



## City of Port Colborne

### Committee of Adjustment Meeting Agenda

**Date:** Wednesday, January 14, 2026  
**Time:** 6:00 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

**Pages**

1. Call to Order
2. Adoption of Agenda
3. Reading of Meeting Protocol
4. Disclosures of Interest
5. Request for Any Deferrals or Withdrawals of Applications
6. New Business
  - 6.1 B06-26-PC - 527 Empire Road 1

**Action:** Consent to Sever (Boundary Adjustment)  
**Agent:** Lindsay Earl  
**Applicant:** The Estate of June Shisler  
**Location:** 527 Empire Road
  - 6.2 B07-26-PC - 541 Empire Road 24

**Action:** Consent to Sever (Boundary Adjustment)  
**Agent:** Lindsay Earl  
**Applicant:** The Estate of June Shisler  
**Location:** 541 Empire Road

6.3	B01-26-PC - 3947 Snider Road	47
	<b>Action:</b> Consent to Sever	
	<b>Agent:</b> Jim Frank	
	<b>Applicant:</b> Gregory Gamm	
	<b>Location:</b> 3947 Snider Road	
6.4	B02-26-PC - 737 Forkes Road	72
	<b>Action:</b> Consent to Sever	
	<b>Agent:</b> Jim Frank	
	<b>Applicant:</b> Troy and Peggy Robins	
	<b>Location:</b> 737 Forkes Road	
6.5	B04-26-PC - Vacant Lot Killaly Street East	97
	<b>Action:</b> Consent to Sever	
	<b>Agent:</b> Joe Tomaino	
	<b>Applicant:</b> Heidi Murphy (B04-26-PC) and Wes Visser (B05-26-PC)	
	<b>Location:</b> VL Killaly Street E	
6.6	B03-26-PC - 205 Kent Street	163
	<b>Action:</b> Consent to Sever (Easement)	
	<b>Applicant:</b> Wendy Bas	
	<b>Location:</b> 205 Kent Street	
7.	<b>Other Business</b>	
8.	<b>Approval of Minutes</b>	
8.1	December 10, 2025, Committee of Adjustment Minutes	184
9.	<b>Adjournment</b>	



## PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

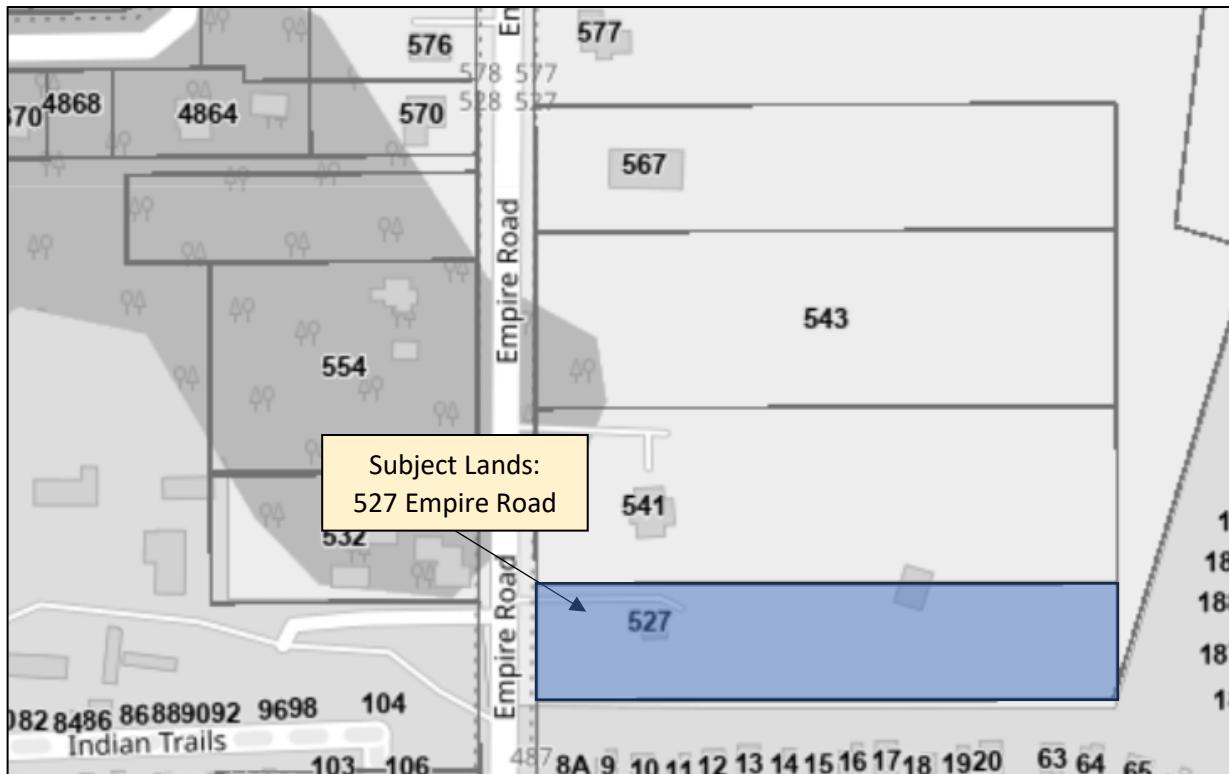
# COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Consent Application File No. B06-26-PC

**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 Concession 1, Part Lot 4, formerly in the township of Humberstone, currently in the City of Port Colborne, located in the Rural Residential (RR) and special provision of the Rural Residential zone (RR-14), municipally known as 527 Empire Road;

**AND IN THE MATTER OF AN APPLICATION** by the agent, Lindsay Earl, on behalf of the owners, the Estate of June Shisler, for consent to adjust a boundary for the purpose of correcting a historical lot line encroachment. The subject parcels are shown as Parts 5, 6, and 7 on the proposed sketch. Part 6 is to be severed and merged with Part 7. Both Parts are presently used for residential purposes. Part 5 will be retained for an existing commercial use and is to merge with Part 4 and Part 1 (subject to a separate application, B07-26-PC), which is also where the existing commercial use operates. 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:** January 14, 2025  
**Time:** 6:00 p.m.  
**Location:** 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 9, 2025**. If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

## **Electronic Hearing Procedures**

### ***How to Get Involved in the Hearing***

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, January 13, 2025**, by emailing [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

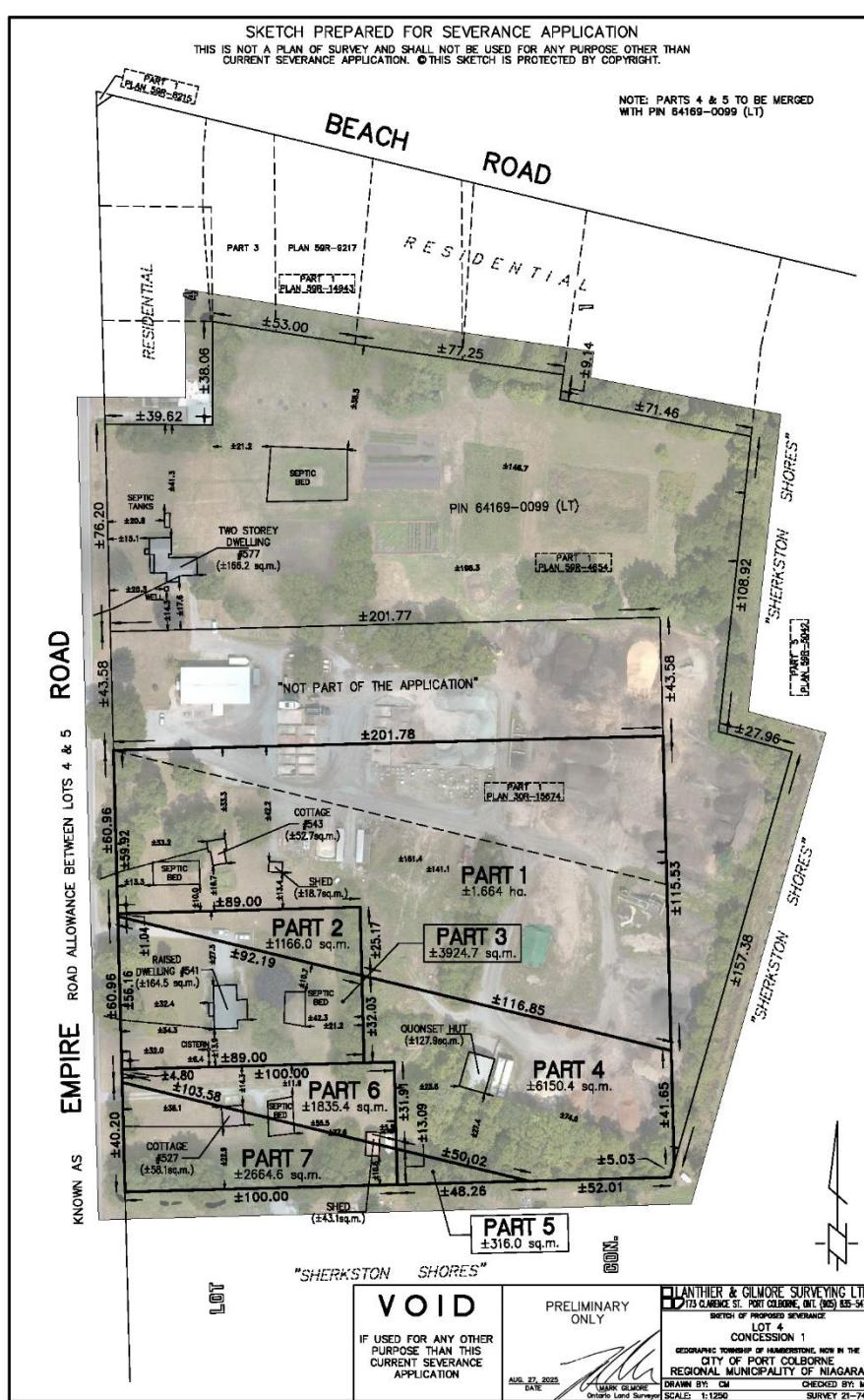
If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer.

By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

**Date of Mailing:** December 16<sup>th</sup>, 2025

## SKETCH





**Development and Government Relations Department**

Planning Division Report

January 14, 2026

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

**Re: Application for Consent: B06-26-PC  
Concession 1 Part Lot 4 (527 Empire Road)  
Agent: Lindsay Earl MCIP, RPP  
Owner: June Marie Shisler & Terry Shisler**

**Proposal**

The purpose of this application is to permit a boundary adjustment at 527 Empire Road for the purpose of resolving encroachment issues from the neighbouring parcel to the rear (east). The result will be a redefined lot, as illustrated in the provided figures and described below:

- **Part 6** is proposed to be severed,
- **Parts 6** will merge with **Part 7**
- **Part** will be retained for an existing commercial use and will merge with **Part 4** and **Part 1**, which are subject to a concurrent application (B07-26-PC)

Through this application, the existing undersized triangular lot of record 2980.6 m<sup>2</sup> (0.73 acres) will be enlarged and reconfigured into a regularly shaped rectangular lot. The proposed adjustment will increase the lot area to approximately 4,500 m<sup>2</sup> (1.11 acres), enabling it to meet the minimum lot size requirement of the applicable zoning.



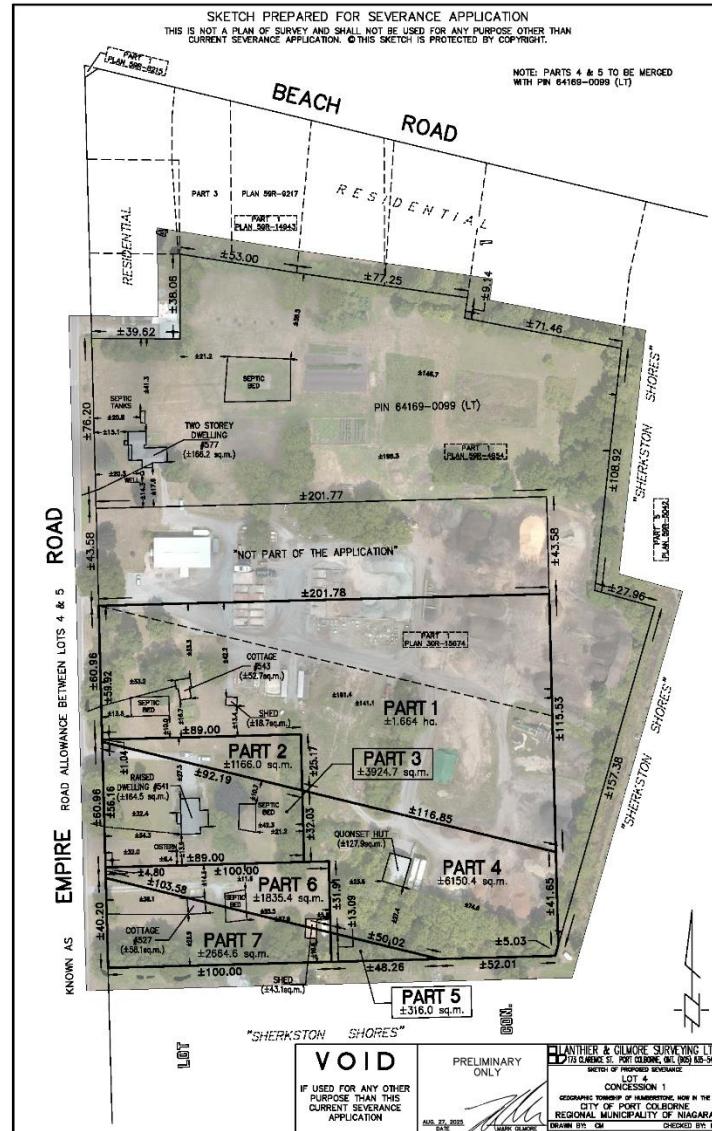
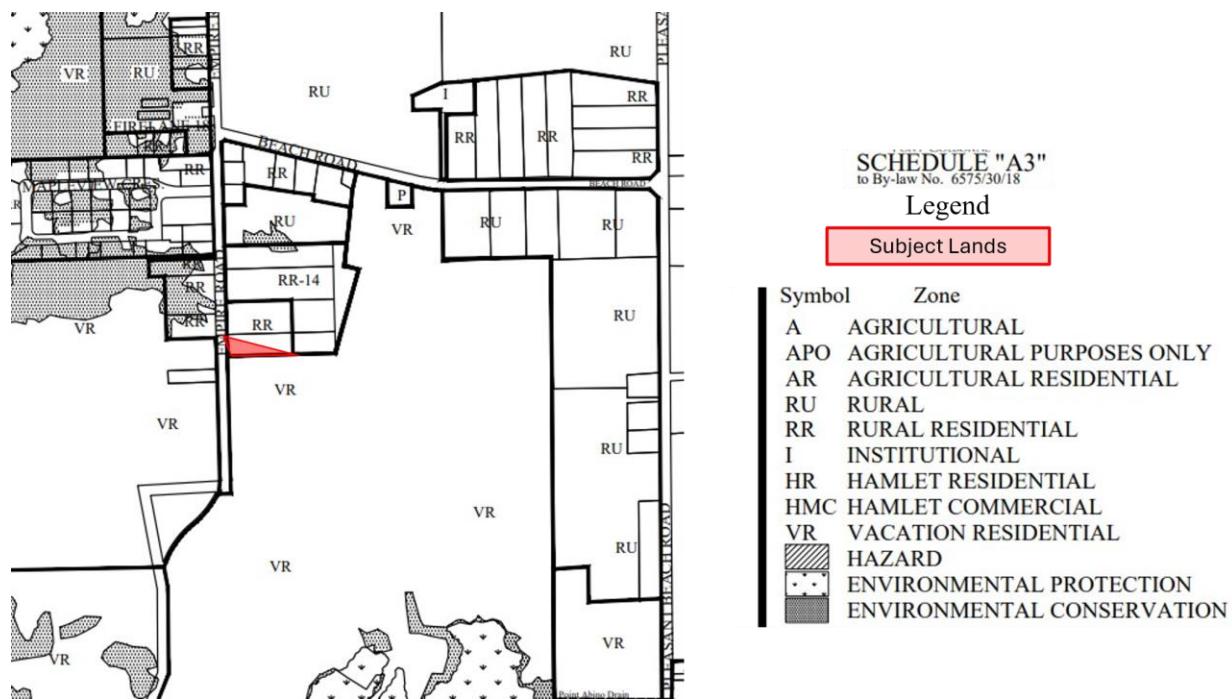


Figure 2 (above): Proposed severance sketch

## Surrounding Land Uses and Zoning

The Subject Lands are located outside of the Urban Area and are zoned Rural Residential (RR). Parcels surrounding the Subject Lands include other rural residential dwellings, the Sherkston Shores Resort and the encroaching landscaping business. 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. There are no natural areas or features mapped within the Niagara Official Plan (NOP) or City of Port Colborne Official Plan (OP) on or adjacent to the Subject Lands. The Subject Lands do not contain any natural hazard areas that are regulated by the Niagara Peninsula Conservation Authority (NPCA).

## Public Comments

Notice was circulated on December 16, 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 December 9, 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
<b>Drainage Superintendent</b>	<p>The parcel is within the watershed of the Bearss, Wm. Michael Drains. Any alterations to existing parcels through severance application will require a drainage reapportionment agreement. That can be completed by the Drainage Superintendent or by an approved drainage engineer. The cost of the city completing the agreement is \$118.00 per parcel. If the applicant chooses to have an engineer complete the agreement, the cost will be paid entirely by the applicant. For any questions on this process, please contact the Drainage Superintendent.</p>	This has been included as a condition of consent (Condition 3).
<b>Fire Department</b>	No objections.	Noted
<b>Engineering Technologist</b>	No objections	Noted
<b>Niagara Peninsula Conservation Authority</b>	No comments.	Noted
<b>Region of Niagara</b>	<p>527 Empire Road will become 1.1 acres in size. The existing inground septic system is located in the rear yard (east of the dwelling). The septic tank is a single chambered steel tank. The liquid level within the tank was at a good working level, however, minor signs of erosion were present. It appears surface water cannot enter the tank when the lid is in place.</p> <p>Regional Infrastructure Planning and Development staff do not object to the proposed consent</p>	Noted

	<p>applications. Please note, if any changes are proposed to the 527 Empire Road dwelling in the future or further erosion occurs to the tank, a two-compartment concrete tank installation would be required. The septic tank would also be required to meet the minimum 15-meter setback to any cistern or well.</p>	
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## **Discussion**

Consent application B06-26-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)**

Under Section 2.6 “Rural Lands in Municipalities”, the PPS recognizes that on rural lands, permitted uses include “residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services.” Since the subject parcels are already existing dwellings serviced by adequate private water and sanitary systems, the adjusted boundary lines simply reflect the existing situation, no new uses or intensification is proposed.

Further, the PPS directs that “development that can be sustained by rural service levels should be promoted” and that development “shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.” Because the adjustments rely entirely on existing utilities, driveways, and private servicing, and do not trigger any need for expanded infrastructure, the proposal meets those infrastructure- related policy requirements.

Section 4.1 of the PPS provides guidance with respect to natural heritage and states that natural features and areas shall be protected for the long term. A boundary adjustment is not considered development or site alteration. Further, there are no natural heritage features found on the subject properties.

Section 4.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological resources have been conserved. Based on Ministry of Citizenship and Multiculturalism’s Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources. Policies typically require the completion of an archaeological assessment, however since there is no development or site alteration proposed, an archaeological assessment is not required. Any future

Planning Act applications for the subject property will require the completion of an archaeological assessment.

In light of the above, the proposed boundary realignments respects the rural land use framework under the PPS and represents a modest, servicing compatible reorganization of existing lots rather than new or intensified development, consistent with the provincial policy intent for sustainable and appropriate rural land use. The proposed consent is consistent with the direction set out in the PPS.

#### Niagara Official Plan (NOP)

The subject property is designated as Rural Lands in the Niagara Official Plan (NOP). The predominant use of rural lands will continue to be agriculture, but some non-agricultural related development may be permitted subject to specific policies. A minor boundary adjustment is not considered “development” under the NOP glossary of terms and, as such, is considered a permitted action under the Official Plan.

The subject property is not mapped as part of the Region’s Natural Environment System (NES) and is not subject to policies in Chapter 3.

Policy 6.4.2.1 states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The subject property is mapped as having archaeological potential under Schedule K of the NOP. An archaeological assessment was not required as there is no proposed development or site alteration at this time. Any future Planning Act applications will require the completion of an archaeological assessment.

Based on the analysis above, the proposed consent application conforms to the NOP.

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

The subject lands are designated Rural in the City’s Official Plan. Policy 3.4 recognizes that Rural lands accommodate primarily agricultural uses, clusters of existing residential development outside the Urban Area Boundary, and residential uses with access to the Lake Erie shoreline. The policy identifies a broad range of compatible land uses, including agriculture, single-detached residential dwellings, natural heritage features, parks and open spaces, and accessory structures or activities typically associated with rural and lakeshore settings.

While new residential development is permitted in the Rural designation, the proposed minor boundary adjustments continue to conform to the City’s Official Plan as they do not create new lots, introduce new development, or alter the existing land uses on the subject properties. The adjustments merely reconfigure lot lines to reflect the location of existing dwellings, buildings, and associated landscaping, maintaining the rural character and functionality of the parcels. Access, servicing, and the relationship of the lots to nearby

agricultural operations remain consistent with the intent of the Rural designation. The adjusted lot shapes are regular and orderly, supporting the long-term stewardship of rural lands while ensuring compatibility with surrounding uses.

In this context, the proposed boundary adjustments are fully consistent with the policies of the City's Official Plan for Rural lands, as they preserve existing uses, respect the rural landscape, and maintain the integrity of the surrounding area.

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

The subject lands are zoned Rural Residential (RR) under the City's Zoning By-law 6575/30/18. The RR zone permits a single-detached dwelling and accessory uses, buildings, and structures.

The proposed minor boundary adjustment maintains conformity with the Zoning By-law, as no new uses or structures are being introduced. The adjustments serve to more accurately align the lot lines with the existing buildings and uses, including the separation between residential uses at the front and the business at the rear. The configuration ensures that all existing dwellings and accessory structures remain compliant with the minimum requirements of the RR zone.

Based on this, the boundary adjustments uphold the intent and requirements of Zoning By-law 6575/30/18.

#### Minimum Distance Separation

The proposed minor boundary adjustments have been reviewed in the context of the Minimum Distance Separation (MDS) Guidelines to ensure compatibility with nearby agricultural operations.

Implementation Guideline #8 of the Minimum Distance Separation (MDS) Document identifies that "an MDS I setback is not required for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot". Given the applications are for boundary adjustments and no new lots are being created, as well as the setback distances, the proposed lot configurations comply with the MDS requirements and maintain appropriate separation between non-agricultural uses and existing livestock operations, ensuring compatibility and minimizing potential land-use conflicts.

#### Recommendation:

That consent application B06-26-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 a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That 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 January 14, 2028.

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,

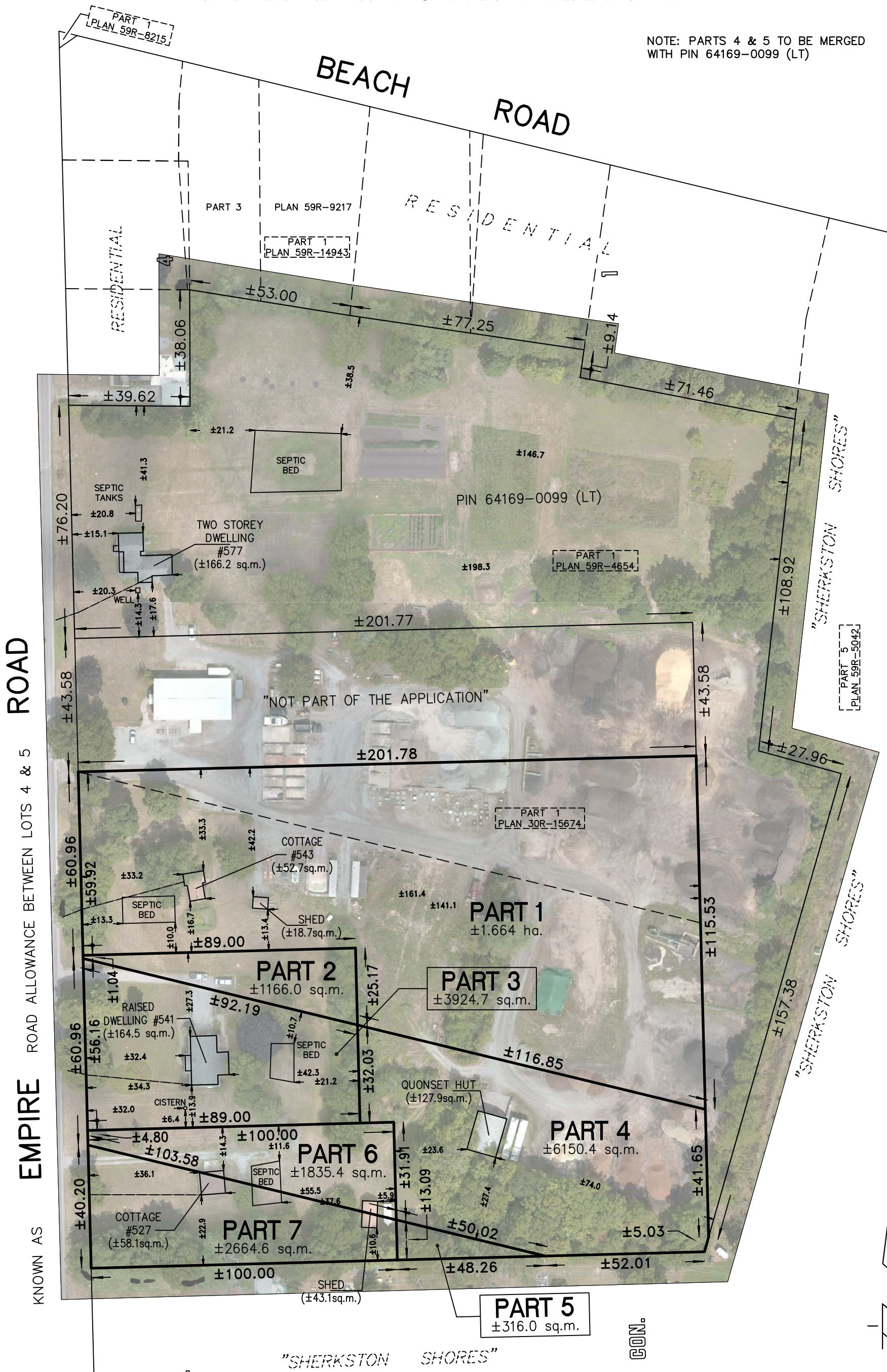
Erik Acs

Chief Planner

SKETCH PREPARED FOR SEVERANCE APPLICATION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN CURRENT SEVERANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.

NOTE: PARTS 4 & 5 TO BE MERGED  
WITH PIN 64169-0099 (LT)



VOID

IF USED FOR ANY OTHER  
PURPOSE THAN THIS  
CURRENT SEVERANCE  
APPLICATION

PRELIMINARY  
ONLY

AUG. 27, 2025  
DATE

BLANTHIER & GILMORE SURVEYING LTD.	
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477	
SKETCH OF PROPOSED SEVERANCE	
LOT 4	
CONCESSION 1	
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW IN THE	
CITY OF PORT COLBORNE	
REGIONAL MUNICIPALITY OF NIAGARA	
DRAWN BY: CM	CHECKED BY: MG
SCALE: 1:1250	SURVEY 21 712

For Office Use Only

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

Application Complete:  Yes  No

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

## SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

Telephone: 1-905-835-2900 ext. 204  
Fax: 1-905-835-2939  
Email: [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca)

## 2025 APPLICATION FEES

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

## COMPLETENESS OF APPLICATION

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

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

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

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

## DRAWING REQUIREMENTS

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

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

## PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.

Name:

LINDSAY EARL

Date:

DECEMBER 8, 2025

Initials:

LE



**SECTION 1 : CONTACT INFORMATION**

<b>1.1 Registered Owner (s):</b> ESTATE OF JUNE SHISLER	
Name: TERRY SHISLER, KEN SHISLER, SANDRA SHISLER	
Mailing Address: 543 EMPIRE ROAD	
City: SHERKSTON	Province: ONT.
Postal Code: L0S 1R0	Telephone: 905-894-1662
Fax:	Email:
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name: LINDSAY EARL	
Mailing Address: 897 CANADA DRIVE	
City: FORT ERIE	Province: ONT.
Postal Code: L2A 0B7	Telephone: 289-969-1400
Fax:	Email: lindsay-earl@hotmail.com
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: LANTHIER + GILMORE	
Mailing Address: 173 CLARENCE STREET	
City: PORT COLBORNE	Province: ONT.
Postal Code:	Telephone: 905-835-5477
Fax:	Email:
<b>1.5 All communications should be sent to the:</b>	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

**SECTION 2: LOCATION OF SUBJECT LAND**

Former Municipality: TOWNSHIP OF HUMBERSTONE	
Concession No. Cont 1	Lot(s):
Registered Plan No.:	Lot(s):
Reference Plan No.:	Part(s): PART LOT 4
Name of Street: EMPIRE ROAD	Street No. 527

## SECTION 3: PROPOSAL DESCRIPTION

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

<input type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input checked="" type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement

### Reason for proposed transaction:

MINOR BOUNDARY ADJUSTMENT TO CORRECT HISTORICAL LOT LINE ISSUE + ENCROACHMENT OF FAMILY BUSINESS.

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

PART 6 TO MERGE WITH PART 7  
PART 5 AND PART 4 TO MERGE WITH PART 1 (543 EMPIRE RD)

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

PART 1 OWNED BY TERRY SHISLER, SHERRY SHISLER, KEN SHISLER + JOANNIE SHISLER

## SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 6 + 7

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 45 m	Depth: 100 m	Area: 0.44 HA / 4500 m <sup>2</sup>
Existing Use: SINGLE DETACHED DWELLING w/ ACCESSORY STRUCTURE		
Proposed Use: AS EXISTING		

## SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 5

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: N/A	Depth: 48.26 M	Area: 316 m <sup>2</sup>
Existing Use: VACANT - COMMERCIAL		
Proposed Use: AS EXISTING		

## 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: RURAL

Regional Policy Plan: RURAL

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

RURAL RESIDENTIAL "RR" + RR-14

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

1970's.

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

<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

#### 6.5 MORTGAGES, Charges & Other Encumbrances:

List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.

N/A

#### 6.6 Type of ACCESS

<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input checked="" type="checkbox"/> Municipal Road maintained <b>all year</b>	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained <b>seasonally</b>	

#### 6.7 What type of WATER SUPPLY is proposed?

<input type="checkbox"/> Publicly owned and operated piped water supply
<input type="checkbox"/> Lake
<input type="checkbox"/> Well (private or communal)
<input checked="" type="checkbox"/> Other (specify): <u>CISTERN</u>

#### 6.8 What type of SEWAGE DISPOSAL is proposed?

<input type="checkbox"/> Publicly owned and operated sanitary sewage system
<input checked="" type="checkbox"/> Septic system (private or communal)
<input type="checkbox"/> Other (specify): <u>PRIVATE</u>

#### 6.9 What type of STORMWATER DISPOSAL is proposed?

<input type="checkbox"/> Publicly owned and operated stormwater system
<input type="checkbox"/> Other (specify): <u>N/A</u>

### SECTION 7

#### 7.1 Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?

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

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

File Number:

Decision:

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

#### 8.1 ALL EXISTING USE

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

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

1975

#### 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.

SINGLE FAMILY DWELLING + ACCESSORY STRUCTURE (STORAGE)

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 J.D.  
Date  
For Shiree  
Ken Shiree

X Dec 9/25  
Signature of Owner  
Dec 9/25  
DEC 9/25

# NIAGARA PENINSULA CONSERVATION AUTHORITY

## Pre-Screening Criteria

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

**9.4 Is there a valley slope on the property?**

Yes  No  Unknown

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

Yes  No  Unknown

**9.6 Is the property on a Regional Road?**

Yes  No  Unknown

## AUTHORIZATIONS

### SIGNATURE OF APPLICANT(S)

December 11/25  
Date

L. Earl  
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 Lindsay Earl  
Of the City/Town/Township of Fort Erie  
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

Township of Wainfleet  
In the Region of Niagara  
This 11 day of December  
20 25

A Commissioner, etc.

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

J. J. Ivens  
S. J. Ivens  
Township of Wainfleet  
Commissioner pursuant to  
Section 1(2)(1) C. 17 R.S.O. 1990  
Signature of applicant(s), solicitor, or authorized

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

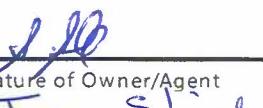
## POSTING OF PUBLIC HEARING SIGN

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

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

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

I/We TERRY SHISLER, KEN SHISLER, SANDRA SHISLER 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.



Signature of Owner/Agent

Dec 9/25

Date

Dec 9/25  
DEC 9/25

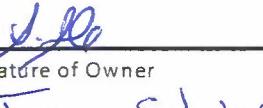
Signature of Owner/Agent

Date

## PERMISSION TO ENTER

I/We TERRY SHISLER, KEN SHISLER, SANDRA SHISLER 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.\***



Signature of Owner

Dec 9/25

Date

Dec 9/25  
DEC 9/25

X

Signature of Owner

X

Date

### AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We JERRY SHISLER, KEN SHISLER, SANDRA SHISLER am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize LINDSAY EARL 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

Dec 9 25

Date  
Dec 9 25  
DEC 9/25

X

Signature of Owner

X

Date

X

Signature of Agent

X

DEC 8/25

Date

## SUGGESTION TO THE APPLICANT

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

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

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





## PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

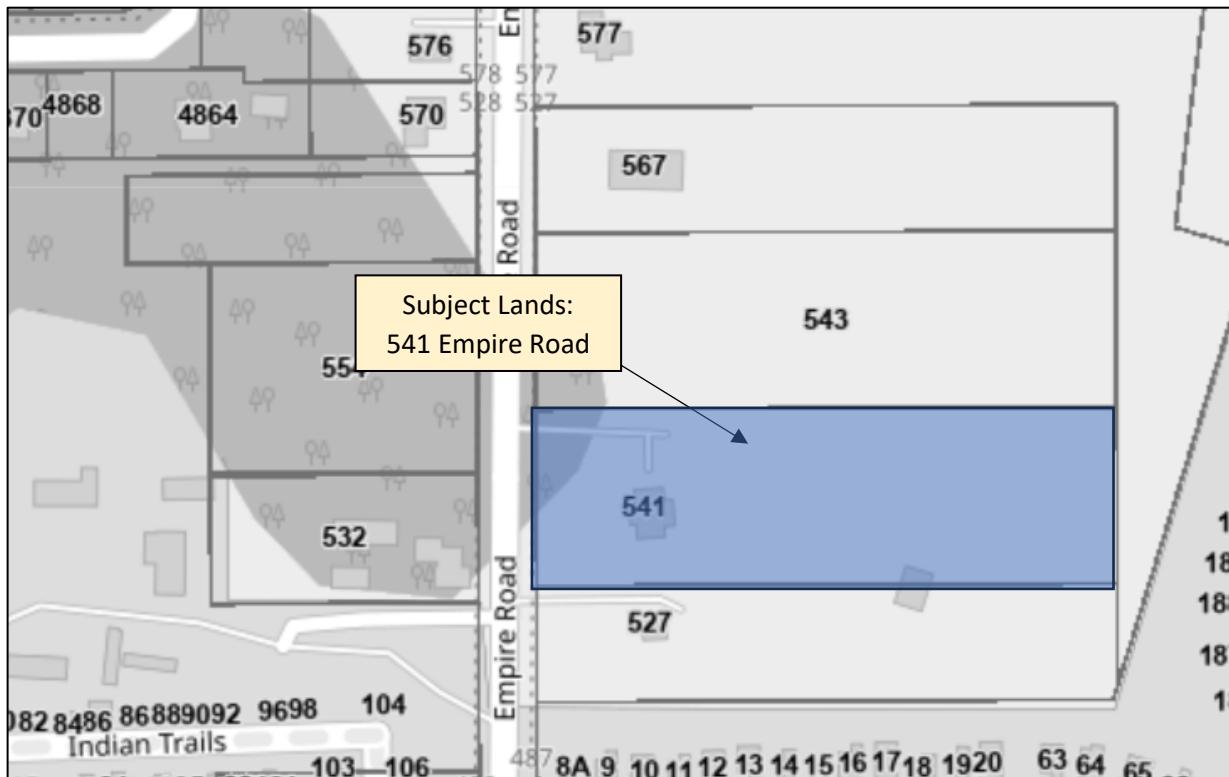
# COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Consent Application File No. B07-26-PC

**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 Concession 1, Part Lot 4, formerly in the township of Humberstone, currently in the City of Port Colborne, located in the Rural Residential (RR) and special provision of the Rural Residential zone (RR-14), municipally known as 541 Empire Road;

**AND IN THE MATTER OF AN APPLICATION** by the agent, Lindsay Earl, on behalf of the owners, the Estate of June Shisler, for consent to adjust a boundary for the purpose of correcting a historical lot line encroachment. The subject parcels are shown as Parts 2, 3, and 4 on the proposed sketch. Parts 2 and 3 are presently used for a single detached dwelling. Part 2 is to be severed and will merge with Part 3. Part 4 contains an existing commercial use and is to merge with Part 1 (subject to a separate application B06-26-PC), which is also where the existing commercial use operates. 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:** January 14, 2025

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

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

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 9, 2025**. If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

## Electronic Hearing Procedures

### How to Get Involved in the Hearing

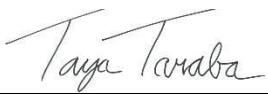
Anyone wishing to participate in the meeting can attend either virtually or in-person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting. All comments submitted are part of the public record.

