

Date: Wednesday, December 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
 - 5.1 A22-25-PC - Vacant Lot on Stonebridge Drive 1
Action: Minor Variance
Agent: Upper Canada Consultants
Applicant: Elevate Fourth Developments Ltd.
Location: VL Stonebridge Drive
6. New Business
 - 6.1 B12-25-PC - 43 Colborne Street 35
Action: Consent to Sever
Applicant: Jacob O'Berick
Location: 43 Colborne Street
7. Other Business
 - 7.1 Approval of the 2026 Committee of Adjustment Schedule 56
8. Approval of Minutes
 - 8.1 November 19, 2025, Committee of Adjustment Minutes 57

9. Adjournment



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

Minor Variance Application

File No. A22-25-PC

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 2.19.1, Section 8, Section 3.7 (b), Section 3.10 (c), and Section 3 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 of Lot 31, Part 1, on Reference Plan 59R-18351, formerly in the township of Humberstone, currently in the City of Port Colborne, located in a site-specific designation of the Fourth Density Residential (R4) zone, municipally known as a vacant lot on Barrick Road.

AND IN THE MATTER OF AN APPLICATION by the agent, Upper Canada Consultants, on behalf of the owners, Elevate Fourth Developments Ltd., for relief from the provisions of Zoning By-law 6575/30/18, as amended, under section 45 of the *Planning Act, R.S.O 1990 C.P 13*, to permit the construction of a new subdivision, notwithstanding the following:

Section 2.19.1

1. That a minimum corner side-yard setback of 2.6m for a deck or platform be permitted, whereas a minimum corner side-yard setback of 3m is required;
2. That a minimum front yard setback of 1.4m for a deck or platform be permitted, whereas a minimum front yard setback of 3m is required.

Section 8

1. That a minimum front yard setback of 2.5m for a semi-detached dwelling be permitted, whereas a minimum front yard setback of 4.5m is required.

Section 3

1. That the minimum landscape buffer between the edge of the parking area and the public road lot line be 1m and 1.3m, whereas a minimum landscape buffer between the parking area and the public road lot line of 3m is required.

Section 3.7 (b)

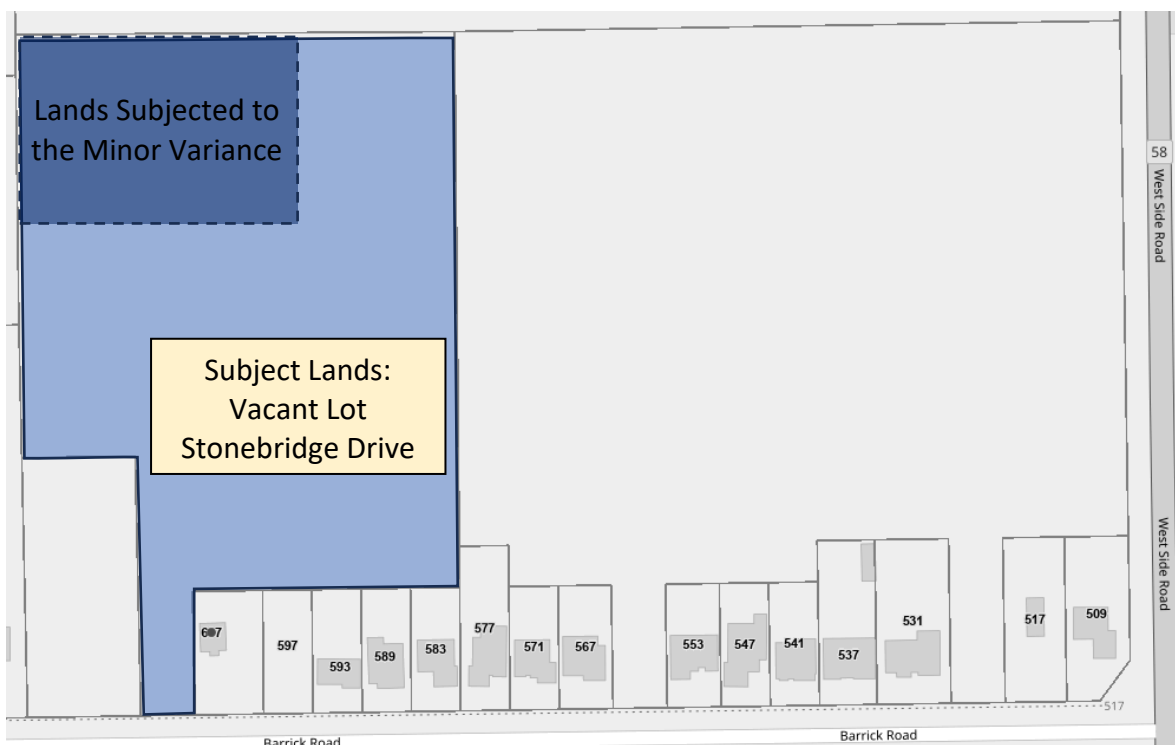
1. That the minimum unobstructed driveway width of 6.7m be permitted, whereas a minimum unobstructed driveway width of 7.5m is required

Section 3.10 (c)

1. That the minimum width of a loading space driveway be 6.7m, whereas the minimum width of a loading space of 7.5m is required.

Explanatory Relief from the Zoning By-law: The applicant is proposing to develop an apartment building on a block of land in an unbuilt subdivision. This proposal seeks to provide sufficient parking and appropriate building locations, 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



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

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, December 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.

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

Date of Mailing: November 25, 2025

[illegible]

Development and Government Relations

Planning Division Report

December 10, 2025

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

Re: Application for Minor Variance File No. A22-25-PC
Part 1 of Part of Lot 31, Concession No. 3 of Reference Plan 59R18351,
Port Colborne (Block 72 of the draft approved Stonebridge Village
Subdivision)
Agent: Upper Canada Consultants
Owner: Elevate Fourth Developments Ltd.

Proposal

In November of 2024, the applicant secured planning approvals for the site, through an enhanced Official Plan Amendment, Zoning By-law Amendment and Subdivision process. The approved Official Plan Amendment and Zoning By-law Amendments set out the particulars for the comprehensive redevelopment, including unit mix typology for the development site, densities, parking, provisions for each of the built forms, etc. (hereinafter referred to as the Stonebridge Subdivision).

Through the detailed design, the archaeological study identified a larger area of protection on one of the blocks within the Stonebridge Subdivision (the Subject Lands), which required the applicant to re-orient the configuration of the buildings than originally contemplated in the site-specific zoning.

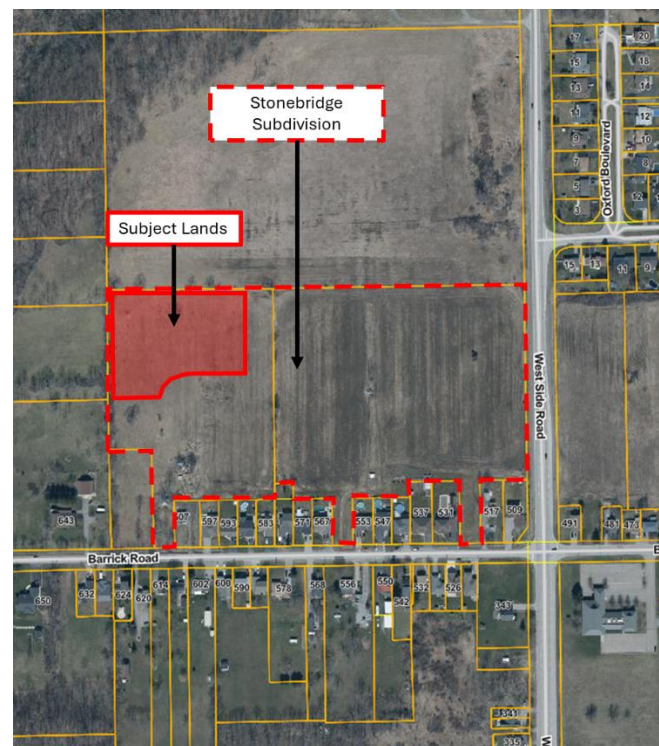


Figure 1 (above): Subject Lands

As a result, the applicant is seeking relief from some of the provisions of the parent zoning by-law and the previously approved site-specific zoning. The requested variances, as summarized by the applicant, are provided below:

Overall Site

- To reduce the minimum landscape buffer between the edge of a parking area and a lot line, both abutting a public road and not, from 3.0-metres to 1.0-metre and 1.3-metres, respectively (By-law No. 7291/113/24, Part 6 (R4-88));
- To reduce the minimum unobstructed driveway width where two-way traffic is permitted from 7.5-metres to 6.7-metres (Section 3.7 b));
- To reduce the minimum access width to a loading space from 7.5-metres to 6.7-metres (Section 3.10 c));

Apartment Building

- To reduce the minimum setback of a deck/platform up to and taller than 1.2-metres from the corner side and front lot lines, to permit the encroachment of balconies from 3.0-metres to 1.4-metres and 2.6-metres, respectively (Section 2.19.1);

Semi-Detached Dwellings

- To reduce the minimum front yard from 4.5-metres to 2.5-metres (By-law No. 7291/113/24, Part 6 (R4-88)); and
- To reduce the minimum setback of a deck/platform up to and taller than 1.2-metres from the front lot line from 3.0-metres to 1.0-metres (Section 2.19.1).

Figure 2 provides an overview of the location of the Subject Lands within the Stonebridge Subdivision and Figure 3 shows the proposed site plan for the Subject Lands and identifies the location of the requested variances.

The purpose of this report is to provide a recommendation on the requested variances.

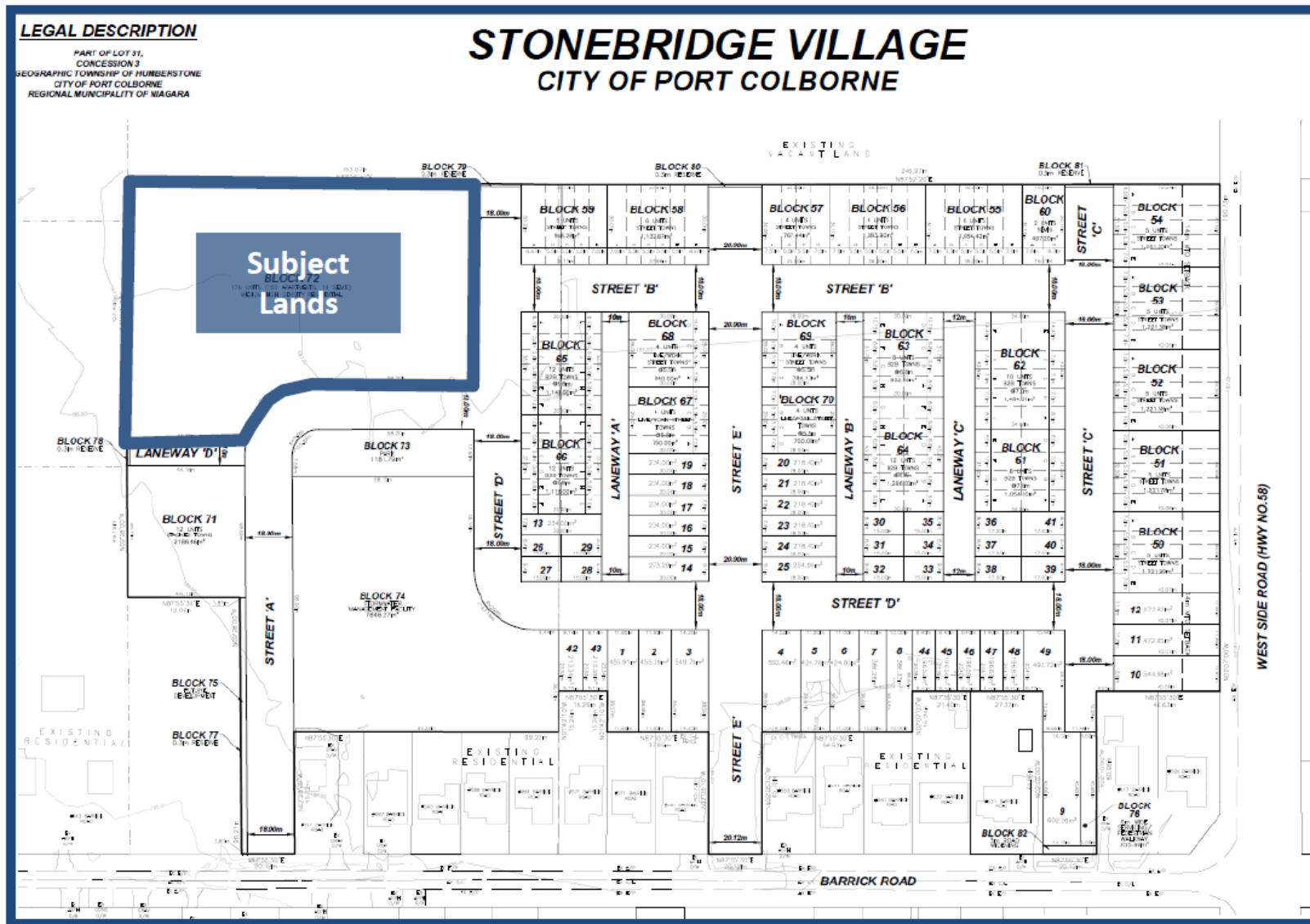


Figure 2 (above): Location of the Subject Lands Relative to the Draft Approved Plan of Subdivision

