



Date: Wednesday, February 11, 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 A03-26-PC - 22 Ridgewood Avenue 1

Action: Minor Variance
Agent: Hank Nauta
Applicant: Tanya Franke
Location: 22 Ridgewood Avenue
 - 6.2 B08-26-PC; A01-26-PC; A02-26-PC - 953 Cedar Bay Road 23

Action: Consent to Sever and Minor Variance
Applicant: Crystal and Jamie McNay
Location: 953 Cedar Bay Road
 - 6.3 A04-26-PC - 936 Cedar Bay Road 66

Action: Minor Variance
Applicant: Chris and Daisy Phelan
Location: 936 Cedar Bay Road

6.4 B03-26-PC - 205 Kent Street

92

Action: Consent to Sever (Easement)

Applicant: Wendy Bas

Location: 205 Kent Street

7. Other Business

8. Approval of Minutes

8.1 January 14, 2026, Committee of Adjustment Minutes

116

9. Adjournment



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Minor Variance Application File No. A03-26-PC

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 5.3 (e) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

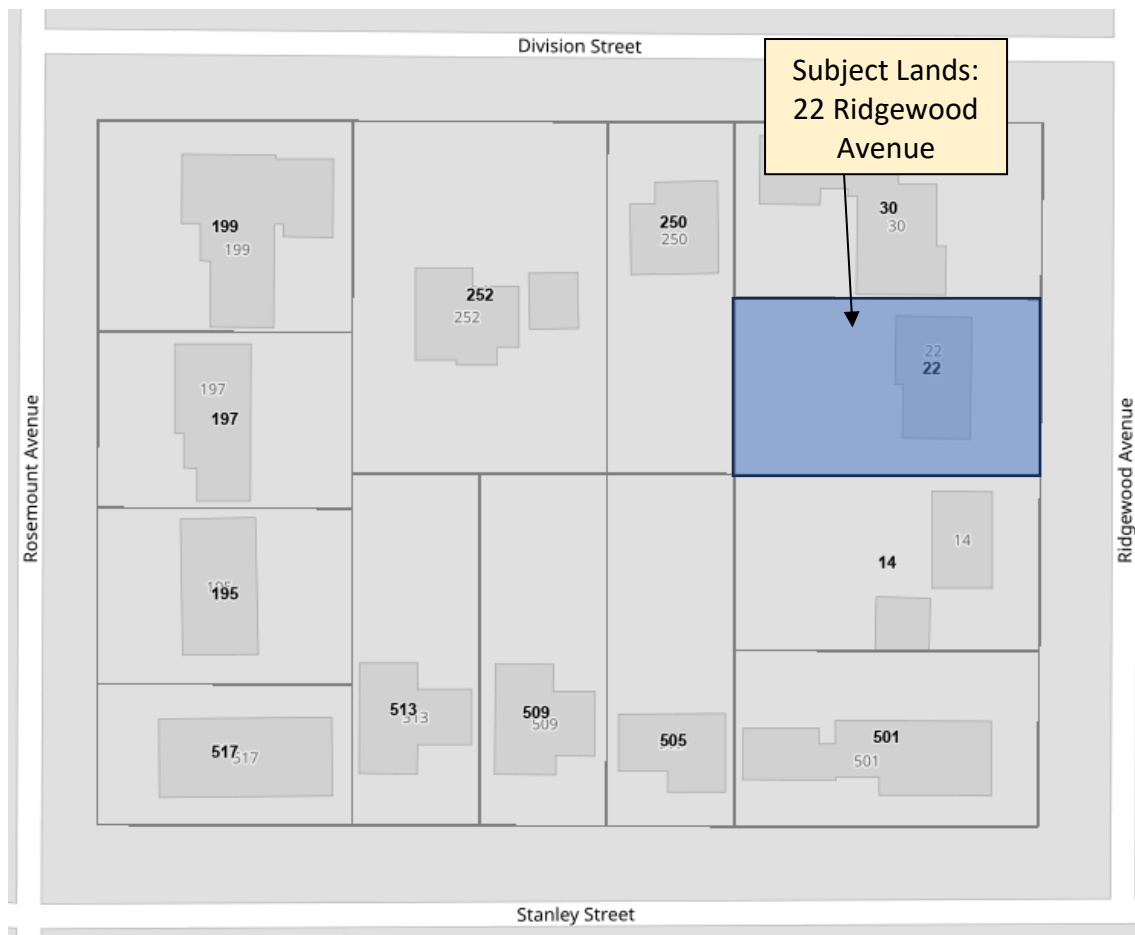
AND IN THE MATTER OF the lands legally known as Lot 100, Part Lot 99, on Plan 42, NP874, in the City of Port Colborne, located in the First Density Residential (R1) zone, municipally known as 22 Ridgewood Avenue.

AND IN THE MATTER OF AN APPLICATION by the agent, Hank Nauta, on behalf of the owner, Tanya Franke, for relief from the provisions of Zoning By-law 6575/30/18, as amended, under section 45 of the *Planning Act, R.S.O 1990 C.P 13*, to permit the construction of a new accessory structure, notwithstanding the following:

1. That a minimum interior side yard setback of 0.5m for a carport be permitted, whereas a minimum interior side yard setback of 1.5m for a carport is required.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to build a new carport closely located to the interior lot line, which requires a minor variance from the provisions of the Zoning By-law. A sketch of the proposed site plan is shown on the reverse side of this notice. More information, such as a higher resolution PDF version of the sketch, can be requested through the Secretary-Treasurer.

LOCATION MAP



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

- Date:** February 11, 2026
Time: 6:00 p.m.
Location: 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **Friday, February 6, 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, February 10, 2026**, by emailing taya.taraba@portcolborne.ca or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

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

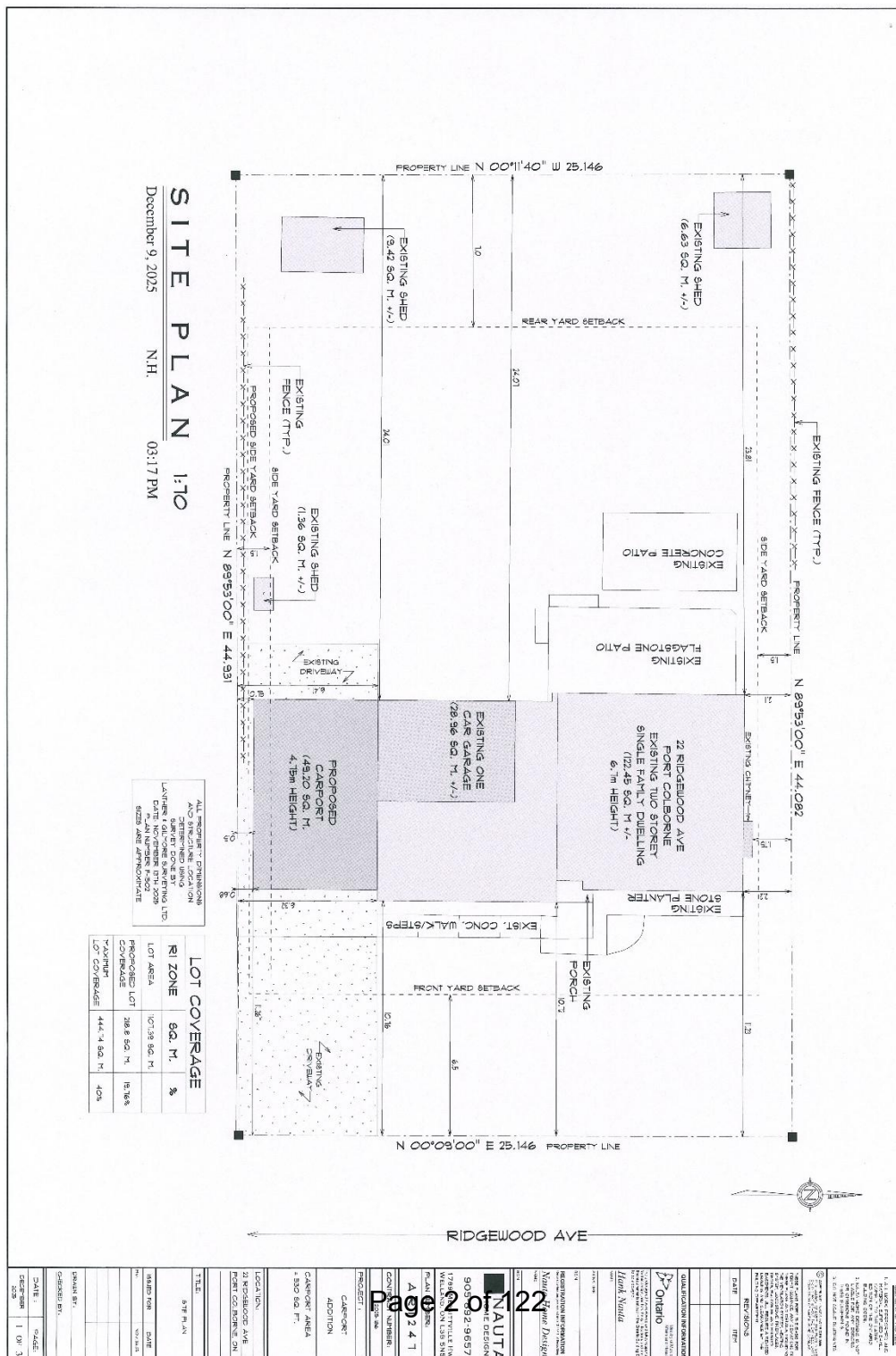
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba
Secretary-Treasurer

Date of Mailing: January 27, 2026

SKETCH



Development and Government Relations

Planning Division Report

February 10, 2026

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

**Re: Application for Minor Variance File No. A03-26-PC
22 Ridgewood Avenue
Agent: Hank Nauta
Owner: Tanya Franke**

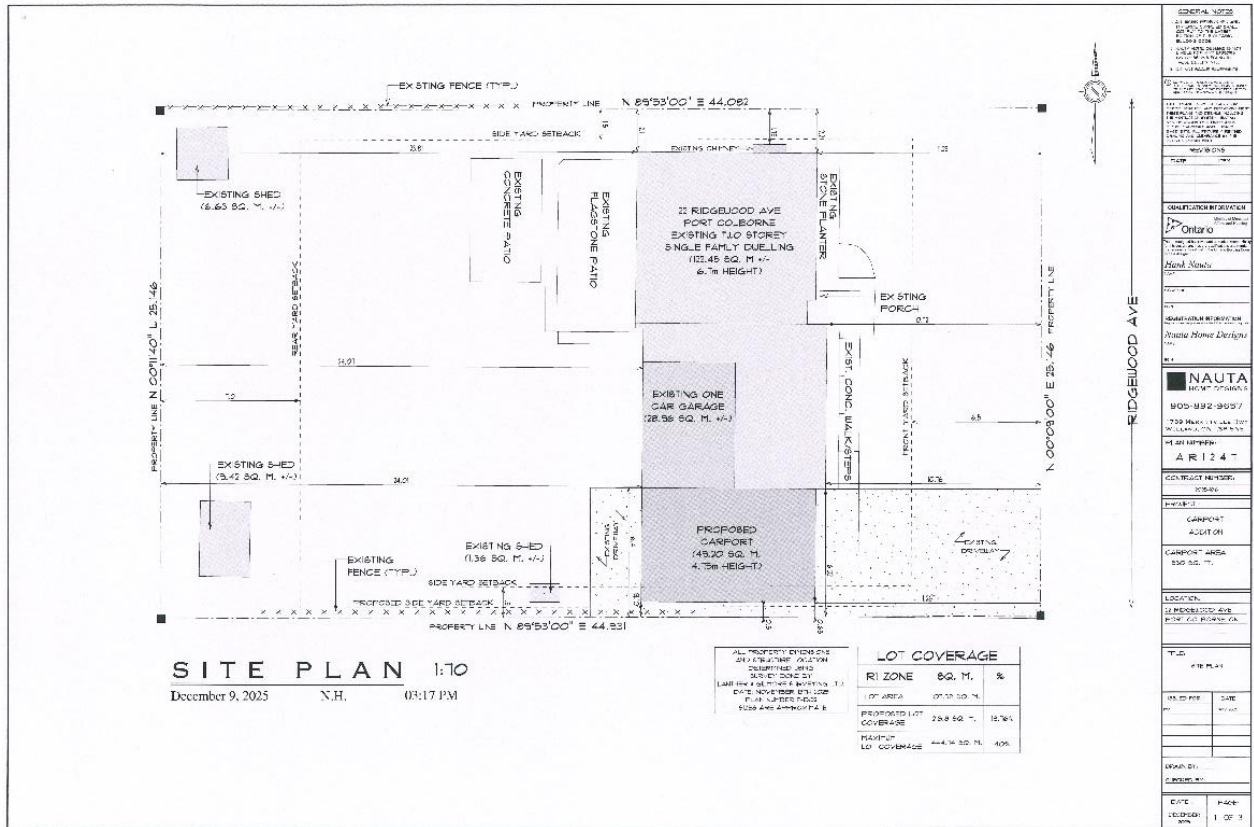
Proposal

The purpose of this report is to provide a recommendation on a Minor Variance application for a lot on the west side of Ridgewood Avenue (the Subject Lands) as shown below.



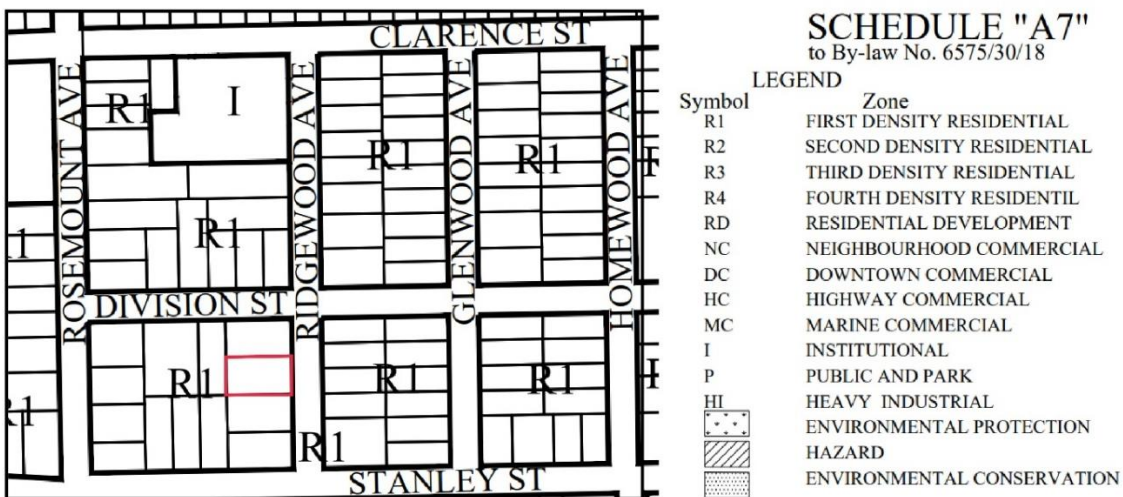
The purpose of this application is to facilitate the addition of a carport to the side of the existing dwelling. In order to construct the carport over the existing driveway, the applicant is requesting relief from the Zoning By-law that would allow for a decrease in side yard setback.

A copy of the proposed structure is shown below.



Surrounding Land Uses and Zoning

The Subject Lands are zoned First Density Residential (R1) and have lot area of 1107.39 square metres and has a lot frontage of approximately 25.146 metres along the west side of Ridgewood Avenue. The parcels surrounding the subject lands are primarily zoned R1, with residential uses surrounding the Subject Lands. The figure below shows the zoning of the subject and surrounding lands.



Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

Public Comments

Notice was circulated on January 27, 2026, 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 have been received.

Agency Comments

Notice of the application was circulated on January 13, 2026, to internal City departments and external agencies. As of the date of writing this report, the following comments have been received.

Commenter	Comments	Planning Staff Response
Drainage Superintendent	This parcel is not assessed for a known municipal drain, no comments.	Noted
Fire Department	Port Colborne Fire has no objection to the application.	Noted
Engineering Technologist	Development Engineering has no comments on this minor variance application.	Noted
Niagara Peninsula Conservation Authority	The subject property is outside NPCA regulated features. As such, NPCA has no objections to the proposal.	Noted
Niagara Region	No comments	Noted

Discussion

The application is requesting the following variance:

- That a side yard setback of 0.5m be permitted.

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

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

The Subject Lands are designated Urban Residential in Schedule A: City-Wide Land Use of the City of Port Colborne Official Plan. Urban Residential are lands that are primarily used for residential purposes and represent the existing planned and built-up areas within the Urban Area Boundary. Predominant land uses include; residential uses; neighbourhood commercial uses; cemeteries, parks, schools, community facilities and institutional uses normally located in residential areas.

The application is consistent with this designation and maintains the general intent and purpose of the Official Plan. The requested variance will enable the reduction of the side yard setback to support the proposed carport. The proposed location of the carport is over the current driveway on the site, so the intended use will remain the same, remaining consistent with the permitted uses in the Urban Residential area.

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

The Subject Lands are zoned R1, in accordance with the Zoning By-law. Specific zone requirements are set out in Section 5 of the Zoning By-law, and zone requirements are contained within Section 5.3 of the Zoning By-law.

Zoning By-law 6575/30/18		
<i>5.3 Zone Requirements – Dwelling, Detached</i>		
Provision	Required	Proposed Provision
a) Minimum lot frontage	15 metres	No change
b) Minimum lot frontage – corner lot	17 metres	N/A
c) Minimum lot area	0.05 hectares	No change
d) Minimum front yard	6.5 metres	No change
e) Minimum interior side yard	1.5 metres	0.5 metres
f) Minimum corner side yard	3.5 metres	No change
g) Minimum rear yard	7 metres	No change
h) Maximum lot coverage	40 percent	No change
i) Maximum height	11 metres	No change
j) Minimum landscaped area	25 percent	No change
k) No accessory structure shall be erected in any required minimum front or corner side yard on any lot that abuts the Lake Erie shoreline.		No change

As demonstrated in the table above, the proposed minor variance seeks to reduce the side yard setback from 1.5 metres to 0.5 metres. The proposed carport is to be built over the existing driveway, which extends to the property line on the side. This provides the necessary room to park a vehicle in the carport in a manner that is safe, accessible, and functional for the residents. The image below highlights the existing conditions and the approximate location of the side of the proposed carport.



Side yard setbacks ensure adequate space between buildings, maintaining privacy and allow for natural light and air circulation. The setbacks also provide space for property maintenance, and ensure emergency access to the rear yard. The decrease in side yard setback on the lot does not impact the adjacent property owners in terms of separation impacts, as there is an existing fence on the property line. There is adequate room between the adjacent dwelling and the proposed carport location for proper circulation between the structures. On the subject property, the rear yards can still be accessed through the carport and reduced setback without interfering with property maintenance and emergency access.

