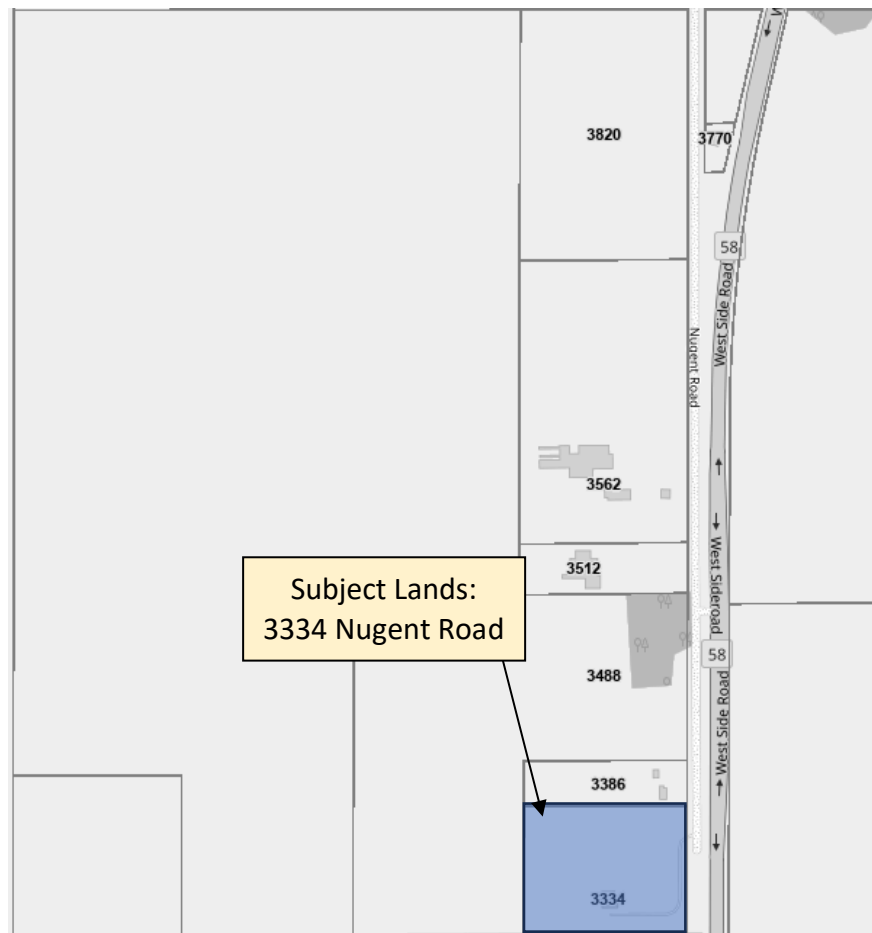
**AND IN THE MATTER OF** the lands legally known as Concession 4, Part Lot 31, in the City of Port Colborne, located in the Agricultural (A) zone, municipally known as 3334 Nugent Road.

**AND IN THE MATTER OF AN APPLICATION** by the owner, Colette Gravel-Willie, for relief from the provisions of Zoning By-law 6575/30/18, as amended, under section 45 of the *Planning Act, R.S.O 1990 C.P 13*, to permit an increase in height for a new accessory structure, notwithstanding the following:

1. That a maximum height of 8.1m be permitted, whereas a maximum height of 6m is permitted;

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission to build a new accessory building with increased 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:** September 10, 2025

**Time:** 6:00 p.m.

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

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, September 5, 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, September 9, 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.

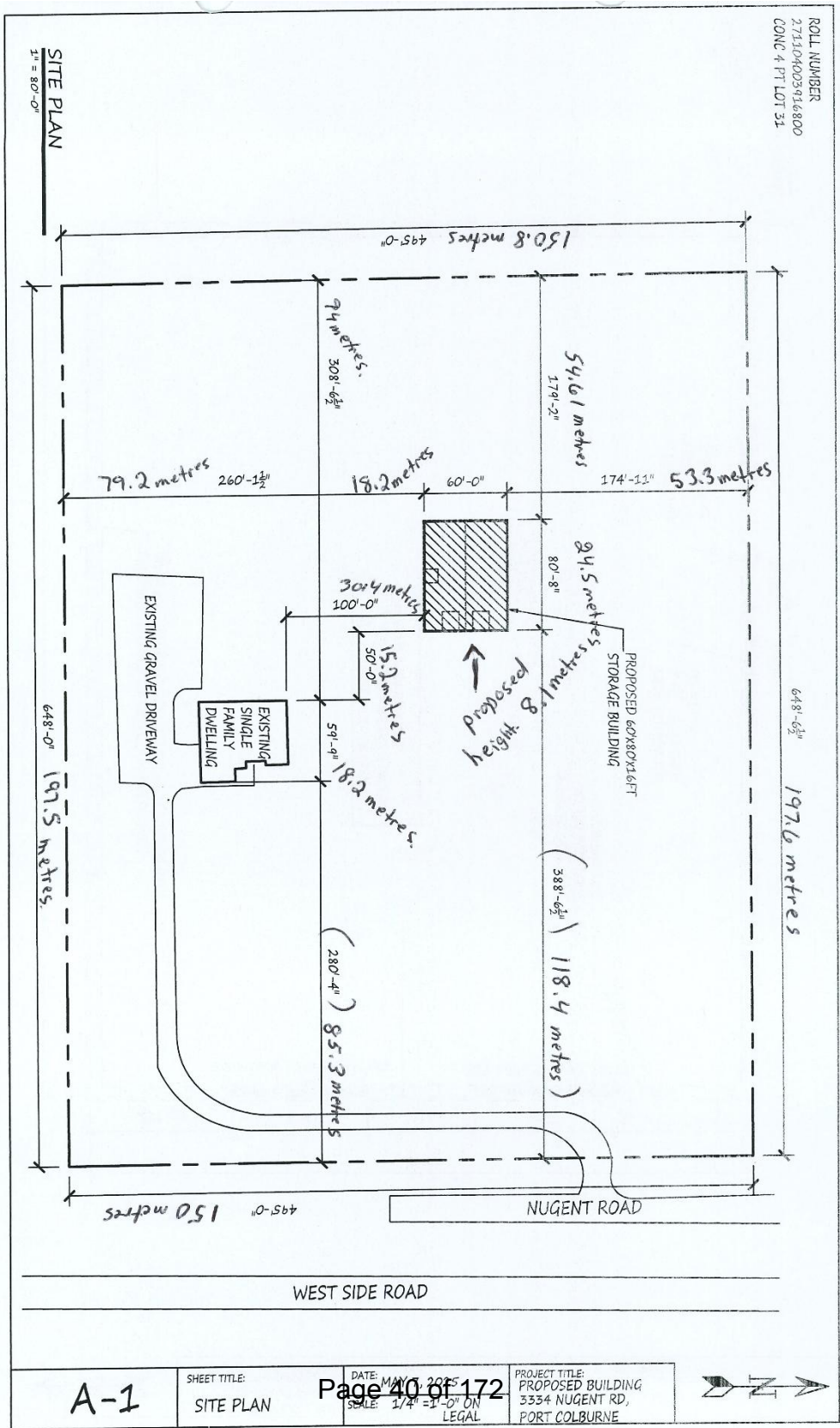
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

Date of Mailing: August 26, 2025

SKETCH







## Public Comments

Notice was circulated on August 26, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of September 5, 2025, no comments from the public have been received.

## Agency Comments

Notice of the application was circulated on August 11, 2025, to internal City departments and external agencies. As of September 5, 2025, the following comments have been received.

<b>Drainage Superintendent</b>	No objections.
<b>Fire Department</b>	No objections.
<b>Development Engineering</b>	No objections.
<b>Regional Infrastructure Planning and Development Engineering</b>	<p>Regional staff have identified that the location of the accessory structure would meet all setbacks to the existing sewage system, and that the property contains enough useable area for the installation of a new class 4 sewage system should one be required in the future.</p> <p>Therefore, Regional staff have no objections to the minor variance application as submitted given that the proposed accessory structure meets all setbacks and does not contain any plumbing or living space.</p>
<b>Ministry of Transportation (MTO)</b>	No objections.
<b>Niagara Peninsula Conservation Authority (NPCA)</b>	No objections.

## 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.

Requested variance: That a maximum height for an accessory building of 8.1 metres be permitted, whereas the maximum permitted height of an accessory building is 6 metres.

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

The accessory building is proposed to be set further back from the road than the main dwelling, which will reduce the visual impact of the increased height. The immediate surrounding land uses are primarily agricultural fields, which will reduce the likelihood of any negative impacts to surrounding parcels. The closest residential use is the parcel abutting the subject property to the north, which is over 100 metres away from where the accessory building is proposed. This distance from neighbouring structures and the surrounding agricultural fields reduce the chance of any compatibility concerns arising from the proposed variance in height. As such, the variance requested is minor in nature.

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

The variance has been requested to facilitate the construction of an accessory building on a property in the Agricultural zone, which typically features larger accessory buildings. The requested variance will allow the applicants to maintain roofline of their existing dwelling to aesthetically tie the two buildings together. The proposed height increase will provide the current owners with the storage space they seek, while permitting a larger structure that could serve a future agricultural operation. The requested increase in the maximum height of the proposed accessory structure is desirable for the appropriate development of the subject lands.

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

The intent of the maximum accessory building height is to prevent overdevelopment and ensure accessory structures remain accessory to the primary use of the lot. The proposed development maintains the general intent and purpose of this provision as the lot is large enough to accommodate a building of this height without appearing overdeveloped. Accordingly, this application maintains the general intent and purpose of the Zoning By-law.

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

The subject lands are within the Agricultural designation in the OP. Buildings accessory to residential uses are permitted in the Agricultural designation. This application maintains the general intent and purpose of the City of Port Colborne Official Plan (OP).

**Recommendation**

Given the information above, Planning staff recommend application A14-25-PC be **granted** for the following reasons:

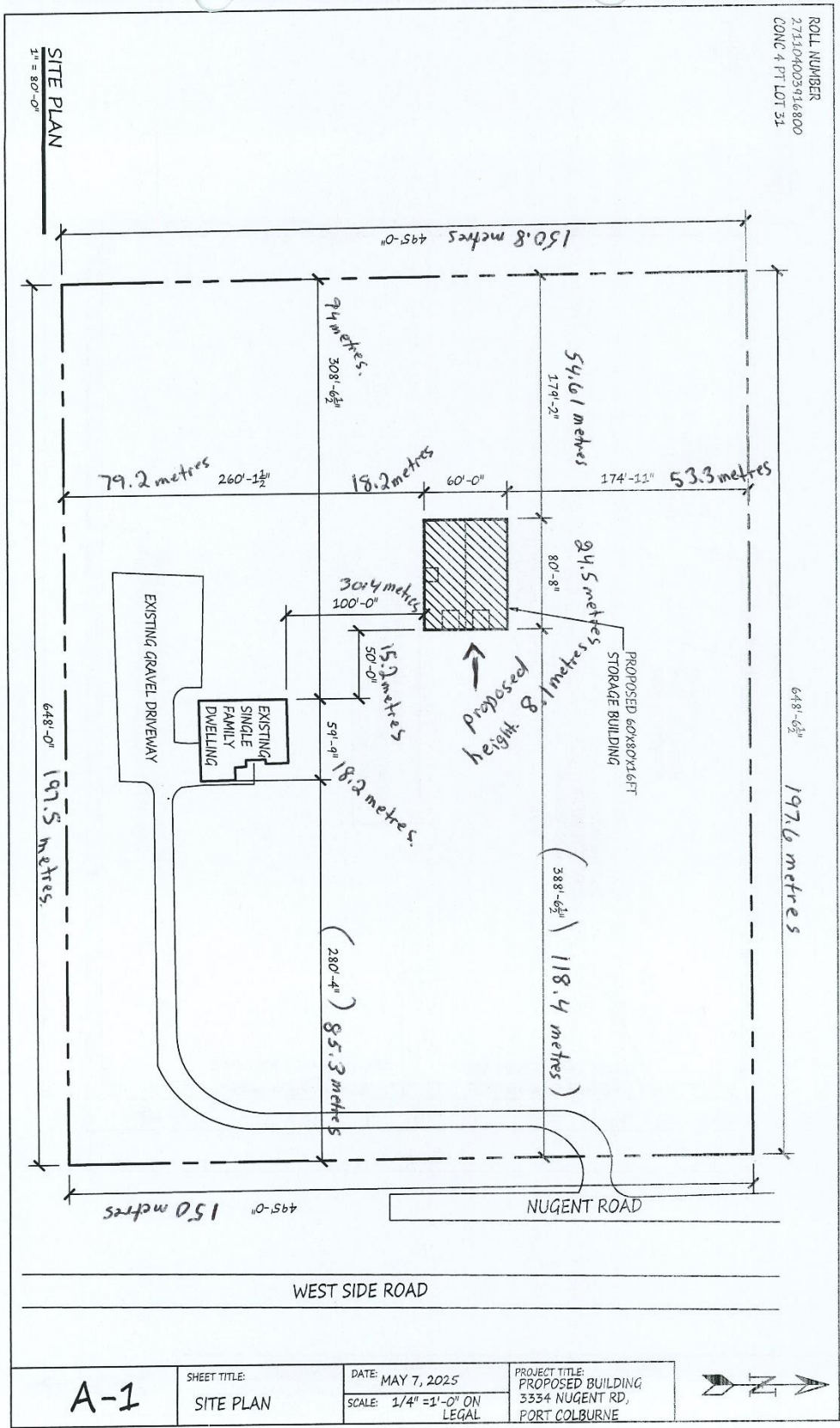
1. **The application is minor in nature.**
2. **It is desirable for the appropriate development of the land.**

3. **It maintains the general intent and purpose of the Zoning By-law.**
4. **It maintains the general intent and purpose of the Official Plan.**

Respectfully submitted,

Kelly Martel  
Planning Manager

Appendix A



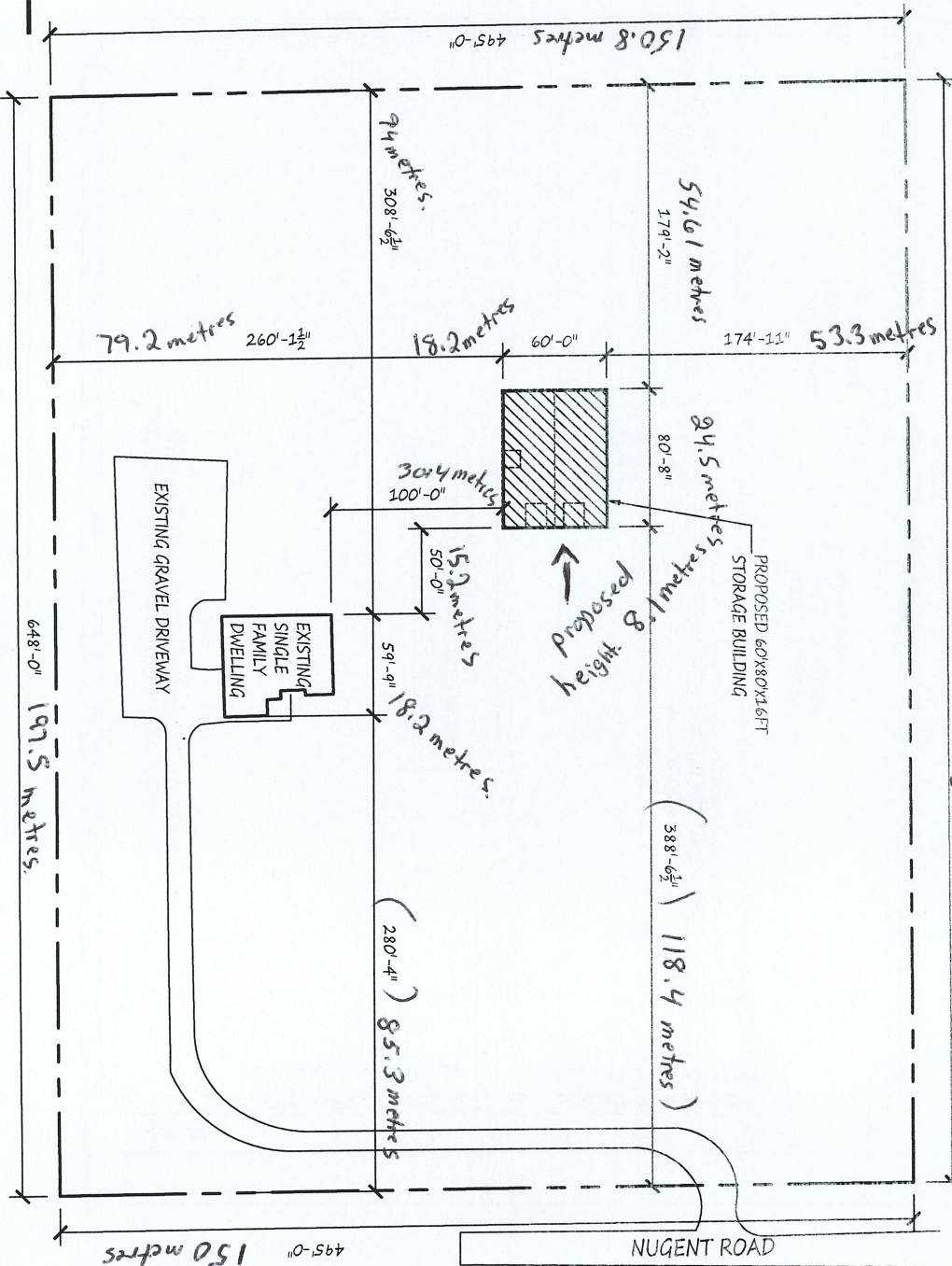


ROLL NUMBER  
271104003916800  
CONC 4 PT LOT 31

648'-6 $\frac{1}{2}$ "

197.6 metres

SITE PLAN  
1" = 80'-0"

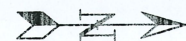


A-1

SHEET TITLE:  
SITE PLAN

DATE: MAY 7, 2025  
SCALE: 1/4" = 1'-0" ON LEGAL

PROJECT TITLE:  
PROPOSED BUILDING  
3334 NUGENT RD,  
PORT COLBURNE







**PORT COLBORNE**  
DEVELOPMENT AND LEGISLATIVE SERVICES

## MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

**RECEIVED**

For Office Use Only	<b>JUL 29 2025</b>	
Date Received:		<b>Application Complete:</b> <input type="checkbox"/> Yes <input type="checkbox"/> 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: <a href="mailto:taya.taraba@portcolborne.ca">taya.taraba@portcolborne.ca</a>
--	---

### 2025 APPLICATION FEES

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

### COMPLETENESS OF APPLICATION

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

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

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

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



## DRAWING REQUIREMENTS

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

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

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

## PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

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

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: <i>Colette Gravel-Willie</i>	Date: <i>July 14, 2025</i>	Initials: <i>CGW</i>





**PORT COLBORNE**  
DEVELOPMENT AND LEGISLATIVE SERVICES

## MINOR VARIANCE APPLICATION

Nugent THE CITY OF PORT COLBORNE

The Planning Act – Section 45

### SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: Colette Gravel-Willie	
Mailing Address: 3334 Nugent Road	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V5	Telephone: (905) 658-2876
Fax:	Email: colette@pvmhydraulics.com
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name: N/A	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name: Russ Willie	
Mailing Address: 3334 Nugent Road	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V5	Telephone: (905) 658-2876
Fax:	Email: russ@pvmhydraulics.com
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: N/A	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.5 All communications should be sent to the:</b>	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

### SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: ROLL# 271104003916800	
Concession No. 4	Lot(s): 31
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Nugent Road	Street No. 3334



## SECTION 3: SUBJECT LAND DESCRIPTION

### Part No. On Sketch:

<b>3.1 Lot Description</b>	
Frontage: (495 feet) <i>150 metres</i>	Depth: (648 feet) <i>197 metres</i> Area: (320760 square feet) <i>29,799 square metres</i>
Existing Use: Vacant Land	
Proposed Use: Storage Building / Barn	
<b>3.2 What is the current designation of the land in the Official Plan and the Regional Plan?</b>	
Port Colborne Official Plan: ROLL # 271104003916800	
Regional Policy Plan:	
<b>3.3 What is the current zoning of the land (By-law 6575/30/18)?</b>	

## SECTION 4: LAND INFORMATION

<b>4.1 Date and Subject Land was acquired by the Current Owner:</b>	
1987	
<b>4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?</b>	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
<b>4.3 MORTGAGES, Charges &amp; Other Encumbrances:</b>	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
Clear	
<b>4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:</b>	
2006	
<b>4.5 Type of ACCESS</b>	
<input type="checkbox"/> Provincial Highway <input type="checkbox"/> Regional Road <input type="checkbox"/> Municipal Road maintained all year <input type="checkbox"/> Other Public Road	<input type="checkbox"/> Municipal Road maintained seasonally <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Water Access <input checked="" type="checkbox"/> Private Road
<b>4.6 What type of WATER SUPPLY is proposed?</b>	
<input type="checkbox"/> Publicly owned and operated piped water supply <input type="checkbox"/> Lake <input type="checkbox"/> Well (private or communal) <input type="checkbox"/> Other (specify) N/A	
<b>4.7 What type of SEWAGE DISPOSAL is proposed?</b>	
<input type="checkbox"/> Publicly owned and operated sanitary sewage system <input type="checkbox"/> Septic system (private or communal) <input type="checkbox"/> Other (specify) N/A	
<b>4.8 What type of STORMWATER DISPOSAL is proposed?</b>	
<input type="checkbox"/> Publicly owned and operated stormwater system <input type="checkbox"/> Other (specify) N/A	
<b>4.9 Has a Pre-Consultation application been filed for this proposal?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please indicate the meeting date:	



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

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

Maximum roof height will be over 6 meters limit

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

Storage building inner height @ 16 feet will bring max roof height over 6 meters.

Residents house roof line is over 6 meters limit.

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

- ☐ Yes  
☒ No

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

- ☐ Yes  
☐ No

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

File Number:

Decision:

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

### 8.1 ALL EXISTING USE

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

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

2007 to present (residential)

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

- ☒ Yes ☐ No

If Yes, briefly describe and indicate their use.  
 Owner's house is on one side of the property.



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

#### ACKNOWLEDGMENT CLAUSE

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

X July 14, 2025  
Date

X *Collett Grand-Willie*  
Signature of Owner



# NIAGARA PENINSULA CONSERVATION AUTHORITY

## Pre-Screening Criteria

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



# AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X

July 14, 2025

Date

X

Signature of Applicant(s)

*Colette Gravel-Willie*

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 Colette Gravel-Willie

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 14th day of July

20 25

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

*Taya Taraba*

Expires January 31, 2027.

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

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

X

*Colette Gravel-Willie*

Colette Gravel-Willie

Signature of applicant(s), solicitor, or authorized



## 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).

I/We Colette Gravel-Willie 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

Colette Gravel-Willie

Signature of Owner/Agent

X

July 14, 2025

Date

X

[Signature]

Signature of Owner/Agent

X

July 14, 2025

Date

## PERMISSION TO ENTER

I/We Colette Gravel-Willie 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

Colette Gravel-Willie

Signature of Owner

X

July 14, 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 \_\_\_\_\_ am/are the owner(s) of the land that is subject to this application for a Minor Variance and I/We hereby authorize as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Minor Variance.

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date



## SUGGESTION TO THE APPLICANT

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

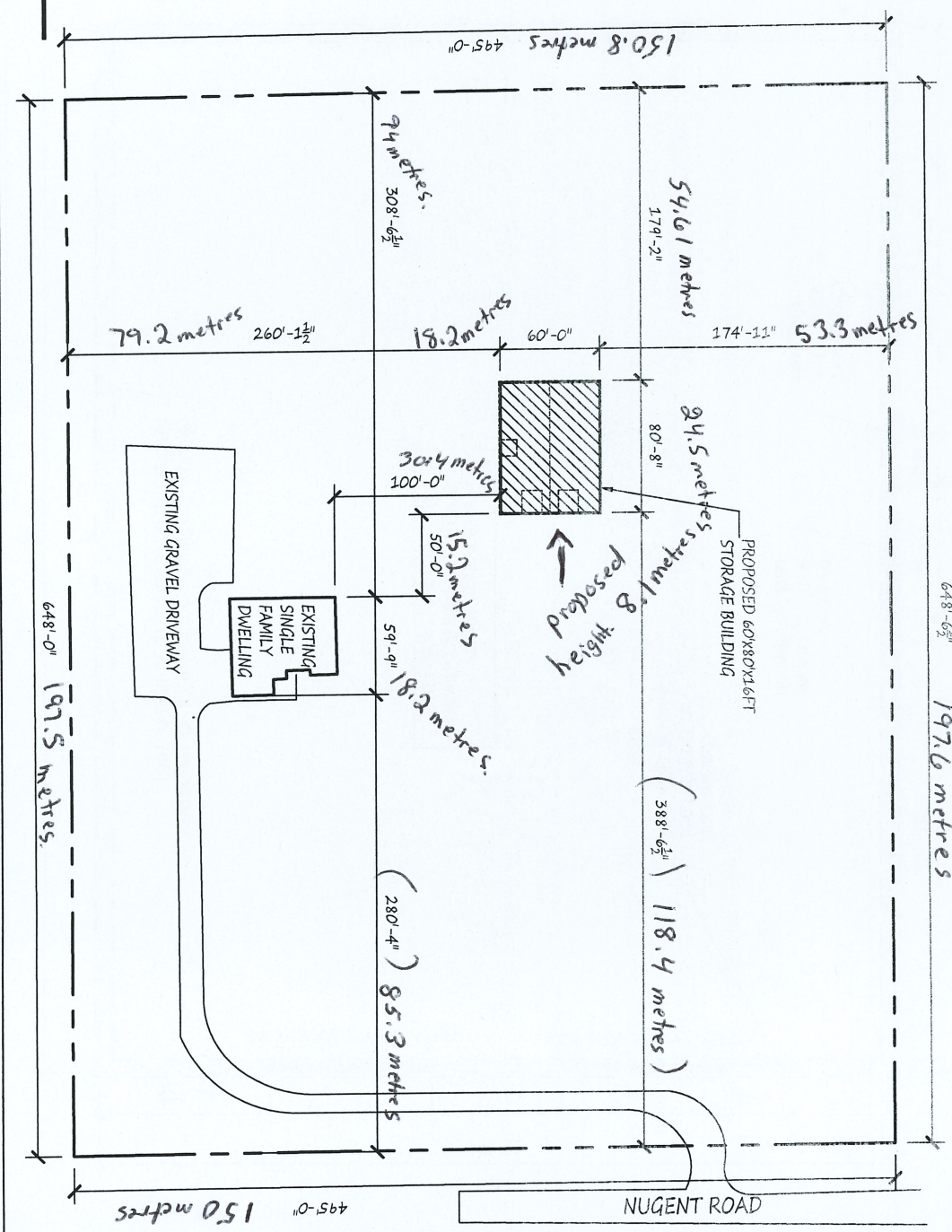
Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below, before submitting an application. This pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements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

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



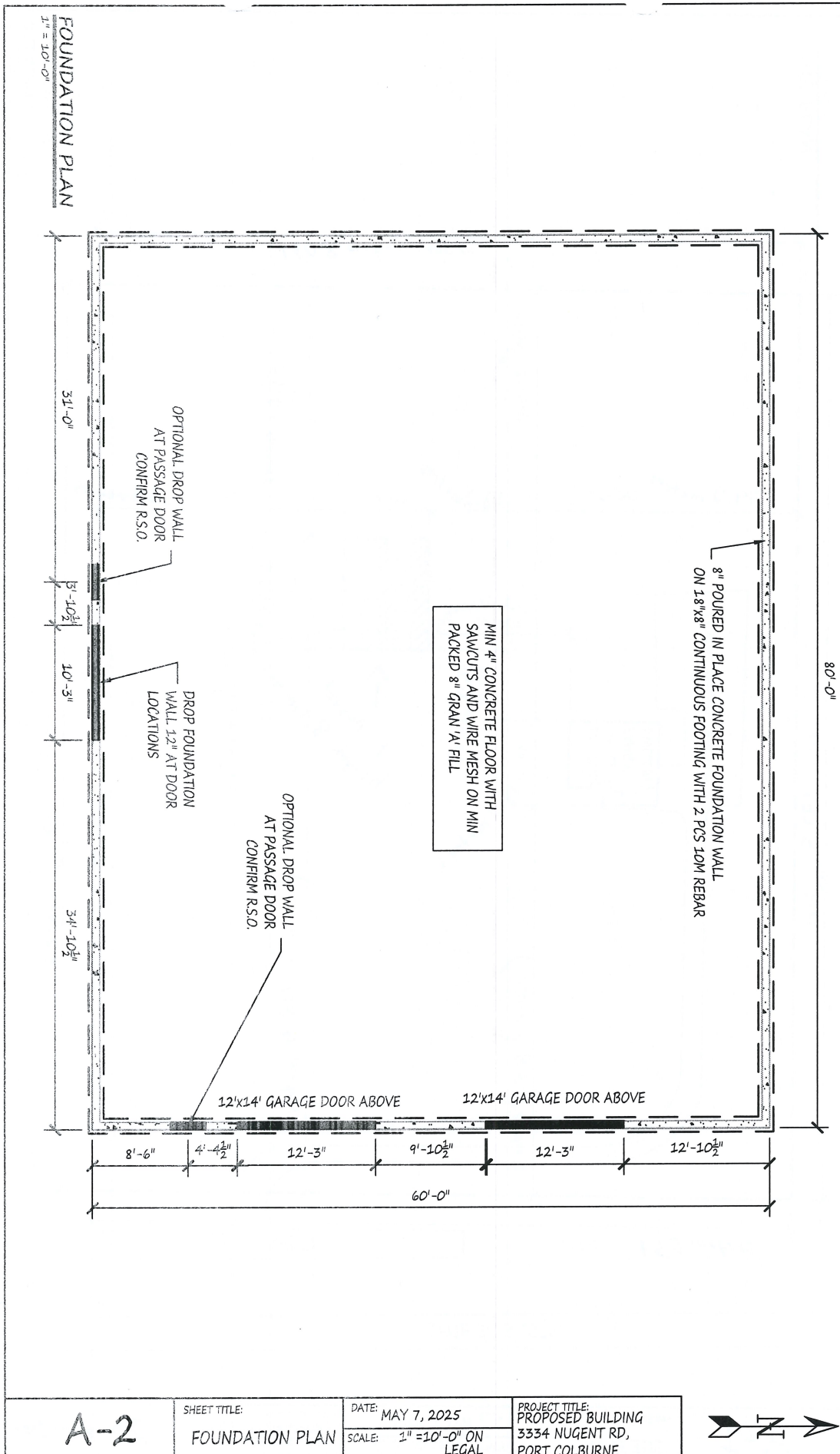
ROLL NUMBER  
271104003916800  
CONC 4 PT LOT 31