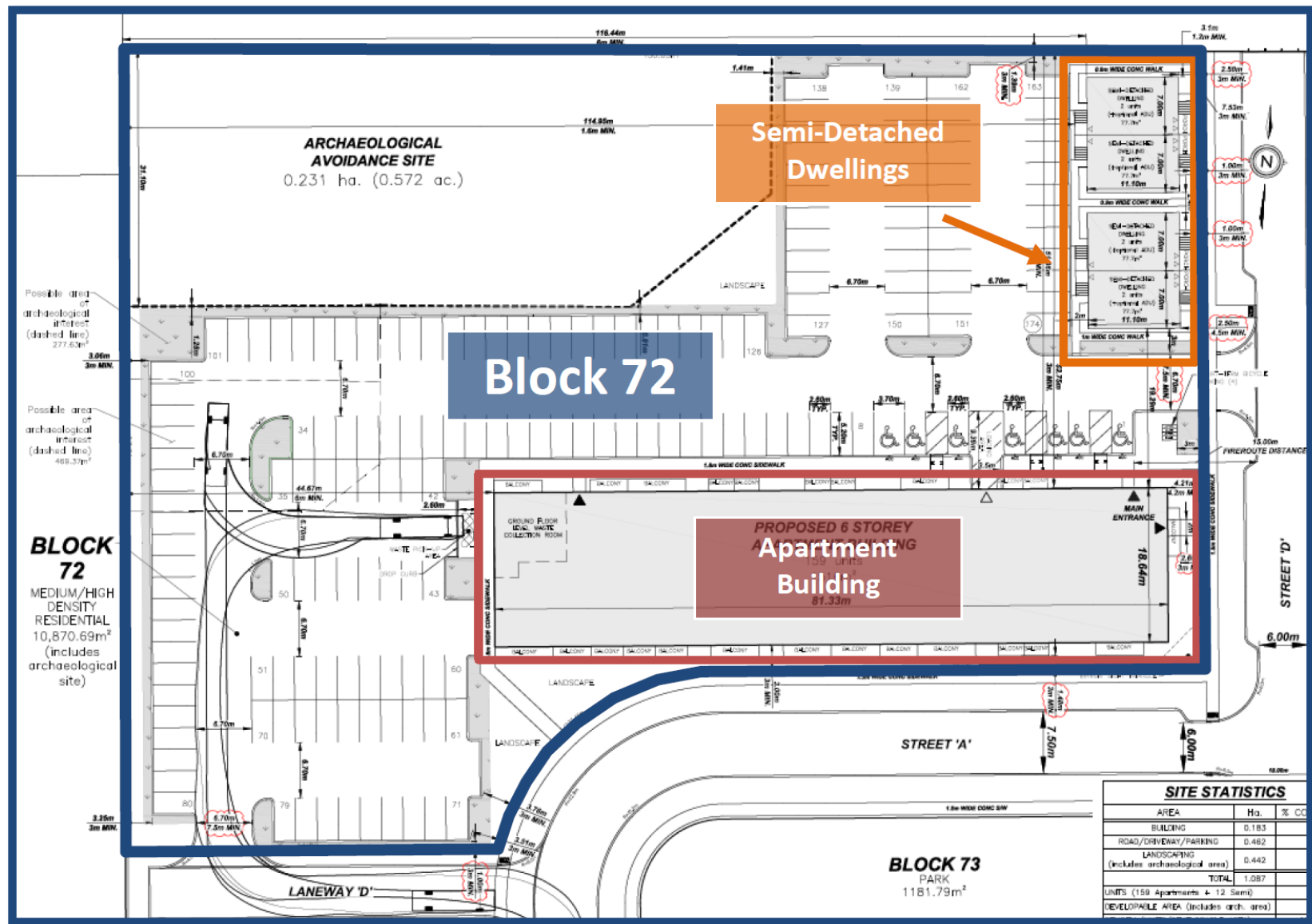


Figure 3 (above): Proposed Site Plan for the Subject Lands and Location of Proposed Variances

Surrounding Land Uses and Zoning

The Subject Lands have an area of 1.087 hectares and are zoned Fourth Density Residential with Special Provision 88 (R4-88). Future development of the Subject Lands is proposed to include an apartment building situated along the southeastern portion of the block and semi-detached dwellings along the northeastern portion of the block.

As noted previously, the Subject Lands form part of a larger area for which site specific zoning and draft plan approval of subdivision have been obtained. Future development of the Stonebridge Subdivision is proposed to include a variety housing types, including single detached, semi-detached, and all forms of townhouse.

Existing uses in the surrounding area include single detached dwellings.

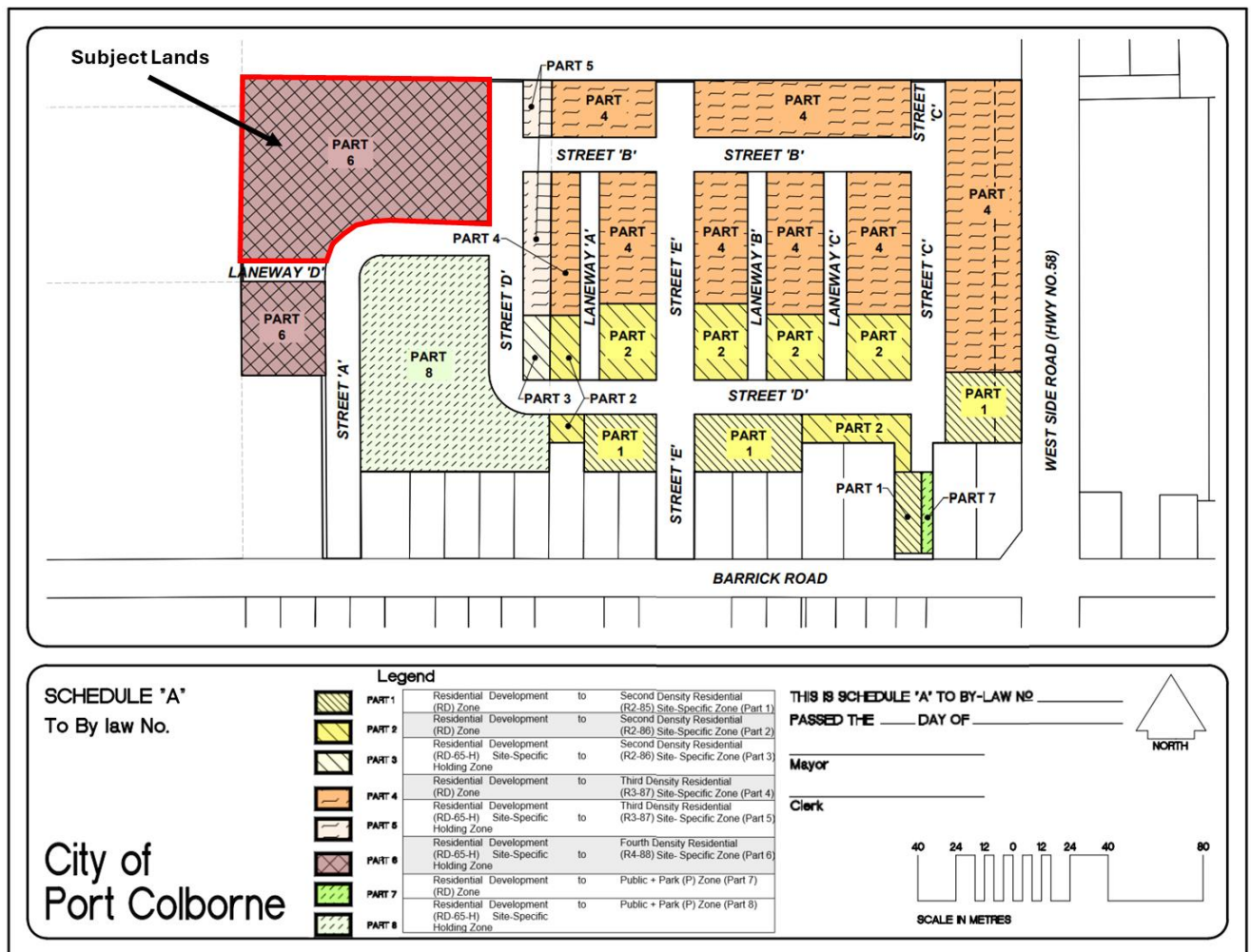


Figure 4 (above): Zoning of the Subject and Surrounding Lands

Environmentally Sensitive Areas

The subject lands do not contain any environmental features. While not an environmentally sensitive area, an area of archaeological avoidance has been identified on the Subject Lands based on the outcomes of the technical work completed by the applicant's archaeological consultant.

Public Comments

Notice was circulated on November 25th, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. No comments were received at the time of writing this report.

Agency Comments

Notice of the application was circulated on November 13, 2025 to internal City departments and external agencies. As of the date of writing this report, the following comments have been received.

| Commenter | Comments | Planning Staff Response |
|--|--|-------------------------|
| Drainage Superintendent | No comments related to municipal drains | Noted |
| Fire Department | No objection | Noted |
| Engineering Technologist | No comments | Noted |
| Niagara Peninsula Conservation Authority | Based on the NPCA Mapping the subject property does not contain and is not impacted by NPCA-Regulated Features. Therefore, the NPCA has no objections. | Noted |
| Region of Niagara | No comments | Noted |

Discussion

As noted previously, the applications are requesting the following variances:

- To reduce the minimum landscape buffer between the edge of a parking area and a lot line, both abutting a public road and not, from 3.0-metres to 1.0-metre and 1.3-metres, respectively (By-law No. 7291/113/24, Part 6 (R4-88));
- To reduce the minimum unobstructed driveway width where two-way traffic is permitted from 7.5-metres to 6.7-metres (Section 3.7 b));
- To reduce the minimum access width to a loading space from 7.5-metres to 6.7-metres (Section 3.10 c));

- To reduce the minimum setback of a deck/platform up to and taller than 1.2-metres from the corner side and front lot lines, to permit the encroachment of balconies from 3.0-metres to 1.4-metres and 2.6-metres, respectively (Section 2.19.1);
- To reduce the minimum front yard from 4.5-metres to 2.5-metres (By-law No. 7291/113/24, Part 6 (R4-88)); and
- To reduce the minimum setback of a deck/platform up to and taller than 1.2-metres from the front lot line from 3.0-metres to 1.0-metres (Section 2.19.1).

Staff have reviewed and note that our assessment is based on the following wording, and represents the wording to be included in any resolution of decision:

- Notwithstanding the Landscape Provisions for Parking Areas for Block 72 of the Stonebridge Subdivision as established in the R4-88 Zone, the lot line abutting a public road or a private road is to be 1.0 metres from a proposed parking area with 100 or greater parking spaces;
- Notwithstanding the Ingress and Egress Standards established in Section 3.7 b) of the Zoning By-law, the minimum unobstructed driveway width where two-way traffic is permitted is 6.7 metres for Block 72 of the Stonebridge Subdivision;
- Notwithstanding the Loading Space provisions established in Section 3.10 c) of the Zoning By-law, the minimum access width to a loading space is permitted to be 6.7 metres;
- Notwithstanding the provisions for Permitted Encroachments for General Structures established in Section 2.19.1 of the Zoning By-law, the minimum corner side lot line setback for a deck/ platform up to and taller than 1.2 metres for an apartment building on Block 72 of the Stonebridge Subdivision shall be 2.6 metres;
- Notwithstanding the provisions for Permitted Encroachments for General Structures established in Section 2.19.1 of the Zoning By-law, the minimum front lot line setback for a deck/ platform up to and taller than 1.2 metres for an apartment building on Block 72 of the Stonebridge Subdivision shall be 1.4 metres;
- Notwithstanding the Front Yard Setback for Semi-Detached dwellings for Block 72 of the Stonebridge Subdivision as established in the R4-88 Zone, the front yard setback is to be 2.5 metres to a dwelling and 6.0 metres to a garage;
- Notwithstanding the provisions for Permitted Encroachments for General Structures established in Section 2.19.1 of the Zoning By-law, the minimum front lot line setback for a deck/ platform up to and taller than 1.2 metres for a semi-detached dwelling on Block 72 of the Stonebridge Subdivision shall be 1.0 metres

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.

Part 1 (A18-25-PC):

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

The Subject Lands are situated in the Port Colborne Urban Area and are designated for “Medium/High Density Residential” as outlined in Official Plan Amendment 7290/112/24, Amendment No. 17 within the City of Port Colborne Official Plan. The Official Plan Amendment established detailed policy direction for the Stonebridge Subdivision, including density, built form, urban design and housing mix, including permissions for the development of the Subject Lands to include an apartment building and semi-detached dwellings.

The application is consistent with this framework and maintains the general intent and purpose of the Official Plan. However, staff do note the requested variances represent a relaxation of standards that relate to urban design principles established in the Official Plan and Official Plan Amendment that could impact streetscape rhythm, pedestrian experience, building articulation and buffering. It will be important for the applicant and planning staff to work through these matters together as part of detailed design during the site plan approvals stage.

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

The Subject Lands are zoned Fourth Density Residential with Special Provision 88 (R4-88), which was established through a site-specific Zoning By-law Amendment approved in November 2024. This zoning sets out detailed standards for the Stonebridge Subdivision, including setbacks, parking, and built form provisions.

The requested variances apply to two categories of standards:

- Parent Zoning By-law provisions (e.g., driveway width, loading space access width, and permitted encroachments for decks/platforms); and
- Site-specific R4-88 provisions (e.g., front yard setback for semi-detached dwellings and landscape buffer requirements for parking areas).

While these refinements were not identified during the original zoning amendment process, it is not uncommon for detailed design considerations to emerge at the site plan stage. In this case, the variances appear to be technical adjustments to accommodate the development concept the applicant and their consulting team arrived at through detailed design, rather than fundamental changes to zoning intent.

The parent Zoning By-law provisions are intended to ensure safe access, adequate buffering, and orderly development. The proposed reductions maintain functionality for two-way traffic and loading, and site plan review will address detailed design and landscaping. Similarly, the site-specific provisions were intended to implement the subdivision design contemplated at the rezoning stage rather than the more detailed design stage. In general terms, the requested adjustments do not alter the overall concept

or permissions established through R4-88. Accordingly, staff are satisfied that the application maintains the general intent and purpose of the Zoning By-law.

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

The requested variances support the development of the Subject Lands as contemplated through the enhanced Official Plan Amendment and site-specific Zoning By-law Amendment. They allow the applicant to maintain the archaeological avoidance area identified during detailed design while continuing to integrate the apartment building and semi-detached dwellings envisioned through the prior planning process.

While the variances support the intended use of the land, staff note that the cumulative relaxation of standards related to setbacks, buffering, and access could influence streetscape quality and pedestrian experience. These matters will be addressed through detailed design at the site plan stage, which provides an opportunity to ensure that the development remains consistent with the urban design principles established in the Official Plan Amendment.

On this basis, staff are satisfied that the variances are desirable for the appropriate development of the land, subject to further review through site plan approval.

Is the variance minor in nature?