All other provisions are met, and the proposed variance is appropriate and maintains the general purpose and intent of the Zoning By-law by supporting the existing residential use. Based on the site's conditions and existing driveway placement, it is of Staff's opinion that the reduction in minimum side yard setback would not interfere with circulation, privacy, and rear yard access.

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

The construction of a carport will not change the nature of the lands, as the proposed variance allows for it to be built over the existing driveway. The existing driveway extends to the property line, and the reduced setback will provide adequate room to

park a vehicle in the carport while maintaining some separation from the neighbouring property.

All other lot requirements set out in the Zoning By-law are met by the proposed carport. Due to the nature of the site, there will be adequate room between the adjacent dwelling and proposed carport for proper circulation and rear yard access. As such, the requested variance is desirable and appropriate, as it does not change the existing land uses on the site and aligns with the planned functions of the Urban Residential area.

Is the variance minor in nature?

The requested variance is considered minor in nature. For a variance to qualify as being “minor” in nature, the zoning relief must result in a development that has limited adverse impacts on other properties in the neighbourhood. As the proposed carport is to be built over the existing driveway, the nature of the lands will not change.

The decrease in side yard setback is 1 metre, and does not interfere with circulation and rear yard access on both lots. It is of Staff’s opinion that the variance does not result in adverse effects on adjacent properties or the overall functionality of the site.

Recommendation

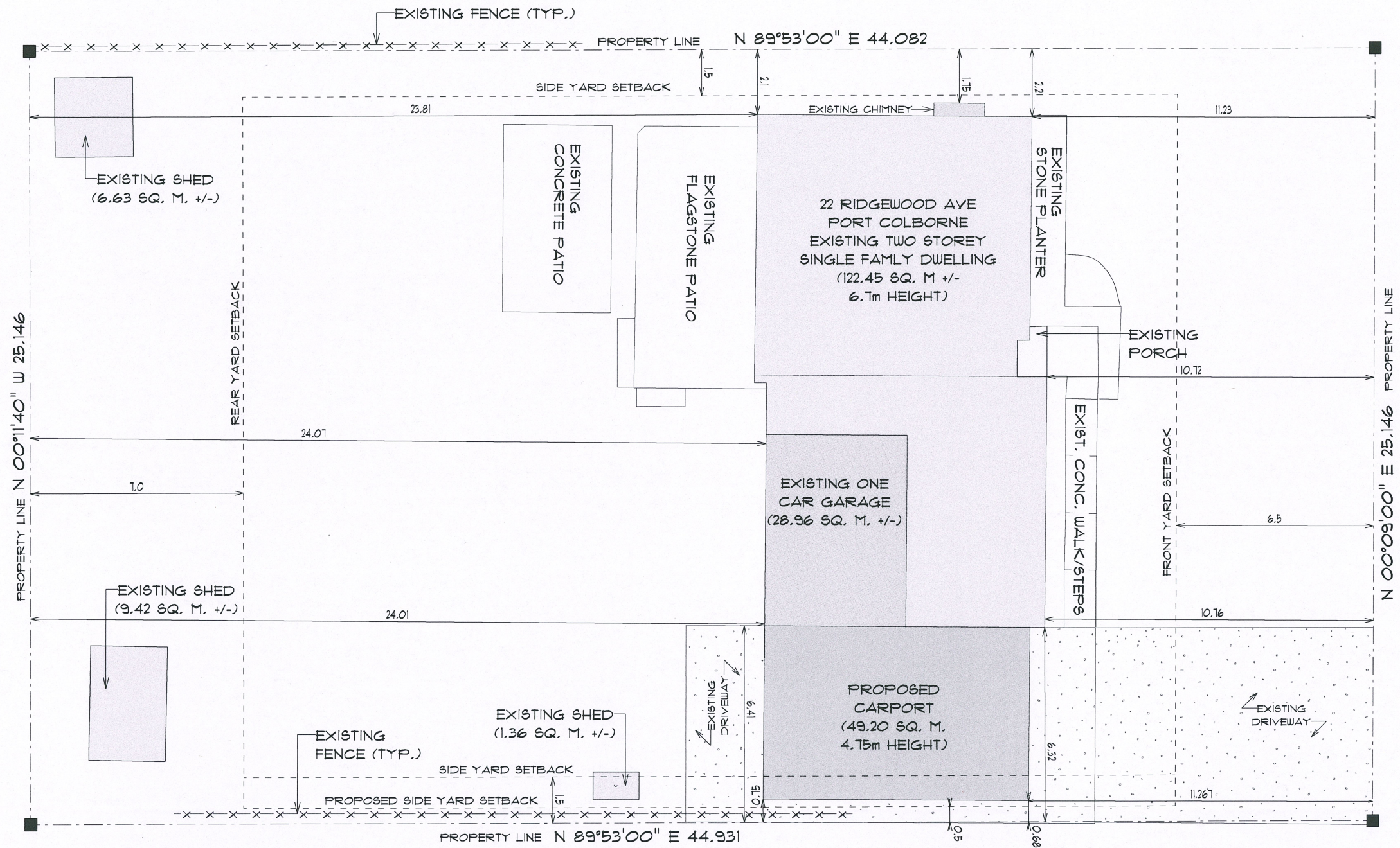
Given the information above, Planning staff recommend that application A03-26-PC be **granted** for the following reasons:

- 1. Application A03-26-PC maintains the general intent and purpose of the Official Plan.**
- 2. Application A03-26-PC maintains the general intent and purpose of the Zoning By-law.**
- 3. Application A03-26-PC is desirable for the appropriate development of the land.**
- 4. Application A03-26-PC is minor in nature.**

Respectfully submitted,

Sophia Lilley
Planning Student

Kelly Martel
Planning Manager

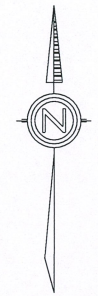


SITE PLAN 1:70

December 9, 2025 N.H. 03:17 PM

ALL PROPERTY DIMENSIONS AND STRUCTURE LOCATION DETERMINED USING SURVEY DONE BY LANTHER & GILMORE SURVEYING LTD. DATE: NOVEMBER 13TH 2025 PLAN NUMBER F-1502 SIZES ARE APPROXIMATE

LOT COVERAGE		
RI ZONE	SQ. M.	%
LOT AREA	1107.39 SQ. M.	
PROPOSED LOT COVERAGE	218.8 SQ. M.	19.76%
MAXIMUM LOT COVERAGE	444.74 SQ. M.	40%



RIDGEWOOD AVE

- GENERAL NOTES**
1. ALL WORK PERFORMED AND MATERIAL SUPPLIED SHALL COMPLY TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE.
 2. NAUTA HOME DESIGNS IS NOT LIABLE FOR ANY ERRORS OR OMISSIONS FOUND IN THESE BLUEPRINTS.
 3. DO NOT SCALE BLUEPRINTS.

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REVISIONS

DATE	ITEM

QUALIFICATION INFORMATION
 Ministry of Municipal Affairs and Housing
 Ontario

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

Hank Nauta
 NAME:
 SIGNATURE:

BC#

REGISTRATION INFORMATION
 Registered under the Ontario Building Code Act, 1992 (R.S.O. 1990, c. 12)

Nauta Home Designs
 NAME:
 BC#

NAUTA HOME DESIGNS
 905-892-9657
 1789 MERRITTVILLE HWY
 WELLAND, ON L3B 5N5

PLAN NUMBER:
AR1247

CONTRACT NUMBER:
 2025-186

PROJECT:
 CARPORT ADDITION

CARPORT AREA
 = 530 SQ. FT.

LOCATION:
 22 RIDGEWOOD AVE
 PORT COLBORNE, ON

TITLE:
 SITE PLAN

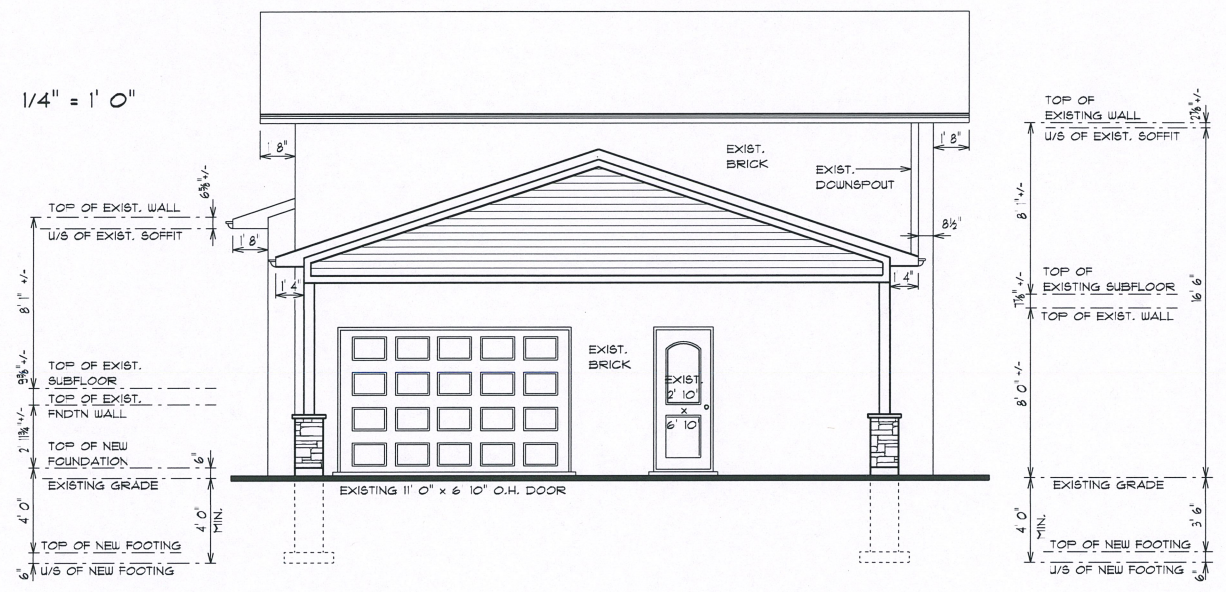
ISSUED FOR: DATE:
 M.V. NOV. 28. 25

DRAWN BY:
 CHECKED BY:

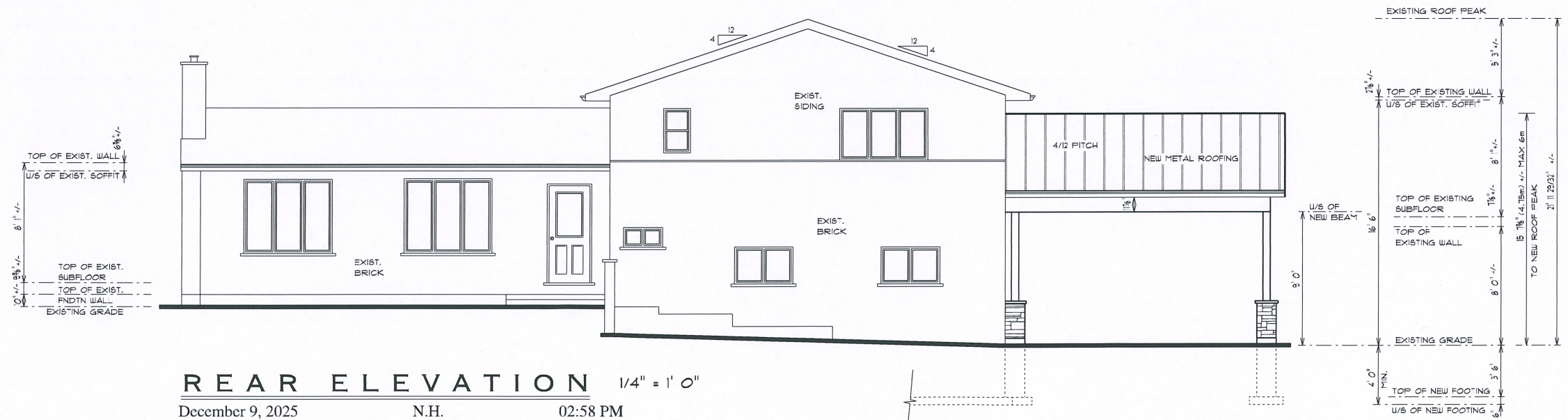
DATE: PAGE:
 DECEMBER 2025 1 OF 3



FRONT ELEVATION 1/4" = 1' 0"
 December 9, 2025 N.H. 02:58 PM



LEFT ELEVATION 1/4" = 1' 0"
 December 9, 2025 N.H. 02:58 PM



REAR ELEVATION 1/4" = 1' 0"
 December 9, 2025 N.H. 02:58 PM

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REVISIONS

DATE	ITEM

QUALIFICATION INFORMATION

Ministry of Municipal Affairs and Housing

Ontario

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

Hank Nauta
 NAME

SIGNATURE

BCN

REGISTRATION INFORMATION
 Required unless design a contract under 2.17.4.1 of the Building Code

Nauta Home Designs
 NAME

BCN

NAUTA HOME DESIGNS

905-892-9657

1789 MERRITVILLE HWY
 WELLAND, ON L3B 5N5

PLAN NUMBER:
AR1247

CONTRACT NUMBER:
 2025-186

PROJECT:
 CARPORT ADDITION

CARPORT AREA
 = 530 SQ. FT.

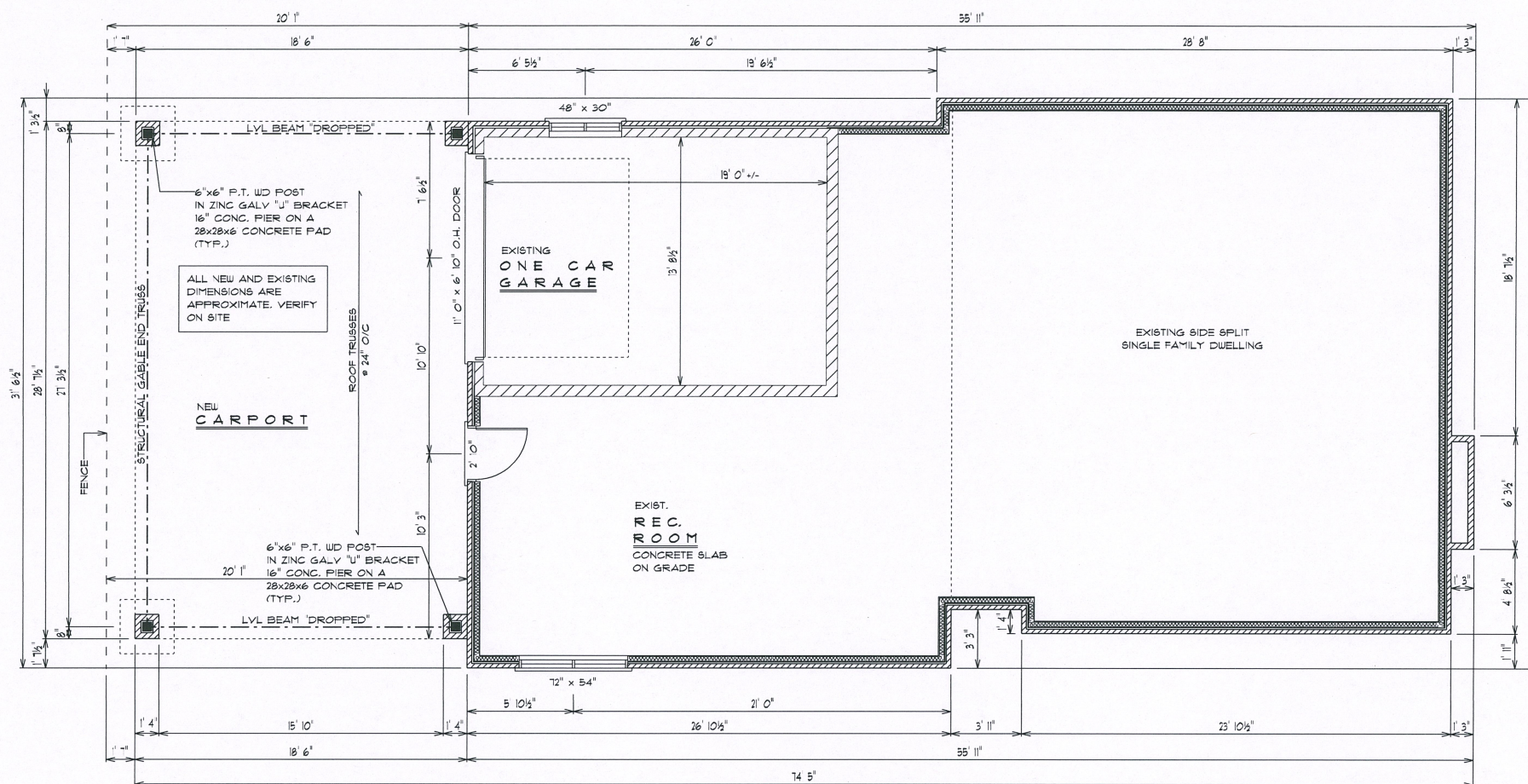
LOCATION:
 22 RIDGEWOOD AVE
 PORT COLBORNE, ON

TITLE:
 ELEVATIONS

ISSUED FOR	DATE
P.V.	NOV.28.25

DRAWN BY:
 CHECKED BY:

DATE	PAGE
DECEMBER 2025	2 OF 3



FLOOR PLAN 1/4" = 1' 0"

December 9, 2025 J.N./N.H. 02:58 PM

GENERAL NOTES

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REVISIONS

DATE	ITEM

QUALIFICATION INFORMATION

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

Hank Nauta
NAME
SIGNATURE
BON

REGISTRATION INFORMATION
Registered design a contract under 217.1.4.1 of the building code.
Nauta Home Designs
NAME
BON

NAUTA HOME DESIGNS
905-892-9657
1789 MERRITTVILLE HWY
WELLAND, ON L3B 5N5

PLAN NUMBER:
AR1247

CONTRACT NUMBER:
2025-186

PROJECT:
CARPORT ADDITION

CARPORT AREA:
= 530 SQ. FT.