SITE PLAN  
1" = 80'-0"

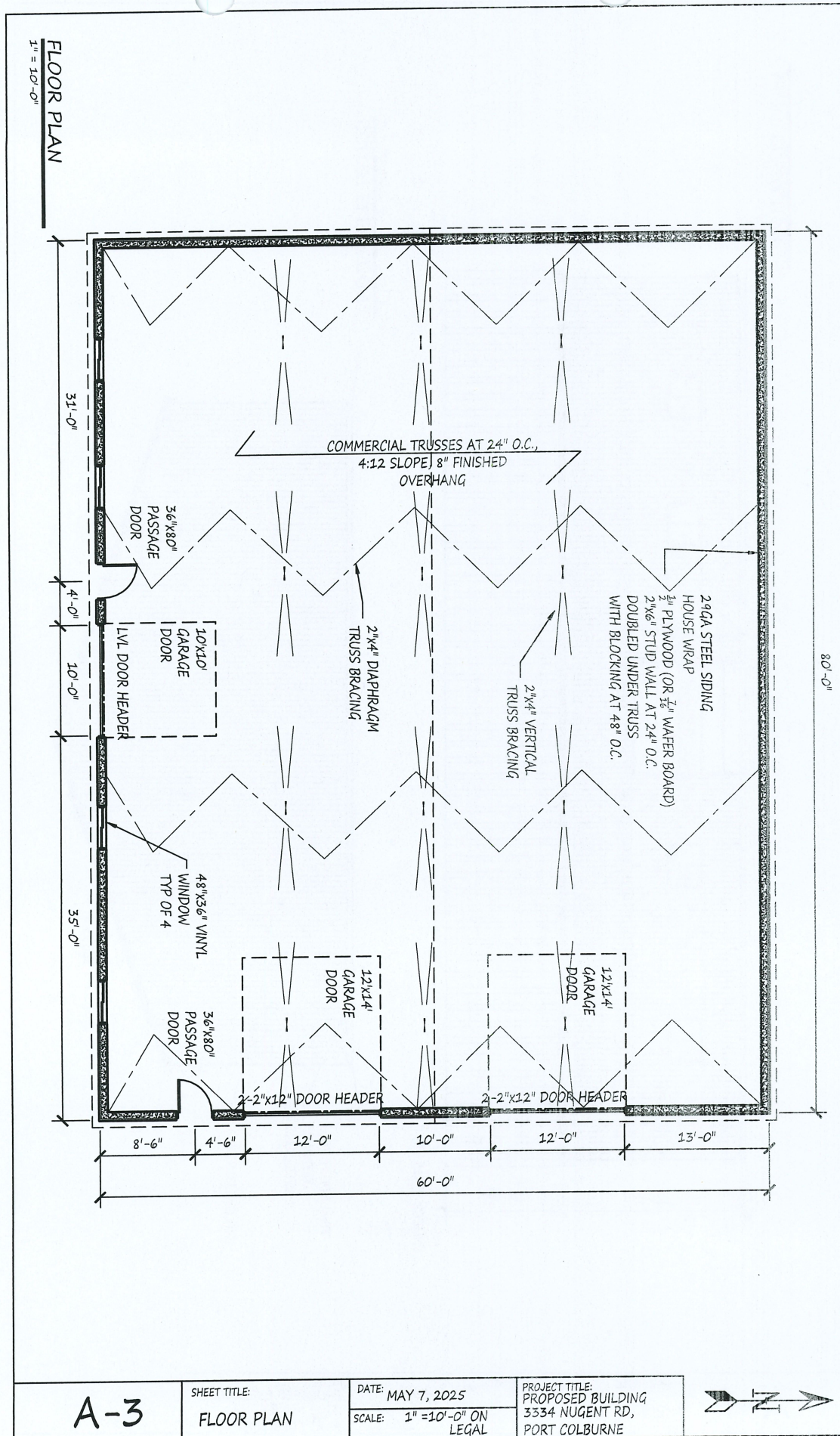


A-1	SHEET TITLE: SITE PLAN	DATE: MAY 7, 2025	PROJECT TITLE: PROPOSED BUILDING 3334 NUGENT RD, PORT COLBURNE
		SCALE: 1/4" = 1'-0" ON LEGAL	



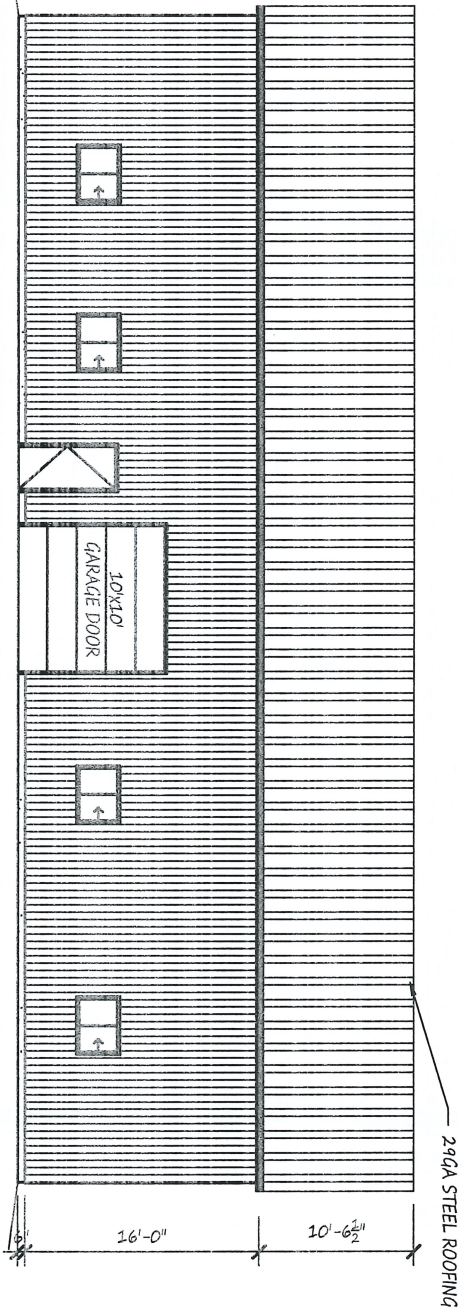




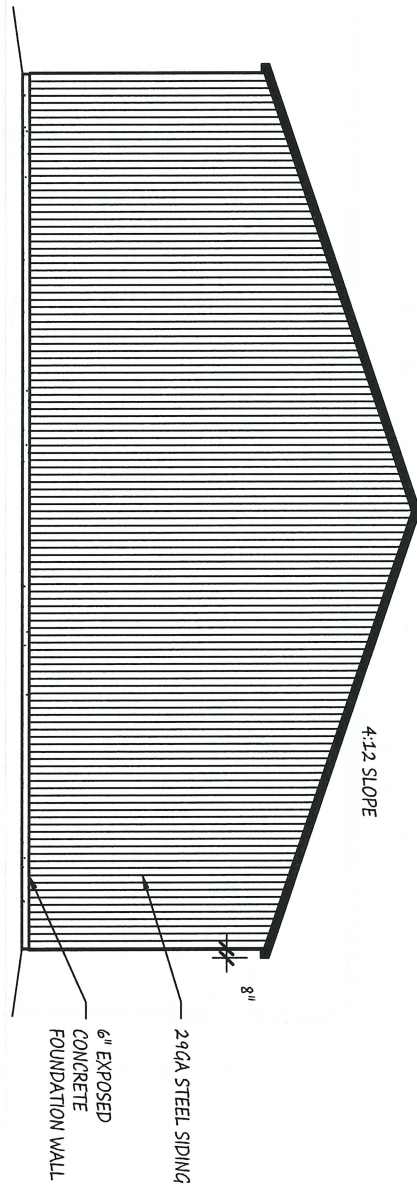




WEST ELEVATION  
1" = 10'-0"



SOUTH ELEVATION  
1" = 10'-0"



A-4

SHEET TITLE:  
ELEVATIONS

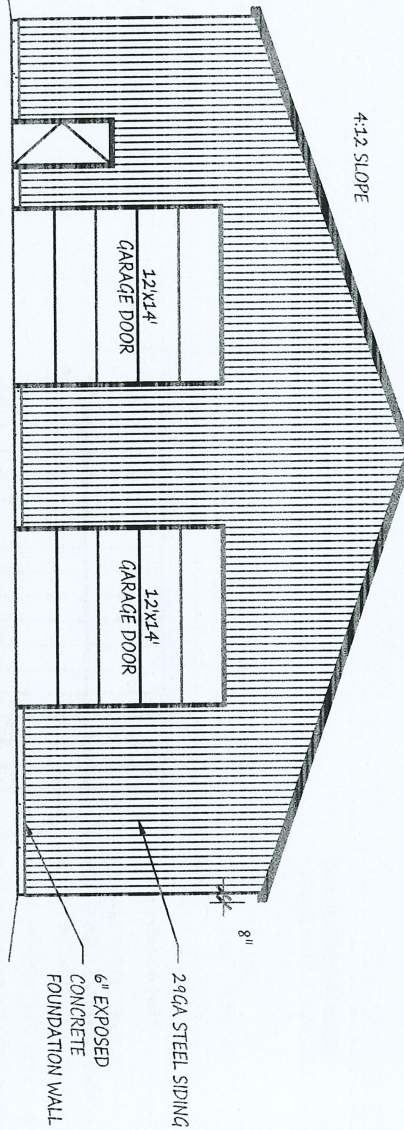
DATE: MAY 7, 2025  
SCALE: 1" = 10'-0" ON  
LEGAL

PROJECT TITLE:  
PROPOSED BUILDING  
3334 NUGENT RD,  
PORT COLBURN



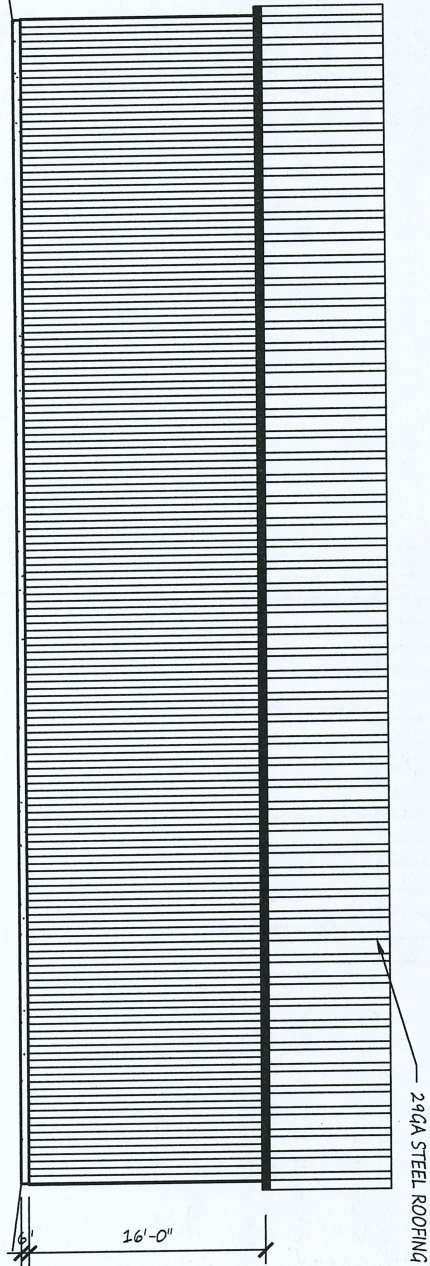
# EAST ELEVATION

1" = 10'-0"



# NORTH ELEVATION

1" = 10'-0"



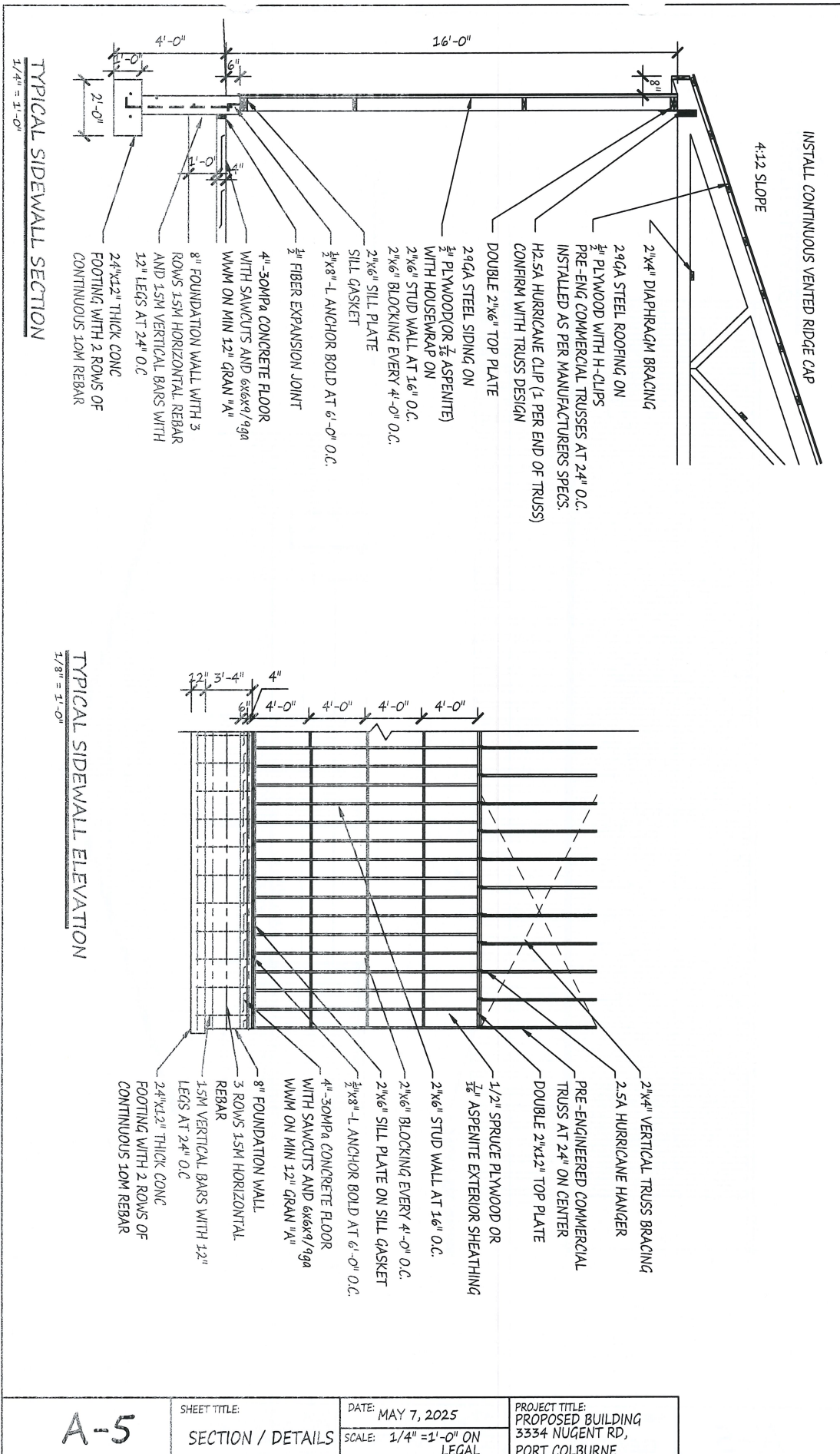
A-5

SHEET TITLE:  
ELEVATIONS

DATE: MAY 7, 2025  
SCALE: 1" = 10'-0" ON  
LEGAL

PROJECT TITLE:  
PROPOSED BUILDING  
3334 NUGENT RD,  
PORT COLBURNE





A-5

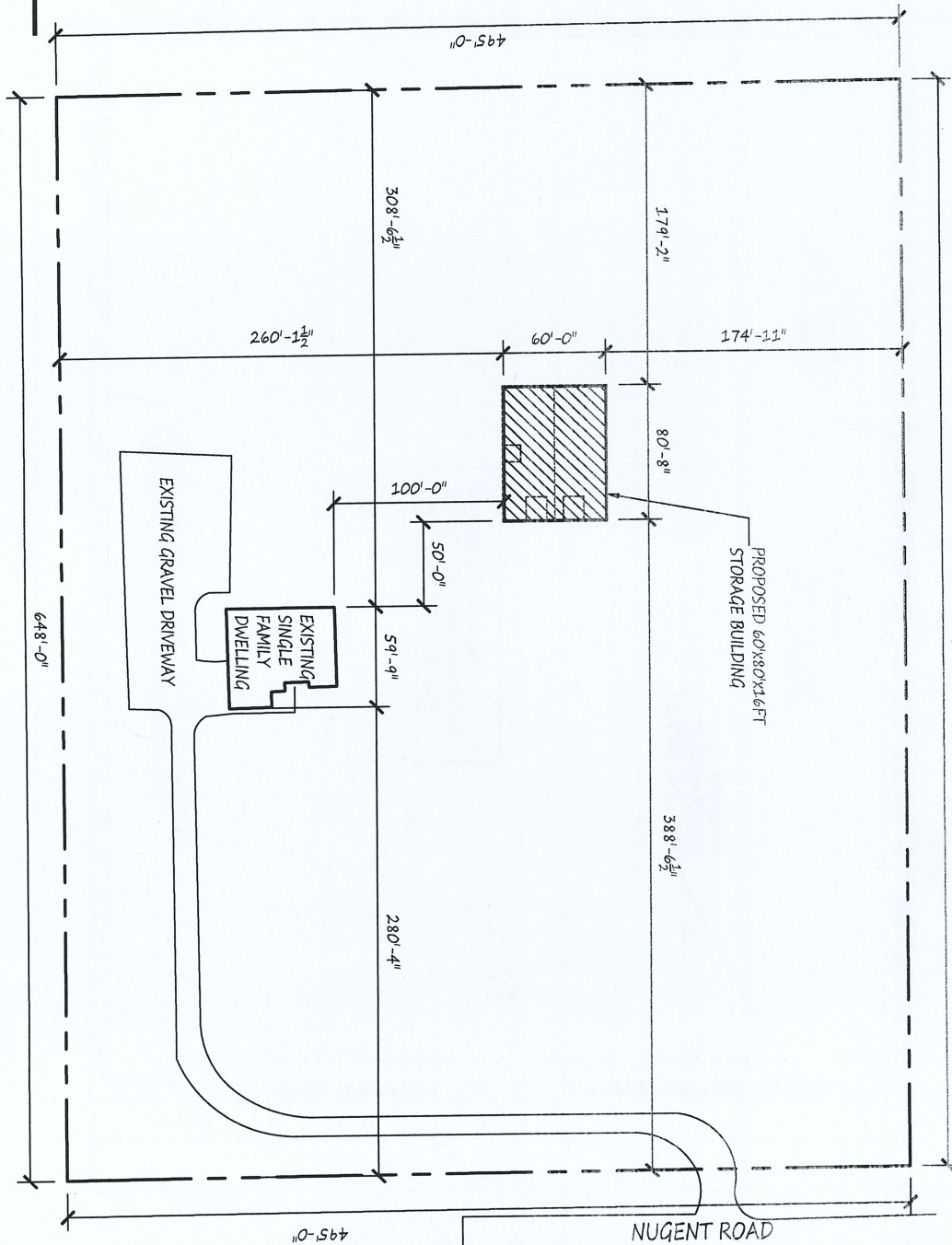
SHEET TITLE:  
SECTION / DETAILS

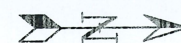
DATE: MAY 7, 2025  
SCALE: 1/4" = 1'-0" ON  
LEGAL

PROJECT TITLE:  
PROPOSED BUILDING  
5334 NUGENT RD,  
PORT COLBURNE

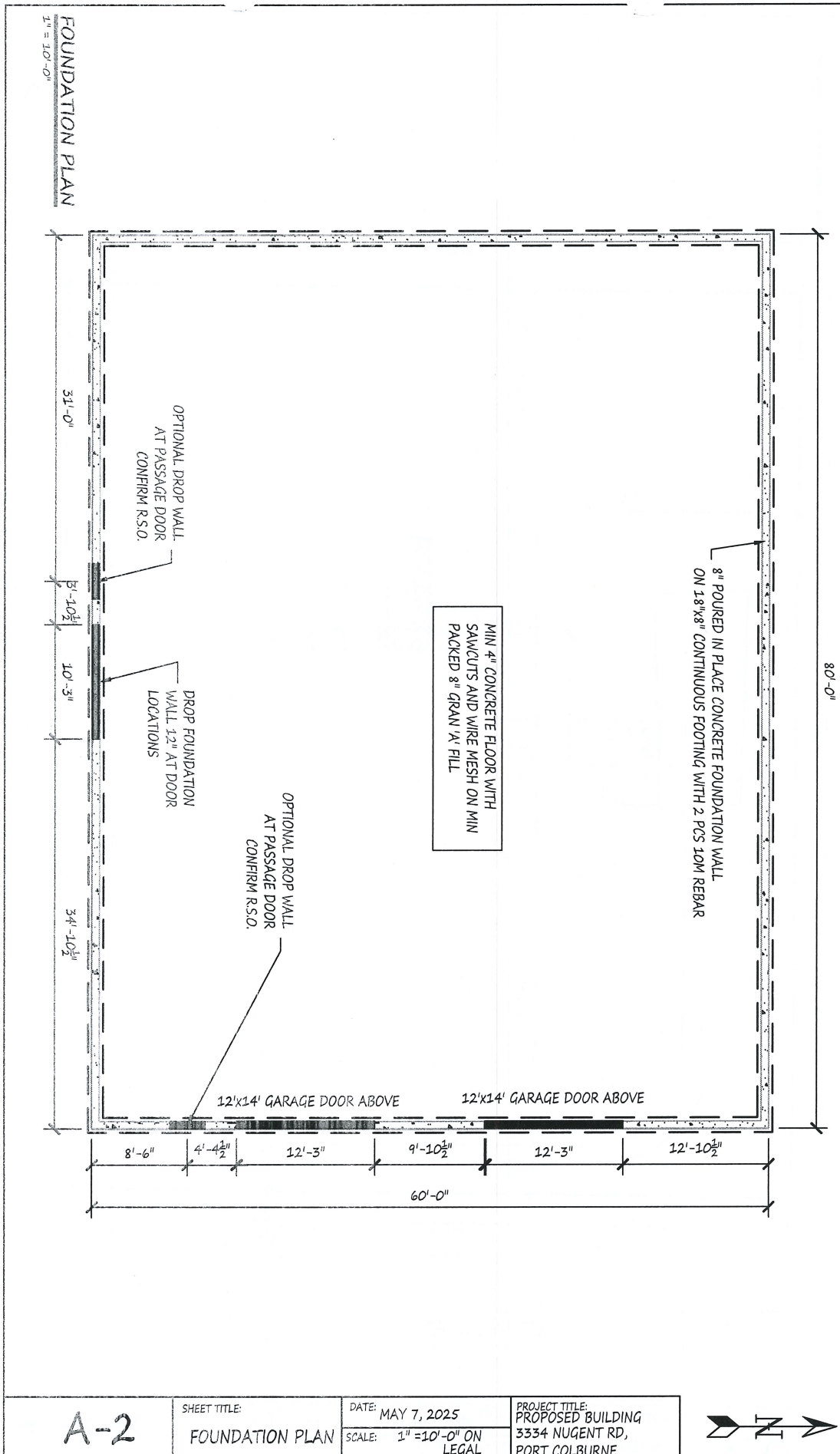
ROLL NUMBER  
271104003916800  
CONC 4 PT LOT 31

SITE PLAN  
1" = 80'-0"



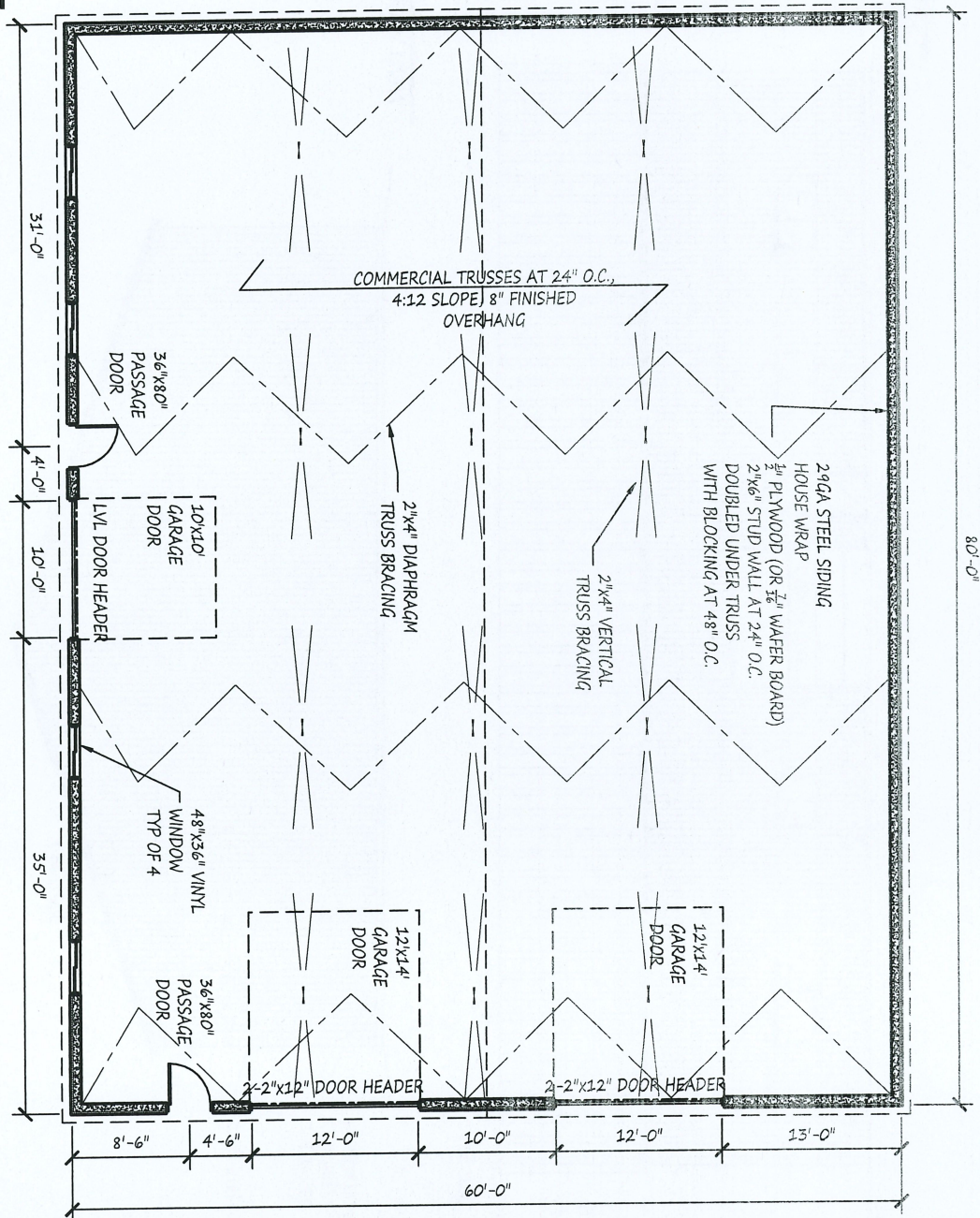
A-1	SHEET TITLE: SITE PLAN	DATE: MAY 7, 2025	PROJECT TITLE: PROPOSED BUILDING 3334 NUGENT RD, PORT COLBURNE	
		SCALE: 1/4" = 1'-0" ON LEGAL		





FLOOR PLAN

1" = 10'-0"