The determination of “minor” relates to impact rather than numerical value. Individually, each variance could be considered minor; however, the cumulative effect of all variances requested represents a relaxation of standards for setbacks, buffering, and access. Staff consider the potential impacts manageable through site plan review and landscaping requirements, and no objections were received from agencies or the public. Cumulatively, staff feel that the variances requested do not result in adverse effects on adjacent properties or the overall functionality of the site. Accordingly, staff are satisfied that the variances can be considered minor in nature, recognizing that the applicant and staff will continue working to mitigate any impacts on streetscape and site character as part of the site plan approvals process.

Recommendation

Given the information above, Planning staff recommend applications:

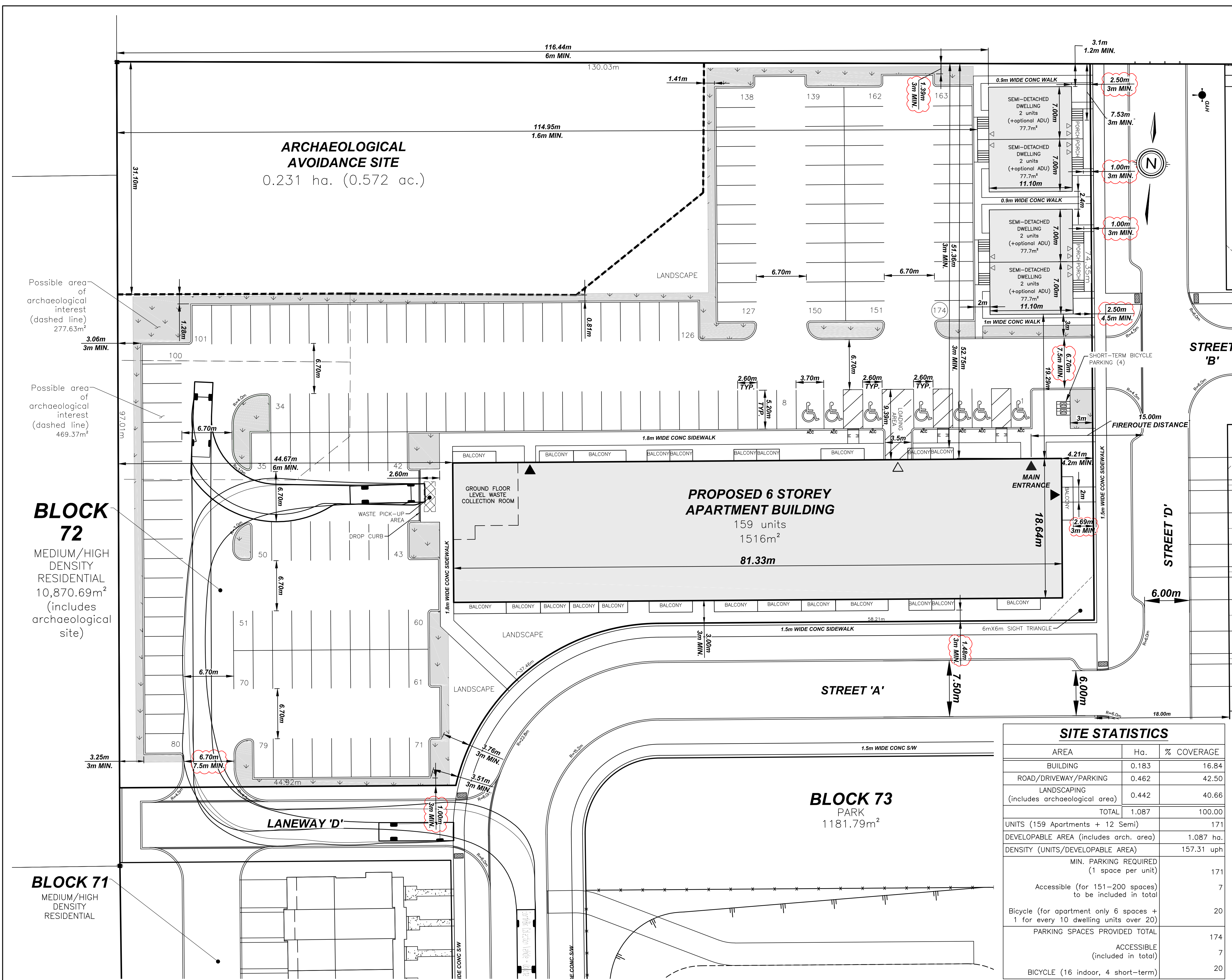
A22-25-PC be **granted** for the following reasons:

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

Respectfully submitted,

Kelly Martel

Planning Manager



| | | | | |
|---|---------------------|------------|------|---|
| # | # | # | # | # |
| # | # | # | # | # |
| # | # | # | # | # |
| # | # | # | # | # |
| # | # | # | # | # |
| # | # | # | # | # |
| # | # | # | # | # |
| 0 | ISSUED FOR APPROVAL | 2025-10-22 | M.K. | |
| # | REVISION | DATE | INIT | |

- NOTES:
1. THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
 2. PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
 3. ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

| | |
|-------------|----|
| DRAFTING | MK |
| DESIGN | WH |
| CHECKED BY | WH |
| APPROVED BY | WH |

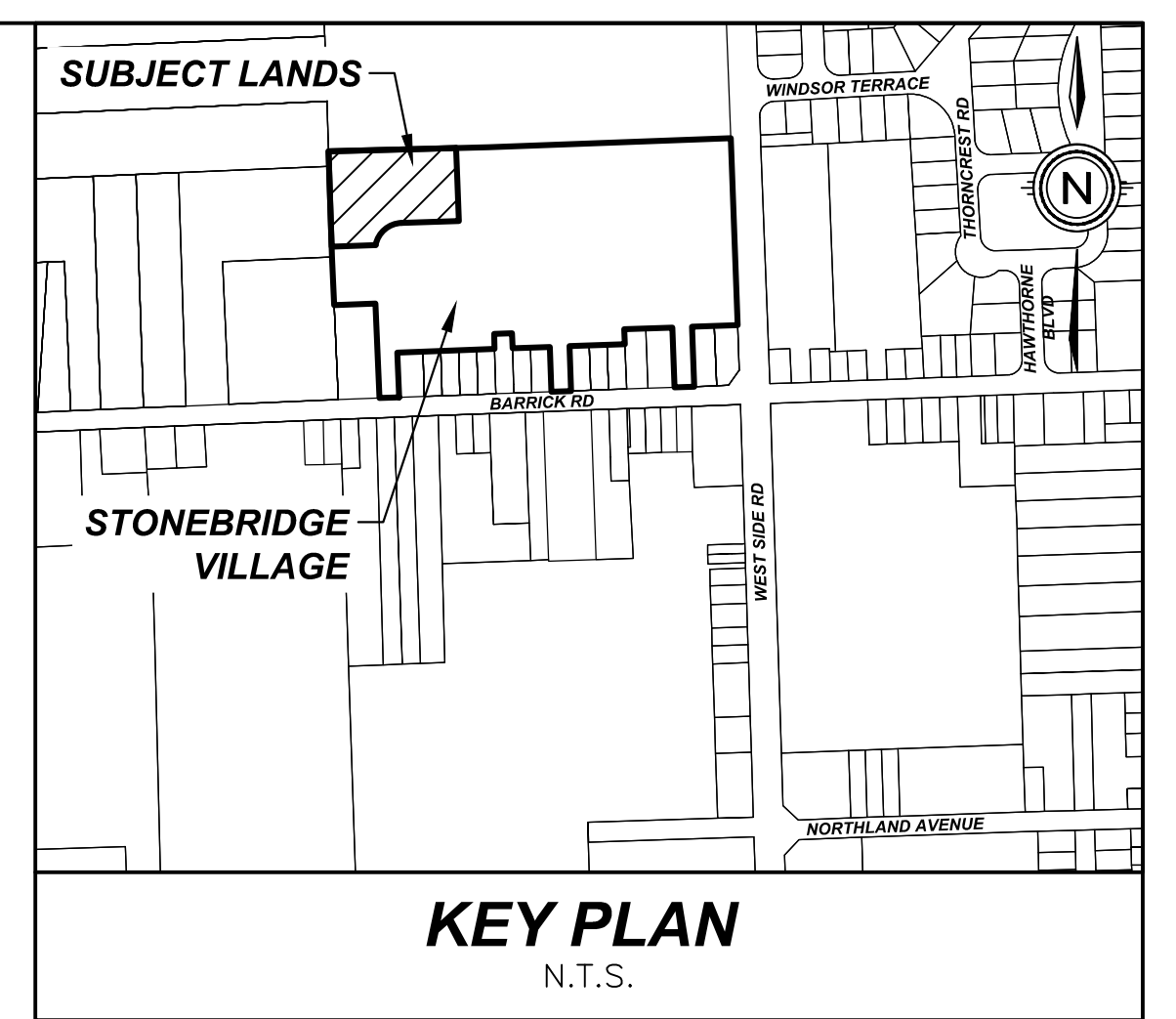


STONEBRIDGE VILLAGE - BLOCK 72
CITY OF PORT COLBORNE

SITE PLAN

| | |
|---------------------|------------|
| CONSULTANT FILE No. | 2300 |
| DATE | 2025-04-04 |
| PRINTED | 2025-10-22 |
| SCALE | 1:250 m |
| REF No. | # |
| DWG No. | 2300-SP |
| REV | # |

DRAWING FILE: F:\2300\Planning\2300_BLOCK 72 - SITE PLAN.dwg PLOTTED: Oct 22, 2025 - 11:35am PLOTTED BY: mark



LEGAL DESCRIPTION

BLOCK 72, PART OF LOT 31,
CONCESSION 3
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

| LEGEND | |
|--------|----------------------------------|
| HYD | PROP HYDRANT |
| ACC | PROPOSED ACCESSIBLE PARKING SIGN |
| --- | PROP CURB |
| --- | PROP DEPRESSED CURB |
| --- | PARKING AREA LANDSCAPING |

ZONING MATRIX

| PROVISION | FOURTH DENSITY RESIDENTIAL (R4-88) | PROVIDED | PROPOSED |
|--|---|---------------------------------|------------------------------------|
| REGULATIONS FOR APARTMENT BUILDING | | | |
| MIN. LOT FRONTAGE | 18m | 74.35m | No Change |
| MIN. LOT AREA PER UNIT | 60m² | 63.57m² | No Change |
| MAX. UNIT DENSITY | Lot Area/Min. Unit Area (10,871m²/60m²) | 181 units | No Change |
| MIN. FRONT YARD | 4.2m | 4.2m | No Change |
| MIN. INTERIOR SIDE YARD | 3.0m | 52.75m | No Change |
| MIN. CORNER SIDE YARD | 3m | 3m | No Change |
| MAX. LOT COVERAGE | 40% | 16.84% | No Change |
| MIN. REAR YARD | 6m | 44.61m | No Change |
| MAX. HEIGHT | 23m | 19.4m | No Change |
| MIN. LANDSCAPED AREA | 25% | 40.66% | No Change |
| MIN. FLOOR AREA PER UNIT | 27m² | 32.70m² | No Change |
| PERMITTED ENCROACHMENTS: DECK OR PLATFORM - HEIGHT ABOVE GROUND FLOOR LEVEL TO 1.2m OR GREATER | Min. setback 3m from corner side lot line Min. setback 3m from interior side lot line Min. setback 1.6m from rear lot line Min. setback 3m from front lot line | 1.48m 51.38m N/A 2.69m | 1.40m No Change N/A 2.60m |
| LANDSCAPE BUFFER PROVISIONS BETWEEN EDGE OF PARKING AREA: | | | |
| LOT LINE ABUTTING PUBLIC ROAD | 3m | 1.00m | 1.00m |
| LOT LINE NOT ABUTTING PUBLIC ROAD | 3m | 1.30m | 1.30m |
| MINIMUM LANDSCAPE OPEN SPACE WITHIN PARKING AREA | Equal to min. 10% of the parking area (462m² required) | 521m² | No Change |
| MINIMUM DRIVEWAY UNOBSTRUCTED WIDTH | 7.5m where two-way traffic is permitted | 6.7m | 6.7m |

ZONING MATRIX

| PROVISION | FOURTH DENSITY RESIDENTIAL (R4-88) | PROVIDED | PROPOSED |
|--|---|----------------------------------|--|
| REGULATIONS FOR SEMI-DETACHED | | | |
| MIN. LOT FRONTAGE | 16m | 74.35m | No Change |
| MIN. LOT AREA PER UNIT | 60m² | 63.57m² | No Change |
| MAX. UNIT DENSITY | Lot Area/Min. Unit Area (10,873m²/60m²) | 181 units | No Change |
| MIN. FRONT YARD | 4.5m | 2.5m | 2.5m |
| MIN. INTERIOR SIDE YARD | 1.2m | 3.1m | No Change |
| MIN. CORNER SIDE YARD | 3m | N/A | No Change |
| MAX. LOT COVERAGE | 40% | 16.84% | No Change |
| MIN. REAR YARD | 6m | 116.44m | No Change |
| MAX. HEIGHT | 11m | 11.0m | No Change |
| MIN. LANDSCAPED AREA | 25% | 40.66% | No Change |
| MIN. FLOOR AREA PER UNIT | 27m² | 77.70m² | No Change |
| PERMITTED ENCROACHMENTS: DECK OR PLATFORM - HEIGHT ABOVE GROUND FLOOR LEVEL TO 1.2m OR GREATER | Min. setback 3m from corner side lot line Min. setback 3m from interior side lot line Min. setback 1.6m from rear lot line Min. setback 3m from front lot line | N/A 7.53m 114.95m 6.00m | N/A No Change No Change 1.00m |
| LANDSCAPE BUFFER PROVISIONS BETWEEN EDGE OF PARKING AREA: | | | |
| LOT LINE ABUTTING PUBLIC ROAD | 3m | 1.0m | 1.0m |
| LOT LINE NOT ABUTTING PUBLIC ROAD | 3m | 1.30m | 1.30m |
| MINIMUM LANDSCAPE OPEN SPACE WITHIN PARKING AREA | Equal to min. 10% of the parking area (462m² required) | 521m² | No Change |



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

For Office Use Only

Date Received: Wednesday, October 22nd, 2025

Application Complete: ☐ Yes ☐ No

Date of Completion: October 28th, 2025

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

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

2025 APPLICATION FEES

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

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

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

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

DRAWING REQUIREMENTS

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

To be considered complete, each sketch must identify:

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

| | | |
|--|-----------------------------|---------------------------------|
| I acknowledge that I have read, understand, and agree to the terms outlined above. | | |
| Name: <i>Chelsea Liotta</i> | Date: <i>Oct 24 2025</i> | Initials: <i>[Signature]</i> |



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

| | |
|---|--|
| 1.1 Registered Owner (s): | |
| Name: Elevate Fourth Developments Ltd. | |
| Mailing Address: E2-800 Niagara Street | |
| City: Welland | Province: Ontario |
| Postal Code: L3C 5Z4 | Telephone: |
| Fax: | Email: curtis@elevateliving.ca |
| 1.2 Owner's SOLICITOR (if applicable) | |
| Name: David Ionico (McHugh Whitmore LLP) | |
| Mailing Address: 914 Queenston Road | |
| City: Stoney Creek | Province: Ontario |
| Postal Code: L8G 1B7 | Telephone: 905-662-6001 |
| Fax: | Email: |
| 1.3 Owner's Authorized AGENT (if applicable) | |
| Name: Upper Canada Consultants | |
| Mailing Address: 3-30 Hannover Drive | |
| City: St. Catharines | Province: Ontario |
| Postal Code: L2W 1A3 | Telephone: 905-688-9400 |
| Fax: | Email: chelsea@ucc.com & wheikoop@ucc.com |
| 1.4 Owner's ONTARIO LAND SURVEYOR (if applicable) | |
| Name: Chambers and Associates Surveying Ltd. | |
| Mailing Address: 12 Thorold Road East | |
| City: Welland | Province: Ontario |
| Postal Code: L3C 3T2 | Telephone: 905-735-7841 |
| Fax: | Email: don@casl-surveying.com |
| 1.5 All communications should be sent to the: | |
| <input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent | |

SECTION 2: LOCATION OF SUBJECT LAND

| | |
|--|--|
| Former Municipality: Humberstone | |
| Concession No. 3 | Lot(s): Part of lot 31 |
| Registered Plan No. | Lot(s): |
| Reference Plan No. 59R18351 | Part(s): 1 |
| Name of Street: Barrick Road | Street No. 607 & unaddressed lands |

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

| | | |
|---|--------------|----------------|
| 3.1 Lot Description | | |
| Frontage: 74 m | Depth: 116 m | Area: 1.087 ha |
| Existing Use: vacant | | |
| Proposed Use: residential | | |
| 3.2 What is the current designation of the land in the Official Plan and the Regional Plan? | | |
| Port Colborne Official Plan: Urban Residential | | |
| Regional Policy Plan: Designated Greenfield Area | | |
| 3.3 What is the current zoning of the land (By-law 6575/30/18)? | | |
| By-law no 7291/113/24 - Site-Specific 4th Density Residential | | |

SECTION 4: LAND INFORMATION

| | |
|---|---|
| 4.1 Date and Subject Land was acquired by the Current Owner: | |
| 2022/11/18 | |
| 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. | |
| FirstOntario Credit Union Limited | |
| | |
| 4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land: | |
| N/A | |
| 4.5 Type of ACCESS | |
| <input type="checkbox"/> Provincial Highway | <input type="checkbox"/> Municipal Road maintained seasonally |
| <input type="checkbox"/> Regional Road | <input type="checkbox"/> Right-of-Way |
| <input checked="" type="checkbox"/> Municipal Road maintained all year | <input type="checkbox"/> Water Access |
| <input type="checkbox"/> Other Public Road | <input type="checkbox"/> Private Road |
| 4.6 What type of WATER SUPPLY is proposed? | |
| <input checked="" type="checkbox"/> Publicly owned and operated piped water supply | |
| <input type="checkbox"/> Lake | |
| <input type="checkbox"/> Well (private or communal) | |
| <input type="checkbox"/> Other (specify) | |
| | |
| 4.7 What type of SEWAGE DISPOSAL is proposed? | |
| <input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system | |
| <input type="checkbox"/> Septic system (private or communal) | |
| <input type="checkbox"/> Other (specify) | |
| | |
| 4.8 What type of STORMWATER DISPOSAL is proposed? | |
| <input checked="" type="checkbox"/> Publicly owned and operated stormwater system | |
| <input type="checkbox"/> Other (specify) | |
| | |
| 4.9 Has a Pre-Consultation application been filed for this proposal? | |
| <input checked="" type="checkbox"/> Yes <input 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: |
| Apartment Building: |
| • Section 2.19.1 (Permitted Encroachments, Deck or Platforms up to & over 1.2 m in height) Min. Setback from Corner Side Lot Lot -> Required = 3m, Proposed =2 .6m Min. Setback from Font Lot Line -> Required = 3m, Proposed = 1.4m |
| Semi-Detached Dwellings: |
| • By-law No. 7291-113-24 Part 6 (R4-88) Section 8 Min. Front yard Required = 4.5m, Proposed 2.5m |
| Overall Site: |
| • Section 3.7 b) (Ingress and Egress) Min. unobstructed driveway width -> Required 7.5 m, Proposed = 6.7m |
| • Section 3.10 c) (Loading Spaces) Min. width driveway / lane -> Required = 7.5 m, Propsoed = 6.7m |
| • By-law No. 7291-113-24 Part 6 (R4-88) Section 3 Min. landscape buffer between edge of parking area and lot line abutting public road and not abutting public road -> Required = 3m, Proposed = 1.0 m & 1.3 m, respectively |
| 5.2 Why is it not possible to comply with the Zoning By-law? |
| Due to the configuration of the Block 72, the strategic placement of the proposed buildings and parking area, and the need to accommodate funtional building elements and ciruclation with a compact urban form, it is not possible to comply with the Zoning By-law. Through detailed design, the proposed variances have been established to enhance building design, provide usable amenity space, accommodate efficient internal circulation and servicing, and ensure sufficient space for parking and pedestrian connections while still achieving high-quality landscaping and screening. Overall, the refinements respond to site design constraints and the efficient use of the site, and more details can be found in the enclosed Minor Variance Brief. |
| 5.3 Does the structure(s) pertaining to the application for Minor Variance already exist? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5.4 If the answer to 5.3 is YES, has a building permit been issued? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No |

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

| |
|--------------|
| File Number: |
| Decision: |

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

| | | |
|--|--|--|
| 8.1 ALL EXISTING USE | | |
| <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial | <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland | <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Other (specify): _____ |
| 8.2 What is the length of time the existing use(s) of the land have continued? | | |
| Unknown | | |
| 8.3 Are there any buildings or structures on the subject land? | | |
| <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 |
| <p>If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.</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 10.21.25
Date

X
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Oct 22 2025.
Date

X [Signature]
Signature of Applicant(s)

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

I/We Upper Canada Consultants

Of the City/Town/Township of St. Catharines

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 St. Catharines
In the Regional Municipality of Niagara
This 22 day of October
20 25.

A Commissioner, etc.

[Signature]

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

X [Signature]

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.

Hannah Kay Gracey, a Commissioner, etc.,
Province of Ontario, for Upper Canada
Planning & Engineering Ltd.
Expires November 28, 2025.

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

X

Signature of Owner/Agent

X

Date

Oct 22 2025

X

Signature of Owner/Agent

X

Date

PERMISSION TO ENTER

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

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

X

Signature of Owner

X

Date

10.21.25

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 Elevate Fourth Developments Ltd 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

10.21.25

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

SUGGESTION TO THE APPLICANT

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

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

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

October 22, 2025

UCC File No. 2300

City of Port Colborne
60 Charlotte Street
Port Colborne, Ontario L3K 3C8

Attn: Taya Taraba, Planning Technician

**Re: Application for Minor Variances
Stonebridge Village Block 72**

On behalf of our client, Elevate Fourth Developments Ltd., please accept this submission for a Minor Variance for Block 72, to the north of Barrick Road, to the west of West Side Road (Highway 58), within the draft approved Stonebridge Village Subdivision in the City of Port Colborne.

Within Stonebridge Village, Block 72, is a designated medium/high density block, that requires minor variances in setbacks, encroachment setbacks, drive aisle width, and landscape buffers. These variances are required to accommodate a 6-storey purpose-built rental apartment building and rental semi-detached dwellings, while maintaining functionals design and attractive streetscape. The requested variances include;

Apartment Building:

- To reduce the minimum setback of a deck/platform up to and taller than 1.2-metres from the corner side and front lot lines, to permit the encroachment of balconies from 3.0-metres to 1.4-metres and 2.6-metres, respectively (Section 2.19.1).

Semi-Detached Dwellings:

- To reduce the minimum front yard from 4.5-metres to 2.5-metres (By-law No. 7291/113/24, Part 6 (R4-88)); and
- To reduce the minimum setback of a deck/platform up to and taller than 1.2-metres from the front lot line from 3.0-metres to 1.0-metres (Section 2.19.1).

Overall Site:

- To reduce the minimum landscape buffer between the edge of a parking area and a lot line, both abutting a public road and not, from 3.0-metres to 1.0-metre and 1.3-metres, respectively (By-law No. 7291/113/24, Part 6 (R4-88)); and
- To reduce the minimum unobstructed driveway width where two-way traffic is permitted from 7.5-metres to 6.7-metres (Section 3.7 b));
- To reduce the minimum access width to a loading space from 7.5-metres to 6.7-metres (Section 3.10 c)).



In addition to this letter and signed application form, the following plan is provided for review:

- One (1) copy of the Site Plan prepared by Upper Canada Consultants

Payment in the amount of **\$1,900.00** will be made to the City of Port Colborne by way of credit card.

Property Overview

The subject lands are located within the draft approved Stonebridge Village subdivision north of Barrick Road and west of West Side Road. The medium/high density block has an area of 1.087 hectares, with 74.35-metres of frontage along Street 'D', and is bound by Laneway 'D', Street 'A' and Street 'D'.

The proposed development consists of a six-storey apartment building situated along the southeastern portion of the block and semi-detached dwellings along the northeastern portion. The requested variances are primarily technical in nature and are required to refine site design elements identified through detailed architectural and engineering design.

The approved Draft Plan of Subdivision illustrating the subject lands is shown below in **Figure 1**.

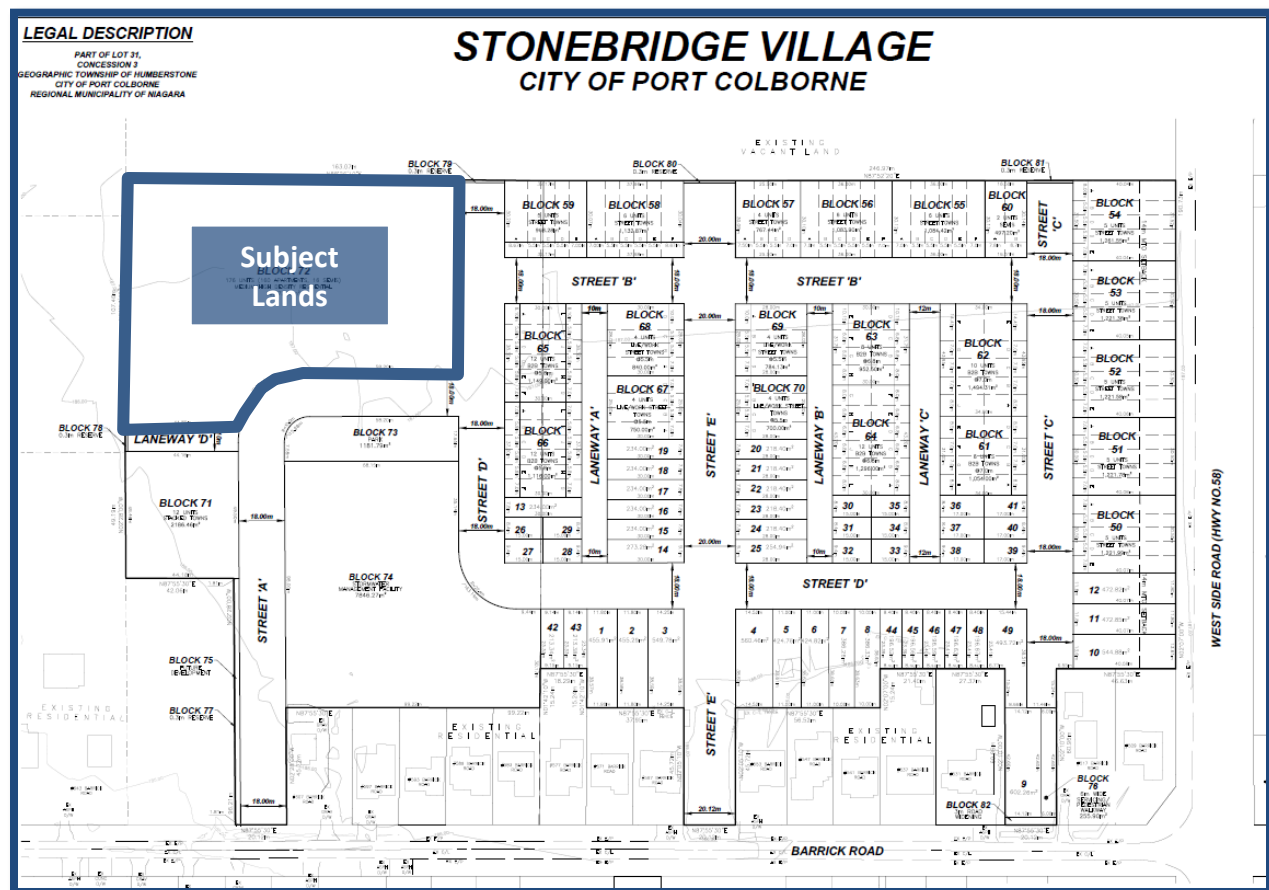


Figure 1 – Stonebridge Village Draft Approved Subdivision



Intent of the Application

The intent of this Minor Variance Application is to enable efficient, functional, and attractive site design consistent with the approved Subdivision, to permit the proposed apartment building and semi-detached dwellings. The variances address minor adjustments related to balcony and porch encroachments, drive aisle width, landscape buffers, and setbacks.

Together, these variances will facilitate high-quality architecture, enhance livability, and ensure the development remains compatible with its surroundings.

These departures and proposed dwellings have been identified in the Site Plan below in **Figure 2**.