LOCATION:
22 RIDGEWOOD AVE
PORT COLBORNE, ON

TITLE:
FLOOR PLAN

ISSUED FOR: P.V.	DATE: NOV.28.25
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DRAWN BY:
CHECKED BY:

DATE: DECEMBER 2025	PAGE: 3 OF 3
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PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

RECEIVED

JAN 12 2026

For Office Use Only

Date Received: _____

Date of Completion: _____

Application Complete: Yes No

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

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

2025 APPLICATION FEES

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

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

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

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

DRAWING REQUIREMENTS

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

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

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

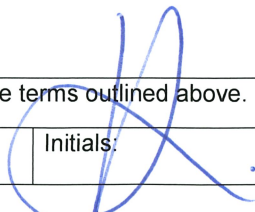
Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Hank Nauta	Date: Dec 16/25	Initials: 



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Tanya Franke	
Mailing Address: 22 Ridgewood Avenue	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5N6	Telephone: 905 714 5513
Fax:	Email: tfranke@campbellwealth.ca
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name: Hank Nauta	
Mailing Address: 1789 Merrittville Hwy	
City: Welland	Province: Ontario
Postal Code: L3B 5N5	Telephone: 905 892 9657
Fax:	Email: hankn@nautahomedesigns.com
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Ridgewood Ave	Street No. 22

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 25.146m	Depth: 44.931m	Area: 1107.39 Sq.m.
Existing Use: Residential		
Proposed Use: Residential		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: Urban Residential		
Regional Policy Plan: Delineated Built-Up Area		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
First Density Residential Zone (R1)		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
August 26th 2024	
4.2 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
Manuone Account Mortgage	\$180,000
500 King St. North Waterloo	
ON, N2J 4C6	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
1960	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	

4.7 What type of SEWAGE DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	

4.8 What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	

4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date: _____	

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

5.1 Nature and Extent of Relief from the Zoning By-law:
Side Yard Setback changed from 1.5m to 0.5m
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
5.2 Why is it not possible to comply with the Zoning By-law?
To be able to comfortably park a car and move under covered area
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
5.4 If the answer to 5.3 is YES, has a building permit been issued?
<input type="checkbox"/> Yes
<input type="checkbox"/> No

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

File Number:
Decision:

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

8.1 ALL EXISTING USE		
<input 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	<hr/>
8.2 What is the length of time the existing use(s) of the land have continued?		
80 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 & Sheds		

8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.12 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
If previous use of property is industrial or commercial or if the answer was 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 05 Dec 2025
Date

X 
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

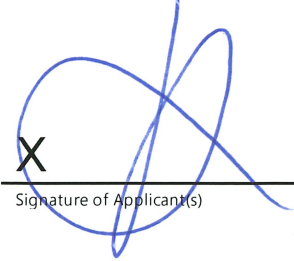
Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Dec 16/25
Date

X 
Signature of Applicant(s)

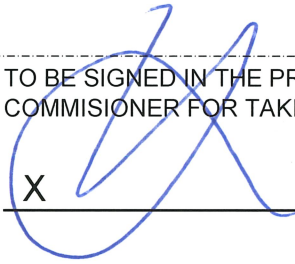
Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Frank Nauta
Of the City/Town/Township of Holland
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 16th day of December
20 25.

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

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

Taya Taraba

Taya Hope Taraba, a Commissioner, etc.,
Province of Ontario, for the Corporation

of the City of Port Colborne
Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to the City Clerk at 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.
Expires January 31, 2027

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

X [Signature]
Signature of Owner/Agent

X 5 Dec 25
Date

X _____
Signature of Owner/Agent

X _____
Date

PERMISSION TO ENTER

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

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

X [Signature]
Signature of Owner

X 5 Dec 25
Date

X _____
Signature of Owner

X _____
Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

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

Hank Nauta

X [Signature]
Signature of Owner

X 5 Dec 2025
Date

X _____
Signature of Owner

X _____
Date

X _____
Signature of Agent

X Dec 16/25
Date

Hank Nauta

SUGGESTION TO THE APPLICANT

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

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

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

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P. 13*, Section 53 (1) and Sections 12.3 (a) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Concession 1, Part Lot 12, on RP 30R11444, formerly in the Township of Humberstone, currently in the City of Port Colborne, on Part 1, located in the Hamlet Residential (HR) zone, municipally known as 953 Cedar Bay Road.

AND IN THE MATTER OF AN APPLICATION by the owners, Crystal and Jamie McNay, for consent to sever for the purposes of creating a new residential lot. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 2 is to be retained for an existing residential use and Part 1 is to be severed for a future residential use. The owner is also requesting relief from the provisions of Zoning By-law 6575/30/18, as amended, under section 45 of the *Planning Act, R.S.O 1990 C.P 13*, to permit the severance of the lands and construction of a future residential building, notwithstanding the following:

A01-26-PC:

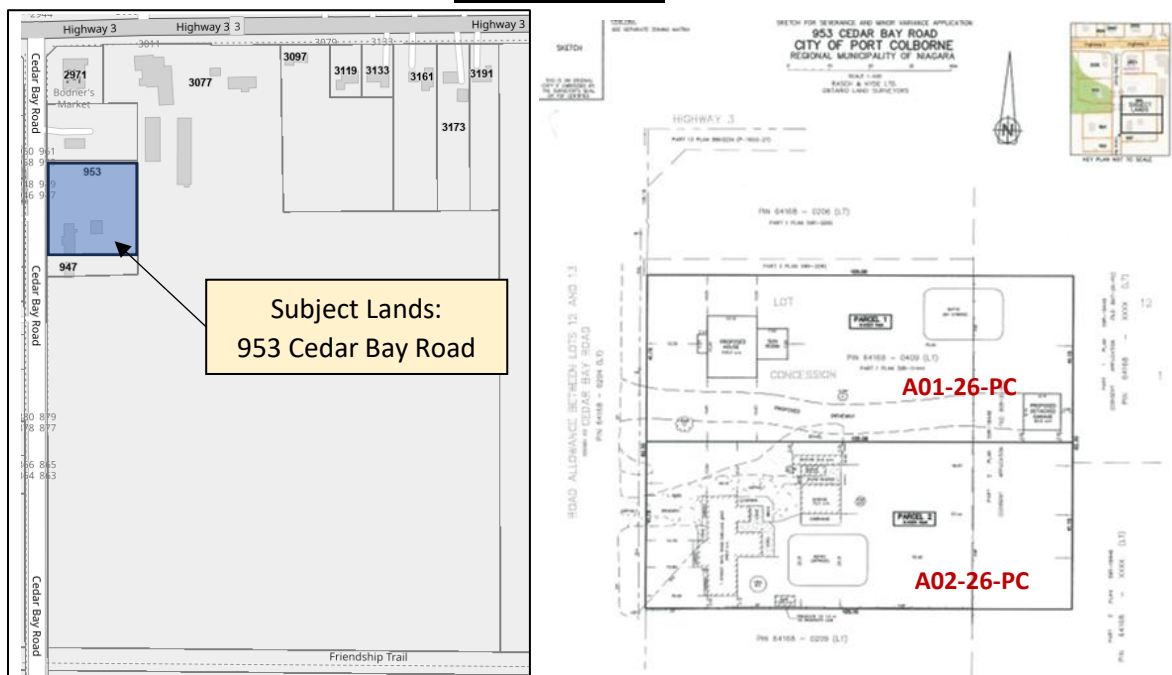
1. That a minimum lot frontage of 41.2m be permitted, whereas a minimum lot frontage of 45m is required.

A02-26-PC:

1. That a minimum lot frontage of 41.2m be permitted, whereas a minimum lot frontage of 45m is required.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to sever the property with a smaller lot frontage, for future residential purposes, which requires a minor variance from the provisions of the Zoning By-law. A sketch of the proposed site plan is shown on the reverse side of this notice. More information, such as a higher resolution PDF version of the sketch, can be requested through the Secretary-Treasurer.

LOCATION MAP



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

- Date:** February 11, 2026
Time: 6:00 p.m.
Location: 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **Friday, February 6, 2026**. 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, February 10, 2026**, by emailing taya.taraba@portcolborne.ca or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

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

Taya Taraba

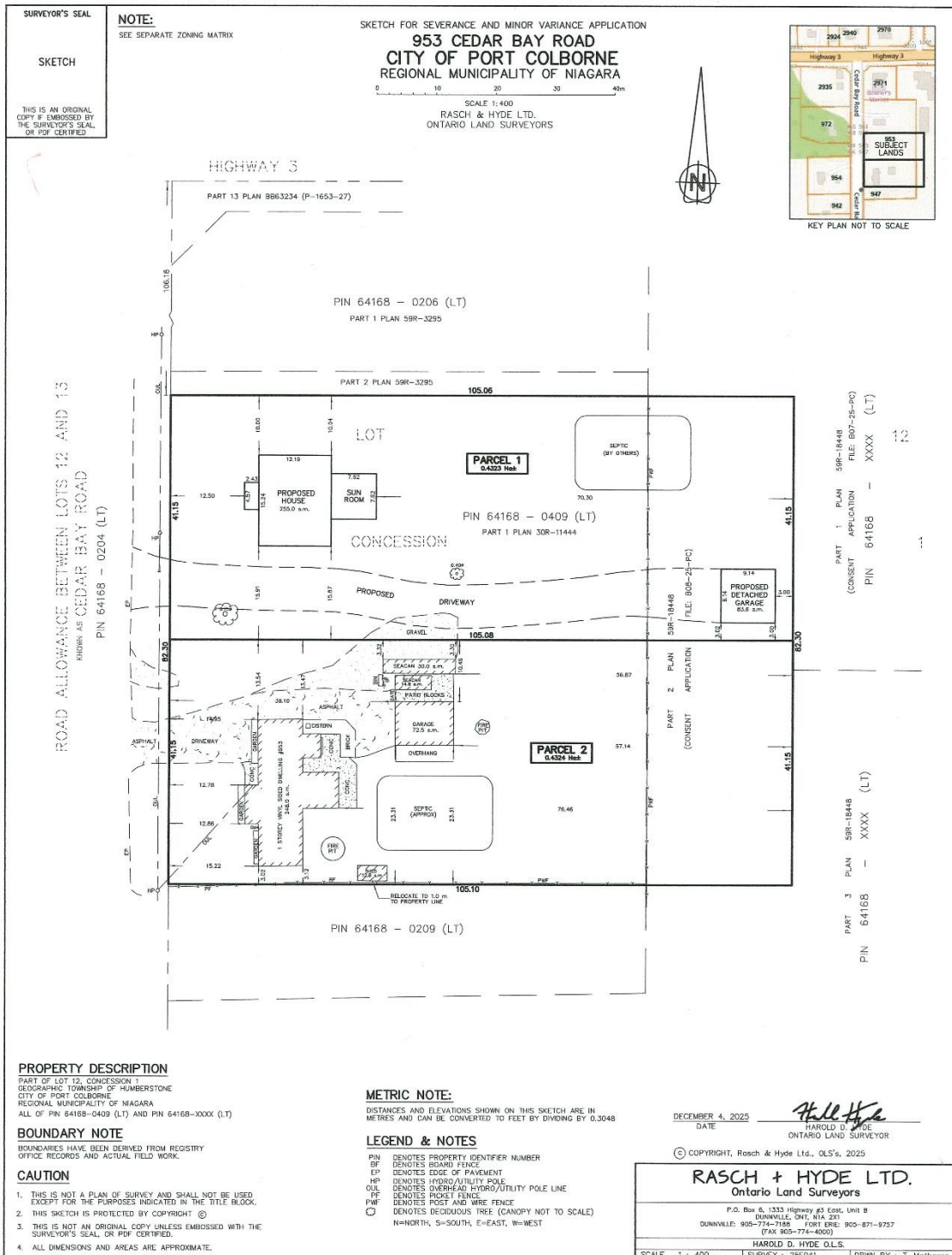
By order of the Committee of Adjustment,

Taya Taraba
Secretary-Treasurer

Date of Mailing: January 27, 2026

SKETCH

Sketch.pdf



Development and Government Relations

Planning Division Report

February 10, 2026

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

**Re: Application for Minor Variance File No. A01-26-PC, A02-26-PC
Concession 1, Part of Lot 12
953 Cedar Bay Road
Owner(s): Crystal McNay, Jamie McNay**

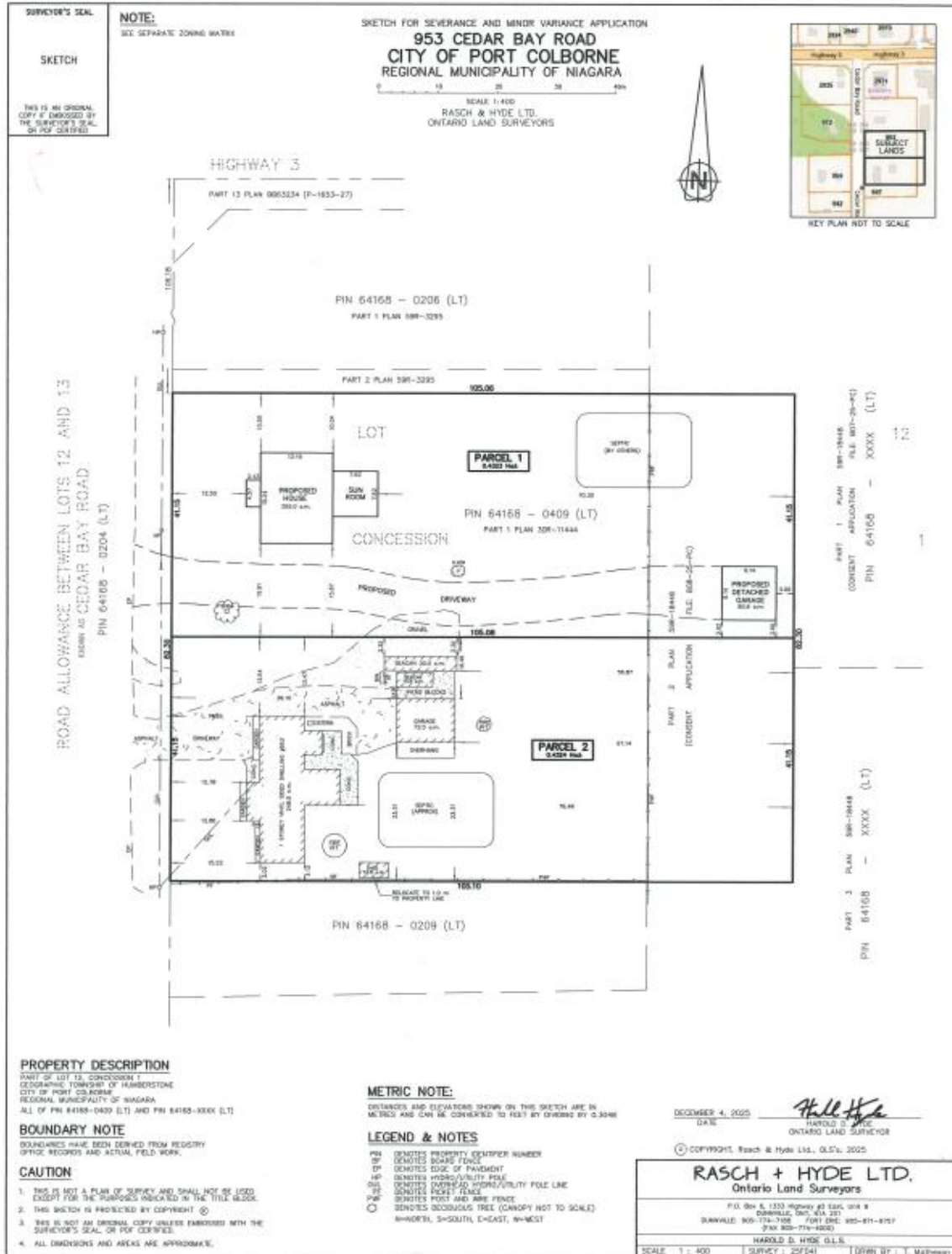
Proposal

The purpose of this report is to provide a recommendation on 2 Minor Variance applications for a lot on the east side of Cedar Bay Road, south of Highway 3, legally described as Part 1 on Plan 30R-11444 (the Subject Lands), municipally addressed as 953 Cedar Bay Road, as shown below.



The purpose of this application is to facilitate the severance of the existing lot into two separate parcels. In order to meet the minimum required lot frontage, the applicant is requesting relief from the Zoning By-law that would permit reduced lot frontage for the two proposed parcels.

A copy of the proposed concept development plan is shown below.

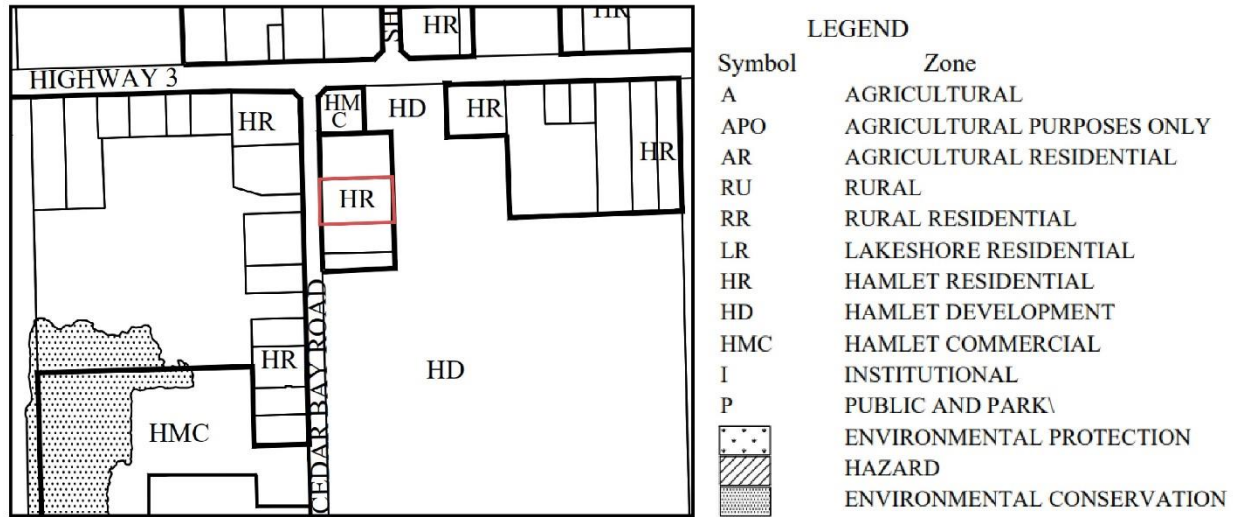


Surrounding Land Uses and Zoning

The Subject Lands are zoned Hamlet Residential (HR) and have lot area of 0.8647 hectares and has a lot frontage of approximately 82 metres along the east side of Cedar

Bay Road. Residential uses exist to the north, east and south of the Subject Lands; and Hamlet Development uses exist to the west. The figure below shows the zoning of the subject and surrounding lands.

SCHEDULE "A4"
to By-law No. 6575/30/18



Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

Public Comments

Notice was circulated on January 27, 2026, 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 January 13, 2026, to internal City departments and external agencies. As of the date of writing this report, the following comments have been received.

Commenter	Comments	Planning Staff Response
Drainage Superintendent	There are no concerns regarding lot frontage for A01-26-PC. There are no concerns regarding lot frontage for A02-26-PC.	Noted
Fire Department	Port Fire has no objection to the application.	Noted
Engineering Technologist	Development Engineering has no comments for these minor variance applications	Noted.
Niagara Peninsula	The subject property is outside NPCA regulated features. As such,	Noted.