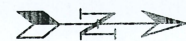


A-3

SHEET TITLE:  
FLOOR PLAN

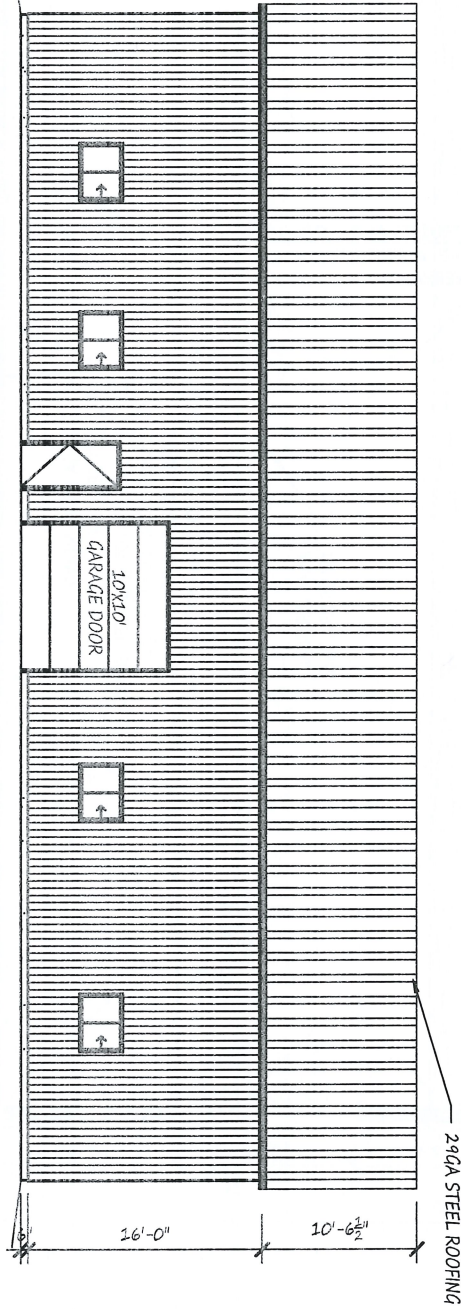
DATE: MAY 7, 2025  
SCALE: 1" = 10'-0" ON  
LEGAL

PROJECT TITLE:  
PROPOSED BUILDING  
3334 NUGENT RD,  
PORT COLBURNE

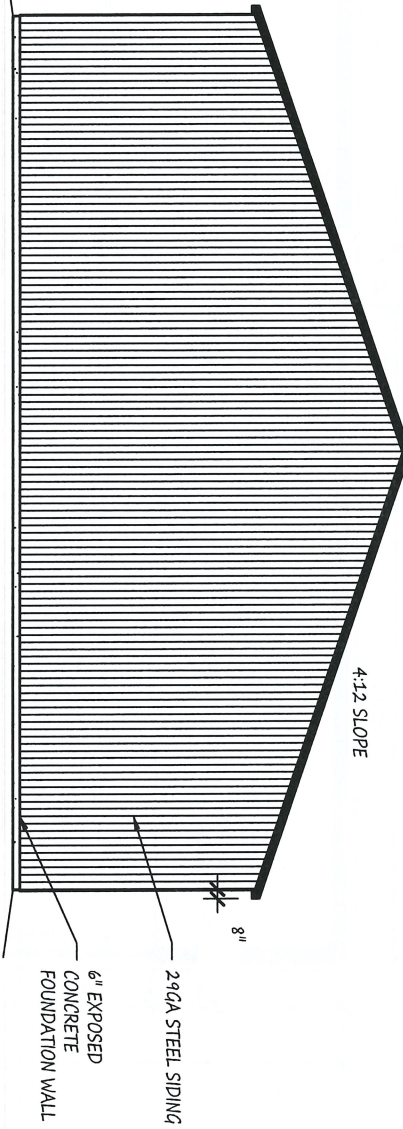




WEST ELEVATION  
1" = 10'-0"



SOUTH ELEVATION  
1" = 10'-0"



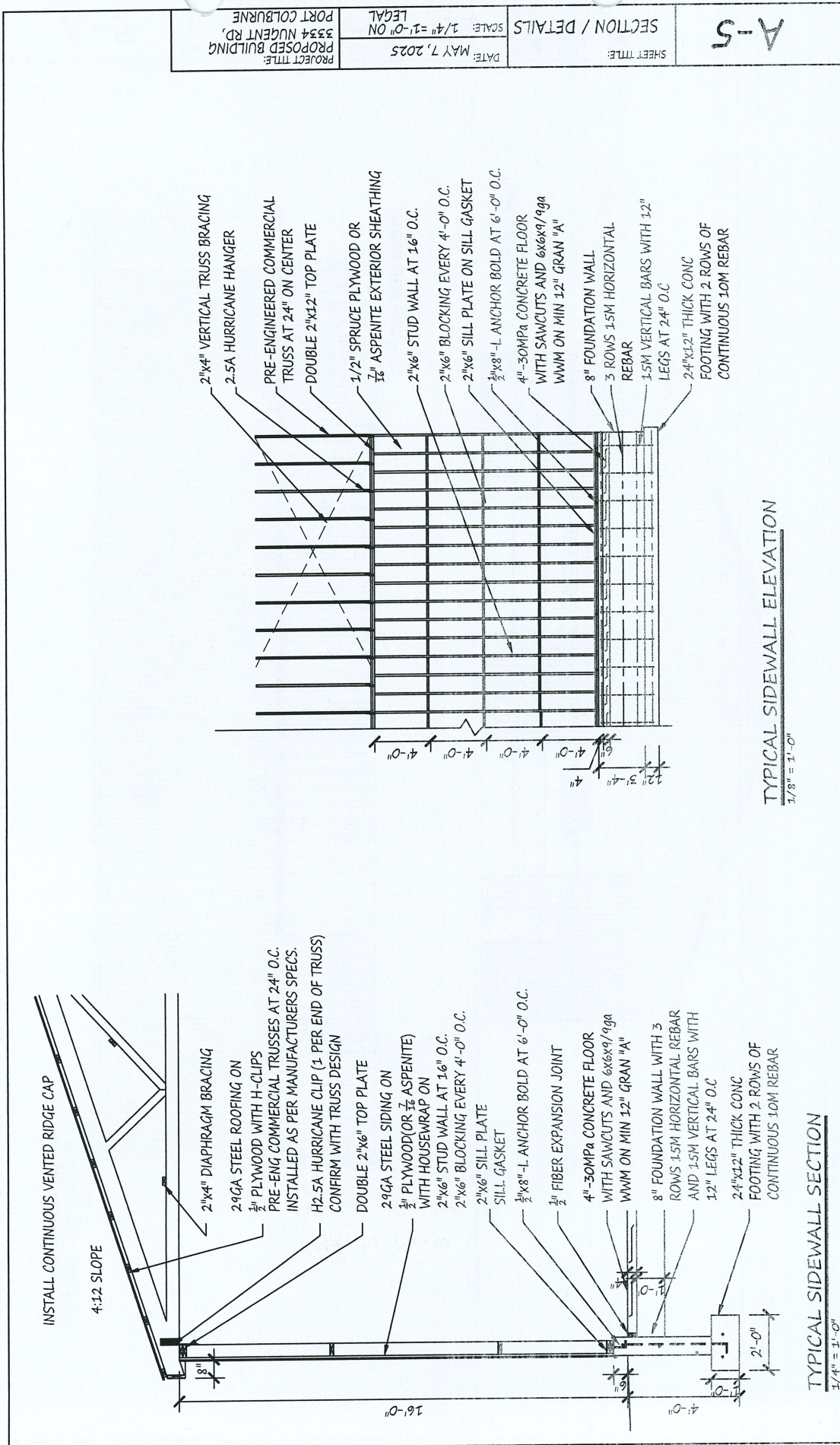
A-4

SHEET TITLE:  
ELEVATIONS

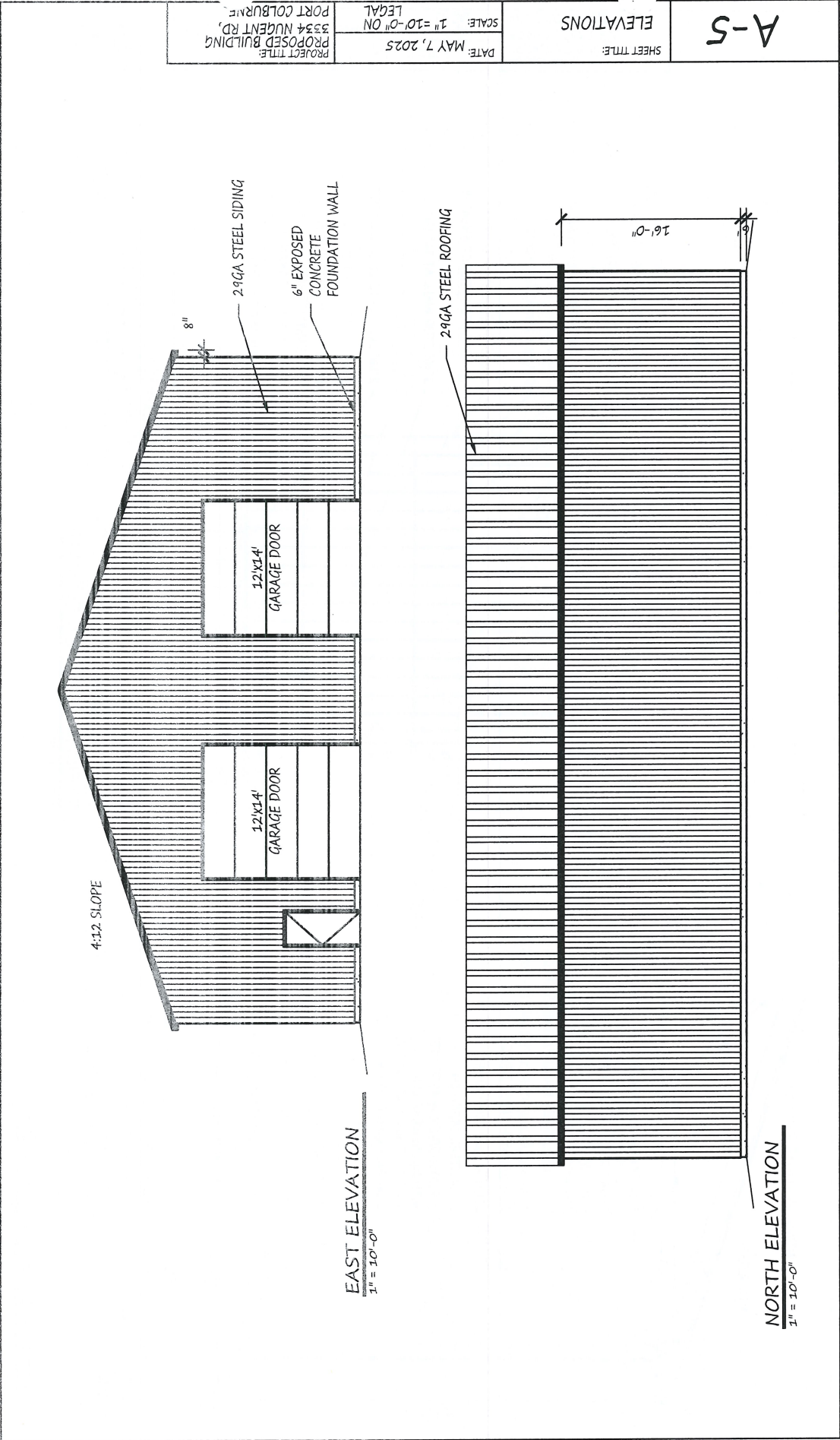
DATE: MAY 7, 2025  
SCALE: 1" = 10'-0" ON  
LEGAL

PROJECT TITLE:  
PROPOSED BUILDING  
3334 NUGENT RD,  
PORT COLBURNE











## PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

Minor Variance Application

File No. A13-25-PC

**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 16.3 (g) and Section 16.3 (e), of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

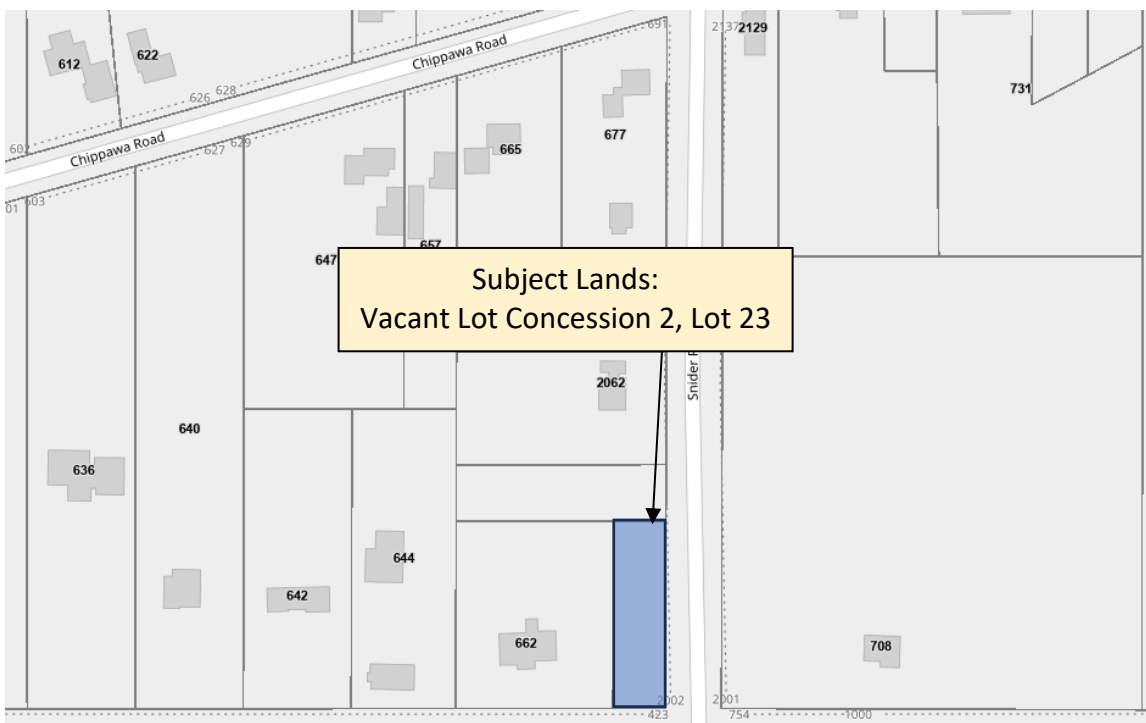
**AND IN THE MATTER OF** the lands legally known as Concession 3, Part Lot 23, in the City of Port Colborne, located in the Agricultural Residential (AR) zone, municipally known as a Vacant Lot on the corner of Concession 2 Road and Snider Road;

**AND IN THE MATTER OF AN APPLICATION** by the owner, William Kemp, for relief from the provisions of Zoning By-law 6575/30/18, as amended, under section 45 of the *Planning Act, R.S.O 1990 C.P 13*, to permit an increase in lot coverage and corner side-yard setback for a new residential dwelling and accessory structure, notwithstanding the following:

1. That a maximum lot coverage of 22.5% be permitted, whereas a maximum lot coverage of 10% is permitted;
2. That a minimum corner side-yard setback of 5.67m for the new residential dwelling be permitted, whereas a minimum of 7.5m be required;

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission to build a new single detached dwelling and a garage with increased lot coverage and decreased side-yard setback, 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:** September 10, 2025

**Time:** 6:00 p.m.

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

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, September 5, 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, September 9, 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.

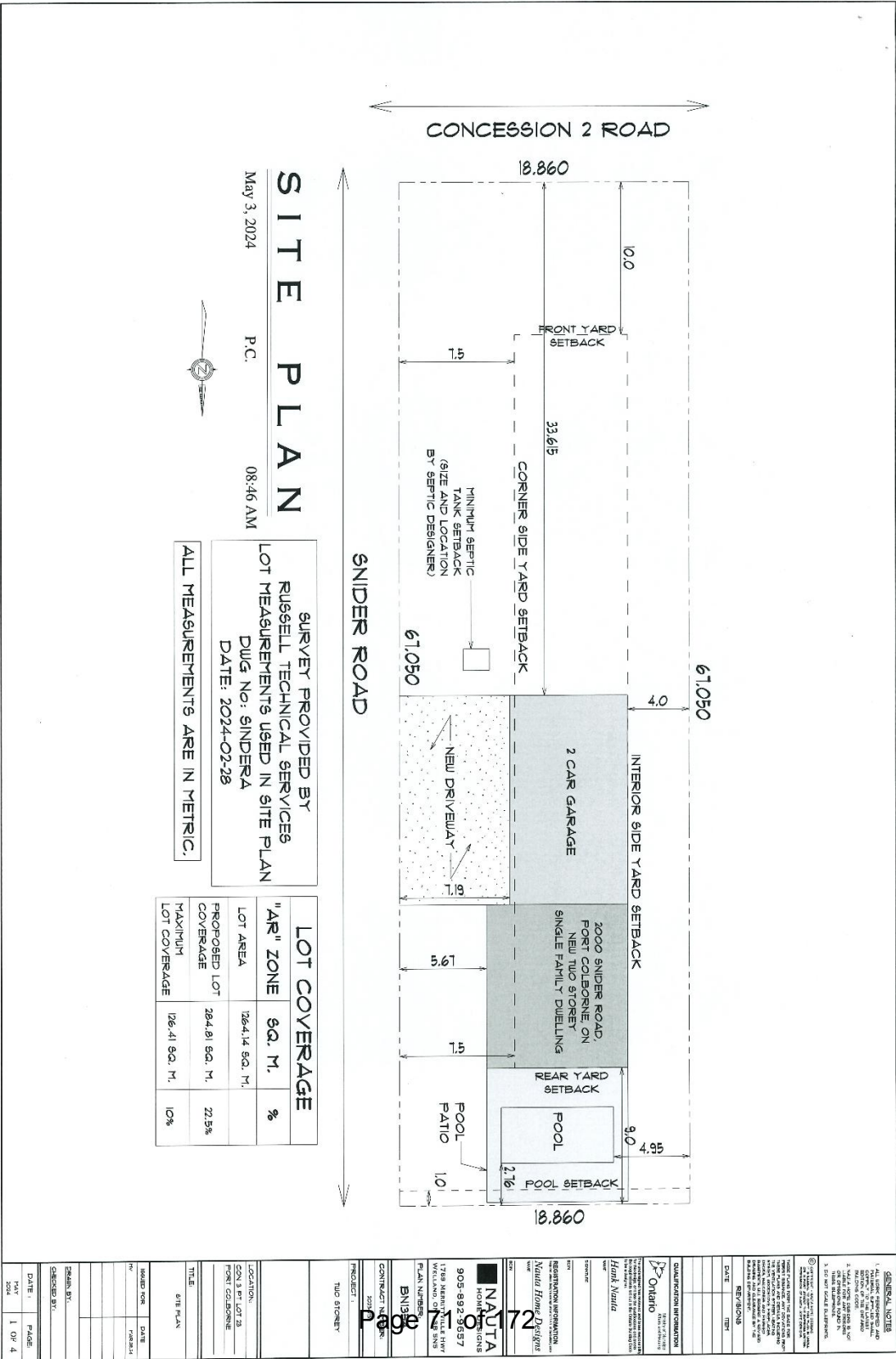
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

Date of Mailing: August 26, 2025

SKETCH



---

**Development and Government Relations**

**Planning Division Report**

September 5, 2025

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

**Re: Application for Minor Variance File No. A13-25-PC**  
**Concession 3, Part of Lot 23**  
**Vacant Lot on the corner of Concession 2 Road and Snider Road**  
**Assessment Roll Number: 271104000509300**  
**Owner(s): William Kemp**

**Proposal**

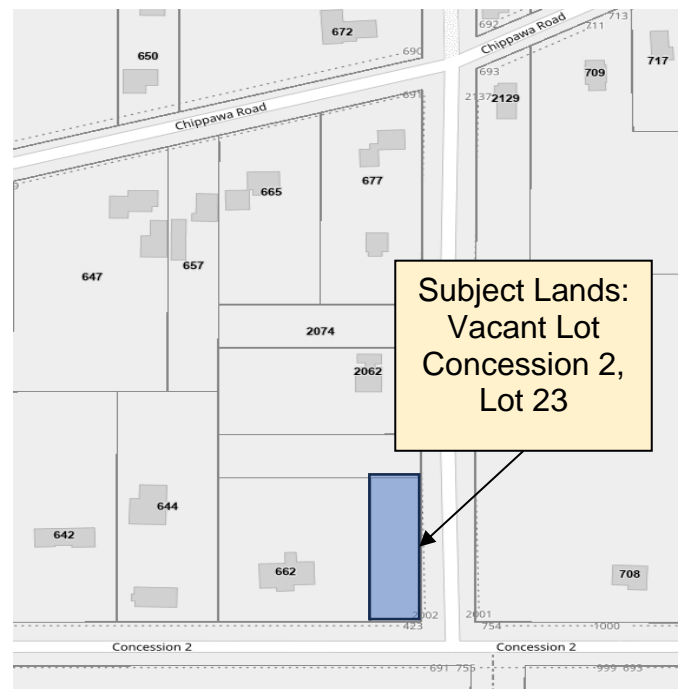
The purpose of this minor variance application is to facilitate the construction of a new residential dwelling, as shown in the sketch attached as Appendix A. The applicant has requested:

Variance 1

That a maximum lot coverage of 22.5% be permitted, whereas the maximum permitted lot coverage is 10%.

Variance 2

That a minimum corner side yard setback of 5.67 metres be permitted, whereas the minimum permitted side yard setback is 7.5 metres.



**Surrounding Land Uses and Zoning**

The subject lands are within the Agricultural Residential (AR) zone. The parcels surrounding the subject lands are in the AR zone to the north and west; Agricultural (A) to the east; and Mineral Aggregate Operation (MAO) to the south. The surrounding uses



consist of detached dwellings to the north and west, agricultural lands to the east, and a quarry to the south.

### **Environmentally Sensitive Areas**

The subject property does not contain any environmentally sensitive areas.

### **Public Comments**

Notice was circulated on August 26, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of September 5, 2025, no comments from the public have been received.

### **Agency Comments**

Notice of the application was circulated on August 11, 2025, to internal City departments and external agencies. As of September 5, 2025, the following comments have been received.

<b>Drainage Superintendent</b>	No objections.
<b>Fire Department</b>	No objections.
<b>Development Engineering</b>	No objections.
<b>Regional Infrastructure Planning and Development Engineering</b>	<p>Regional staff issued a septic permit in June 2025 to service the proposed 2-storey dwelling. That proposed septic system is to be located South of the dwelling.</p> <p>As proposed the location of the dwelling would meet all setbacks to the approved septic system.</p> <p>The property contains enough useable area for the installation of a new class 4 sewage system.</p> <p>Therefore, Regional staff have no objections to the minor variance application as submitted given that the applicant installs the new class 4 sewage system as it is permitted.</p>

### **Discussion**

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

Variance 1: That a maximum lot coverage of 22.5% be permitted, whereas the maximum permitted lot coverage is 10%.

Variance 2: That a minimum corner side yard setback of 5.67 metres be permitted, whereas the minimum permitted side yard setback is 7.5 metres.

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

The requested increase in lot coverage is a result of proposing a dwelling that is of a similar size to existing dwellings in the neighbourhood on a smaller lot, which thereby increased the proposed lot coverage. Given that the increased lot coverage would facilitate the construction of a dwelling that matches the existing built form within the neighbourhood, this variance is unlikely to cause negative impacts.

The requested decrease in the minimum corner side yard is being requested for an exterior wall of the dwelling. As this is a corner lot, the proposed design of the house is treating the side yard as the front yard. The frontage is legally on Concession 2, however, the house will face Snider Road. The requested reduced setback is appropriate at this location given this condition.

Given that the land uses surrounding the proposed dwelling are similarly sized dwellings, agricultural properties, and a quarry operation, there are no anticipated compatibility concerns that may result from the requested variances. The impact of the requested increase in the maximum lot coverage and decrease in the minimum corner side yard setback make the requests in this application minor in nature.

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

The requested increase in the maximum lot coverage and decrease in the minimum corner side yard setback are desirable for the appropriate development of the subject lands. The variances have been requested to facilitate the construction of a single detached dwelling, which is a permitted use for the property, in accordance with the Zoning By-law and Official Plan. As such, the variances as requested are desirable for the appropriate development or use of the land.

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

This application maintains the general intent and purpose of the Zoning By-law. The intent of the maximum lot coverage provision is to prevent overdevelopment, especially in the AR zone where properties must have enough useable space on a lot to accommodate private services. The proposed development maintains the general intent and purpose of this provision as the dwelling is proposed to be a similar size to neighbouring dwellings, and Regional private servicing staff have already issued a septic permit which confirms the ability for this lot to be privately serviced if this variance is approved. The intent of the minimum corner side yard setback is to ensure developments situated on corner lots are

set far enough back from road intersections to maintain adequate visibility for turning vehicular traffic. The dwelling is proposed towards the northern lot line, which is set far enough back from the intersection to prevent any sightline issues.

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

This application maintains the general intent and purpose of the City of Port Colborne Official Plan (OP). The subject lands are within the Agricultural designation in the OP. Residential uses, including single detached dwellings, are permitted in the Agricultural designation.

**Recommendation**

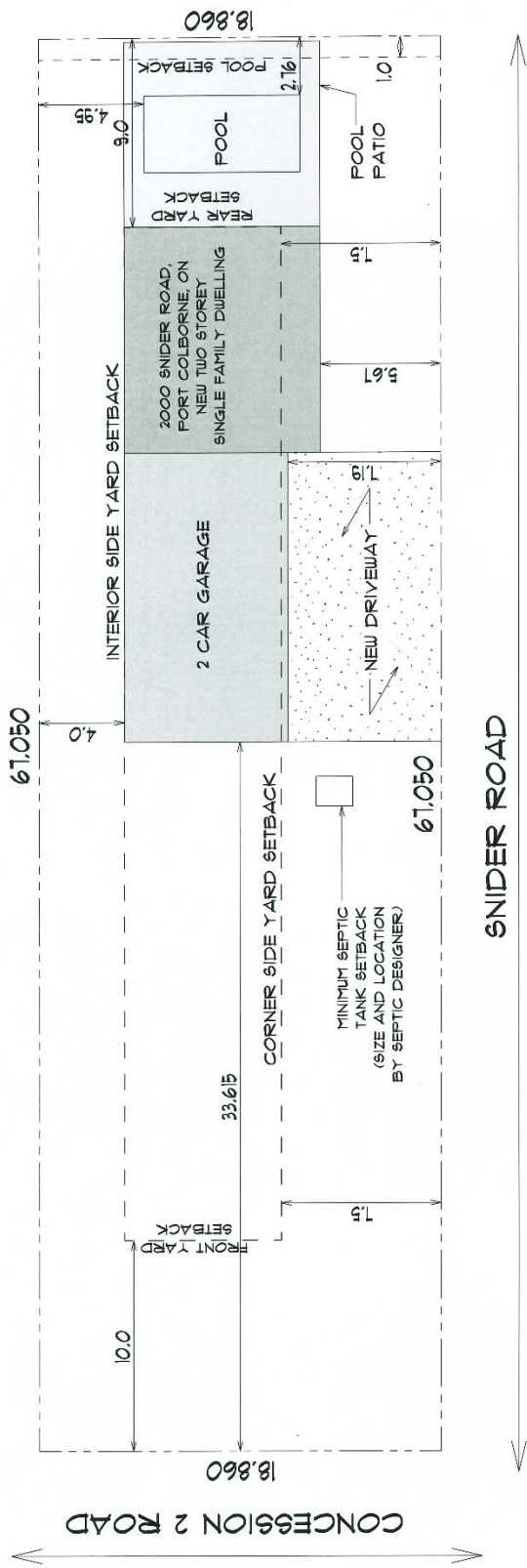
Given the information above, Planning staff recommend application A13-25-PC be **granted** for the following reasons:

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

Respectfully submitted,

Kelly Martel  
Planning Manager

Appendix A



LOT COVERAGE			
"AR" ZONE	SQ. M.	%	
LOT AREA	1264.14 SQ. M.		
PROPOSED LOT COVERAGE	284.81 SQ. M.	22.5%	
MAXIMUM LOT COVERAGE	126.41 SQ. M.	10%	

SURVEY PROVIDED BY  
RUSSELL TECHNICAL SERVICES  
LOT MEASUREMENTS USED IN SITE PLAN  
DWG No: SINDERA  
DATE: 2024-02-28

ALL MEASUREMENTS ARE IN METRIC.