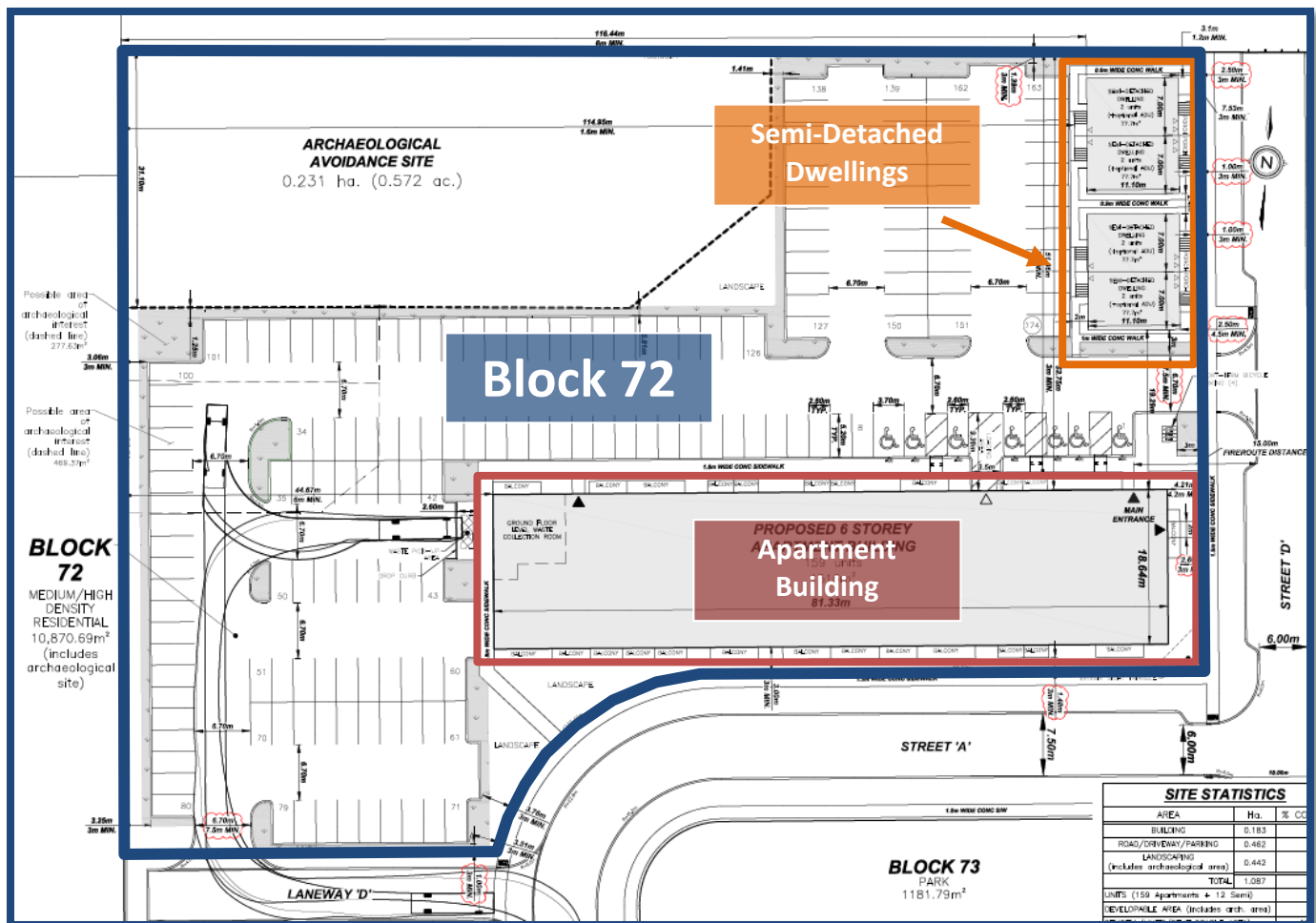


Figure 2 – Site Plan prepared by Upper Canada Consultants

Consistent with the requirements of Section 45 (i) of the *Planning Act*, there are four (4) tests that must be met when considering a Minor Variance. These tests include:

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

The minor variances that are requested are required for By-law no. 7291/113/24 with respect to Part 6 (R4-88), including setback requirements and landscape buffer widths, and General Provisions 3.7 b) and 3.10 c) for drive aisle width.

An overview of how the requested variances meet the four tests of the *Planning Act* is provided in the section below.

1. Do the Variances Meet the General Intent and Purpose of the Official Plan?

The Subject Lands are situated in the Port Colborne Urban Area and are designated for “Medium/High Density Residential” as outlined in Official Plan Amendment 7290/112/24, Amendment No. 17 within the City of Port Colborne Official Plan. This designation supports a variety of housing forms with higher density in an area that will be serviced by full municipal services. The variances maintain the general intent and purpose of the Official Plan by supporting compact, efficient, and well-designed residential development within the Urban Boundary.

Per Section 2.1 and 2.2 (Vision Statement and Growth Management Strategy), the Official Plan directs growth to lands within the Urban Boundary that are, or can be, fully serviced, and encourages compact, pedestrian-oriented development. The proposed apartment building and semi-detached dwellings are oriented towards the street to create a walkable neighbourhood and active frontages. The proposed reductions in setbacks, drive aisle width, and landscape buffers supports these principles by optimizing site design, maximizing land use efficiency, and maintaining high-quality built forms consistent with compact development goals. Allowing the front facade of the semi-detached dwellings, and balconies and porches closer to the street supports these principles by adding architectural interest, reinforcing a strong urban edge, and providing outdoor amenity areas for residents. Reducing the landscape buffers and drive aisle width allow for a more compact development, that efficiently utilizes underutilized land.

Section 2.3 (Strategic Directions) emphasizes creating complete communities, that are well-connected with good urban design and efficiently use infrastructure, overall enhancing quality of life. Allowing reduced setbacks for balconies and porches encourages active frontages and outdoor amenity areas that enhance neighbourhood character and livability, consistent with this objective. Reduced landscape

buffers and drive aisle widths allow for the efficient use of land and infrastructure, and allows for better functionality of the site in order to construct both semi-detached dwellings and the apartment building with adequate parking, creating a complete community with a variety of built forms.

The lands are designated Medium/High Density Residential, which is considered 'Urban Residential Site-Specific' (Section 3.1 Urban Residential Lands). Urban Residential designated lands encourage a range of housing types and densities that provide compatible, walkable and livable communities. The proposed variances for balconies/porches encroachments, landscape buffers, drive aisle width and setbacks, enable functional and attractive built forms that maintain safe access and compatibility with adjacent uses.

The proposed variances also meet the general intent and purpose of the Official Plan through Official Plan Amendment No. 17, as the proposed apartment building and semi-detached dwellings are street-front oriented, have active façades, and high-quality landscaping. The requested variances support this intent by reinforcing a strong connection between the dwellings and public realm by accommodating porches and balconies that define the street edge, and maintaining detailed landscape treatments with a compact site design, encouraging the public realm.

Overall, the variances uphold the intent of both the City's Official Plan and Official Plan Amendment No. 17 by contributing to a compact, mixed-density community with attractive design, pedestrian orientation, and efficient land use. The proposal balances functionality with compact site planning, without compromising safety, and further contributes positively to the planned urban form envisioned for Stonebridge Village and therefore meets the general intent and purpose of the Official Plan.

2. Do the variances meet the general intent and purpose of the Zoning By-law?

The subject lands are zoned Fourth Density Residential (R4-88) Zone in the City of Port Colborne Comprehensive Zoning By-law 6575/30/18.

The general intent and purpose of the Town's Zoning By-law for this site-specific Residential zone (R4-88) is to facilitate higher-density residential development, including semi-detached, stacked townhouse, and apartment buildings.

Apartment Building Variances

Reduce the minimum setback of a deck/platform up to and taller than 1.2-metres from the corner side and front lot lines (From 3.0-metres to 1.45-metres and 2.65-metres, respectively)

It is requested that the minimum setback of a deck/platform up to and taller than 1.2-metres from the corner side and front lot lines be reduced from 3.0-metres to 1.4-metres along Street 'A' and 2.6-metres along Street 'D'.



The intent of this provision is to ensure appropriate separation between building encroachments and the street to maintain safety, privacy, visibility, and a consistent streetscape.

The requested reductions of 1.6-metres and 0.4-metre applies only to encroachment projections, while the main building façade remains compliant with the required setbacks. The reduction allows for architectural articulation and greater usable private amenity space for residents, while maintaining the visual openness and pedestrian safety along the public realm. As the apartment building is bound by public roadways and the internal parking area, there are no concerns of privacy and overlook, rather provides more eyes on the street and the adjacent planned public public. The encroachments will not impact sightlines, grading or access, and will enhance the relationship between the building and the street.

For these reasons, this variance meets the general intent and purpose of the Zoning By-Law.

Semi-Detached Dwelling Variances

Reduce the minimum front yard (From 4.5-metres to 2.5-metres)

It is requested that the minimum front yard for the semi-detached dwellings be reduced from 4.5-metres to 2.5-metres.

The intent of this provision is to provide a compatible and functional residential streetscape. The front yard setback is proposed to be reduced by 2.5-metres, which is generally consistent with the planned development within the Stonebridge Village subdivision, where the front yards vary from 3-metres to 4.5-metres. This ensures that the new semi-detached units will integrate harmoniously with the neighbourhood character.

Reducing the front yard setback supports the efficient use of land by allowing a more compact layout, while maintaining adequate space for landscaping and access. The proposed setback continues to provide sufficient separation between the dwellings and the public roadway, balancing efficient land use with compatibility, maintaining the visual and functional qualities intended for the area. The semi-detached dwellings front Street 'D', and the provided parking is in the rear. This enhances the streetscape, by eliminating driveways along the public roadway, and the dwellings screen the parking area.

For these reasons, the variance meets the general intent and purpose of the Zoning By-Law.

Reduce the minimum setback of a deck/platform up to and taller than 1.2-metres from the front lot line (From 3.0-metres to 1.0-metres)

It is requested that the minimum setback of a deck/platform up to and taller than 1.2-metres from the front lot line of the semi-detached dwellings be reduced from 3.0-metres to 1.0-metres.



The intent of this provision is to ensure that these encroachments maintain the streetscape and adequate separation from the street for safety and privacy, and allow space for landscaping. The proposed reduction of 2.0-metres maintains adequate space for landscaping and sensitivity to the streetscape and character of the Stonebridge Village subdivision. The encroachments will still provide adequate separation from the front lot line, ensuring that the intent of the provision is preserved.

This reduction will support the practical and efficient use of the land, and will accommodate separate accesses for the units within the dwellings, posing no negative impacts on the surrounding dwellings or the overall appearance of the street.

For these reasons, the variance meets the general intent and purpose of the Zoning By-Law.

Overall Site Variances

Reduce the landscape buffer between the edge of a parking area and a lot line, both abutting a public road and not (From 3.0-metres to 1.0-metres and 1.3-metres, respectively)

It is requested that the landscape buffer between the edge of the parking area and lot lines, both abutting a public road and not be reduced from 3.0-metres to 1.0-metre and 1.3-metres, respectively.

The intent of this provision is to screen parking areas, maintain streetscape and neighbourhood character, enhance safety, adequate space for drainage and provide space for landscaping. The proposed reductions apply to the areas between the parking area and Laneway 'D' (1.0-metre) and between the parking area and the adjacent vacant lands to the north (1.3-metres). The 2.0-metre and 1.7-metre reductions allow for a more efficient site design and circulation of the internal parking area, while still providing sufficient separation and buffering between the parking area and adjacent properties or roadways.

Along the interior lot line, the reduced buffer is only required where there are two bump-outs in the parking area, to allow for adequate and safe movement, internal of the site. This localized reduction does not pose any negative impacts on the adjacent lands to the north.

Laneway 'D' is a public right-of-way with a narrow cross-section that solely provides access to the subject lands and the adjacent Block 71 within the Stonebridge Village subdivision. It does not serve as a through street or major public roadway. Given its limited scale and function, the reduced buffer will not detract from the streetscape, nor will it impact the character or visual quality of the area. The required 3.0-metre landscape buffer is also maintained along Street 'A' and Street 'D', ensuring the primary frontages continue to contribute to a strong and attractive streetscape.

Overall, these requests are technical in nature, and continues to uphold the intent of the landscape setback requirement along public roads and the adjacent lands.

For these reasons, the variance meets the general intent and purpose of the Zoning By-Law.

Reduce the minimum unobstructed driveway width where two-way traffic is permitted (From 7.5-metres to 6.7-metres)

It is requested that the minimum unobstructed driveway width be reduced from 7.5-metres to 6.7-metres.

The intent of this provision is to ensure safe and efficient two-way vehicle circulation, including access for emergency and service vehicles, while maintaining functional site design. The proposed reduction of 0.8-metres allows for more efficient use of the site while maintaining safe and functional access for vehicles and pedestrians. Many municipalities within the Region only require 6.0-metre access aisles for two-way movements, and the requested width exceeds this. Waste collection vehicles can adequately manoeuvre through the site, and the main entrance is along the public roadway, and therefore, emergency vehicles do not need to traverse the site.

The proposed width remains adequate for two-way traffic, ensuring that circulation within the site is practical and safe. This minor reduction supports the site design and does not compromise visibility, maneuverability or access.

For these reasons, this variance meets the general intent and purpose of the Zoning By-Law.

Reduce the required access to a loading space by means of a lane not less than 7.5-metres in width (From 7.5-metres to 6.7metres)

It is requested that the access to a loading space by means of a lane be reduced from 7.5-metres to 6.7-metres in width.

The intent of this provision is to ensure safe and efficient movement of service and emergency vehicles, as well as maintain clear and functional internal circulation within multi-residential developments.

The proposed reduction of 0.80-metres is minor in nature and continues provide functional and safe movement through the site. This design accommodates two-way traffic and any maneuvering required for any delivery or moving vehicles. The location of the loading space has also been strategically placed with a perpendicular access aisle so there is ample space for movement. The main access of the apartment building fronts onto the private roadway, and therefore, no emergency vehicles will require access internal of the site.

The reduction in the width of the access aisle allows for more efficient land use and improved site layout, without compromising the functionality or safety of the loading area.

For these reasons, the variances meet the general intent and purpose of the Zoning By-Law.

3. Are the Variances Desirable for the Appropriate Development or Use of the Land, Building or Structure?

The proposed variances are desirable for the appropriate development and use of the property as they facilitate a functional and efficient site layout that supported the intended residential uses while remaining compatible with the surround area and allowing for the accommodation of context appropriate intensification.