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, January 13, 2025**, by emailing [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

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

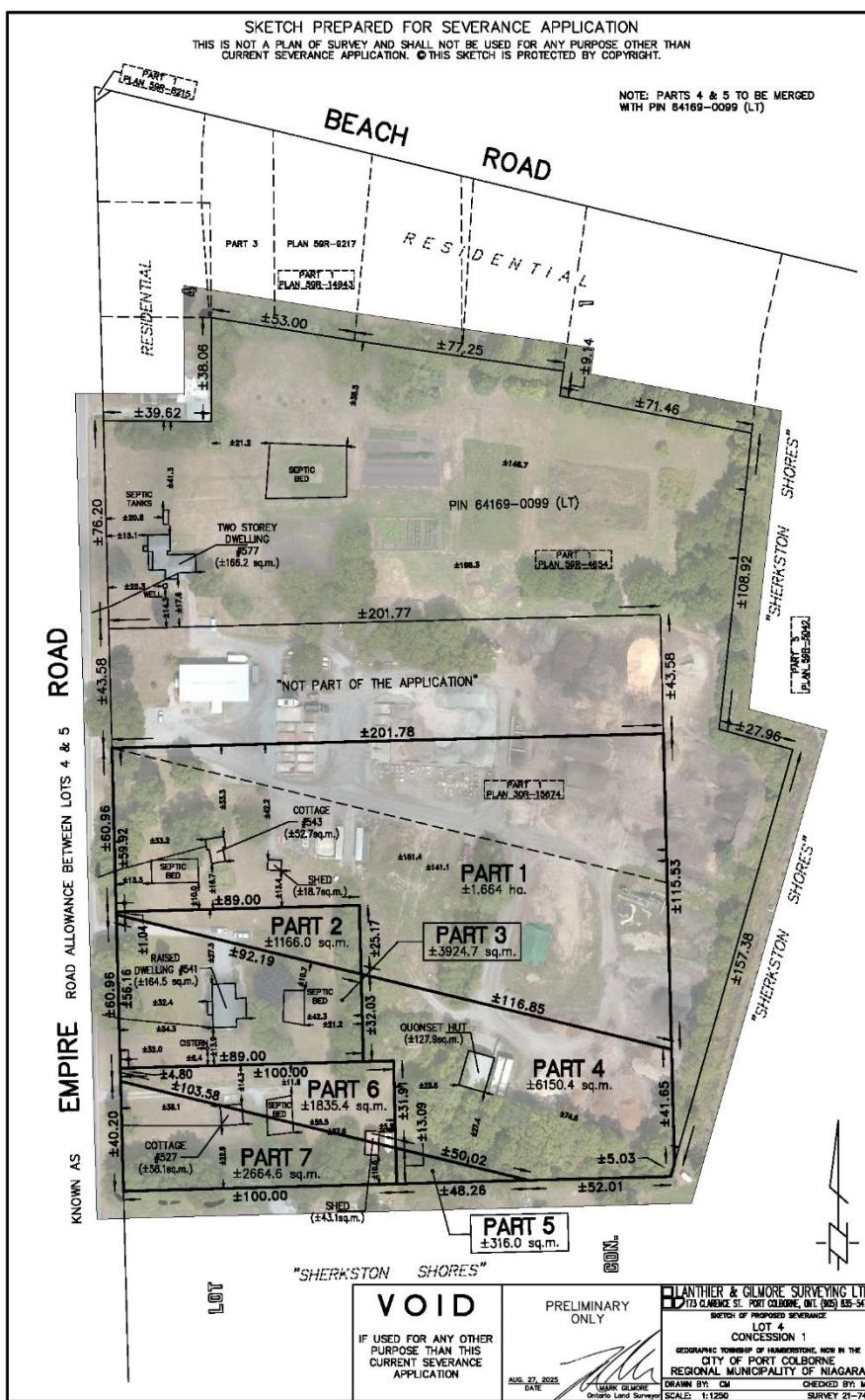
By order of the Committee of Adjustment,



Taya Taraba  
Secretary-Treasurer

Date of Mailing: December 16<sup>th</sup>, 2025

### SKETCH





**Development and Government Relations Department**

Planning Division Report

January 14, 2026

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

**Re: Application for Consent: B07-26-PC  
Concession 1 Part Lot 4 (541 Empire Road)  
Agent: Lindsay Earl MCIP, RPP  
Owner: June Marie Shisler**

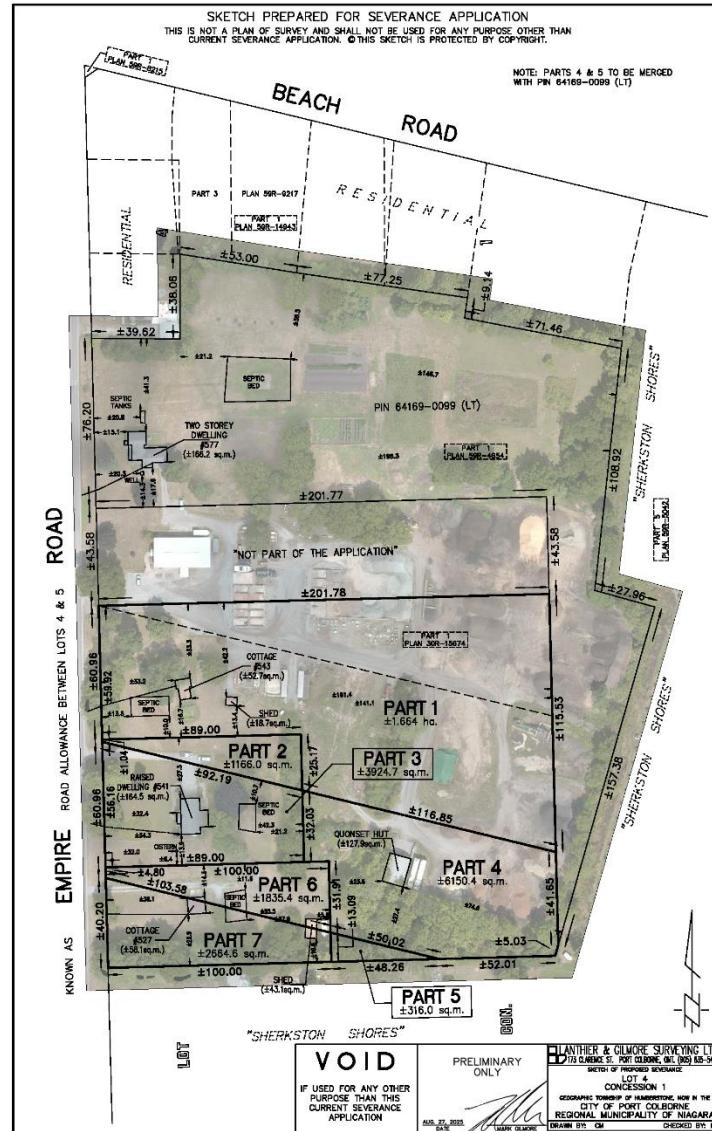
**Proposal**

The purpose of this application is to permit a boundary adjustment at 541 Empire Road for the purpose of resolving encroachment issues from the neighbouring parcel to the rear (east). The result will be a redefined lot, as illustrated in the provided figures and described below:

- **Part 2** is proposed to be severed
- **Parts 2 & 3** will merge
- **Part 1** will merge with **Part 4**

The application is for a boundary adjustment by severing Part 2 (1,166 square metres) and merging with Part 3 (3,924.7 m<sup>2</sup>), resulting in a total lot area of 5090.7 square metres. Part 4 (6,150.4 square metres) will merge with Part 1 lands to the rear (east) of the lot. Through this application, the rear lands containing the neighbouring business (567-577 Empire Road) will be merged into the business holdings, separating the commercial use from the rural residential uses.





*Figure 2 (above): Proposed severance sketch*

## Surrounding Land Uses and Zoning

The Subject Lands are located outside of the Urban Area and are zoned Rural Residential (RR) and Rural Residential Special 14 (RR-14). The special Zoning permits a landscaping business located at 567 Empire Road. Parcels surrounding the Subject Lands include other rural residential dwellings, the Sherkston Shores Resort and the landscaping business. Figure 3 shows the zoning of the subject and surrounding lands.

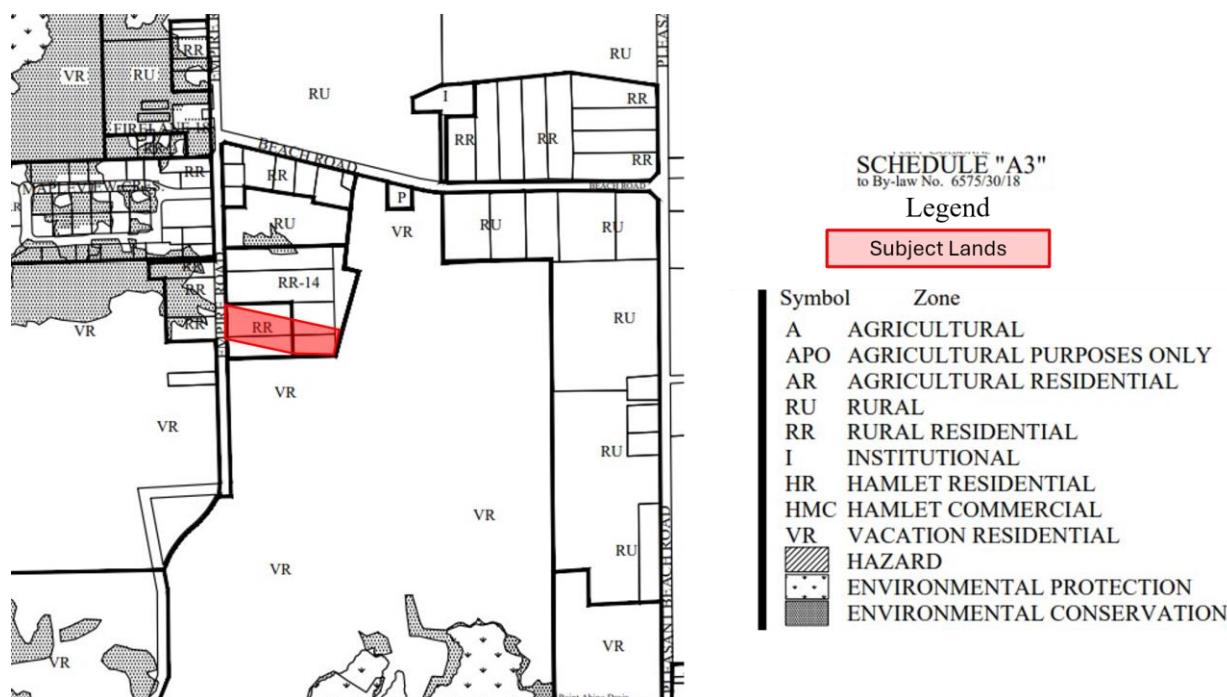


Figure 3 (above): Zoning of the subject and surrounding lands

## Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas. There are no natural areas or features mapped within the Niagara Official Plan (NOP) or City of Port Colborne Official Plan (OP) on or adjacent to the Subject Lands. The Subject Lands do not contain any natural hazard areas that are regulated by the Niagara Peninsula Conservation Authority (NPCA).

## Public Comments

Notice was circulated on December 16, 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 December 9, 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
<b>Drainage Superintendent</b>	<p>The parcel is within the watershed of the Bearss, Wm. Michael Drains. Any alterations to existing parcels through severance application will require a drainage reapportionment agreement. That can be completed by the Drainage Superintendent or by an approved drainage engineer. The cost of the city completing the agreement is \$118.00 per parcel. If the applicant chooses to have an engineer complete the agreement, the cost will be paid entirely by the applicant. For any questions on this process, please contact the Drainage Superintendent.</p>	<p>This has been included as a condition of consent (Condition 3).</p>
<b>Fire Department</b>	No objections.	Noted
<b>Engineering Technologist</b>	No objections	Noted
<b>Niagara Peninsula Conservation Authority</b>	No comments.	Noted
<b>Region of Niagara</b>	<p>541 Empire Road, the two compartment concrete septic tank was exposed for our inspection and the inground septic bed is located in the rear yard (east of the dwelling). No defects were observed with the septic tank or the septic bed at the time of our inspection.</p> <p>Regional Infrastructure Planning and Development staff do not</p>	Noted

	object to the proposed consent applications.	
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## **Discussion**

Consent application B07-26-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)

Under Section 2.6 “Rural Lands in Municipalities”, the PPS recognizes that on rural lands, permitted uses include “residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services.” Since the subject parcels are already existing dwellings serviced by adequate private water and sanitary systems, the adjusted boundary lines simply reflect the existing situation, no new uses or intensification is proposed.

Further, the PPS directs that “development that can be sustained by rural service levels should be promoted” and that development “shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.” Because the adjustments rely entirely on existing utilities, driveways, and private servicing, and do not trigger any need for expanded infrastructure, the proposal meets those infrastructure- related policy requirements.

Section 4.1 of the PPS provides guidance with respect to natural heritage and states that natural features and areas shall be protected for the long term. A boundary adjustment is not considered development or site alteration. Further, there are no natural heritage features found on the subject properties.

Section 4.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological resources have been conserved. Based on Ministry of Citizenship and Multiculturalism’s Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources. Policies typically require the completion of an archaeological assessment, however since there is no development or site alteration proposed, an archaeological assessment is not required. Any future Planning Act applications for the subject property will require the completion of an archaeological assessment.

In light of the above, the proposed boundary realignments respects the rural land use framework under the PPS and represents a modest, servicing compatible reorganization of existing lots rather than new or intensified development, consistent with the provincial policy intent for sustainable and appropriate rural land use. The proposed consent is consistent with the direction set out in the PPS.

### Niagara Official Plan (NOP)

The subject property is designated as Rural Lands in the Niagara Official Plan (NOP). The predominant use of rural lands will continue to be agriculture, but some non-agricultural related development may be permitted subject to specific policies. A minor boundary adjustment is not considered “development” under the NOP glossary of terms and, as such, is considered a permitted action under the Official Plan.

The subject property is not mapped as part of the Region’s Natural Environment System (NES) and is not subject to policies in Chapter 3.

Policy 6.4.2.1 states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The subject property is mapped as having archaeological potential under Schedule K of the NOP. An archaeological assessment was not required as there is no proposed development or site alteration at this time. Any future Planning Act applications will require the completion of an archaeological assessment.

Based on the analysis above, the proposed consent application conforms to the NOP.

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

The subject lands are designated Rural in the City’s Official Plan. Policy 3.4 recognizes that Rural lands accommodate primarily agricultural uses, clusters of existing residential development outside the Urban Area Boundary, and residential uses with access to the Lake Erie shoreline. The policy identifies a broad range of compatible land uses, including agriculture, single-detached residential dwellings, natural heritage features, parks and open spaces, and accessory structures or activities typically associated with rural and lakeshore settings.

While new residential development is permitted in the Rural designation, the proposed minor boundary adjustments continue to conform to the City’s Official Plan as they do not create new lots, introduce new development, or alter the existing land uses on the subject properties. The adjustments merely reconfigure lot lines to reflect the location of existing dwellings, buildings, and associated landscaping, maintaining the rural character and functionality of the parcels. Access, servicing, and the relationship of the lots to nearby agricultural operations remain consistent with the intent of the Rural designation. The adjusted lot shapes are regular and orderly, supporting the long-term stewardship of rural lands while ensuring compatibility with surrounding uses.

In this context, the proposed boundary adjustments are fully consistent with the policies of the City’s Official Plan for Rural lands, as they preserve existing uses, respect the rural landscape, and maintain the integrity of the surrounding area.

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

The subject lands are zoned Rural Residential (RR) at the front and RR-14 at the rear under the City's Zoning By-law 6575/30/18. The RR zone permits a single-detached dwelling and accessory uses, buildings, and structures. The RR-14 site-specific zone states:

*"in addition to the uses permitted in the RR zone, the manufacturing of sashes, frames, and doors, as well as the stockpiling and transport of sand, stone, and topsoil, and uses, buildings, and structures accessory thereto."*

The RR-14 zoning along the rear of the property reflects and formalizes the historical operation and expansion of the business, as recognized in the 2018 comprehensive zoning by-law update.

The proposed minor boundary adjustment maintains conformity with the Zoning By-law, as no new uses or structures are being introduced. The adjustments serve to more accurately align the lot lines with the existing buildings and uses, including the separation between residential uses at the front and the business at the rear. The configuration ensures that all existing dwellings and accessory structures remain compliant with the minimum requirements of the RR zone, while the RR-14 portion continues to accommodate the permitted business operations.

Based on this, the boundary adjustments uphold the intent and requirements of Zoning By-law 6575/30/18.

#### Minimum Distance Separation

The proposed minor boundary adjustments have been reviewed in the context of the Minimum Distance Separation (MDS) Guidelines to ensure compatibility with nearby agricultural operations.

Implementation Guideline #8 of the Minimum Distance Separation (MDS) Document identifies that "an MDS I setback is not required for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot". Given the applications are for boundary adjustments and no new lots are being created, as well as the setback distances, the proposed lot configurations comply with the MDS requirements and maintain appropriate separation between non-agricultural uses and existing livestock operations, ensuring compatibility and minimizing potential land-use conflicts.

#### Recommendation:

That consent application B07-26-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 a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That 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 January 14, 2028.

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,

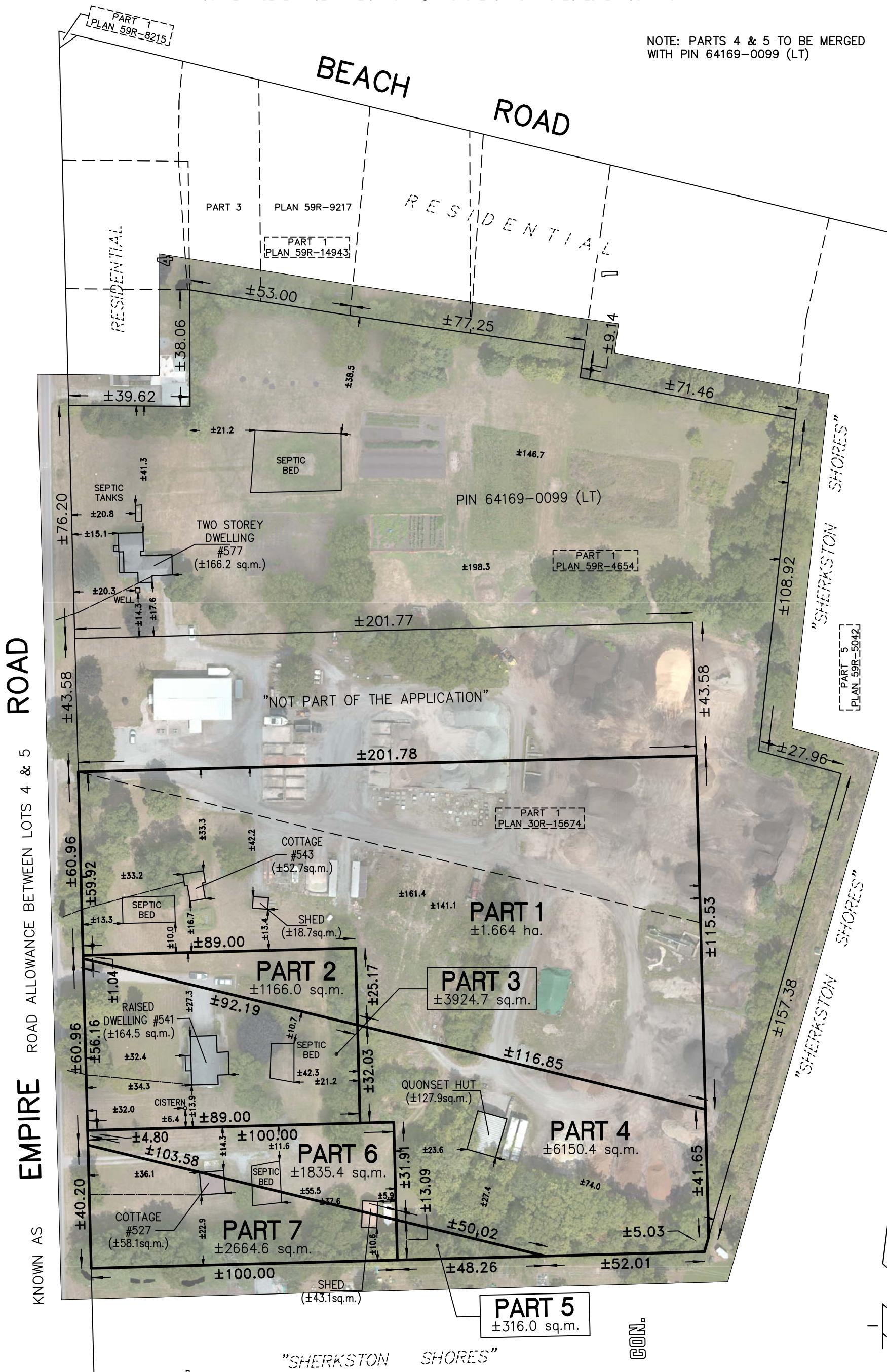
Erik Acs

Chief Planner

SKETCH PREPARED FOR SEVERANCE APPLICATION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN CURRENT SEVERANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.

NOTE: PARTS 4 & 5 TO BE MERGED  
WITH PIN 64169-0099 (LT)



VOID

IF USED FOR ANY OTHER  
PURPOSE THAN THIS  
CURRENT SEVERANCE  
APPLICATION

PRELIMINARY  
ONLY

AUG. 27, 2025  
DATE

 <span style="font-size: 2em; font-weight: bold;">BLANCHIER &amp; GILMORE SURVEYING LTD.</span> <span style="font-size: 1.5em;">173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477</span>	
<span style="font-size: 1.2em;">SKETCH OF PROPOSED SEVERANCE</span> <span style="font-size: 1.5em; font-weight: bold;">LOT 4</span> <span style="font-size: 1.2em;">CONCESSION 1</span>	
<span style="font-size: 1.2em;">GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW IN THE</span> <span style="font-size: 1.2em;">CITY OF PORT COLBORNE</span> <span style="font-size: 1.2em;">REGIONAL MUNICIPALITY OF NIAGARA</span>	
<span style="font-weight: bold;">DRAWN BY:</span> CM	<span style="font-weight: bold;">CHECKED BY:</span> MG
<span style="font-weight: bold;">SCALE:</span> 1:1250	<span style="font-weight: bold;">SURVEY:</span> 21 716



For Office Use Only

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

Application Complete:  Yes  No

**SUBMISSION OF APPLICATION**

Completed applications can be sent to:

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

Telephone: 1-905-835-2900 ext. 204  
Fax: 1-905-835-2939  
Email: [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca)

**2025 APPLICATION FEES**

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

**COMPLETENESS OF APPLICATION**

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

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

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

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

## DRAWING REQUIREMENTS

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

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

## PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled.

According to the *Planning Act*, if the consent granted by the Committee is conditional, the conditions must be fulfilled within two years of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.

Name: <i>LINDSAY EARL</i>	Date: <i>DECEMBER 8, 2025</i>	Initials: <i>LE</i>
---------------------------	-------------------------------	---------------------



**SECTION 1 : CONTACT INFORMATION**

**1.1 Registered Owner (s): ESTATE OF JUNE SHISLER**

Name: **TERRY SHISLER, KEN SHISLER, SANDRA SHISLER**

Mailing Address: **543 EMPIRE ROAD \* SHERRY SHISLER, JOANNE SHISLER**

City: **SHERKSTON** Province: **ONT.**

Postal Code: **LOS 1R0** Telephone: **905-894-1662**

Fax: Email:

**1.2 Owner's SOLICITOR (if applicable)**

Name:

Mailing Address:

City: Province:

Postal Code: Telephone:

Fax: Email:

**1.3 Owner's Authorized AGENT (if applicable)**

Name: **LINDSAY EARL**

Mailing Address: **897 CANADA DRIVE**

City: **FORT ERIE** Province: **ONT.**

Postal Code: **L2A 0B7** Telephone: **289-969-1460**

Fax: Email: **lindsay - earl@ hotmail.com**

**1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)**

Name: **LANTHIER + GILMORE**

Mailing Address: **173 CLARENCE STREET.**

City: **PORT COLBORNE** Province: **ONT.**

Postal Code: Telephone: **905-835-5477**

Fax: Email:

**1.5 All communications should be sent to the:**

Owner  Solicitor  Agent

**SECTION 2: LOCATION OF SUBJECT LAND**

Former Municipality: **TOWNSHIP OF HUMBERSTONE**

Concession No. **CON 1** Lot(s):

Registered Plan No. Lot(s):

Reference Plan No. Part(s): **PART LOT 4**

Name of Street: **EMPIRE ROAD** Street No. **541**

## SECTION 3: PROPOSAL DESCRIPTION

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

<input type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input checked="" type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement

### Reason for proposed transaction:

MINOR BOUNDARY ADJUSTMENT TO CORRECT HISTORICAL LOT LINE ISSUE + ENCROACHMENT OF FAMILY BUSINESS.

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

PART 2 TO MERGE WITH PART 3

PART 6 TO MERGE WITH PART 7

PARTS 5 AND 4 TO MERGE WITH PART 1

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

PART 1 OWNED BY TERRY SHISLER, KEN SHISLER, SHERRY SHISLER +  
2 JOANNE SHISLER

## SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 2 + 3

### DESCRIPTION OF SUBJECT PARCEL (in metric units)

Frontage: 57.2 M	Depth: 89m	Area: 0.5 HA (5090.7 m <sup>2</sup> )
------------------	------------	---------------------------------------

Existing Use: SINGLE DETACHED DWELLING.

Proposed Use: AS EXISTING.

## SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 4

### DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)

Frontage:	Depth: 116.85m	Area: 6150.4 m <sup>2</sup>
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Existing Use: COMMERCIAL BUSINESS - SHISLER BROS.

Proposed Use: AS EXISTING

## 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: RURAL

Regional Policy Plan: RURAL

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

RR-RURAL RESIDENTIAL + RR-14.

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

1970'S

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

<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

#### 6.5 MORTGAGES, Charges & Other Encumbrances:

List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.

N/A

#### 6.6 Type of ACCESS

<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input checked="" type="checkbox"/> Municipal Road maintained <b>all year</b>	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained <b>seasonally</b>	

#### 6.7 What type of WATER SUPPLY is proposed?

Publicly owned and operated piped water supply  
 Lake  
 Well (private or communal)  
 Other (specify):

CISTERNS

#### 6.8 What type of SEWAGE DISPOSAL is proposed?

Publicly owned and operated sanitary sewage system  
 Septic system (private or communal)  
 Other (specify):

PRIVATE

#### 6.9 What type of STORMWATER DISPOSAL is proposed?

Publicly owned and operated stormwater system  
 Other (specify):

N/A

### SECTION 7

#### 7.1 Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?

Yes       No       Unknown

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

File Number:

Decision:

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

#### 8.1 ALL EXISTING USE

Residential       Institutional       Vacant  
 Industrial       Agricultural       Other (specify):  
 Commercial       Parkland

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

1970's

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

Yes       No

If Yes, briefly describe and indicate their use.

SINGLE DETACHED ONE LEVEL, QUONSET HUT

**8.4 Are any of these buildings designated under the Ontario Heritage Act?**

Yes  No  Unknown

**8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?**

Yes  No  Unknown

**8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?**

Yes  No  Unknown

**8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?**

Yes  No  Unknown

**8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?**

Yes  No  Unknown

**8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?**

Yes  No  Unknown

**8.10 Have the lands or adjacent lands ever been used as a weapon firing range?**

Yes  No  Unknown

**8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?**

Yes  No  Unknown

**8.12 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?**

Yes  No  Unknown

**8.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached? *SEE PLANNING BRIEF***

Yes  No  Unknown

**8.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?\***

Yes  No  Unknown

If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.

\*Possible uses that can cause contamination include operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities, and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry-cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

**ACKNOWLEDGMENT CLAUSE**

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

X Dec 9/25  
Date  
DEC. 9/25  
Dec. 9/25  
DEC. 9/25  
DEC 9/25

X  
Signature of Owner  
Ivy Shire  
Shay Shire  
Kerry Shire  
Jy Shire

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

**9.4 Is there a valley slope on the property?**

Yes  No  Unknown

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

Yes  No  Unknown

**9.6 Is the property on a Regional Road?**

Yes  No  Unknown

## AUTHORIZATIONS

### SIGNATURE OF APPLICANT(S)

December 11/25  
Date

L. Earl  
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 Lindsay Earl

Of the City/Town/Township of Fort Erie

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

Township of Wainfleet

In the Region of Niagara

This 11 day of December  
20 25.

A Commissioner, etc.

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

S. J. Ivins

**S. J. Ivins**  
Township of Wainfleet  
Commissioner pursuant to  
Signature of applicant(s), solicitor or authorized  
Section 12(1) C. 17 R.S.O. 1990

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

## POSTING OF PUBLIC HEARING SIGN

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

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

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

I/We TERRY SHISLER, KEN SHISLER, SANDRA SHISLER  
SHERRY SHISLER, JOANNE SHISLER 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 J. Shisler

Signature of Owner/Agent

Terry Shisler  
Sherry Shisler  
Ken Shisler

X

Signature of Owner/Agent

X Dec 9/25

Date

Dec 9/25

DEC 9/25

DEC 9/25

X Dec. 9/25

Date

## PERMISSION TO ENTER

I/We TERRY SHISLER, KEN SHISLER, SANDRA SHISLER  
SHERRY SHISLER, JOANNE SHISLER 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 J. Shisler

Signature of Owner

Terry Shisler  
Sherry Shisler  
Ken Shisler  
J. Shisler

X Dec 9/25

Date

Dec 9/25

DEC 9/25

DEC 9/25

DEC. 9/25

X

Signature of Owner

X

Date

### AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

TERRY SHISLER, KEN SHISLER, SANDRA SHISLER

I/We SHERRY SHISLER, JOANNE SHISLER am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize LINDSAY EARL as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

X

Signature of Owner

Fry Shisler  
Sherry Shisler  
Ken Shisler

X

Signature of Owner

X

Dec 9/25

Date

Dec 9/25  
DEC 9/25  
DEC 9/25

X

Dec 9/25

Date

X

L. Earl

Signature of Agent

X

Dec 8, 2025

Date

## SUGGESTION TO THE APPLICANT

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

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

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

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



**PORT COLBORNE**

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

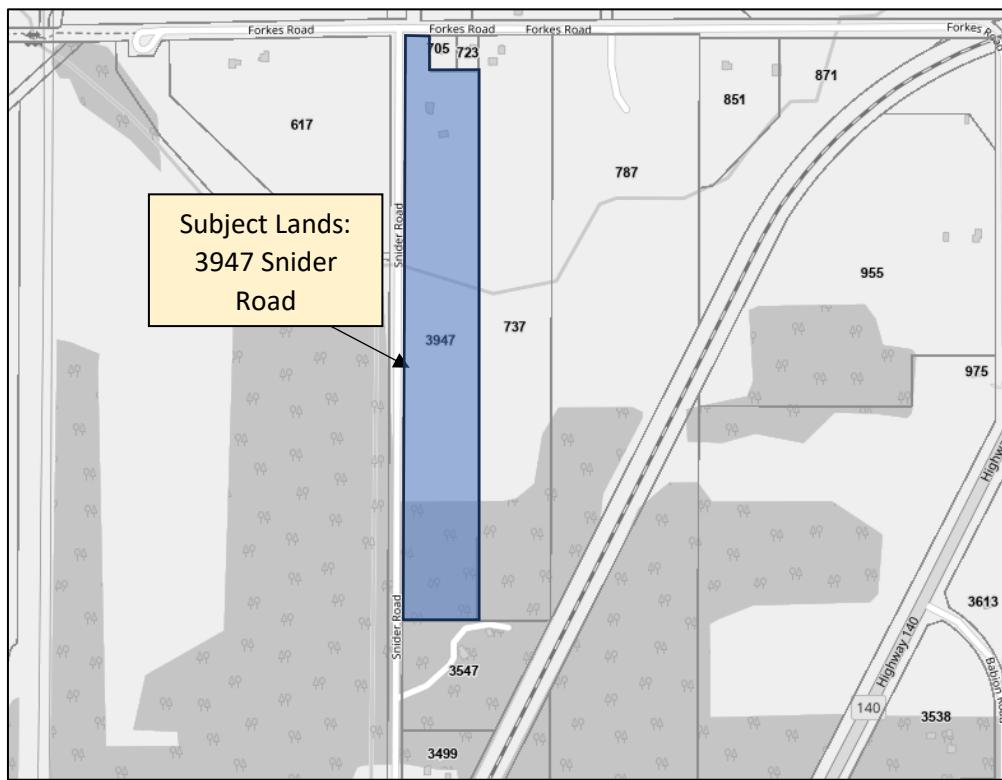
COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
Consent Application  
File No. B01-26-PC

**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 Concession 4 Part Lot 22, in the City of Port Colborne, located in the Rural (RU) zone, municipally known as 3947 Snider Road;

**AND IN THE MATTER OF AN APPLICATION** by the agent Jim Frank, on behalf of the owner, Gregory Gamm, 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 severed for an existing residential use, and Part 2 is to be retained 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:** January 14, 2025  
**Time:** 6:00 p.m.  
**Location:** 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 9, 2025**. If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

## **Electronic Hearing Procedures**

### ***How to Get Involved in the Hearing***

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, January 13, 2025**, by emailing [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

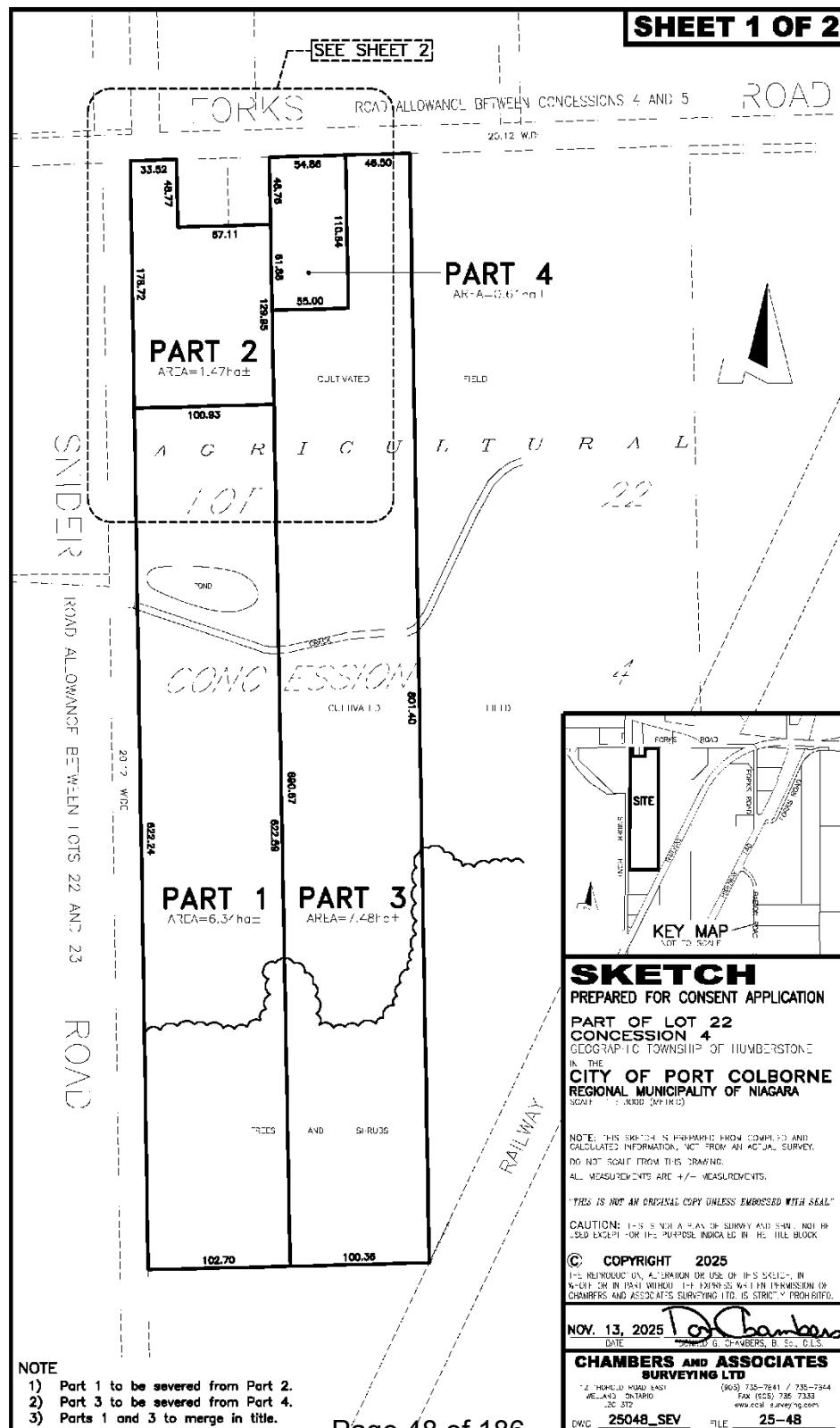
If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer.

By order of the Committee of Adjustment,

Taya Taraba

Taya Taraba  
Secretary-Treasurer

## SKETCH





# City of Port Colborne

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

## Development and Government Relations Department

### Planning Division Report

January 9, 2026

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

**Re: Application for Consent: B01-26-PC**  
**Concession 4 Part Lot 22, Geographic Township of Humberstone in the City of Port Colborne (3947 Snider Road)**  
**Agent: Jim Frank, JAM Engineering and Construction Inc.**  
**Owner: Gregory Gamm**

### Proposal

The purpose of this application is to permit the severance of the parcel at 3947 Snider Road, for the purpose of creating a new lot, as illustrated in the provided figures and described below:

- **Part 1** is proposed to **be severed**, with a lot frontage of 622.24 metres and a lot area of 6.34 hectares.
- **Part 2** is proposed to **be retained**, with a lot frontage of 178.72 metres and a lot area of 1.47 hectares.
- There is a related consent application for the adjacent lands at 737 Forkes Road (B02-26-PC)

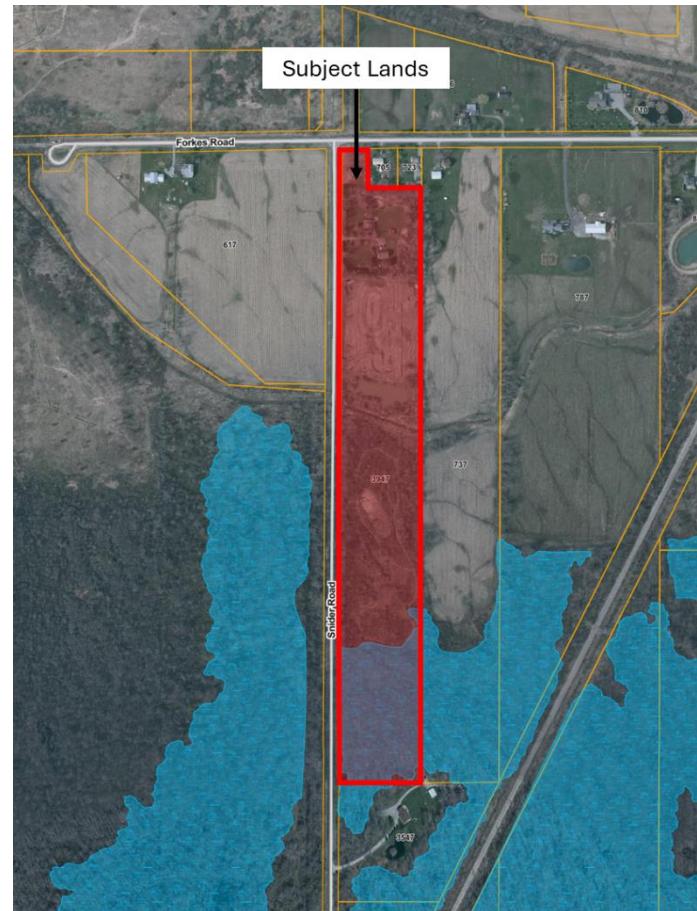


Figure 1 (above): Subject Lands

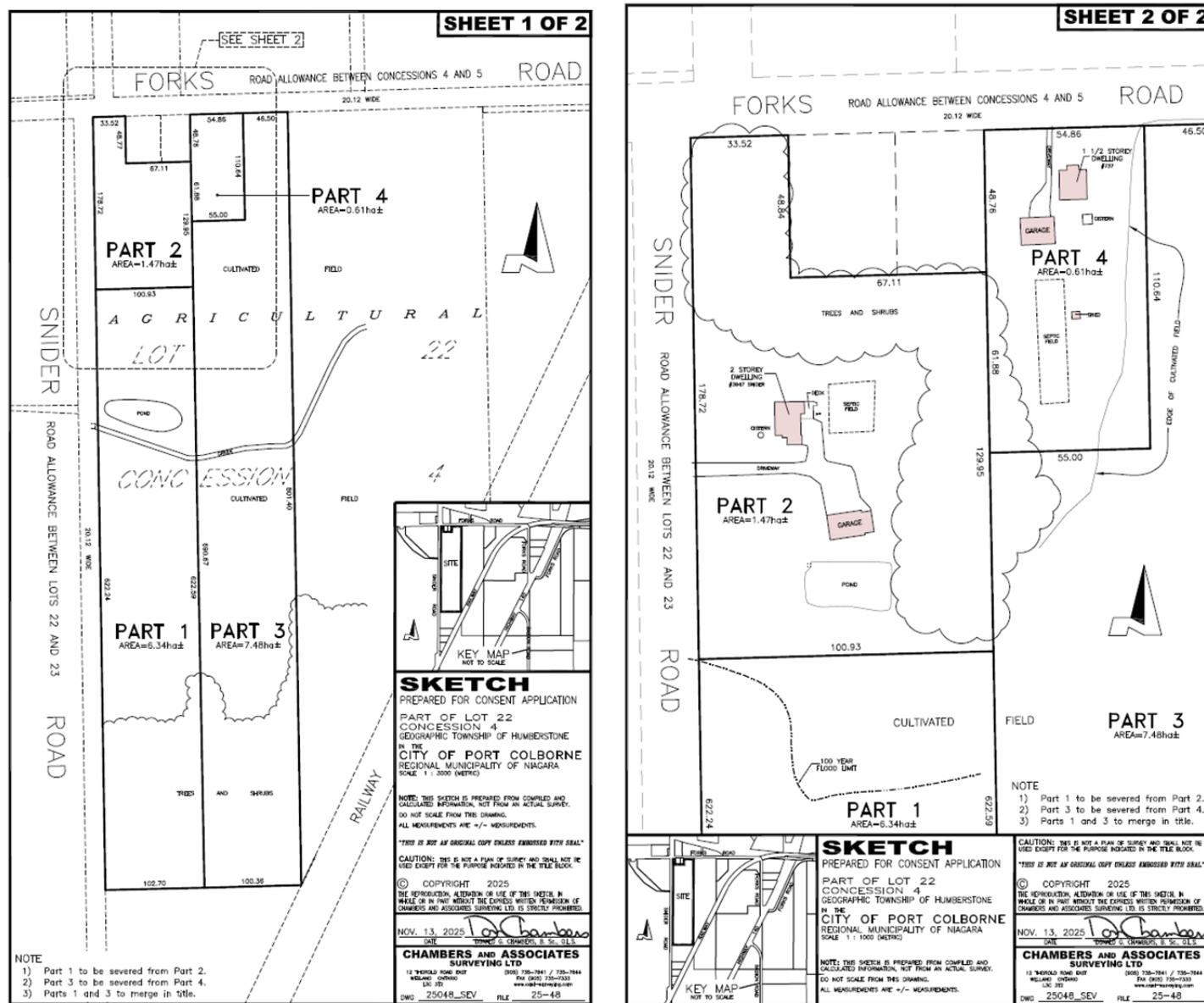


Figure 2 (above): Proposed severance sketch

## Surrounding Land Uses and Zoning

The Subject Lands are located outside of the Urban Area and are zoned Rural (RU) and Environmental Protection (EP). Parcels surrounding the Subject Lands are and include rural residential dwellings and natural environmental features. The future Asahi Kasei battery separator plant is located further north of the Subject Lands. Figure 3 shows the zoning of the subject and surrounding lands.