SITE PLAN

May 3, 2024 P.C. 08:46 AM





## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

## MINOR VARIANCE APPLICATION

### THE CITY OF PORT COLBORNE

The Planning Act – Section 45

For Office Use Only

RECEIVED

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

APR 03 2024

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

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

### COMPLETENESS OF APPLICATION

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

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

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

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



DRAWING REQUIREMENTS

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

To be considered complete, each sketch must identify:

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: William. Kemp	Date: 3/19/24	Initials: Wk





## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

# MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

### SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>		
Name: William kemp		
Mailing Address: 6623 riall.st		
City: Niagara falls	Province: Ontario	
Postal Code: L2j1z4	Telephone: 289 969 0116	
Fax:	Email: Econiagara@outlook.com	
<b>1.2 Owner's SOLICITOR (if applicable)</b>		
Name:		
Mailing Address:		
City:	Province:	
Postal Code:	Telephone:	
Fax:	Email:	
<b>1.3 Owner's Authorized AGENT (if applicable)</b>		
Name:		
Mailing Address:		
City:	Province:	
Postal Code:	Telephone:	
Fax:	Email:	
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>		
Name:		
Mailing Address:		
City:	Province:	
Postal Code:	Telephone:	
Fax:	Email:	
<b>1.5 All communications should be sent to the:</b>		
<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Solicitor	<input type="checkbox"/> Agent

### SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Port colborne	
Concession No. 2	Lot(s):
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Concession 2 lot 23	Street No. Na

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 62	Depth: 220	Area: 13640 sq ft
Existing Use: Ar		
Proposed Use: 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:		
Regional Policy Plan:		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
Ar		

SECTION 4: LAND INFORMATION

4.1 Date the Subject Land was acquired by the Current Owner:	
4/1/23	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
Na	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input checked="" type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated stormwater system	
<input checked="" type="checkbox"/> Other (specify)	
SWALE ON CONCESSION 2 / SUTHER RD	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date:	



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

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

We would like to ask for relief on the 10% lot coverage to allow for an detached 2 car garage and pool..

→ 10%, CURRENTLY / 22.5% REQUESTED

→ CORNER SIDE YARD SETBACK 7.5m / REQUESTED 5.67m HOUSE REQUESTED 7.19 GARAGE

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

We have met every set back except the east facing road side set back which we are asking for relief from....

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?

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

☒ Yes

☐ No

If Yes, briefly describe and indicate their use.

2 small 10x10 sheds to be taken down

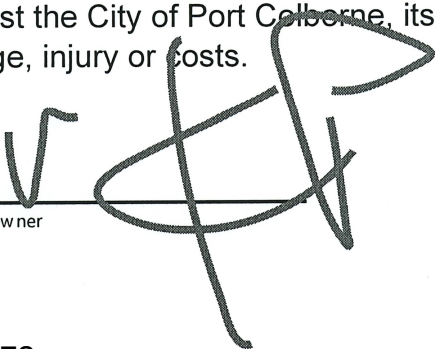


8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?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

ACKNOWLEDGMENT CLAUSE

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

X 3/19/24  
Date

X   
Signature of Owner

Pre-Screening Criteria

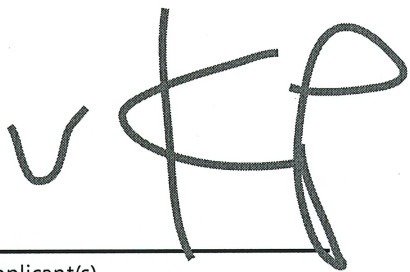
9.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?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



AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X March 19th 2024  
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 William kemp  
Port colborne  
Of the City/Town/Township of \_\_\_\_\_  
In the County/District/Regional Municipality of Ontario-canada NTALADA

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 3rd day of April  
20 24.  
Taya Hope Taraba, a Commissioner, etc.,  
Province of Ontario, for the Corporation  
A Commissioner, etc. of the City of Port Colborne.  
Taya Taraba  
Expires January 31, 2027.

TO BE SIGNED IN THE PRESENCE OF A  
COMMISSIONER FOR TAKING AFFIDAVITS  
X   
Signature of applicant(s), solicitor, or authorized agent  
William Kemp

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

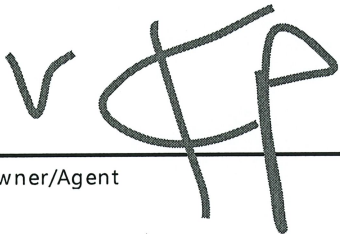
A public hearing sign is required to be posted by all applicants or agents on each property under application. A sign will be made available to you after review of your application, and you are required to post each sign in a prominent location on the subject property. The sign should be placed so that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

3/19/24

Date

X

Signature of Owner/Agent

X

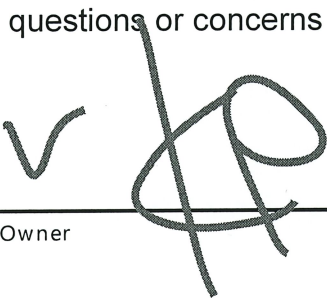
Date

PERMISSION TO ENTER

I/We William Kemp 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

3/19/24

Date

X

Signature of Owner

X

Date

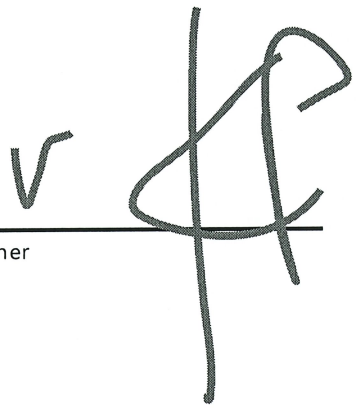
AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We William kemp 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.

<div>X</div> <div></div> <div>Signature of Owner</div>	<div>X</div> <div>3/19/24</div> <div>Date</div>
<div>X</div> <div>Signature of Owner</div>	<div>X</div> <div>Date</div>
<div>X</div> <div>Signature of Agent</div>	<div>X</div> <div>Date</div>



## SUGGESTION TO THE APPLICANT

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

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

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





July 23, 2024



## Stage 1-2 Archaeological Assessment: 2000 Snider Rd., Port Colborne ON

Stage 1-2 Archaeological Assessment: 2000 Snider Rd., Port Colborne, Part of Lot 23, Conc. 3, Geographic Township of Humberstone, Welland County, now the City of Port Colborne, Regional Municipality of Niagara, Ontario.

### Prepared for:

William Kemp

### Prepared by:

Seguin Archaeological Services

1047 Main Street East, Hamilton, ON

Phone: 289-700-7959

Email: [matthew@seguinarchaeological.com](mailto:matthew@seguinarchaeological.com)

[www.seguinarchaeological.com](http://www.seguinarchaeological.com)

Licensee: Matthew J. Seguin

License Number: P1018

PIF Number: P1018-0094-2024

ORIGINAL REPORT



## Executive Summary

Seguin Archaeological Services (SAS) was contracted by William Kemp (the Proponents), to conduct a Stage 1-2 archaeological assessment of the property at 2000 Snider Rd., Port Colborne, Part of Lot 23, Conc. 3, Geographic Township of Humberstone, Welland County, now the City of Port Colborne, Regional Municipality of Niagara, Ontario (Figure 1), now the 'Study Area'.

This assessment was undertaken in advance of a proposed construction of a new home at the residential property located at 2000 Snider Rd., Port Colborne, ON. The Study Area measures 0.32 acres. At the time of the assessment, the study area was comprised of a small driveway, pre-existing building, as well as manicured lawns. The boundaries of the Study Area correspond to the limits provided by the client at the outset of the assessment.

The assessment was triggered by the Provincial Policy Statement (PPS) that is informed by the Planning Act (Government of Ontario 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger Ontario Heritage Act (1990b). According to Section 2.6.2 of the PPS, "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." To meet the condition, a Stage 1-2 assessment of the Study Area was conducted, during the pre-approval phase of the development, under archaeological consulting license P1018 issued to Matthew Seguin by the MCM's 2011 Standards and Guidelines for Consultant Archaeologists ('Standards and Guidelines'; Government of Ontario 2011).

The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources and was recommended for a Stage 2 assessment.

The subsequent Stage 2 archaeological assessment was conducted by SAS on May 30, 2024, in accordance with the *Ontario Heritage Act*, and the *Standards and Guidelines for Consultant Archaeologists*. This investigation consisted of a typical test pitting survey at 5-meter intervals of the study area. No archaeological materials or features were located during the test pit survey.

Based upon the background research of past and present conditions, and the archaeological assessment, the following is recommended:

- No further archaeological assessment is required for the Study Area; and,



- Compliance legislation must be adhered to in the event of the discovery of deeply buried cultural materials or features

The MCM is asked to review the results and recommendations presented in this report and provide a letter indicating their satisfaction that the fieldwork and reporting for this archaeological assessment are consistent with, and in compliance with, the *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011), as well as the terms and conditions for archaeological licenses, and to enter this report into the Ontario Public Register of Archaeological Reports.





## Table of Contents

Executive Summary .....	ii
1.0 Project Context .....	1
1.1 Development Context .....	1
1.2 Historical Context .....	2
1.2.1 Post-Contact Aboriginal Resources .....	2
1.2.2 Euro-Canadian Resources .....	4
1.3 Archaeological Context .....	6
1.3.1 Property Description and Physical Setting .....	6
1.3.2 Pre-Contact Aboriginal Land Use .....	7
1.3.3 Previously Identified Archaeological Work .....	10
1.3.4 Archaeological Potential .....	12
2.0 Field Methods .....	14
3.0 Record of Finds .....	15
4.0 Analysis and Conclusions .....	16
5.0 Recommendations .....	17
6.0 Advice on Compliance with Legislation .....	18
7.0 Bibliography and Sources .....	19
8.0 Figures .....	2
9.0 Images .....	6
9.1 Field Photos .....	6



## Project Personnel

Project Manager:	Matthew Seguin, P1018
Field Director:	Matthew Seguin, P1018
Field Technician:	Matthew Seguin, P1018
Report Preparation:	Matthew Seguin, P1018
Mapping and GIS:	Matthew Seguin, P1018
Licensee Review:	Matthew Seguin, P1018

## Acknowledgments

Generous contributions by the following individuals made this report possible.

William Kemp



## 1.0 Project Context

### 1.1 Development Context

Seguin Archaeological Services (SAS) was contracted by William Kemp (the Proponents), to conduct a Stage 1-2 archaeological assessment of the property at 2000 Snider Rd., Port Colborne, Part of Lot 23, Conc. 3, Geographic Township of Humberstone, Welland County, now the City of Port Colborne, Regional Municipality of Niagara, Ontario (Figure 1), now the 'Study Area'.

This assessment was undertaken in advance of a proposed construction of a new home at the residential property located at 2000 Snider Rd., Port Colborne, ON. The Study Area measures 0.32 acres. At the time of the assessment, the study area was comprised of a small driveway, pre-existing building, as well as manicured lawns. The boundaries of the Study Area correspond to the limits provided by the client at the outset of the assessment.

The assessment was triggered by the Provincial Policy Statement (PPS) that is informed by the Planning Act (Government of Ontario 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger Ontario Heritage Act (1990b). According to Section 2.6.2 of the PPS, "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." To meet this condition, a Stage 1-2 assessment of the Study Area was conducted, during the pre-approval phase of the development, under archaeological consulting license P1018 issued to Matthew Seguin by the MCM's 2011 Standards and Guidelines for Consultant Archaeologists ('Standards and Guidelines'; Government of Ontario 2011).

The purpose of a Stage 1 Background Study is to compile all available information about known and potential cultural heritage resources within the Study Area and then to provide specific direction regarding the protection, management and/or recovery of any resources which may be present. The objectives of the Stage 1 Background Study, as outlined by the Ministry of Citizenship and Multiculturalism's (MCM) Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011), are as follows:

- To provide information about the Study Area's geography, history, previous archaeological fieldwork and current land condition;
- to evaluate in detail, the Study Area's archaeological potential which will support recommendations for Stage 2 survey for all or parts of the property; and
- to recommend appropriate strategies for Stage 2 survey.

SAS archaeologists employed the following research strategies to meet these objectives:

- A detailed documentary review of relevant archaeological, historic and environmental literature pertaining to the Study Area;





- a review of the land-use history, including pertinent historic maps; and
- an examination of the Ontario Archaeological Sites Database ('ASDB') to determine the presence of known archaeological sites in and around the Study Area.

The purpose of a Stage 2 Property Assessment is to provide an overview of any archaeological resources within the Study Area, and to determine whether, or not, any of those resources might be archaeological sites that retain cultural heritage value or interest (CHVI), and then to provide specific direction regarding the protection, management and/or recovery of said resources. The objectives of Stage 2 archaeological assessment, as outlined by the Ministry of Citizenship and Multiculturalism's (MCM) Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011), are as follows:

- To document all archaeological resources within the Study Area;
- to determine whether the Study Area contains archaeological resources requiring further assessment; and
- to recommend appropriate Stage 3 assessment strategies for any archaeological sites determined to require additional assessment.

The licensee received permission from the Proponent to enter the land and conduct all required archaeological fieldwork activities, including the recovery of artifacts.

## 1.2 Historical Context

### 1.2.1 Post-Contact Aboriginal Resources

Early Euro-Canadian records suggest that the people living in the area were the Attawandarons, or Neutrals. The French called them Neutrals because they remained neutral during the conflicts between the Iroquois and the Huron. In 1626, when Father La Roche Daillon, a French Jesuit missionary, travelled through Neutral territory to 28 different villages, he spent three months in the region attempting to conclude a trading alliance with the Neutral Confederacy. These negotiations ultimately failed due to opposition from Huron allies (White 1978:409). By 1638, the Neutral had expanded east to the Niagara River in response to a void left by the Wenro migrating to Huronia and the Erie migrating southwest. By the early 1640s, the Neutrals were engaged in large-scale warfare with the Assistaeronons to the west while maintaining a neutral stance between the Huron and the League of Five Nations Iroquois. European influence in the region was generally restricted to the beaver pelt trade, and Aboriginal groups practiced a way of life that did not differ significantly from the pre-Contact period. By the late 1640s, the increasing scarcity of beaver pelts prompted the invasion of the Neutral by the League of Five Nations Iroquois. By the early 1650s the Neutral Confederacy was destroyed and its surviving members either moved west out of Ontario or were absorbed into the League of Five Nations living to the west and south of their former homelands (Trigger 1994:57).

While the region appears to have been at least relatively unpopulated by permanent settlements in the latter half of the seventeenth century, much of southern Ontario used as a



hunting territory by the Iroquois. However, Ojibway groups previously thought to have settled along the northern shores of Georgian Bay and Lake Superior gradually migrated into southern Ontario, and by 1707 had settled in the Niagara region (Rogers 1978:761).

By 1784, the British government signed Treaty No. 3 and had purchased over a million hectares of land between Lake Ontario and Lake Erie from the Mississauga, this became known as the Between the Lakes Purchase (Surtees 1994:102). The Mississauga eventually relocated to the Grand River at New Credit in 1847. The Study Area enters the Euro-Canadian historic records beginning with Treaty No. 3, which was...

*... made with the Mississ[ug]a Indians 7th December, 1792, though purchased as early as 1784. This purchase in 1784 was to procure for that part of the Six Nation Indians coming into Canada a permanent abode. The area included in this Treaty is, Lincoln County excepting Niagara Township; Saltfleet, Binbrook, Barton, Glanford and Ancaster Townships, in Wentworth County; Brantford, Onondaga, Tusc[a]r[o]ra, Oakland and Burford Townships in Brant County; East and West Oxford, North and South Norwich, and Dereham Townships in Oxford County; North Dorchester Township in Middlesex County; South Dorchester, Malahide and Bayham Township in Elgin County; all Norfolk and Haldimand Counties; Pelham, Wainfleet, Thorold, Cumberland and Humberstone Townships in Welland County.*

Morris 1943:17-18

The size and nature of the pre-contact settlements and the subsequent spread and distribution of Aboriginal material culture in Southern Ontario began to shift with the establishment of European settlers. Lands in the Lower Grand River area were surrendered by the Six Nations to the British Government in 1832, at which point most Six Nations people moved into Tuscarora Township in Brant County and a narrow portion of Oneida Township (Page & Co. 1879; Tanner 1987; Weaver 1978). Despite the inevitable encroachment of European settlers on previously established Aboriginal territories, “written accounts of material life and livelihood, the correlation of historically recorded villages to their archaeological manifestations, and the similarities of those sites to more ancient sites have revealed an antiquity to documented cultural expressions that confirms a deep historical continuity to Iroquoian systems of ideology and thought” (Ferris 2009:114). As Ferris observes, despite the arrival of a competing culture, First Nations communities throughout Southern Ontario have left behind archaeologically significant resources that demonstrate continuity with their pre-contact predecessors, even if they have not been recorded extensively in historical Euro-Canadian documentation.



### 1.2.2 Euro-Canadian Resources

The current Study Area is located in the Geographical Township of Humberstone, Former County of Welland, Regional Municipality of Niagara, Ontario.

In July 1788, the government of the Province of Québec began creating new districts, hoping to better serve and administer at the local level. The first new divisions were the administrative districts of Hesse, Nassau, Mecklenburg and Lunenburg (Archives of Ontario 2009). Further change came in December 1791 when the province was rearranged into Upper Canada and Lower Canada under the Constitutional Act. Colonel John Graves Simcoe was appointed as Lieutenant-Governor of Upper Canada; he initiated several initiatives to populate the province including the establishment of shoreline communities with effective transportation links between them (Coyne 1895).

In July 1792, Simcoe divided Upper Canada into 19 counties, including Lincoln County, stretching from Essex in the west to Glengarry in the east. Later that year, the four districts originally established in 1788 were renamed the Western, Home, Midland and Eastern Districts. As population levels in Upper Canada increased, smaller and more manageable administrative bodies were needed resulting in the establishment of many new counties and townships. As part of this realignment, the boundaries of the Home and Western Districts were shifted and the London and Niagara Districts were established. Under this new territorial arrangement, the Study Area became part of Lincoln County in the Niagara District (Archives of Ontario 2009). In 1845, after years of increasing settlement that began after the War of 1812, the southern portion of Lincoln County was severed to form Welland County (the two counties would be amalgamated once again in 1970 to form the Regional Municipality of Niagara).

Humberstone Township, formerly Sugar Loaf, was settled in 1785. By 1817 there were 75 families living in Humberstone, supported by a saw mill, and a grist mill. The township grew quickly and by 1850 the number of inhabited houses had increased to 279, and the population to 2,377 inhabitants. At this time, the township also contained a grist mill, three saw mills, a foundry, two churches, and eight public schools. The township continued to grow throughout the 19th century. By 1875, the population had increased to 3,200 (Page & Co. 1876). The most prominent community in the area was Port Colbourne as it was the southern terminus of the Welland Canal. By 1870, Port Colborne alone boasted a population of 1,200 and contained four churches, a public school, a Roman Catholic separate school, a village hall, as well as three planing mills and sash door factories, a grist mill, a saw mill, a branch of the Imperial Bank, a Montreal and Dominion telegraph office and an extensive grain elevator belonging to the Welland Railway Company (Page & Co. 1876).

The Illustrated Historical Atlas of the Counties of Lincoln and Welland (Historical Atlas), demonstrates the extent to which Humberstone Township had been settled by 1876 (Page & Co 1876; Figure 2). Landowners are listed for virtually every lot within the township, many of





which had been subdivided multiple times into smaller parcels to accommodate an ever-increasing population throughout the late 19<sup>th</sup> century. Structures and orchards are prevalent throughout the township, almost all of which front onto early roads. According to the Historical Atlas map of Humberstone Township, Lot 23, Concession 3, was subdivided into three parcels. The portion of the lot, where the Study Area is located, appears to be attributed to Herman Zimmerman. There is one structure and one orchard visible on the map for this parcel, however they are located north, and outside of the Study Area. Although there is significant and detailed information available about the landowners on the current Historical Atlas map of Humberstone Township, it should be recognized that not all features of interest were mapped systematically in the Ontario series of historical atlases, given that they were financed by subscription, and subscribers were given preference about the level of detail provided on the maps, while nonsubscribers were not always listed on the maps (Caston 1997:100). Moreover, not every feature of interest would have been within the scope of the atlases, and structures or features of interest that were within scope, may not have been depicted or placed accurately (Gentilcore and Head 1984).



## 1.3 Archaeological Context

### 1.3.1 Property Description and Physical Setting

The Study Area occupies the residential property located at 2000 Snider Rd., Port Colborne ON. The assessment property measures 0.32 acres. At the time of the assessment, the study area was comprised of a driveway, pre-existing building, as well as manicured lawns.

Most of the region surrounding the Study Area has been subject to European-style agricultural practices for over 100 years, having been settled by Euro-Canadian farmers by the mid-19<sup>th</sup> century. Much of the region today continues to be used for agricultural purposes.

The Study Area is situated within the Haldimand Clay Plain, a 3,500 square kilometre area of parallel clay belts deposited during the time of glacial Lake Warren. According to Chapman and Putnam

...although it was all submerged in Lake Warren, the till is not all buried by stratified clay; it comes to the surface generally in low morainic ridges in the north. In fact, there is in that area a confused intermixture of stratified clay and till. The northern part has more relief than the southern part where the typically level lake plains occur.

Chapman and Putnam 1984:156

The study area consists of Farmington loam, it is characterised as a light brown stony loam. till. It has fair to moderate natural drainage, and is well suited to most common field crops, grapes and pasture (Kingston and Presant 1989).

The Niagara Region as a whole is located within the Deciduous Forest Region of Canada, and contains tree species that are typical of the more northern Great Lakes-St. Lawrence Biotic zone, such as beech, sugar maple, white elm, basswood, white oak and butternut (MacDonald & Cooper 1997:21). During pre-contact and early contact times, the land in the vicinity of the Study Area comprised a mixture of hardwood trees such as sugar maple, beech, oak and cherry. This pattern of forest cover is characteristic of areas of clay soil within the Maple-Hemlock Section of the Great Lakes-St. Lawrence Forest Province-Cool Temperate Division (McAndrews and Manville: 1987). In the early 19<sup>th</sup>, Euro-Canadian settlers began to clear the forests for agricultural purposes.

The closest source of potable water is an unnamed tributary of Lake Erie, which runs approximately 630m to the southeast of the Study Area.



### 1.3.2 Pre-Contact Aboriginal Land Use

This portion of southwestern Ontario has been demonstrated to have been occupied by people as far back as 11,000 years ago as the glaciers retreated. For the majority of this time, people were practicing hunter-gatherer lifestyles with a gradual move towards more extensive farming practices. Table 1 provides a general outline of the cultural chronology of Humberstone Township, based on Ellis and Ferris (1990). However, it should be recognised that despite the documentation of archaeological sites in the general area, our knowledge of Aboriginal settlement, or land use, for the subject property and its Study Area is incomplete.

Table 1: Cultural Chronology for Humberstone Township

Time Period	Cultural Period	Comments
9500 – 7000 BCE	Paleo Indian	first human occupation hunters of caribou and other extinct Pleistocene game nomadic, small band society
7500 - 1000 BCE	Archaic	ceremonial burials increasing trade network hunter gatherers
1000 - 400 BCE	Early Woodland	large and small camps spring congregation/fall dispersal introduction of pottery
400 BCE – CE 800	Middle Woodland	kinship based political system incipient horticulture long distance trade network
CE 800 - 1300	Early Iroquoian (Late Woodland)	limited agriculture developing hamlets and villages
CE 1300 - 1400	Middle Iroquoian (Late Woodland)	shift to agriculture complete increasing political complexity large palisaded villages
C 1400 - 1650	Late Iroquoian	regional warfare and political/tribal alliances destruction of Huron and Neutral

#### *Paleo Period*

The first inhabitants of Ontario, termed by archaeologists as the Paleoindians, are documented to have inhabited the area at the end of the last ice age (10,000-12,000 years ago). Due to the incredibly harsh environment/climate of the time, the Paleoindians likely relied on short-term impermanent settlements, travelled in small groups, and utilized caribou as a main source of food, although small animals, fish, birds, and plants would likely have been used as well. As a result of their small population size and nomadic way of life, known Paleoindian campsites are limited. These limited sites are distinguished by the appearance of expertly crafted stone tools and distinctive fluted points used for spears.





### *Archaic Period*

The indigenous lifestyle in Southern Ontario begins to shift around 8000 BCE during what is known as the Archaic Period. The archaeological record is more complete during this time, and there are correspondingly many more sites attributed to Archaic populations. These Archaic sites are characterized by projectile points, a more diverse diet, and different exploitation patterns that have shifted along with environmental conditions. The archaeological record demonstrates that there was a seasonal pattern of Archaic populations moving from occupying interior settlements during colder seasons to river/lakeshore settlements during warmer seasons. Due to the change in climate, large cold-weather mammal species either migrated north or became extinct. This shift in animal populations altered the diets of the indigenous people and forced them to rely on more of a variety of resources. Archaic populations exploited a wide range of bird, fish, mammal, and plant species and more specifically over time the archaeological record provides evidence of an increase in the consumption of fish, deer, and nuts. Consequently, with the expansion of their diet, an increase in resource abundance, and more hospitable environments, Archaic populations saw an increase in band and family size. This is made evident by both the increased size of sites and evidence of aggregate campsites where multiple groups/bands would join in times of abundance. Around 4000 BCE the coniferous forests of prior periods transitioned to a mix of coniferous and deciduous tree species. This transition marks the beginning of a more productive era in resource gathering and an increase in population density among Archaic populations. Overall, from 8,000 to 1,000 BCE we see a steady increase of abundance in the archaeological record. More specifically to these findings, Archaic sites are recognized by a wide-variety of characteristic artifacts including stone scrapers, stemmed and notched projectile points, ground stone tools such as celts and adzes, and ornaments such as gorgets and bannerstones; as well bifaces/tool blanks, animal bone flakes, and debitage.

### *Early and Middle Woodland Periods*

During the Early and Middle Woodland periods (1000 BCE to CE 800) there were major shifts in cultural and environmental patterns and settlements became more sedentary and permanent. Approximately 1000 years ago large semi-permanent villages and ceramic artifacts began to appear. The archaeological record shows that Woodland peoples of this era began to utilize a coiling method in order to produce clay artifacts in the form of pottery. This period is also where evidence of houses in the form of simple oval enclosures first appear.

### *Late Woodland Period*

In Southern Ontario around 1000 CE even larger settlements begin to appear and the archaeological record shows evidence of the emergence of corn horticulture. This advancement in agriculture is associated with Iroquoian-speaking populations that are known to have resided in Ontario during this period. These populations include ancestors of the Petun (Tobacco Nation), Wendat (Huron), and Attawandaron (Neutral) nations. Iroquoian sites are distinguished by finely-crafted, decorated pottery, ground stone artifacts, clay pipes, and triangular projectile points. Also characteristic of



Iroquoian villages is an incorporation of multi-family dwellings and longhouses. There is also the potential during this period for archaeological sites in the area that date after the arrival of European explorers and missionaries to contain artifacts of European origin/manufacture such as iron knives/axes, glass beads, copper/brass kettles, and other metal tools along with a variety of personal items that belonged to European visitors/missionaries such as rings, glassware, stoneware, and rosaries.

During the Late Iroquoian period there were a number of Attawandaron (or Attawandaronk) villages in the area of Brantford. During the 17th century the Attawandaron nation maintained a neutral stance between the Huron-Wendat nation and the Five Nations of Iroquois who were hostile to one another. Around the year 1626 a French Recollet missionary, La Roche Daillon, discovered 28 Attawandaron villages in what is now known as Brant County (Waldie 1984). During this same period it was noted that the Attawandaron population numbered between twenty and thirty thousand people and that their hunting grounds stretched across Ontario and beyond from Goderich to Toronto and from Sarnia to Genesee Falls (Reville 1920). The Attawandaron population would go on to be devastated by warfare and disease that was introduced by European populations. This led to a number of the remaining Attawandaron communities being adopted into the Five Nations groups.

Perhaps unsurprisingly, after the dispersement of the Attawandaron the Five Nations Iroquois tribes had come to dominate the fur trade in the Northeast. This was in part due to their control of the Mohawk Valley, and St. Lawrence River trade routes, and its source in Lake Ontario (Tooker 1978). As a result of the strategic control of these areas unallied tribes were forced to take longer, more northerly routes to French trading posts (Tooker 1978). At the height of their dominance, the Five Nations Iroquois controlled an expanse of territory measuring 1,200 miles from north to south and 600 miles from east to west (Page & Smith 1875:59). With such a vast area of control, the original political alliance, or “kinship state”, of the Five Nations Iroquois began to take some characteristics often associated with a ‘trade alliance’ and a ‘corporate entity’ (Albrecht and Young 2017).

The Five Nations Iroquois were allied with Britain and fought alongside them against France from 1756-1763 (Page & Smith 1875:59). They continued their alliance with Britain during the American Revolution and the War of 1812. For their long standing loyalty and sacrifice to the British Crown during the American War of Independence, the Six Nations tribes - Onondaga, Seneca, Mohawk, Cayuga, Oneida, and the newly allied Tuscarora – were granted a large area of land along the banks of the Grand River. The Haldimand Proclamation detailed the title on October 25th 1784. Lands which have been surveyed along the Grand River, especially floodplain zones near former agricultural fields, have yielded archaeological evidence of Six Nations’ homesteads that dates to the 18th and early 19th century.

### *Algonkian Speaking Groups*

Prior to the settlement of the Grand River by Europeans, a large portion of the land was occupied by the Mississaugas (Anishnabeg-Ojibway) and the lands within the Grand River drainage were utilized by the Mississaugas for hunting and seasonal camping. Many times it was the Mississaugas



that were first encountered by Euro-Canadian pioneers, and members of the Mississaugas acted not only as guides but also helped the earliest pioneers as they traversed through the countryside (Bloomfield 2006). The Mississaugas continued to inhabit the land and by the 19th century there was a large Mississauga settlement along both the Credit River in the East and the Grand River.