Conservation Authority	NPCA has no objections to the proposal.	
Niagara Region	No comments were received at the time of writing this report.	While no comments were received, the applicant is reminded that Niagara Region is responsible for private servicing permits, and new private services will be required for the newly created lot.

Discussion

The subject lands were previously in front of the Committee of Adjustment related to application B08-25-PC, where a boundary adjustment was approved, adding land from the neighbouring parcel to the east to the subject lands. This boundary adjustment was conducted to increase the lot area up to a sufficient size to support a severance with private services (septic system). The boundary adjustment was finalized with conditions cleared and registration completed on November 25, 2025.

The next step of this process is the creation of the new lot. As such, these applications are seeking relief from policy 12.3a) of Zoning By-law 6575/30/18 which requires 45 metres of frontage for lots in the Hamlet Residential area. The applicant is proposing 1 new lot with 41.15m frontage and one retained lot with 41.15m frontage:

- Application A01-26-PC seeks a lot frontage of 41.15 metres for parcel 1
- Application A02-26-PC seeks a lot frontage of 41.15 metres for parcel 2

Both applications will be analyzed together below.

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

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

The Subject Lands are within the Hamlet designation in Schedule A: City-Wide Land Use of the City of Port Colborne Official Plan. Hamlets are the focus for residential development and community facilities while flexibility is needed for farm related activities (Section 2.3.5 of the Official Plan). Predominant land uses include; residential uses, community facilities and institutional uses; existing agricultural uses; special agricultural and rural uses; neighbourhood commercial uses; Natural Heritage features; parks; and public open spaces.

The application is consistent with this designation and maintains the general intent and purpose of the Official Plan. The requested variances will enable the reduction of lot frontages to support a proposed severance. The severance will allow the creation of a new residential dwelling, which is a permitted use in the Hamlet Designation, increasing

housing options within the Hamlet area while staying consistent with the neighbourhood context.

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

The Subject Lands are zoned HR, in accordance with the Zoning By-law. Specific zone requirements are set out in Section 12 of the Zoning By-law, and zone requirements are contained within Section 12.3 of the Zoning By-law.

Zoning By-Law 6575/30/18		
<i>12.3 Zone Requirements – Dwelling Detached</i>		
Provision	Required	Proposed Provision
a) Minimum lot frontage	45 metres	41.15 metres
b) Minimum lot area	0.4 hectares or as existing	No change
c) Minimum front yard	10 metres	No change
d) Minimum interior side yard	4 metres	No change
e) Minimum corner side yard	7.5 metres	No change
f) Minimum rear yard	9 metres	No change
g) Maximum lot coverage	15 percent	No change
h) Maximum height	11 metres	No change

As demonstrated in the table above, the proposed minor variances seek to reduce the required lot frontage from 45.0 metres to 41.15 metres. Due to the existing configurations of the Subject Lands, the total frontage is 82.3 metres, which, when divided into two parcels, results in each parcel having a frontage of 41.15 metres. Increasing the frontage of each parcel to meet the 45.0 metre requirement would necessitate a total frontage of at least 90.0 metres, which exceeds the available lot width. Other scenarios were discussed with the applicant, such as one lot with 45 metres frontage and the new lot with 37 metres frontage, but it was determined that the least impact would be to undersize the frontage of both lots by 3.8 metres.

As the extent of reliefs requested is a reduction of 3.8 metres per proposed lot from the required minimum lot frontage for each parcel, it is of Staff’s opinion that it is appropriate to allow the reductions in required minimum lot frontage. All other provisions are met, and the proposed variances are appropriate and maintain the general purpose and intent of the Zoning By-law by supporting a permitted hamlet residential use, and helping to support the City’s objectives for housing infill and neighbourhood renewal.

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

The proposed variances allows for the severance of a new lot, and one retained lot in the Gasline Hamlet. The severance supports the creation of a new residential unit, expanding housing options while respecting the nature of the surrounding lands. All other lot requirements set out in the Zoning By-law are met by the proposed severance. As such, the requested variance is desirable and appropriate, as it enables the future development of a residential dwelling on a parcel of underutilized land.

Is the variance minor in nature?

The requested variances are considered minor in nature. For a variance to qualify as being “minor” in nature, the zoning relief must result in a development that has limited adverse impacts on other properties in the neighbourhood. The decrease in lot frontage is modest (3.8 metres for each parcel) and does not result in any significant change to the overall use, function, or character of the site. It is of Staff’s opinion that the variance does not result in adverse effects on adjacent properties or the overall functionality of the site.

Recommendations

Planning staff recommend that application A01-26-PC be **granted** for the following reasons:

1. **Application A01-26-PC maintains the general intent and purpose of the Official Plan.**
2. **Application A01-26-PC maintains the general intent and purpose of the Zoning By-law.**
3. **Application A01-26-PC is desirable for the appropriate development of the land.**
4. **Application A01-26-PC is minor in nature.**

Planning staff recommend that application A02-26-PC and be **granted** for the following reasons:

1. **Application A02-26-PC maintains the general intent and purpose of the Official Plan.**
2. **Application A02-26-PC maintains the general intent and purpose of the Zoning By-law.**
3. **Application A02-26-PC is desirable for the appropriate development of the land.**
4. **Application A02-26-PC is minor in nature.**

Respectfully submitted,

Kelly Martel
Planning Manager



PORT COLBORNE

City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Government Relations Department

Planning Division Report

February XX, 2026

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

**Re: Application for Consent: B08-26-PC
Concession 1 Part of Lot 12, Part 1 on Plan 30R-11444 (953 Cedar Bay Road)
Owner(s): Crystal McNay, Jamie McNay**

Proposal

The purpose of this application is to permit the severance of the parcel at 953 Cedar Bay Road, for the purpose of creating a new lot, as illustrated in the provided figures and described below:

- **Parcel 1** is proposed to **be severed**, with a lot frontage of 41.15 metres and a lot area of .43 hectares.
- **Part 2** is proposed to **be retained**, with a lot frontage of 41.15 metres and a lot area of .43 hectares.



Figure 1 (above): Subject Lands

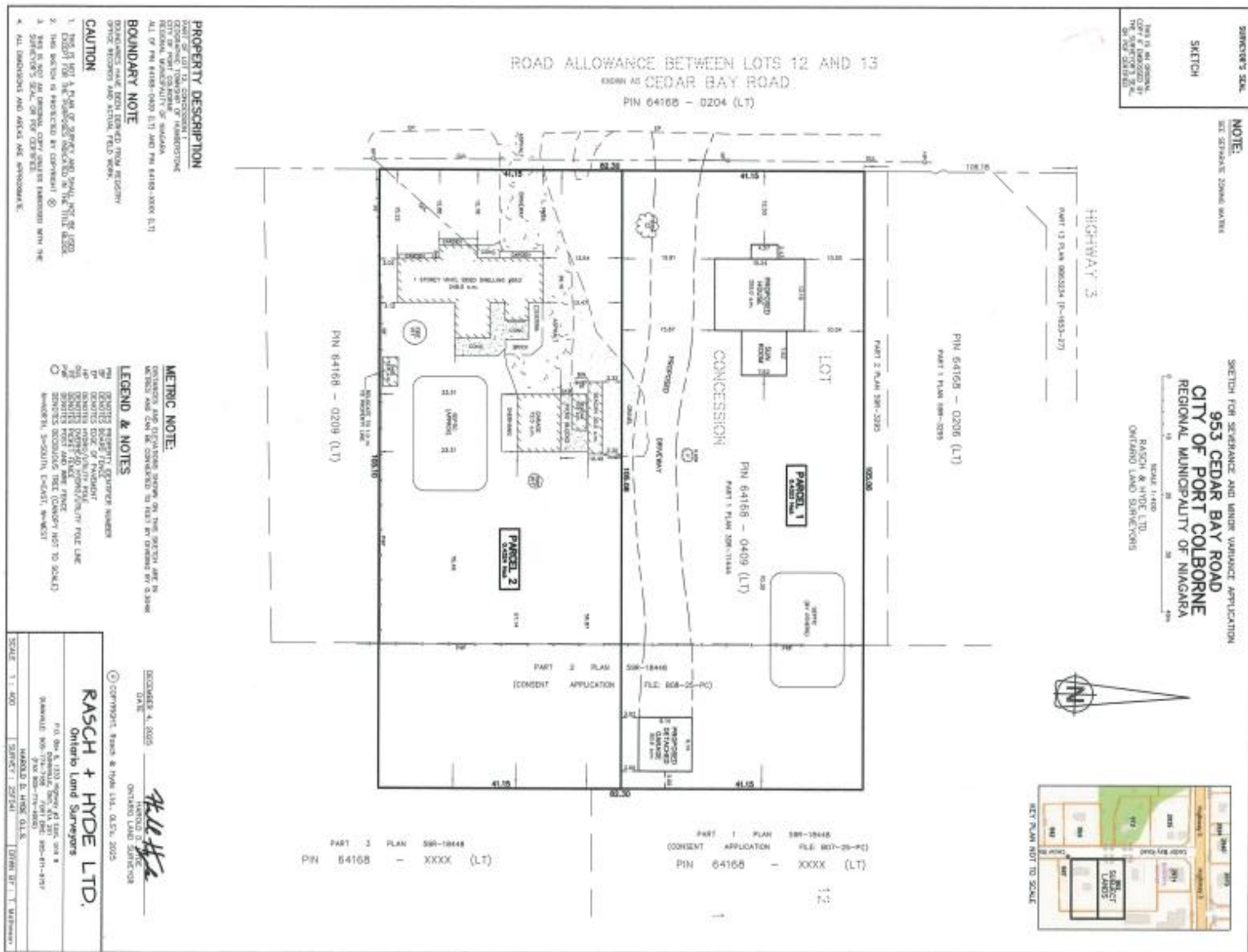


Figure 2 (above): Proposed severance sketch

Surrounding Land Uses and Zoning

The Subject Lands are zoned Hamlet Residential (HR) and have lot area of 4323.22 square metres and has a lot frontage of approximately 41.15 metres along the east side of Cedar Bay Road. Residential uses exist to the north, east and south of the Subject Lands; and Hamlet Development uses exist to the west. Figure 3 shows the zoning of the subject and surrounding lands.

SCHEDULE "A4"
to By-law No. 6575/30/18

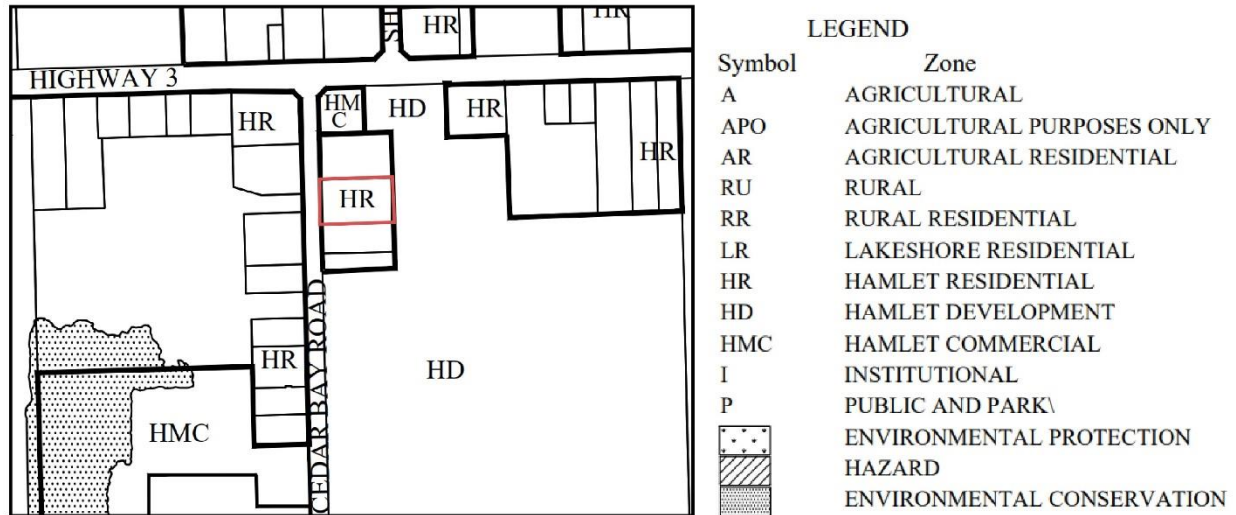


Figure 3 (above): Zoning of the subject and surrounding lands

Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

Public Comments

Notice was circulated on February XX, 2026, 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 February XX, 2026, to internal City departments and external agencies. As of the date of writing this report, the following comments have been received.

Commenter	Comments	Planning Staff Response

Drainage Superintendent	The parcel is in the watershed of the Bearss 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.	
Fire Department	Port Fire has no objection to the application.	Noted
Engineering Technologist	The proposed driveway entrance for Parcel 1 must comply with the City's Entrance By-law. <ul style="list-style-type: none"> • The minimum width of an entrance shall be 5m and the maximum permitted entrance width shall be 7.3m. 	Noted
Niagara Peninsula Conservation Authority	The subject property is outside NPCA regulated features. As such, NPCA has no objections to the proposal.	Noted
Region of Niagara	Based on a previous septic inspection completed by our department in August 2025, it was confirmed that the existing sewage system for the dwelling is located to the east (rear yard). The existing sewages system will be wholly contained in the new parcel and will contain enough usable land for a replacement system in the future. The newly created parcel (Part 1) contains enough usable lands for	Noted

	<p>a new sewage system installation.</p> <p>Please note, no sewage system inspection was conducted for this application as a previous inspection was completed in August 2025.</p> <p>Regional staff have no objections to the application as submitted.</p>	
--	--	--

Discussion

Consent application B08-26-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. An existing dwelling is located on Parcel 2, while Parcel 1 will become a newly created lot. Parcel 2 is already serviced by a private sewage and water system. The severed parcel meets the lot size requirement established for private services should development of a single detached dwelling occur in the future.

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. 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. As a result of the passing of Bill 185, the NOP is deemed to be a local Official Plan for Planning Act applications. The subject lands are designated as Rural Settlement in accordance with Schedule B – Regional Structure and an Area of Archeological Potential, in accordance with Schedule K – Areas of Archeological Potential.

Section 2.2.3 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.

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 Hamlet, in accordance with Schedule A: City-Wide Land Use.

Policies for lands within the Hamlet designation are contained in Section 3.3 of the OP. In accordance with the Preamble, the predominant uses for 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 convenience store, or similar small-scale commercial uses; Natural Heritage features; parks; and public open spaces.

Policy 3.3.2 a) and b) i) through iv) provide guidance for intensification and infill in the Hamlet area, while Policy 3.3.4 establishes the framework for consents to sever in the Hamlet area. Severances shall only be permitted for infilling as described in Section 3.2.2 and in accordance with the policies of Section 3.2.4. A summary of the criteria and an assessment of compliance with the applicable policies is provided in the table below:

Policy Criteria	Assessment Summary
The severance of one (1) existing vacant and remnant single detached residential lot to create two (2) lots for single detached dwellings or to create two (2) lots for a single detached dwelling is permitted within a Registered Plan of Subdivision (3.2.2 c) i))	The applicant is proposing to sever the existing lot with a single detached residential dwelling on it to create a new lot for the purpose of developing an additional single detached residential dwelling.
A survey sketch prepared by a registered Ontario Land Surveyor is required (3.2.4 a))	

Lots created through land severance shall have frontage on a public road (3.2.4 b))	The lots will have frontage on a public road, known municipally as Cedar Bay Road.
Land severances on private roads are discouraged, except as provided for in the zoning by-law or except on private roads in a registered Plan of Subdivision (3.2.4 c))	N/A
Notwithstanding Policies 3.2.4 (b) and 3.2.4 (c), land severances for technical reasons will be permitted as a boundary adjustment: i) Where a part of a property is being deeded to an adjacent landowner; ii) For easements; iii) For rights-of-way; or iv) For any other purpose that does not create a separate lot	N/A
Development of more than three (3) new lots will require a Plan of Subdivision (3.2.4 e))	N/A; this severance will result in the creation of one (1) new lot.
Conditions may be imposed on the approval of land severances including but not limited to; execution of a development agreement, payment of development charges, parkland dedication, road widening, provision of water/wastewater servicing, Minimum Distance Separation requirements and/or the requirements of a commenting agency addressing a legitimate concern	

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 Hamlet Residential (HR) 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 12.2 of the Zoning By-law: Dwelling, detached; and, Uses, structures and buildings accessory thereto.

The proposed severance will leave the following dimensions:

- Parcel 1: a lot frontage of 41.15 metres and a lot area of .43 hectares.
- Parcel 2: a lot frontage of 41.15 metres and a lot area of .43 hectares.