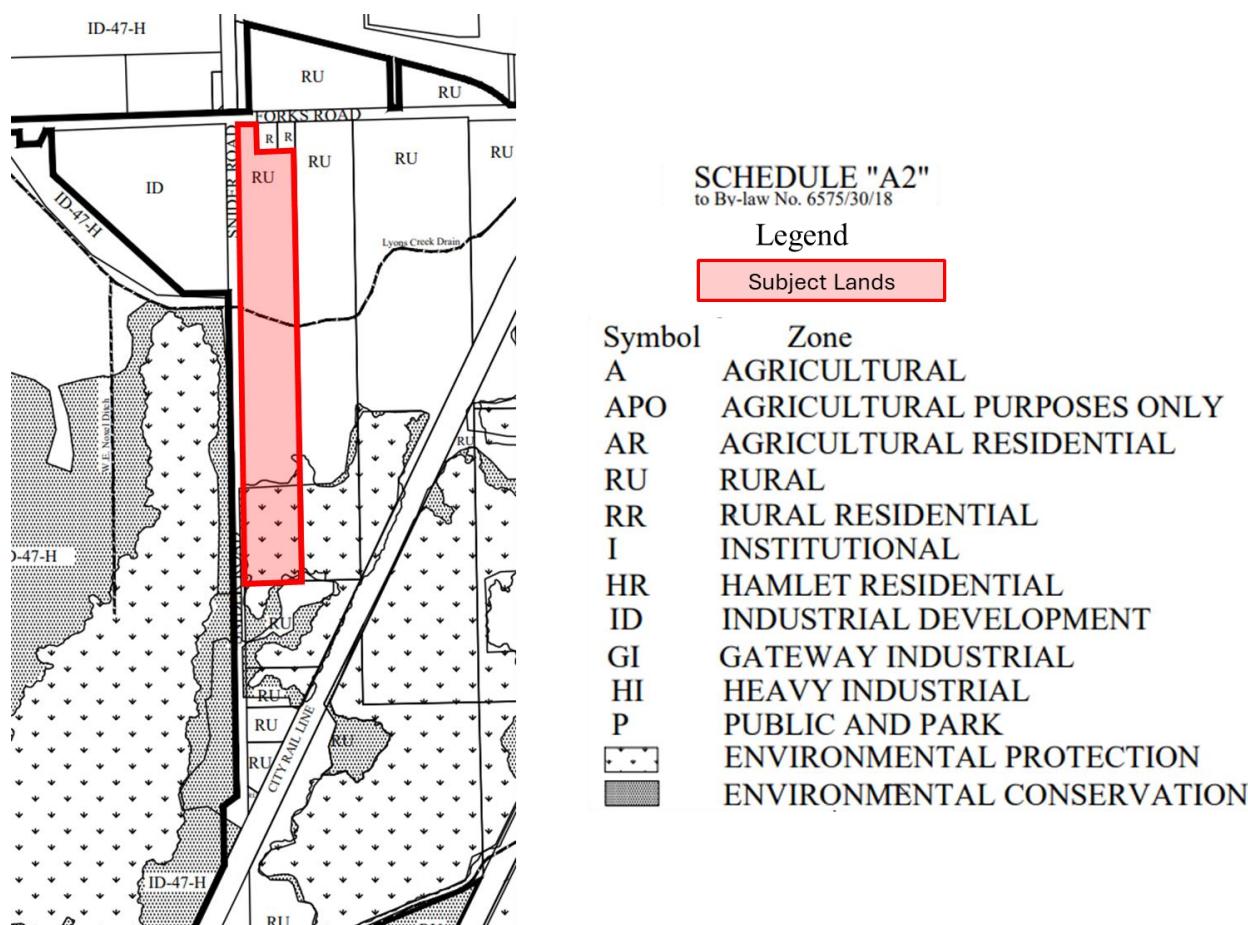


Figure 3 (above): Zoning of the subject and surrounding lands

## Environmentally Sensitive Areas

As shown on Schedule A2 of Zoning By-law 6575/30/18 and Schedule B of The City of Port Colborne Official Plan, an environmental protection area is present on the rear portion of Subject Lands. Schedule B1 of the Official Plan identifies this as Provincially Significant Wetland. This feature is wholly on Part 1.

Schedule B1 of the City of Port Colborne Official Plan also shows a Stream traversing through the Subject Lands, all of which would be located wholly on Part 1.

## Public Comments

Notice was circulated on December 16, 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 December 9, 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
<b>Drainage Superintendent</b>	<p>The parcel is within the watershed of the Lyons Creek Municipal Drain. Any alterations to existing parcels through consent application will require a drainage reapportionment agreement. That can be completed by the Drainage Superintendent or by an approved drainage engineer. The cost of the city completing the agreement is \$118.00 per parcel. If the applicant chooses to have an engineer complete the agreement, the cost will be paid entirely by the applicant. For any questions on this process, please contact the Drainage Superintendent.</p> <p>Please note that the sketch prepared for consent application illustrates a creek. That creek is the Lyons Creek Municipal Drain East Branch. For future development, as per the planning law, there is a 10 m set back from top of bank of all municipal drains for any structures.</p>	This has been included as a condition of consent (Condition 4).
<b>Fire Department</b>	No objections.	Noted.
<b>Engineering Technologist</b>	A sight triangle distance of 6m be conveyed to the City for Part 2 (Corner Lot).	This has been included as a condition of consent (Condition 3 a).

<b>Niagara Peninsula Conservation Authority</b>	No comments.	Noted.
<b>Region of Niagara</b>	At the time of writing this report, comments have not been received by the Niagara Region.	N/A.

## **Discussion**

Consent application B01-26-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 considered to be rural lands. Policies for rural lands in municipalities are contained in Section 2.6 of the PPS. In accordance with Policy 2.6.1 c) of the PPS, residential development, including lot creation, where site conditions are suitable for the provisions of appropriate sewage and water services. Further policies of Section 2.6 promote development that is appropriate to the infrastructure that is planned or available; and, can be sustained by rural service levels. An existing dwelling is located on Part 2, while Part 1 will become a newly created lot. Part 2 is already serviced by a private sewage and water system. Both the severed retained parcels meet the lot size requirements established for private services. There is no development proposal for Part 1 at this time. Should future development occur on Part 1, it would need to be serviced adequately by a private sewage and water system.

In accordance with Policy 2.6.5, new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae. Based on staff's review, there are no livestock facilities within 1,000 metres of the Subject Lands.

Section 4.1 of the PPS provides guidance with respect to natural heritage and states that natural features and areas shall be protected for the long term. As noted previously, environmental features, which include a Provincially Significant Wetland and a stream, are located wholly on Part 1 of the Subject Lands. There is no development proposed as part of this consent application, however, if development occurs on Part 1 in the future, appropriate environmental studies would need to be completed and buffers would need to be provided to protect these features.

Section 4.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological resources have been conserved. The creation of a new lot is considered development. The Niagara Region Official Plan (NOP) includes an operative schedule that identifies areas of archaeological potential (Schedule K). The Subject Lands are

located within an area of identified archaeological potential. To address this, staff are recommending that the applicant complete the necessary works to obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM) as a condition of consent.

Based on this analysis, staff are satisfied that the proposed consent is consistent with the direction set out in the PPS.

#### 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. As a result of the passing of Bill 185, the NOP is deemed to be a local Official Plan for Planning Act applications. The NOP designates the Subject Lands as follows:

- Rural Lands, in accordance with Schedule F- Agricultural Land Base; and,
- Area of Archaeological Potential, in accordance with Schedule K- Areas of Archaeological Potential.

Policies for residential lot creation on rural lands is set out in Policy 4.1.4.2 of the NOP. A summary of the criteria and an assessment of compliance is provided in the table below:

NOP Policy 4.1.4.2 Criteria	Assessment Summary
a. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system as determined by Provincial and Regional requirements	Both the severed and retained parcels meet this requirement. As noted elsewhere, the existing dwelling on Part 2 is already supported by on-site private water and septic systems. There is no development proposal for Part 1 at this time. Should future development occur on Part 1, it would need to be serviced adequately by a private sewage and water system.
b. any new lot has an adequate groundwater or other water supply, in compliance with Provincial requirements	This would be subject to Regional review at the time of any proposed development.
c. any new lot has sufficient frontage on an existing publicly maintained road	Sufficient frontage is provided for both the severed and retained parcels.
d. where possible, joint use should be made of the existing road access to the farm operation	Not applicable.
e. road access to any new lot does not create a traffic hazard because	A sight triangle is being requested at Forkes Road and Snider Road. This has been included as a condition of consent.

of limited sight lines on curves or grades or proximity to intersections	
f. proposed lots shall be located and configured to minimize impacts on surrounding farming operations	Based on staff's review, there are no active farming operations surrounding the Subject Lands and there are no livestock facilities within 1,000 metres of the Subject Lands.

Based on the analysis above, the proposed consent application conforms to the NOP.

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

The City of Port Colborne OP designates the Subject Lands as Rural Lands, in accordance with Schedule A: City-Wide Land Use. As noted previously, Schedule B1 of the Official Plan also shows a stream traversing the Subject Lands and a Provincially Significant Wetland, both of which are situated wholly within Part 1.

Policies for lands within the Rural designation are contained in Section 3.4 of the OP. In accordance with the Preamble, the predominant uses for lands designated Rural shall include, but not be limited to; land uses permitted in the Agricultural designation; single-detached residential; natural heritage areas; parks and public open spaces; golf courses, conservation clubs, off-road trails and onroad bicycle routes; veterinary establishments; commercial or industrial uses that serve or directly relate to agriculture and cannot be located in a Hamlet such as a nursery or farm produce sales establishment, research station, farm machinery sales or repair depot, roads maintenance depot, feed or saw mill and fertilizer or seed depot; and activities normally found in close proximity to a lakeshore area including docks, accessory boat storage buildings, navigation facilities and erosion control measures.

Policy 3.4.2 a) i) through iv) provide guidance for intensification and infill in the Rural area, while Policy 3.4.4 establishes the framework for consents to sever in the Rural area. A summary of the criteria and an assessment of compliance with the applicable policies is provided in the table below:

Policy Criteria	Assessment Summary
A maximum of three lots are created on each property in existence as of June 16, 2006 (3.4.4 a) i))	One new lot is being created.
The proposed lots are designed to retain natural feature and vegetation (3.4.4 a) ii))	Natural features are located wholly within Part 1.
Each new lot shall be approximately 0.4 hectares, unless additional land area is required to support a well and a septic system, and protect surface and ground water features (3.4.4 a) iii))	Both the severed and retained lots exceed the minimum lot area requirement.

The new lot does not contribute to the extension or expansion of strip development (3.4.4 c) ii))	The new lot does not contribute to strip development.
The new lot is located on an opened and maintained public road (3.4.4 c) iii))	The new lot is located on an opened and maintained public road.
The feasibility of sustainable private services is demonstrated through appropriate technical studies (3.4.4. c) iv))	At this time, it is our understanding that the applicant is not looking to develop the land for any use. Feasibility for servicing, based on the future intended use, will need to be demonstrated through subsequent development approvals processes and would be subject to Regional review.
The lot is suitable in terms of topography, soils, drainage, erosion, lot size and shape for the use proposed (3.4.4 c) v))	The lot is considered to be suitable in this regard.
Road access to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections (3.4.4 c) vi))	The provision of a sight triangle is included as a condition of consent to address sight lines at the corner of Snider and Forkes Roads.
The proposed use will be compatible with surrounding uses (3.4.4 c) vii))	At this time, it is our understanding that the applicant is not looking to develop the land for any use. Any future development on the new lot would be required to meet the applicable provisions of the Zoning By-law and the Rural Zone specifically.
The new lot shall meet the minimum distance separation formulae (3.4.4 c) ix))	Based on staff's review, there are no active farming operations surrounding the Subject Lands and there are no livestock facilities within 1,000 metres of the Subject Lands.
The new lot for residential purposes, as permitted by Section 3.4.4 must be separated from existing livestock operations by the distance determined by the minimum distance separation formulae (3.4.4 c) x))	Based on staff's review, there are no active farming operations surrounding the Subject Lands and there are no livestock facilities within 1,000 metres of the Subject Lands.  Access, servicing, and the relationship of the lots to agricultural operations remain consistent with the intent of the Rural designation.
For agriculture-related uses and other rural uses, a maximum of three new non-residential lots are created on the property being severed (3.4.4 c) xi))	One new lot is being created.

Based on the analysis above, the proposed consent application conforms to the City's OP.

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

The Subject Lands are Zoned Rural (RU) in accordance with the Zoning By-law. The requested consent application will enable future development of the created lot. The following uses would be permitted on the lot, based on Section 15.2 of the Zoning By-law: Accessory Agricultural Activities; Agriculture Use; Agri-tourism and Value Added Uses; Cannabis Production Facility; Conservation uses; Dwelling, detached existing at the date of the passing of this By-law as a principal use on a new lot; Dwelling, detached as a principal use on an existing lot of record; Kennel; and, Uses, structures and buildings accessory thereto.

The proposed severance will leave the following dimensions:

- Part 1: a lot frontage of 622.24 metres and a lot area of 6.34 hectares.
- Part 2: a lot frontage of 178.72 metres and a lot area of 1.47 hectares.

The RU Zone requires minimum lot frontages and lot areas. The minimum lot frontage is typically 30 metres; however, some permitted uses require a minimum lot frontage of 75 metres. In any case, the frontage requirements are met. The minimum lot area is typically .4 hectares, however some permitted uses require a larger area (kennels, cannabis production facility). The lot area for an existing dwelling is met on Part 2, while the lot area of Part 1 would meet the lot area requirements for all permitted uses in the RU zone.

### **Recommendation:**

That consent application B0-26-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. An 3.5-metre by 3.5-metre sight triangle is included, at the intersection of Forkes Road and Snider Road from Part 2, is included for conveyance to the City of Port Colborne.

4. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
5. That the applicant shall undertake an archaeological assessment and obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM).
6. That a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
7. That all conditions of consent be completed by January 14, 2028.

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

SNIDER

ROAD ALLOWANCE BETWEEN LOTS 22 AND 23

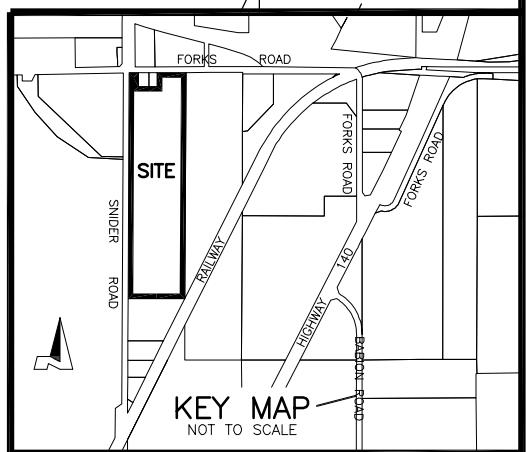
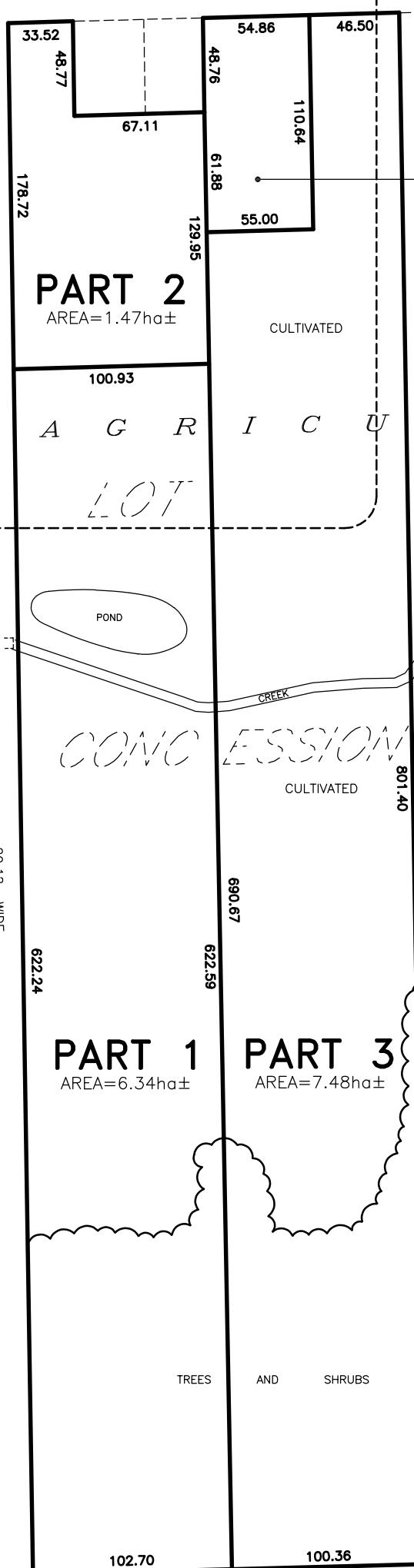
ROAD

SEE SHEET 2

ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5

20.12 WIDE

ROAD

**SKETCH**

PREPARED FOR CONSENT APPLICATION

PART OF LOT 22  
CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF HUMBERSTONEIN THE  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 3000 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY.  
DO NOT SCALE FROM THIS DRAWING.  
ALL MEASUREMENTS ARE +/- MEASUREMENTS.

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NOV. 13, 2025

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DWG 25048\_SEV

FILE 25-48

## NOTE

- 1) Part 1 to be severed from Part 2.
- 2) Part 3 to be severed from Part 4.
- 3) Parts 1 and 3 to merge in title.

**For Office Use Only**

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

**Application Complete:**  Yes  No

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

**SUBMISSION OF APPLICATION**

Completed applications can be sent to:

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

Telephone: 1-905-835-2900 ext. 204  
Fax: 1-905-835-2939  
Email: [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca)

**2024 APPLICATION FEES**

Consent (New Lot)	\$1,926	Changes to Consent Conditions	\$601
Easement	\$1,323	Final Certification Fee	\$240
Lot Addition / Boundary Adjustment	\$1,323	Validation of Title	\$1,083

**COMPLETENESS OF APPLICATION**

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

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

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

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

## DRAWING REQUIREMENTS

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

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

## PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.

Name:	Date:	Initials:
-------	-------	-----------

## SECTION 1 : CONTACT INFORMATION

<b>1.1 Registered Owner (s):</b>	
Name: Gregory Gamm	
Mailing Address: 3947 Snider Road	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V5	Telephone:
Fax:	Email:
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name: JAM Engineering and Construction Inc.	
Mailing Address: 1767 Gregory Rd	
City: St. Catharines	Province: Ontario
Postal Code: L2R 6P9	Telephone: 289-969-7008
Fax:	Email: jfrank@jameng.ca
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.5 All communications should be sent to the:</b>	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

## SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Humberstone	
Concession No. Con 4	Lot(s): PT LT 22
Registered Plan No. RO713237	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Snider Rd	Street No. 3947

## SECTION 3: PROPOSAL DESCRIPTION

<b>3.1 Type of proposed transaction: (Check appropriate space(s))</b>					
<input checked="" type="checkbox"/> Creation of New Lot		<input type="checkbox"/> Lease		<input checked="" 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	
<b>Reason for proposed transaction:</b> Severing off the excess land to be sold from the existing residential dwelling.					
<b>3.2 If a lot addition, identify the lands to which the parcel will be added:</b>    					
<b>3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:</b> 1001385679 Ontario Inc.					

## SECTION 4: SUBJECT PARCEL INFORMATION

### Part No. On Sketch: Part 1

<b>DESCRIPTION OF SUBJECT PARCEL (in metric units)</b>		
Frontage: 622.24m	Depth: 102.70m	Area: 6.34 ha
Existing Use: Vacant		
Proposed Use: Vacant/Farmland		

## SECTION 5: RETAINED PARCEL INFORMATION

### Part No. On Sketch: Part 2

<b>DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)</b>		
Frontage: 178.72m	Depth: 100.93m	Area: 1.47 ha
Existing Use: Residential		
Proposed Use: Residential		

## SECTION 6: SUBJECT LAND INFORMATION

<b>6.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>	
Port Colborne Official Plan: Rural	
Regional Policy Plan: Rural	
<b>6.2 What is the Zoning of the land (By-law 6575/30/18)?</b>	
Rural	
<b>6.3 Date and Subject Land was acquired by the Current Owner:</b>	
September 27, 1996	
<b>6.4 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?</b>	
<input checked="" type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect: Municipal Drain on property
<input 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.

[Meridian Credit Union Limited - 75 Corporate Park Drive, St. Catharines, ON, L2S 3W3](#)

**6.6 Type of ACCESS**

<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained seasonally	

**6.7 What type of WATER SUPPLY is proposed?**

<input type="checkbox"/> Publicly owned and operated piped water supply
<input type="checkbox"/> Lake
<input type="checkbox"/> Well (private or communal)
<input checked="" type="checkbox"/> Other (specify): <a href="#">Existing Cistern</a>

**6.8 What type of SEWAGE DISPOSAL is proposed?**

<input type="checkbox"/> Publicly owned and operated sanitary sewage system
<input checked="" type="checkbox"/> Septic system (private or communal)
<input type="checkbox"/> Other (specify):

**6.9 What type of STORMWATER DISPOSAL is proposed?**

<input type="checkbox"/> Publicly owned and operated stormwater system
<input checked="" type="checkbox"/> Other (specify): <a href="#">Existing Ditches</a>

**SECTION 7****7.1 Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?**

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

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

File Number:

Decision:

**SECTION 8: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND****8.1 ALL EXISTING USE**

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

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

[50+ 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. [House and Detached Garage](#)

<b>8.4 Are any of these buildings designated under the Ontario Heritage Act?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.10 Have the lands or adjacent lands ever been used as a weapon firing range?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.12 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<p>If previous use of property is industrial or commercial or if the answer was 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 23/25

Date

X 

Signature of Owner

# NIAGARA PENINSULA CONSERVATION AUTHORITY

## Pre-Screening Criteria

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

## AUTHORIZATIONS

### SIGNATURE OF APPLICANT(S)

X

Date

X

Signature of Applicant(s)

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

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

Of the City/Town/Township of \_\_\_\_\_

In the County/District/Regional Municipality of \_\_\_\_\_

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

DECLARED before me at the \_\_\_\_\_  
of \_\_\_\_\_

In the \_\_\_\_\_ of \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_

20 \_\_\_\_.

A Commissioner, etc.

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

X

Signature of applicant(s), solicitor, or authorized

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

## POSTING OF PUBLIC HEARING SIGN

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

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

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

I/We Gregory Gamm 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

X

Signature of Owner/Agent

X

Date

## PERMISSION TO ENTER

I/We Gregory Gamm 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

X

Signature of Owner

X

Date

#### AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We Gregory Gamm am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize JAM Engineering and Construction Inc. as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

## SUGGESTION TO THE APPLICANT

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

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

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





**PORT COLBORNE**

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

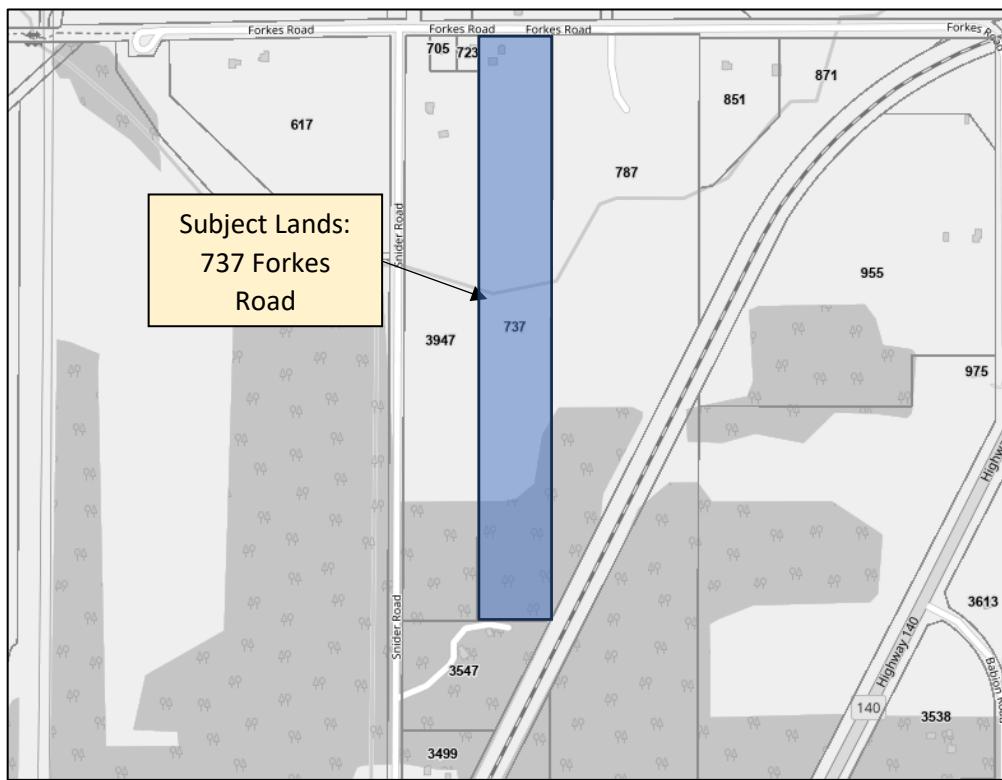
COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
Consent Application  
File No. B02-26-PC

**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 Concession 4 Part Lot 22 on RP59R9019 Part 1, in the City of Port Colborne, located in the Rural (RU) zone, municipally known as 737 Forkes Road;

**AND IN THE MATTER OF AN APPLICATION** by the agent Jim Frank, on behalf of the owners, Peggy and Troy Robbins, for consent to sever for the purpose of creating a new residential lot. The subject parcels are shown as Parts 3 and 4 on the proposed sketch, where Part 3 is to be severed for an existing residential use, and Part 4 is to be retained 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:** January 14, 2025  
**Time:** 6:00 p.m.  
**Location:** 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 9, 2025**. If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

## **Electronic Hearing Procedures**

### ***How to Get Involved in the Hearing***

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, January 13, 2025**, by emailing [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

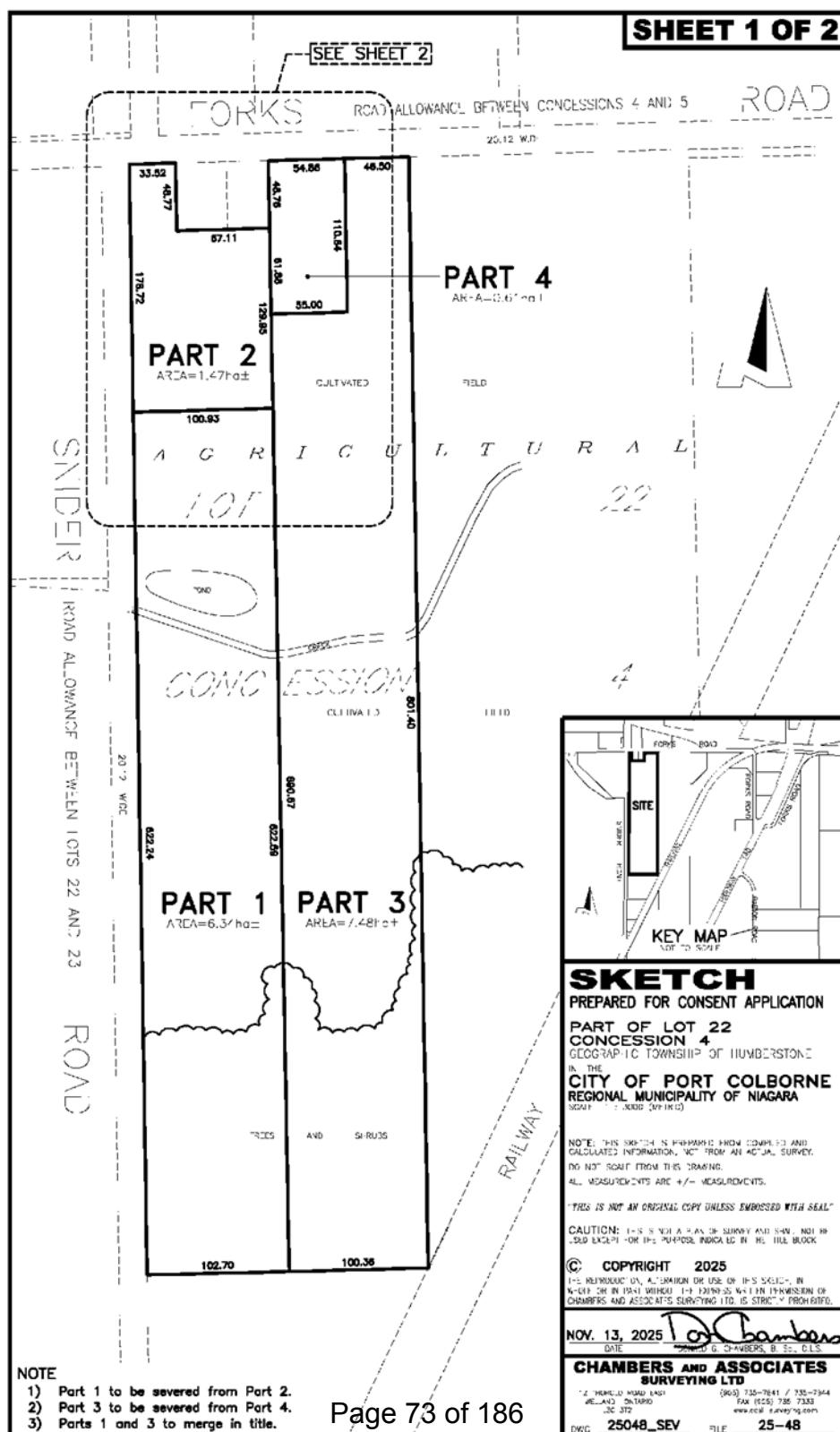
If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer.

By order of the Committee of Adjustment,

Taya Taraba

Taya Taraba  
Secretary-Treasurer

## SKETCH





**Development and Government Relations Department**

Planning Division Report

January 9, 2026

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

**Re: Application for Consent: B02-26-PC**  
**Concession 4 Part Lot 22, Part 1 of Plan 59R018 Geographic Township of Humberstone in the City of Port Colborne (737 Forkes Road)**  
**Agent: Jim Frank, JAM Engineering and Construction Inc.**  
**Owner: Tory Robins and Peggy Robins**

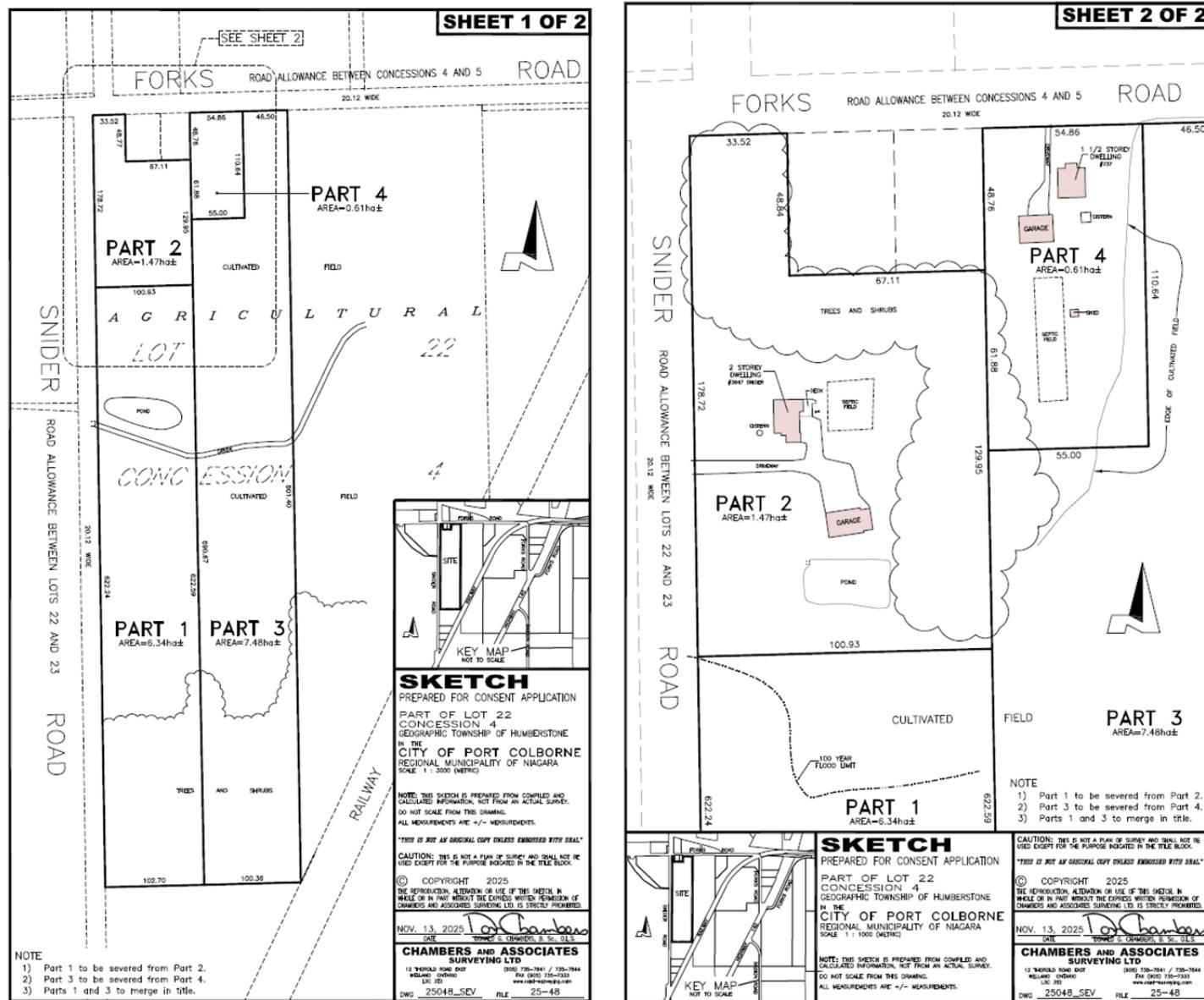
**Proposal**

The purpose of this application is to permit the severance of the parcel at 737 Forkes Road, for the purpose of creating a new lot, as illustrated in the provided figures and described below:

- **Part 3** is proposed to **be severed**, with a lot frontage of 46.5 metres and a lot area of 7.48 hectares.
- **Part 4** is proposed to **be retained**, with a lot frontage of 54.86 metres and a lot area of .61 hectares.
- There is a related consent application for the adjacent lands at 3947 Snider Road (B01-26-PC)



*Figure 1 (above): Subject Lands*



*Figure 2 (above): Proposed severance sketch*

## Surrounding Land Uses and Zoning

The Subject Lands are located outside of the Urban Area and are zoned Rural (RU) and Environmental Protection (EP). Parcels surrounding the Subject Lands are and include rural residential dwellings and natural environmental features. The future Asahi Kasei battery separator plant is located further north of the Subject Lands. Figure 3 shows the zoning of the subject and surrounding lands.