### 1.3.3 Previously Identified Archaeological Work

To compile an inventory of previously identified archaeological resources, the registered archaeological site records kept by the MCM were consulted. In Ontario, information concerning archaeological sites is stored in the Archaeological Sites Database (ASDB) (Government of Ontario n.d.) which is maintained by the MCM. This database contains archaeological sites registered according to the Borden system. Under the Borden system, Canada is divided into grid blocks based on latitude and longitude. A Borden Block is approximately 13km east to west and approximately 18.5km north to south, and each Borden Block is referenced by a four-letter designator and sites within a block are numbered sequentially as they are found. The Study Area under review is within Borden Block AfGt.

According to the ASDB, a total of fourteen archaeological sites have been registered within 1km of the Study Area (Table 2); none of which are located within 50m of the study area. Thirteen have been identified as pre-contact Aboriginal one as a multi-component pre-contact Aboriginal and post-contact Euro-Canadian site.

Table 2: Registered Archaeological Sites within 1km of the Study Area

Borden Number	Site Name	Time Period	Affinity	Site Type
AfGt-26	Kikkert-Murray	Pre-Contact	Aboriginal	Findspot
AfGt-38	Kikkert 1	Pre-Contact	Aboriginal	
AfGt-39	Kikkert 2	Pre-Contact	Aboriginal	
AfGt-40	Kikkert 3	Woodland, Early	Aboriginal	Scatter
AfGt-54	Ott 1	Pre-Contact	Aboriginal	
AfGt-55	Ott 2	Pre-Contact	Aboriginal	
AfGt-56	Ott 3	Pre-Contact	Aboriginal	
AfGt-57	Ott 4	Pre-Contact	Aboriginal	
AfGt-59	Ott 5	Archaic, Early, Archaic, Late, Woodland, Late	Aboriginal	quarry
AfGt-331		Pre-Contact	Aboriginal	scatter
AfGt-332		Pre-Contact	Aboriginal	scatter
AfGt-333		Pre-Contact	Aboriginal	camp / campsite
AfGt-334		Pre-Contact	Aboriginal	camp / campsite





AfGt-335		Post-Contact, Pre-Contact	Aboriginal, Euro- Canadian	OtherRefuse, scatter
----------	--	------------------------------	----------------------------------	----------------------

The first site, AfGt-26, was first documented during a field survey in 1984. It was described as a findspot, one projectile point and one preform were recovered.

The next three sites, AfGt-38 – AfGt-40, the Kirkert 1, 2, and 3 sites, were first documented during a field survey in 1984

- AfGt-38 was described as being approximately 20 m in diameter.
- AfGt-39 was described as a pre-contact aboriginal site which was thinly littered with chert flakes, cores and fragments over a 15 x 10m area.
- AfGt-40 was described as a pre-contact aboriginal site which was a thin scatter of Onondaga chert flakes and debitage over a 15 x 10m area.

The next five sites, AfGt-54 – AfGt-57 and AfGt-59, the Ott 1 - 5 sites, were also documented during a field survey in 1984.

- AfGt-54, the Ott 1 site, was described as being 85 m (e to w) X 60 m (n to s) and littered with chert cores, fragments and flakes.
- AfGt-55, the Ott 2 site, was described as a pre-contact aboriginal site with a Moderate scatter of chert bifaces over a 20 m X 30 m area.
- AfGt-56, the Ott 3 site, was described as a pre-contact aboriginal site which was a scatter of flakes, cores and chert fragments over area of 25 m (e to w) X 20 m (n to s).
- AfGt-57, the Ott 4 site, was described as a pre-contact aboriginal site which was a heavy scatter of cores, flakes, debitage.
- AfGt-59, the Ott 5 site, was described as a pre-contact aboriginal site which was described as a multi-component quarry and initial lithic reduction site. Approximately 90 m x 90 m Onondaga lithic scatter, very heavily covered with chert flakes, fragments and cores. Additional Stage 1-3 work was conducted in 1996 by New Directions Archaeology resulting in the collection of: 105 chert chunks, 2 cobbles, 10 cores, 690 flakes, 20 scrapers, 8 uniface, 30 bifaces, 2 knife preforms, Nettling projectile point, Crawford Knoll projectile point, Daniels projectile point.

The final five sites, AfGt-331 – AfGt-335, were documented during a Stage 1-2 archaeological assessment by Archaeological Research Associates in 2021, under PIF P007-1223-2021.

- AfGt-331, was described as a pre-contact aboriginal scatter being 39 m X 21 m with 9 artifacts observed. The assemblage consisted of three primary flakes, two pieces of shatter, one biface thinning flake, one biface fragment and a rotated core of Onondaga chert as well as one flake fragment of Selkirk chert.



- AfGt-332, was described as a pre-contact aboriginal scatter being 19 m X 3 m with 3 artifacts observed. The assemblage consisted of one utilized secondary flake fragment, a utilized flake fragment and a primary flake of Onondaga chert.
- AfGt-333, was described as a pre-contact aboriginal campsite being 150 m X 40 m with 40 artifacts observed. The assemblage consisted of a mixture of lithic debitage, informal lithic artifacts and formal lithic artifacts.
- AfGt-334, was described as a pre-contact aboriginal scatter being 123 m X 38 m with 74 artifacts observed. The assemblage consisted of a mixture of lithic debitage, informal lithic artifacts and formal lithic artifacts.
- AfGt-335, was described as a multi-component site, a pre-contact aboriginal scatter and a post-contact Euro-Canadian refuse area, being 57 m X 36 m with 464 artifacts observed. The assemblage consisted of 2 Indigenous artifacts and 462 Euro-Canadian artifacts.

To the best of SAS's knowledge, no other assessments have been conducted or within 50m of the Study Area.

#### **1.3.4 Archaeological Potential**

Archaeological potential is established by determining the likelihood that archaeological resources may be present on a subject property. SAS applied archaeological potential criteria commonly used by the MCM (Government of Ontario 2011) to determine areas of archaeological potential within the Study Area. These variables include proximity to previously identified archaeological sites, distance to various types of water sources, soil texture and drainage, glacial geomorphology, elevated topography, and the general topographic variability of the area.

Distance to modern or ancient water sources is generally accepted as the most important determinant of past human settlement patterns and considered alone, may result in a determination of archaeological potential. However, any combination of two or more other criteria, such as well-drained soils or topographic variability, may also indicate archaeological potential. When evaluating distance to water it is important to distinguish between water and shoreline, as well as natural and artificial water sources, as these features affect site locations and types to varying degrees. The MCM (Government of Ontario 2011) categorizes water sources in the following manner:

- Primary water sources: lakes, rivers, streams, creeks;
- secondary water sources: intermittent streams and creeks, springs, marshes and swamps;
- past water sources: glacial lake shorelines, relic river or stream channels, cobble beaches, shorelines of drained lakes or marshes; and



- accessible or inaccessible shorelines: high bluffs, swamp or marshy lake edges, sandbars stretching into a marsh.

The closest source of potable water is an unnamed tributary of Lake Erie, which runs approximately 630m to the southeast of the Study Area.

Soil texture is also an important determinant of past settlement, usually in combination with other factors such as topography. The Study Area is situated within the Haldimand Clay Plain physiographic region. As was discussed earlier, the primary soils within the Study Area, meanwhile, have been documented as being suitable for pre-contact Aboriginal practices. Add to this discussion the presence of thirteen pre-contact Aboriginal sites within 1km of the Study Area and the Aboriginal archaeological potential is judged to be moderate to high. For Euro-Canadian sites, archaeological potential can be extended to areas of early Euro-Canadian settlement, including places of military or pioneer settlements; early transportation routes; and properties listed on the municipal register or designated under the Ontario Heritage Act (Government of Ontario 1990b) or property that local histories or informants have identified with possible historical events.

As was discussed above, the Historical Atlas map (Page & Co. 1876; Figure 2) demonstrates the extent to which Humberstone Township had been settled by 1876. Landowners are listed for most of the lots within the township, many of which had been subdivided multiple times into smaller parcels to accommodate an increasing population throughout the late 19<sup>th</sup> century. The Study Area occupied part of Lot 23, Concession 3, near historical roads, the potential for post-contact Euro-Canadian archaeological resources is judged to be moderate to high.

Finally, despite the factors mentioned above, extensive land disturbance can eradicate archaeological potential within a Study Area (Wilson and Horne 1995). Within the current Study Area, approximately 12.5% display visible disturbance. However, the remaining 87.5% of the Study Area comprises manicured lawns, and does not demonstrate any visible disturbance. Given all of the above SAS has determined that the Study Area has demonstrated the potential for the recovery of pre-contact Aboriginal, post-contact Aboriginal, and Euro-Canadian archaeological resources, and as a result a Stage 2 test pit survey was determined to be required.





## 2.0 Field Methods

The Stage 2 archaeological assessment was conducted on May 30, 2024, under PIF#: P1018-0094-2024, issued to Matthew Seguin (P1018) by the MCM. Weather conditions were warm and sunny during the assessment. Soil conditions and visibility were ideal for conducting the assessment and recovering archaeological material.

Approximately 12.5% of the Study Area has been visually determined to consist of modern disturbances: a pre-existing building, and driveway (Photos 1 - 4). All of which determined have had their archaeological potential removed and were not assessed but were instead photo-documented.

The remaining 87.5% of the Study Area was subject to a standard Stage 2 test pitting survey at 5-meter intervals (Photos 5 and 6). All soils were screened through a six-millimetre mesh screen. Test pits were a minimum of 30cm in diameter and were excavated a minimum of 5cm into sterile subsoil (Photos 7 - 10). During the survey it was discovered that an additional 6.25% of the Study Area had been previously disturbed. The area of disturbance was comprised of buried gravel with mottled soils (Photos 11 and 12).

No cultural materials or features were detected during the assessment, and all of the test pits were backfilled upon completion. No further archaeological methods were employed since no archaeological material was identified during the course of the survey. The results of Stage 2 archaeological survey are presented in Figure 3.



### 3.0 Record of Finds

No archaeological resources (materials or features) were encountered during the course of Stage 2 archaeological assessment of the 2000 Snider Rd., Port Colborne, ON study area.

Table 3 illustrates an inventory of the documentary record which was generated by the Stage 2 fieldwork and is provided below.

Table 3: Inventory of Documentary and Material Record

Document Type	Amount	Location	Comments
Page of Field Notes	1 Page	SAS office	Stored digitally in project file
Proponent Mapping	1 Map	SAS office	Stored digitally in project file
Field Map	1 Map	SAS office	Stored digitally in project file
Digital Photographs	56 photos	SAS office	Stored digitally in project file



## 4.0 Analysis and Conclusions

SAS was contracted by the Proponents, to conduct a Stage 1-2 archaeological assessment in advance of a proposed construction of a new home at the residential property located at 2000 Snider Rd., Port Colborne, Part of Lot 23, Conc. 3, formerly in the Township of Humberstone, Welland County, now the City of Port Colborne, Regional Municipality of Niagara, Ontario. The study area measures 0.32 acres.

Approximately 12.5% of the Study Area has been visually determined to consist of modern disturbances: a pre-existing building, and driveway (Photos 1 - 4). All of which determined have had their archaeological potential removed and were not assessed but were instead photo-documented.

The remaining 87.5% of the Study Area was subject to a standard Stage 2 test pitting survey at 5-meter intervals (Photos 5 and 6). All soils were screened through a six-millimetre mesh screen. Test pits were a minimum of 30cm in diameter and were excavated a minimum of 5cm into sterile subsoil (Photos 7 - 10). During the survey it was discovered that an additional 6.25% of the Study Area had been previously disturbed. The area of disturbance was comprised of buried gravel with mottled soils (Photos 11 and 12).

No cultural materials or features were detected during the Stage 2 archaeological assessment of the Study Area. Based on Section 2.2 of the Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011), no further archaeological assessment is required for the Study Area.





## 5.0 Recommendations

Based on the results of the Stage 1 background investigation and the subsequent Stage 2 archaeological assessment, the following is recommended:

No further archaeological assessment is required for the Study Area; and,

Compliance legislation must be adhered to in the event of the discovery of deeply buried cultural materials or features.

The MCM is asked to review the results and recommendations presented in this report and provide a letter indicating their satisfaction that the fieldwork and reporting for this archaeological assessment are consistent with, and in compliance with, the *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011), as well as the terms and conditions for archaeological licenses, and to enter this report into the Ontario Public Register of Archaeological Reports.



## 6.0 Advice on Compliance with Legislation

SAS advises compliance with the following legislation:

This report is submitted to the Minister of Citizenship and Multiculturalism 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 Ministry of Heritage, Sport, Tourism and Culture Industries, a letter will be issued by the ministry stating that there are no further concerns about 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 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 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 the Registrar of Cemeteries at the Ministry of Consumer Services.



## 7.0 Bibliography and Sources

- Albrecht, B.C. and Young, A.T., 2017. Wampum: The Political Economy of an Institutional Tragedy. *Unpublished manuscript, November.*
- Archives of Ontario. 2009. The Evolution of the District and County System, 1788-1899. Electronic document: <http://www.archives.gov.on.ca/en/maps/ontario-districts.aspx>. Last accessed, Dec 1, 2021.
- Bloomfield, E. 2006 Waterloo Township Through Two Centuries. Kitchener: Waterloo Historical Society.
- Caston, Wayne A. 1997. Evolution in the Mapping of Southern Ontario and Wellington County. *Wellington County History* 10:91-106.
- Chapman, L.J. and D.F. Putnam. 1984. The Physiography of Southern Ontario. Third Edition. Ontario Geological Survey. Special Volume 2. Toronto: Ontario Ministry of Natural Resources.
- Coyne, J. H. 1895. The Country of the Neutrals (As Far as Comprised in the County of Elgin): From Champlain to Talbot. St. Thomas: Times Print. Reprinted: ValdeBooks 2021.
- Ellis, Chris J. and Neal Ferris (editors). 1990. The Archaeology of Southern Ontario to A.D. 1650. Occasional Publication of the London Chapter, Ontario Archaeological Society, Number 5.
- Ferris, Neal. 2009. The Archaeology of Native-Lived Colonialism: Challenging History in the Great Lakes. Tucson: University of Arizona Press.
- Gentilcore, R. Louis and C. Grant Head. 1984. Ontario's History in Maps. Toronto: University of Toronto Press.
- Government of Ontario. 1990a. Ontario Planning Act, R.S.O. 1990, CHAPTER P.13. Last amendment: 2023, c. 24, Sched. 2. Electronic document: <https://www.ontario.ca/laws/statute/90p13>. Last accessed June 3, 2024.
- Government of Ontario. 1990b. Ontario Heritage Act, R.S.O. 1990, CHAPTER O.18. Last amendment: 2023, c. 20, Sched. 14. Electronic document: <https://www.ontario.ca/laws/statute/90o18>. Last accessed June 3, 2024.
- Government of Ontario. 1990c. Freedom of Information and Protection of Privacy Act, R.S.O.





- 1990, CHAPTER F.31. Last amendment: 2023, c. 21, Sched. 10, s. 13. Electronic document: <https://www.ontario.ca/laws/statute/90f31>. Last accessed June 3, 2024.
- Government of Ontario. 2002. Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33. Last amendment: 2021, c. 4, Sched. 6, s. 49. Electronic document: <https://www.ontario.ca/laws/statute/02f33>. Last accessed June 3, 2024.
- Government of Ontario. 2011. Standards and Guidelines for Consultant Archaeologists. Toronto: Ministry of Heritage, Sport, Tourism and Culture Industries.
- Government of Ontario. n.d. Archaeological Sites Database Files. Toronto: Culture Services Unit, Ministry of Heritage, Sport, Tourism and Culture Industries.
- Kingston, M.S. and E.W. Presant. 1989. The Soils of the Regional Municipality of Niagara. Report No. 60 of the Ontario Institute of Pedology. Guelph: Ontario Ministry of Agriculture.
- Mika, N. and H. Mika. 1977. Places in Ontario: Part I A-E. Mika Publishing Company. Belleville, Ontario
- Mika, N. and H. Mika. 1981. Places in Ontario: Part II F-M. Mika Publishing Company. Belleville, Ontario
- Mika, N. and H. Mika. 1983. Places in Ontario: Part III N-Z. Mika Publishing Company. Belleville, Ontario
- Morris, J.L. 1943. Indians of Ontario. 1964 reprint. Toronto: Department of Lands and Forests, Government of Ontario.
- Page, H.R. & Co. 1876. The Illustrated Historical Atlas of the Counties of Lincoln and Welland. Toronto: H.R. Page & Co.
- Page, H.R. & Co. 1879 Illustrated Historical Atlas of the County of Haldimand, Ontario. Toronto: H.R. Page & Co.
- Reville, F. Douglas. 1920. History of the County of Brant. Vol. I. Brantford: The Hurley Printing Company.
- Rogers, E.S. 1978. Southeastern Ojibwa. In Handbook of North American Indians, William C. Sturtevant and Bruce Trigger (eds). Smithsonian Institution, Washington, D.C.
- Surtees, Robert J. 1994. Land Cessions, 1763-1830. In Aboriginal Ontario, Edward S. Rogers and Donald B. Smith (eds.). Dundurn Press, Toronto.

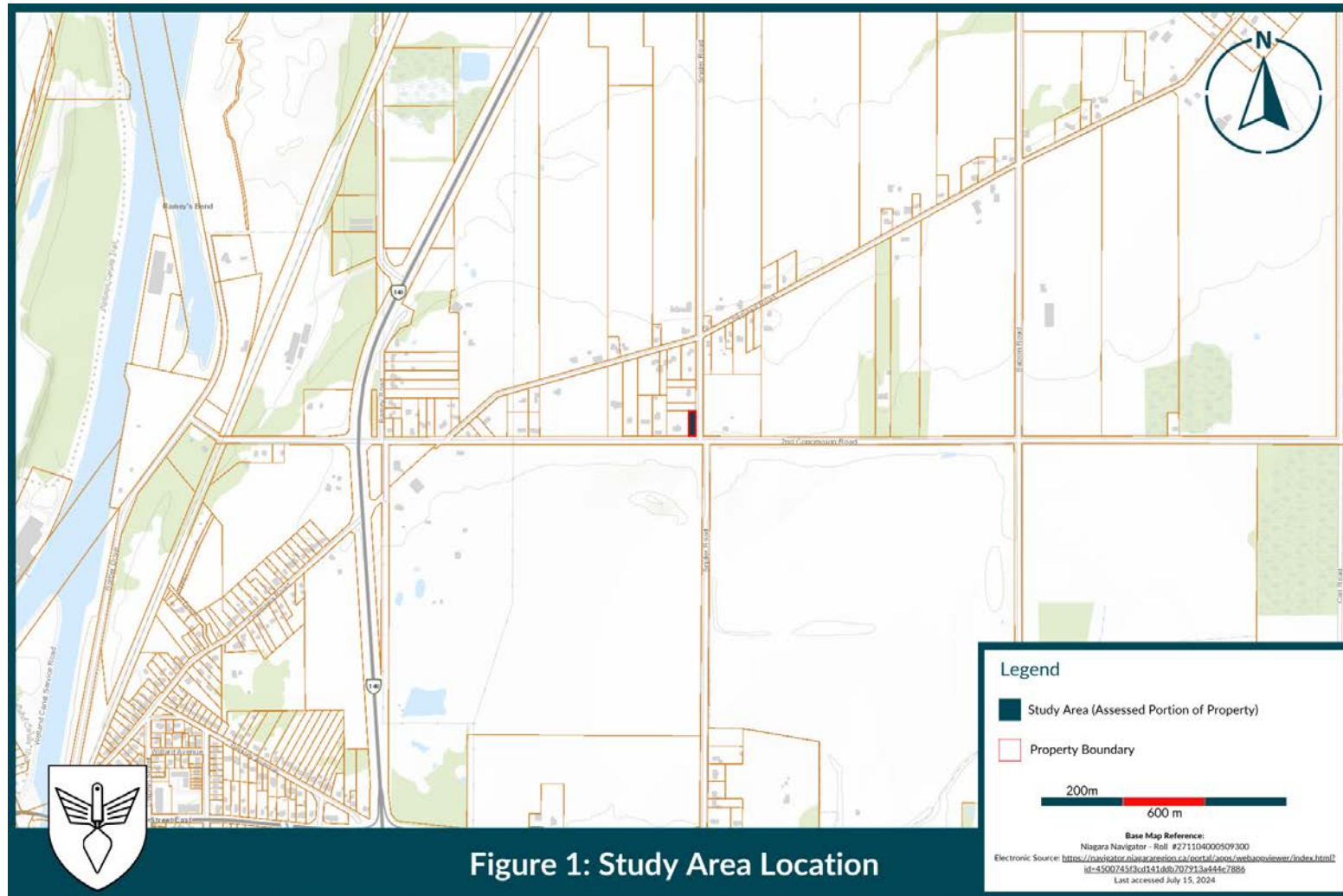


- Tooker, Elisabeth. 1978. "The League of the Iroquois: Its History, Politics, and Ritual." In *Handbook of North American Indians, Volume 15 Northeast*, edited by Bruce G. Trigger, 418–41. Washington, D.C.: Smithsonian Institution.
- Trigger, Bruce G. 1994. *The Original Iroquoians: Huron, Petun and Neutral*. In *Aboriginal Ontario*, Edward S. Rogers and Donald B. Smith (eds.). Dundurn Press, Toronto.
- Waldie, Jean. 1984. *Brant County: The Story of Its People, Volume 1*. Brant Historical Society, Brant Historical Publications.
- Weaver, Sally. 1978. *Six Nations of the Grand River, Ontario*. In *Handbook of North American Indians. Volume 15: Northeast*, pp. 525-536. Bruce G. Trigger, editor. Washington: Smithsonian Institution Press.
- Wilson, J.A. and M. Horne 1995. *City of London Archaeological Master Plan*. London: City of London, Department of Planning and Development.

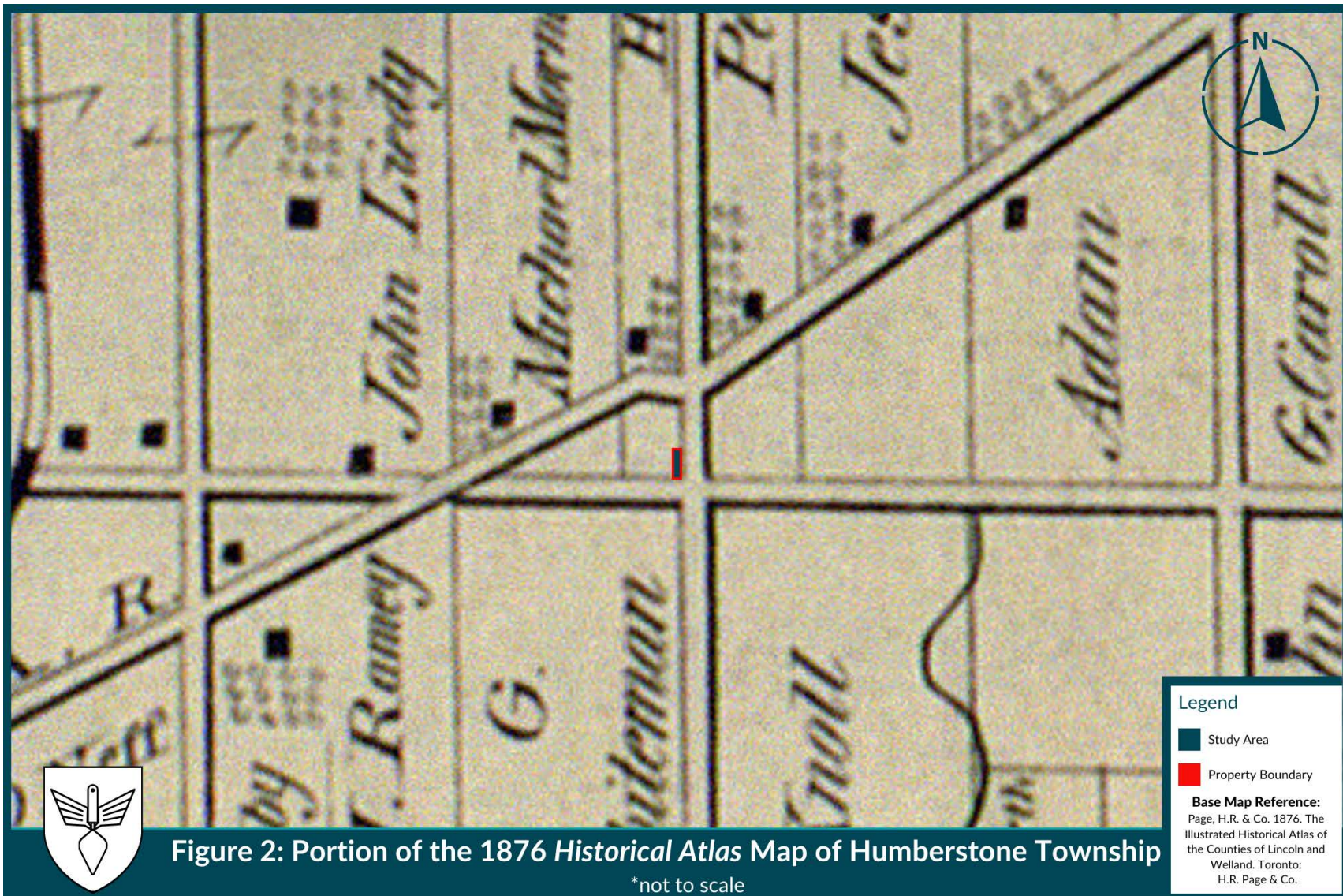


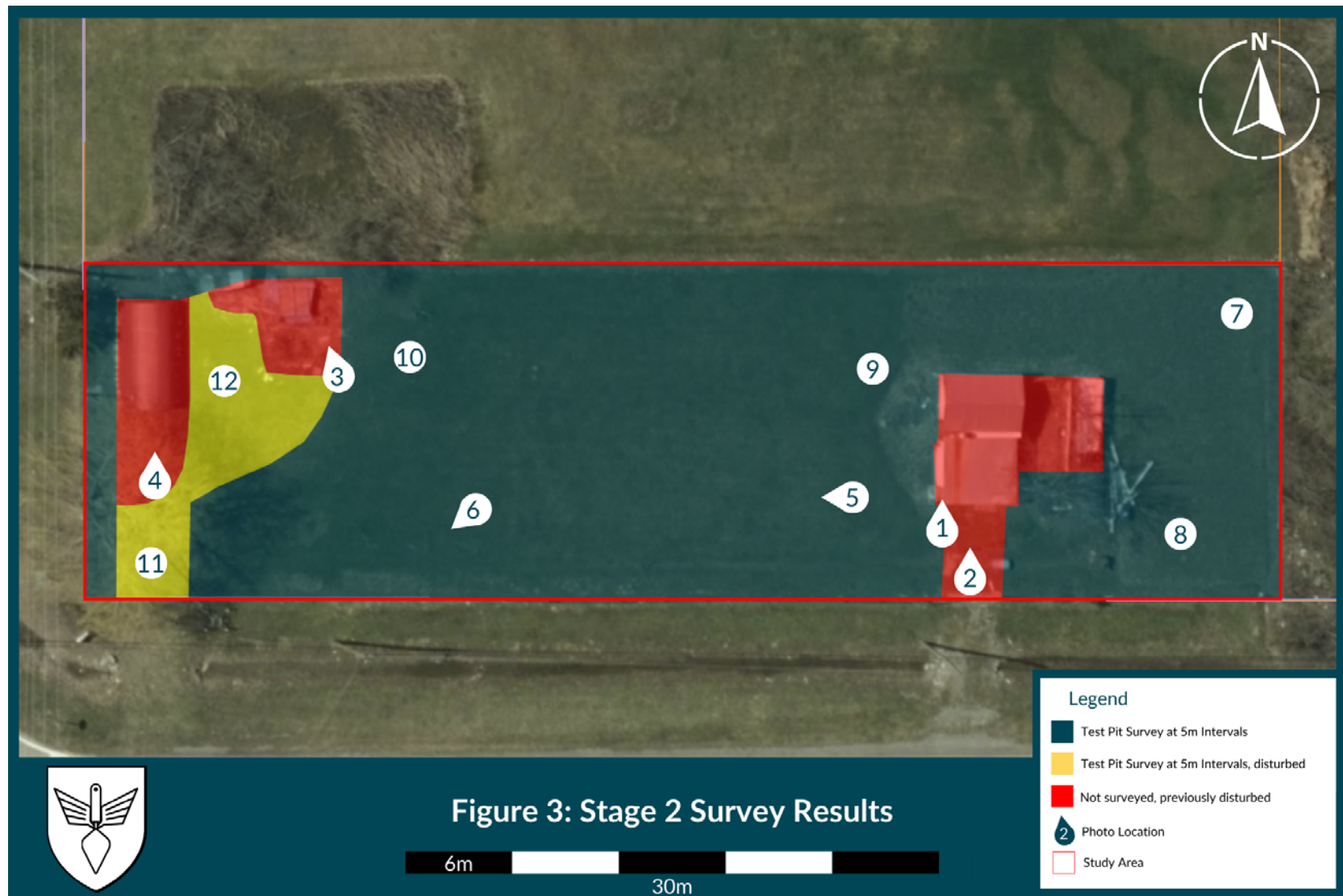


## 8.0 Figures

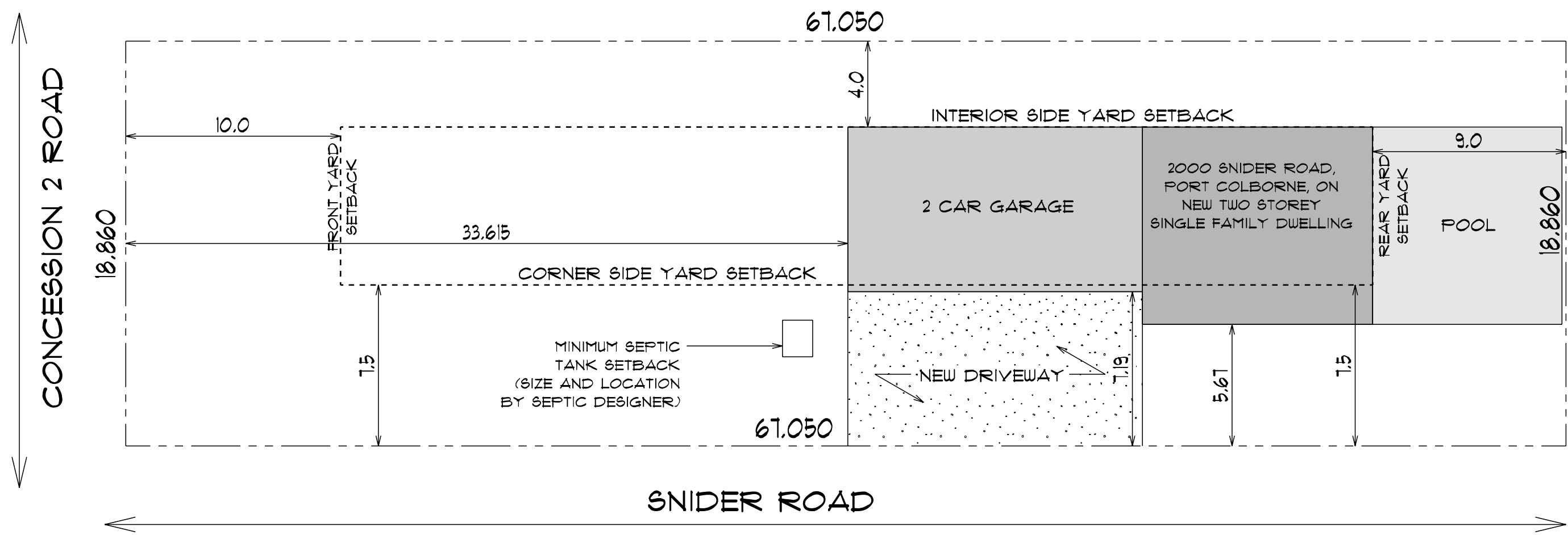






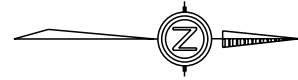






S I T E   P L A N

March 28, 2024      P.C.      03:03 PM



SURVEY PROVIDED BY  
RUSSELL TECHNICAL SERVICES  
LOT MEASUREMENTS USED IN SITE PLAN  
DWG No: SINDERA  
DATE: 2024-02-28

ALL MEASUREMENTS ARE IN METRIC.