The HR Zone requires minimum lot frontages and lot areas. The minimum lot frontage is typically 45 metres and the minimum lot area is .4 hectares. As the minimum lot frontage for both parcels is not met, a minor variance is required to allow for the creation of the lot area for both parcels is met,

Recommendation:

That consent application B08-26-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 XX, 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

SURVEYOR'S SEAL

SKETCH

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

NOTE:

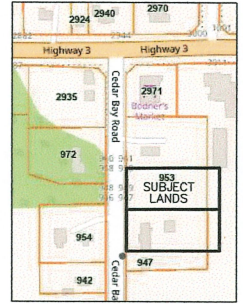
SEE SEPARATE ZONING MATRIX

SKETCH FOR SEVERANCE AND MINOR VARIANCE APPLICATION

**953 CEDAR BAY ROAD
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA**

0 10 20 30 40m

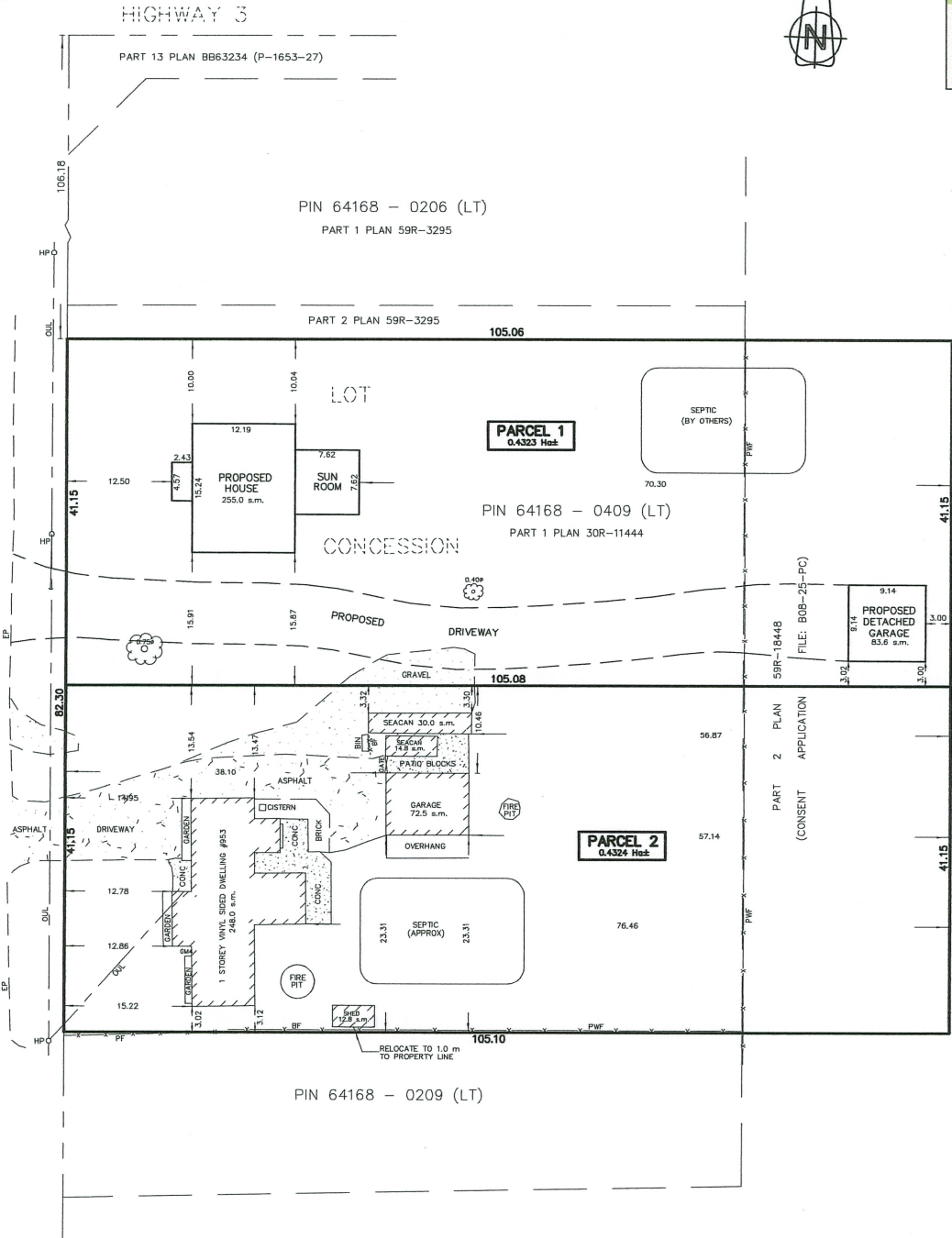
SCALE 1:400
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS



KEY PLAN NOT TO SCALE



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



PART 1 PLAN 59R-18448
APPLICATION FILE: B07-25-PC
PIN 64168 - XXXX (LT)

PART 2 PLAN 59R-18448
APPLICATION FILE: B08-25-PC

PART 3 PLAN 59R-18448
APPLICATION FILE: B09-25-PC
PIN 64168 - XXXX (LT)

PROPERTY DESCRIPTION

PART OF LOT 12, CONCESSION 1
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
ALL OF PIN 64168-0409 (LT) AND PIN 64168-XXXX (LT)

BOUNDARY NOTE

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

CAUTION

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

METRIC NOTE:

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

LEGEND & NOTES

- PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - BF DENOTES BOARD FENCE
 - EP DENOTES EDGE OF PAVEMENT
 - HP DENOTES HYDRO/UTILITY POLE
 - OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
 - PF DENOTES PICKET FENCE
 - PWF DENOTES POST AND WIRE FENCE
 - ☉ DENOTES DECIDUOUS TREE (CANOPY NOT TO SCALE)
- N=NORTH, S=SOUTH, E=EAST, W=WEST

DECEMBER 4, 2025
DATE

Harold D. Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEYOR

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RASCH + HYDE LTD.
Ontario Land Surveyors

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

HAROLD D. HYDE O.L.S.

SCALE 1 : 400 SURVEY : 25F041 DRWN BY : T. Motheson



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

RECEIVED

DEC 17 2025

For Office Use Only

Date Received: _____

Date of Completion: _____

Application Complete: Yes No

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

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

2025 APPLICATION FEES

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

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

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

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

DRAWING REQUIREMENTS

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

To be considered complete, each sketch must identify:

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Crystal McWay	Date: Dec 12/25	Initials: CM



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Crystal and Jamie McNay	
Mailing Address: 953 Cedar Bay Rd	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 905-932-5058
Fax:	Email: crystal.mcnay@gmail.com
1.2 Owner's SOLICITOR (if applicable)	
Name: Michael Metzger	
Mailing Address: 220 King St	
City: Port Colborne	Province: Ontario
Postal Code: L3K 4G7	Telephone: 289-836-8335
Fax:	Email: metzgerlaw@outlook.com
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Harold Hyde - RASCH & HYDE Ltd.	
Mailing Address: 1333 Highway #3 East, Unit B	
City: Dunnville	Province: Ontario
Postal Code: N1A 2X1	Telephone: 905-774-7188
Fax:	Email: hhyde@randh.ca
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

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

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 82.2m 41.15m	Depth: 105.06 m	Area: 8646.44m² 4323.22 m ²
Existing Use: residential		
Proposed Use: residential		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: Hamlet		
Regional Policy Plan: Rural Settlement of Gasline		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
Hamlet Residential (HR) and Hamlet Residential with a Holding Provision (HR-H) in Zoning By-law 6575/30/18.		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
June 2014	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
Royal Bank of Canada	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
1958	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input 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	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input checked="" type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated stormwater system	
<input checked="" type="checkbox"/> Other (specify) ditch	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date: _____	

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

5.1 Nature and Extent of Relief from the Zoning By-law:
We are proposing to sever our existing lot into two separate parcels. Following the severance, each new parcel will have a lot frontage of 41.15
According to the City of Port Colborne Zoning By-law 6575/30/18, the minimum required lot frontage for properties within the applicable zone is 45.0 metres.
Therefore, we are requesting a minor variance to permit a reduced lot frontage of 41.15 metres for each of the two proposed parcels.
The nature and extent of relief requested is a reduction of 3.85 metres from the required minimum lot frontage for each parcel.
5.2 Why is it not possible to comply with the Zoning By-law?
Compliance with the minimum lot frontage requirement of 45.0 metres is not possible due to the existing dimensions and configuration of the subject property.
The total lot frontage is 82.3 metres, which, when divided into two parcels for the proposed severance, results in each parcel having a frontage of 41.15 metres.
Increasing the frontage of each parcel to meet the 45.0-metre requirement would necessitate a total frontage of at least 90.0 metres, which exceeds the available lot width.
5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
5.4 If the answer to 5.3 is YES, has a building permit been issued?
<input type="checkbox"/> Yes
<input type="checkbox"/> No

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

File Number:
Decision:

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

8.1 ALL EXISTING USE		
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Agricultural	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	_____
8.2 What is the length of time the existing use(s) of the land have continued?		
since 1958		
8.3 Are there any buildings or structures on the subject land?		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, briefly describe and indicate their use. residential home and garage		

8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.12 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
If previous use of property is industrial or commercial or if the answer was 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 12/25
Date

X C. McWay
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Dec 12/25
Date

X Crystal McWay
Signature of Applicant(s)

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

I/We Crystal McWay
Of the City/Town/Township of Port Colborne
In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the
City of Port Colborne
In the Region of Niagara
This 12th day of December
20 25.

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

X Crystal McWay
Signature of applicant(s), solicitor, or authorized

Tanya Taraba
A Commissioner, Tanya Hope Taraba, a Commissioner, etc.,
Province of Ontario, for the Corporation
of the City of Port Colborne.
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 you application(s).

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

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

X Crystal McWay
Signature of Owner/Agent

X Dec 12/25
Date

X _____
Signature of Owner/Agent

X _____
Date

PERMISSION TO ENTER

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

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

X Crystal McWay
Signature of Owner

X Dec 12/25
Date

X _____
Signature of Owner

X _____
Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

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

X Crystal McWay
Signature of Owner

X Dec 12/25
Date

X _____
Signature of Owner

X _____
Date

X _____
Signature of Agent

X _____
Date



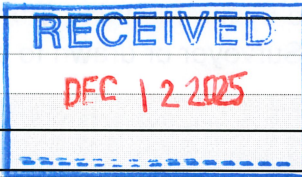
PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45



For Office Use Only

Date Received: _____

Date of Completion: _____

Application Complete: Yes No

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

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

2025 APPLICATION FEES

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

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

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

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



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Crystal & Jamie McNay	
Mailing Address: 953 Cedar Bay Rd	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 905-932-5058
Fax:	Email: crystal.mcnay@gmail.com
1.2 Owner's SOLICITOR (if applicable)	
Name: Michael Metzger	
Mailing Address: 220 King St	
City: Port Colborne	Province: Ontario
Postal Code: L3K 4G7	Telephone: 289-836-8335
Fax:	Email: metzger-law@outlook.com
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Harold Hyde - Rasch & Hyde Ltd	
Mailing Address: 1333 Highway #3 East Unit B	
City: Dunville	Province: Ont
Postal Code: N1A 2X1	Telephone: 905-774-7188
Fax:	Email: hhyde@randh.ca
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

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

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

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

We are proposing to sever our existing lot into separate parcels. Following the severance each new parcel will have a lot of 41.15

By law 6575/30/18, the minimum required lot frontage for properties within the applicable zone is 45m.

Therefore we are requesting a minor variance to permit a reduced lot frontage of 41.15m for each of the two proposed parcels.

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

Compliance with the minimum lot frontage requirement of 45 metres is not possible due to the existing dimensions & configuration of the subject property. The total lot frontage is 82.3 metres, which, when divided into two parcels in the proposed severance results in each parcel having a frontage of 41.15 m.

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

Yes
 No

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

Yes
 No

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

File Number:

Decision:

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

8.1 ALL EXISTING USE

<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input 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?

since 1958

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

Yes No

If Yes, briefly describe and indicate their use.

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

POSTING OF PUBLIC HEARING SIGN

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

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

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

X Crystal McWay
Signature of Owner/Agent

X Dec 12/25
Date

X _____
Signature of Owner/Agent

X _____
Date

PERMISSION TO ENTER

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

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

X Crystal McWay
Signature of Owner

X Dec 12/25
Date

X _____
Signature of Owner

X _____
Date

SUGGESTION TO THE APPLICANT

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

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

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



For Office Use Only Date Received: _____ Date of Completion: _____	<div style="border: 2px solid blue; padding: 5px; display: inline-block;"> <p style="color: blue; font-weight: bold; font-size: 1.2em;">RECEIVED</p> <p style="color: red; font-weight: bold; font-size: 1.2em;">DEC 17 2025</p> </div>	Application Complete: <input type="checkbox"/> Yes <input type="checkbox"/> 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

2025 APPLICATION FEES

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

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

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

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

DRAWING REQUIREMENTS

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

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

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Crystal McNay	Date: Dec 12/25	Initials: CM



SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Crystal and Jamie McNay	
Mailing Address: 953 Cedar Bay Rd	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V3	Telephone: 905-932-5058
Fax:	Email: crystal.mcnay@gmail.com
1.2 Owner's SOLICITOR (if applicable)	
Name: Michael Metzger	
Mailing Address: 220 King St	
City: Port Colborne	Province: Ontario
Postal Code: L3K 4G7	Telephone: 289-836-8335
Fax:	Email: metzgerlaw@outlook.com
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Harold Hyde - RASCH & HYDE Ltd.	
Mailing Address: 1333 Highway #3 East, Unit B	
City: Dunnville	Province: Ontario
Postal Code: N1A 2X1	Telephone: 905-774-7188
Fax:	Email: hhyde@randh.ca
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

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

SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))		
<input checked="" type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Lease	<input type="checkbox"/> Partial Discharge or Mortgage
<input type="checkbox"/> Addition to lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling	<input type="checkbox"/> Right-of-Way
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Farm Retirement Lot	<input type="checkbox"/> Easement
Reason for proposed transaction: The purpose of the proposed transaction is to sever the existing residential lot into two separate parcels. The retained parcel will continue to contain the existing single detached dwelling, while the newly created parcel is intended for the future development of a new single detached dwelling		
3.2 If a lot addition, identify the lands to which the parcel will be added:		
not applicable		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:		
Crystal and Jamie McNay		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch:

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 41.15 m	Depth: 105.06 m	Area: 4323.22 m ²
Existing Use: residential		
Proposed Use: residential		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch:

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 41.15 m	Depth: 105.06 m	Area: 4323.22 m ²
Existing Use: residential		
Proposed Use: residential		

SECTION 6: SUBJECT LAND INFORMATION

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

6.5 MORTGAGES, Charges & Other Encumbrances:		
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.		
Royal Bank of Canada		
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): 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): ditch		

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 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?		
since 1958		
8.3 Are there any buildings or structures on the subject land?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
If Yes, briefly describe and indicate their use.		

8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.12 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
If previous use of property is industrial or commercial or if the answer was 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 12/25
Date

X C McWay
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Dec 12/25
Date

X CMcWay
Signature of Applicant(s)

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

I/We Crystal McWay
Of the City/Town/Township of Port Colborne
In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the
City of Port Colborne
In the Region of Niagara
This 12th day of December

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

20 25.
Taya Taraba
Taya Hope Taraba, a Commissioner, etc.,
A Commissioner, etc. of Ontario, for the Corporation
of the City of Port Colborne.
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 you application(s).

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

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

X *Crystal McWay*
Signature of Owner/Agent

X Dec 12/25
Date

X
Signature of Owner/Agent

X
Date

PERMISSION TO ENTER

I/We Crystal McWay am/are the owner(s) of the land subject to this application for Consent and I/We authorize the members of the Committee of Adjustment and the City of Port Colborne Planning Staff to enter onto the property for the purpose of evaluating the merits of the application(s).

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

X *Crystal McWay*
Signature of Owner

X Dec 12/25
Date



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING Minor Variance Application File No. A04-26-PC

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Sections 2.9.1.2 (a) (i) (ii) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

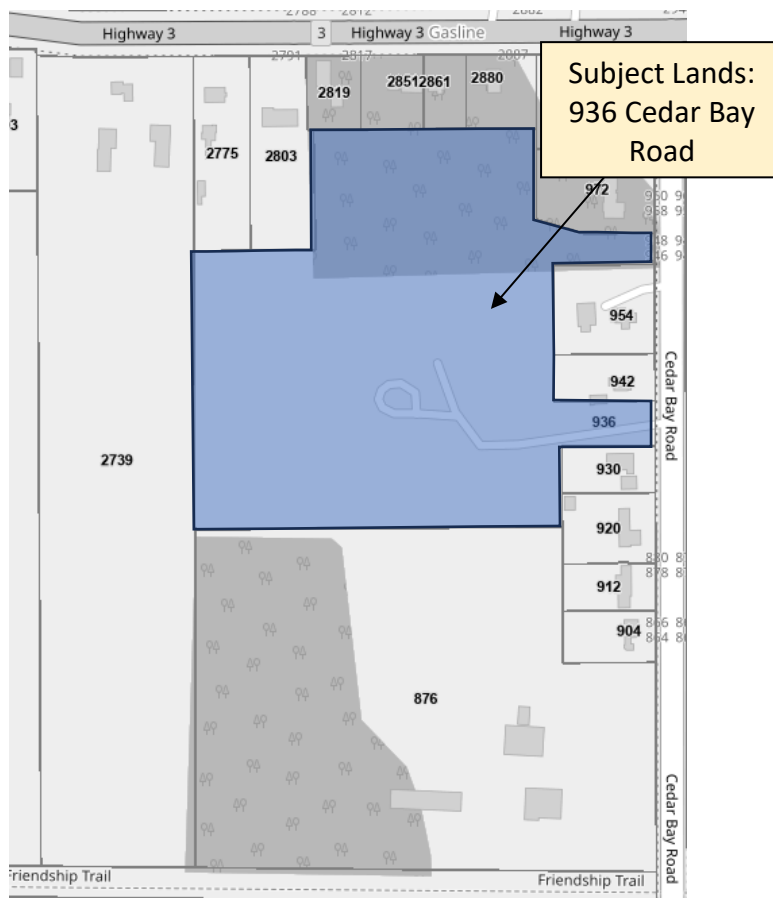
AND IN THE MATTER OF the lands legally known as Concession 1 N, Part lot 13, in the City of Port Colborne, located in the Hamlet Residential (HR) zone, municipally known as 936 Cedar Bay Road.

AND IN THE MATTER OF AN APPLICATION by the owners, Chris and Daisy Phelan, for relief from the provisions of Zoning By-law 6575/30/18, as amended, under section 45 of the *Planning Act, R.S.O 1990 C.P 13*, to permit the construction of a new additional dwelling structure, notwithstanding the following:

1. That an additional dwelling structure be permitted within the front yard, where the building is otherwise unpermitted to be located.
2. That two additional dwelling units be permitted within the same detached additional structure, whereas one dwelling unit is per detached structure permitted.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to build a new additional dwelling unit within the front yard, which requires a minor variance from the provisions of the Zoning By-law. A sketch of the proposed site plan is shown on the reverse side of this notice. More information, such as a higher resolution PDF version of the sketch, can be requested through the Secretary-Treasurer.