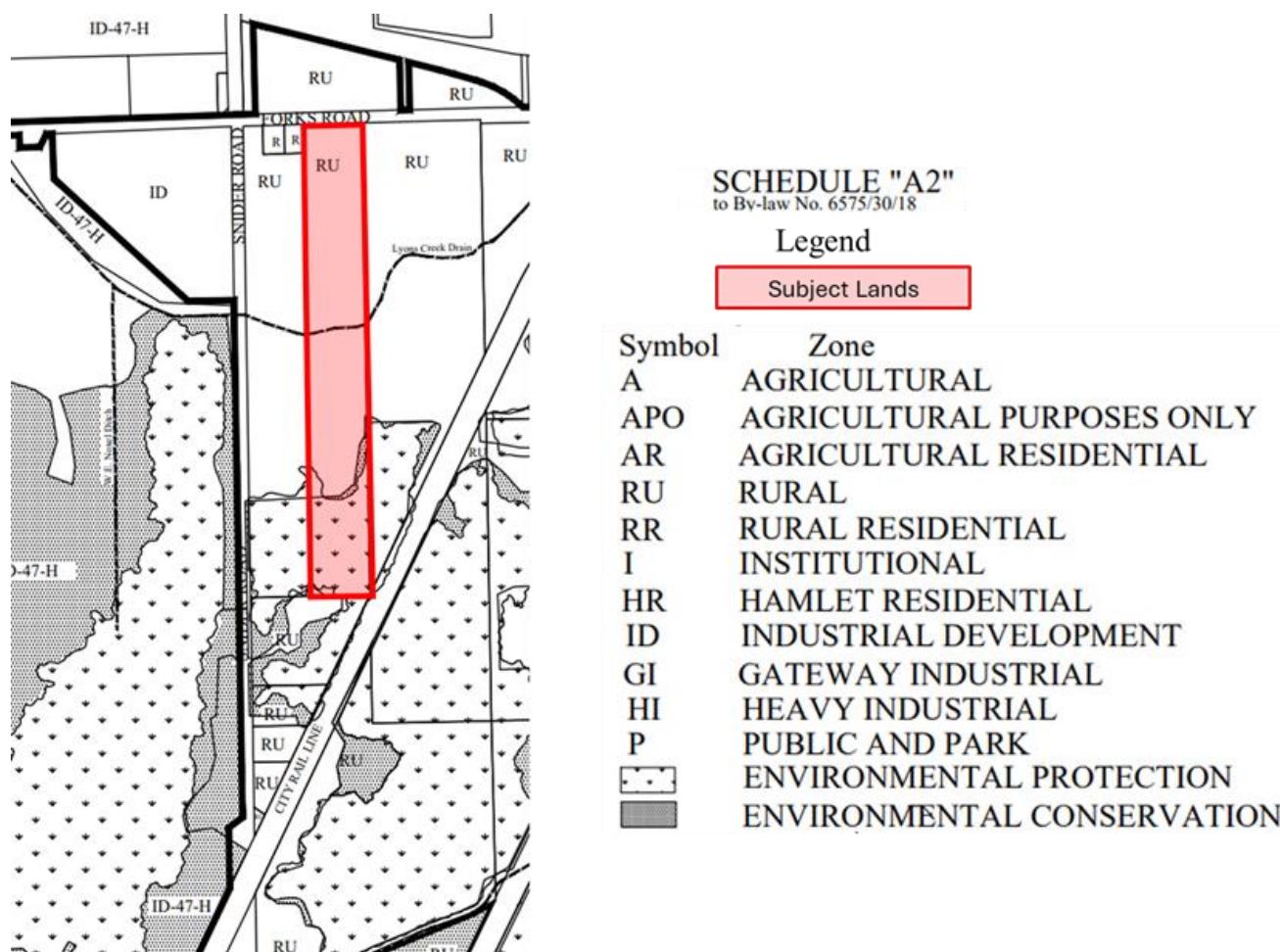


Figure 3 (above): Zoning of the subject and surrounding lands

## Environmentally Sensitive Areas

As shown on Schedule A2 of Zoning By-law 6575/30/18 and Schedule B of The City of Port Colborne Official Plan, an environmental protection area is present on the rear portion of Subject Lands. Schedule B1 of the Official Plan identifies this as Provincially Significant Wetland. This feature is wholly on Part 3.

Schedule B1 of the City of Port Colborne Official Plan also shows a Stream traversing through the Subject Lands, all of which would be located wholly on Part 3.

## Public Comments

Notice was circulated on December 16, 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 December 9, 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
<b>Drainage Superintendent</b>	<p>The parcel is within the watershed of the Lyons Creek Municipal Drain. Any alterations to existing parcels through consent application will require a drainage reapportionment agreement. That can be completed by the Drainage Superintendent or by an approved drainage engineer. The cost of the city completing the agreement is \$118.00 per parcel. If the applicant chooses to have an engineer complete the agreement, the cost will be paid entirely by the applicant. For any questions on this process, please contact the Drainage Superintendent.</p> <p>Please note that the sketch prepared for consent application illustrates a creek. That creek is the Lyons Creek Municipal Drain East Branch. For future development, as per the planning law, there is a 10 m set back from top of bank of all municipal drains for any structures</p>	This has been included as a condition of consent (Condition 4)
<b>Fire Department</b>	No objections	Noted

<b>Engineering Technologist</b>	Development Engineering has no comments for this Consent (Severance) application.	Noted
<b>Niagara Peninsula Conservation Authority</b>	No comments	Noted
<b>Region of Niagara</b>	At the time of writing this report, comments have not been received by the Niagara Region	N/A

## **Discussion**

Consent application B01-26-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 considered to be rural lands. Policies for rural lands in municipalities are contained in Section 2.6 of the PPS. In accordance with Policy 2.6.1 c) of the PPS, residential development, including lot creation, where site conditions are suitable for the provisions of appropriate sewage and water services. Further policies of Section 2.6 promote development that is appropriate to the infrastructure that is planned or available; and, can be sustained by rural service levels. An existing dwelling is located on Part 4, while Part 3 will become a newly created lot. Part 4 is already serviced by a private sewage and water system. Both the severed retained parcels meet the lot size requirements established for private services. There is no development proposal for Part 3 at this time. Should future development occur on Part 3, it would need to be serviced adequately by a private sewage and water system.

In accordance with Policy 2.6.5, new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae. Based on staff's review, there are no livestock facilities within 1,000 metres of the Subject Lands.

Section 4.1 of the PPS provides guidance with respect to natural heritage and states that natural features and areas shall be protected for the long term. As noted previously, environmental features, which include a Provincially Significant Wetland and a stream, are located wholly on Part 3 of the Subject Lands. There is no development proposed as part of this consent application, however, if development occurs on Part 3 in the future, appropriate environmental studies would need to be completed and buffers would need to be provided to protect these features.

Section 4.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless

archaeological resources have been conserved. The creation of a new lot is considered development. The Niagara Region Official Plan (NOP) includes an operative schedule that identifies areas of archaeological potential (Schedule K). The Subject Lands are located within an area of identified archaeological potential. To address this, staff are recommending that the applicant complete the necessary works to obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM) as a condition of consent.

Based on this analysis, staff are satisfied that the proposed consent is consistent with the direction set out in the PPS.

#### 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. As a result of the passing of Bill 185, the NOP is deemed to be a local Official Plan for Planning Act applications. The NOP designates the Subject Lands as follows:

- Rural Lands, in accordance with Schedule F- Agricultural Land Base; and,
- Area of Archaeological Potential, in accordance with Schedule K- Areas of Archaeological Potential.

Policies for residential lot creation on rural lands is set out in Policy 4.1.4.2 of the NOP. A summary of the criteria and an assessment of compliance is provided in the table below:

NOP Policy 4.1.4.2 Criteria	Assessment Summary
a. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system as determined by Provincial and Regional requirements	Both the severed and retained parcels meet this requirement. As noted elsewhere, the existing dwelling on Part 4 is already supported by on-site private water and septic systems. There is no development proposal for Part 3 at this time. Should future development occur on Part 3, it would need to be serviced adequately by a private sewage and water system.
b. any new lot has an adequate groundwater or other water supply, in compliance with Provincial requirements	This would be subject to Regional review at the time of any proposed development.
c. any new lot has sufficient frontage on an existing publicly maintained road	Sufficient frontage is provided for both the severed and retained parcels.
d. where possible, joint use should be made of the existing road access to the farm operation	Not applicable.

e. road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections	No traffic hazards have been identified by municipal engineering staff
f. proposed lots shall be located and configured to minimize impacts on surrounding farming operations	Based on staff's review, there are no active farming operations surrounding the Subject Lands and there are no livestock facilities within 1,000 metres of the Subject Lands.

Based on the analysis above, the proposed consent application conforms to the NOP.

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

The City of Port Colborne OP designates the Subject Lands as Rural Lands, in accordance with Schedule A: City-Wide Land Use. As noted previously, Schedule B1 of the Official Plan also shows a stream traversing the Subject Lands and a Provincially Significant Wetland, both of which are situated wholly within Part 3.

Policies for lands within the Rural designation are contained in Section 3.4 of the OP. In accordance with the Preamble, the predominant uses for lands designated Rural shall include, but not be limited to; land uses permitted in the Agricultural designation; single-detached residential; natural heritage areas; parks and public open spaces; golf courses, conservation clubs, off-road trails and onroad bicycle routes; veterinary establishments; commercial or industrial uses that serve or directly relate to agriculture and cannot be located in a Hamlet such as a nursery or farm produce sales establishment, research station, farm machinery sales or repair depot, roads maintenance depot, feed or saw mill and fertilizer or seed depot; and activities normally found in close proximity to a lakeshore area including docks, accessory boat storage buildings, navigation facilities and erosion control measures.

Policy 3.4.2 a) i) through iv) provide guidance for intensification and infill in the Rural area, while Policy 3.4.4 establishes the framework for consents to sever in the Rural area. A summary of the criteria and an assessment of compliance with the applicable policies is provided in the table below:

Policy Criteria	Assessment Summary
A maximum of three lots are created on each property in existence as of June 16, 2006 (3.4.4 a) i))	One new lot is being created.
The proposed lots are designed to retain natural feature and vegetation (3.4.4 a) ii))	Natural features are located wholly within Part 3.
Each new lot shall be approximately 0.4 hectares, unless additional land area is required to support a well and a septic	Both the severed and retained lots exceed the minimum lot area requirement.

system, and protect surface and ground water features (3.4.4 a) iii))	
The new lot does not contribute to the extension or expansion of strip development (3.4.4 c) ii))	The new lot does not contribute to strip development.
The new lot is located on an opened and maintained public road (3.4.4 c) iii))	The new lot is located on an opened and maintained public road.
The feasibility of sustainable private services is demonstrated through appropriate technical studies (3.4.4. c) iv))	At this time, it is our understanding that the applicant is not looking to develop the land for any use. Feasibility for servicing, based on the future intended use, will need to be demonstrated through subsequent development approvals processes and would be subject to Regional review.
The lot is suitable in terms of topography, soils, drainage, erosion, lot size and shape for the use proposed (3.4.4 c) v))	The lot is considered to be suitable in this regard.
Road access to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections (3.4.4 c) vi))	No traffic hazards have been identified by municipal engineering staff.
The proposed use will be compatible with surrounding uses (3.4.4 c) vii))	At this time, it is our understanding that the applicant is not looking to develop the land for any use. Any future development on the new lot would be required to meet the applicable provisions of the Zoning By-law and the Rural Zone specifically.
The new lot shall meet the minimum distance separation formulae (3.4.4 c) ix))	Based on staff's review, there are no active farming operations surrounding the Subject Lands and there are no livestock facilities within 1,000 metres of the Subject Lands.
The new lot for residential purposes, as permitted by Section 3.4.4 must be separated from existing livestock operations by the distance determined by the minimum distance separation formulae (3.4.4 c) x))	Based on staff's review, there are no active farming operations surrounding the Subject Lands and there are no livestock facilities within 1,000 metres of the Subject Lands.  Access, servicing, and the relationship of the lots to agricultural operations remain consistent with the intent of the Rural designation.
For agriculture-related uses and other rural uses, a maximum of three new non-residential lots are created on the property being severed (3.4.4 c) xi))	One new lot is being created.

Based on the analysis above, the proposed consent application conforms to the City's OP.

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

The Subject Lands are Zoned Rural (RU) in accordance with the Zoning By-law. The requested consent application will enable future development of the created lot. The following uses would be permitted on the lot, based on Section 15.2 of the Zoning By-law: Accessory Agricultural Activities; Agriculture Use; Agri-tourism and Value Added Uses; Cannabis Production Facility; Conservation uses; Dwelling, detached existing at the date of the passing of this By-law as a principal use on a new lot; Dwelling, detached as a principal use on an existing lot of record; Kennel; and, Uses, structures and buildings accessory thereto.

The proposed severance will leave the following dimensions:

- Part 3: a lot frontage of 46.5 metres and a lot area of 7.48 hectares.
- Part 4: a lot frontage of 54.86 metres and a lot area of .61 hectares.

The RU Zone requires minimum lot frontages and lot areas. The minimum lot frontage is typically 30 metres; however, some permitted uses require a minimum lot frontage of 75 metres. If future development on Part 3 were to be for a use that requires a larger frontage than is provided, a variance would be required. The minimum lot area is typically .4 hectares, however some permitted uses require a larger area (kennels, cannabis production facility). The lot area for an existing dwelling is met on Part 4, while the lot area of Part 3 would meet the lot area requirements for all permitted uses in the RU zone.

### **Recommendation:**

That consent application B0-26-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 the applicant shall undertake an archaeological assessment and obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM).

4. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
5. That a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
6. That all conditions of consent be completed by January 14, 2028.

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

## FORKS ROAD

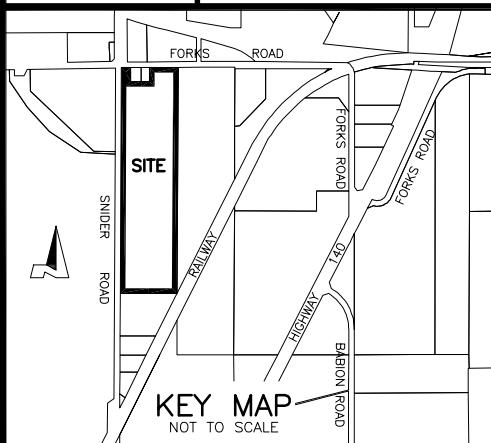
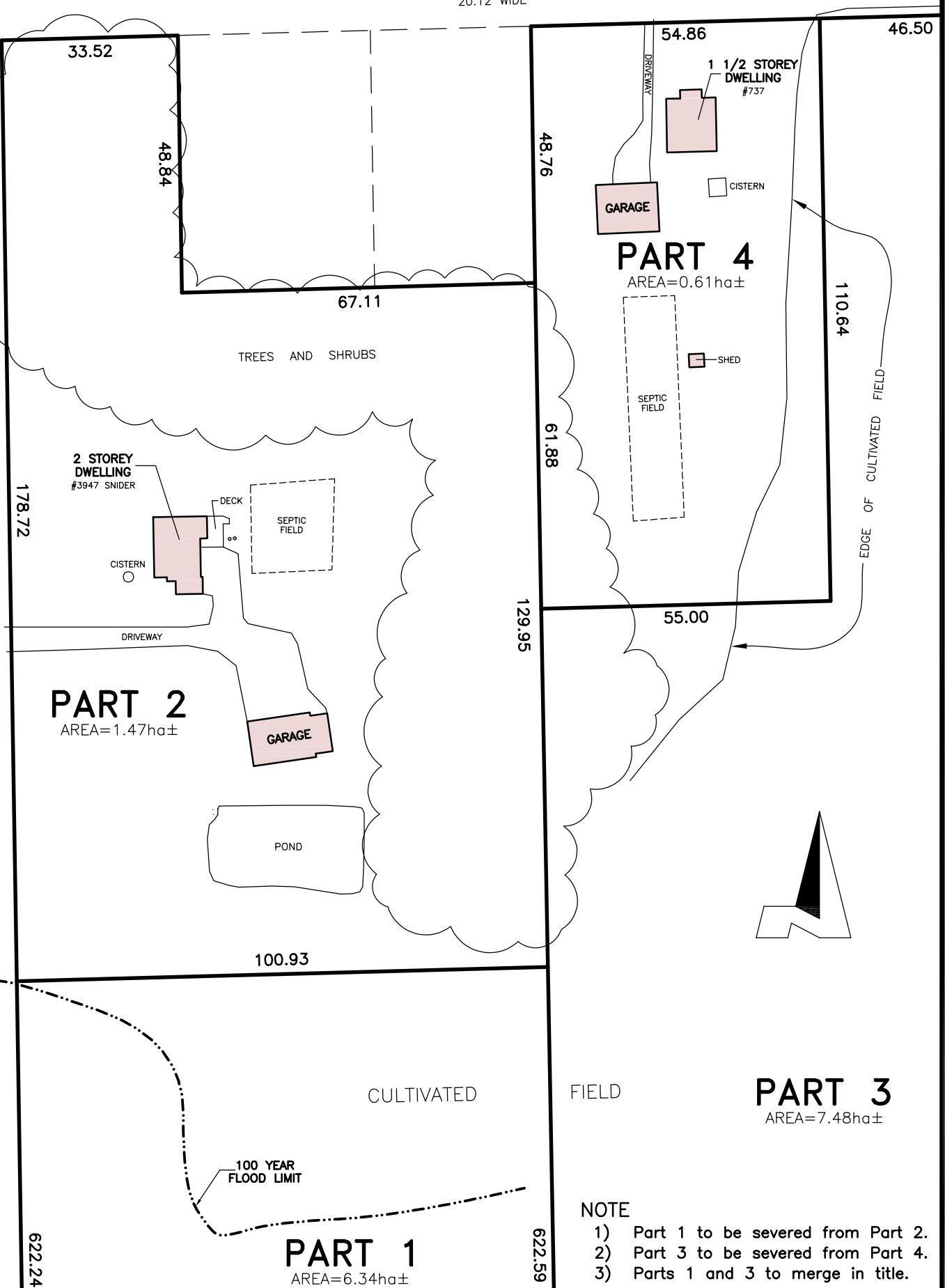
ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5

20.12 WIDE

SNIDER

ROAD ALLOWANCE BETWEEN LOTS 22 AND 23  
20.12 WIDE

ROAD



**SKETCH**  
PREPARED FOR CONSENT APPLICATION

**PART OF LOT 22 CONCESSION 4**  
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE  
IN THE  
**CITY OF PORT COLBORNE**  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 1000 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY.  
DO NOT SCALE FROM THIS DRAWING.  
ALL MEASUREMENTS ARE +/- MEASUREMENTS

Page 84 of 186

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

"THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL"

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THE REPRODUCTION, ALTERATION OR USE OF THIS SKETCH, IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAMBERS AND ASSOCIATES SURVEYING LTD. IS STRICTLY PROHIBITED.

NOV. 13, 2025

DATE

D. G. Chambers  
DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES SURVEYING LTD**12 THOROLD ROAD EAST  
WELLAND ONTARIO  
L3C 3T2(905) 735-7844 / 735-7844  
FAX (905) 735-7333  
[www.cacl-surveying.com](http://www.cacl-surveying.com)

DWG 25048\_SEV

FILE

25-48

**For Office Use Only**

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

Application Complete:  Yes  No

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

**SUBMISSION OF APPLICATION**

Completed applications can be sent to:

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

Telephone: 1-905-835-2900 ext. 204  
Fax: 1-905-835-2939  
Email: [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca)

**2024 APPLICATION FEES**

Consent (New Lot)	\$1,926	Changes to Consent Conditions	\$601
Easement	\$1,323	Final Certification Fee	\$240
Lot Addition / Boundary Adjustment	\$1,323	Validation of Title	\$1,083

**COMPLETENESS OF APPLICATION**

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

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

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

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

## DRAWING REQUIREMENTS

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

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

## PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.

Name:	Date:	Initials:
-------	-------	-----------

**SECTION 1 : CONTACT INFORMATION**

**1.1 Registered Owner (s):**

Name: **Troy Robins, Peggy Robins**

Mailing Address: **737 Forkes Rd E**

City: <b>Port Colborne</b>	Province: <b>Ontario</b>
----------------------------	--------------------------

Postal Code: <b>L3K 5V5</b>	Telephone:
-----------------------------	------------

Fax:	Email:
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**1.2 Owner's SOLICITOR (if applicable)**

Name:

Mailing Address:

City:	Province:
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Postal Code:	Telephone:
--------------	------------

Fax:	Email:
------	--------

**1.3 Owner's Authorized AGENT (if applicable)**

Name: **JAM Engineering and Construction Inc.**

Mailing Address: **1767 Gregory Rd**

City: <b>St. Catharines</b>	Province: <b>Ontario</b>
-----------------------------	--------------------------

Postal Code: <b>L2R 6P9</b>	Telephone: <b>289-969-7008</b>
-----------------------------	--------------------------------

Fax:	Email: <b>jfrank@jameng.ca</b>
------	--------------------------------

**1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)**

Name:

Mailing Address:

City:	Province:
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Postal Code:	Telephone:
--------------	------------

Fax:	Email:
------	--------

**1.5 All communications should be sent to the:**

Owner       Solicitor       Agent

**SECTION 2: LOCATION OF SUBJECT LAND**

Former Municipality: **Humberstone**

Concession No. <b>Con 4</b>	Lot(s): <b>PT LT 22</b>
-----------------------------	-------------------------

Registered Plan No.	Lot(s):
---------------------	---------

Reference Plan No. <b>59R9018</b>	Part(s): <b>PT 1</b>
-----------------------------------	----------------------

Name of Street: <b>Forkes Rd E</b>	Street No. <b>737</b>
------------------------------------	-----------------------

### SECTION 3: PROPOSAL DESCRIPTION

<b>3.1 Type of proposed transaction: (Check appropriate space(s))</b>		
<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
<b>Reason for proposed transaction:</b>		
Severing off the excess land to be sold from the existing residential dwelling.		
<b>3.2 If a lot addition, identify the lands to which the parcel will be added:</b>		
<b>3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:</b>		
1001385679 Ontario Inc.		

## SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: Part 3

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 46.5m	Depth: 801.4m	Area: 7.48 ha
Existing Use:	Farmland	
Proposed Use:	Farmland	

## SECTION 5: RETAINED PARCEL INFORMATION

**Part No. On Sketch:** Part 4

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 54.86m	Depth: 110.64m	Area: 0.61 ha
Existing Use:	Residential	
Proposed Use:	Residential	

## SECTION 6: SUBJECT LAND INFORMATION

<b>6.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>					
Port Colborne Official Plan: <b>Rural</b>					
Regional Policy Plan: <b>Rural</b>					
<b>6.2 What is the Zoning of the land (By-law 6575/30/18)?</b>					
<b>Rural</b>					
<b>6.3 Date and Subject Land was acquired by the Current Owner:</b>					
<b>August 11, 2000</b>					
<b>6.4 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?</b>					
<table border="1"> <tr> <td><input checked="" type="checkbox"/> Yes</td> <td>If "Yes" describe the easement or covenant and its effect: <b>Municipal Drain on property</b></td> </tr> <tr> <td><input type="checkbox"/> No</td> <td></td> </tr> </table>		<input checked="" type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect: <b>Municipal Drain on property</b>	<input type="checkbox"/> No	
<input checked="" type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect: <b>Municipal Drain on property</b>				
<input 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.

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**6.6 Type of ACCESS**

<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained seasonally	

**6.7 What type of WATER SUPPLY is proposed?**

Publicly owned and operated piped water supply  
 Lake  
 Well (private or communal)  
 Other (specify):  
[Existing Cistern](#)

---

**6.8 What type of SEWAGE DISPOSAL is proposed?**

Publicly owned and operated sanitary sewage system  
 Septic system (private or communal)  
 Other (specify):

---

**6.9 What type of STORMWATER DISPOSAL is proposed?**

Publicly owned and operated stormwater system  
 Other (specify):  
[Existing Ditches](#)

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**SECTION 7****7.1 Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
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If the answer is "Yes," please provide the following information:

File Number:

Decision:

**SECTION 8: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND****8.1 ALL EXISTING USE**

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

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

[50+ 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. [House and Detached Garage](#)

<b>8.4 Are any of these buildings designated under the Ontario Heritage Act?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.10 Have the lands or adjacent lands ever been used as a weapon firing range?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.12 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<b>8.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*</b>		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<p>If previous use of property is industrial or commercial or if the answer was 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 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 24/25  
Date

X Lynn Rose Pezzin  
Signature of Owner

# NIAGARA PENINSULA CONSERVATION AUTHORITY

## Pre-Screening Criteria

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

## AUTHORIZATIONS

---

### SIGNATURE OF APPLICANT(S)

X

Date

X

Signature of Applicant(s)

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

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

Of the City/Town/Township of \_\_\_\_\_

In the County/District/Regional Municipality of \_\_\_\_\_

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

DECLARED before me at the  
\_\_\_\_\_ of \_\_\_\_\_

In the \_\_\_\_\_ of \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_

20 \_\_\_\_.

A Commissioner, etc.

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

X

Signature of applicant(s), solicitor, or authorized

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

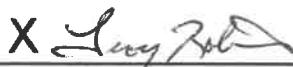
## POSTING OF PUBLIC HEARING SIGN

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

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

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

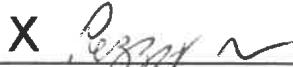
I/We Troy Robins, Peggy Robins am/are the owner(s) of the land subject to this application for Consent and I/We agree to post the required sign(s) a minimum of 14 days prior to the hearing and will remain posted, and replaced, if necessary, until the day following the hearing.

X 

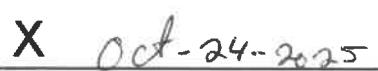
Signature of Owner/Agent

X 

Date

X 

Signature of Owner/Agent

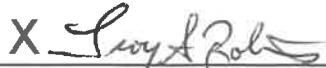
X 

Date

## PERMISSION TO ENTER

I/We Troy Robins, Peggy Robins 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

Peggy n

Signature of Owner

Oct -24-2025

Date

#### AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We Troy Robins, Peggy Robins am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize JAM Engineering and Construction Inc. as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

Troy A Robins

Signature of Owner

Oct 24/25

Date

Peggy n

Signature of Owner

Oct - 24 - 2025

Date

Signature of Agent

Date

## SUGGESTION TO THE APPLICANT

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

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

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





**PORT COLBORNE**

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

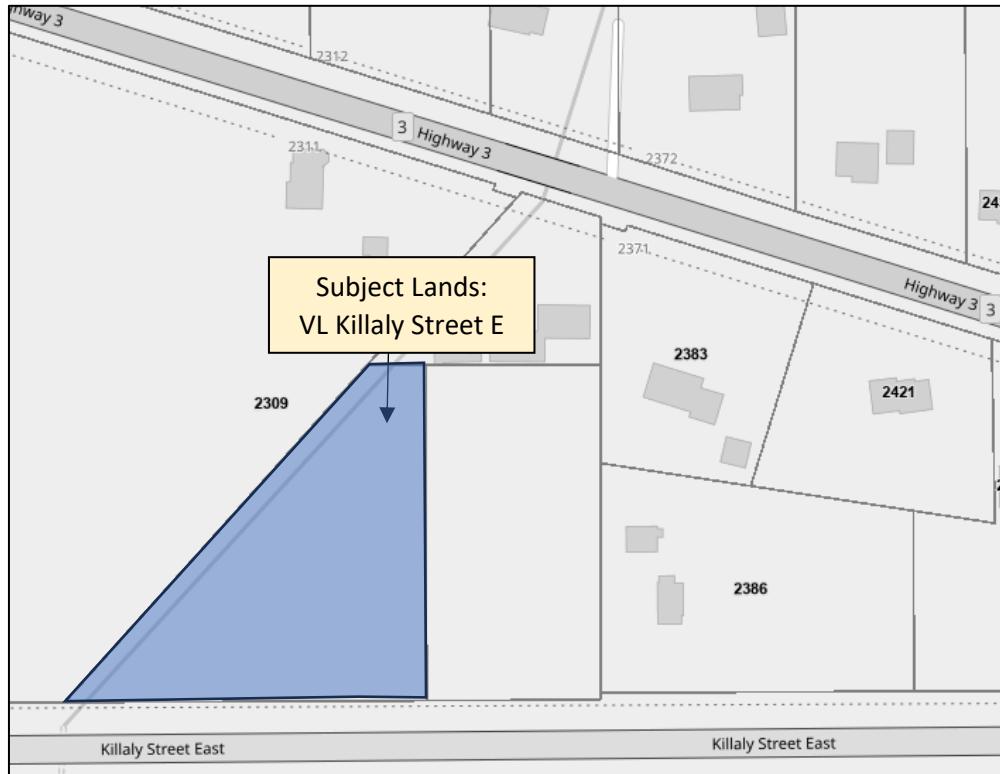
COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
Consent Application  
File No. B04-26-PC

**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 Concession 2, Part Lot 15 on RP 59R14389, Part 2, formerly in the township of Humberstone, currently in the City of Port Colborne, located in the Hamlet Residential (HR) zone, municipally known as a vacant lot on Killaly Street East;

**AND IN THE MATTER OF AN APPLICATION** by the agent, Joe Tomaino, on behalf of the owner, Heidi Murphy, 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 a future residential 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:** January 14, 2025

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

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

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 9, 2025**. If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

## **Electronic Hearing Procedures**

### ***How to Get Involved in the Hearing***

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, January 13, 2025**, by emailing [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

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

By order of the Committee of Adjustment,

Taya Taraba

Taya Taraba  
Secretary-Treasurer

**Date of Mailing:** December 16, 2025

## SKETCH

Sketch.pdf



## PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

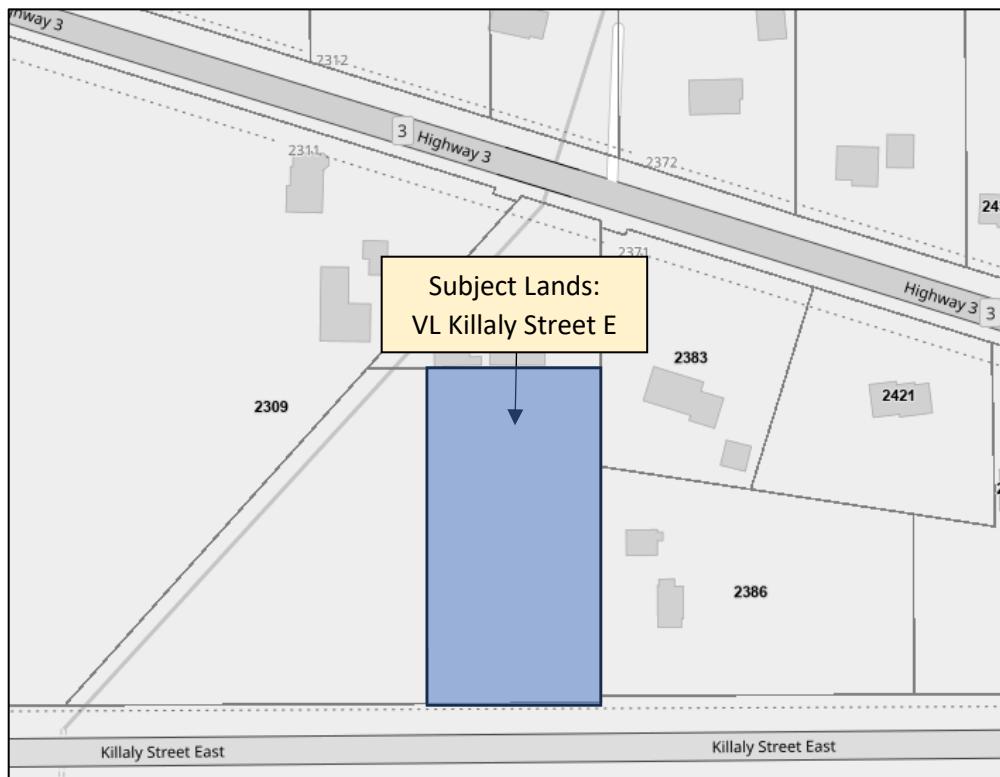
# COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Consent Application File No. B05-26-PC

**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 Concession 2, Part Lot 15 on RP 59R14389, Part 1, formerly in the township of Humberstone, currently in the City of Port Colborne, located in the Hamlet Residential (HR) zone, municipally known as a vacant lot on Killaly Street East;

**AND IN THE MATTER OF AN APPLICATION** by the agent, Joe Tomaino, on behalf of the owner, Wesley Visser, for consent to sever for the purpose of creating a new residential lot. The subject parcels are shown as Parts 3 and 4 on the proposed sketch. Part 4 as shown, is to be retained for a future residential use. Part 3 is to be created with the purpose of merging on title with Part 2. As concurrent application (B04-26-PC) is also being presented to the Committee of Adjustment for the purpose of creating Parts 1 and 2. If both applications are approved as requested, the total number of lots will equal 4. 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:** January 14, 2025  
**Time:** 6:00 p.m.  
**Location:** 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 9, 2025**. If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

## Electronic Hearing Procedures

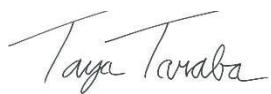
### *How to Get Involved in the Hearing*

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, January 13, 2025**, by emailing [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

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

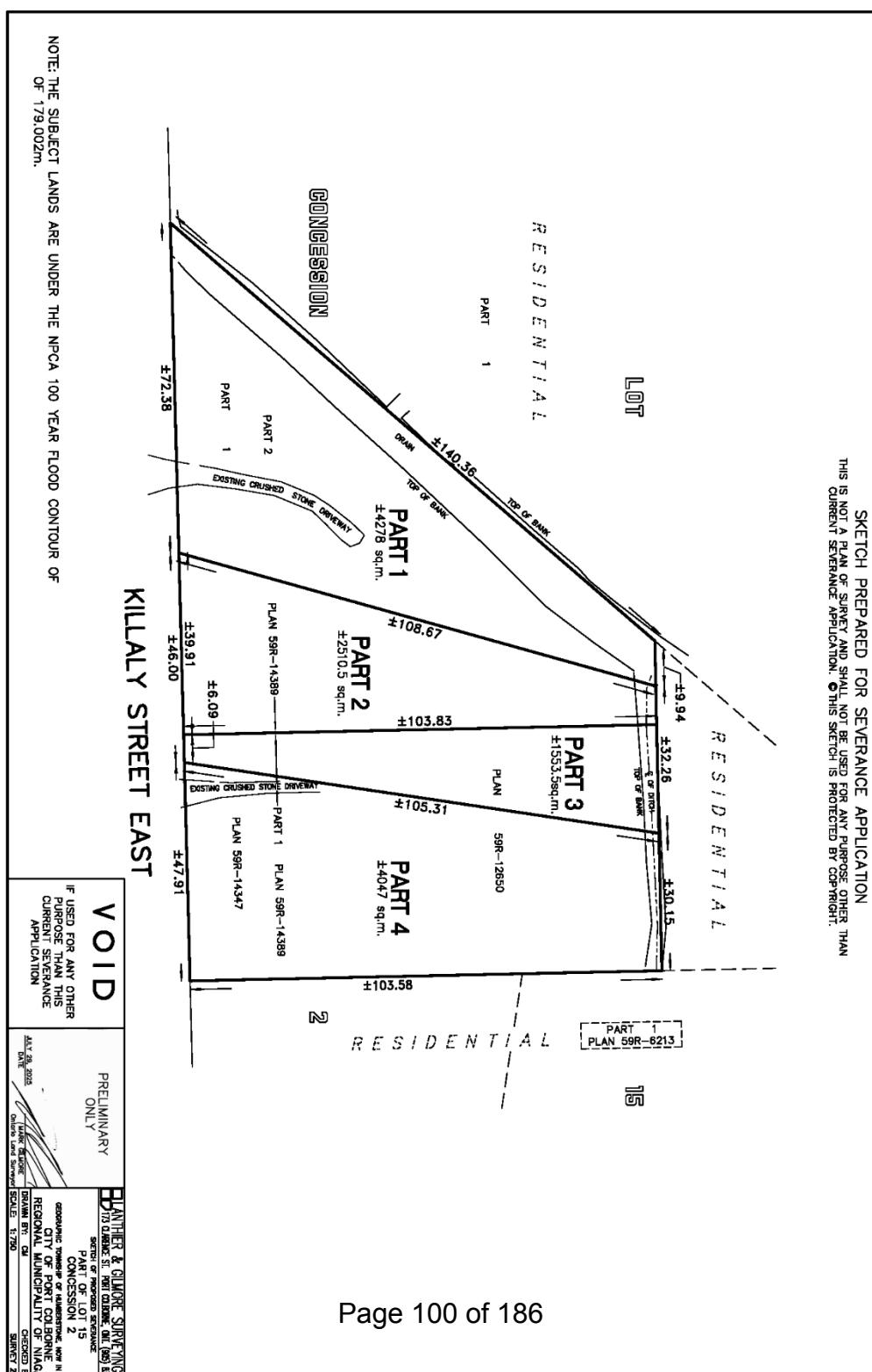


By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

### SKETCH

 Sketch.pdf





**Development and Government Relations Department**

Planning Division Report

January 14, 2026

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

**Re: Application for Consent: B04-26-PC & B05-26-PC  
Concession 2, Part Lot 15  
VL Killaly Street East  
Agent: Joesph Tomaino, MCIP RPP Upper Canada Consultants.  
Owner: Heidi Murphy & Wes Visser**

**Proposal**

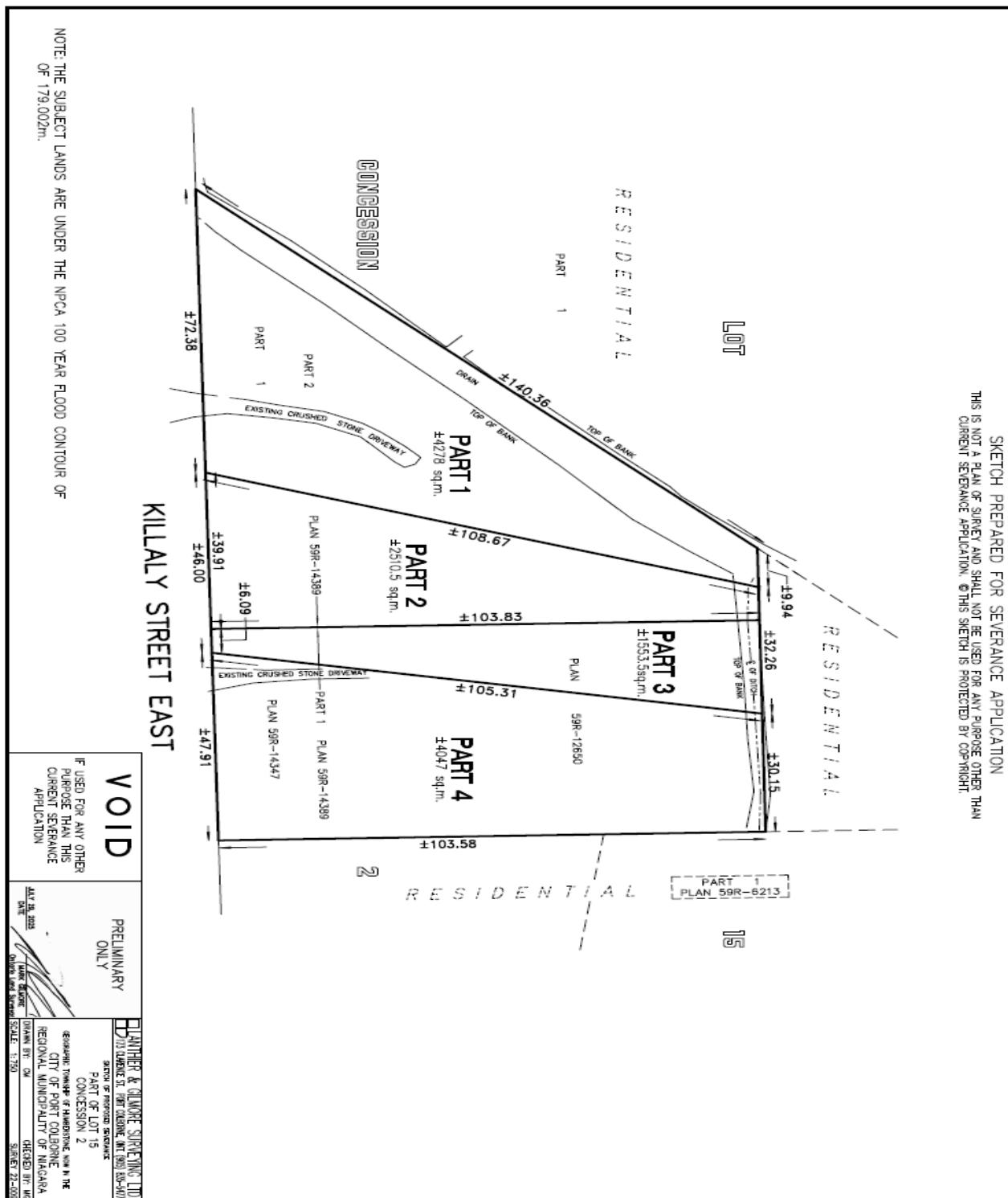
The purpose of these applications is to seek approval for a severance to create 1 new lot. These applications have been made concurrently and propose to reconfigure 2 existing lots into 3 lots, as illustrated in the provided figures and described below:

- **Part 1** is proposed as a new residential lot, with a lot frontage of 72.38 metres and a lot area of 4,278 square metres.
- **Part 4** is proposed as a new residential lot, with a lot frontage of 47.91 metres and lot area of 4047 square metres.
- **Part 2** is proposed to be severed (from **Part 1**), with a lot frontage of 39.91 metres and a lot area of 2510.5 square metres.
- **Part 3** is proposed to be severed (from **Part 4**), with a lot frontage of 6.09 metres and a lot area of 1553.5 square metres.