LOT COVERAGE		
"AR" ZONE	SQ. M.	%
LOT AREA	1264.14 SQ. M.	
PROPOSED LOT COVERAGE	284.81 SQ. M.	22.5%
MAXIMUM LOT COVERAGE	126.41 SQ. M.	10%

SITE PLAN  
SCALE: 1:200

GENERAL NOTES

1. ALL WORK PERFORMED AND MATERIAL SUPPLIED SHALL COMPLY TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE.

2. NAUTA HOME DESIGNS IS NOT LIABLE FOR ANY ERRORS OR OMISSIONS FOUND IN THESE BLUEPRINTS.

3. DO NOT SCALE BLUEPRINTS.

© COPYRIGHT - NAUTA HOME DESIGNS. IT IS ILLEGAL TO COPY THIS PLAN IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF NAUTA HOME DESIGNS.

THESE PLANS FORM THE BASIS FOR PERMIT ISSUANCE. ANY DEVIATIONS FROM THESE PLANS AND DETAILS, INCLUDING THE VENTILATION SYSTEM, HEATING SYSTEM, WOODSTOVE, FIREPLACES, DECKS, BALCONIES AND FINISHED BASEMENTS, WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.

REVISIONS

DATE	ITEM

QUALIFICATION INFORMATION

Ontario

Ministry of Municipal Affairs and Housing

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Hank Nauta

NAME

SIGNATURE

BCIN

REGISTRATION INFORMATION

Required unless design is exempt under 2.17.4.1. of the building code

Nauta Home Designs

NAME

BCIN

NAUTA HOME DESIGNS

905-892-9657

1789 MERRITTVILLE HWY  
WELLAND, ON L3B 5N5

PLAN NUMBER:

BN1354

CONTRACT NUMBER:

2023-2132

PROJECT :

TWO STOREY

LOCATION:

CON 3 PT LOT 23

PORT COLBORNE

TITLE:

SITE PLAN

ISSUED FOR	DATE
MV	MAR.28.24

DRAWN BY:

CHECKED BY:

DATE :	PAGE:
MARCH 2024	1 OF 4

Figure 4: Development Map



## 9.0 Images

### 9.1 Field Photos



Photo 1: Disturbances: Building,  
facing Northwest



Photo 2: Disturbances: Driveway,  
facing Northwest



Photo 3: Disturbances: Parking area,  
facing West



Photo 4: Disturbances: Driveway,  
facing West



Photo 5: Test Pit Survey at 5m Intervals, facing  
south



Photo 6: Test Pit Survey at 5m Intervals,  
facing southeast





Photo 7: Typical Test Pit



Photo 8: Typical Test Pit



Photo 9: Typical Test Pit



Photo 10: Typical Test Pit



Photo 11: Disturbed Test Pit - Buried Gravel



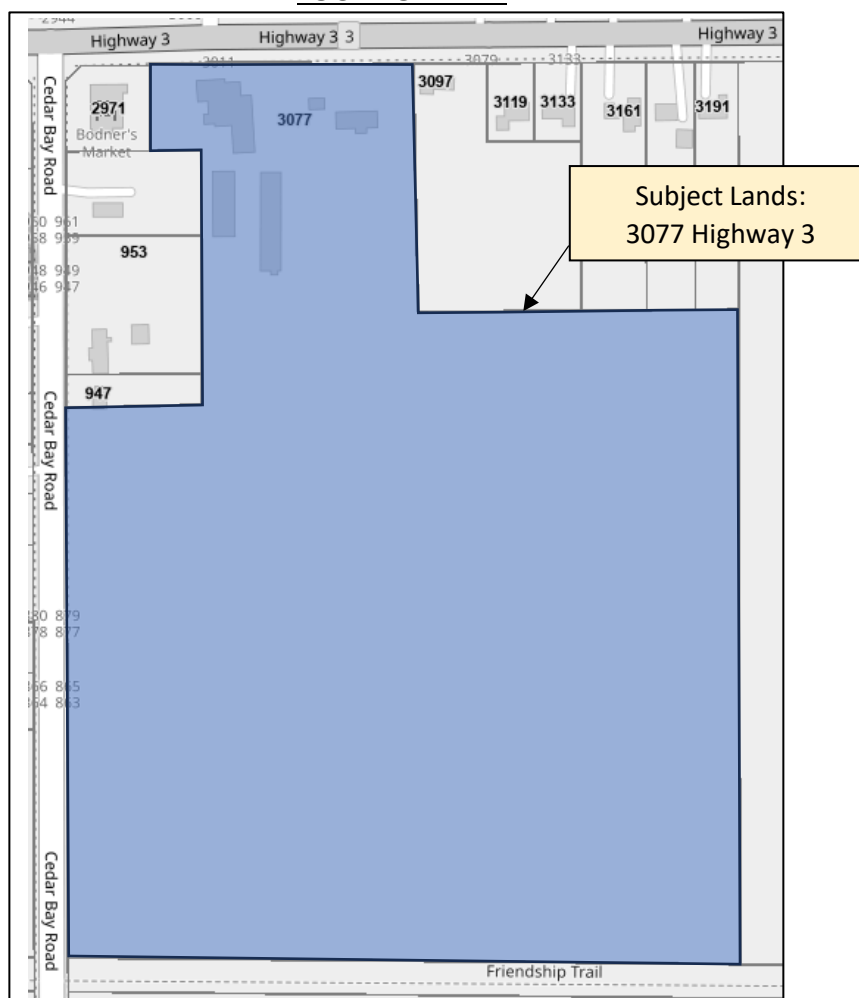
Photo 12: Disturbed Test Pit - Buried Gravel  
and mottled soils

**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 Concession 1, Part Lot 12, in the City of Port Colborne, located in the Hamlet Residential zone with a holding provision (HR-H), municipally known as 3077 Highway 3.

**AND IN THE MATTER OF AN APPLICATION** by the owner, Thomas Lawrence, for consent to sever for the purposes of creating a new residential and agricultural lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch. A sketch of the subject lands is shown on the reverse side of this notice. More information, including a higher resolution PDF version of this sketch, can be requested through the Secretary-Treasurer.

#### LOCATION MAP



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

**Date:** September 10, 2025  
**Time:** 6:00 p.m.  
**Location:** 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, September 5, 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, September 9, 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.

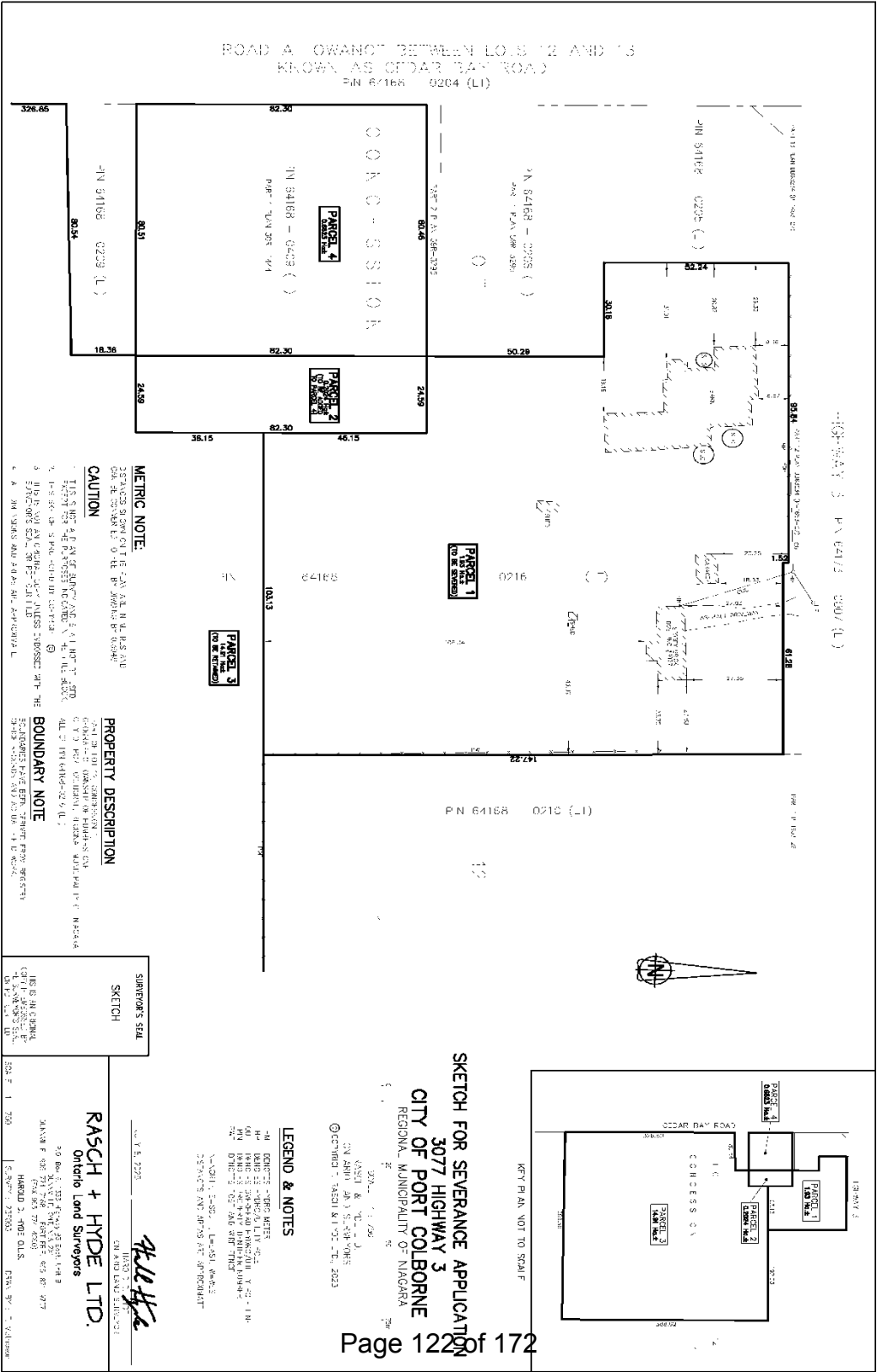
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

Date of Mailing: August 26th, 2025

SKETCH





## City of Port Colborne

Municipal Offices  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8  
[www.portcolborne.ca](http://www.portcolborne.ca)

### Development and Government Relations Department

#### Planning Division Report

September 10, 2025

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

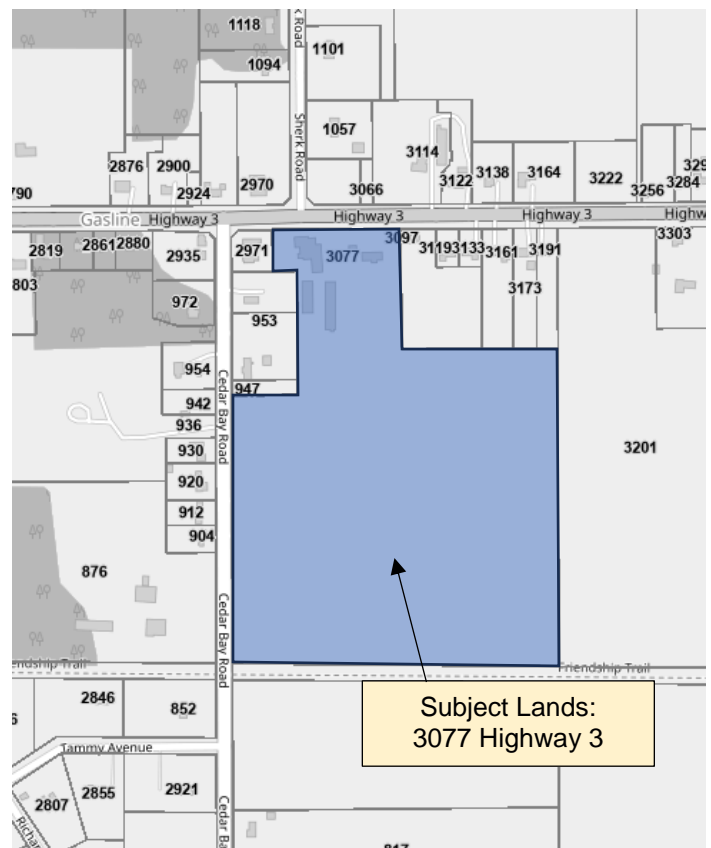
**Re: Application for Consent B07-25-PC  
Concession 1, Part of Lot 12  
3077 Highway 3  
Agent: Brian Babcock  
Owner(s): Thomas Lawrence**

### Proposal

The purpose and effect of this application for consent to sever is to separate the existing dwelling from the balance of the agricultural property. Parcel 1, which fronts onto Highway 3, is proposed to maintain a lot frontage of 157.12 metres and have a lot area of 1.93 hectares (19,300 square metres). Parcel 2, which fronts onto Cedar Bay Road, is proposed to be retained for its existing agricultural use, with a lot frontage of 326.85 metres and a lot area 14.91 hectares (149,100 square metres).

### Surrounding Land Uses and Zoning

The lands which are the subject of this application, are zoned Hamlet Residential (HR) (severed parcel) and Hamlet Residential with a Holding Provision (HR-H) (retained parcel). The parcels surrounding the subject lands are zoned HR to the west and north, Hamlet Development (HD) to the east, Rural (RU) to the south, Hamlet Commercial (HMC) to the northwest and southwest, and a site-specific Hamlet Commercial (HMC-22) also to





the southwest. The surrounding uses consist primarily of residential dwellings to the north and west, agricultural operations to the east south, and commercial uses to the northeast and southwest.

### **Environmentally Sensitive Areas**

The subject property does not contain any regulated environmental features.

### **Public Comments**

Notice was circulated on August 26, 2025, to properties within 60 metres of the subject lands, in accordance with section 44 (5) of the *Planning Act*. As of September 5, 2025, no comments from the public have been received.

### **Agency Comments**

Notice of the application was circulated on August 11, 2025, to internal City departments and external agencies. As of September 5, 2025, the following comments have been received.

#### Ministry of Transportation Ontario (MTO)

The MTO has no objection to this application.

#### Niagara Region

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

#### NPCA

The subject location for the proposed severance for the purpose of creating two lots does not contain and is not impacted by NPCA Regulated Features. Therefore the NPCA has no objection to this application.

A portion of the southern part of the subject property contains potential unevaluated wetland. As such, any development or site alterations proposed in the future on the retained lot (Parcel 3) adjacent to the potential unevaluated wetland will require NPCA review and approvals ahead of the commencement of the works on site.

#### Drainage Superintendent

The subject parcel is within the Bearss Drain watershed. As such, a drainage apportionment agreement will be required. Once the deposited plan has been provided to the planning department, the applicant will have the option of the apportionment agreement being completed by an approved engineer at the cost of the applicant or

having the City Drainage Superintendent complete the agreement. It is recommended that a mutual drain be established if the parcels do not drain independently of one another.

#### Staff Response

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

#### Fire Department

No objections.

#### Engineering Technologist

No objections.

#### **Discussion**

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

#### Provincial Planning Statement (PPS)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Based on the policies and definitions in the PPS, the subject lands are within a settlement area. Section 2.5.1 of the PPS provides that healthy, integrated and viable rural areas should be supported, in part, by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.

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

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

Planning staff are satisfied that the severance application is consistent with the PPS. The proposal to sever the lot supports the provincial requirement to direct growth and development to settlement areas, including rural settlement areas. Given that no physical development of the site is proposed, the application maintains the locally appropriate rural

characteristics and service levels that have already been established on the subject lands. The severance will assist the agricultural operations of the retained parcel, encouraging an efficient mix of land uses and supporting a diversified rural economy by protecting agricultural uses and directing non related development to areas where it will minimize constraints on these uses.

#### Niagara Official Plan (NOP)

The subject lands are within the Rural Settlement of Gasline designation in the NOP. The NOP permits a limited amount of development outside of urban areas to achieve the employment and population forecasts in Table 2-1. Rural Settlements are to be the focus of development outside of the urban area boundaries and should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area.

The subject lands are mapped as an area having archaeological potential in accordance with Schedule K. A stage 1 Archaeological Assessment would be required to support future development of the retained parcel. In addition, the property was recently rezoned and a Holding (H) provision was placed on the property, which can be removed pending archaeological clearance from the Ministry of Citizenship and Multiculturalism.

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

The subject lands are within the Hamlet designation in the OP. The Hamlet designation permits residential uses, boundary adjustments, severances, and context appropriate intensification. Proposals for the creation of new lots in the Hamlet designation are considered in accordance with the provisions of section 2.4.3 of the Official Plan, which encourages limited intensification and infill in Hamlets, and are also assessed by the policies of section 3.3.4, which provide that sections 3.2.2 and 3.2.4 apply.

Planning staff are satisfied that the proposal meets the requirements of the OP.

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

The subject lands are zoned Hamlet Residential (HR) and Hamlet Residential with a Holding Provision (HR-H) in Zoning By-law 6575/30/18. By-law No. 7354/45/25 placed a (H) Holding Provision on the retained parcel which can only be removed once an archaeological assessment is complete.

The application proposes to leave the following dimensions:

Parcel 1 (to be severed): A lot frontage of 157.12 metres and a area of 1.93 hectares (19,300 square metres).

Parcel 2 (to be retained): A lot frontage of 326.85 metres and a lot area of 14.91 hectares (149,100 square metres).

Planning staff are satisfied that all applicable zoning requirements will be met. The requirements to create a new lot in the HR zone are 45 metres of lot frontage and 0.4 hectares which have been achieved as a part of this application.

**Recommendation:**

Given the information above, Planning staff recommend application B07-25-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcel or a registrable legal description of the subject parcel, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That all conditions of consent be completed by September 10, 2027.

For the following reasons:

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

Prepared by,

Owen McDonnell  
Student Planner

Submitted by,

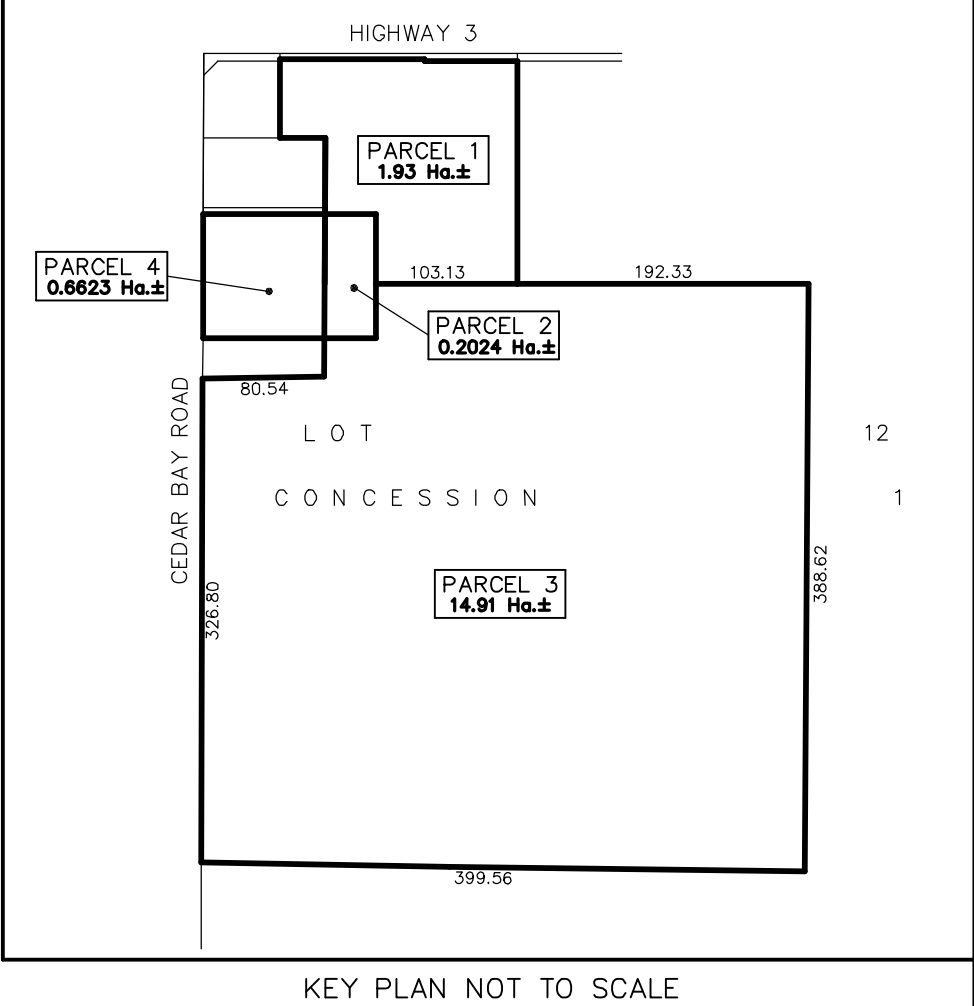
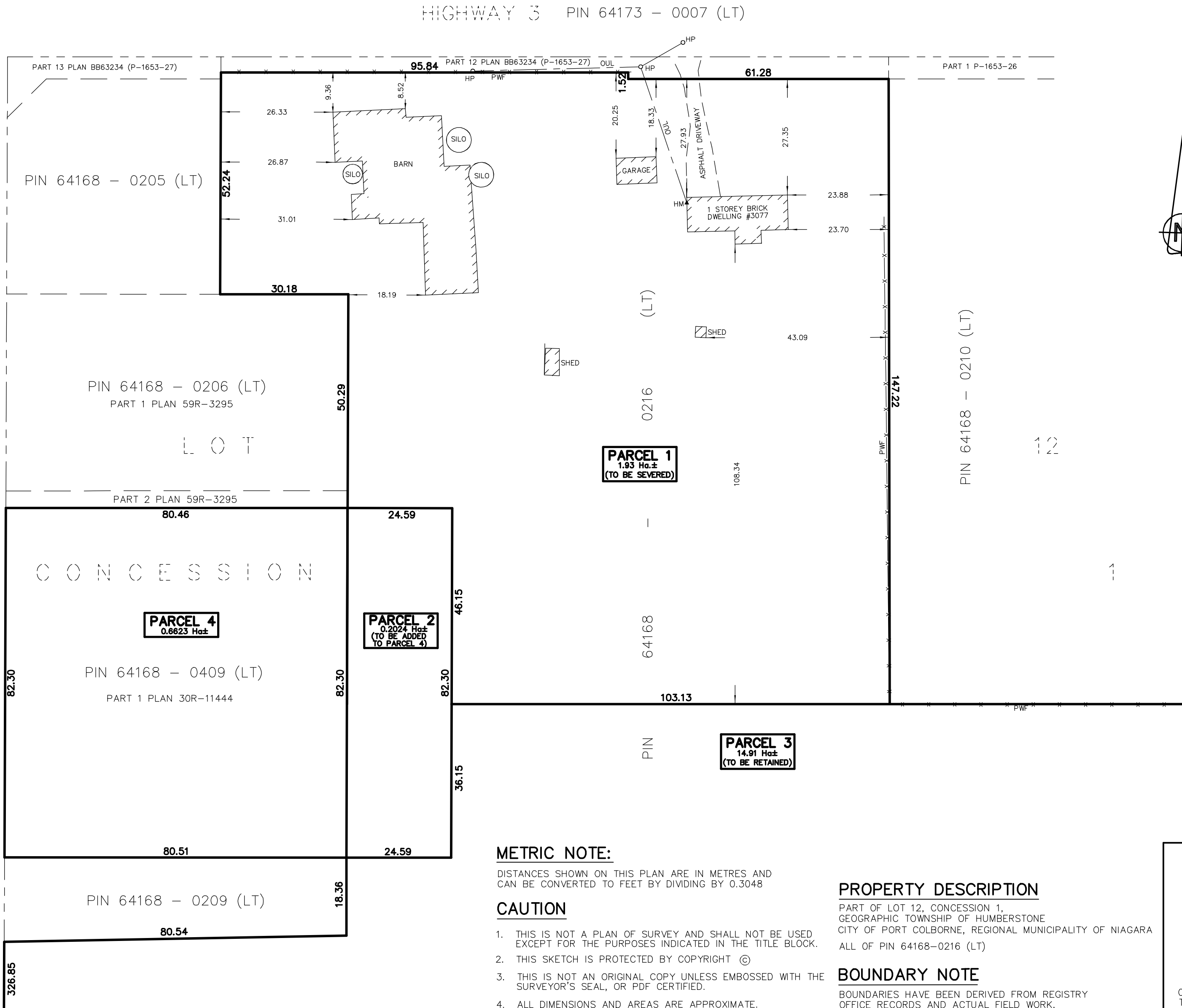
Erik Acs, MCIP, RPP  
Chief Planner

**Appendix A**





ROAD ALLOWANCE BETWEEN LOTS 12 AND 13  
KNOWN AS CEDAR BAY ROAD  
PIN 64168 - 0204 (LT)



SKETCH FOR SEVERANCE APPLICATION  
3077 HIGHWAY 3  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA



SCALE 1 : 750  
RASCH & HYDE LTD.  
ONTARIO LAND SURVEYORS  
© COPYRIGHT, RASCH & HYDE LTD., 2023

LEGEND & NOTES

- HM DENOTES HYDRO METER  
HP DENOTES HYDRO/UTILITY POLE  
OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE  
PIN DENOTES PROPERTY IDENTIFIER NUMBER  
PWF DENOTES POST AND WIRE FENCE

N=NORTH, S=SOUTH, E=EAST, W=WEST  
DISTANCES AND AREAS ARE APPROXIMATE

METRIC NOTE:

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

CAUTION

- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED  
EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
- THIS SKETCH IS PROTECTED BY COPYRIGHT ©
- THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE  
SURVEYOR'S SEAL, OR PDF CERTIFIED.
- ALL DIMENSIONS AND AREAS ARE APPROXIMATE.

PROPERTY DESCRIPTION

PART OF LOT 12, CONCESSION 1,  
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE  
CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA  
ALL OF PIN 64168-0216 (LT)

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY  
OFFICE RECORDS AND ACTUAL FIELD WORK.

SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL  
COPY IF EMBOSSED BY  
THE SURVEYOR'S SEAL,  
OR PDF CERTIFIED

JULY 8, 2025

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

RASCH + HYDE LTD.  
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B  
DUNNVILLE, ONT, N1A 2X1  
DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757  
(FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 750 SURVEY : 23F053 DRWN BY : T. Matheson



Toms



**PORT COLBORNE**  
DEVELOPMENT AND LEGISLATIVE SERVICES

## CONSENT APPLICATION THE CITY OF PORT COLBORNE

The Planning Act – Section 53

For Office Use Only	<b>RECEIVED</b>	
Date Received: _____	<b>JUN 22 2025</b>	Application Complete: <input type="checkbox"/> Yes <input type="checkbox"/> No
Date of Completion: _____		

### SUBMISSION OF APPLICATION

Completed applications can be sent to:

City of Port Colborne Taya Taraba Secretary Treasurer of the Committee of Adjustment City Hall 66 Charlotte Street Port Colborne, Ontario L3K 3C8	Telephone: 1-905-835-2900 ext. 204 Fax: 1-905-835-2939 Email: taya.taraba@portcolborne.ca
--	---

### 2025 APPLICATION FEES

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

### COMPLETENESS OF APPLICATION

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

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

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

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



DRAWING REQUIREMENTS

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

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: <i>Shawrence</i>	Date: <i>20/june/2025</i>	Initials: <i>SL</i>





## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

## CONSENT APPLICATION

### THE CITY OF PORT COLBORNE

The Planning Act – Section 53

#### SECTION 1: CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: <u>THOMAS LAWRENCE</u>	
Mailing Address: <u>3077 HWY 3</u> <u>PORT COLBORNE</u>	
City: <u>PORT COLBORNE</u>	Province: <u>ON TARIO</u>
Postal Code: <u>L3K 5V3</u>	Telephone: <u>905 835 1118</u>
Fax:	Email: <u>THOMASJOE 1957 @ GMAIL.COM</u>
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name: <u>BRIAN BABCOCK</u>	
Mailing Address: <u>3161 HWY 3</u>	
City: <u>PORT COLBORNE</u>	Province: <u>ONTARIO</u>
Postal Code: <u>L3K 5V3</u>	Telephone: <u>416 529 5687</u>
Fax:	Email: <u>BRIAN N BABCOCK @ GMAIL.COM</u>
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: <u>RASCH &amp; HYDE</u>	
Mailing Address: <u>P.O. Box 6</u> <u>1333 HWY EAST UNIT B</u>	
City: <u>DUNNVILLE</u>	Province: <u>ONTARIO</u>
Postal Code: <u>N1A 2X1</u>	Telephone: <u>905-774-7188</u>
Fax:	Email: <u>H HYDE @ RANDH.CA</u>
<b>1.5 All communications should be sent to the:</b>	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

#### SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: <u>HUNTERSTONE</u>	
Concession No. <u>LOT 12 CONCESSION 1</u>	Lot(s): <u>12</u>
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: <u>HWY 3</u>	Street No. <u>3077</u>



SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))		
<input checked="" type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement
Reason for proposed transaction: TO SELL HOUSE + BARN.		
3.2 If a lot addition, identify the lands to which the parcel will be added: SEPARATION OF FARM LAND.		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged: NO ONE - JUST HOUSE + BARN FOR SALE		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 1

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 152.12 M.	Depth: 147.22 M.	Area: 29,379.08 M <sup>2</sup> /50
Existing Use: RESIDENTIAL + AGRICULTURAL		
Proposed Use: RESIDENTIAL + AGRICULTURAL		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage:	Depth:	Area: 14.94 HECTARES
Existing Use: FARM LAND.		
Proposed Use: FARM LAND.		

SECTION 6: SUBJECT LAND INFORMATION

6.1 What is the current designation of the land in the Official Plan and the Regional Plan?	
Port Colborne Official Plan:	HAMLET DEVELOPMENT
Regional Policy Plan:	RURAL SETTLEMENTS OF GASLINE.
6.2 What is the Zoning of the land (By-law 6575/30/18)? HAMLET DEVELOPMENT + HAMLET RESIDENTIAL	
6.3 Date and Subject Land was acquired by the Current Owner: NOV 1 2018	
6.4 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	



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

SECTION 7

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

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

File Number:
Decision:

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


<b>8.1 ALL EXISTING USE</b>		
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Agricultural	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	
<b>8.2 What is the length of time the existing use(s) of the land have continued?</b>		
<b>SINCE 1967</b>		
<b>8.3 Are there any buildings or structures on the subject land?</b>		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, briefly describe and indicate their use.		
<b>HOUSE - BARN + SILOS</b>		

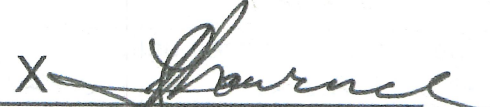


8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?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

## ACKNOWLEDGMENT CLAUSE

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

X   
Date June 20/2025

X   
Signature of Owner



NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

## AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X June 20/2025  
Date

X Lawrence  
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 THOMAS LAWRENCE

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 23rd day of June

20 25.

A Commissioner, Taya Hope Taraba,  
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 Lawrence

THOMAS LAWRENCE  
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 THOMAS LAWRENCE 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 23/june/2025  
Date


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

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

## PERMISSION TO ENTER

I/We T.J. Lawrence 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 june 23/2025  
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 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 THOMAS LAWRENCE 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 Lawrence

Signature of Owner

X June 23/2025

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

## SUGGESTION TO THE APPLICANT

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

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

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





---

**RE: COA Sept 10th - Internal Circulation**

---

**From** Ali, Usama (MTO) <Usama.Ali@ontario.ca>

**Date** Mon 8/25/2025 6:11 PM

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

**Cc** Diana Vasu <Diana.Vasu@portcolborne.ca>; Prestinaci, Matthew (MTO) <Matthew.Prestinaci@ontario.ca>; Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>

Good Afternoon Taya:

[@Prestinaci, Matthew \(MTO\)](#) is the Corridor Management Officer for Niagara and he will provide comments on Minor Variance Applications. Please include Matthew Prestinaci in the distribution list for future Planning Applications.

Re: **MTO Consent & Minor Variance Comments**

1. Application File: **Minor Variance (A13-25-PC)**

Application Address: **VL Pcl at NW Cnr of Snider Road & 2<sup>nd</sup> Con Rd (PIN 64135-0047), Port Colborne, ON (Hwy 140)**

Minor Variance:

1. **Increase Lot coverage from 10% to 22.5%**
2. **Reduced Corner Side Yard Setback from 7.5m to:**
  - a. **5.67m (house)**
  - b. **7.19m (garage)**

Planner's Notes: Site is outside Permit Control Area (PCA) → **No Permit Required (NPR)**.

The MTO has reviewed this location and has no comments to provide as this site is outside of MTO permit jurisdiction. No MTO permits or approvals would be required by the proponent for any development at the above address at this time.

2. Application File: **Minor Variance (A14-25-PC)**

Application Address: **3334 Nugent Road, Port Colborne, ON**

Minor Variance: **Increase Roof Height beyond the ZB limit of 6m**

Planner's Notes: Site is outside Permit Control Area (PCA) → **No Permit Required (NPR)**.

The MTO has reviewed this location and has no comments to provide as this site is outside of MTO permit jurisdiction. No MTO permits or approvals would be required by the proponent for any development at the above address at this time.

3. Application File: **Consent (B01-25-PC & B02-25-PC)**

Application Address: **484 Barrick Road, Port Colborne, ON (Hwy 58)**

Proposed: **Residential Development**

Consent Description: **Sketch by A.T. McLaren Ltd., signed July 19, 2025, Rev. 3 (File: 37971-SK showing):**

1. **Retaining Parcel 1 (Church) and Parcel 3 (Woodlot)**
2. **Severance Parcel 2 for proposed Subdivision and**

Planner's Notes:

1. West Side Road (aka. Hwy 58) is CAH and classified as a 2B Arterial) → **No new entrances will be permitted for Parcels 2 & 3**
2. Any new easement through the Severed Parcel 2 must meet the **14m-setback from the Hwy 58 right-of-way/property limit.**
3. Planning Justification Report prepared by Netherby Planning (April 2025) acknowledges that access from West Side Road is restricted and an easement will be required to provide access to the retained Parcel 3 (Woodlot)
  - New easement must meet the 14m-setback from West Side Road
4. EIS report prepared by Burnside & Assoc. Ltd. (July 2025) includes the parcel at 434 Barrick Road (PIN 64140-0008) to support a Draft Plan of Subdivision.
  - The Sketch shows the Severed Parcel 2 as **landlocked** because MTO will not permit a new access onto West Side Road.. **It is MTO's understanding that access for Parcel 2 will be from 434 Barrick Road.**

MTO is supportive of the consent for Applications B01-25-PC and B02-25-PC **only on the conditions:**

1. Access for the Severed Parcel 2 will be from Barrick Road. It is MTO's understanding that access will be from 434 Barrick Road.
2. Any proposed easement through the Severed Parcel 2, in favor of the Church (Parcel 1) to gain access to the Woodlot (Parcel 3), must meet the 14m-setback from West Side Road.

4. Application File: **Consent (B01-25-PC & B02-25-PC)**

Application Address: **484 Barrick Road, Port Colborne, ON (Hwy 58)**

Proposed: **Residential Development**

Consent Description: **Sketch by A.T. McLaren Ltd., signed July 19, 2025, Rev. 3 (File: 37971-SK showing):**

1. **Retaining Parcel 1 (Church) and Parcel 3 (Woodlot)**
2. **Severance Parcel 2 for proposed Subdivision and**

Planner's Notes:

1. West Side Road (aka. Hwy 58) is CAH and classified as a 2B Arterial) → **No new entrances will be permitted for Parcels 2 & 3**
2. Any new easement through the Severed Parcel 2 must meet the **14m-setback from the Hwy 58 right-of-way/property limit.**
3. Planning Justification Report prepared by Netherby Planning (April 2025) acknowledges that access from West Side Road is restricted and an easement will be required to provide access to the retained Parcel 3 (Woodlot)
  - New easement must meet the 14m-setback from West Side Road
4. EIS report prepared by Burnside & Assoc. Ltd. (July 2025) includes the parcel at 434 Barrick Road (PIN 64140-0008) to support a Draft Plan of Subdivision.
  - The Sketch shows the Severed Parcel 2 as **landlocked** because MTO will not permit a new access onto West Side Road.. **It is MTO's understanding that access for Parcel 2 will be from 434 Barrick Road.**

MTO is supportive of the consent for Applications B01-25-PC and B02-25-PC **only on the conditions:**

1. Access for the Severed Parcel 2 will be from Barrick Road. It is MTO's understanding that access will be from 434 Barrick Road
2. Any proposed easement through the Severed Parcel, in favor of the Church (Parcel 1) to gain access to the Woodlot (Parcel 3), must meet the 14m-setback from West Side Road.

5. Application File: **ZBA (D14-12-24)**

Application Address: **484 Barrick Road, Port Colborne, ON (Hwy 58)**

Proposed: **Residential Development**

ZBA: **Rezone to site-specific provisions for minimum lot frontage and minimum lot area to allow future severance of subject lands.**

Planner's Notes:

- a. The current minimum lot frontage and minimum lot area provisions are set as "as existing," which does not accommodate the proposed severances. To facilitate the proposed severance, a Zoning By-law Amendment (ZBA) is required to establish site-specific provisions for minimum lot frontage and minimum lot area.
- b. The ZBA is tied to the consent applications, provided that the conditions are met.

MTO is supportive of the ZBA Application D14-12-24 in principle provided that all conditions for the above Consent Applications B01-25-PC and B02-25-PC are met.

Because no Concept Plan was provided for MTO's review, MTO can not provide Pre-Con for this ZBA Application (D14-12-24) at this moment.

As a friendly reminder, once the Draft Plan of Subdivision is submitted to the City, please circulate the clearance of Subdivision Conditions to [Peter.Deluca@ontario.ca](mailto:Peter.Deluca@ontario.ca), who is the Senior Project Manager for Hamilton/Niagara.

6. Application File: **Consent (B07-25-PC)**

Application Address: **3077 Highway 3, Port Colborne, ON**

Proposed: **Sell Dwelling and Barn**

Consent Description: **Sketch by Rasch & Hyde Ltd., signed September 24, 2024**

**(File: 23F023):**

- i. **Severed Parcel 1 (Dwelling & Barn)**
- ii. **Retained Parcel 2 (Farmland)**

Planner's Notes:

1. Consent App B07-25-PC (3077 Hwy 3) abuts Consent App B08-25-PC (953 Cedar Bay Road)
  - Similar sketch is provided Consent App B08-25-PC
  - Parcel 2 for Consent App B08-25-PC is to be merged to the parcel (PIN 64168-0409), which is along Cedar Bay Road at a later stage.
  - Process B07-25-PC first.
2. Hwy 3 is Controlled-Access-Highway (CAH). No additional entrances permitted.
3. Parcel 2 fronts onto Cedar Bay Road where access can be attained. **No conditions for access required.**

MTO is supportive of the consent for Applications B07-25-PC.

7. Application File: **Consent (B08-25-PC)**

Application Address: **953 Cedar Bay Road, Port Colborne, ON (Hwy 3)**

Proposed: **To make larger lot by joining Pcl 2 to Pcl 4 (PIN 64168-0409)**



Consent Description: **Sketch by Rasch & Hyde Ltd., signed July 8, 2025 (File: 23F023):**

1. **Retaining Parcel 4 (Dwelling)**
2. **Severance Parcel 2 (VL)**
3. **Retained Parcel 3 (Farmland)**

Planner's Notes:

1. Consent App B08-25-PC (953 Cedar Bay Road) abuts Consent App B07-25-PC (3077 Hwy 3).
  - ➔ Similar sketch is provided Consent App B07-25-PC
  - ➔ Parcel 2 for Consent App B08-25-PC is to be merged to the parcel 4 (PIN 64168-0409) – being 953 Cedar Bay road.
  - ➔ Process B07-25-PC first
2. Hwy 3 is Controlled-Access-Highway (CAH). No additional entrances permitted.
3. Parcel 3 fronts onto Cedar Bay Road where access can be attained. **No conditions for access required.**

MTO is supportive of the consent for Applications B08-25-PC.

I trust that the above is satisfactory. If you have any further questions or concerns, please send an email or call me at the number below.

MTO looks forward to working together with the stakeholders during the Site Plan Application Process to reach amenable solutions that satisfy all parties.

Kind Regards,

**Usama Ali**

Corridor Management Planner (Hamilton/Niagara) | Corridor Management Office/Operations Division  
Ministry of Transportation (Central Operations) | Ontario Public Service  
416-457-8973 | [usama.ali@ontario.ca](mailto:usama.ali@ontario.ca)

*Taking pride in strengthening Ontario, its places and its people*

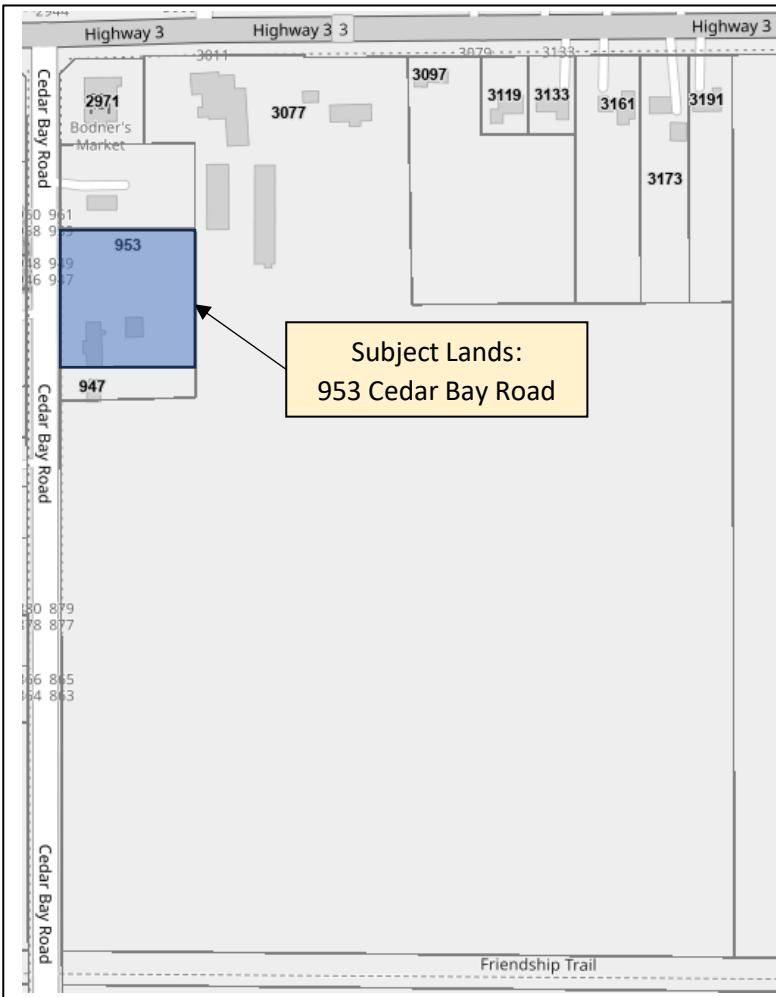
**Upcoming Absence: August 25**

**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 Concession 1, Part Lot 12, on RP 30R11444, formerly in the Township of Humberstone, currently in the City of Port Colborne, on Part 1, located in the Hamlet Development (HD) zone, municipally known as 953 Cedar Bay Road.

**AND IN THE MATTER OF AN APPLICATION** by the owner, Thomas Lawrence, for consent to sever for the purposes of creating a new residential and agricultural lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch. A sketch of the subject lands is shown on the reverse side of this notice. More information, including a higher resolution PDF version of this sketch, can be requested through the Secretary-Treasurer.

**LOCATION MAP**



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

**Date:** September 10, 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, September 5, 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, September 9, 2025**, by emailing [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

If you have any questions about the application(s) or submission process, please email [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or call (905)-228-8124.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer.

order of the Committee of Adjustment,

*Taya Taraba*

---

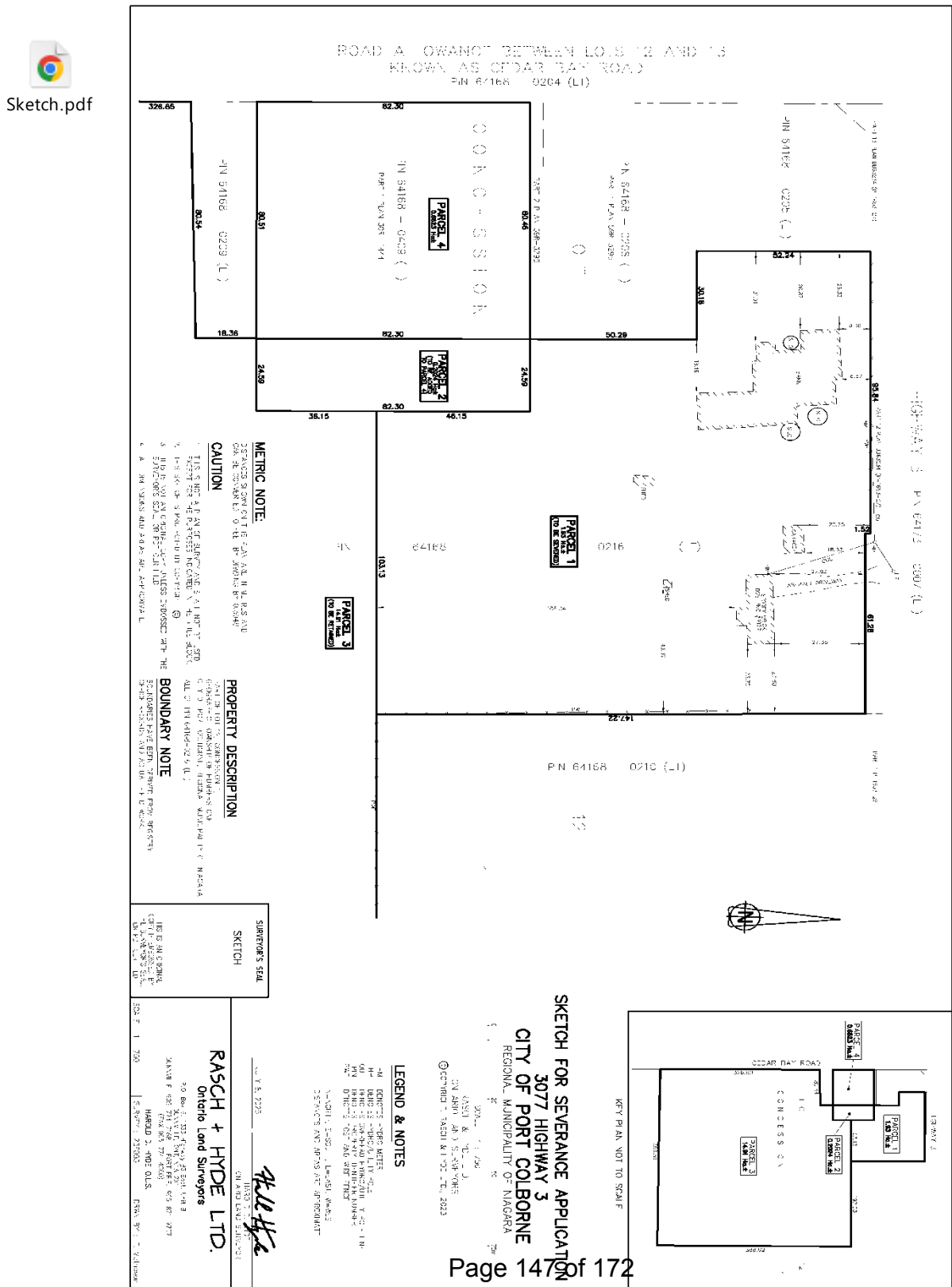
Taya Taraba  
Secretary-Treasurer

**Date of Mailing:** August 26th, 2025

SKETCH



Sketch.pdf





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

August 28, 2025

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

**Re: Application for Consent B08-25-PC**  
**Concession 1, Part of Lot 12**  
**953 Cedar Bay Road**  
**Owner(s): Crystal and Jamie McNay**

**Proposal**

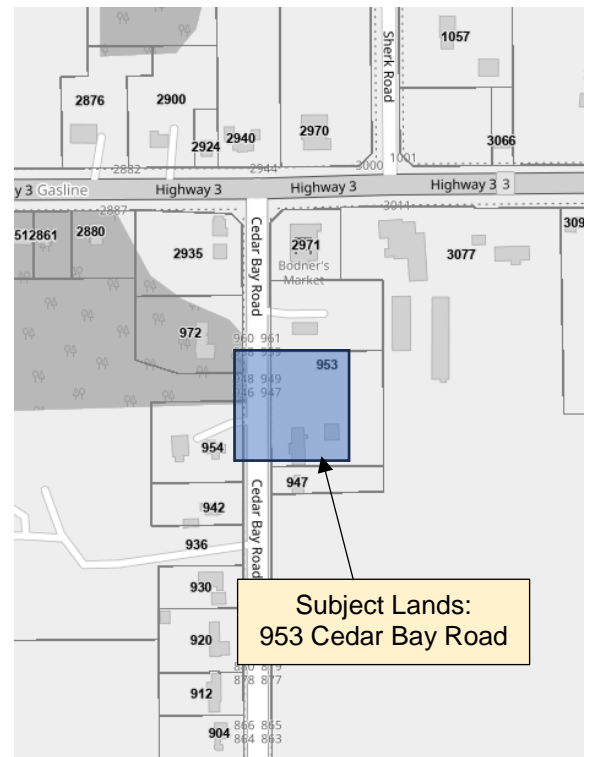
The purpose and effect of this application is to permit the adjustment of the rear lot boundary line between 953 Cedar Bay Road and 3077 Highway 3.

The application proposes to **convey Parcel 4** on the proposed severance sketch attached as Appendix A, having 82.30 metres of frontage along 953 Cedar Bay Road and a lot area of 6,623 square metres (0.6623 hectares), **to Parcel 2 from 3077 Highway 3**. This will add 2,024 square metres to the lot area of Parcel 4 at 953 Cedar Bay Road, for a total lot area of 0.8647 hectares (8,647 square metres).

**3077 Highway 3 is subject to a concurrent severance application which proposes to create Parcel 1 and Parcel 3 in Appendix A.**

Parcel 1 will retain a lot frontage of 136.79 metres on Highway 3 with a lot area of 1.93 hectares (19,300 square metres) for a residential use.

Parcel 3 will retain a lot frontage of 326.85 metres and a lot area of 14.91 hectares (149,100).



### **Surrounding Land Uses and Zoning**

The lands which are the subject of this application, are zoned Hamlet Residential (HR). The southern portion of the addition to the lot (Parcel 2) is zoned Hamlet Residential with a Holding Provision (HR-H).

The parcels surrounding the subject lands are zoned HR to the west and north, and HR-H to the east and south.

The surrounding uses consist primarily of residential dwellings to the north, south and west, and agricultural operations to the east.

### **Environmentally Sensitive Areas**

The subject property is not impacted by the Region's Core Natural Heritage System (CNHS).

### **Public Comments**

Notice was circulated on August 26, 2025, to properties within 60 metres of the subject lands, in accordance with section 44 (5) of the *Planning Act*. As of September 5, 2025, no comments from the public have been received.

### **Agency Comments**

Notice of the application was circulated on August 11, 2025, to internal City departments and external agencies. As of September 5, 2025, the following comments have been received.

#### Ministry of Transportation Ontario (MTO)

The MTO is supportive of this consent application.

#### Niagara Region

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

#### NPCA

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

#### Drainage Superintendent

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

#### Staff Response

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

#### Fire Department

No objections.

#### Engineering Technologist

No objections.

#### Discussion

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

#### Provincial Planning Statement (PPS)

There are no issues of provincial significance with this application. The consent application is for legal or technical reasons as defined in the PPS: *Legal or technical reasons means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*

Based on the policies and definitions in the PPS, the subject lands are within a settlement area. Section 2.5.1 of the PPS provides that healthy, integrated and viable rural areas should be supported, in part, by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.

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

Section 2.3.1.2 encourages land use patterns within settlement areas to be based on a mix of land uses which efficiently use land and resources and optimize infrastructure.



Section 2.6.4 encourages planning authorities to support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

Planning staff are satisfied that the boundary adjustment application is consistent with the PPS. The proposal to adjust the boundaries to lead to a future severance supports the provincial requirement to direct growth and development to settlement areas, including rural settlement areas. Given that no physical development of the site is proposed, the application maintains the locally appropriate rural characteristics and service levels that have already been established on the subject lands. When the land eventually is severed, this boundary adjustment provides the subject lands with the adequate amount of acreage to support services. The boundary adjustment will assist a future severance of the subject land, encouraging an efficient mix of land uses and supporting a diversified rural economy.

#### Niagara Official Plan (NOP)

The NOP identifies the subject lands as being within the Rural Settlement of Gasline. The NOP permits a limited amount of development outside of urban areas. Rural Settlements are to be the focus of development outside of the urban area boundaries and should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area.

The subject lands are mapped as an area having archaeological potential in accordance with Schedule K. A stage 1 Archaeological Assessment would be required to support future development of the retained parcel. In addition, the property was recently rezoned and a Holding (H) provision was placed on the property, which can be removed pending archaeological clearance from the Ministry of Citizenship and Multiculturalism.

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

The subject lands are within the Hamlet designation in the OP. The Hamlet designation permits residential uses, boundary adjustments, severances, and context appropriate intensification. Proposals for the creation of new lots in the Hamlet designation are considered in accordance with the provisions of section 2.4.3 of the Official Plan, which encourages limited intensification and infill in Hamlets, and are also assessed by the policies of section 3.3.4, which provide that sections 3.2.2 and 3.2.4 apply.

Planning staff are satisfied that the proposal meets the requirements of the OP.

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

The subject lands are zoned Hamlet Residential (HR) and Hamlet Residential with a Holding Provision (HR-H) in Zoning By-law 6575/30/18. By-law No. 7354/45/25 placed a (H) Holding Provision on the retained parcel which can only be removed once an

archaeological assessment is complete. The application proposes to have the following dimensions:

Parcel 2 (to be added to 953 Cedar Bay Road): A lot area of 0.2024 hectares (2,024 square metres).

Parcel 4 (remanent parcel): A lot frontage of 82.30 metres and a lot area of 0.6623 hectares (6,623 square metres).

Planning staff are satisfied that all applicable zoning requirements will be met. The requirements to create a new lot in the HR zone are 45 metres of lot frontage and 0.4 hectares which have been acheived as a part of this application.

### **Recommendation:**

Given the information above, Planning staff recommend application B08-25-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcel or a registrable legal description of the subject parcel, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That all conditions of consent be completed by September 10, 2027.

### **LOT ADDITION**

1. That the applicant's solicitor shall provide written confirmation to the Secretary Treasurer of the Committee of Adjustment that under the *Planning Act*, the severed lands will merge with the adjacent lands known as 953 Cedar Bay Road.
2. That, immediately following the registration of the Transfer of the lot addition lands, the applicant/owner shall register an Application to Consolidate Parcels in order to include the lot addition with the abutting lands municipally known as 953 Cedar Bay Road. The Secretary Treasurer shall accept, to their satisfaction of this condition, and Undertaking from an Ontario solicitor to register the Application to

Consolidate Parcels within 60 days following registration of the Transfer of the lot addition lands.