LOCATION MAP



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

- Date:** February 11, 2026
Time: 6:00 p.m.
Location: 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

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

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **Friday, February 6, 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, February 10, 2026**, by emailing taya.taraba@portcolborne.ca or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

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

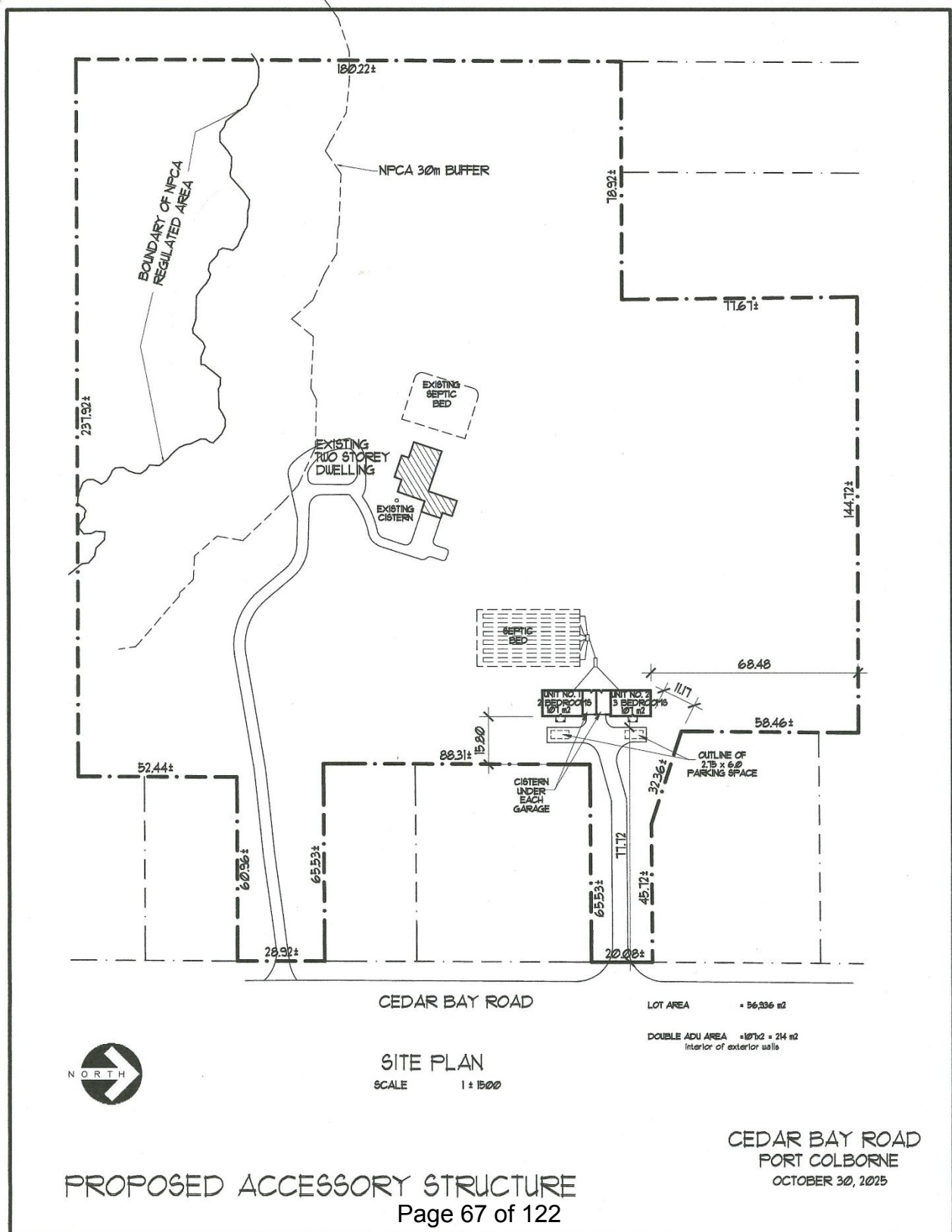
By order of the Committee of Adjustment,



Taya Taraba
Secretary-Treasurer

Date of Mailing: January 27, 2026

SKETCH



Development and Government Relations

Planning Division Report

February 11, 2026

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

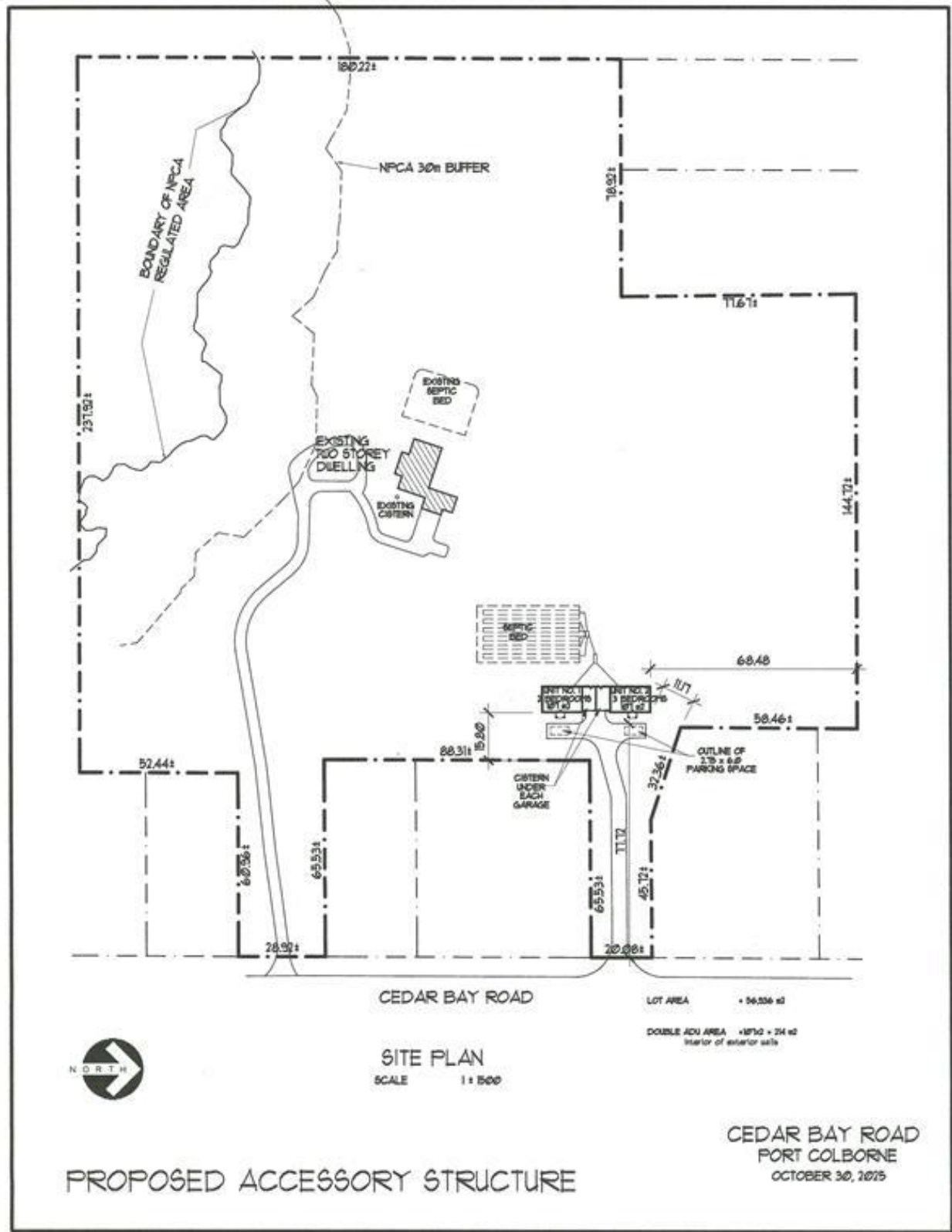
**Re: Application for Minor Variance File No. A04-26-PC
936 Cedar Bay Road
Concession 1 N, Part lot 13, in the City of Port Colborne, Agent: Chris Phelan
Owner: Chris Phelan, Daisy Phelan**

Proposal

The purpose of this report is to provide a recommendation on a Minor Variance application for a lot at 936 Cedar Bay Road, legally described as Concession 1 N, Part lot 13, in the City of Port Colborne, (the Subject Lands), as shown in the image on the right hand side of this page.

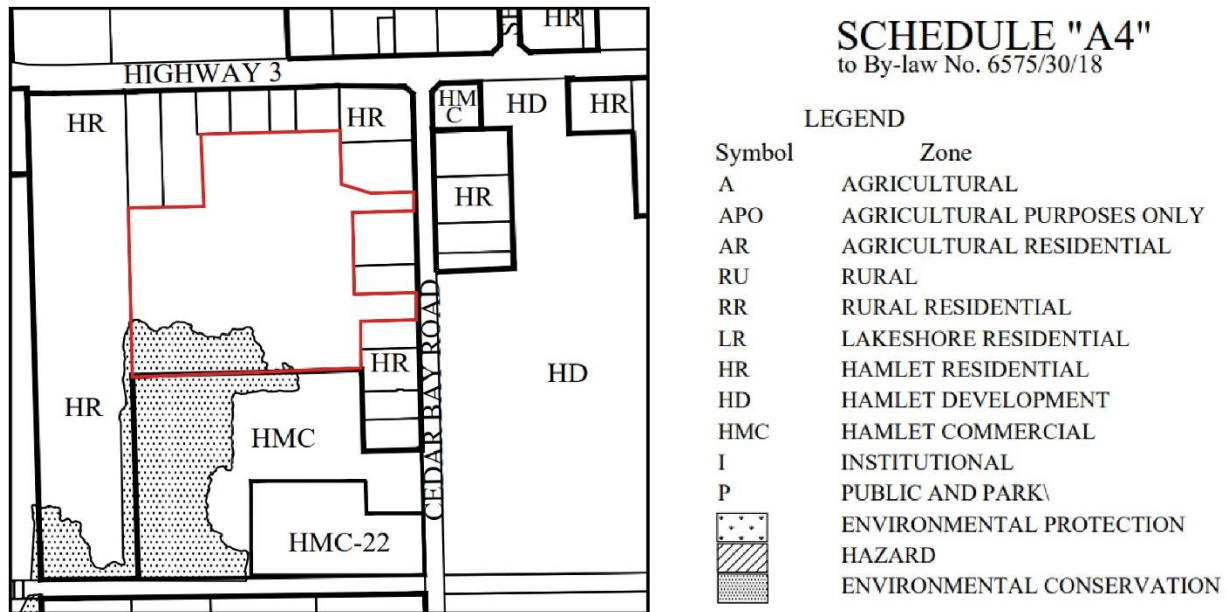


The purpose of this application is to permit the development of two additional dwelling units (ADUs) in one detached accessory structure on the subject lands. The applicant is proposing to build the detached structure on the front yard, and is requesting relief from the Zoning By-laws that would allow for the front yard placement of the detached additional dwelling units, and to allow the two ADUs to be in one detached structure. The applicant's proposed site sketch for the detached ADU is shown on the following page.



Surrounding Land Uses and Zoning

The Subject Lands are zoned Hamlet Residential (HR) and have a lot area of 56,936 square metres and has a lot frontage of approximately 49 metres along the west side of Cedar Bay Road. The parcels surrounding the Subject Lands are primarily zoned HR. Residential uses exist to the north, east, and west of the Subject Lands, and Hamlet Commercial (HMC) uses exist to the south. The figure below shows the zoning of the subject lands.



Environmentally Sensitive Areas

The subject lands contain environmentally sensitive areas in the southeast corner of the lot, designated Natural Environment System Overlay in the Niagara Region Official Plan. The proposed detached accessory structure is located on the opposite side of the lot from the environmentally sensitive area.

Public Comments

Notice was circulated on January 27, 2026, 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 January 13, 2026, to internal City departments and external agencies. As of the date of writing this report, the following comments have been received.

Commenter	Comments	Planning Staff Response
Drainage Superintendent	This parcel is in the watershed of the Oil Mill Creek Municipal Drain. There are no concerns regarding the municipal drain for the proposal.	Noted
Fire Department	No objection to the building of the dwelling units - concern about addressing for the new unit as there is no access from the current drive way to the new units as it is direct access from the street in an emergency the location of the building can be an issue and delay response.	Planning and Fire will work together to address this to ensure addressing concerns are satisfied as part of the building permit/ development process
Engineering Technologist	Development Engineering has no comments on this minor variance application.	Noted
Niagara Peninsula Conservation Authority	<p>NPCA has reviewed the site photos and site plan highlighting the cleared section. NPCA concludes that a site visit will not be required to determine the area of the proposed development is cleared.</p> <p>As such, NPCA has no objections to the Minor Variance based on the following reasons:</p> <ul style="list-style-type: none"> • Based on previous NPCA comments provided for the pre-consultation meeting in 2021 (no NPCA regulated features in this area), the owner had prepared the lands (ie. cleared) for the future building envelope. • The driveway for the future dwelling already exists. • Correspondence from applicant showing areas cleared match the area proposed for dwelling and septic and confirm no further tree removal is required. <p>NPCA would request circulation of any future proposed development within the NPCA regulated area for NPCA review and</p>	Noted

Committer	Comments	Planning Staff Response
	approvals ahead of the commencement of the works on site.	
Niagara Region	<p>Regional staff has reviewed the minor variance application for the proposed construction of an additional dwelling unit (ADU) northeast of the property. A septic permit was found for the existing dwelling which was installed in 2013 and located southwest of the dwelling. It appears the proposed ADU will not encroach on the existing sewage system, and the property contains enough usable area for the installation of a new sewage system to service the proposed ADU. The proposed ADU does not remove usable area for a replacement sewage system in the future when required.</p> <p>Please note, the exact size, type or location of the proposed sewage system will need to be confirmed at the sewage system permit stage.</p> <p>No septic inspection was conducted as part of this planning application. An over-the-counter review was completed due to the size of the property and the detailed septic permit on file. Regional staff have no objections to the application as submitted.</p>	Noted

Discussion

As noted previously, the application is requesting the following variances:

- That two (2) ADUs in one detached accessory structure be permitted; and,
- That the detached accessory structure be permitted in the front yard of the lot.

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

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

The Subject Lands are within the Hamlet designation in Schedule A: City-Wide Land Use of the City of Port Colborne Official Plan. Hamlets are the focus for residential development and community facilities while flexibility is needed for farm related activities (Section 2.3.5 of the Official Plan). Predominant land uses include; residential uses,

community facilities and institutional uses; existing agricultural uses; special agricultural and rural uses; neighbourhood commercial uses; Natural Heritage features; parks; and public open spaces.

Official Plan Amendment No. 20 (By-law No. 7392/83/25) was approved in November 2025, expanding housing options by permitting additional dwelling units (ADUs) ‘as of right’.

Section 3.3.2 subsection c) sets out the policy texts that must be met for additional dwelling units the Hamlet areas. The table below provides an overview of those policies, with an explanation of how the proposed ADU meets these provisions provided in the right hand column.

Provision	Review and Explanation
i) A maximum of two (2) additional dwelling units may be permitted, in addition to the principal dwelling unit, for a total of three (3) residential units	The proposal meets this policy test. One primary dwelling unit located on the subject lands. The proposal will add two ADUs on the subject lands, for a total of three (3) dwelling units on the lot.
ii) The maximum number of additional dwelling units may not be achievable on every site, due to site specific factors, such as lot size, building size, septic capacity and other zoning considerations	The maximum number of ADUs is achievable on this site, as other considerations can be met due to the size of the lot.
iii) A maximum of one (1) additional dwelling unit may be located within a building or structure accessory to the principal building	Requesting relief; see iv)
iv) Notwithstanding policy 3.3.2 c) iii, the City may consider circumstances where allowing a second additional dwelling unit may be permitted without the need for a Zoning By-law amendment, where the total maximum additional dwelling units is not exceeded and where it can be demonstrated that two detached additional dwelling units is appropriate	The total additional dwelling units (2) is not exceeded, and two detached additional dwelling units is appropriate as the subject lands are large enough to accommodate all considerations. Policy test is met.
v) Where a property has an existing garden suite, a maximum of one (1) additional dwelling unit may be permitted, only within the principal building	N/A

Provision	Review and Explanation
vi) Additional dwelling units located within a building or structure accessory to the principal dwelling unit shall not be severed from the existing dwelling	N/A. Future severance of the ADUs will be prohibited.
vii) The density provisions of this Plan shall not apply to the development of additional dwelling units	This is a note, rather than a policy test.
viii) The lot size and configuration are sufficient to accommodate adequate parking, green spaces, servicing requirements and amenity areas for the principal dwelling unit and additional dwelling units	<p>Due to the configuration of the lot, the applicant is requesting relief from the front yard requirement of the zoning by-law; however, the lot size is sufficient to accommodate the 2 ADUs.</p> <p>The sketch submitted indicates that parking requirements can be achieved, landscaping and lot coverage requirements can be achieved, sufficient amenity area is available for all dwelling units on the lot.</p>
ix) Additional dwelling units shall meet all applicable law	It is Staff's understanding that the ADUs will be required to meet all applicable laws through the building permit process.
x) Additional dwelling units shall not be permitted within a hazardous site or hazardous lands, unless where specifically permitted by the conservation authority, and shall have flood-free safe access	The proposed ADUs would not be located in hazardous sites or hazardous lands.
xi) Additional dwelling units shall be compatible with neighbouring properties and the surrounding hamlet area, taking into consideration scale and built form	The proposed detached accessory structure containing the 2 ADUs is to be set back behind neighbouring lots, with separate driveway access from the primary dwelling unit. It is Staff's opinion that the ADUs will be compatible with surrounding low-density residential built form.
xii) Additional dwelling units shall be compatible with, and not hinder, surrounding agricultural operations and comply with the minimum distance separation formulae, as required	N/A; no agricultural operations nearby

Provision	Review and Explanation
xiii) Additional dwelling units must connect to the existing septic system if it was constructed with the capacity to accommodate the additional flows. Where it is determined that the septic system cannot accommodate additional flows, a new septic system will be constructed	A new septic system will be constructed for the 2 ADUs. It is Staff's understanding that this will meet the applicable requirements as Regional comments indicate no objection to the application.

The application is consistent with this framework and maintains the general intent and purpose of the Official Plan. The maximum number of residential units are met, and the lot size is sufficient to accommodate the 2 ADUs. The detached accessory structure will be compatible with neighbouring uses, as it is set back behind neighbouring lots, with separate driveway access from the primary dwelling unit.

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

The Subject Lands are zoned HR, in accordance with the Zoning By-law. ADUs are a permitted use in this zone. Specific requirements for ADUs are set out in Zoning By-law amendment No. 7393/84/25 in Section 2.9, and parking provisions for ADUs are contained within Section 3.3.1 of the Zoning By-law. The table below provides an overview of the applicable provisions and an assessment of how they are addressed by the proposal.

Provision	Review and Explanation
<i>2.9.1 – General Provisions</i>	
i) On any parcel of urban residential land, three (3) additional dwelling units are permitted, for a maximum of four (4) dwelling units	N/A
ii) On any parcel of land located outside of the urban area and within the hamlet or rural area, two additional dwelling units are permitted, for a maximum of three (3) dwelling units	3 units is met: 1 primary and 2 ADUs proposed
iii) On any parcel of land located outside of the urban area and within the agricultural area, one additional dwelling unit is permitted, for a maximum of two (2) dwelling units	N/A
iv) Where the parcel proposed for an additional dwelling unit is not serviced by municipal sewer and/or municipal water services, the minimum lot size shall be 0.4 hectares, all relevant requirements of the	It is Staff's understanding that the septic proposed will be able to meet the applicable requirements. Further, Regional comments indicate no objection to the application.