The requested reductions relating to setbacks, landscape buffer, and driveway widths, allow the development to better utilize the site without creating adverse impacts on the neighbouring properties or the streetscape of the Stonebridge Village subdivision.

The variances maintain adequate separation distances, access, and landscaping to ensure safety, privacy and visual appeal are preserved. These reductions achieve a more practical, economical design that accommodates modern building forms and site conditions while upholding the intent of the Zoning By-law and Official Plan.

Overall, the proposed variances represent good planning, as they enable the appropriate and efficient development of the property, enhance functionality, and will positively contribute to the streetscape, therefore being desirable for the appropriate development or use of the land.

4. Are the Variances Minor in Nature?

The determination of whether a variance is minor is not solely based on numerical deviation but rather on the degree of impact the change may have on the surrounding properties and the broader community. A variance is considered minor if it does not create unacceptable adverse impacts related to privacy, shadowing, massing, or community character.

As the proposed variances do not introduce unacceptable adverse impacts on neighbouring dwellings that exist and are planned, the streetscape, or the community's overall character, they are considered minor in nature. The reduction in encroachment permissions, setbacks, landscape buffers and driveway width are well-integrated into the overall development and are mitigated through thoughtful site design, architectural articulation, and appropriate positioning. The planned development continues to provide sufficient space for access, landscaping, and buffering to ensure compatibility with the surrounding existing and future neighbourhood. Safety, privacy and the visual character of the area will be maintained, and the variances will solely allow for a more practical design.



As such, the variances meet the test of being minor while allowing for an efficient and appropriate use of land.

Planning Opinion

The submitted application will facilitate the development of the apartment building and semi-detached dwellings within Block 72 of the Stonebridge Village Subdivision.

The proposed variances seek a reduction in the front yard setback, the permitted encroachments for decks or platforms up to and great than 1.2-metres, landscape buffers, and driveway width, which remain in keeping with the overall site and do not result in any adverse impacts on the surrounding area. These variances do not negatively impact the adjacent existing or planned dwellings, streetscape character, drainage or site maintenance. They allow for a more functional and efficient development that enhance livability while maintaining compatibility with the surrounding area.

Based on the above, it is our opinion that the Minor Variance application satisfies the four (4) tests of the Planning Act, is appropriate for the subject lands, and conforms to all applicable planning legislation, policies and guidelines. The proposal represents good planning and should be supported by the City of Port Colborne.

Respectfully submitted,

Chelsea Liotta, B.Sc.
Planner
Upper Canada Consultants

Reviewed by,

William Heikoop, B.U.R.Pl., MCIP, RPP
Planning Manager
Upper Canada Consultants



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

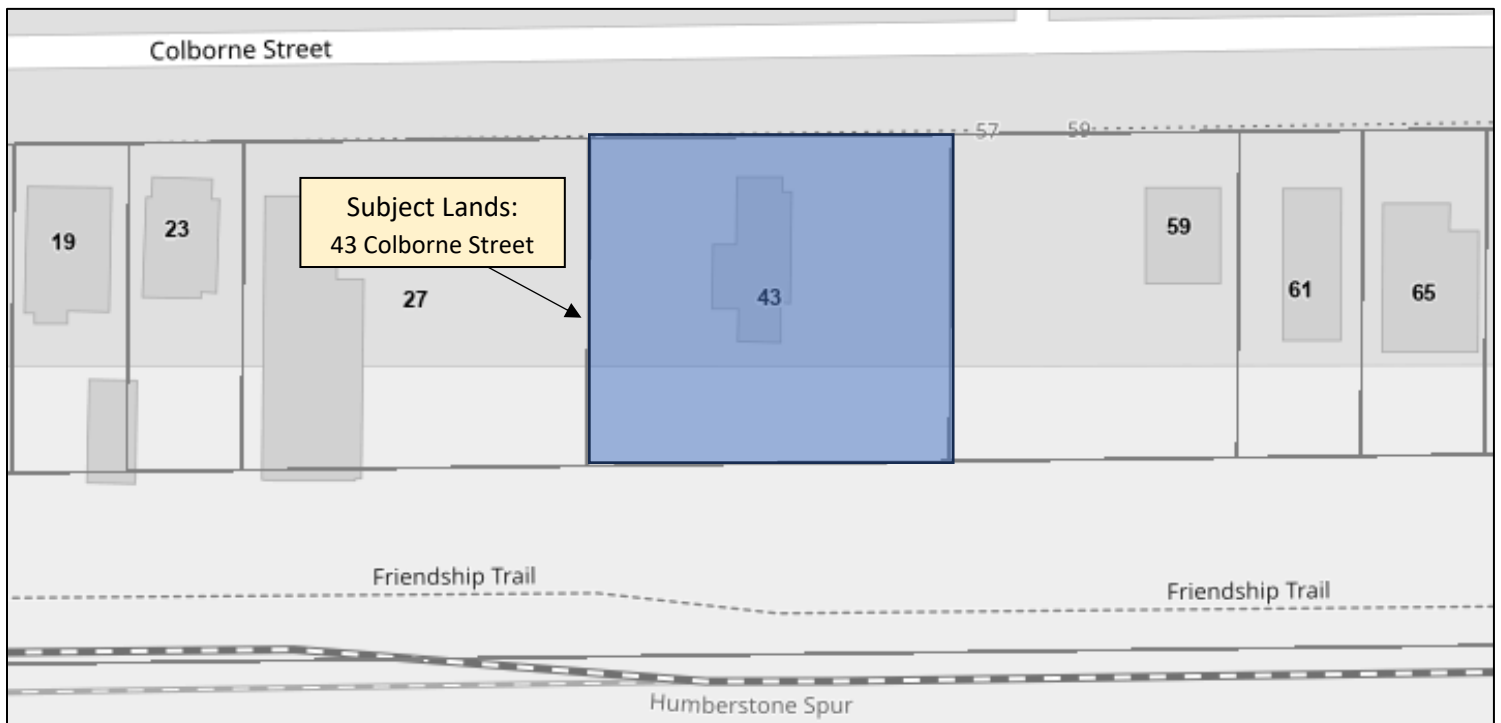
Consent Application
File No. B12-25-PC

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

AND IN THE MATTER OF the lands legally known as Lots 247, 248, and 249, on Plan 789, in the former township of Humberstone, currently in the City of Port Colborne, located in the Second Density (R2) zone, municipally known as 43 Colborne Street;

AND IN THE MATTER OF AN APPLICATION by the owner Jacob O’Bireck, for consent to sever for the purpose of creating a new residential lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 1 is to be retained for an existing commercial use, and Part 2 is to be created for a future residential use. A sketch of the subject lands is shown on the reverse side of this notice. A higher resolution PDF version of this sketch can be found on the City’s website.

LOCATION MAP



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

Date: December 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, December 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, December 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.

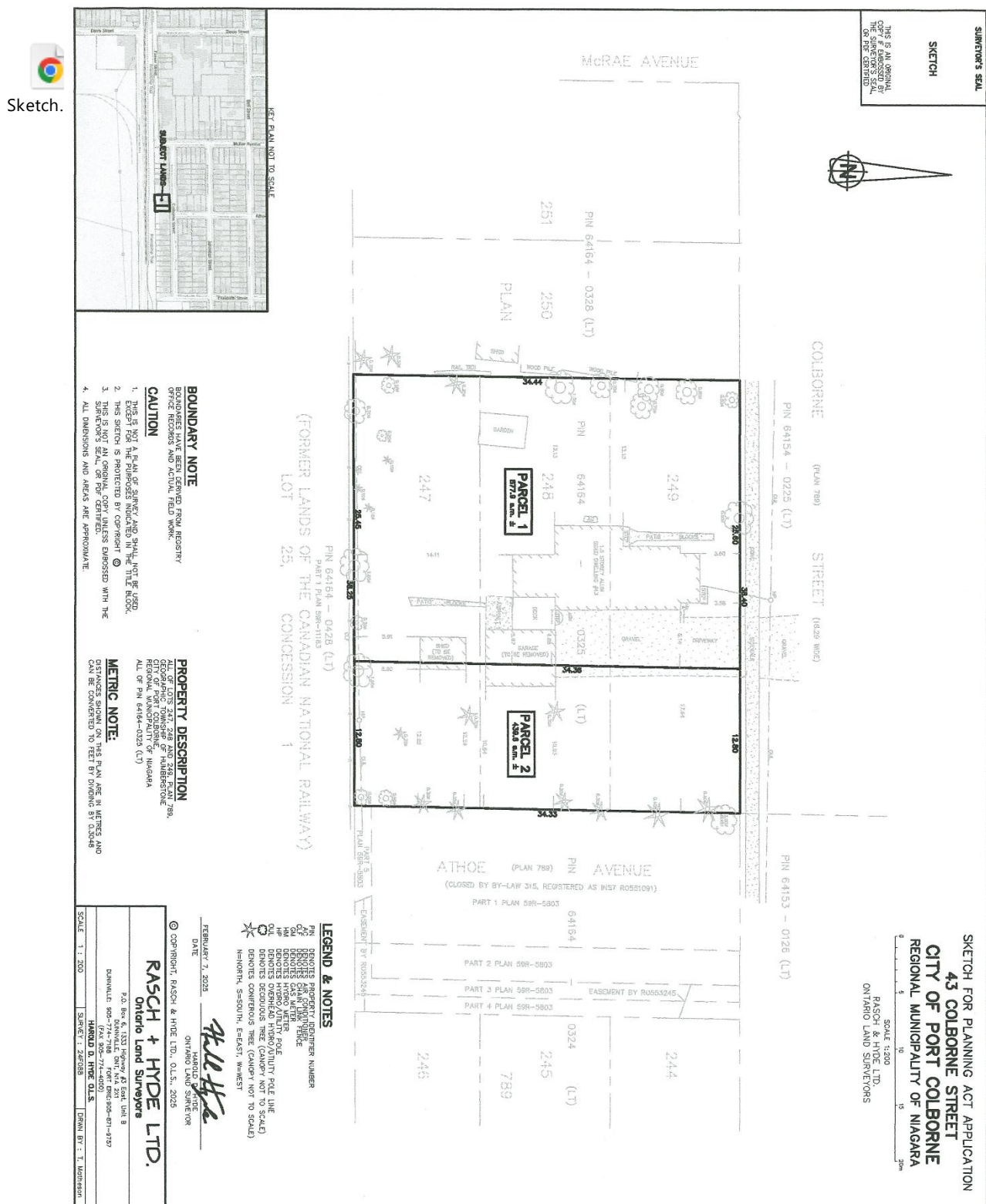
If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer.

order of the Committee of Adjustment,

Taya Taraba
Secretary-Treasurer

Date of Mailing: November 25, 2025

SKETCH



Development and Government Relations Department

Planning Division Report

December 5, 2025

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

Re: Application for Consent: B12-25-PC
All of Lots 247, 248, 249, Plan 789, Geographic Township of Humberstone,
City of Port Colborne (43 Colborne Street)
Agent: N/A
Owner: Jacob O'Bireck

Proposal

The purpose of this application is to permit the severance of the parcel at 43 Colborne Street, for the purpose of creating a new lot, as illustrated in the provided figures and described below:

- **Part 1** is proposed to **be retained**, with a lot frontage of 25.6 metres and a lot area of 877.9 square metres.
- **Parcel 2** is proposed to **be severed**, with a lot frontage of 12.8 metres and a lot area of 439.8 square metres.
- The sketch submitted shows that existing single detached dwelling on the retained parcel will remain and identifies that the existing shed and garage are to be removed.



Figure 1 (above): Subject Lands

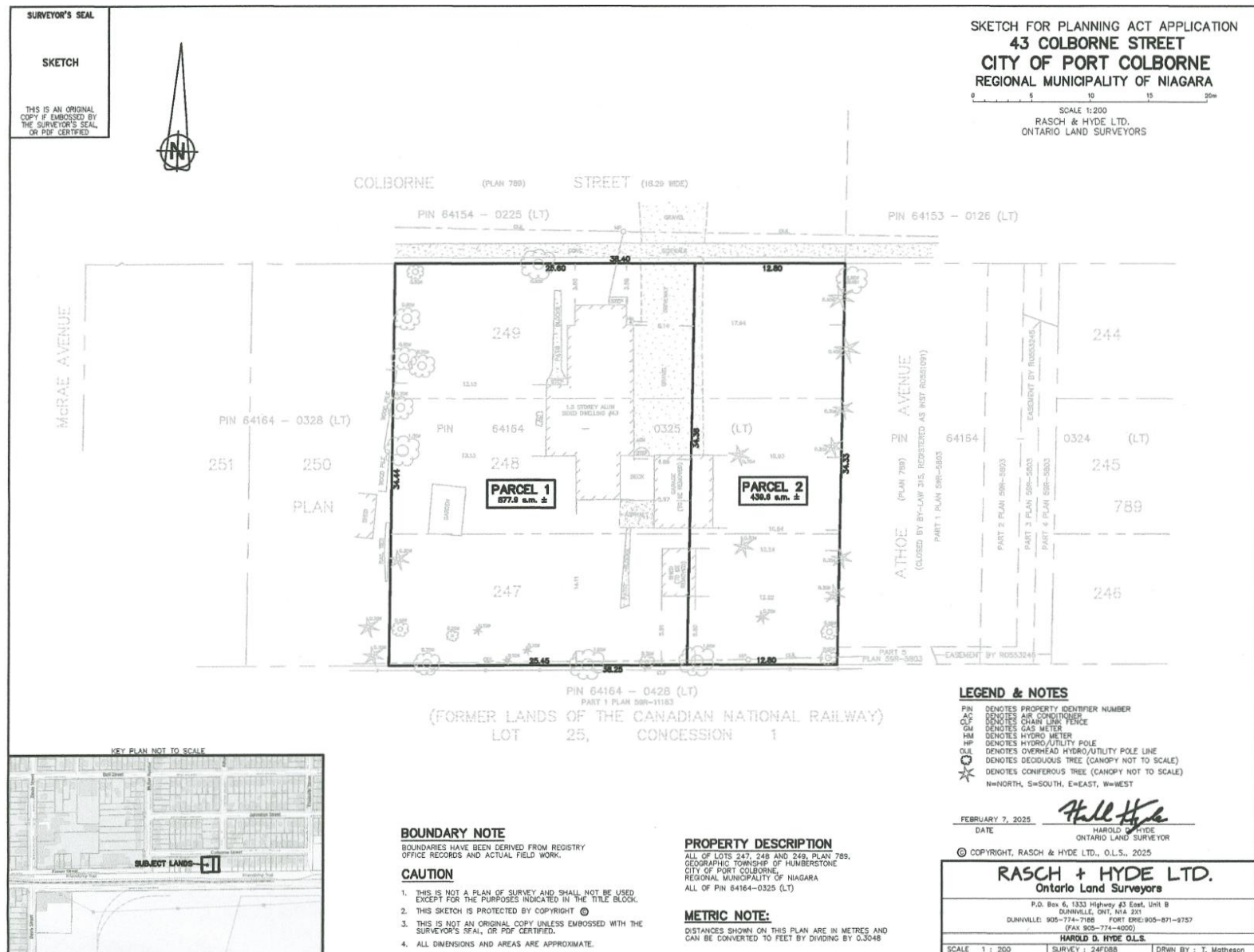


Figure 2 (above): Proposed severance sketch

Surrounding Land Uses and Zoning

The parcels surrounding the subject lands are zoned Second Density Residential (R2) and include low rise residential dwellings. Figure 3 shows the zoning of the subject and surrounding lands.