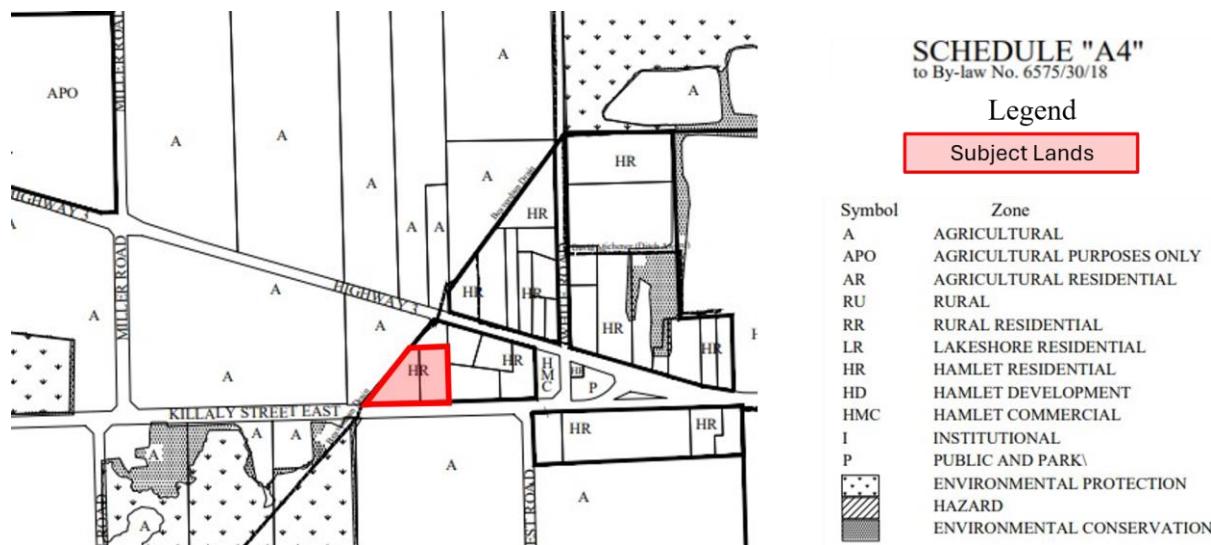
*Figure 1 (above): Subject Lands*

- **Part 2 and Part 3** are proposed to be merged to create 1 new residential lot with a lot frontage of 46 metres and a lot area of 4064 square metres.



## Surrounding Land Uses and Zoning

The lands which are the subject of this application are located in the Gasline Hamlet. The subject lands are zoned Hamlet Residential (HR) parcels surrounding the subject lands are zoned Agriculture (A) and Hamlet Residential (HR) and include a mixture of residential, and agricultural uses. 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. There are no natural areas or features mapped within the Niagara Official Plan (NOP) or City of Port Colborne Official Plan (OP) on or adjacent to the Subject Lands.

The NPCA has indicated that the property is located within a regulated floodplain.

## Public Comments

Notice was circulated on December 16, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. At the time of writing this report, no comments from the public have been received.

## Agency Comments

Notice of the application was circulated on December 9, 2025, to internal City departments and external agencies. As of October 3, 2025, the following comments have been received.

Commenter	Comments	Planning Staff Response
<b>Drainage Superintendent</b>	<p>The parcel is within the watershed of the Beaver Dam Municipal Drain. Any alterations to existing parcels through consent application will require a drainage reapportionment agreement.</p> <p>That can be completed by the Drainage Superintendent or by an approved drainage engineer. The cost of the city completing the agreement is \$118.00 per parcel. If the applicant chooses to have an engineer complete the agreement, the cost will be paid entirely by the applicant. For any questions on this process, please contact the Drainage Superintendent.</p> <p>Please note that for future development, as per the planning bylaw, there is a 10 m set back from top of bank of all municipal drains for any structures.</p>	Addressed in Conditions of Approval (Condition 3)
<b>Fire Department</b>	No objections	Noted
<b>Engineering Technologist</b>	No objections	Noted
<b>Niagara Peninsula Conservation Authority</b>	<p>NPCA has reviewed the Consent application to sever for the purpose of creating a new residential lot. The proposed parcels shown as Parts 1 and 2 on the severance sketch, where Part 1 is to be retained for a future residential use, and Part 2 is to be created for a future residential use.</p> <ul style="list-style-type: none"> <li>• Please note that the subject property is impacted by NPCA regulated watercourse (Beaver Dam Drain) and associated regulated floodplain.</li> </ul>	Addressed in Conditions of Approval (Condition 4)

	<ul style="list-style-type: none"> <li>• The flood elevation here is 179 CGVD28:78</li> <li>• Subject to Section 2.4.2 of the NPCA Policy Document, please note that NPCA does not support lot creation in flood hazards.</li> <li>• NPCA will require a topographic survey to delineate the flood hazard and confirm that the proposed lot lines do not cross the floodplain.</li> </ul> <p>At this time, NPCA staff are not in the position to support the application for Consent B04-26-PC, provided until the following items have been addressed to the satisfaction of the NPCA:</p> <ul style="list-style-type: none"> <li>• Submission of a topographic survey to delineate the flood hazard and to demonstrate that the proposed lot lines would not cross the floodplain.</li> </ul> <p>Please note that any development or site alterations proposed within NPCA regulated areas or their buffers will require NPCA approvals ahead of the commencement of the works on site and will require a formal NPCA Permit.</p>	
<b>Niagara Region</b>	<p>Regional Infrastructure Planning and Development staff do not object to the proposed consent applications provided that as a condition of consent, Part 2 will be merged on title with Part 3 to create a residential lot with a minimum size of 1 acre.</p>	Addressed in Conditions of Approval (Condition 7)

## Discussion

Consent application B04-26-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 2.5.2 suggests that rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. Section 3.6.4 indicates that individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Section 4.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological resources have been conserved. The creation of a new lot is considered development. The Niagara Region Official Plan (NOP) includes an operative schedule that identifies areas of archaeological potential (Schedule K). The Subject Lands are located within an area of identified archaeological potential. To address this, staff are recommending that the applicant complete the necessary works to obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM) as a condition of consent.

Staff are satisfied that the proposed severance is consistent with the PPS. The proposal to create a new lot within the Gasline Hamlet area supports the provincial requirement to direct growth and development to settlement areas.

### 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 Rural Settlement in the NOP.

Section 2.2.3.1 of the NOP discusses growth in rural settlement areas, further to this section 2.2.3.3 provides some criteria to guide development including encouraging residential infill development. Section 2.2.3.5 states that rural settlements will be serviced by sustainable private water and wastewater treatment systems.

The proposed consent application conforms to the NOP.

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

The subject lands are designated Hamlet in accordance with Schedule A of the OP. Section 3.8 of the OP identifies the planned function of the Highway Commercial designation as follows:

*“The predominant uses of lands designated Hamlet shall include, but not be limited to; residential uses, community facilities and institutional uses;*

*existing agricultural uses; special agricultural and rural uses such as a farm machinery sales dealership, feed mill and saw mill, provided that the uses are compatible with adjacent uses; neighbourhood commercial uses such as a convenience store, or similar small-scale commercial uses; Natural Heritage features; parks; and public open spaces.”*

The proposed consent application is brought forward to facilitate the development of all 3 parcels for uses consistent with the OP designation; and, meets 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 Hamlet Residential (HR) in accordance with Zoning By-law 6575/30/18. The requested consent applications will enable all three lots to be developed for residential uses. Detached dwelling and their associated accessory uses are the only permitted residential use in the HR Zone.

The proposed severance will leave the following dimensions:

- Part 1 Lot area of 4278 square metres and 72.38 metres of frontage
- Parts 2&3 Lot area of 4064 square metres and 46 metres of frontage
- Part 4 Lot area of 4047 square metres 47.91 metres of frontage

The HR zone requires minimum lot frontages and lot areas. Minimum lot frontage is 45 metres. Minimum lot area is 4000 square metres.

The consent applications B04-26-PC and B05-26-PC proposed to create 3 lots, all of which meet the requirements of the HR zone.

#### **Recommendation:**

That consent application B04-26-PC and B05-26-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 a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That the applicant shall complete a topographic survey to delineate the flood hazard and confirm that the proposed lot lines do not cross the floodplain to the satisfaction of the City of Port Colborne and Niagara Peninsula Conservation Authority.
5. That the applicant shall undertake an archaeological assessment and obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM).
6. That the applicant's solicitor shall provide written confirmation to the Secretary Treasurer of the Committee of Adjustment that under the *Planning Act*, the severed lands Part 2 will merge with the adjacent lands Part 3.
7. 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 2 with the abutting lands Part 3. The Secretary Treasurer shall accept, to their satisfaction of this condition, and Undertaking from an Ontario solicitor to register the Application to Consolidate Parcels within 60 days following registration of the Transfer of the lot addition lands.
8. That a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
9. That all conditions of consent be completed by January 14, 2028.

For the following reasons:

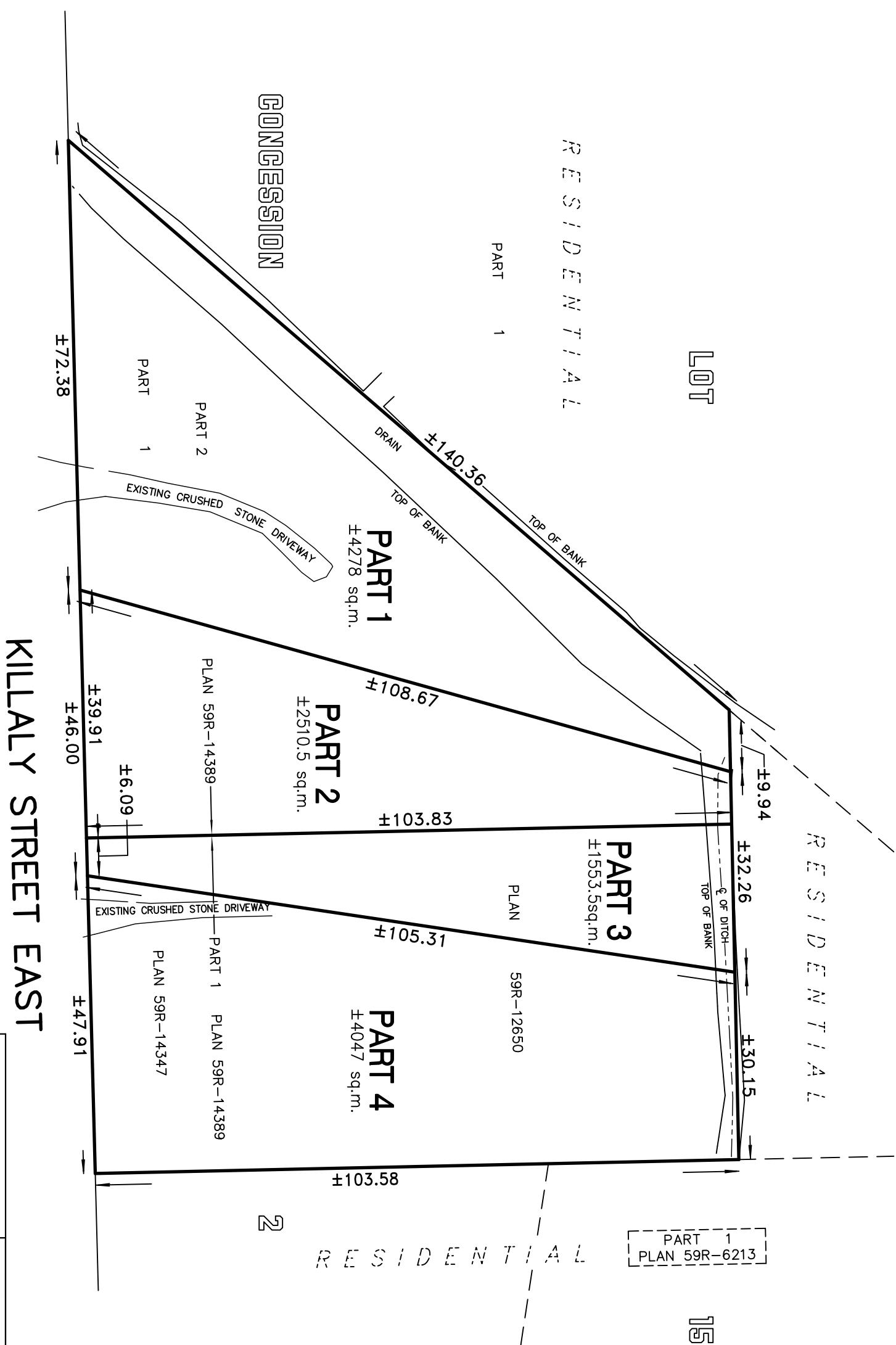
1. The application is consistent with the Provincial Planning Statement, conforms to the Niagara Official Plan and the City of Port Colborne Official Plan; and, after conditions are cleared, will comply with the provisions of Zoning By-law 6575/30/18, as amended.

Respectfully submitted,

Erik Acs

Chief Planner

SKETCH PREPARED FOR SEVERANCE APPLICATION  
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN  
 CURRENT SEVERANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.



<b>VOID</b>	PRELIMINARY ONLY
IF USED FOR ANY OTHER PURPOSE THAN THIS CURRENT SEVERANCE APPLICATION	
JULY 29, 2025	
MARK GILMORE Ontario Land Surveyor	
SCALE: 1:750	
SURVEY 22-009	

NOTE: THE SUBJECT LANDS ARE UNDER THE NPCA 100 YEAR FLOOD CONTOUR OF  
 OF 179.002m.

BLANTHIER & GILMORE SURVEYING LTD.  
 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW IN THE  
 CITY OF PORT COLBORNE  
 REGIONAL MUNICIPALITY OF NIAGARA

PART OF LOT 15  
 CONCESSION 2

SKETCH OF PROPOSED SEVERANCE

RECEIVED  
CHECKED BY: MG



## CONSENT APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 53

For Office Use Only

Date Received: November 5th, 2025

Application Complete:  Yes  No

Date of Completion: December 3rd, 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 ext. 204 Fax: 1-905-835-2939 Email: <a href="mailto:taya.taraba@portcolborne.ca">taya.taraba@portcolborne.ca</a>
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### 2025 APPLICATION FEES

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

### COMPLETENESS OF APPLICATION

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

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

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

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

## DRAWING REQUIREMENTS

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

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

## PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Heidi Murphy	Date: Dec 8 2025	Initials: H.M.

**SECTION 1 : CONTACT INFORMATION**

<b>1.1 Registered Owner (s):</b>	
Name: Heidi Murphy	
Mailing Address: 2309 Highway # 3	
City: Port Colborne	Province: Ontario
Postal Code: L2A 5V3	Telephone: 905-380-9108
Fax:	Email: wwwisser@hotmail.com
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name: Joseph M. Tomaino-Upper Canada Consultants	
Mailing Address: 3-30 Hanover Drive	
City: St. Catharines	Province: Ontario
Postal Code: L2W 1A3	Telephone: 905-688-9400
Fax:	Email: joe@ucc.com
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: Lanthier & Gilmore Surveying Ltd.	
Mailing Address: 173 Clarence	
City: Port Colborne	Province: Ontario
Postal Code:	Telephone: 905-835-5477
Fax:	Email:
<b>1.5 All communications should be sent to the:</b>	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

**SECTION 2: LOCATION OF SUBJECT LAND**

Former Municipality: Humberstone	
Concession No. 2	Lot(s): 15
Registered Plan No.:	Lot(s):
Reference Plan No. 59R-14347	Part(s): 1 & 2
Name of Street: Killaly Street East	Street No. unassigned

## SECTION 3: PROPOSAL DESCRIPTION

<b>3.1 Type of proposed transaction: (Check appropriate space(s))</b>					
<input checked="" type="checkbox"/> Creation of New Lot		<input type="checkbox"/> Lease		<input checked="" 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	
<b>Reason for proposed transaction:</b> To sever Part 2 to merge with Part 3 to create a new residential lot.					
<b>3.2 If a lot addition, identify the lands to which the parcel will be added:</b> Part 3 of the concurrent consent application.					
<b>3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:</b> unknown					

## SECTION 4: SUBJECT PARCEL INFORMATION

**Part No. On Sketch:** 2

<b>DESCRIPTION OF SUBJECT PARCEL (in metric units)</b>		
Frontage: 39.91 m	Depth: 103.83 m	Area: 2510.5 sq m
Existing Use: Vacant Land		
Proposed Use: Residential		

## SECTION 5: RETAINED PARCEL INFORMATION

**Part No. On Sketch:** 1

<b>DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)</b>		
Frontage: 72.38 m	Depth: 140.36 m	Area: 4278 sq m
Existing Use: Vacant Land		
Proposed Use: Residential		

## SECTION 6: SUBJECT LAND INFORMATION

<b>6.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>	
Port Colborne Official Plan: Hamlet	
Regional Policy Plan: Rural Settlements	
<b>6.2 What is the Zoning of the land (By-law 6575/30/18)?</b>	
Hamlet Residential (HR)	
<b>6.3 Date and Subject Land was acquired by the Current Owner:</b>	
August 11, 2027	
<b>6.4 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?</b>	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

**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.

n/a

**6.6 Type of ACCESS**

<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input checked="" type="checkbox"/> Municipal Road maintained <b>all year</b>	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained <b>seasonally</b>	

**6.7 What type of WATER SUPPLY is proposed?**

<input type="checkbox"/> Publicly owned and operated piped water supply
<input type="checkbox"/> Lake
<input type="checkbox"/> Well (private or communal)
<input checked="" type="checkbox"/> Other (specify): cistern

**6.8 What type of SEWAGE DISPOSAL is proposed?**

<input type="checkbox"/> Publicly owned and operated sanitary sewage system
<input checked="" type="checkbox"/> Septic system (private or communal)
<input type="checkbox"/> Other (specify):

**6.9 What type of STORMWATER DISPOSAL is proposed?**

<input type="checkbox"/> Publicly owned and operated stormwater system
<input checked="" type="checkbox"/> Other (specify): open ditches

**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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
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If the answer is "Yes," please provide the following information:

File Number: Planning Act Consent in Document SN333011
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Decision:
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**SECTION 8: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND****8.1 ALL EXISTING USE**

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

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

n/a-vacant land

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

#### ACKNOWLEDGMENT CLAUSE

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

X Dec 8 2025

Date

X Heidi Wenzel

Signature of Owner

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

#### ACKNOWLEDGMENT CLAUSE

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

**X** October 26th 2025

Date

**X** *Heidi Murphy*

Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

## AUTHORIZATIONS

### SIGNATURE OF APPLICANT(S)

X October 26th 2025

Date

X *Heidi Murphy*

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 Joseph M. Tomaino-Upper Canada Consultants

Of the City/Town/Township of Town of Fort Erie

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 St. Catharines of St. Catharines

In the Region of Niagara

This 31 day of October

20 25.

A Commissioner, etc.

*H. Gracey*

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

X

Signature of applicant(s), solicitor, or authorized

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

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 Heidi Murphy 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 Heidi Murphy

Signature of Owner/Agent

X October 26th 2025

Date

X

Signature of Owner/Agent

X

Date

### PERMISSION TO ENTER

I/We Heidi Murphy 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 Heidi Murphy

Signature of Owner

X October 26th 2025

Date

*Heidi Murphy*

Signature of Owner

October 26th 2025

Date

**AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)**

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

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

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

I/We Heidi Murphy am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize Joseph M. Tomaino-Upper Canada Consultants as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

*Heidi Murphy*

Signature of Owner

October 26th 2025

Date

Signature of Owner

Date

Signature of Agent

Date

## SUGGESTION TO THE APPLICANT

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

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

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

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

For Office Use Only

Date Received: November 5th, 2025

Application Complete:  Yes  No

Date of Completion: December 3rd, 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 ext. 204 Fax: 1-905-835-2939 Email: <a href="mailto:taya.taraba@portcolborne.ca">taya.taraba@portcolborne.ca</a>
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### 2025 APPLICATION FEES

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

### COMPLETENESS OF APPLICATION

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

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

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

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

## DRAWING REQUIREMENTS

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

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

## PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.

Name:	Date:	Initials:
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*Wesley Visser*

SECTION 1 : CONTACT INFORMATION

**1.1 Registered Owner (s):**

Name: Wesley Visser

Mailing Address: 2309 Highway # 3

City: Port Colborne	Province: Ontario
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Postal Code: L2A 5V3	Telephone: 905-380-9108
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Fax:	Email: wwwwisser@hotmail.com
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**1.2 Owner's SOLICITOR (if applicable)**

Name:

Mailing Address:

City:	Province:
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Postal Code:	Telephone:
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Fax:	Email:
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**1.3 Owner's Authorized AGENT (if applicable)**

Name: Joseph M. Tomaino-Upper Canada Consultants

Mailing Address: 3-30 Hanover Drive

City: St. Catharines	Province: Ontario
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Postal Code: L2W 1A3	Telephone: 905-688-9400
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Fax:	Email: joe@ucc.com
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**1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)**

Name: Lanthier & Gilmore Surveying Ltd.

Mailing Address: 173 Clarence

City: Port Colborne	Province: Ontario
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Postal Code:	Telephone: 905-835-5477
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Fax:	Email:
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**1.5 All communications should be sent to the:**

Owner     Solicitor     Agent

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Humberstone	
Concession No. 2	Lot(s): 15
Registered Plan No.	Lot(s):
Reference Plan No. 59R-14347	Part(s): 1 & 2
Name of Street: Killaly Street East	Street No. unassigned

## SECTION 3: PROPOSAL DESCRIPTION

<b>3.1 Type of proposed transaction: (Check appropriate space(s))</b>					
<input checked="" type="checkbox"/> Creation of New Lot		<input type="checkbox"/> Lease		<input checked="" 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	
<b>Reason for proposed transaction:</b> To sever Part 3 to merge with Part 2 to create a new residential lot.					
<b>3.2 If a lot addition, identify the lands to which the parcel will be added:</b> Part 2 of the concurrent consent application.					
<b>3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:</b> unknown					

## SECTION 4: SUBJECT PARCEL INFORMATION

**Part No. On Sketch:** 3

<b>DESCRIPTION OF SUBJECT PARCEL (in metric units)</b>		
Frontage: 6.09 m	Depth: 105.31 m	Area: 1553.5sq m
Existing Use: Vacant Land		
Proposed Use: Residential		

## SECTION 5: RETAINED PARCEL INFORMATION

**Part No. On Sketch:** 4

<b>DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)</b>		
Frontage: 47.91 m	Depth: 1103.58 mm	Area: 4047 sq m
Existing Use: Vacant Land		
Proposed Use: Residential		

## SECTION 6: SUBJECT LAND INFORMATION

<b>6.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>	
Port Colborne Official Plan: Hamlet	
Regional Policy Plan: Rural Settlements	
<b>6.2 What is the Zoning of the land (By-law 6575/30/18)?</b>	
Hamlet Residential (HR)	
<b>6.3 Date and Subject Land was acquired by the Current Owner:</b>	
March 3, 2016	
<b>6.4 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?</b>	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

**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.

n/a

**6.6 Type of ACCESS**

<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input checked="" type="checkbox"/> Municipal Road maintained <b>all year</b>	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained <b>seasonally</b>	

**6.7 What type of WATER SUPPLY is proposed?**

<input type="checkbox"/> Publicly owned and operated piped water supply
<input type="checkbox"/> Lake
<input type="checkbox"/> Well (private or communal)
<input checked="" type="checkbox"/> Other (specify): cistern

**6.8 What type of SEWAGE DISPOSAL is proposed?**

<input type="checkbox"/> Publicly owned and operated sanitary sewage system
<input checked="" type="checkbox"/> Septic system (private or communal)
<input type="checkbox"/> Other (specify):

**6.9 What type of STORMWATER DISPOSAL is proposed?**

<input type="checkbox"/> Publicly owned and operated stormwater system
<input checked="" type="checkbox"/> Other (specify): open ditches

**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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
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If the answer is "Yes," please provide the following information:

File Number:

Planning Act Consent in Document SN333011

Decision:

**SECTION 8: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND****8.1 ALL EXISTING USE**

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

**8.2 What is the length of time the existing use(s) of the land have continued?****8.3 Are there any buildings or structures on the subject land?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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If Yes, briefly describe and indicate their use.

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

#### ACKNOWLEDGMENT CLAUSE

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

**X** October 26th, 2025

Date

**X**

Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

## AUTHORIZATIONS

### SIGNATURE OF APPLICANT(S)

**X** October 26th, 2025

Date

**X**

Signature of Applicant(s)

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

I/We Joseph M. Tomaino-Upper Canada Consultants

Of the City/Town/Township of Town of Fort Erie

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

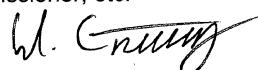
City St. Catharines of St. Catharines

In the Region of Niagara

This 31 day of October

20 25.

A Commissioner, etc.



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

**X**

Signature of applicant(s), solicitor, or authorized  
representative

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.

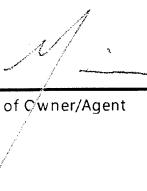
## POSTING OF PUBLIC HEARING SIGN

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 \_\_\_\_\_ Wesley Visser \_\_\_\_\_ 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** October 26th, 2025

Date

**X**

Signature of Owner/Agent

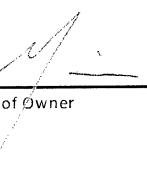
**X**

Date

## PERMISSION TO ENTER

I/We \_\_\_\_\_ Wesley Visser \_\_\_\_\_ 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** October 26th, 2025

Date

X

Signature of Owner

X

October 26th, 2025

Date

#### AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

Wesley Visser

I/We \_\_\_\_\_ am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize Joseph M. Tomaino-Upper Canada Consultants \_\_\_\_\_ 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

October 26th, 2025

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

## SUGGESTION TO THE APPLICANT

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

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

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

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

April 25, 2023

**File Number PLPER202300339**

Wesley Visser  
c/o Ken Depodesta  
2309 Highway 3 East,  
Port Colborne, ON L3K 5V3

Dear Ken Depodesta:

**SUBJECT: N.P.C.A. PERMIT NO. PLPER202300339 DATED APRIL 25, 2023 FOR WORK  
TO BE UNDERTAKEN AT KILLALY STREET, ARN 271104000304605 IN THE  
MUNICIPALITY OF PORT COLBORNE.**

Enclosed with this letter is a Permit issued by the Niagara Peninsula Conservation Authority (the "NPCA").

You are responsible to read and understand all of the limitations, terms and conditions that govern your Permit. If necessary, you should obtain whatever assistance and advice you may need to ensure your full compliance with the terms and conditions of the Permit.

If you wish to make any changes to the scope, nature or location of the work authorized by your Permit, you must first notify the NPCA to ensure that no further approvals or amendments to the Permit are required.

Kindly note that this Permit has been issued by the NPCA pursuant to the *Conservation Authorities Act* and Ontario Regulation 155/06, only. It does not relieve you from the need to comply with all other applicable federal, provincial or municipal statutes, regulations or by-laws, and the issuance of this Permit will not be a defense if you breach any other law or regulation that may apply to the work.

Should you have any questions regarding this Permit please contact Meagan Doan, Watershed Planner at (905) 788-3135 ext. 228.

Yours truly,



Leilani Lee-Yates BES, MSPL.RPD, MCIP, RPP  
Director, Planning and Development  
Niagara Peninsula Conservation Authority

Prepared by:



Meagan Doan  
Watershed Planner  
Niagara Peninsula Conservation Authority

## NPCA PERMIT NO. PLPER202300339

This Permit is issued pursuant to s. 28 of the **Conservation Authorities Act, R.S.O. 1990, c. C.27** and s. 3 of O. Reg. 155/06.

### IMPORTANT (PLEASE READ)

The permission granted for development pursuant to this Permit is limited to the Permitted Works as stated in this Permit and is subject to compliance by the permit holder with the following:

- a) the provisions of **Ontario Regulation 155/06** (*Niagara Peninsula Conservation Authority: Regulation of Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*);
- b) the **General Terms & Conditions** set out herein; and
- c) such **Specific Terms & Conditions** as may be attached in a Schedule appended hereto.

This Permit is non-transferrable, applies only for the purpose of undertaking the Permitted Works at the Site, and remains in effect only for the period of validity stated. Any variation to the terms of this Permit must receive prior written approval from the NPCA in order to be effective,

### Permit holder ("Permittee"):

Name of Permittee:	Wesley Visser c/o Ken Depodesta		
Mailing Address of Permittee:	2309 Highway 3 East, Port Colborne, ON L3K 5V3		
Telephone No. of Permittee:	905-834-8484	Email Address of Permittee:	<a href="mailto:ken.depodesta@gmail.com">ken.depodesta@gmail.com</a>

### Location ("Site"):

Location of Permitted Works:	Killaly Street East, ARN 271104000304605
Name of Municipality:	Port Colborne

### Period of validity (unless cancelled or extended by the NPCA in writing):

Permit Start Date:	April 25, 2023
Permit Expiration Date:	April 25, 2025

Permitted work ("Permitted Works"):

The Permitted Works are works undertaken for the purpose of:

Addition of fill to create building envelopes within a flood hazard.

and which works are in conformity with the application of the Permittee dated:

March 15, 2023

and which works are in accordance with the NPCA-stamped drawings here listed:

City of Port Colborne Individual Lot Grading Certificate, submitted by Ken Depodesta to the NPCA on 15/03/2023

Refinement of Grading Plans for Fill Permit Application, prepared by KD2 Consulting, dated 14/03/2023

Permit issued by (*not valid unless signed by authorized signatory*):

Place of Issue:	C.A.O./Secretary-Treasurer or Director, Planning and Development
<b>City of Welland, Ontario.</b>	
Issuing Authority:	Date (DD/MM/YYYY):
<b>Niagara Peninsula Conservation Authority</b>	25/04/2023

**Note:** This Permit includes the General Terms & Conditions (attached hereto) and any Specific Terms & Conditions required by the NPCA and contained in a schedule hereto. This Permit also incorporates by reference any documents identified in the preceding sections.

## NPCA PERMIT NO. PLPER20300339

### GENERAL TERMS & CONDITIONS

1. **Limited effect of Permit** The issuance of this Permit by the Niagara Peninsula Conservation Authority (“NPCA”) indicates only that the Permitted Works are authorized by the NPCA in accordance with the *Conservation Authorities Act* and Ontario Reg. 155/06. The work permitted by the NPCA may also require the Permittee to obtain additional authorizations, approvals, permits, consents or agreements from other governmental agencies and in certain cases, private persons whose legal rights and interests may be impacted by the work. The Permittee is warned that a failure to obtain such other approvals or permissions may expose the Permittee to prosecution by other regulatory bodies or to civil proceedings instituted by private persons notwithstanding the issuance of this Permit.
2. **Indemnity in the event of civil proceedings related to the permitted work** In the event of civil proceedings being instated by a third party where the NPCA is named as a party by reason of having approved the permitted work or development, the Permittee, on behalf of itself and its agents and contractors, jointly and severally agrees to fully indemnify and hold harmless the NPCA and its directors, officers, staff, servants and agents, which indemnity shall include on a full indemnity basis their reasonable legal fees and costs, of and from any and all claims, demands, losses, causes of action, damage, lawsuits, judgments, of whatever kind and nature, that arise out of, in connection with, or by reason of the permitted work or development.
3. **Notices required to be given** Referencing the NPCA Permit Number shown at the top of this Permit, and within the time-frames stated below, the Permittee shall advise the NPCA by email to [permits@nPCA.ca](mailto:permits@nPCA.ca) of the following events:
  - a. **Upon commencement** The Permittee shall give notice of its intention to commence work at the Site on a particular date by notifying the NPCA not less than one (1) full business day (business days do not include weekends or statutory holidays) prior to commencing the permitted work;
  - b. **Upon completion** The Permittee shall give notice of the date on which the permitted work was completed by notifying the NPCA not more than ten (10) business days following the completion of the permitted work; and
  - c. **Upon receipt of a complaint** Within five (5) business days of receiving a complaint relating in any way to the permitted work, the Permittee shall notify the NPCA of the complaint and provide the NPCA with such particulars of the complainant and the complaint as the NPCA may request, including any action which the Permittee has taken or proposes to take with regard to the complaint.

4. **Entry upon lands** The Permittee shall grant entry to representatives of the NPCA onto lands and buildings at the Site at all times during daylight hours that such entry is requested, in order for the NPCA to make such surveys, examinations, investigations, inspections or inquiries as the NPCA and its representatives may consider necessary.
5. **Permit to be kept at the Site** The Permittee shall keep available at the Site this Permit, or else a true copy of same, including both these General Terms and Conditions and any Special Terms and Conditions appended hereto. The person in charge of the work at the Site shall produce and show this Permit (or true copy thereof) to any NPCA Officer when so requested.
6. **Offences** Work carried out in contravention of this Permit, including any condition attached hereto, constitutes an offence under the *Conservation Authorities Act* and may lead to charges being laid against the Permittee by the NPCA. The Permittee is warned that upon conviction of an offence under the *Conservation Authorities Act*, the Permittee and its agents and contractors may be liable to a substantial fine or to imprisonment, or both.
7. **Cancellation** The NPCA may cancel this Permit or add to or amend any of the conditions included herewith, at any time and without prior notice, if the NPCA determines that:
  - a. the works are not in conformity with the Permit;
  - b. the information presented to obtain the Permit was materially false or misleading; or
  - c. the works or method of construction used in the work are having or will have detrimental impacts on the environment.
8. **Terms and conditions forming part of Permit** These General Terms and Conditions, together with any Specific Terms and Conditions imposed by the NPCA as a condition of permitting the work, are an integral part of the Permit and all parts thereof shall be deemed to constitute one document.

## NPCA PERMIT NO. PLPER202300339

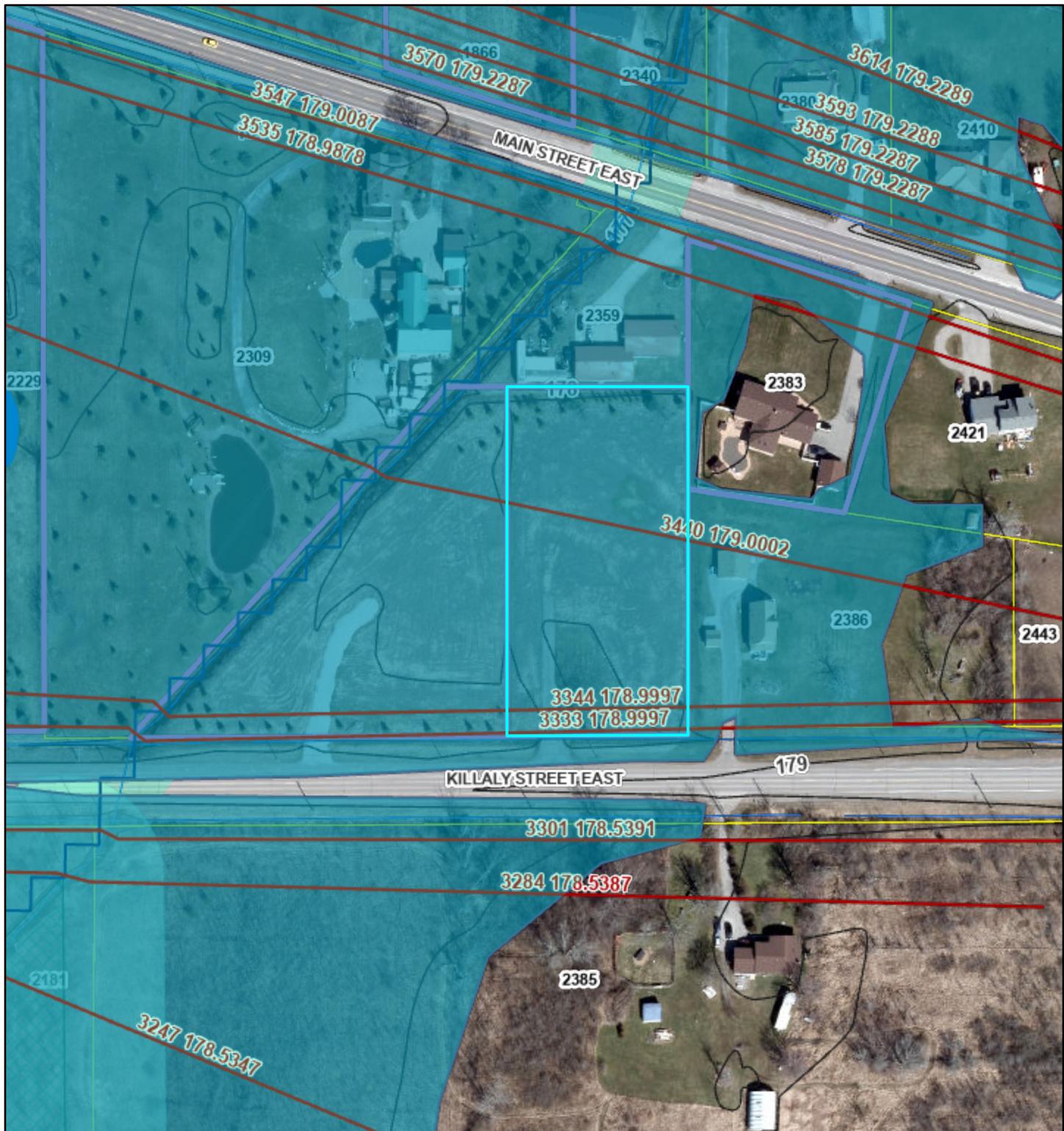
### SCHEDULE – SPECIFIC TERMS & CONDITIONS

In addition to the General Terms and Conditions, the following Specific Terms and Conditions apply to this Permit:

1. Construction shall be limited to the limit of work area depicted on the approved drawing and clearly identified on site (preferably using visible construction fence) prior to any site alteration. No equipment, machinery or materials shall extend beyond the limit of work area into any other sections of the floodplain. Any part of equipment entering the water shall be free of fluid leaks and externally cleaned/degreased to prevent any deleterious substance from entering the watercourse and floodplain.
2. All materials and equipment used for the purpose of site preparation and project completion shall be operated, maintained and stored in a manner that prevents any deleterious substance (e.g. petroleum products, silt, debris, etc.) from entering the floodplain.
3. No fill or alteration of the natural vegetation, or development is to take place within any other section of the floodplain that exists on the property, other than what is currently proposed.
4. All areas of disturbed soil shall be stabilized and re-vegetated with an appropriate ground cover immediately upon completion of work and restored to a pre-disturbed state or better. All re-vegetated areas shall be monitored on a regular basis (weekly) to ensure that vegetation has established successfully, and re-vegetating shall be conducted during the growing season as appropriate to ensure vegetative cover of disturbed areas.
5. Sediment and erosion control measures shall be installed as needed to ensure no migration of sediment into the floodplain. Sediment and erosion controls shall be inspected regularly and maintained in good working order throughout the construction period and until all areas of exposed soil have been stabilized. If the sediment and erosion control measures are not functioning properly, no further work shall continue until the sediment and/or erosion problem is addressed.
6. All mitigation measures as outlined on the approved drawings must be implemented and adhered to for this project.
7. Any stockpiled materials shall be stored and stabilized outside of the 100 year floodplain above the elevation on 179.00 m.

8. Additional construction considerations and mitigation measures as recommended by KD2 Consulting in their report titled Refinement of Grading Plans for Fill Permit Applications, March 14, 2023, displaying the NPCA stamp and forming part of this permit, shall be adhered to.
9. Any future development or site alterations proposed on this property (outside of what has been permitted through this Permit) must be circulated to the NPCA prior to the commencement of the work on the property for review and approval. As the property is still impacted by NPCA regulated lands, Work Permits from this office will be required prior to any additional works being undertaken.