Provision	Review and Expalanation
Region of Niagara, and all applicable laws are complied with	
v) The cumulative maximum floor area for the additional dwelling unit(s) shall not exceed 45% of the gross floor area of the primary dwelling	Met, no change proposed
vi) Notwithstanding anything in this By-law for all buildings with Additional Dwelling Units the maximum lot coverage may be the greater of the applicable zone requirement or 45%	Met, no change proposed
vii) One additional on-site parking space shall be provided for each additional dwelling unit, and parking spaces may be stacked	Met; provided drawing shows there is enough parking to accommodate 2 ADUs
viii) All relevant requirements of Ontario Building Code and Ontario Fire Code are complied with	It is Staff's understanding that the ADUs will be required to meet all applicable laws through the building permit process.
<i>2.9.1.2 – Additional Dwelling Unit, Detached</i>	
i) Only one (1) detached additional dwelling unit is permitted	Relief to this provision is being sought by the applicant. Based on the OP policies and the site context, in this case it is staff's opinion that permitting 2 ADUs in one detached structure is appropriate in this instance.
ii) A detached additional dwelling unit is not permitted in a required front yard	Relief to this provision is being sought by the applicant. As the primary dwelling is set further back on the lot, there is more room at the front of the lot to accommodate the ADUs. There is adequate room for the ADUs to be set back from neighbouring properties, along with a separate driveway from the primary dwelling unit. It is staff's opinion that the variance for this proision is appropriate in this instance.
iii) A detached additional dwelling unit shall not be located within any sight triangle	Met, not seeking relief
iv) A detached additional dwelling unit is not permitted within a building or structure used for any agricultural use	Does not apply

Provision	Review and Expalanation
v) Maximum height: 7 metres	Met, not seeking relief
vi) Minimum side and rear yard: 1 metre	Met, not seeking relief
vii) Minimum corner lot setback: 4.5 metres to the side lot line abutting a street line	Met, not seeking relief
viii) Minimum distance from the principal dwelling: 1.5 metres	Met, not seeking relief

Section 3 – Parking Provisions		
3.1.1 – Parking Space Requirements for Residential Uses		
Permitted Use	No. of Spaces Required per Unit	Provided
Dwelling Unit, Additional (attached or detached)	1 (can be tandem)	Met, not seeking relief

As demonstrated in the table above, the proposed minor variance application seeks to allow 2 ADUs in one detached accessory dwelling unit. Based on the Official Plan policies and the site context, it is of Staff’s opinion that it is appropriate to allow the 2 ADUs in one detached structure. The total number of ADUs is not exceeded, and all other provisions are met.

As shown in the submitted drawing, the applicant is seeking relief to permit the detached additional dwelling to be in the front yard. As the primary dwelling is set further back on the lot, there is adequate room on the front of the lot for the detached dwelling unit. This placement allows for the creation of a separate driveway to the dwelling unit from Cedar Bay Road.

The proposed variance is appropriate and maintains the general purpose and intent of the Zoning By-law by supporting a permitted hamlet residential use, meeting parking requirements, and helping to support the City’s objectives for enhancing housing options in rural and hamlet communities. .

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

The proposed development meets the planned function and policy framework of the Official Plan and provides for more efficient use of the property. The provision of two ADUs within one detached accessory structure expands housing options within the Hamlet area. The variances allow for placement on the lot that provides adequate room for the required zoning considerations, while respecting the character of the surrounding lands. On this basis, Staff are satisfied that the variances are desirable for the appropriate use of the land, subject to further review through the permitting process.

Is the variance minor in nature?

The requested variance is considered minor in nature. For a variance to qualify as being “minor” in nature, the zoning relief must result in a development that has limited adverse impacts on other properties in the neighbourhood. The proposed detached structure

does not result in any significant change to the overall use, function, or character of the site.

The detached structure is proposed to be set back from the road and neighbouring properties with separate driveway access than the primary dwelling, and will fit within the character of the neighbourhood and surrounding buildings. It is of the Staff's opinion that the variances do not result in adverse effects on adjacent properties or the overall functionality of the site.

Recommendation

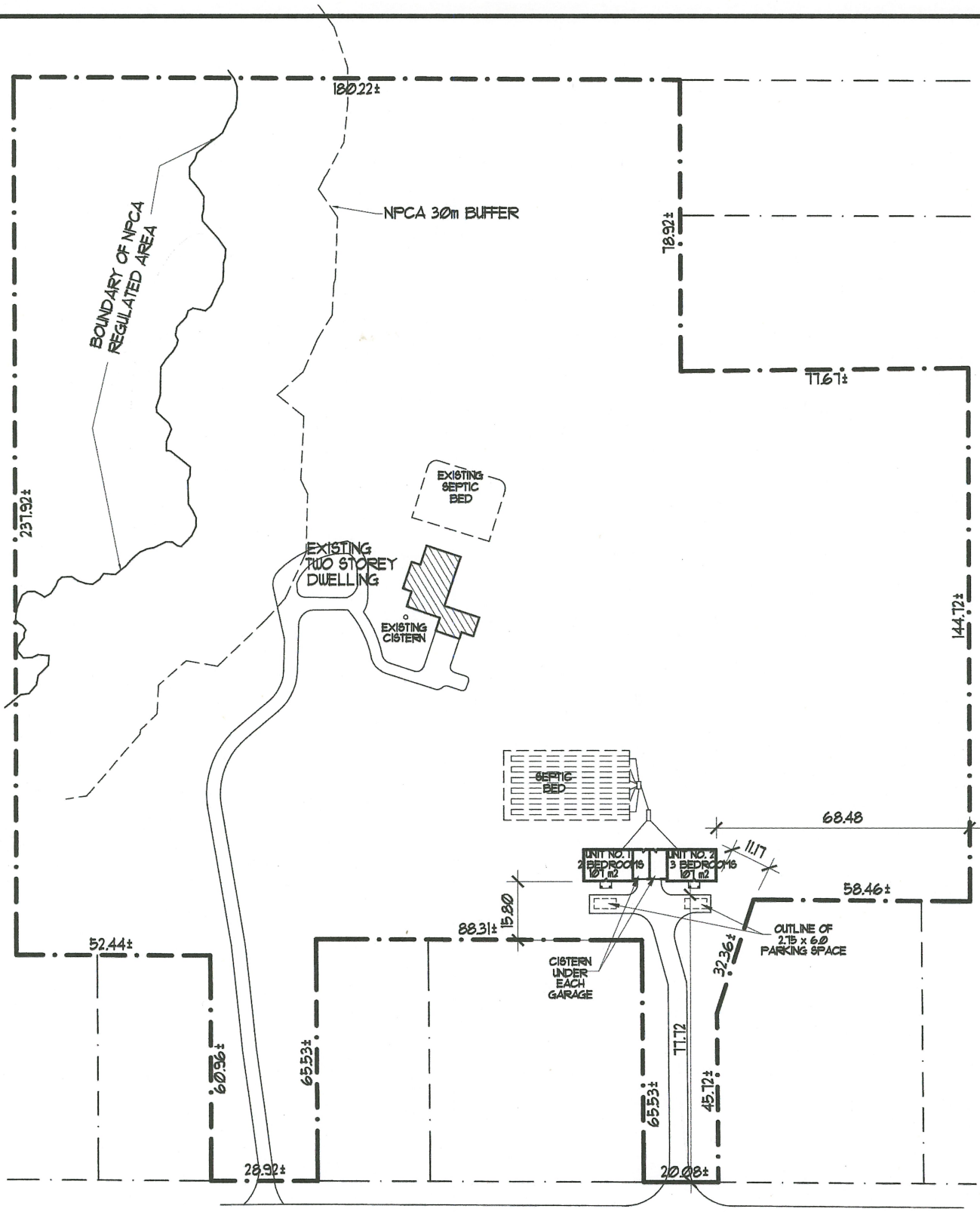
Given the information above, Planning staff recommend that application A04-26-PC be **granted** for the following reasons:

1. **Application A04-26-PC maintains the general intent and purpose of the Official Plan.**
2. **Application A04-26-PC maintains the general intent and purpose of the Zoning By-law.**
3. **Application A04-26-PC is desirable for the appropriate development of the land.**
4. **Application A04-26-PC is minor in nature.**

Respectfully submitted,

Sophia Lilley
Planning Student

Kelly Martel
Planning Manager



CEDAR BAY ROAD

LOT AREA = 56,336 m²

DOUBLE ADU AREA = 101 x 2 = 202 m²
Interior of exterior walls



SITE PLAN

SCALE 1 : 1500

PROPOSED ACCESSORY STRUCTURE

CEDAR BAY ROAD
PORT COLBORNE
OCTOBER 30, 2025



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

RECEIVED
JAN 12 2026

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

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

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

2025 APPLICATION FEES

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

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

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

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

DRAWING REQUIREMENTS

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

To be considered complete, each sketch must identify:

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

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: CHRIS PHELAN	Date: JAN 12/26	Initials: C.P.



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: CHRIS PHELAN, DAISY PHELAN	
Mailing Address: 936 CEDAR BAY RD	
City: PORT COLBORNE	Province: ONT
Postal Code: L3K 5U3	Telephone: 905 931-7908
Fax:	Email: phelandci@gmail.com
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.5 All communications should be sent to the:	
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality:	
Concession No. 1	Lot(s): PART LOT 13
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: CEDAR BAY RD	Street No. 936

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 49M	Depth: 298.8M	Area: 56,936 M ²
Existing Use: RESIDENTIAL		
Proposed Use: RESIDENTIAL		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: MANLET		
Regional Policy Plan: N/A		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
MANLET RESIDENTIAL		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner: FEB 19 2019	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
NONE	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land: 2024	
ORIGINAL HOUSE BUILT 2015 - FIRE REBUILT 2024	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input 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	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input checked="" type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated stormwater system	
<input checked="" type="checkbox"/> Other (specify)	
NOT APPLICABLE	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date: _____	

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

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

- ① A TECHNICAL VARIANCE FOR 2 ADU'S IN ONE DETACHED ACCESSORY STRUCTURE: AS PER BY-LAW # 7392/83/25
- ② A VARIANCE TO REQUEST RELIEF FROM THE ZONING BY-LAW FOR THE FRONT YARD PLACEMENT OF THE ADU'S AS PER SECTION # 2.9.1.2 (Aii)

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

NOT ALLOWED UNDER CURRENT PROVISIONS OF ZONING BY-LAW

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

- Yes
- No

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

- Yes
- No

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

File Number:

Decision:

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

8.1 ALL EXISTING USE

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

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

~~5~~ YEARS FOREVER (UNSURE)

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

- Yes
- No

If Yes, briefly describe and indicate their use. MY HOUSE - POOL HOUSE

8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?		
<input 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 JAN 12 2024
Date

X [Signature]
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X JAN 12 2026
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.

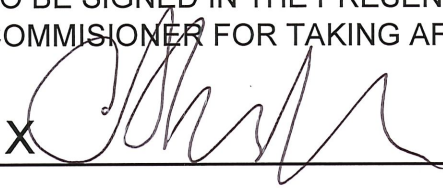
I/We CHRIS PHELAN
Of the City/Town/Township of PORT COLBORNE
In the County/District/Regional Municipality of NIAGARA

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 12th day of January
20 26.

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



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

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

POSTING OF PUBLIC HEARING SIGN

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

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

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

X 

Signature of Owner/Agent

X JAN 12 2024

Date

X

Signature of Owner/Agent

X

Date

PERMISSION TO ENTER

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

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

X 

Signature of Owner

X JAN 12 2024

Date

X

Signature of Owner

X

Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

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

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

SUGGESTION TO THE APPLICANT

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

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

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



PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

Consent Application

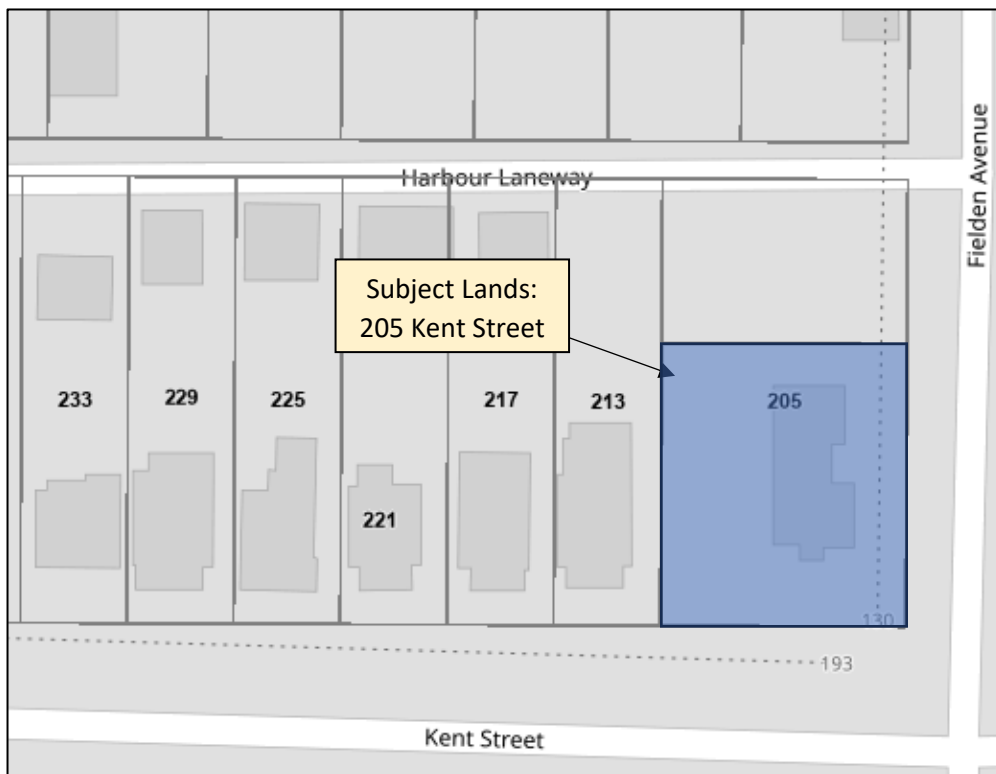
File No. B03-26-PC

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 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 or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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

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



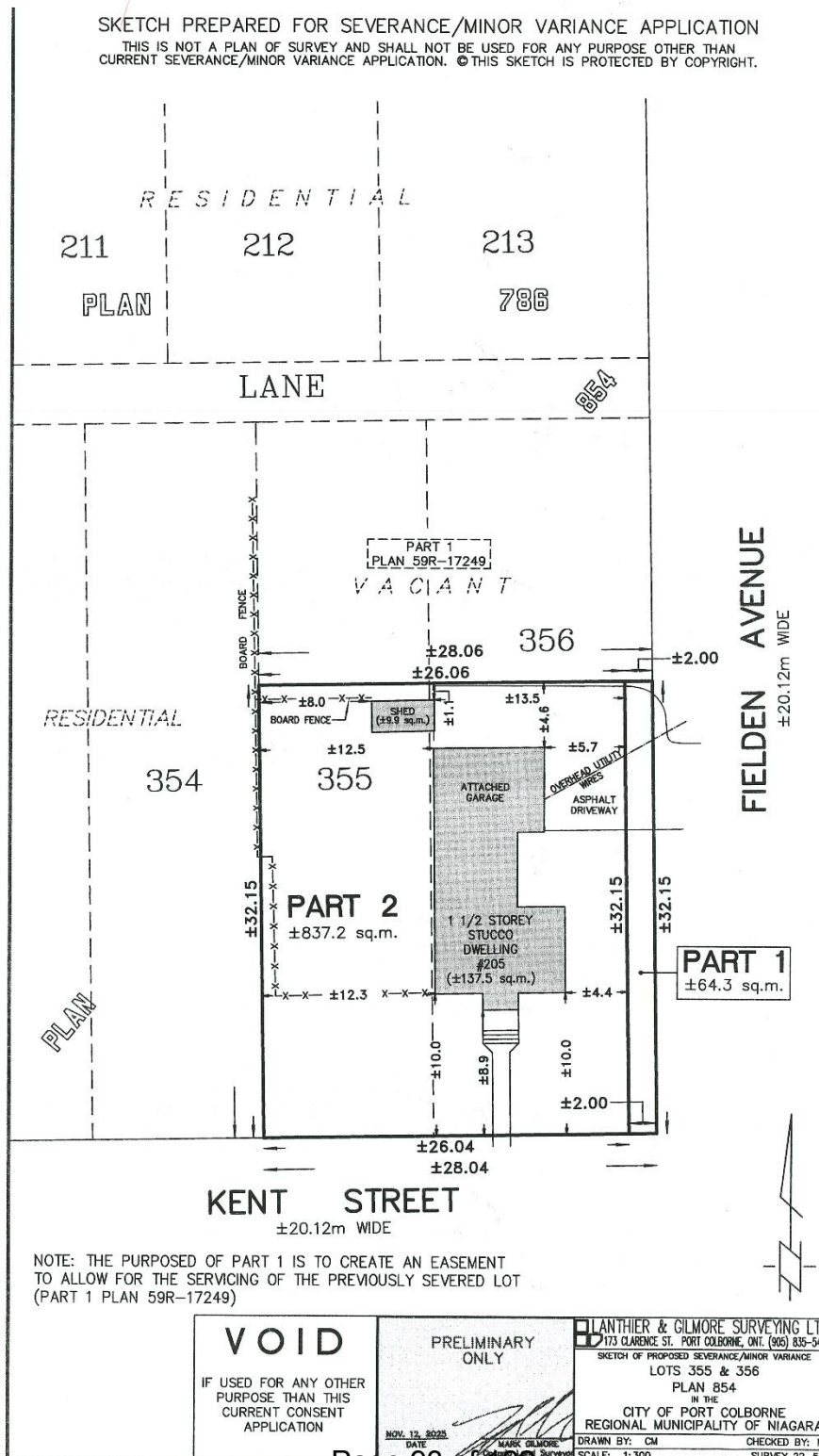
By order of the Committee of Adjustment,

Taya Taraba
Secretary-Treasurer

Date of Mailing: December 16, 2025

SKETCH


Sketch.pdf



VOID IF USED FOR ANY OTHER PURPOSE THAN THIS CURRENT CONSENT APPLICATION	PRELIMINARY ONLY DATE: NOV. 12, 2025 MARK GILMORE Surveyor	BLANTHIER & GILMORE SURVEYING LTD. 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-3477 SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE LOTS 355 & 356 PLAN 854 IN THE CITY OF PORT COLBORNE REGIONAL MUNICIPALITY OF NIAGARA DRAWN BY: CM CHECKED BY: MG SCALE: 1:300 SURVEY 22-549
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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