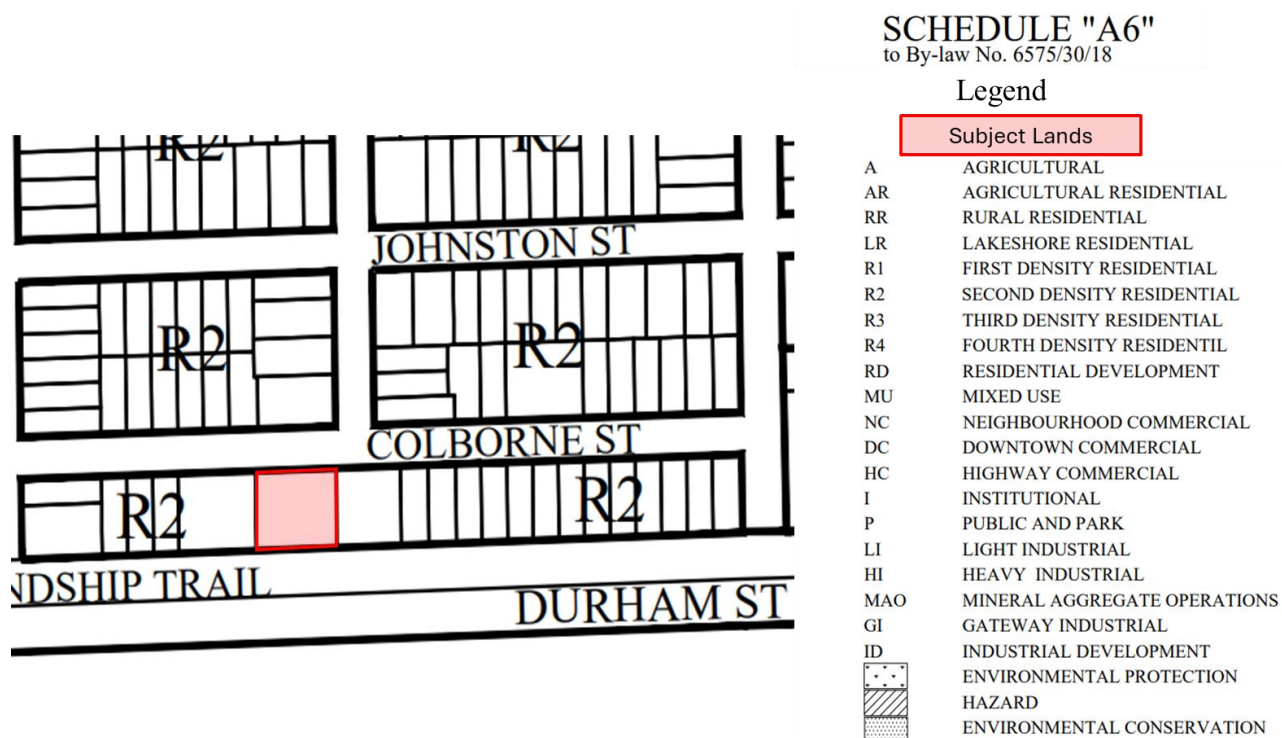


Figure 3 (above): Zoning of the subject and surrounding lands

Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

Public Comments

Notice was circulated on November 25, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of the date of writing this report, no comments from the public have been received.

Agency Comments

Notice of the application was circulated on November 13, 2025, to internal City departments and external agencies. As of October 3, 2025, the following comments have been received.

| Commenter | Comments | Planning Staff Response |
|-----------|----------|-------------------------|
| | | |

| | | |
|---|--|--|
| Drainage Superintendent | No comments | Noted |
| Fire Department | No objections | Noted |
| Engineering Technologist | <p>Please note for servicing regarding a severance, there will be both 1 water service and 1 Sanitary Service per lot. Please provide a servicing plan for both lots showing both proposed services and existing services to the subject properties staff review and approval.</p> <p>All existing municipal services (water, sanitary, and storm) servicing on the retained and severed parcels must be independently connected and located entirely within the boundaries of the respective lots. Any shared or cross-lot services shall be disconnected and removed. New service connections shall be installed to the satisfaction of the Municipality, at the owner's expense, in accordance with current municipal standards and approvals prior to final consent.</p> | A condition of consent has been included that requires that the applicant provide City Development Engineering staff with a site servicing plan showing proposed and existing site servicing the for staff to review and approve |
| Niagara Peninsula Conservation Authority | Based on the NPCA Mapping the subject property does not contain and is not impacted by NPCA Regulated Features. Therefore, the NPCA has no objections | Noted |
| Region of Niagara | No comments | Noted |

Discussion

Consent application B12-25-PC was 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.

The proposed severance is consistent with the PPS. The proposal to create a new lot within the City's urban area supports the provincial requirement to direct growth and development to settlement areas. The retained and severed lands are in the urban area and can be 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;

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.

The proposed consent application conforms 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 Second Density Residential (R2) in accordance with Zoning By-law 6575/30/18. The applicant is requesting the consent application so that the newly created lot can be developed for a residential use. Low density residential uses, including detached, duplex, and semi-detached dwellings are permitted in the R2 zone.

The proposed severance will leave the following dimensions:

- Part 1: a lot frontage of 25.6 metres and a lot area of 877.9 square metres
- Part 2: a lot frontage of 12.8 metres and a lot area of 439.8 square metres.

Both the severed and retained parcels exceed the minimum frontage and lot area requirements for detached dwellings set out in the R2 zone.

While both the severed and retained parcels meet the minimum lot frontage and lot area requirements for detached dwellings in the R2 zone, future development proposals may require minor variances depending on the specific design and built form. This is particularly relevant if a permitted dwelling type other than a single detached dwelling is proposed, as these forms may have different setback, lot coverage, or parking requirements under the Zoning By-law. This note is provided for the awareness of the Committee and the applicant only. It does not affect the planning analysis or the recommendation to approve the consent application, as the proposed severance complies with the applicable policy and regulatory provisions for lot creation.

Recommendation:

That consent application B12-25-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 the applicant signs the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
3. That, prior to depositing the reference plan, the following amendments are made to the satisfaction of City staff:
 - a. That the applicant shall remove all existing structures noted to be removed on the severance sketch to the satisfaction of the Chief Planner
 - b. That any portions of driveway from Part 1, be removed from Part 2.

- c. That the applicant provide City Development Engineering staff with a site servicing plan showing proposed and existing site servicing the for staff to review and approve.
4. That a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
5. That all conditions of consent be completed by December 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, complies with the provisions of Zoning By-law 6575/30/18, as amended.

Respectfully submitted,

Kelly Martel

Planning Manager

SURVEYOR'S SEAL

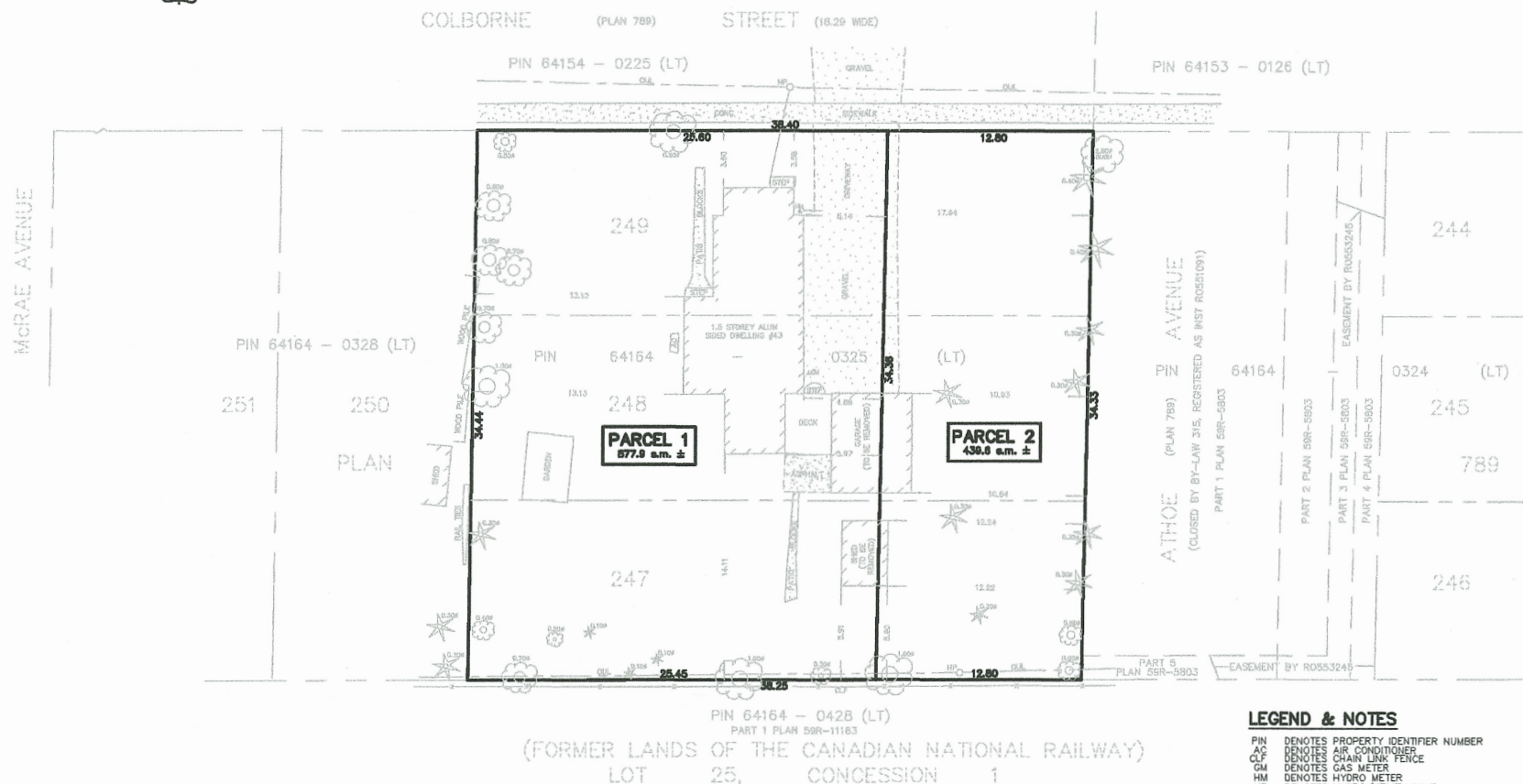
SKETCH

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

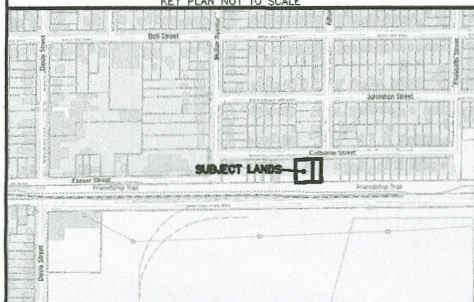


SKETCH FOR PLANNING ACT APPLICATION
43 COLBORNE STREET
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:200
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS



KEY PLAN NOT TO SCALE



BOUNDARY NOTE

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

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

ALL OF LOTS 247, 248 AND 249, PLAN 789,
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
ALL OF PIN 64164-0325 (LT)

METRIC NOTE:

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

LEGEND & NOTES

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - AC DENOTES AIR CONDITIONER
 - CLF DENOTES CHAIN LINK FENCE
 - GM DENOTES GAS METER
 - HM DENOTES HYDRO METER
 - HP DENOTES HYDRO/UTILITY POLE
 - OL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
 - OT DENOTES DECIDUOUS TREE (CANOPY NOT TO SCALE)
 - ★ DENOTES CONIFEROUS TREE (CANOPY NOT TO SCALE)
- N=NORTH, S=SOUTH, E=EAST, W=WEST

FEBRUARY 7, 2025
DATE

Hall Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

© COPYRIGHT, RASCH & HYDE LTD., O.L.S., 2025

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: 905-871-8757
(FAX 905-774-4000)

HAROLD D. HYDE O.L.S.