# Killaly Street East Map



SWOOP 2020 NPCA

Red: Band\_1  
Green: Band\_2  
Blue: Band\_3

Roads

NPCA APPROXIMATE REGULATION LANDS

Wetland Allowance

Regulation Wetlands

Evaluated-Provincial

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

PART OF LOT 15, CONCESSION 2  
STREET: KILLALY STREET EAST  
OWNER: WESLEY VISSER

**CITY OF PORT COLBORNE**  
**INDIVIDUAL LOT GRADING CERTIFICATE**

BENCH MARK (LOCATION AND ELEVATION) ELEVATIONS SHOWN HEREON ARE ORTHOMETRIC

SCALE 1:750

NIAGARA PENINSULA CONSERVATION AUTHORITY  
THIS DOCUMENT FORMS PARTS OF

PERMIT NO. 202300339  
ISSUED ON April 25, 2023  
FILE PLPER202300339  
APPROVAL SIGNATURE 

The position of conduits, watermains, sewers and other underground utilities and structures are not necessarily shown on this plan, 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.

NOTE:  
REGULATORY FLOOD LEVEL EL. 179.08m.

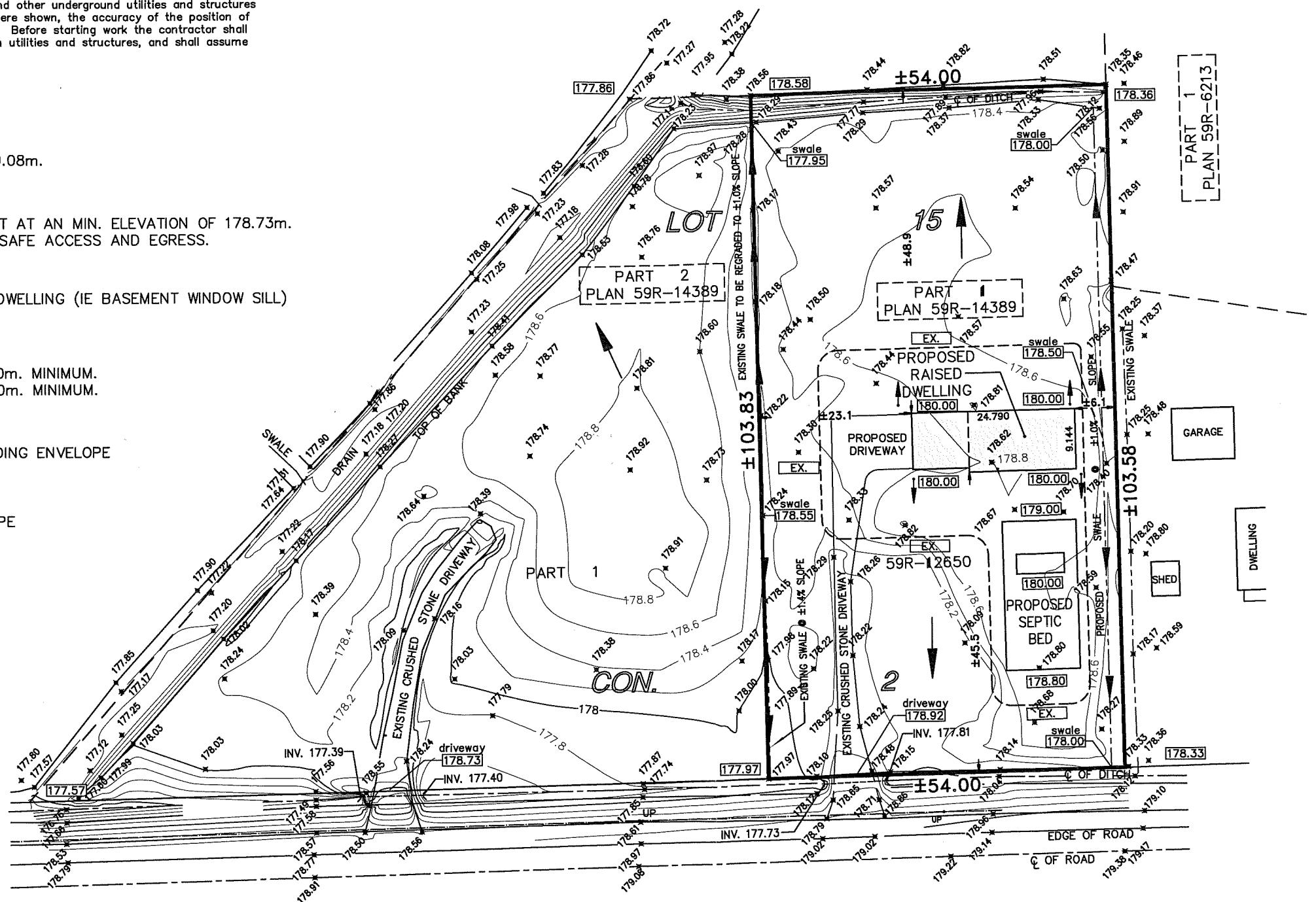
NOTE:  
DRIVEWAYS/ENTRANCES WILL START AT AN MIN. ELEVATION OF 178.73m  
AT THE STREET LIMIT TO ENSURE SAFE ACCESS AND EGRESS.

NOTE:  
LOWEST OPENING FOR PROPOSED DWELLING (IE BASEMENT WINDOW SILL)  
TO BE EL. 179.38m. MINIMUM.

NOTE:  
FIRST FLOOR EL. TO BE EL. 180.70m. MINIMUM.  
GARAGE FLOOR EL. TO BE EL.180.0m. MINIMUM.

NOTE:  PROPOSED GRADE FOR BUILDING ENVELOPE

NOTE: ----- LIMIT OF BUILDING ENVELOPE



## KILLALY STREET EAST

PROPOSED GRADING'S SITE PLAN  
PART 1 PLAN 59R-14389

### PROPOSED GRADING

I HEREBY CERTIFY THAT THE PROPOSED GRADING  
SHOWN HEREON ARE THE GRADES TO WHICH THE WORKS  
SHOULD BE CONSTRUCTED.

NAME: \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
DATE: \_\_\_\_\_  
ACCEPTED BY CITY \_\_\_\_\_  
DATE \_\_\_\_\_

PART OF LOT 15, CONCESSION 2  
STREET: KILLALY STREET EAST  
OWNER: WESLEY VISSER

**CITY OF PORT COLBORNE**  
**INDIVIDUAL LOT GRADING CERTIFICATE**

BENCH MARK (LOCATION AND ELEVATION) ELEVATIONS SHOWN HEREON ARE ORTHOMETRIC

SCALE 1:750

NIAGARA PENINSULA CONSERVATION AUTHORITY  
THIS DOCUMENT FORMS PARTS OF

PERMIT NO. 202300339  
ISSUED ON April 25, 2023  
FILE PLPER202300339  
APPROVAL SIGNATURE *Megan Dunn*

The position of conduits, watermains, sewers and other underground utilities and structures are not necessarily shown on this plan, 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.

NOTE:  
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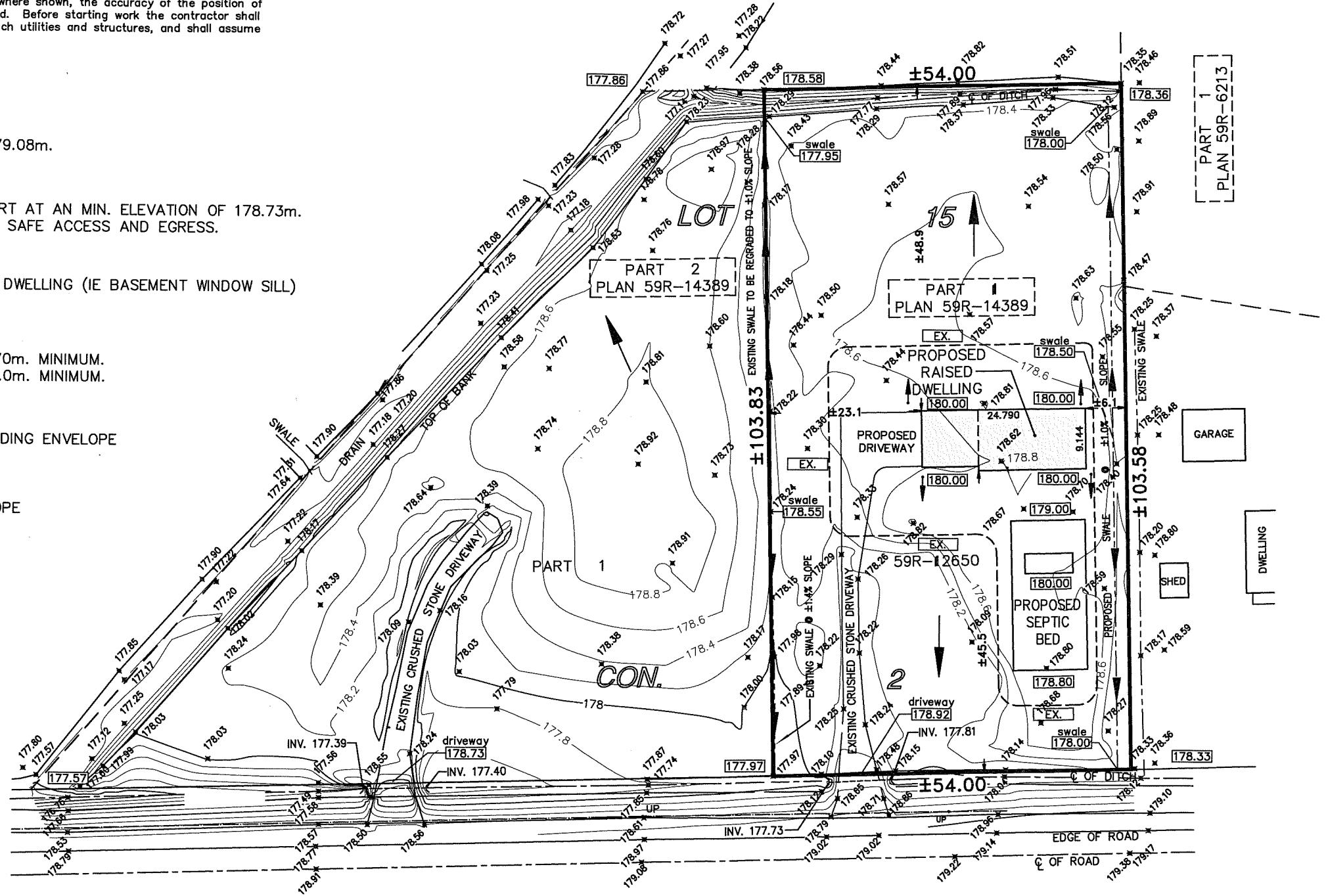
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TO BE EL. 179.38m. MINIMUM.

NOTE:  
FIRST FLOOR EL. TO BE EL. 180.70m. MINIMUM.  
GARAGE FLOOR EL. TO BE EL. 180.0m. MINIMUM.

NOTE: 150.0 PROPOSED GRADE FOR BUILDING ENVELOPE

NOTE: ----- LIMIT OF BUILDING ENVELOPE



# KILLALY STREET EAST

**PROPOSED GRADING'S SITE PLAN  
PART 1 PLAN FOR 14380**

### PROPOSED GRADING

I HEREBY CERTIFY THAT THE PROPOSED GRADING  
SHOWN HEREON ARE THE GRADES TO WHICH THE WORKS  
SHOULD BE CONSTRUCTED.

NAME: \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
DATE: \_\_\_\_\_  
ACCEPTED BY CITY \_\_\_\_\_  
DATE \_\_\_\_\_



March 14, 2023

**Parts 1 and 2 Plan 59R 14389**

**Refinement of Grading Plans for Fill Permit Applications**

**Killaly Street (Visser), CITY OF PORT COLBORNE**

**Introduction**

The above-noted Parts 1 and 2 was the subject of NPCA Notices of Violation ARN 271104000304605 and ARN 271104000304610 in 2019 as a result of grading work being carried out without requisite NPCA approval and Fill Permits. Following technical assessment by KD2 Consulting, NPCA issued compliance certification for each of the 2 parts on the basis that the grading carried out on these parts did not result in adverse impacts (ie raised regulatory flood levels).

Since the completion of lot grading of Parts 1 and 2 was not allowed in 2019 for the 2 single family residential lots, refinement of the lot grading and site plan features has been prepared now that complies with municipal standards for the 2 proposed, single family residential lots. The grading designs and the site feature presentations depicted on the attached drawings along with the table of comparative 'existing/proposed' hydraulic analyses that demonstrate no increases in regulatory flood levels along the subject Beaver Dam Creek floodplain reach completes the technical requirements for the Fill Permit applications attached herewith..

**Documentation for Hydraulic Analyses (HEC RAS) and Lot Grading Warrants**

As noted in the technical reports submitted to NPCA to support the compliance certification for the 2 parts, survey of those grades have been referred to as 'existing' was carried out in August 2019 and additional survey of that area was also completed by Lanthier/Gilmore in 2021. Hydraulic analyses referred to as 'existing' conditions is reflective of those survey grades and 'proposed' conditions represents of the proposed grades on the Grading/Site Plans attached. The insertion of additional sections into the hydraulic models was not warranted. Grading and Site Plans for Parts 1 and 2 are included as DWG 1. The overall plan for the section layout on the site is included as DWG 2. Sections from HEC RAS for the 'Exisitng' and 'Proposed' conditions are included as Figures 1 and 2 respectively. All Figures, DWGs and Tables are attached to this report as a separate digital file as Killaly- HEC RAS March 14 2023.

Design of the proposed lot grading (i.e. 'Proposed' conditions) accounts for the regulatory flood level of el. 179.08 metres determined by the HEC RAS modeling which matches the 'Existing' conditions results. In this regard, a minimum 'freeboard' height of

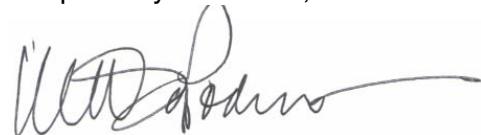
0.3 metres has been used to define the minimum lowest opening elevation of 179.38 metres (i.e. basement windowsill level) and all grades around the proposed dwelling have been adjusted to account for the basement windowsill level. Accordingly, the first flood elevation for the dwelling is proposed at a minimum elevation of 180.70 metres for both lots/dwellings with the proposed grade at each building foundation of 180.40 metres with proposed garage floor levels proposed similarly at 180.40 metres. The building apron grades have been set at el. 180.40 metres (with maximum apron heights at the dwelling foundation of about 0.6 to 0.7 metres) to match the garage floor grade requiring slopes away from the dwelling foundation to be set at about 7% to minimize the lateral extent of the apron area to 10 metres.

HEC RAS results for 'Existing' and 'Proposed' conditions are summarized in Tables 1 and 2 along with a summary comparison table. Although 1 cm differences in elevation are highlighted in the summary tables, no differences in regulatory flood levels of any significance resulted from the analyses of existing and proposed grading. Consequently, it is concluded that the proposed grading refinements for parts 1 and 2 have no impact on the regulatory flood level of 179.08 metres within this reach of the Beaver Dam Creek.

### **Conclusion and Recommendation**

The hydraulic analyses for the Grading/Site Plan drawings for Parts 1 and 2 Plan 59R 14389 demonstrate no adverse impact to any properties on the Beaver Dam Creek watercourse system. Accordingly, NPCA should state, subject to approval of these applications, agreement to issue Fill Permits for Parts 1 and 2 and issue notification to the City of Port Colborne that the case has been made to satisfy NPCA for these 2 floodplain parts as building lots in the City of Port Colborne.

Respectfully submitted,



Per: Kenneth R. DePodesta, P. Eng

Enclos 2 Fill Permit applications

**Table 1.0 - Current Properties Filled East and West Side (2019 to Present)**

HEC-RAS Plan: 26 River: BeaverDamDrain Reach: Main Profile: PF 1

Reach	River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl	
Main	5649.622	PF 1		15.70	177.62	179.70		179.70	0.000005	0.06	338.08	485.53	0.02
Main	5640.246	PF 1		15.70	177.62	179.70	178.82	179.70	0.000004	0.06	354.97	480.15	0.02
Main	5627.330												
Main	5614.885	PF 1		15.70	177.61	179.70	178.89	179.70	0.000005	0.06	338.92	423.28	0.02
Main	5604.59	PF 1		15.70	177.60	179.70	178.85	179.70	0.000004	0.06	335.20	414.50	0.02
Main	5583.056	PF 1		15.70	177.57	179.70	179.04	179.70	0.000005	0.07	311.30	406.21	0.02
Main	5572.635	PF 1		15.70	177.56	179.70	178.94	179.70	0.000006	0.07	303.23	407.86	0.02
Main	5569.216												
Main	5563.179	PF 1		15.70	177.55	179.70	178.90	179.70	0.000006	0.08	297.06	417.15	0.02
Main	5515.562	PF 1		15.70	177.44	179.70	178.72	179.70	0.000006	0.08	302.41	377.92	0.02
Main	5506.027	PF 1		15.70	177.41	179.70	178.72	179.70	0.000006	0.08	292.32	362.63	0.02
Main	5494.577	PF 1		15.70	177.41	179.70		179.70	0.000006	0.08	274.92	330.08	0.02
Main	5484.1	PF 1		15.70	177.41	179.70	178.74	179.70	0.000006	0.08	267.61	306.71	0.02
Main	5388.259	PF 1		15.70	177.41	179.70		179.70	0.000007	0.09	249.37	272.35	0.02
Main	5379.509	PF 1		15.70	177.41	179.70	178.57	179.70	0.000007	0.09	242.58	271.26	0.02
Main	5375.759												
Main	5365.98	PF 1		15.70	177.41	179.70		179.70	0.000008	0.10	224.38	243.04	0.02
Main	5356.483	PF 1		15.70	177.40	179.69	178.70	179.70	0.000094	0.33	67.52	243.97	0.08
Main	5251.444	PF 1		15.70	177.40	179.69	178.51	179.69	0.000027	0.17	119.75	232.24	0.04
Main	5122.923	PF 1		15.70	177.39	179.69	178.51	179.69	0.000010	0.11	222.34	297.75	0.03
Main	5113.53	PF 1		15.70	177.39	179.69	178.55	179.69	0.000012	0.13	211.96	294.75	0.03
Main	5108.108												
Main	5101.667	PF 1		15.70	177.39	179.69		179.69	0.000013	0.13	204.89	291.54	0.03
Main	5092.027	PF 1		15.70	177.39	179.69	178.50	179.69	0.000014	0.13	194.19	284.22	0.03
Main	5000.183	PF 1		15.70	177.39	179.69	178.35	179.69	0.000011	0.07	225.55	290.41	0.02
Main	4887.108	PF 1		15.70	177.38	179.69	178.78	179.69	0.000024	0.15	191.81	274.72	0.04
Main	4792.208	PF 1		15.70	177.38	179.68	178.59	179.68	0.000010	0.23	224.92	295.99	0.06
Main	4743.279	PF 1		15.70	177.38	179.68	178.95	179.68	0.000024	0.33	169.57	337.12	0.09
Main	4692.966	PF 1		15.70	177.38	179.68	178.89	179.68	0.000021	0.33	159.94	220.77	0.09
Main	4688.699	PF 1		15.70	177.38	179.68	179.15	179.68	0.000023	0.32	158.86	223.40	0.09
Main	4683.299												
Main	4676.571	PF 1		15.70	177.38	179.68	179.20	179.68	0.000020	0.31	163.27	221.83	0.08
Main	4671.208	PF 1		15.70	177.38	179.68	179.14	179.68	0.000033	0.10	166.99	219.62	0.03
Main	4633.101	PF 1		15.70	177.38	179.68	179.01	179.68	0.000054	0.15	144.54	220.57	0.04
Main	4574.502	PF 1		15.70	177.36	179.67	179.26	179.67	0.000657	0.50	52.46	108.04	0.13
Main	4570.663	PF 1		15.70	177.36	179.66	178.96	179.67	0.000264	0.30	66.26	105.07	0.07
Main	4565.643												
Main	4559.555	PF 1		15.70	177.36	179.47	179.01	179.47	0.000118	0.17	101.74	134.79	0.05
Main	4557.962	PF 1		15.70	177.35	179.47	178.69	179.47	0.000074	0.14	117.27	138.74	0.04
Main	4488.429	PF 1		15.70	177.29	179.47	178.71	179.47	0.000053	0.14	172.70	365.00	0.03
Main	4412.907	PF 1		15.70	177.23	179.46	179.01	179.46	0.000085	0.15	157.87	515.67	0.04
Main	4352.556	PF 1		15.70	177.18	179.45	178.59	179.45	0.000273	0.32	76.63	612.71	0.08
Main	4342.653	PF 1		15.70	177.17	179.45	178.45	179.45	0.000268	0.33	72.22	592.10	0.08
Main	4334.239												
Main	4327.295	PF 1		15.70	177.15	179.44	178.42	179.44	0.000225	0.29	72.34	571.09	0.07
Main	4316.046	PF 1		15.70	177.15	179.44	178.32	179.44	0.000136	0.24	78.57	570.04	0.06
Main	4281.646	PF 1		15.70	177.12	179.44	178.28	179.44	0.000093	0.20	81.98	551.48	0.05
Main	4278.073	PF 1		15.70	177.12	179.44	178.40	179.44	0.000103	0.20	80.07	548.76	0.05
Main	4270.652												
Main	4263.136	PF 1		15.70	177.11	179.42	178.39	179.43	0.000107	0.24	76.38	484.41	0.06
Main	4252.244	PF 1		15.70	177.10	179.42	178.34	179.42	0.000099	0.23	78.65	446.96	0.06
Main	4136.239	PF 1		15.70	177.03	179.37	178.38	179.40	0.000552	0.84	26.27	323.84	0.20
Main	4049.12	PF 1		15.70	176.97	179.33	178.39	179.35	0.000536	0.78	26.53	259.72	0.19
Main	3951.578	PF 1		15.70	176.91	179.29	178.27	179.31	0.000333	0.78	36.97	147.29	0.18
Main	3899.268	PF 1		15.70	176.88	179.29	178.09	179.30	0.000104	0.43	60.80	84.73	0.10
Main	3848.793	PF 1		15.70	176.85	179.29	178.06	179.29	0.000094	0.42	74.39	141.07	0.10
Main	3803.685	PF 1		15.70	176.82	179.26	178.27	179.28	0.000283	0.69	29.77	140.65	0.19
Main	3709.865	PF 1		15.70	176.82	179.22	178.45	179.25	0.000475	0.86	28.68	467.11	0.23
Main	3614.638	PF 1		15.70	176.82	179.23	178.17	179.23	0.000017	0.19	247.36	671.09	0.05
Main	3593.771	PF 1		15.70	176.82	179.23	178.15	179.23	0.000010	0.14	284.61	648.42	0.04
Main	3588.409												
Main	3585.333	PF 1		15.70	176.82	179.23	178.26	179.23	0.000007	0.12	322.73	655.65	0.03
Main	3578.098	PF 1		15.70	176.82	179.23	178.30	179.23	0.000006	0.11	369.17	660.66	0.03
Main	3570.625	PF 1		15.70	176.81	179.23	178.14	179.23	0.000005	0.12	389.44	665.29	0.03
Main	3557.856												
Main	3547.604	PF 1		19.10	176.80	179.08	178.53	179.08	0.000129	0.48	89.73	614.81	0.12
Main	3535.841	PF 1		19.10	176.79	179.08		179.08	0.000045	0.28	180.96	436.81	0.07
Main	3504	PF 1		19.10	176.65	179.08		179.08	0.000017	0.17	272.97	583.87	0.04
Main	3472	PF 1		19.10	176.65	179.08		179.08	0.000010	0.14	339.10	604.64	0.03
Main	3440.136	PF 1		19.10	176.66	179.08		179.08	0.000010	0.07	361.79	648.63	0.02
Main	3416	PF 1		19.10	176.43	179.08		179.08	0.000004	0.05	458.27	657.98	0.01
Main	3392	PF 1		19.10	176.55	179.08		179.08	0.000003	0.04	502.04	638.60	0.01

**Table 1.0 - Current Properties Filled East and West Side (2019 to Present)**

HEC-RAS Plan: 26 River: BeaverDamDrain Reach: Main Profile: PF 1 (Continued)

Reach	River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl
Main	3368	PF 1	19.10	176.45	179.08		179.08	0.000004	0.05	505.44	673.59	0.01
Main	3344.535	PF 1	19.10	176.53	179.08		179.08	0.000004	0.04	451.31	488.04	0.01
Main	3333.891	PF 1	19.10	176.52	179.08	177.72	179.08	0.000002	0.03	588.52	590.37	0.01
Main	3318.738		Culvert	<b>Killaly Street Culvert</b>								
Main	3301.874	PF 1	19.10	176.46	179.03	177.63	179.03	0.000001	0.03	620.17	529.45	0.01
Main	3284.692	PF 1	19.10	176.43	179.03		179.03	0.000003	0.04	495.58	495.50	0.01
Main	3247.761	PF 1	19.10	176.35	179.03		179.03	0.000024	0.12	219.84	277.60	0.03
Main	3213.481	PF 1	19.10	176.28	179.03		179.03	0.000022	0.10	287.43	381.71	0.02
Main	3192.173	PF 1	19.10	176.24	179.03	177.98	179.03	0.000012	0.07	357.48	406.11	0.02
Main	3184.326		Bridge									
Main	3178.667	PF 1	19.10	176.22	179.03	178.02	179.03	0.000009	0.06	398.32	409.22	0.01
Main	3165.552	PF 1	19.10	176.21	179.03	177.95	179.03	0.000007	0.07	406.99	369.93	0.02
Main	3063.519	PF 1	19.10	176.14	179.03	177.53	179.03	0.000002	0.04	807.54	971.14	0.01
Main	2977.502	PF 1	19.10	176.08	179.03	177.42	179.03	0.000001	0.03	1085.87	1084.40	0.01
Main	2887.125	PF 1	19.10	176.02	179.03	177.43	179.03	0.000001	0.02	1297.54	1126.07	0.00
Main	2816.561	PF 1	19.10	175.97	179.03	177.37	179.03	0.000000	0.02	1476.03	1220.04	0.00
Main	2749.676	PF 1	19.10	175.93	179.03	177.41	179.03	0.000001	0.02	1258.80	1311.42	0.00
Main	2698.785	PF 1	19.10	175.89	179.03	177.40	179.03	0.000001	0.02	1130.16	1103.13	0.00
Main	2639.83	PF 1	19.10	175.85	179.03	177.17	179.03	0.000002	0.04	583.72	693.42	0.01
Main	2602.333	PF 1	19.10	175.83	179.03	177.17	179.03	0.000004	0.05	328.84	173.32	0.01
Main	2596.053	PF 1	19.10	175.82	179.03	177.13	179.03	0.000003	0.05	347.83	177.56	0.01
Main	2589.555		Culvert									
Main	2582.989	PF 1	19.10	175.81	179.03		179.03	0.000006	0.06	290.56	181.13	0.01
Main	2580.652	PF 1	19.10	175.80	179.03		179.03	0.000002	0.04	526.14	345.69	0.01
Main	2577.576	PF 1	19.10	175.77	179.03	177.28	179.03	0.000001	0.03	674.06	442.02	0.01
Main	2571.395		Culvert									
Main	2562.964	PF 1	19.10	175.77	177.50	177.28	177.52	0.007702	0.72	26.77	308.13	0.39
Main	2558.173	PF 1	19.10	175.77	177.47	177.20	177.50	0.003803	1.05	29.56	333.00	0.31
Main	2538.146	PF 1	19.10	175.74	177.44	176.79	177.45	0.001176	0.64	43.60	548.89	0.18
Main	2475.458	PF 1	24.10	175.67	177.12	177.12	177.22	0.021526	2.23	21.77	236.46	0.70
Main	2414.225	PF 1	24.10	175.60	177.08	176.92	177.08	0.000622	0.24	125.08	419.95	0.11
Main	2352.828	PF 1	24.10	175.55	177.02	177.01	177.02	0.001575	0.59	92.33	405.95	0.19
Main	2266.219	PF 1	24.10	175.44	176.92	176.86	176.93	0.000758	0.44	126.99	618.77	0.14
Main	2140.456	PF 1	24.10	175.30	176.82	176.54	176.82	0.000930	0.54	88.04	524.83	0.16
Main	2019.667	PF 1	24.10	175.16	176.75	176.24	176.75	0.000372	0.37	110.34	686.29	0.11
Main	1891.918	PF 1	24.10	175.02	176.68	176.18	176.69	0.000777	0.54	85.18	630.35	0.15
Main	1763.928	PF 1	24.10	174.88	176.63	176.49	176.63	0.000269	0.26	153.70	1462.22	0.08
Main	1537.122	PF 1	24.10	174.62	176.52	176.40	176.53	0.000909	0.44	83.98	1197.68	0.15
Main	1360.516	PF 1	24.10	174.42	176.52	175.84	176.52	0.000018	0.10	505.99	1022.22	0.03
Main	1350.843	PF 1	24.10	174.41	176.52	175.68	176.52	0.000012	0.08	561.47	1061.74	0.02
Main	1214.436	PF 1	24.10	174.26	176.51	175.44	176.51	0.000032	0.15	277.98	765.08	0.04
Main	1048.968	PF 1	24.10	174.08	176.51	175.40	176.51	0.000020	0.16	340.13	867.24	0.04
Main	912.0248	PF 1	24.10	173.92	176.51	175.37	176.51	0.000018	0.16	344.53	920.83	0.04
Main	766.321	PF 1	24.10	173.90	176.51	175.87	176.51	0.000006	0.11	535.63	1164.51	0.03
Main	659.084	PF 1	24.10	173.90	176.49	175.71	176.50	0.000480	0.78	79.88	798.18	0.18
Main	646.5068	PF 1	24.10	173.90	176.50	175.27	176.50	0.000040	0.33	211.65	362.86	0.07
Main	633.7078		Culvert									
Main	620.3826	PF 1	24.10	173.90	176.49	175.66	176.50	0.000147	0.63	91.07	105.06	0.13
Main	618.2822	PF 1	24.10	173.90	176.49	175.87	176.50	0.000168	0.64	89.67	104.77	0.14
Main	521.4542	PF 1	24.10	173.90	176.49	175.63	176.49	0.000002	0.06	911.70	1073.32	0.01
Main	428.1618	PF 1	24.10	173.90	176.49	175.48	176.49	0.000001	0.05	1247.31	1515.70	0.01
Main	323.1122	PF 1	24.10	173.90	176.49	175.33	176.49	0.000001	0.06	1267.11	1539.41	0.01
Main	253.1821	PF 1	24.10	173.90	176.49	175.31	176.49	0.000001	0.05	1207.74	1665.36	0.01
Main	231.774	PF 1	24.10	173.91	176.49	175.34	176.49	0.000001	0.05	1083.23	1304.37	0.01
Main	221.4046		Culvert									
Main	211.148	PF 1	24.10	173.92	176.49	175.30	176.49	0.000006	0.12	436.74	1191.32	0.03
Main	200.6427	PF 1	24.10	173.92	176.49	175.24	176.49	0.000004	0.10	413.60	1153.01	0.02
Main	143.9432	PF 1	24.10	173.95	176.49	175.52	176.49	0.000078	0.42	123.82	809.29	0.10
Main	118.0865	PF 1	24.10	173.96	176.38	175.43	176.48	0.000997	1.38	18.31	589.88	0.34
Main	104.2832	PF 1	24.10	174.06	176.31	175.36	176.45	0.001707	1.70	14.20	399.53	0.40
Main	98.51758		Int Struct									
Main	90.40731	PF 1	24.10	174.00	175.39	175.21	175.69	0.005709	2.42	9.96	9.95	0.77
Main	82.98856	PF 1	24.10	174.00	175.22	175.22	175.62	0.010112	2.80	8.61	10.92	1.01

**Table 2.0 - Current Properties with Two (2) New Developed Lots on East Side**

HEC-RAS Plan: 33 River: BeaverDamDrain Reach: Main Profile: PF 1

Reach	River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl
Main	5649.622	PF 1	15.70	177.62	179.71		179.71	0.000004	0.06	340.81	485.76	0.02
Main	5640.246	PF 1	15.70	177.62	179.71	178.82	179.71	0.000004	0.06	357.67	480.38	0.02
Main	5627.330			Culvert								
Main	5614.885	PF 1	15.70	177.61	179.70	178.89	179.70	0.000004	0.06	341.34	423.65	0.02
Main	5604.59	PF 1	15.70	177.60	179.70	178.85	179.70	0.000004	0.06	337.58	415.07	0.02
Main	5583.056	PF 1	15.70	177.57	179.70	179.04	179.70	0.000005	0.07	313.63	406.44	0.02
Main	5572.635	PF 1	15.70	177.56	179.70	178.94	179.70	0.000006	0.07	305.57	408.24	0.02
Main	5569.216			Bridge								
Main	5563.179	PF 1	15.70	177.55	179.70	178.90	179.70	0.000006	0.08	299.45	417.38	0.02
Main	5515.562	PF 1	15.70	177.44	179.70	178.72	179.70	0.000005	0.08	304.58	378.58	0.02
Main	5506.027	PF 1	15.70	177.41	179.70	178.72	179.70	0.000006	0.08	294.40	363.24	0.02
Main	5494.577	PF 1	15.70	177.41	179.70		179.70	0.000006	0.08	276.81	330.94	0.02
Main	5484.1	PF 1	15.70	177.41	179.70	178.74	179.70	0.000006	0.08	269.37	307.25	0.02
Main	5388.259	PF 1	15.70	177.41	179.70		179.70	0.000007	0.09	250.93	272.68	0.02
Main	5379.509	PF 1	15.70	177.41	179.70	178.57	179.70	0.000007	0.10	244.14	271.99	0.02
Main	5375.759			Bridge								
Main	5365.98	PF 1	15.70	177.41	179.70		179.70	0.000008	0.10	225.77	243.40	0.02
Main	5356.483	PF 1	15.70	177.40	179.70	178.70	179.70	0.000092	0.33	67.98	244.40	0.08
Main	5251.444	PF 1	15.70	177.40	179.70	178.51	179.70	0.000026	0.17	120.47	232.56	0.04
Main	5122.923	PF 1	15.70	177.39	179.69	178.51	179.69	0.000010	0.11	224.10	298.03	0.03
Main	5113.53	PF 1	15.70	177.39	179.69	178.55	179.69	0.000011	0.12	213.71	295.07	0.03
Main	5108.108			Bridge								
Main	5101.667	PF 1	15.70	177.39	179.69		179.69	0.000013	0.13	206.61	292.00	0.03
Main	5092.027	PF 1	15.70	177.39	179.69	178.50	179.69	0.000013	0.13	195.71	297.77	0.03
Main	5000.183	PF 1	15.70	177.39	179.69	178.35	179.69	0.000011	0.07	227.29	295.96	0.02
Main	4887.108	PF 1	15.70	177.38	179.69	178.78	179.69	0.000023	0.15	193.46	276.09	0.04
Main	4792.208	PF 1	15.70	177.38	179.69	178.59	179.69	0.000010	0.23	226.57	297.05	0.06
Main	4743.279	PF 1	15.70	177.38	179.69	178.95	179.69	0.000024	0.33	171.06	338.17	0.09
Main	4692.966	PF 1	15.70	177.38	179.69	178.89	179.69	0.000020	0.33	161.28	220.77	0.09
Main	4688.699	PF 1	15.70	177.38	179.69	179.17	179.69	0.000022	0.32	160.22	223.40	0.09
Main	4683.299			Culvert								
Main	4676.571	PF 1	15.70	177.38	179.69	179.20	179.69	0.000020	0.31	164.61	221.83	0.08
Main	4671.208	PF 1	15.70	177.38	179.69	179.14	179.69	0.000032	0.09	168.31	219.62	0.03
Main	4633.101	PF 1	15.70	177.38	179.68	179.01	179.69	0.000053	0.14	145.88	220.57	0.04
Main	4574.502	PF 1	15.70	177.36	179.67	179.26	179.68	0.000631	0.49	53.16	108.04	0.13
Main	4570.663	PF 1	15.70	177.36	179.67	178.96	179.67	0.000256	0.29	66.94	105.07	0.07
Main	4565.643			Culvert								
Main	4559.555	PF 1	15.70	177.36	179.48	179.01	179.48	0.000114	0.17	102.85	134.97	0.05
Main	4557.962	PF 1	15.70	177.35	179.48	178.69	179.48	0.000072	0.14	118.41	138.74	0.04
Main	4488.429	PF 1	15.70	177.29	179.48	178.71	179.48	0.000051	0.13	174.94	371.86	0.03
Main	4412.907	PF 1	15.70	177.23	179.47	179.01	179.47	0.000081	0.14	160.49	523.30	0.04
Main	4352.556	PF 1	15.70	177.18	179.46	178.59	179.46	0.000262	0.31	77.78	614.56	0.08
Main	4342.653	PF 1	15.70	177.17	179.46	178.44	179.46	0.000259	0.32	73.21	594.00	0.08
Main	4334.239			Culvert								
Main	4327.295	PF 1	15.70	177.15	179.45	178.43	179.45	0.000218	0.29	73.20	572.71	0.07
Main	4316.046	PF 1	15.70	177.15	179.45	178.32	179.45	0.000132	0.23	79.44	571.33	0.06
Main	4281.646	PF 1	15.70	177.12	179.45	178.28	179.45	0.000090	0.20	82.94	553.30	0.05
Main	4278.073	PF 1	15.70	177.12	179.45	178.40	179.45	0.000100	0.20	81.05	556.42	0.05
Main	4270.652			Culvert								
Main	4263.136	PF 1	15.70	177.11	179.43	178.39	179.43	0.000106	0.24	76.64	485.69	0.06
Main	4252.244	PF 1	15.70	177.10	179.43	178.34	179.43	0.000098	0.23	78.98	447.70	0.06
Main	4136.239	PF 1	15.70	177.03	179.38	178.37	179.40	0.000551	0.84	26.37	325.04	0.20
Main	4049.12	PF 1	15.70	176.97	179.33	178.39	179.35	0.000533	0.78	26.65	260.25	0.19
Main	3951.578	PF 1	15.70	176.91	179.30	178.27	179.31	0.000328	0.78	37.33	150.11	0.18
Main	3899.268	PF 1	15.70	176.88	179.30	178.09	179.30	0.000102	0.43	61.37	84.99	0.10
Main	3848.793	PF 1	15.70	176.85	179.29	178.06	179.30	0.000091	0.42	75.36	141.56	0.10
Main	3803.685	PF 1	15.70	176.82	179.27	178.26	179.29	0.000277	0.69	30.19	145.74	0.18
Main	3709.865	PF 1	15.70	176.82	179.23	178.44	179.26	0.000462	0.85	29.21	484.35	0.23
Main	3614.638	PF 1	15.70	176.82	179.24	178.17	179.24	0.000016	0.18	252.95	675.14	0.05
Main	3593.771	PF 1	15.70	176.82	179.24	178.16	179.24	0.000010	0.14	289.31	652.88	0.04
Main	3588.409			Bridge								
Main	3585.333	PF 1	15.70	176.82	179.24	178.26	179.24	0.000007	0.12	327.50	660.84	0.03
Main	3578.098	PF 1	15.70	176.82	179.24	178.30	179.24	0.000005	0.10	374.64	662.29	0.03
Main	3570.625	PF 1	15.70	176.81	179.24	178.14	179.24	0.000005	0.11	394.95	666.94	0.03
Main	3557.856			Culvert	<b>Main Street Culvert</b>							
Main	3547.604	PF 1	19.10	176.80	179.08	178.53	179.09	0.000128	0.48	89.90	615.01	0.12
Main	3535.841	PF 1	19.10	176.79	179.08		179.08	0.000045	0.28	181.39	436.94	0.07
Main	3504	PF 1	19.10	176.65	179.08		179.08	0.000017	0.17	273.56	584.00	0.04
Main	3472	PF 1	19.10	176.65	179.08		179.08	0.000010	0.14	339.71	604.70	0.03
Main	3440.136	PF 1	19.10	176.66	179.08		179.08	0.000011	0.07	336.91	606.99	0.02
Main	3416	PF 1	19.10	176.43	179.08		179.08	0.000005	0.05	443.10	608.73	0.01
Main	3392	PF 1	19.10	176.55	179.08		179.08	0.000004	0.05	478.04	612.79	0.01
Main	3368	PF 1	19.10	176.45	179.08		179.08	0.000004	0.05	506.09	673.63	0.01
Main	3344.535	PF 1	19.10	176.53	179.08		179.08	0.000004	0.04	451.79	488.11	0.01
Main	3333.891	PF 1	19.10	176.52	179.08	177.72	179.08	0.000002	0.03	589.09	590.41	0.01
Main	3318.738			Culvert	<b>Killaly Street Culvert</b>							
Main	3301.874	PF 1	19.10	176.46	179.03	177.63	179.04	0.000001	0.03	620.24	529.48	0.01