For the following reasons:

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

Prepared by,

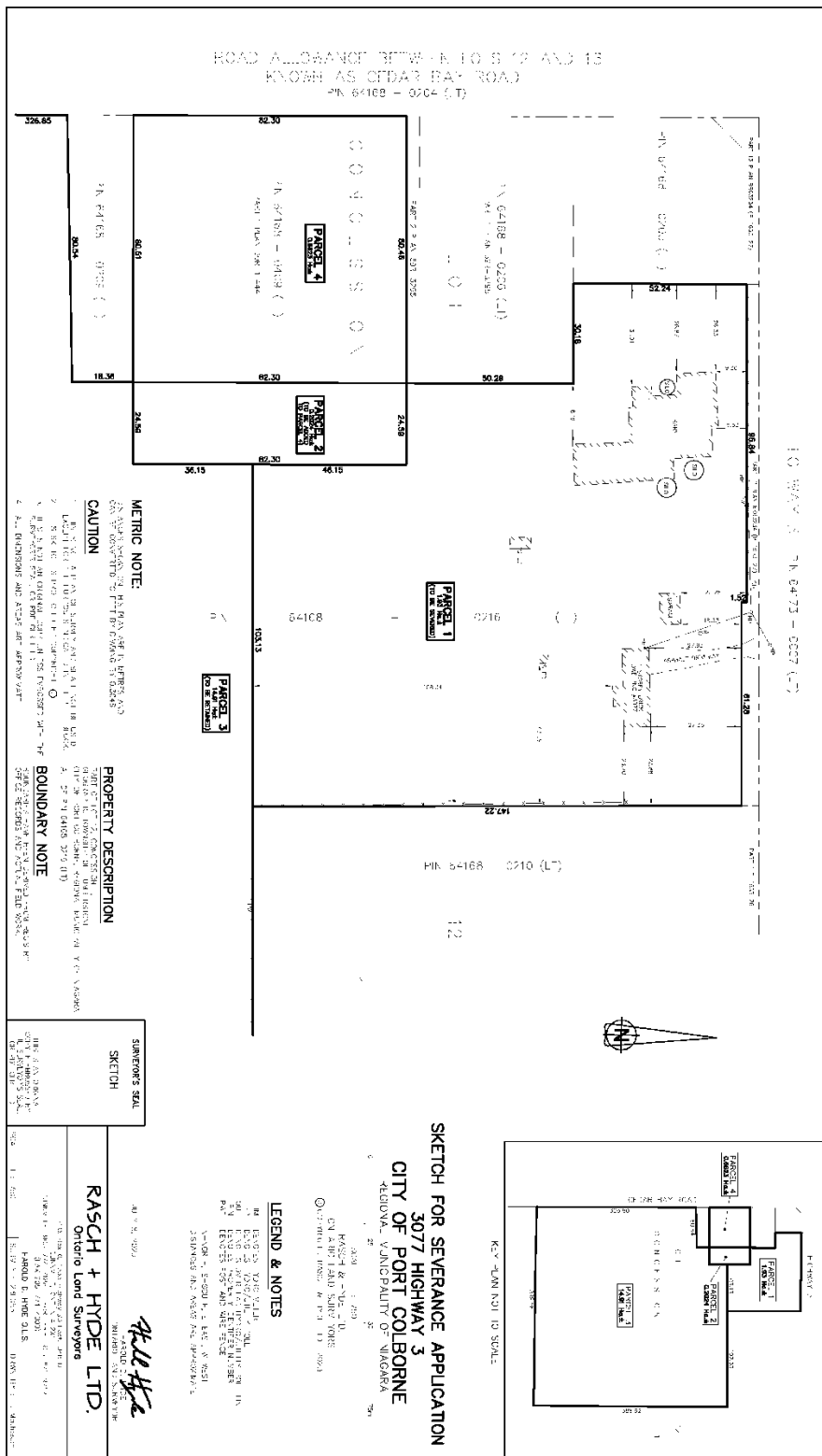
Owen McDonnell  
Student Planner

Submitted by,

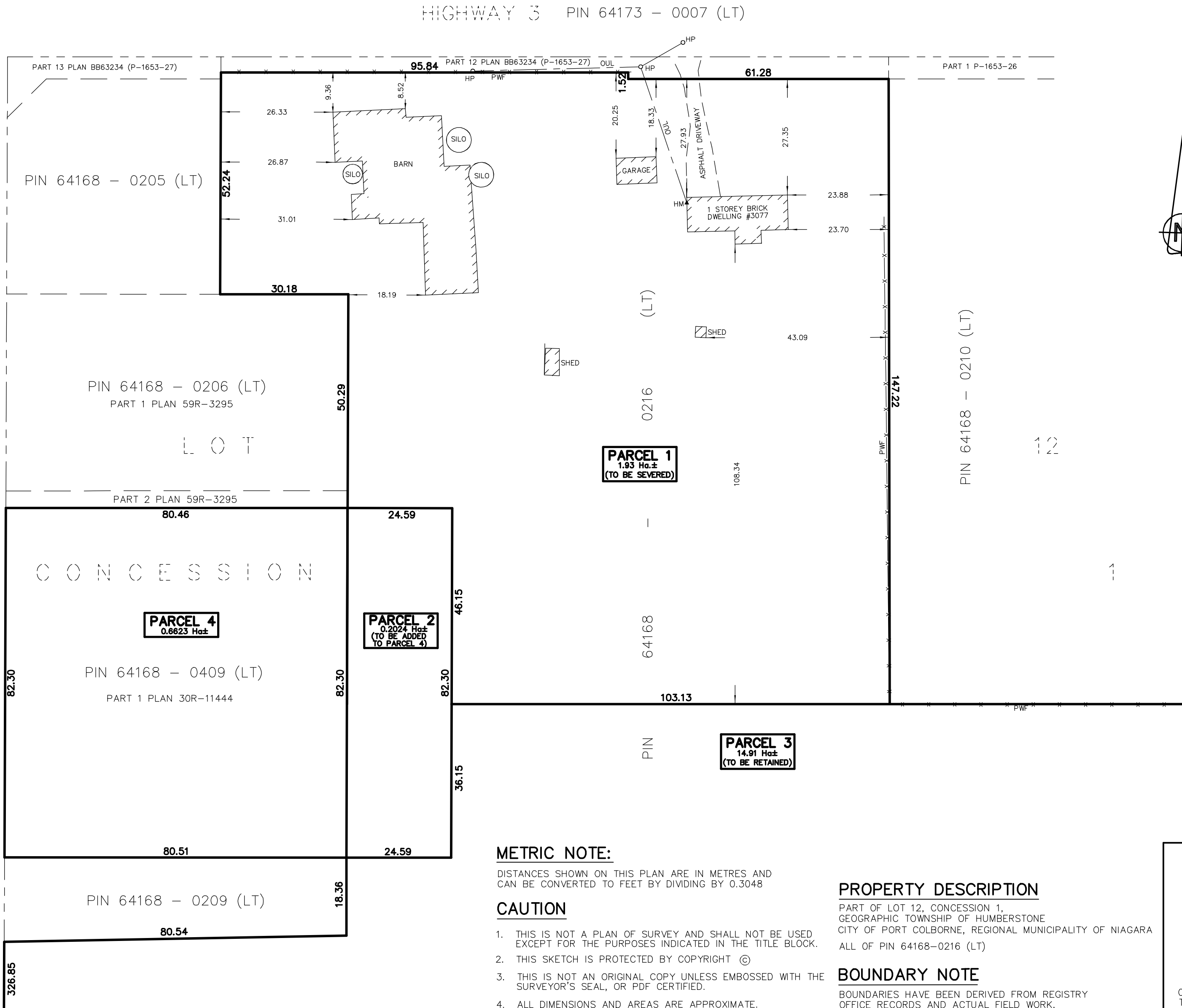
Erik Acs, MCIP, RPP  
Chief Planner



## Appendix A



ROAD ALLOWANCE BETWEEN LOTS 12 AND 13  
KNOWN AS CEDAR BAY ROAD  
PIN 64168 - 0204 (LT)



**METRIC NOTE:**

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

**CAUTION**

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
3. THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.
4. ALL DIMENSIONS AND AREAS ARE APPROXIMATE.

**PROPERTY DESCRIPTION**

PART OF LOT 12, CONCESSION 1,  
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE  
CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA  
ALL OF PIN 64168-0216 (LT)

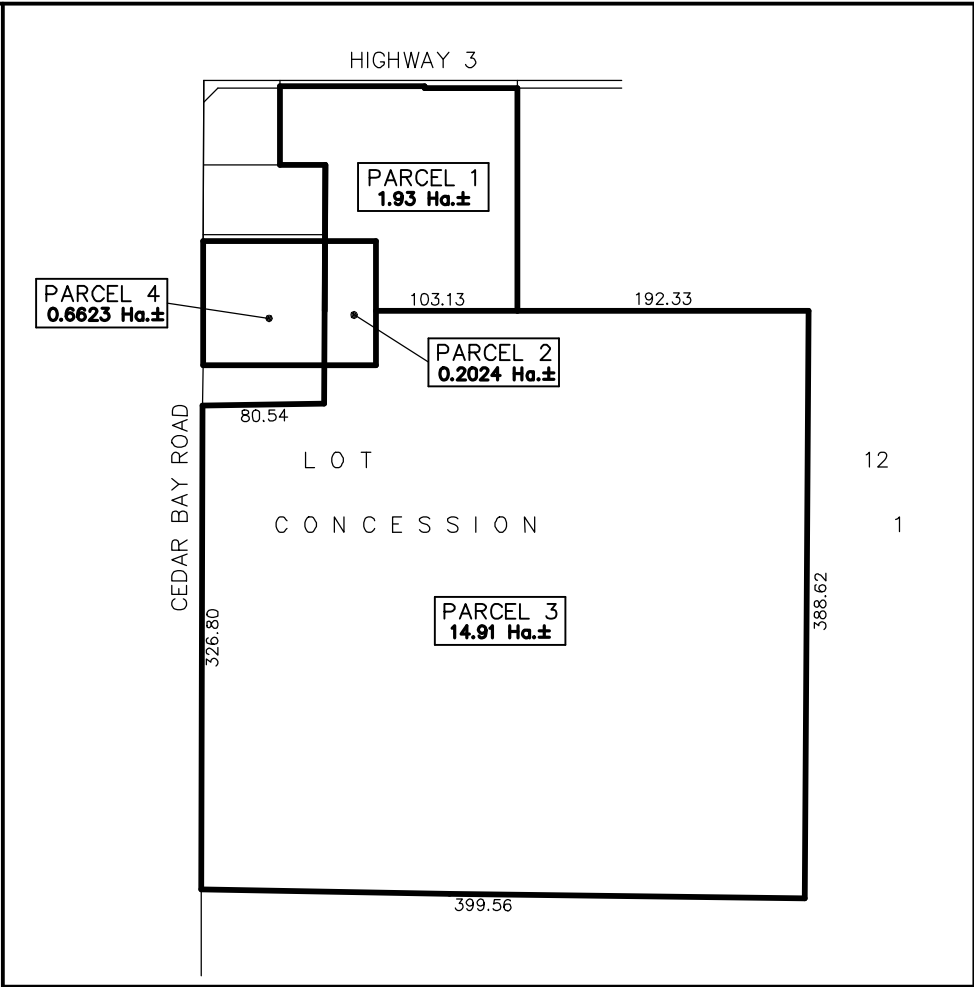
**BOUNDARY NOTE**

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY  
OFFICE RECORDS AND ACTUAL FIELD WORK.

**SURVEYOR'S SEAL**

**SKETCH**

THIS IS AN ORIGINAL  
COPY IF EMBOSSED BY  
THE SURVEYOR'S SEAL,  
OR PDF CERTIFIED



KEY PLAN NOT TO SCALE

**SKETCH FOR SEVERANCE APPLICATION**  
**3077 HIGHWAY 3**  
**CITY OF PORT COLBORNE**  
REGIONAL MUNICIPALITY OF NIAGARA

0 25 50 75m

SCALE 1 : 750

RASCH & HYDE LTD.  
ONTARIO LAND SURVEYORS  
© COPYRIGHT, RASCH & HYDE LTD., 2023

**LEGEND & NOTES**

- HM DENOTES HYDRO METER  
HP DENOTES HYDRO/UTILITY POLE  
OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE  
PIN DENOTES PROPERTY IDENTIFIER NUMBER  
PWF DENOTES POST AND WIRE FENCE

N=NORTH, S=SOUTH, E=EAST, W=WEST  
DISTANCES AND AREAS ARE APPROXIMATE

JULY 8, 2025

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

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

P.O. Box 6, 1333 Highway #3 East, Unit B  
DUNNVILLE, ONT, N1A 2X1  
DUNNVILLE: 905-774-7188 FORT ERIE: 905-871-9757  
(FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 750 SURVEY : 23F053 DRWN BY : T. Matheson



For Office Use Only

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

Application Complete: ☐ Yes ☐ No

Date of Completion: \_\_\_\_\_

## SUBMISSION OF APPLICATION

Completed applications can be sent to:

City of Port Colborne Taya Taraba Secretary Treasurer of the Committee of Adjustment City Hall 66 Charlotte Street Port Colborne, Ontario L3K 3C8	Telephone: 1-905-835-2900 ext. 204 Fax: 1-905-835-2939 Email: taya.taraba@portcolborne.ca
--	---

## 2025 APPLICATION FEES

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

## COMPLETENESS OF APPLICATION

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

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

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

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



DRAWING REQUIREMENTS

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

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

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Crystal McNay	Date: July 22, 2025	Initials: CM





SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: Crystal & Jamie McWay	
Mailing Address: 953 Cedar Bay Rd	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 905-932-5058
Fax:	Email: crystal.mcway@gmail.com
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: Rasch & Hyde Ltd	
Mailing Address:	
City:	Province:
Postal Code:	Telephone: 905-774-7188 / 905-871-9757
Fax:	Email:
<b>1.5 All communications should be sent to the:</b>	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Humberstone	
Concession No. 1	Lot(s): 12
Registered Plan No.	Lot(s):
Reference Plan No. 30R11444	Part(s): 1
Name of Street: Cedar Bay Rd.	Street No. 953



SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))		
<input type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input checked="" type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement
Reason for proposed transaction: to make lot larger		
3.2 If a lot addition, identify the lands to which the parcel will be added: Parcel 4		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 2

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: n/a	Depth: 24.59	Area: 0.2
Existing Use: vacant land		
Proposed Use: vacant land		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 4

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 82.30	Depth: 80.46	Area: 0.7
Existing Use: residential home		
Proposed Use: residential home		

SECTION 6: SUBJECT LAND INFORMATION

6.1 What is the current designation of the land in the Official Plan and the Regional Plan?	
Port Colborne Official Plan: hamlet	
Regional Policy Plan: rural settlement	
6.2 What is the Zoning of the land (By-law 6575/30/18)?	
hamlet residential	
6.3 Date and Subject Land was acquired by the Current Owner:	
June 2014	
6.4 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	



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.		
<div>Royal Bank of Canada</div>		
6.6 Type of ACCESS		
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input checked="" type="checkbox"/> Municipal Road maintained <b>all year</b>	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained <b>seasonally</b>	
6.7 What type of WATER SUPPLY is proposed?		
<input type="checkbox"/> Publicly owned and operated piped water supply		
<input type="checkbox"/> Lake		
<input type="checkbox"/> Well (private or communal)		
<input checked="" type="checkbox"/> Other (specify): <div>cistern</div>		
6.8 What type of SEWAGE DISPOSAL is proposed?		
<input type="checkbox"/> Publicly owned and operated sanitary sewage system		
<input checked="" type="checkbox"/> Septic system (private or communal)		
<input type="checkbox"/> Other (specify):		
6.9 What type of STORMWATER DISPOSAL is proposed?		
<input type="checkbox"/> Publicly owned and operated stormwater system		
<input checked="" type="checkbox"/> Other (specify): <div>ditch</div>		

SECTION 7

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

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

File Number:
Decision:

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

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



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

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that 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 July 22/25  
Date

X Chris Day  
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

9.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as "hazard lands"?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
------------------------------	--	----------------------------------

9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
------------------------------	--	----------------------------------

9.3 Is the property located on or within 30 metres of the Lake Erie shoreline?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
------------------------------	--	----------------------------------

9.4 Is there a valley slope on the property?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
------------------------------	--	----------------------------------

9.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
------------------------------	--	----------------------------------

9.6 Is the property on a Regional Road?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
------------------------------	--	----------------------------------

TO BE SIGNED BY THE PROPERTY OWNER  
COMMISSIONER FOR TAKING AFFIDAVIT

Signature of property owner: \_\_\_\_\_

Signature of Commissioner: \_\_\_\_\_

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 St. W., Port Colborne, Ontario L2K 3G9. 905-882-2900 Ext. 102

Expires July 3, 2025.  
of the City of Port Colborne,  
Province of Ontario, for the Corporation  
Diana Vasu, Commissioner, etc.,



AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X July 22/25  
Date

X cmcWay.  
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 Crystal McWay  
Of the City/Town/Township of Port Colborne  
In the County/District/Regional Municipality of Niagara


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

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

A Commissioner, etc.

TO BE SIGNED IN THE PRESENCE OF A  
COMMISSIONER FOR TAKING AFFIDAVITS  
  
X cmcWay  
  
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 Crystal McWay 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 Crystal McWay  
Signature of Owner/Agent

X July 22/25  
Date

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

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

PERMISSION TO ENTER

I/We Crystal McWay 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 Crystal McWay  
Signature of Owner

X July 22/25  
Date

X

Signature of Owner

X

Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We \_\_\_\_\_ 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



---

**RE: COA Sept 10th - Internal Circulation**

---

**From** Ali, Usama (MTO) <Usama.Ali@ontario.ca>

**Date** Mon 8/25/2025 6:11 PM

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

**Cc** Diana Vasu <Diana.Vasu@portcolborne.ca>; Prestinaci, Matthew (MTO) <Matthew.Prestinaci@ontario.ca>; Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>

Good Afternoon Taya:

[@Prestinaci, Matthew \(MTO\)](#) is the Corridor Management Officer for Niagara and he will provide comments on Minor Variance Applications. Please include Matthew Prestinaci in the distribution list for future Planning Applications.

Re: **MTO Consent & Minor Variance Comments**

1. Application File: **Minor Variance (A13-25-PC)**

Application Address: **VL Pcl at NW Cnr of Snider Road & 2<sup>nd</sup> Con Rd (PIN 64135-0047), Port Colborne, ON (Hwy 140)**

Minor Variance:

1. **Increase Lot coverage from 10% to 22.5%**
2. **Reduced Corner Side Yard Setback from 7.5m to:**
  - a. **5.67m (house)**
  - b. **7.19m (garage)**

Planner's Notes: Site is outside Permit Control Area (PCA) → **No Permit Required (NPR)**.

The MTO has reviewed this location and has no comments to provide as this site is outside of MTO permit jurisdiction. No MTO permits or approvals would be required by the proponent for any development at the above address at this time.

2. Application File: **Minor Variance (A14-25-PC)**

Application Address: **3334 Nugent Road, Port Colborne, ON**

Minor Variance: **Increase Roof Height beyond the ZB limit of 6m**

Planner's Notes: Site is outside Permit Control Area (PCA) → **No Permit Required (NPR)**.

The MTO has reviewed this location and has no comments to provide as this site is outside of MTO permit jurisdiction. No MTO permits or approvals would be required by the proponent for any development at the above address at this time.

3. Application File: **Consent (B01-25-PC & B02-25-PC)**

Application Address: **484 Barrick Road, Port Colborne, ON (Hwy 58)**

Proposed: **Residential Development**

Consent Description: **Sketch by A.T. McLaren Ltd., signed July 19, 2025, Rev. 3 (File: 37971-SK showing):**

1. **Retaining Parcel 1 (Church) and Parcel 3 (Woodlot)**
2. **Severance Parcel 2 for proposed Subdivision and**

Planner's Notes:

1. West Side Road (aka. Hwy 58) is CAH and classified as a 2B Arterial) → **No new entrances will be permitted for Parcels 2 & 3**
2. Any new easement through the Severed Parcel 2 must meet the **14m-setback from the Hwy 58 right-of-way/property limit.**
3. Planning Justification Report prepared by Netherby Planning (April 2025) acknowledges that access from West Side Road is restricted and an easement will be required to provide access to the retained Parcel 3 (Woodlot)
  - New easement must meet the 14m-setback from West Side Road
4. EIS report prepared by Burnside & Assoc. Ltd. (July 2025) includes the parcel at 434 Barrick Road (PIN 64140-0008) to support a Draft Plan of Subdivision.
  - The Sketch shows the Severed Parcel 2 as **landlocked** because MTO will not permit a new access onto West Side Road.. **It is MTO's understanding that access for Parcel 2 will be from 434 Barrick Road.**

MTO is supportive of the consent for Applications B01-25-PC and B02-25-PC **only on the conditions:**

1. Access for the Severed Parcel 2 will be from Barrick Road. It is MTO's understanding that access will be from 434 Barrick Road.
2. Any proposed easement through the Severed Parcel 2, in favor of the Church (Parcel 1) to gain access to the Woodlot (Parcel 3), must meet the 14m-setback from West Side Road.

4. Application File: **Consent (B01-25-PC & B02-25-PC)**

Application Address: **484 Barrick Road, Port Colborne, ON (Hwy 58)**

Proposed: **Residential Development**

Consent Description: **Sketch by A.T. McLaren Ltd., signed July 19, 2025, Rev. 3 (File: 37971-SK showing):**

1. **Retaining Parcel 1 (Church) and Parcel 3 (Woodlot)**
2. **Severance Parcel 2 for proposed Subdivision and**

Planner's Notes:

1. West Side Road (aka. Hwy 58) is CAH and classified as a 2B Arterial) → **No new entrances will be permitted for Parcels 2 & 3**
2. Any new easement through the Severed Parcel 2 must meet the **14m-setback from the Hwy 58 right-of-way/property limit.**
3. Planning Justification Report prepared by Netherby Planning (April 2025) acknowledges that access from West Side Road is restricted and an easement will be required to provide access to the retained Parcel 3 (Woodlot)
  - New easement must meet the 14m-setback from West Side Road
4. EIS report prepared by Burnside & Assoc. Ltd. (July 2025) includes the parcel at 434 Barrick Road (PIN 64140-0008) to support a Draft Plan of Subdivision.
  - The Sketch shows the Severed Parcel 2 as **landlocked** because MTO will not permit a new access onto West Side Road.. **It is MTO's understanding that access for Parcel 2 will be from 434 Barrick Road.**

MTO is supportive of the consent for Applications B01-25-PC and B02-25-PC **only on the conditions:**

1. Access for the Severed Parcel 2 will be from Barrick Road. It is MTO's understanding that access will be from 434 Barrick Road
2. Any proposed easement through the Severed Parcel, in favor of the Church (Parcel 1) to gain access to the Woodlot (Parcel 3), must meet the 14m-setback from West Side Road.

5. Application File: **ZBA (D14-12-24)**

Application Address: **484 Barrick Road, Port Colborne, ON (Hwy 58)**

Proposed: **Residential Development**

ZBA: **Rezone to site-specific provisions for minimum lot frontage and minimum lot area to allow future severance of subject lands.**

Planner's Notes:

- a. The current minimum lot frontage and minimum lot area provisions are set as "as existing," which does not accommodate the proposed severances. To facilitate the proposed severance, a Zoning By-law Amendment (ZBA) is required to establish site-specific provisions for minimum lot frontage and minimum lot area.
- b. The ZBA is tied to the consent applications, provided that the conditions are met.

MTO is supportive of the ZBA Application D14-12-24 in principle provided that all conditions for the above Consent Applications B01-25-PC and B02-25-PC are met.

Because no Concept Plan was provided for MTO's review, MTO can not provide Pre-Con for this ZBA Application (D14-12-24) at this moment.

As a friendly reminder, once the Draft Plan of Subdivision is submitted to the City, please circulate the clearance of Subdivision Conditions to [Peter.Deluca@ontario.ca](mailto:Peter.Deluca@ontario.ca), who is the Senior Project Manager for Hamilton/Niagara.

6. Application File: **Consent (B07-25-PC)**

Application Address: **3077 Highway 3, Port Colborne, ON**

Proposed: **Sell Dwelling and Barn**

Consent Description: **Sketch by Rasch & Hyde Ltd., signed September 24, 2024**

**(File: 23F023):**

- i. **Severed Parcel 1 (Dwelling & Barn)**
- ii. **Retained Parcel 2 (Farmland)**

Planner's Notes:

1. Consent App B07-25-PC (3077 Hwy 3) abuts Consent App B08-25-PC (953 Cedar Bay Road)
  - ➔ Similar sketch is provided Consent App B08-25-PC
  - ➔ Parcel 2 for Consent App B08-25-PC is to be merged to the parcel (PIN 64168-0409), which is along Cedar Bay Road at a later stage.
  - ➔ Process B07-25-PC first.
2. Hwy 3 is Controlled-Access-Highway (CAH). No additional entrances permitted.
3. Parcel 2 fronts onto Cedar Bay Road where access can be attained. **No conditions for access required.**

MTO is supportive of the consent for Applications B07-25-PC.

7. Application File: **Consent (B08-25-PC)**

Application Address: **953 Cedar Bay Road, Port Colborne, ON (Hwy 3)**

Proposed: **To make larger lot by joining Pcl 2 to Pcl 4 (PIN 64168-0409)**



Consent Description: **Sketch by Rasch & Hyde Ltd., signed July 8, 2025 (File: 23F023):**

1. **Retaining Parcel 4 (Dwelling)**
2. **Severance Parcel 2 (VL)**
3. **Retained Parcel 3 (Farmland)**

**Planner's Notes:**

1. Consent App B08-25-PC (953 Cedar Bay Road) abuts Consent App B07-25-PC (3077 Hwy 3).
  - Similar sketch is provided Consent App B07-25-PC
  - Parcel 2 for Consent App B08-25-PC is to be merged to the parcel 4 (PIN 64168-0409) – being 953 Cedar Bay road.
  - Process B07-25-PC first
2. Hwy 3 is Controlled-Access-Highway (CAH). No additional entrances permitted.
3. Parcel 3 fronts onto Cedar Bay Road where access can be attained. **No conditions for access required.**

MTO is supportive of the consent for Applications B08-25-PC.

I trust that the above is satisfactory. If you have any further questions or concerns, please send an email or call me at the number below.

MTO looks forward to working together with the stakeholders during the Site Plan Application Process to reach amenable solutions that satisfy all parties.

Kind Regards,

**Usama Ali**

Corridor Management Planner (Hamilton/Niagara) | Corridor Management Office/Operations Division  
Ministry of Transportation (Central Operations) | Ontario Public Service  
416-457-8973 | [usama.ali@ontario.ca](mailto:usama.ali@ontario.ca)

*Taking pride in strengthening Ontario, its places and its people*  
**Upcoming Absence: August 25**



## Committee of Adjustment -Meeting Minutes-

Wednesday, August 13, 2025

---

**Members Present:** Angie Desmarais, Vice-Chair  
Gary Bruno, Committee Member  
Eric Beauregard, Committee Member

**Staff Present:** Diana Vasu, Planner  
Taya Taraba, Secretary-Treasurer

**Absentees:** Dan O'Hara, Chair  
Dave Elliott, Committee Member

1. **Call Meeting to Order**  
The Vice-Chair called the meeting to order at approximately 6:04 p.m.
2. **Reading of Meeting Protocol**  
The Vice-Chair read the Meeting Protocol.
4. **Disclosures of Interest**  
Nil.
5. **Requests for Deferrals or Withdrawals of Applications**  
Nil.
6. **Order of Business**
  - a. **Application:** A12-25-PC  
**Action:** Minor Variance  
**Applicant:** Aldo Ariganello  
**Location:** 307 Pleasant Beach Road

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

The Vice-Chair asked the applicant if they wished to add any further information regarding this application.

The applicant outlined his intention to build a garage for storage with a possibility of converting the second floor into an accessory dwelling unit in the future.

The members had no questions for the applicant regarding the application.

There were no members of the public that spoke to this application.

Member Bruno inquired to the Planner whether the applicant would need to return to the Committee of Adjustment at a later date if the garage were to be converted into an accessory dwelling unit. The Planner confirmed that the applicant would only require a building permit and would not need further approvals from the Committee of Adjustment to proceed with a conversion.

That application **A12-25-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: Eric Beauregard

Seconded: Gary Bruno

Carried: 3-0

b. Application: B11-15-PC  
Action: Cancellation of Consent  
Applicant: Wendy Lehocki  
Location: 166 Chippawa Road

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

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

Member Bruno inquired to the Planner about why this application was a matter for the Committee of Adjustment. The Planner clarified that the reason the application required approval from the Committee of Adjustment was because the subject parcel was the severed parcel and not the retained parcel on the previously granted consent.

That application B11-15-PC be **cancelled**.

Motion: Gary Bruno

Seconded: Eric Beauregard

Carried: 3-0



**7. Other Business**

Nil.

**8. Approval of Minutes**

That the minutes from the June 11<sup>th</sup>, 2025 meeting be approved.

**Motion:** Gary Bruno

**Seconded:** Eric Beauregard

**Carried:** 3-0

**9. Adjournment**

There being no further business, the meeting was adjourned at approximately 6:17 pm.

---

Angie Desmarais, Vice-Chair

---

Taya Taraba, Secretary-Treasurer