SCALE 1 : 200 SURVEY : 24F088 DRWN BY : T. Matheson



PORT COLBORNE
DEVELOPMENT AND ENGINEERING SERVICES

CONSENT APPLICATION THE CITY OF PORT COLBORNE

The Planning Act – Section 53

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

SUBMISSION OF APPLICATION

Completed applications can be sent to:

| | |
|--|---|
| 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
- 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: JAKE OBIRECK | Date: Oct 13 2025 | Initials: JO |



SECTION 1 : CONTACT INFORMATION

| | |
|---|--------------------------------------|
| 1.1 Registered Owner (s): | |
| Name: <u>Jacob O'Bireck</u> | |
| Mailing Address: <u>43 Colborne St</u> | |
| City: <u>Port Colborne</u> | Province: <u>ON</u> |
| Postal Code: <u>L3K 1E9</u> | Telephone: <u>905 401 0410</u> |
| Fax: | Email: <u>Jacobobireck@gmail.com</u> |
| 1.2 Owner's SOLICITOR (if applicable) | |
| Name: | |
| Mailing Address: | |
| City: | Province: |
| Postal Code: | Telephone: |
| Fax: | Email: |
| 1.3 Owner's Authorized AGENT (if applicable) | |
| Name: | |
| Mailing Address: | |
| City: | Province: |
| Postal Code: | Telephone: |
| Fax: | Email: |
| 1.4 Owner's ONTARIO LAND SURVEYOR (if applicable) | |
| Name: <u>Rasch + Hyde LTD.</u> | |
| Mailing Address: <u>1333 Hwy 3 Dan</u> | |
| City: <u>Dunnville</u> | Province: <u>ON</u> |
| Postal Code: <u>N1A 2X1</u> | Telephone: <u>905 774 7188</u> |
| Fax: | Email: |
| 1.5 All communications should be sent to the: | |
| <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent | |

SECTION 2: LOCATION OF SUBJECT LAND

| | |
|---|------------------------------|
| Former Municipality: <u>TOWNSHIP OF HUMBERSTONE</u> | |
| Concession No. | Lot(s): <u>247, 248, 249</u> |
| Registered Plan No. <u>789</u> | Lot(s): |
| Reference Plan No. | Part(s): |
| Name of Street: <u>Colborne St</u> | Street No. <u>43</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: <u>Creation of Residential lot</u> | | |
| 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: | | |
| <u>N/A</u> | | |

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 2

| | | |
|--|-----------------------|------------------------|
| DESCRIPTION OF SUBJECT PARCEL (in metric units) | | |
| Frontage: <u>12.8 m</u> | Depth: <u>34.33 m</u> | Area: <u>439.8 sqm</u> |
| Existing Use: <u>Residential Dwelling</u> | | |
| Proposed Use: <u>N/A</u> | | |

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 1

| | | |
|---|-----------------------|------------------------|
| DESCRIPTION OF PARCEL TO BE RETAINED (in metric units) | | |
| Frontage: <u>25.6 m</u> | Depth: <u>34.44 m</u> | Area: <u>877.9 sqm</u> |
| Existing Use: <u>Residential</u> | | |
| Proposed Use: <u>Residential</u> | | |

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: | <u>Urban Residential</u> |
| Regional Policy Plan: | <u>Urban Area</u> |
| 6.2 What is the Zoning of the land (By-law 6575/30/18)? | |
| <u>R2</u> | |
| 6.3 Date and Subject Land was acquired by the Current Owner: | |
| <u>2021</u> | |
| 6.4 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land? | |
| <input type="checkbox"/> Yes | If "Yes" describe the easement or covenant and its effect: |
| <input checked="" type="checkbox"/> No | |

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

SECTION 7

| | | |
|---|-----------------------------|---|
| 7.1 Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT? | | |
| <input 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 checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial | <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland | <input type="checkbox"/> Vacant <input type="checkbox"/> Other (specify): _____ |
| 8.2 What is the length of time the existing use(s) of the land have continued? | | |
| 100 + years | | |
| 8.3 Are there any buildings or structures on the subject land? | | |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| If Yes, briefly describe and indicate their use. | | |
| Residential | | |

| | | |
|--|--|---|
| 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Unknown |
| <p>If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.</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 Oct 13 2025
Date

X [Signature]
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 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 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 Oct 13 2025
Date

X *Jacob O'Brien*
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 Jacob O'Brien
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 13th day of October
20 25.

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

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 *Jacob O'Brien*

Jacob O'Brien
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 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 Jacob O'Bireck 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

Date

Oct 13 2025

X

Signature of Owner/Agent

X

Date

PERMISSION TO ENTER

I/We Jacob O'Bireck 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

Date

Oct 13 2025

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 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 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, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement (PPS)* available for download

(On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT

2026 HEARING SCHEDULE

COMMITTEE OF ADJUSTMENT 2026 HEARING DATES

| Committee of Adjustment Hearing Date | Planning Act Application Due Date |
|--------------------------------------|-----------------------------------|
| January 14, 2026 | Wednesday, December 10, 2025 |
| February 11, 2026 | Wednesday, January 7, 2026 |
| March 11, 2026 | Wednesday, February 4, 2026 |
| April 8, 2026 | Wednesday, March 4, 2026 |
| May 13, 2026 | Wednesday, April 8, 2026 |
| June 10, 2026 | Wednesday, May 6, 2026 |
| July 8, 2026 | Wednesday, June 3, 2026 |
| August 12, 2026 | Wednesday, July 8, 2026 |
| September 9, 2026 | Wednesday, August 5, 2026 |
| October 21, 2026 | Wednesday, September 16, 2026 |
| No November Meeting | Not Applicable |
| December 2, 2026 | Wednesday, October 28, 2026 |

This schedule is intended as a guideline only. Applicants will receive confirmation of their hearing date once a complete application has been received.

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

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

Members Absent: Angie Desmarais, Vice-Chair

1. Call Meeting to Order

The Chair called the meeting to order at approximately 6:00 p.m.

2. Reading of Meeting Protocol

The Chair read the Meeting Protocol.

4. Disclosures of Interest

Member Beauregard declared conflict of interest regarding applications A20-25-PC and A21-25-PC due to a direct pecuniary interest as his employer provided services on the application.

5. Requests for Deferrals or Withdrawals of Applications

Nil.

6. Order of Business

- a. Application:** A20-25-PC
Action: Minor Variance
Applicant: Daniel Covello
Location: Vacant Lot Fares Street

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

The Chair asked the applicant if he had anything to add to this application, to which, the applicant stated that he did not have anything to add at this time.

The Chair asked if there were any members of the Committee who wished to add anything at this time; no members provided further input. The Chair had mentioned that he would like to see a privacy fence installed due to traffic headlight concerns. The applicant mentioned that they have plans to install a fence.

There were no members of the public who wished to add to the application.

That application **A20-25-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.**

Given the information above, Planning staff also recommend that application A20-25-PC be **granted**, subject to the following condition:

1. That the approval as granted is to enable the development of the present proposal of a residential fourplex (4 units total) on the property.
2. That a fence be constructed on the northern boundary property line.

Motion: Dave Elliott

Seconded: Gary Bruno

Carried: 3-0

b. Application: A21-25-PC
Action: Minor Variance
Applicant: Daniel Covello
Location: Vacant Lot Fares Street

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

The Chair asked the applicant if he had anything to add to this application, to which, the applicant stated that the application is the same as the prior application and that no changes are to be made.

The Chair asked if there were any members of the Committee who wished to add anything at this time; no members provided further input. There were no members of the public who wished to add to the application.

That application **A21-25-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.**

Given the information above, Planning staff also recommend that application A21-25-PC be **granted**, subject to the following condition:

1. That the approval as granted is to enable the development of the present proposal of a residential fourplex (4 units total) on the property.
2. That a fence be constructed on the northern boundary property line.

Motion: Gary Bruno

Seconded: Dave Elliott

Carried: 3-0

c. **Application:** B11-25-PC

Action: Consent

Applicant: TODCO Investments Inc.

Agent: Craig Rohe

Location: 639 Main Street West and a Vacant Lot on Main Street West

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

The Chair asked the applicant if they wished to add any further information regarding this application. The applicant provided an overview of their application and why the boundary adjustment was required.

The Chair asked if there were any members of the Committee who wished to add anything at this time; no members provided further input. There were no members of the public who wished to add to the application.

That consent application B11-25-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 final approval of a Zoning by-law amendment for Part 1 to permit the continued use of the lands for “Highway Commercial” purposes be obtained to the satisfaction of the Chief Planner.
3. That a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
4. That the applicant’s solicitor shall provide written confirmation to the Secretary-Treasurer of the Committee of Adjustment that, under the *Planning Act*, Part 1 merge with Part 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 Part 1 with Part 2. The Secretary-Treasurer shall accept to their satisfaction of this condition an undertaking from an Ontario Solicitor to register the application to consolidate parcels within 60 days of the transfer of the lot addition.
5. That all conditions of consent be completed by November 19, 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.

Motion: Eric Beauregard

Seconded: Dave Elliott

Carried: 4-0

d. Application: B10-25-PC; A18-25-PC; A19-25-PC
Action: Consent and Minor Variance
Applicant: Frank Grsic
Location: 252 Division Street

The Chair had addressed that this application was adjourned from the previous meeting and was being reintroduced to the Committee of Adjustment with some updated changes, as per last month’s discussion.

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

The Chair asked the applicant if they wished to add any further information regarding the application. The applicant clarified that the amendments to the application were made in regard to the discussion had at the last Committee of Adjustment hearing. The

Chair then asked the Committee if there were any questions or concerns regarding the new changes.

Member Elliott had inquired about the condition encompassing the Temporary Use By-law on application B10-25-PC; the Chief Planner clarified that the condition resolves the applicant's desire to keep the garage without demolishing the building.

A discussion encompassed the nature of the garage; Member Bruno had concerns regarding whether the standalone garage could be converted to an additional dwelling unit. The Chief Planner clarified that the building, in theory, could become a unit, but would require work to do so. Member Beauregard followed up, stating that if a primary dwelling was not built on the property, the garage could be converted into a dwelling. The Chief Planner responded, stating that the applicant could apply to convert the garage.

The Chair had outlined the changes from the original application on the October 8th, 2025, Committee of Adjustment hearing to the present application on the agenda. The Chair expressed concerns that the 4m setback was not of sufficient nature and was too close to the front of the property line.

The applicant clarified the nature of the revised variance requests and stated that there were no intentions of turning the garage into an additional dwelling unit.

The Chair asked if there were any members of the public who wished to add anything at this time. Kerri Danys, from 243 Division Street, provided concerns regarding the front yard setback, housing sightlines, fire safety concerns, and the nature of the dwelling. The Chief Planner addressed the public's concerns regarding Port Colborne Fire's comment on the civic addressing.

Erinne Andrews, from 250 Division Street, provided comments regarding the removal of the garage and compared the original requests to the present ones being heard at the current meeting. She also mentioned concerns regarding the front yard setback; adjusting the setback one metre back is still too close to the front property line.

Brian Abbott, from 30 Ridgewood Avenue, provided concerns regarding parking.

The Chair inquired if there were any other members of the public that wished to speak to the application. Member Elliott inquired to the Chief Planner about the relation of the Development Agreement to keeping the garage; if the property was sold, would the nature of the condition cease. The Chief Planner responded that the Development

Agreement would be registered on title and would apply to the next owner as well. Member Elliott stated that this was a problem for him.

Member Bruno posed to the Chief Planner that, if the garage was demolished, then the proposed dwelling on the new lot could meet the required setbacks. The Chief Planner responded, stating that the only variance that would be required is the one on the side of the present dwelling; the reduction in the interior side-yard. Member Bruno expressed that the new dwelling is not boxed in to the present property and that the garage does not need to be kept. The removal of the garage would eliminate the need for the setbacks.

That application **A18-25-PC** be **granted** for the following reasons:

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

That consent application B10-25-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 the applicant signs the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
3. That, prior to depositing the reference plan, the following amendments are made to the satisfaction of City staff:
 - a. That the existing dwelling (Part 1) currently addressed as 252 Division Street be assigned a new address to allow the severed parcel (Part 2) to retain the address of 252 Division Street.

- b. That the existing hot tub, concrete, deck and ramp which will be located on Part 2 be removed from Part 2.
 - c. That any structures that encroach into the interior side yard of Part 1 be removed.
 - d. That the applicant either enters into a Development Agreement or Temporary Use By-law to legalize the location of the garage on Part 2. OR, the applicant removes the garage from Part 2.
 - e. That any portion of the existing asphalt driveway which will be located on Part 1, be removed from Part 1.
 - f. That a new driveway be constructed (with appropriate permit) for the existing dwelling located at Part 1.
 - g. That a new municipal water service be constructed (with appropriate permit) for Part 1.
 - h. That a new municipal wastewater service be constructed (with appropriate permit for Part 2.
- 4. That the applicant shall obtain final approval of a Minor Variance(s) to the satisfaction of the Chief Planner.
 - 5. 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.
 - 6. That the applicant provides elevation drawings to demonstrate that the existing garage conforms with the limited distance separation requirements under the Ontario Building Code, to the satisfaction of City Staff.
 - 7. That all conditions of consent be completed by November 19, 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.

Motion: Eric Beauregard
Carried: 4-0

Seconded: Gary Bruno

That application **A19-25-PC** be **granted** for the following reasons:

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

Motion: Eric Beauregard
Carried: 3-1

Seconded: Gary Bruno

Member Elliott inquired to the Chief Planner if, in the event this motion was passed, would the home be able to be built at the 4m setback if the garage was not present. The Chief Planner confirmed that this would be the case.

Member Beauregard stated that the sightlines were not a pressing issue, due to the nature of the structures and their positioning on Division Street being closer to the road.

Member Bruno followed up on Member Elliott's comments, inquiring about the front yard setback in correlation to the proposed building envelope. The Chief Planner responded that, depending on the construction type for the house, the garage could be attached to the new home, but there would be sufficient distance for the home to adhere to the front yard setback. Member Bruno stated that this may not be desirable for the site, if the setback can be met.

The Chair brought up the point of the garage, mentioning that the consideration to keep the garage is not a major point, due to the lack of need for the garage; there is no significant historical value or reason to keep the garage.

The Chair inquired about amending the motion on the floor, stating that he was not in favour of Item Two. He also noted that if in the event the garage was torn down, the 0.77m setback would still be allowed if ruled. The Chief Planner mentioned that the setback can be tied to the garage, and if the garage was removed, then the variance would disappear as well.

The Chair put the motion on the floor to strike Item Two and to amend Item Three to be for the existing structure.

Motion: Dan O'Hara
Carried: 3-1

Seconded: Dave Elliott

Returning to the main motion, the motion was carried 3-1, with opposition from Member Beauregard.

7. Other Business

Nil.

8. Approval of Minutes

That the minutes from the October 8th, 2025 meeting be approved.

Motion: Gary Bruno

Seconded: Eric Beauregard

Carried: 4-0

9. Closed Session

The Committee of Adjustment went into Closed Session for a Verbal Report regarding Potential Litigation pursuant to the Municipal Act, 2001, section 239(2)(e) where a closed session meeting is held if the subject matter being considered is litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

10. Adjournment

There being no further business, the meeting was adjourned at approximately 8:32 pm.

Dan O'Hara, Chair

Taya Taraba, Secretary-Treasurer