## Table 2.0 - Current Properties with Two (2) New Developed Lots on East Side

HEC-RAS Plan: 33 River: BeaverDamDrain Reach: Main Profile: PF 1 (Continued)

Reach	River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl
Main	3284.692	PF 1	19.10	176.43	179.03		179.03	0.000003	0.04	495.64	495.51	0.01
Main	3247.761	PF 1	19.10	176.35	179.03		179.03	0.000024	0.12	219.87	277.61	0.03
Main	3213.481	PF 1	19.10	176.28	179.03		179.03	0.000022	0.10	287.48	381.71	0.02
Main	3192.173	PF 1	19.10	176.24	179.03	177.98	179.03	0.000012	0.07	357.53	406.11	0.02
Main	3184.326	Bridge										
Main	3178.667	PF 1	19.10	176.22	179.03	178.02	179.03	0.000009	0.06	398.37	409.22	0.01
Main	3165.552	PF 1	19.10	176.21	179.03	177.95	179.03	0.000007	0.07	407.04	369.93	0.02
Main	3063.519	PF 1	19.10	176.14	179.03	177.53	179.03	0.000002	0.04	807.64	971.15	0.01
Main	2977.502	PF 1	19.10	176.08	179.03	177.42	179.03	0.000001	0.03	1086.00	1084.41	0.01
Main	2887.125	PF 1	19.10	176.02	179.03	177.43	179.03	0.000001	0.02	1297.69	1126.07	0.00
Main	2816.561	PF 1	19.10	175.97	179.03	177.37	179.03	0.000000	0.02	1476.19	1220.06	0.00
Main	2749.676	PF 1	19.10	175.93	179.03	177.41	179.03	0.000001	0.02	1258.92	1311.43	0.00
Main	2698.785	PF 1	19.10	175.89	179.03	177.40	179.03	0.000001	0.02	1130.27	1103.14	0.00
Main	2639.83	PF 1	19.10	175.85	179.03	177.17	179.03	0.000002	0.04	583.76	693.43	0.01
Main	2602.333	PF 1	19.10	175.83	179.03	177.17	179.03	0.000004	0.05	328.86	173.32	0.01
Main	2596.053	PF 1	19.10	175.82	179.03	177.13	179.03	0.000003	0.05	347.85	177.56	0.01
Main	2589.555	Culvert										
Main	2582.989	PF 1	19.10	175.81	179.03		179.03	0.000006	0.06	289.90	181.13	0.01
Main	2580.652	PF 1	19.10	175.80	179.03		179.03	0.000002	0.04	524.89	345.69	0.01
Main	2577.576	PF 1	19.10	175.77	179.03	177.27	179.03	0.000001	0.03	672.47	442.02	0.01
Main	2571.395	Culvert										
Main	2562.964	PF 1	19.10	175.77	177.50	177.28	177.52	0.007706	0.72	26.77	308.11	0.39
Main	2558.173	PF 1	19.10	175.77	177.47	177.20	177.50	0.003805	1.05	29.56	332.99	0.31
Main	2538.146	PF 1	19.10	175.74	177.44	176.78	177.45	0.001176	0.64	43.60	548.87	0.18
Main	2475.458	PF 1	24.10	175.67	177.12	177.12	177.22	0.021527	2.23	21.77	236.46	0.70
Main	2414.225	PF 1	24.10	175.60	177.08	176.92	177.08	0.000622	0.24	125.08	419.95	0.11
Main	2352.828	PF 1	24.10	175.55	177.02	177.01	177.02	0.001575	0.59	92.33	405.95	0.19
Main	2266.219	PF 1	24.10	175.44	176.92	176.86	176.93	0.000758	0.44	126.99	618.77	0.14
Main	2140.456	PF 1	24.10	175.30	176.82	176.54	176.82	0.000930	0.54	88.04	524.83	0.16
Main	2019.667	PF 1	24.10	175.16	176.75	176.24	176.75	0.000372	0.37	110.34	686.29	0.11
Main	1891.918	PF 1	24.10	175.02	176.68	176.18	176.69	0.000777	0.54	85.18	630.35	0.15
Main	1763.928	PF 1	24.10	174.88	176.63	176.49	176.63	0.000269	0.26	153.70	1462.22	0.08
Main	1537.122	PF 1	24.10	174.62	176.52	176.40	176.53	0.000909	0.44	83.99	1197.68	0.15
Main	1360.516	PF 1	24.10	174.42	176.52	175.84	176.52	0.000018	0.10	506.01	1022.24	0.03
Main	1350.843	PF 1	24.10	174.41	176.52	175.68	176.52	0.000012	0.08	561.49	1061.75	0.02
Main	1214.436	PF 1	24.10	174.26	176.51	175.43	176.51	0.000032	0.15	277.98	765.11	0.04
Main	1048.968	PF 1	24.10	174.08	176.51	175.40	176.51	0.000020	0.16	340.14	867.27	0.04
Main	912.0248	PF 1	24.10	173.92	176.51	175.37	176.51	0.000018	0.16	344.54	920.87	0.04
Main	766.321	PF 1	24.10	173.90	176.51	175.87	176.51	0.000006	0.11	535.65	1164.52	0.03
Main	659.084	PF 1	24.10	173.90	176.49	175.70	176.50	0.000479	0.78	79.89	798.20	0.18
Main	646.5068	PF 1	24.10	173.90	176.50	175.27	176.50	0.000040	0.33	211.65	362.86	0.07
Main	633.7078	Culvert										
Main	620.3826	PF 1	24.10	173.90	176.49	175.65	176.50	0.000147	0.63	91.07	105.06	0.13
Main	618.2822	PF 1	24.10	173.90	176.49	175.88	176.50	0.000168	0.64	89.67	104.77	0.14
Main	521.4542	PF 1	24.10	173.90	176.49	175.63	176.49	0.000002	0.06	911.70	1073.32	0.01
Main	428.1618	PF 1	24.10	173.90	176.49	175.48	176.49	0.000001	0.05	1247.31	1515.70	0.01
Main	323.1122	PF 1	24.10	173.90	176.49	175.33	176.49	0.000001	0.06	1267.11	1539.41	0.01
Main	253.1821	PF 1	24.10	173.90	176.49	175.31	176.49	0.000001	0.05	1207.74	1665.36	0.01
Main	231.774	PF 1	24.10	173.91	176.49	175.34	176.49	0.000001	0.05	1083.23	1304.37	0.01
Main	221.4046	Culvert										
Main	211.148	PF 1	24.10	173.92	176.49	175.30	176.49	0.000006	0.12	436.74	1191.32	0.03
Main	200.6427	PF 1	24.10	173.92	176.49	175.24	176.49	0.000004	0.10	413.60	1153.01	0.02
Main	143.9432	PF 1	24.10	173.95	176.49	175.52	176.49	0.000078	0.42	123.82	809.29	0.10
Main	118.0865	PF 1	24.10	173.96	176.38	175.43	176.48	0.000997	1.38	18.31	589.96	0.34
Main	104.2832	PF 1	24.10	174.06	176.31	175.36	176.45	0.001706	1.70	14.21	399.72	0.40
Main	98.51758	Inl Struct										
Main	90.40731	PF 1	24.10	174.00	175.39	175.21	175.69	0.005738	2.42	9.94	9.95	0.77
Main	82.98856	PF 1	24.10	174.00	175.23	175.23	175.62	0.009984	2.79	8.65	10.94	1.00

Comparision of Floodline Elevations between Current properties Filled and with Two (2) New Lots Added on East Side

River Sta	Q Total (m3/s)	Current Properties Filled 2019 to Present - East & West Sides W.S. Elev (m)	Current Properties with <b>Two (2) New Lots</b> on East Side W.S. Elev (m)	<b>Δ WSEL</b> With Two (2) Lots - Current Filled Lots (m)
5649.622	15.7	179.70	179.71	0.01
5640.246	15.7	179.70	179.71	0.01
5627.33	Culvert			
5614.885	15.7	179.70	179.70	0
5604.59	15.7	179.70	179.70	0
5583.056	15.7	179.70	179.70	0
5572.635	15.7	179.70	179.70	0
5569.216	Bridge			
5563.179	15.7	179.70	179.70	0
5515.562	15.7	179.70	179.70	0
5506.027	15.7	179.70	179.70	0
5494.577	15.7	179.70	179.70	0
5484.1	15.7	179.70	179.70	0
5388.259	15.7	179.70	179.70	0
5379.509	15.7	179.70	179.70	0
5375.759	Bridge			
5365.98	15.7	179.70	179.70	0
5356.483	15.7	179.69	179.70	0.01
5251.444	15.7	179.69	179.70	0.01
5122.923	15.7	179.69	179.69	0
5113.53	15.7	179.69	179.69	0
5108.108	Bridge			
5101.667	15.7	179.69	179.69	0
5092.027	15.7	179.69	179.69	0
5000.183	15.7	179.69	179.69	0
4887.108	15.7	179.68	179.69	0.01
4792.208	15.7	179.68	179.69	0.01
4743.279	15.7	179.68	179.69	0.01
4692.966	15.7	179.68	179.69	0.01
4688.699	15.7	179.68	179.69	0.01
4683.299	Culvert			
4676.571	15.7	179.68	179.69	0.01
4671.208	15.7	179.68	179.69	0.01
4633.101	15.7	179.68	179.68	0
4574.502	15.7	179.66	179.67	0.01
4570.663	15.7	179.66	179.67	0.01
4565.643	Culvert			
4559.555	15.7	179.48	179.48	0
4557.962	15.7	179.48	179.48	0
4488.429	15.7	179.47	179.48	0.01
4412.907	15.7	179.47	179.47	0
4352.556	15.7	179.46	179.46	0
4342.653	15.7	179.45	179.46	0.01
4334.239	Culvert			
4327.295	15.7	179.45	179.45	0
4316.046	15.7	179.45	179.45	0
4281.646	15.7	179.44	179.45	0.01
4278.073	15.7	179.44	179.45	0.01

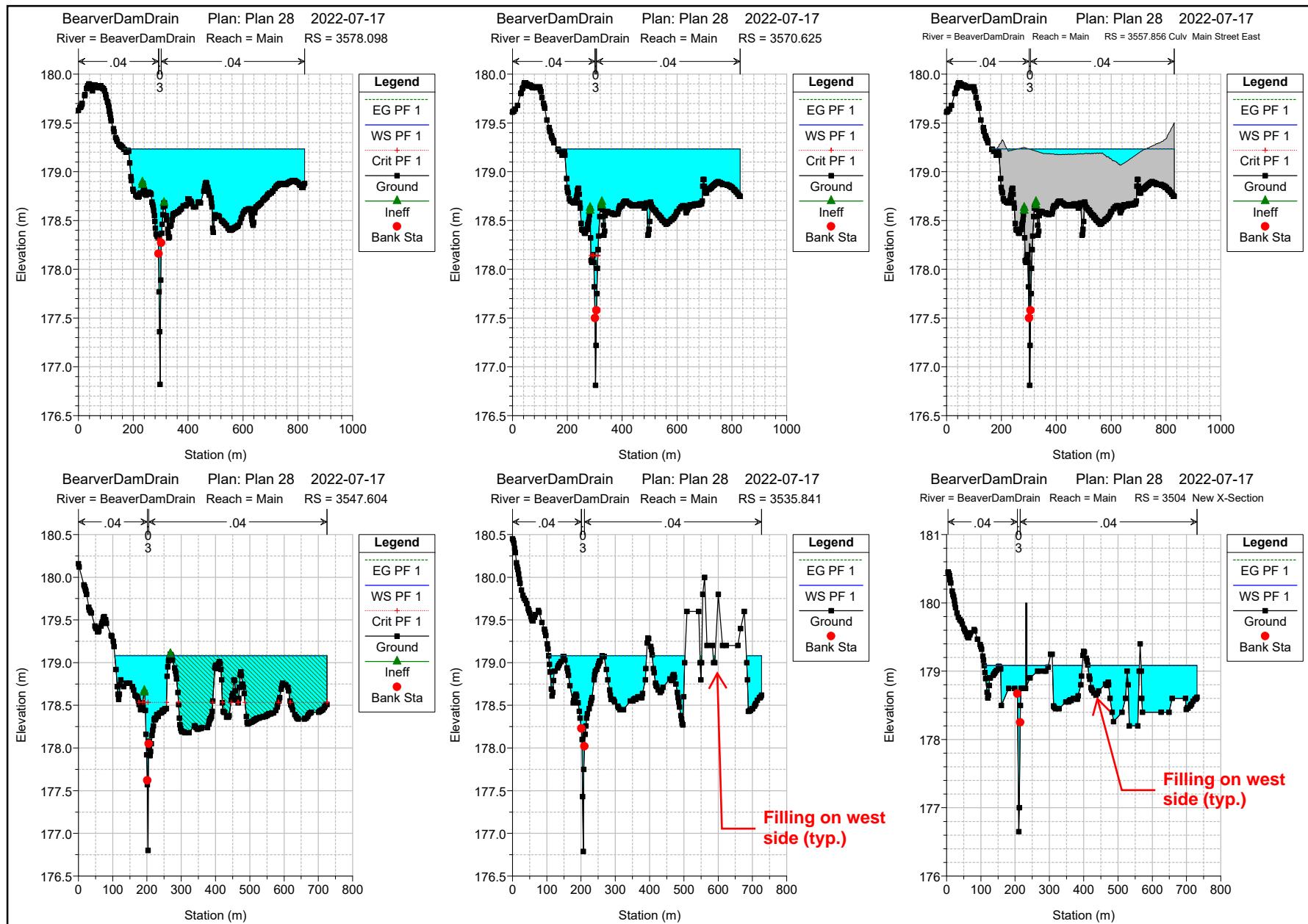
Comparision of Floodline Elevations between Current properties Filled and with Two (2) New Lots Added on East Side

River Sta	Q Total (m3/s)	Current Properties Filled 2019 to Present - East & West Sides W.S. Elev (m)	Current Properties with <b>Two (2) New Lots</b> on East Side W.S. Elev (m)	<b>Δ WSEL</b> With Two (2) Lots - Current Filled Lots (m)
4270.652	Culvert			
4263.136	15.7	179.42	179.43	0.01
4252.244	15.7	179.42	179.43	0.01
4136.239	15.7	179.37	179.38	0.01
4049.12	15.7	179.32	179.33	0.01
3951.578	15.7	179.29	179.30	0.01
3899.268	15.7	179.29	179.30	0.01
3848.793	15.7	179.28	179.29	0.01
3803.685	15.7	179.26	179.27	0.01
3709.865	15.7	179.21	179.23	0.02
3614.638	15.7	179.23	179.24	0.01
3593.771	15.7	179.23	179.24	0.01
3588.409	Bridge			
3585.333	15.7	179.23	179.24	0.01
3578.098	15.7	179.23	179.24	0.01
3570.625	15.7	179.23	179.24	0.01
3557.856	Culvert			
<b>3547.604</b>	19.1	179.08	179.08	0
<b>3535.841</b>	19.1	179.08	179.08	0
<b>3504</b>	19.1	179.08	179.08	0
<b>3472</b>	19.1	179.08	179.08	0
<b>3440.136</b>	19.1	179.08	179.08	0
<b>3416</b>	19.1	179.08	179.08	
<b>3392</b>	19.1	179.08	179.08	0
<b>3368</b>	19.1	179.08	179.08	0
<b>3344.535</b>	19.1	179.08	179.08	0
<b>3333.891</b>	19.1	179.08	179.08	0
3318.738	Culvert			0
3301.874	19.1	179.03	179.03	
3284.692	19.1	179.03	179.03	0
3247.761	19.1	179.03	179.03	0
3213.481	19.1	179.03	179.03	0
3192.173	19.1	179.03	179.03	0
3184.326	Bridge			0
3178.667	19.1	179.03	179.03	0
3165.552	19.1	179.03	179.03	0
3063.519	19.1	179.03	179.03	0
2977.502	19.1	179.03	179.03	0
2887.125	19.1	179.03	179.03	0
2816.561	19.1	179.03	179.03	0
2749.676	19.1	179.03	179.03	
2698.785	19.1	179.03	179.03	0
2639.83	19.1	179.03	179.03	0
2602.333	19.1	179.03	179.03	0
2596.053	19.1	179.03	179.03	
2589.555	Culvert			0
2582.989	19.1	179.03	179.03	0
2580.652	19.1	179.03	179.03	0
2577.576	19.1	179.03	179.03	0

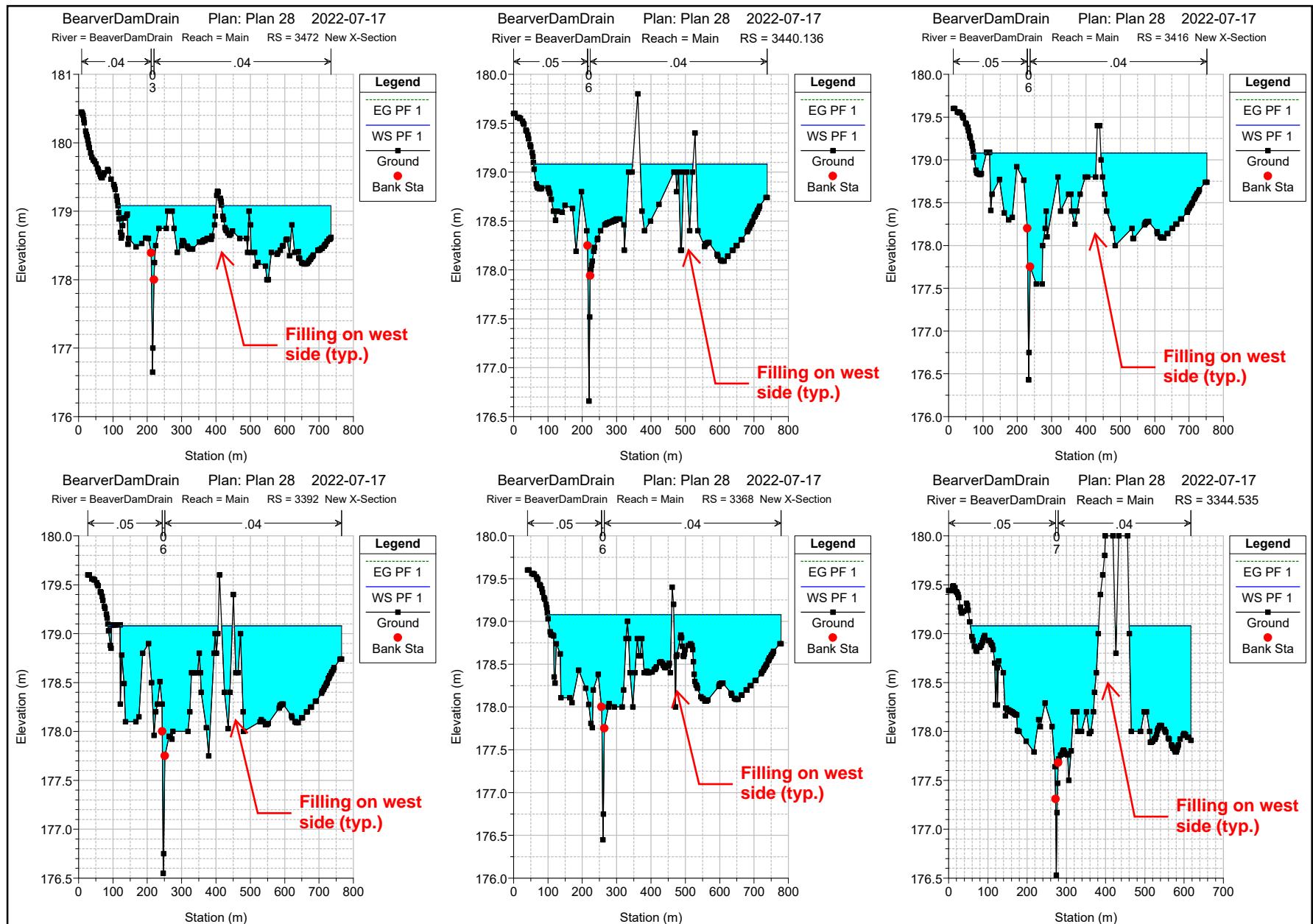
Comparision of Floodline Elevations between Current properties Filled and with Two (2) New Lots Added on East Side

River Sta	Q Total (m3/s)	Current Properties Filled 2019 to Present - East & West Sides W.S. Elev (m)	Current Properties with <b>Two (2) New Lots</b> on East Side W.S. Elev (m)	<b>Δ WSEL</b> With Two (2) Lots - Current Filled Lots (m)
2571.395	Culvert			0
2562.964	19.1	177.50	177.50	0
2558.173	19.1	177.47	177.47	0
2538.146	19.1	177.44	177.44	0
2475.458	24.1	177.12	177.12	0
2414.225	24.1	177.08	177.08	0
2352.828	24.1	177.02	177.02	0
2266.219	24.1	176.92	176.92	0
2140.456	24.1	176.82	176.82	0
2019.667	24.1	176.75	176.75	0
1891.918	24.1	176.68	176.68	0
1763.928	24.1	176.63	176.63	0
1537.122	24.1	176.52	176.52	0
1360.516	24.1	176.52	176.52	0
1350.843	24.1	176.52	176.52	0
1214.436	24.1	176.51	176.51	0
1048.968	24.1	176.51	176.51	0
912.0248	24.1	176.51	176.51	0
766.321	24.1	176.51	176.51	0
659.084	24.1	176.49	176.49	0
646.5068	24.1	176.50	176.50	0
633.7078	Culvert			0
620.3826	24.1	176.49	176.49	0
618.2822	24.1	176.49	176.49	0
521.4542	24.1	176.49	176.49	0
428.1618	24.1	176.49	176.49	0
323.1122	24.1	176.49	176.49	0
253.1821	24.1	176.49	176.49	0
231.774	24.1	176.49	176.49	0
221.4046	Culvert			0
211.148	24.1	176.49	176.49	0
200.6427	24.1	176.49	176.49	0
143.9432	24.1	176.49	176.49	0
118.0865	24.1	176.38	176.38	0
104.2832	24.1	176.31	176.31	0
98.51758	Inl Struct			
90.40731	24.1	175.39	175.39	0
82.98856	24.1	175.23	175.23	0

**Figure 1.0 - Current Properties Filled on East & West Side (2019 to Present)**

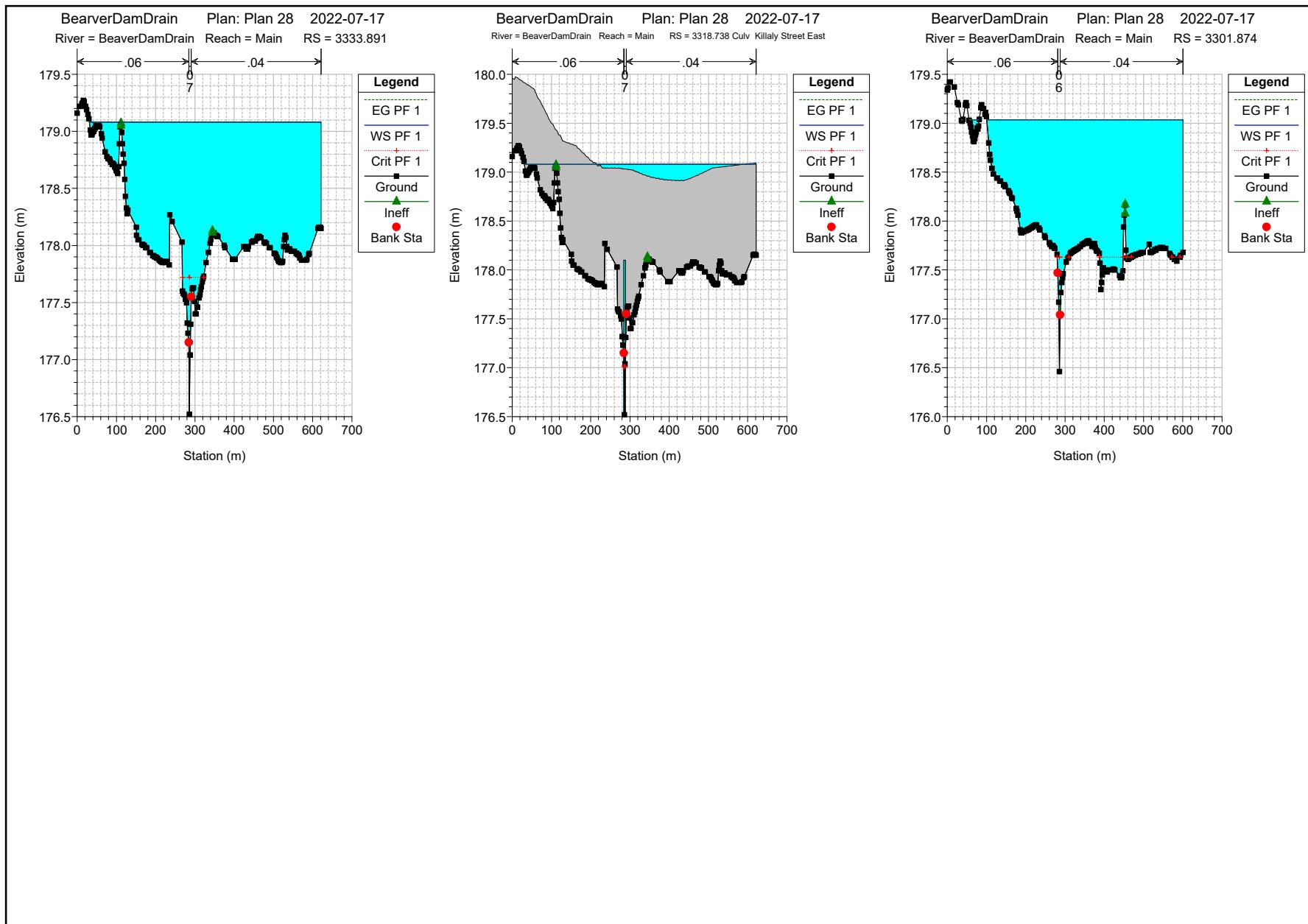


**Figure 1.0 - Current Properties Filled on East & West Side (2019 to Present)**

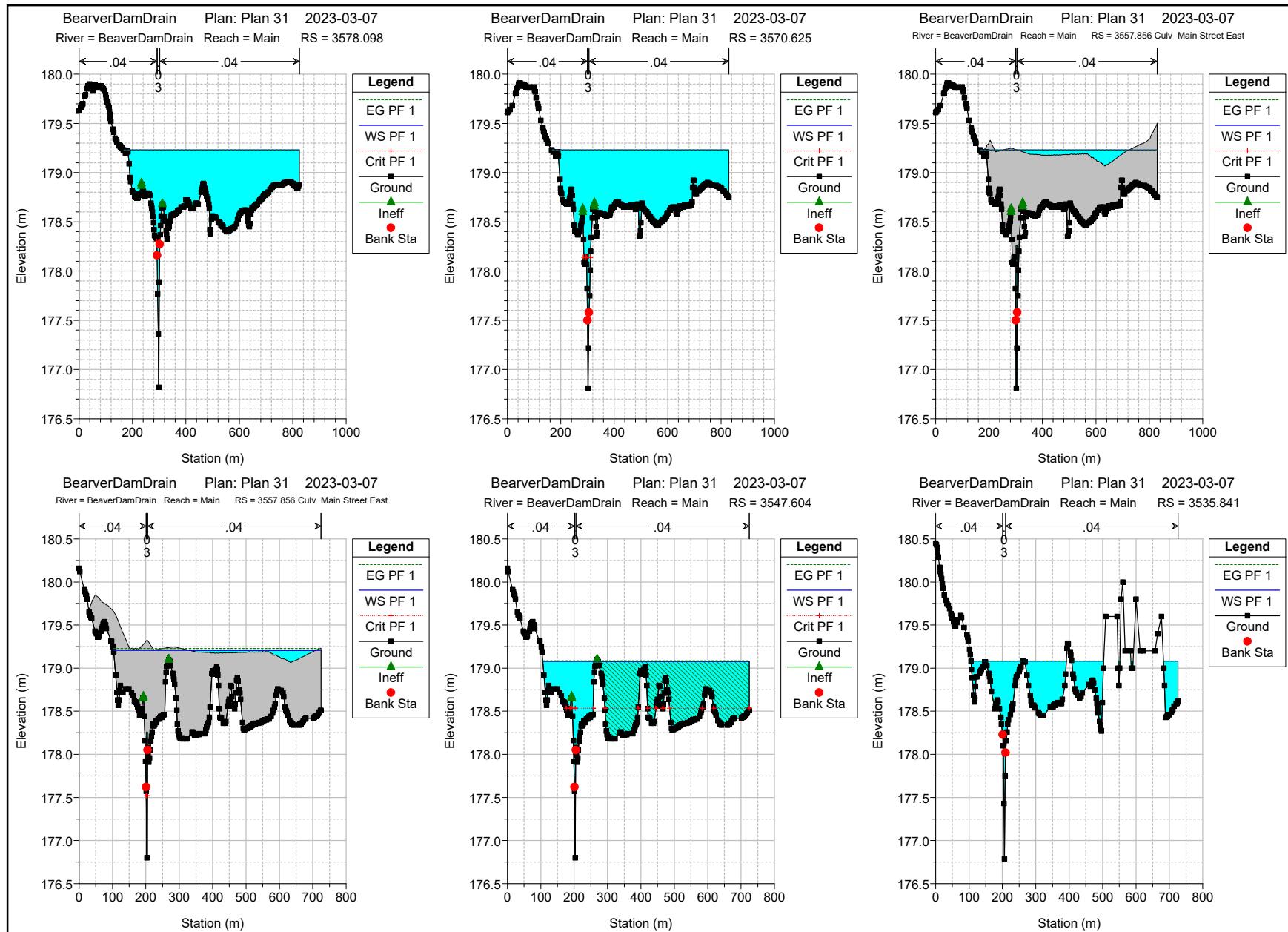


**Figure 1.0 - Current Properties Filled on East & West Side (2019 to Present)**

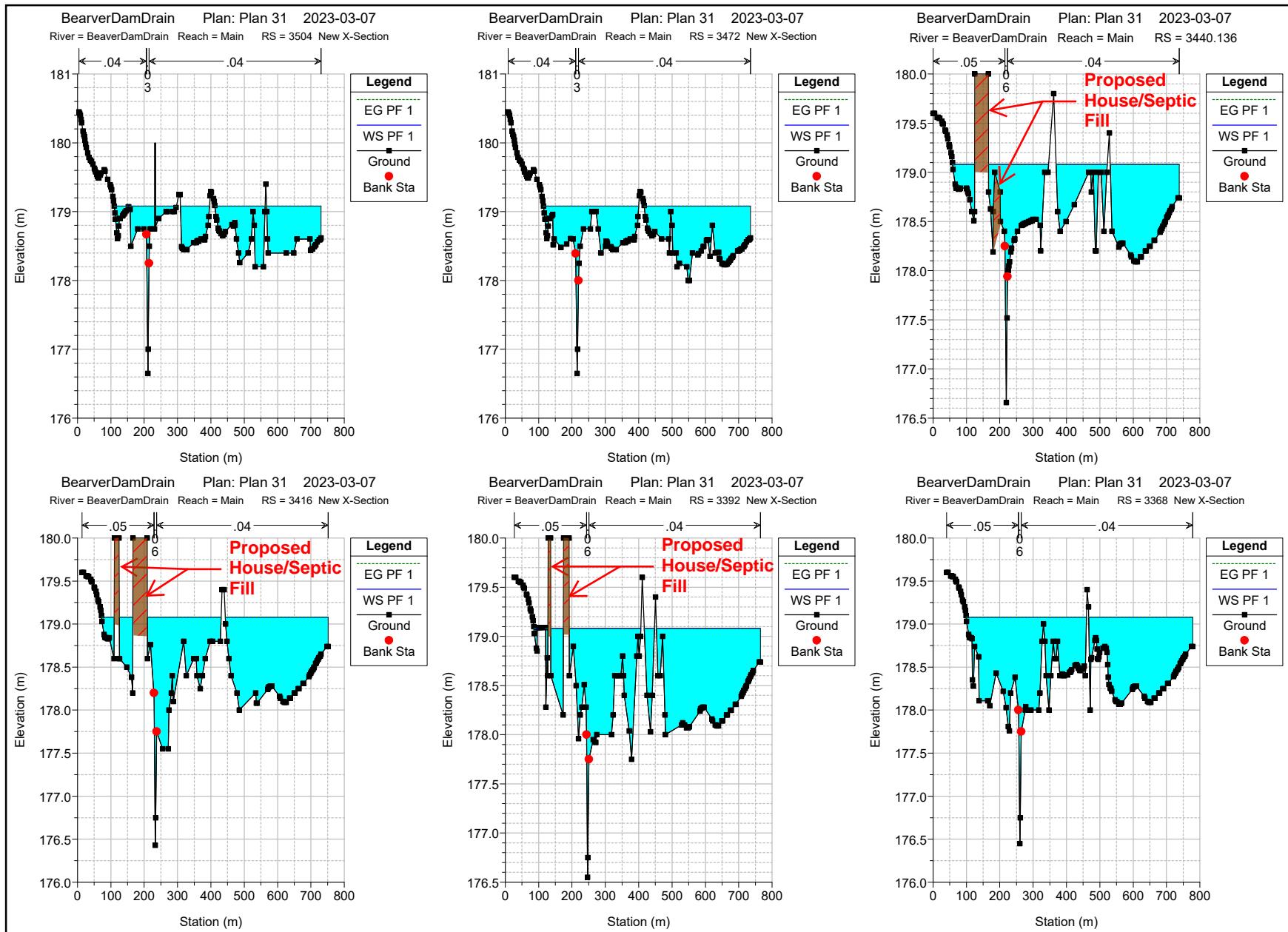
Page 3 of 3



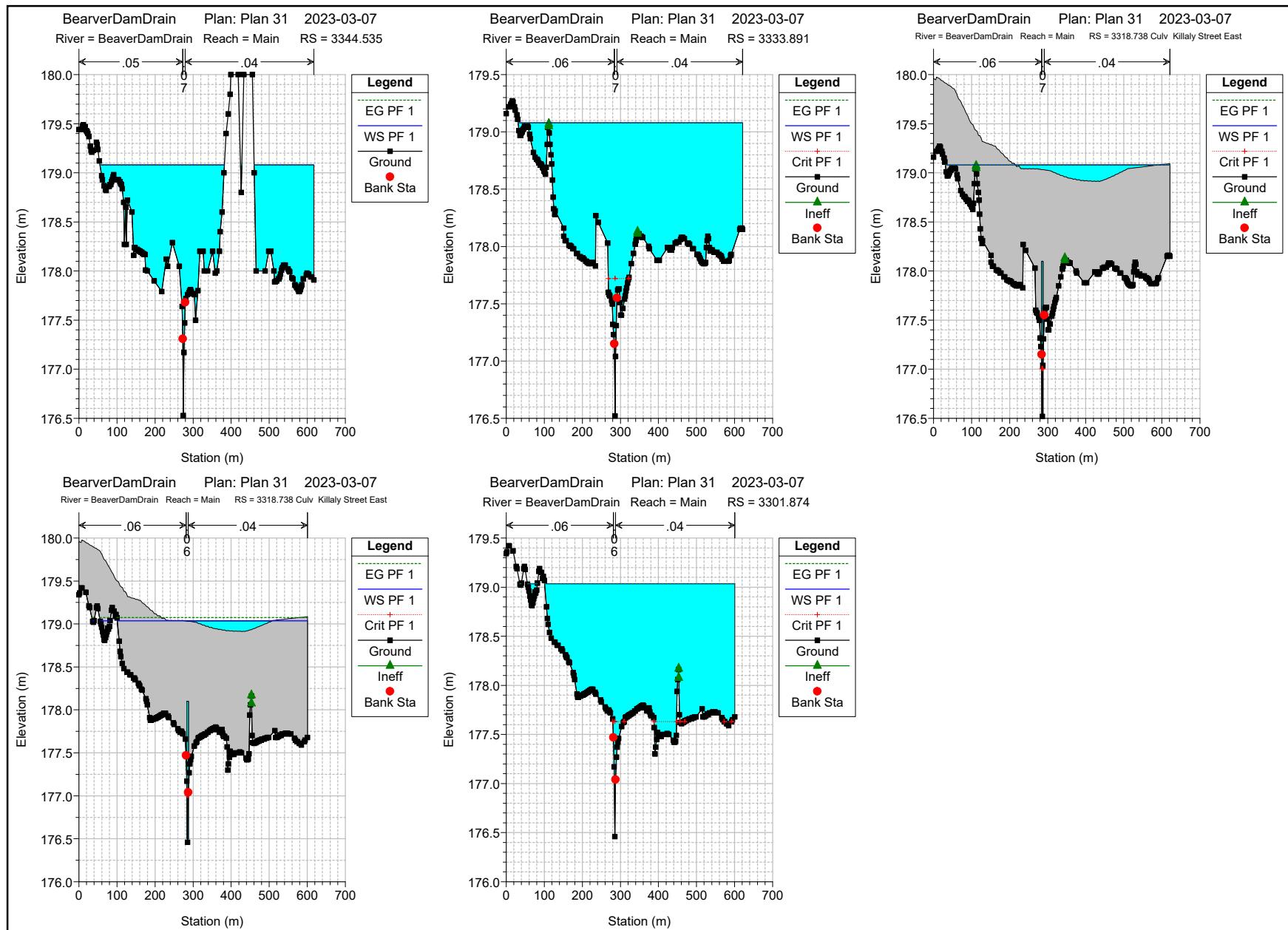
**Figure 2.0 - Current Properties with Two (2) New Developed Lots on East Side**



**Figure 2.0 - Current Properties with Two (2) New Developed Lots on East Side**



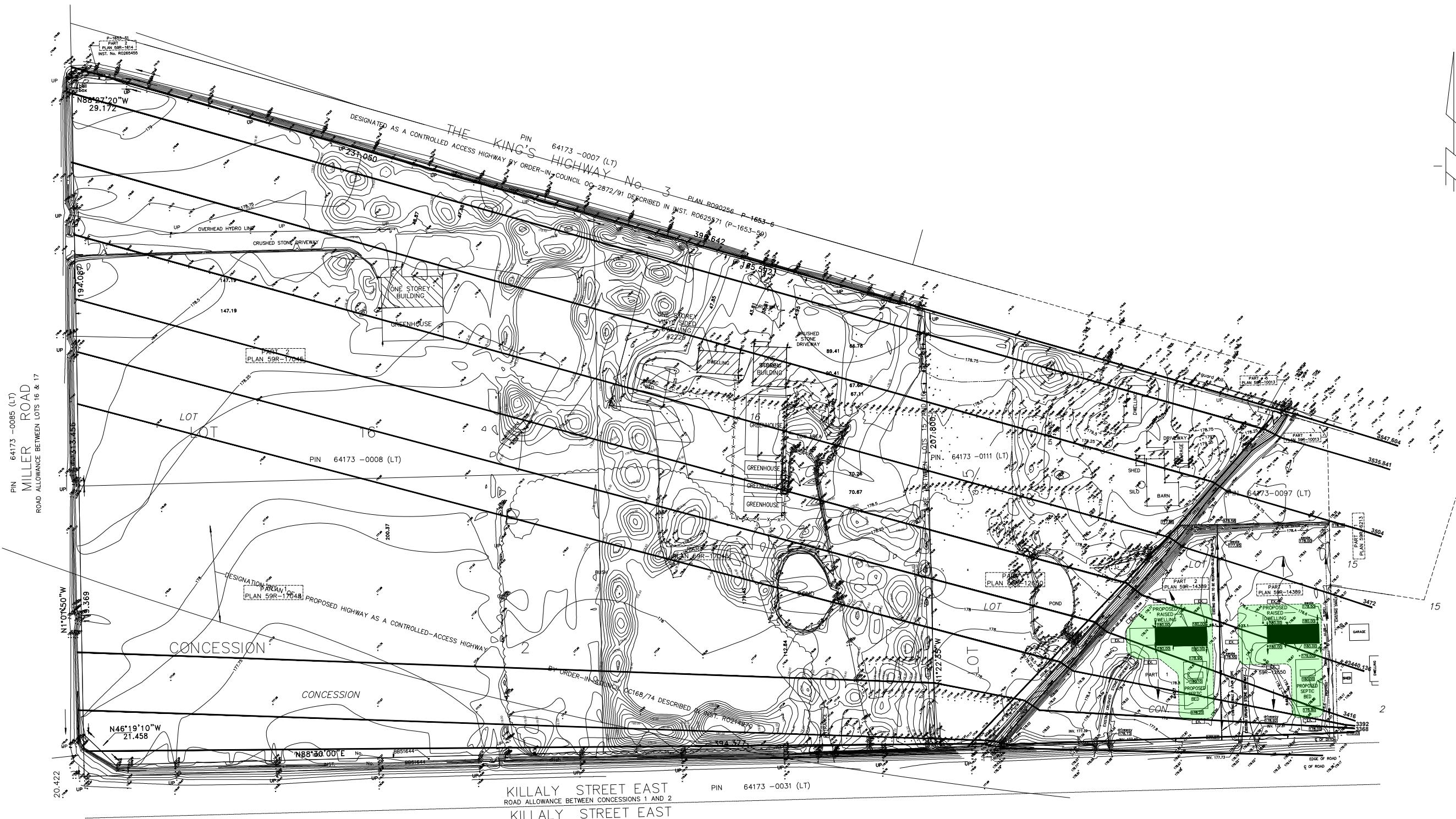
**Figure 2.0 - Current Properties with Two (2) New Developed Lots on East Side**





# **DWG. 1.0 - PROPOSED LOTS**

SCALE - 1:750 (11X17)



**DWG. 2.0 - CURRENT PROPERTIES WITH PROPOSED LOTS**  
SCALE - 1:2000 (11X17)

## RECEIPT OF PAYMENT

**Receipt Number:** 2023004675  
**Receipt Date:** 03/28/2023  
**Date Paid:** 03/28/2023  
**Full Amount:** \$847.50

<b>Payment Details:</b>	<b>Payment Method</b>	<b>Amount Tendered</b>	<b>Check Number</b>
	Check	\$847.50	085

**Amount Tendered:** \$847.50  
**Change / Overage:** \$0.00  
**Contact:** VISSER WESLEY c/o 2023781 Ontario Inc., Address:2309 Highway 3 East, Phone:(905) 834-8484

### FEE DETAILS:

<b>Fee Description</b>	<b>Reference Number</b>	<b>Amount Owing</b>	<b>Amount Paid</b>
Hydrogeological Report Review - Major	PLPER202300339	\$847.50	\$847.50



## PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

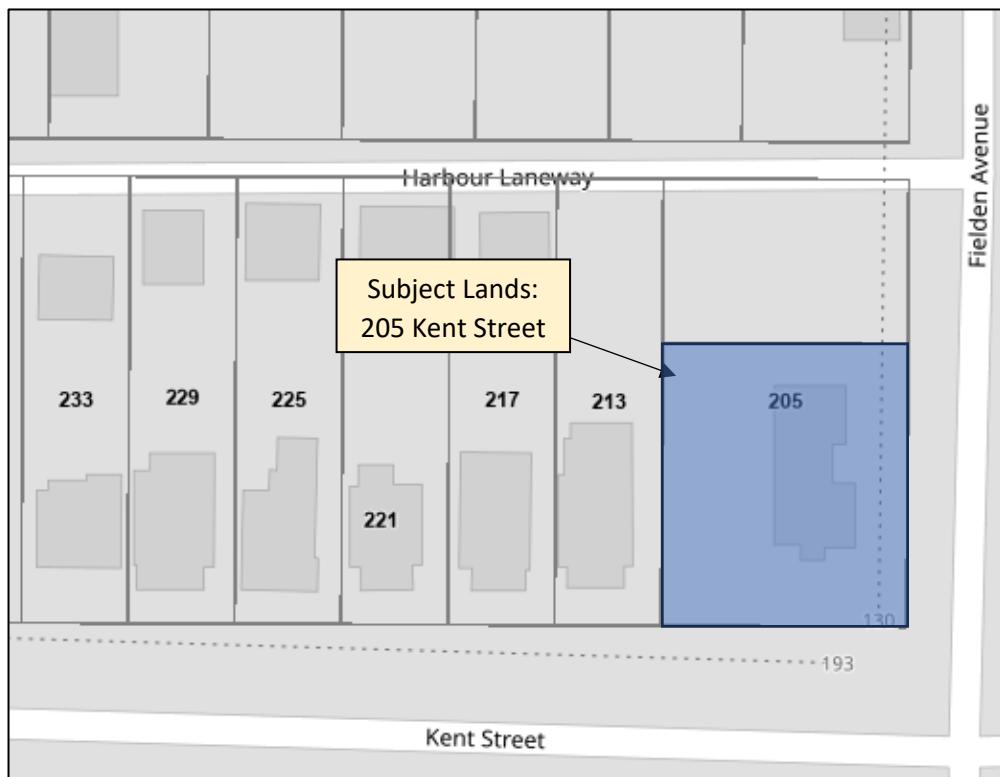
# COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Consent Application File No. B03-26-PC

**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 Part Lots 355 and 356, Plan 854, in the City of Port Colborne, located in the Second Density Residential (R2) zone, municipally known as 205 Kent Street;

**AND IN THE MATTER OF AN APPLICATION** by the owners, Wendy and Jacob Bas, for consent to sever for the purpose of creating a new servicing easement. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 2 is to be retained for an existing residential use, and Part 1 is to be created for a future servicing easement. 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:** January 14, 2025  
**Time:** 6:00 p.m.  
**Location:** 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, January 9, 2025**. If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

## **Electronic Hearing Procedures**

### ***How to Get Involved in the Hearing***

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, January 13, 2025**, by emailing [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

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

By order of the Committee of Adjustment,

Taya Taraba

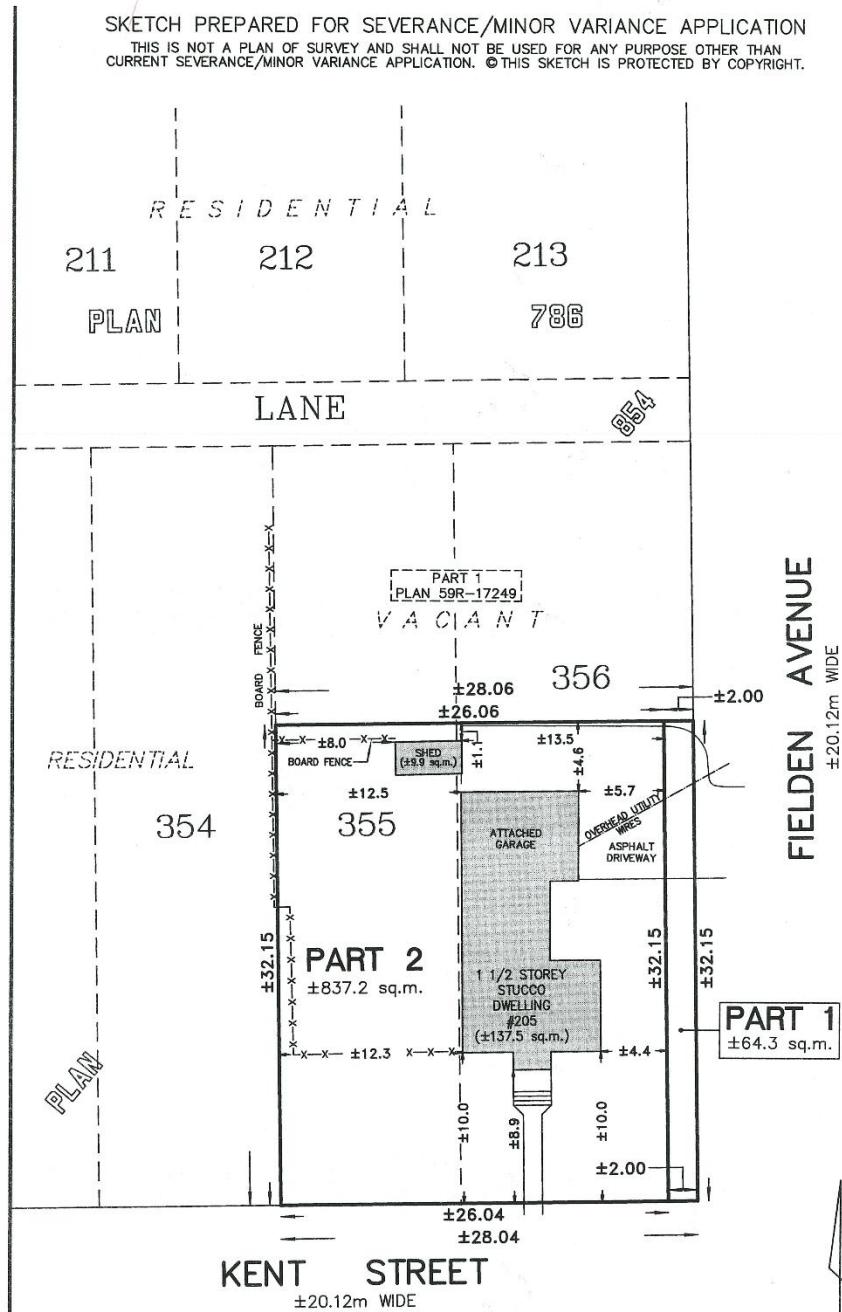
Taya Taraba  
Secretary-Treasurer

**Date of Mailing:** December 16, 2025

## SKETCH



Sketch.pdf



NOTE: THE PURPOSE OF PART 1 IS TO CREATE AN EASEMENT TO ALLOW FOR THE SERVICING OF THE PREVIOUSLY SEVERED LOT (PART 1 PLAN 59R-17249)

<b>VOID</b>		PRELIMINARY ONLY	<b>BLANTHIER &amp; GILMORE SURVEYING LTD.</b> <b>173 CLARENCE ST. PORT COLBORNE, ONT. (905) 855-5477</b> <b>SKETCH OF PROPOSED SEPARATION/MINOR VARIANCE</b> <b>LOTS 355 &amp; 356</b> <b>PLAN 854</b> <b>IN THE</b> <b>CITY OF PORT COLBORNE</b> <b>REGIONAL MUNICIPALITY OF NIAGARA</b>	
IF USED FOR ANY OTHER PURPOSE THAN THIS CURRENT CONSENT APPLICATION		<b>NOV. 12, 2025</b> <b>DATE</b>  <b>MARK GILMORE</b> <b>BLANTHIER &amp; GILMORE SURVEYING LTD.</b>	<b>DRAWN BY: CM</b> <b>CHECKED BY: MG</b> <b>SCALE: 1:300</b> <b>SURVEY 22-549</b>	



## PORT COLBORNE

# City of Port Colborne

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

### Development and Government Relations Department

#### Planning Division Report

January 14, 2026

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

**Re: Application for Consent: B03-26-PC  
205 Kent Street Plan 854 Part Lots 355 and 356  
Owner: Wendy and Jacob Bas**

#### Proposal

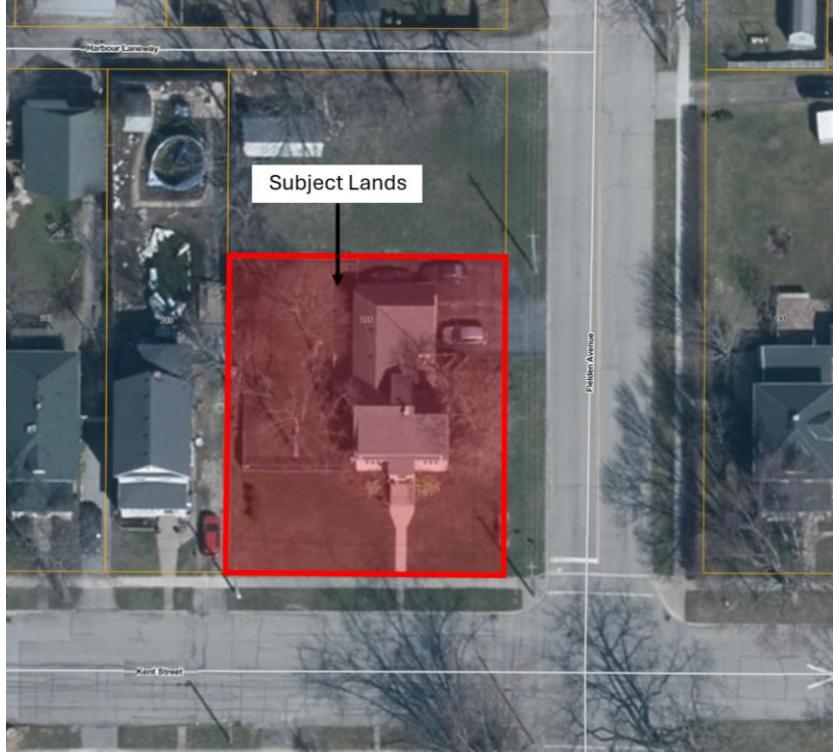
The purpose of this application is to create a new part on a plan that can be used as an easement. The applicant/owner of the subject lands (205 Kent Street) also owns the abutting parcel to the north (unaddressed vacant lot on Fielden Avenue). The applicant/owner would like to use the proposed easement to extend municipal services to the vacant lot.

The proposed severance (for easement) sketch shows 2 parts:

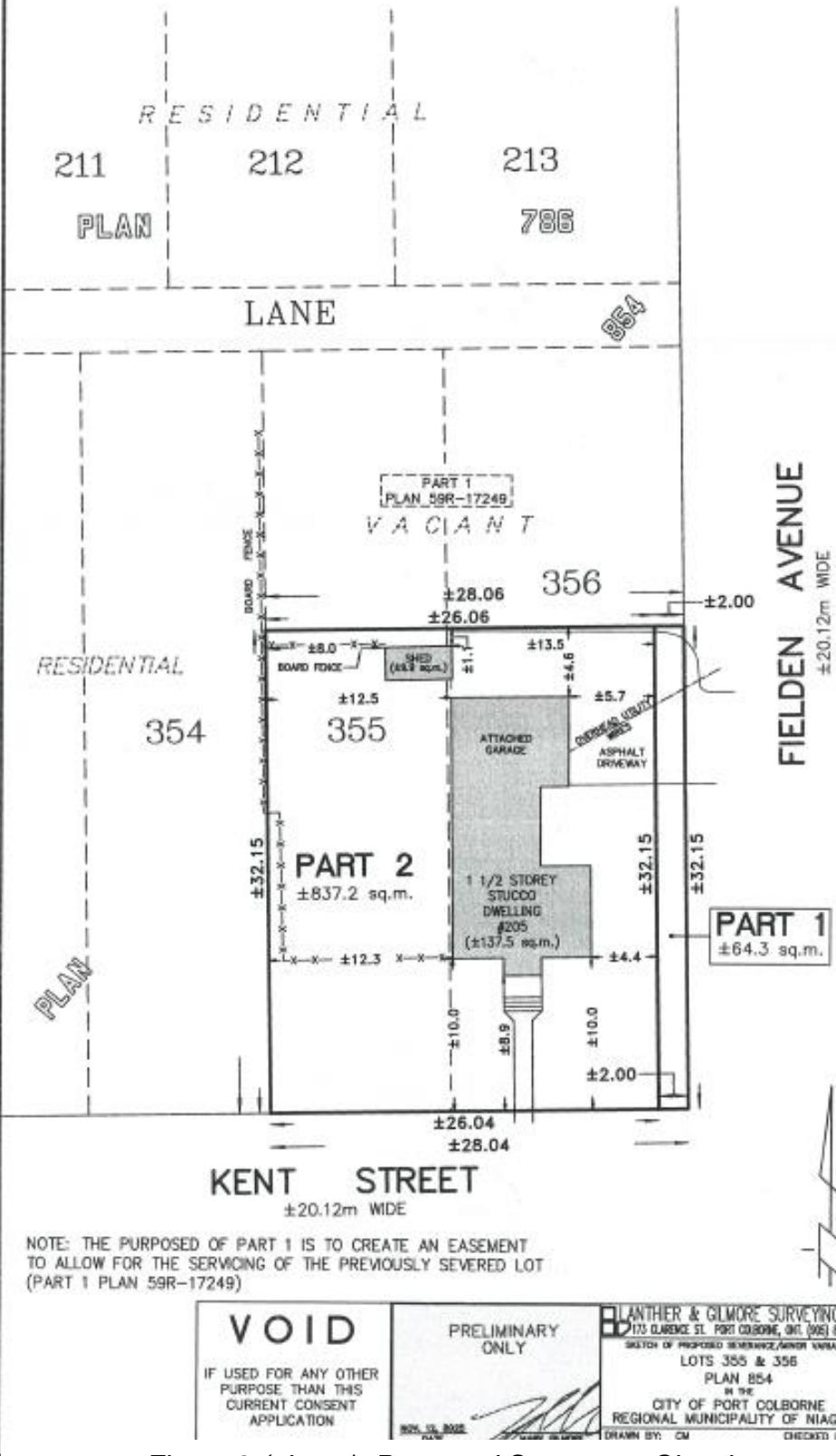
**Part 1** the easement, has 2 metres of frontage on Kent Street, and 32 metres of depth/frontage on Fielden Avenue. The total area for the easement is 64.3 square metres.

**Part 2**, the retained lot, has 26.94 metres of frontage on Kent Street and 837.2 square metres of lot area.

Figure 2 shows the proposed severance sketch.



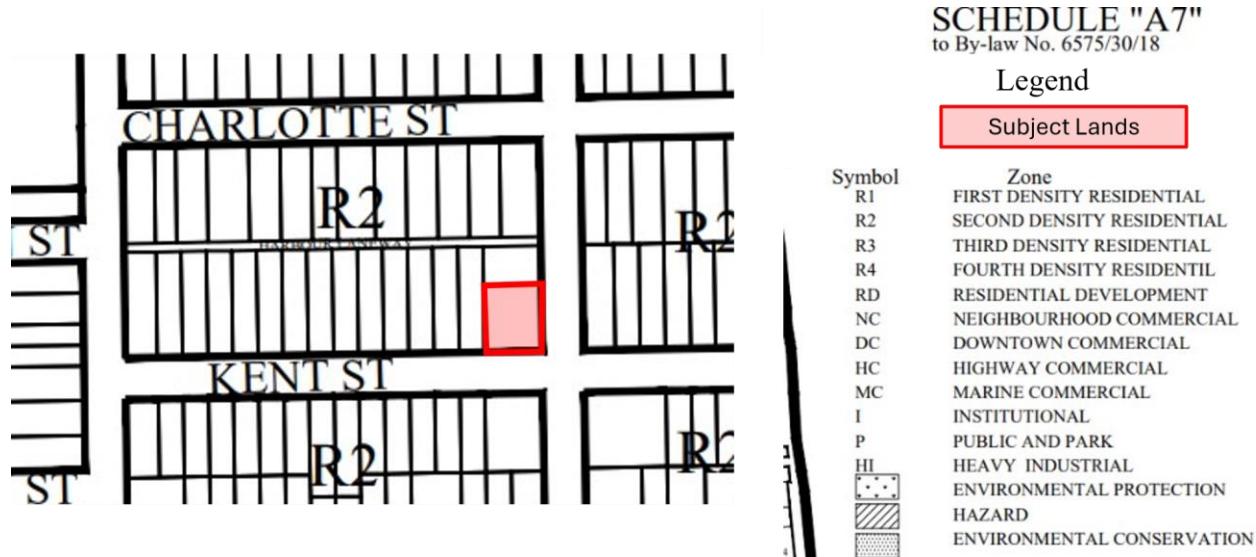
SKETCH PREPARED FOR SEVERANCE/MINOR VARIANCE APPLICATION  
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN  
CURRENT SEVERANCE/MINOR VARIANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.



*Figure 2 (above): Proposed Severance Sketch*

## Surrounding Land Uses and Zoning

The subject lands are zoned Residential Second Density (R2) in accordance with the Zoning By-law. The parcels surrounding the Subject Lands are also zoned R2 and are primarily residential uses. 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. There are no natural areas or features mapped within the Niagara Official Plan (NOP) or City of Port Colborne Official Plan (OP) on or adjacent to the Subject Lands. The Subject Lands do not contain any natural hazard areas that are regulated by the Niagara Peninsula Conservation Authority (NPCA).

## Public Comments

Notice was circulated on December 16, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of the time of writing this report, no comments from the public have been received.

## Agency Comments

Notice of the application was circulated on December 9, 2025, to internal City departments and external agencies. As of the time of writing this report, the following comments have been received.

Commenter	Comments	Planning Staff Response
<b>Fire Department</b>	No concerns.	Noted
<b>Deputy Chief Building Official</b>	No comments.	Noted
<b>Engineering Technologist</b>	<p>In accordance with the Ministry of the Environment, Conservation and Parks (MECP) and Ontario Building Code, a minimum horizontal separation of 2.5 m is required between water and sanitary services. Additionally, there is a minimum setback of 1.0 m from property lines as set out in City of Port Colborne's Engineering Design Manual. The proposed 2.0 m-wide easement is insufficient.</p> <p>Due to the proximity of the existing dwelling, including the foundation footings, the proposed configuration may adversely impact the structural integrity of the building and limit future access for the operation and maintenance of these services.</p> <p>Based on the above, Development Engineering does not support the proposed Consent (Easement) application. Should the owner wish to service the vacant lot, it would be the owner's responsibility to extend the sanitary sewer and watermain, to municipal standards, along Fielden Avenue to the frontage of the subject property.</p>	Further discussion on this is included in the body of this report.
<b>Niagara Peninsula Conservation Authority</b>	No Comments	Noted

## **Discussion**

Consent application B03-26-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)**

Section 3.1 of the PPS provides direction on infrastructure and public service facilities to facilitate effective growth management. These stress financial viability, efficiency and leveraging capacity.

Staff identify that this block bound by Kent, Fielden, Charlotte and Steele Streets has opportunity for infill development. Planning for infrastructure should occur in a coordinated manner. However, obtaining an easement for servicing is an option, but may not result in a desirable outcome with respect to future servicing opportunities.

It is staff's opinion that the proposed easement can be consistent with the relevant sections and policies of the PPS.

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

As of March 31, 2025, the Regional Municipality of Niagara no longer has Planning Authority. Despite this removal of Planning Authority, the 2022 Niagara Official Plan (NOP) remains in full force and effect and is now part of the City of Port Colborne Official Plan. Accordingly, an assessment for conformity with the relevant policies of the NOP is required. The Subject Lands are designated Urban Area and are within the 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.

It is staff's opinion that the proposed easement conforms with the policies of the NOP.

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

Section 3.2.4 provides direction on consents to sever. Specifically it indicates that within the urban residential area, consents to sever for easements can be considered.

With respect to municipal servicing, Section 8.1.1d) states

*"In the Urban Area, where adequate municipal infrastructure services exist, a developer or subdivider shall provide on their site, approved engineered systems for water service, sanitary sewers and storm sewers; and where the City deems necessary, and shall also provide extensions beyond said lands for connections to City mains..."*

The proposal seeks to service an abutting lot which does not form part of this application. Based on Policy 8.1.1d the City can determine if an extension of services beyond private lands is appropriate. The Provincial Ministry of Environment, Climate Change and Parks provides procedures for separating sewers and watermains through document F-6-1 titled *"Procedures to Govern Separation of Sewers and Watermains"*. Further to this, the Ontario Building Code, through Section 7.3.5.7 also provides direction on separation distance. Considering these two standards, it is the City's position that servicing a neighbouring lot via easement is not appropriate in this circumstance.

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

As noted previously, the Subject Lands are zoned Residential Second Density (R2) in accordance with Zoning By-law 6575/30/18.

The lands to be severed and used as an easement will continue to be used for residential purposes; however, the creation of the easement would allow for municipal sewer and water lateral connections to be located within the cross section of the easement.

### **Conclusion**

From a planning perspective, the proposed consent generally aligns with the intent of the applicable planning documents, which support efficient use of land and the provision of services to facilitate development. However, planning policies also emphasize the importance of public health and safety, and the need for development to comply with municipal standards and provincial regulations.

### **Engineering Review**

Development Engineering staff have identified concerns with the proposed easement configuration:

- **Insufficient Width:** In accordance with the Ministry of the Environment, Conservation and Parks (MECP) and the Ontario Building Code, a minimum horizontal separation of 2.5 m is required between water and sanitary services. Additionally, the City of Port Colborne's Engineering Design Manual requires a minimum setback of 1.0 m from property lines. The proposed 2.0 m-wide easement does not meet these requirements.
- **Structural and Maintenance Risks:** The close proximity of the existing dwelling, including its foundation footings, may compromise the structural integrity of the building and restrict future access for operation and maintenance of the services.
- **Servicing Solution:** Based on these constraints, Development Engineering does not support the proposed easement. Should the owner wish to service the vacant lot, it would be their responsibility to extend the sanitary sewer and watermain along Fielden Avenue to the frontage of the subject property, in accordance with municipal standards.

While the proposal is generally consistent with planning policy objectives, the application cannot be supported due to overriding concerns related to public safety, structural integrity, and compliance with engineering standards. If the applicant was successful in obtaining the requested easement, the City's Development Engineering division would not be able to issue a permit for new municipal connections. The proposed servicing arrangement is not feasible, and an extension of municipal services along Fielden Avenue would be required to properly service the lot.

**Recommendation:**

That consent application B03-26-PC be **Refused** for the reasons outlined in this report including:

- The proposed easement does not meet the minimum separation and setback requirements under the Ontario Building Code, MECP guidelines, and the City's Engineering Design Manual.
- The configuration may pose risks to the structural integrity of the existing dwelling and limits future access for maintenance.
- The proposed servicing arrangement is not supported by Development Engineering and the City will not be able to issue a Municipal Connection Permit utilizing this easement.

**If the Committee chooses to approve this application, the following conditions are recommended:**

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 shall submit a detailed servicing plan prepared by a qualified professional engineer, demonstrating compliance with the Ontario Building Code, MECP guidelines, and the City's Engineering Design Manual to the satisfaction of the City's Engineering Division.
3. That the applicant shall provide a structural assessment prepared by a qualified professional engineer confirming that the installation of services within the easement will not compromise the structural integrity of the existing dwelling or its foundation.
4. That the applicant shall enter into a legal agreement, registered on title, ensuring perpetual access rights for operation, maintenance, and repair of services within the easement, to the satisfaction of the City Solicitor.

5. That the owner shall indemnify and hold harmless the City from any claims, damages, or liabilities arising from the installation, maintenance, or failure of services within the easement.
6. That a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
7. That all conditions of consent be completed by January 14, 2028.

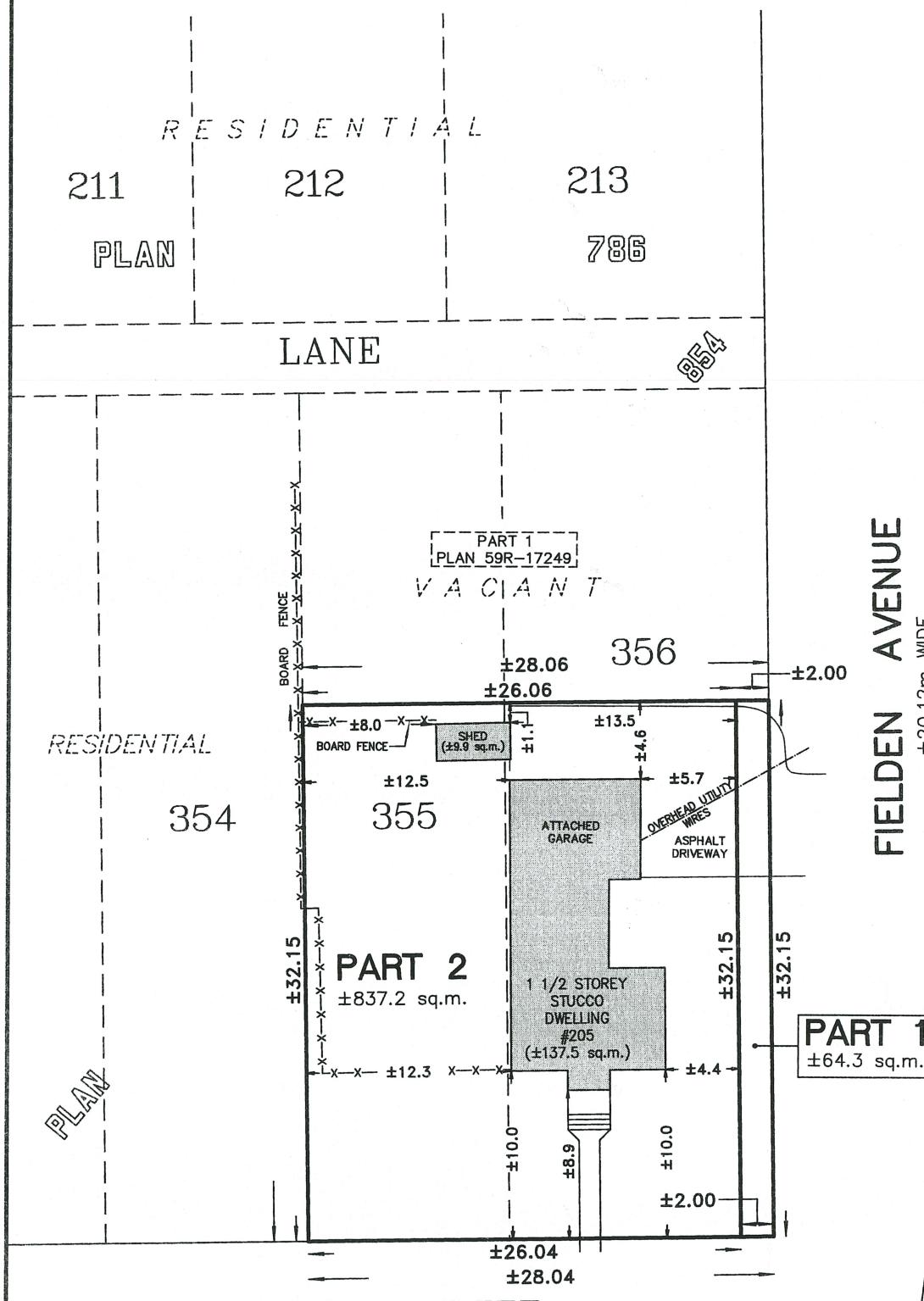
Respectfully submitted,

Erik Acs

Chief Planner

SKETCH PREPARED FOR SEVERANCE/MINOR VARIANCE APPLICATION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN CURRENT SEVERANCE/MINOR VARIANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.



NOTE: THE PURPOSE OF PART 1 IS TO CREATE AN EASEMENT  
TO ALLOW FOR THE SERVICING OF THE PREVIOUSLY SEVERED LOT  
(PART 1 PLAN 59R-17249)

VOID

IF USED FOR ANY OTHER  
PURPOSE THAN THIS  
CURRENT CONSENT  
APPLICATION

PRELIMINARY  
ONLY

BLANTHIER & GILMORE SURVEYING LTD.  
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE

LOTS 355 & 356

PLAN 854

IN THE

CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA

Page 178 of 186

DATE: JULY 17, 2002  
MARK GILMORE  
Ontario Land Surveyor

DRAWN BY: CM

CHECKED BY: MG

SCALE: 1:300

SURVEY 22-549



## CONSENT APPLICATION

### THE CITY OF PORT COLBORNE

The Planning Act – Section 53

RECEIVED

For Office Use Only

Date Received: **NOV 24 2025**

Date of Completion:

Application Complete:  Yes  No

### SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

Telephone: 1-905-835-2900 ext. 204  
Fax: 1-905-835-2939  
Email: [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca)

### 2025 APPLICATION FEES

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

### COMPLETENESS OF APPLICATION

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

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

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

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

## DRAWING REQUIREMENTS

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

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

## PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

## NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: <i>Wendy Bas</i>	Date: <i>Nov 18/25</i>	Initials: <i>WB</i>



**SECTION 1 : CONTACT INFORMATION**

<b>1.1 Registered Owner (s):</b>	
Name: Wendy + Jacob Bas	
Mailing Address: 160 Elm St	
City: Port Colborne	Province: ON
Postal Code: L3K 4N6	Telephone: 905-359-3639
Fax:	Email: wendybas6@gmail.com
<b>1.2 Owner's SOLICITOR (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.3 Owner's Authorized AGENT (if applicable)</b>	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
<b>1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)</b>	
Name: Lanthier + Gilmore	
Mailing Address: 173 Clarence St	
City: Port Colborne	Province: ON
Postal Code: L3K 3G4	Telephone: 905-835-5477
Fax:	Email:
<b>1.5 All communications should be sent to the:</b>	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

**SECTION 2: LOCATION OF SUBJECT LAND**

Former Municipality:	Niagara (Humberstone)	
Concession No.	Lot(s): 355 356	
Registered Plan No. 854	Lot(s):	
Reference Plan No.	Part(s): ONE + TWO	
Name of Street: Kent St	Street No.	205

### SECTION 3: PROPOSAL DESCRIPTION

<b>3.1 Type of proposed transaction: (Check appropriate space(s))</b>			
<input 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 checked="" type="checkbox"/> Easement	
<b>Reason for proposed transaction:</b>			
TO PUT EASEMENT ON PROPERTY FOR FUTURE WATER + SEWER TO NEW FIELDEN LOT.			
<b>3.2 If a lot addition, identify the lands to which the parcel will be added:</b>			
N/A			
<b>3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:</b>			
MYSELF			

### SECTION 4: SUBJECT PARCEL INFORMATION

**Part No. On Sketch:** PART 1 (Easement).

<b>DESCRIPTION OF SUBJECT PARCEL (in metric units)</b>		
Frontage: 2.0 m	Depth: 32.15 m	Area: 64.3 m <sup>2</sup>
Existing Use: NONE		
Proposed Use: EASEMENT		

### SECTION 5: RETAINED PARCEL INFORMATION

**Part No. On Sketch:** 2

<b>DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)</b>		
Frontage: 26.04 m	Depth: 32.15 m	Area: 837.2 m <sup>2</sup>
Existing Use: RESIDENCE		
Proposed Use: //		

### SECTION 6: SUBJECT LAND INFORMATION

<b>6.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b>	
Port Colborne Official Plan: RESIDENTIAL (URBAN).	
Regional Policy Plan: N/A.	
<b>6.2 What is the Zoning of the land (By-law 6575/30/18)?</b>	
R2	
<b>6.3 Date and Subject Land was acquired by the Current Owner:</b>	
2015	
<b>6.4 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?</b>	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

**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.

*[Handwritten signature]*

**6.6 Type of ACCESS**

<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water Access	<input type="checkbox"/> Private Road
<input type="checkbox"/> Regional Road	<input checked="" type="checkbox"/> Municipal Road maintained <b>all year</b>	<input type="checkbox"/> Other Public Road
<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Municipal Road maintained <b>seasonally</b>	

**6.7 What type of WATER SUPPLY is proposed?**

Publicly owned and operated piped water supply

Lake

Well (private or communal)

Other (specify): \_\_\_\_\_

**6.8 What type of SEWAGE DISPOSAL is proposed?**

Publicly owned and operated sanitary sewage system

Septic system (private or communal)

Other (specify): \_\_\_\_\_

**6.9 What type of STORMWATER DISPOSAL is proposed?**

Publicly owned and operated stormwater system

Other (specify): \_\_\_\_\_

**SECTION 7****7.1 Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?**

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

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

File Number: *B-1121 PC*

Decision: *PASSED.*

**SECTION 8: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND****8.1 ALL EXISTING USE**

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

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

*20+ 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.

*HOME + GARDEN SHED*

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

#### ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that 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 Dev 18/25

Date

X WBas

Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

## Pre-Screening Criteria

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

## AUTHORIZATIONS

### SIGNATURE OF APPLICANT(S)

X Nov 18/25

Date

X WBas.

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 Wendy Bas  
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 18<sup>th</sup> day of November

20 25. Taya Hope Taraba, a Commissioner, etc.,

A Commissioner, etc., Province of Ontario, for the Corporation of the City of Port Colborne.

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

X

WBas

Signature of applicant(s), solicitor, or authorized

Taya Taraba

Expires January 31, 2027.

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

## 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 Wendy Bas 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

X

Signature of Owner/Agent

X

Date

## PERMISSION TO ENTER

I/We Wendy Bas 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

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 an authorization form for it to be valid.

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

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

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

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date



## Committee of Adjustment -Meeting Minutes-

Wednesday, December 10, 2025

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

**Staff Present:** Kelly Martel, Manager of Planner  
Taya Taraba, Secretary-Treasurer

**Members Absent:** Dave Elliott, Committee Member

**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 A22-25-PC due to an indirect pecuniary interest as his employer provided services on the application.

**5. Requests for Deferrals or Withdrawals of Applications**

**a. Application:** A22-25-PC

**Action:** Minor Variance

**Applicant:** Elevate Living Ltd.

**Agent:** Upper Canada Consultants

**Location:** Vacant Lot Stonebridge Drive

**Carried:** 3-0

6. Order of Business

a. Application: B12-25-PC  
Action: Consent to Sever  
Applicant: Jacob O'Berick  
Location: 43 Colborne 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.

Member Beauregard inquired about a condition of consent to the Manager of Planning. The Manager of Planning stated that the property can be serviced and that the condition is to ensure that the land remains developable and that the servicing would not cause any future concerns.

Given the information above, the Committee of Adjustment have decided that application **B12-25-PC be granted subject to the conditions outlined in the Staff Report dated December 5<sup>th</sup>, 2025:**

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 provides 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.

**Motion:** Angie Desmarais

**Seconded:** Eric Beauregard

**Carried:** 4-0

## 7. Other Business

The Committee of Adjustment reviewed and approved the 2026 Committee of Adjustment schedule.

**Motion:** Angie Desmarais

**Seconded:** Eric Beauregard

**Carried:** 4-0

## 8. Approval of Minutes

That the minutes from the November 19<sup>th</sup>, 2025 meeting be approved.

**Motion:** Eric Beauregard

**Seconded:** Gary Bruno

**Carried:** 4-0

## 9. Adjournment

There being no further business, the meeting was adjourned at approximately 6:19 pm.

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Dan O'Hara, Chair

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Taya Taraba, Secretary-Treasurer