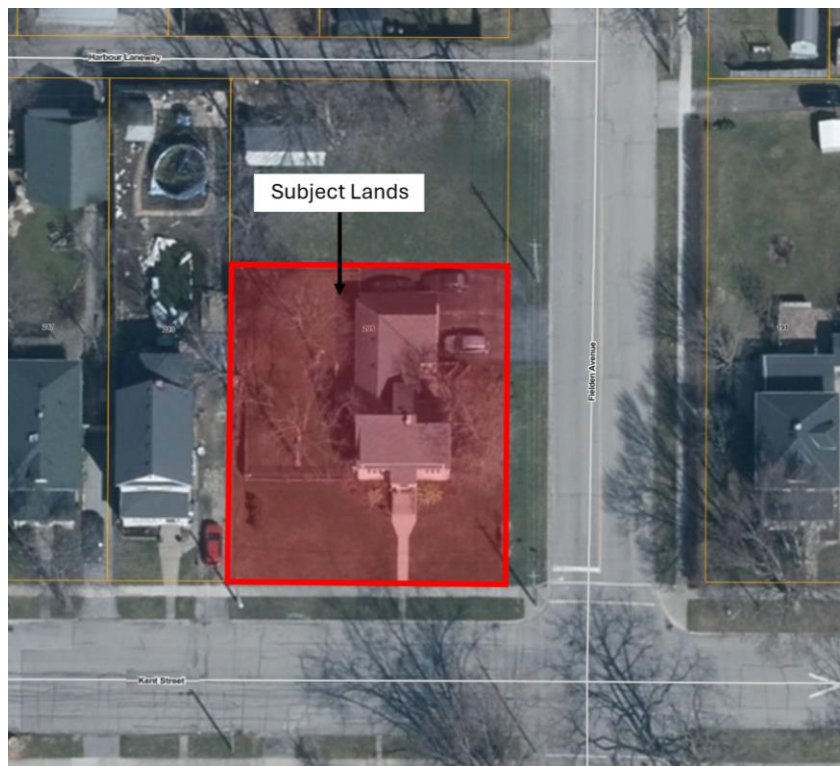
The purpose of this application is to create a new part on a plan that can be used as an easement. The applicant/owner of the subject lands (205 Kent Street) also owns the abutting parcel to the north (unaddressed vacant lot on Fielden Avenue). The applicant/owner would like to use the proposed easement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

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

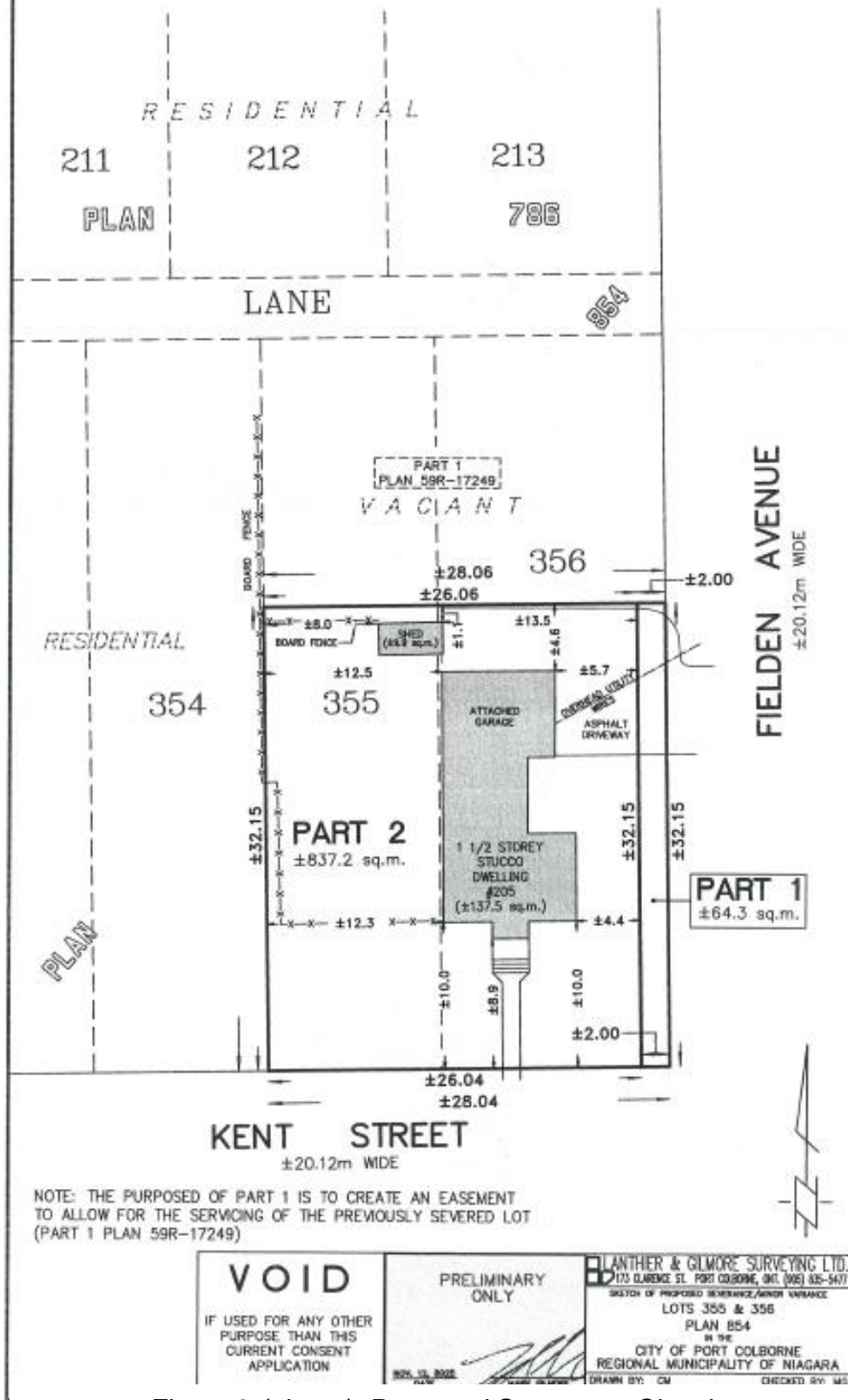
Part 1 the easement, has 2 metres of frontage on Kent Street, and 32 metres of depth/frontage on Fielden Avenue. The total area for the easement is 64.3 square metres.

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.



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

BLANTHER & GILMORE SURVEYING LTD.
 1713 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
 DRAWN BY: CM CHECKED BY: MS

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.

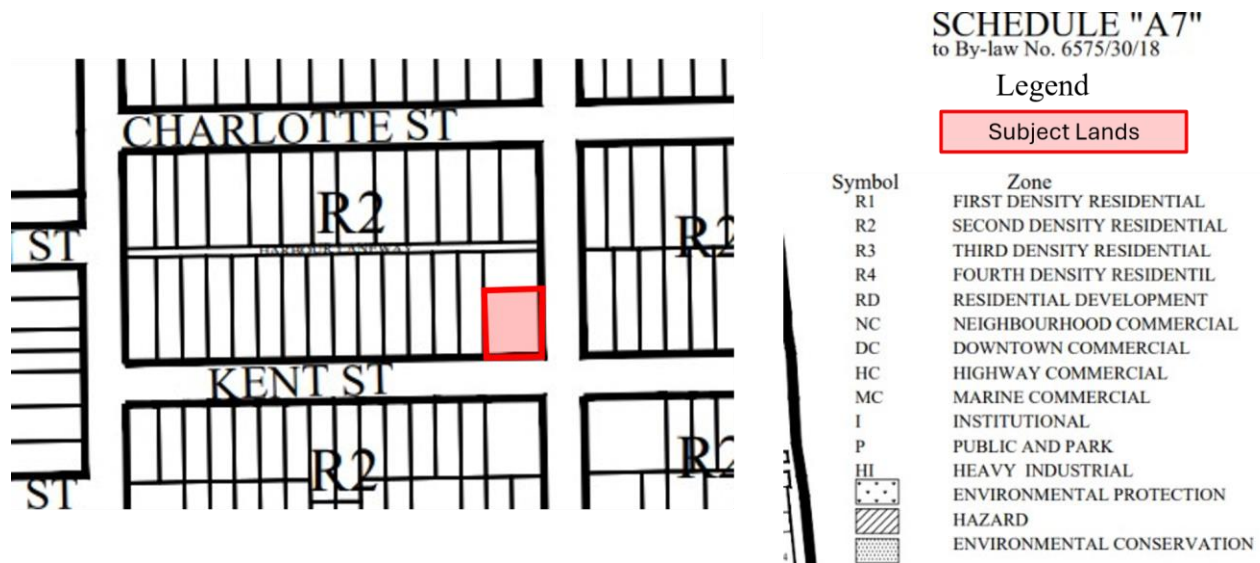


Figure 3 (above): Zoning of the subject and surrounding lands

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
Fire Department	No concerns.	Noted
Deputy Chief Building Official	No comments.	Noted
Engineering Technologist	<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.
Niagara Peninsula Conservation Authority	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. Specially 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.

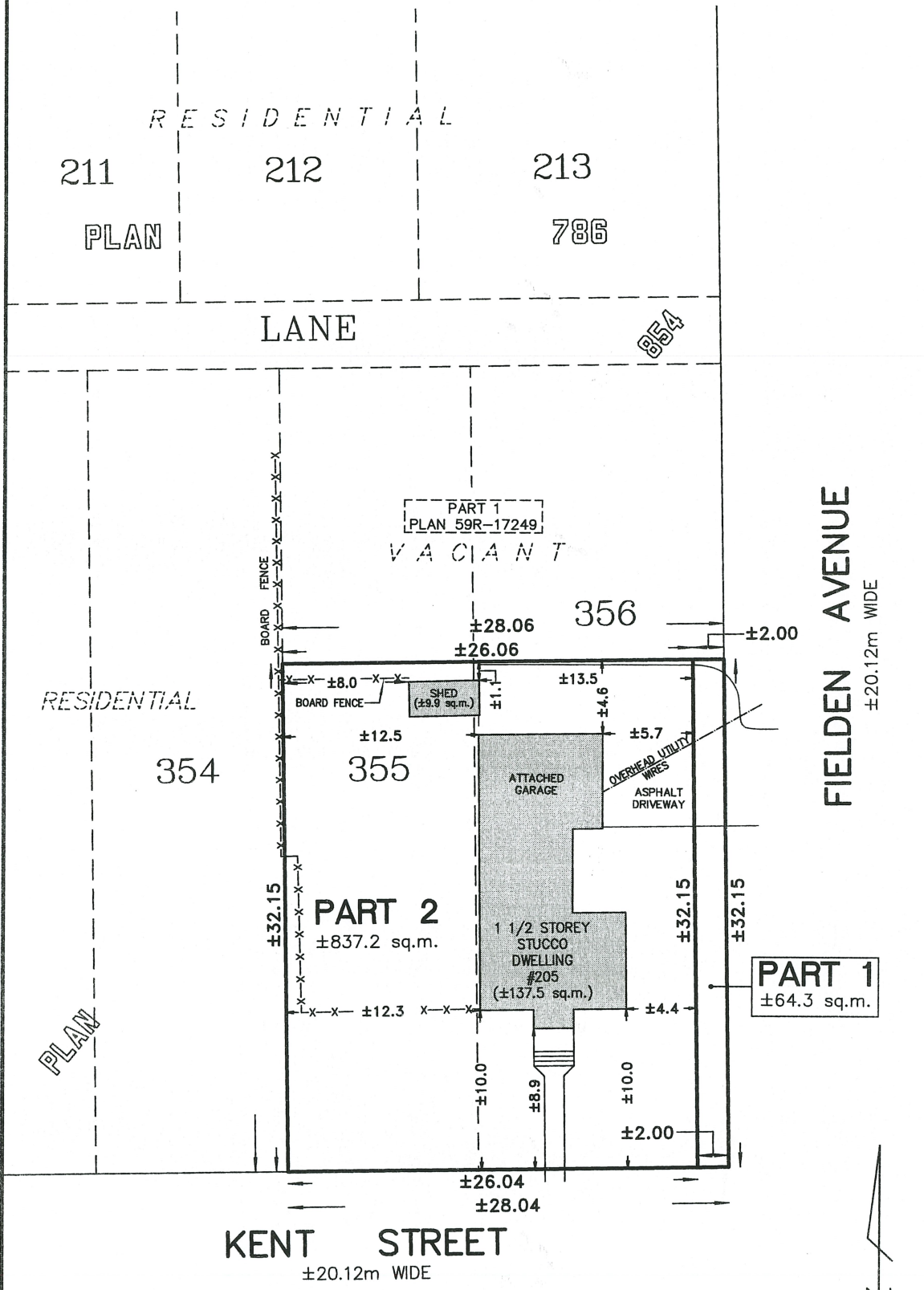
Respectfully submitted,

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.

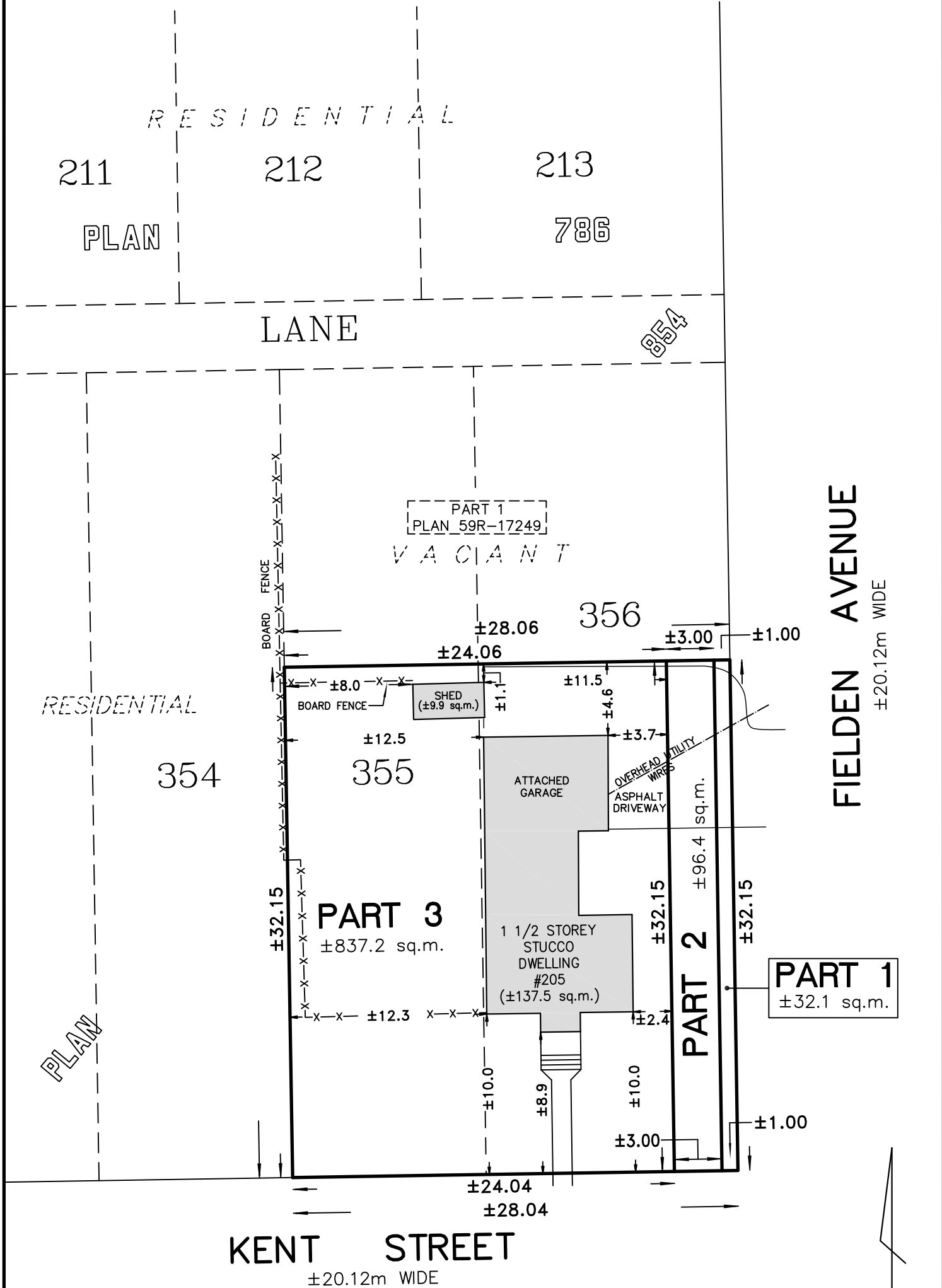


NOTE: THE PURPOSE OF PART 1 IS TO CREATE AN EASEMENT TO ALLOW FOR THE SERVICING OF THE PREVIOUSLY SEVERED LOT (PART 1 PLAN 59R-17249)

<p>VOID</p> <p>IF USED FOR ANY OTHER PURPOSE THAN THIS CURRENT CONSENT APPLICATION</p>	<p>PRELIMINARY ONLY</p> <p>DATE: _____</p> <p>CLARK GILMORE Ontario Land Surveyor</p>	<p>LANTHIER & GILMORE SURVEYING LTD. 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477</p> <p>SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE</p> <p>LOTS 355 & 356 PLAN 854 IN THE CITY OF PORT COLBORNE REGIONAL MUNICIPALITY OF NIAGARA</p> <p>DRAWN BY: CM CHECKED BY: MG SCALE: 1:300 SURVEY 22-549</p>
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SKETCH PREPARED FOR SEVERANCE 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 2 IS TO CREATE AN EASEMENT TO ALLOW FOR THE SERVICING OF THE PREVIOUSLY SEVERED LOT (PART 1 PLAN 59R-17249)

<p>VOID</p> <p>IF USED FOR ANY OTHER PURPOSE THAN THIS CURRENT CONSENT APPLICATION</p>	<p>PRELIMINARY ONLY</p>	<p>LANTHIER & GILMORE SURVEYING LTD. 173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477</p> <p>SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE</p> <p>LOTS 355 & 356 PLAN 854 IN THE CITY OF PORT COLBORNE REGIONAL MUNICIPALITY OF NIAGARA</p> <p>NOV. 12 2025 Page 105 of 122 MARK GILMORE Ontario Land Surveyor</p>
	<p>NOV. 12 2025 Page 105 of 122 MARK GILMORE Ontario Land Surveyor</p>	



RECEIVED	
For Office Use Only	
Date Received: NOV 24 2025	Application Complete: <input type="checkbox"/> Yes <input type="checkbox"/> No
Date of Completion:	

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

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

2025 APPLICATION FEES

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

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

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

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

DRAWING REQUIREMENTS

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

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

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

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

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

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

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

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Wendy Bas	Date: Nov 18/25	Initials: WB



SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: Wendy + Jacob Bas	
Mailing Address: 160 Elm St	
City: Port Colborne	Province: ON
Postal Code: L3K 4N6	Telephone: 905-359-3639
Fax:	Email: wendybas@6@gmail.com
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Lanthier + Gilmore	
Mailing Address: 173 Clarence St	
City: Port Colborne	Province: ON
Postal Code: L3K 3G4	Telephone: 905-835-5477
Fax:	Email:
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: 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

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 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
Reason for proposed transaction: TO PUT EASEMENT ON PROPERTY FOR FUTURE WATER + SEWER TO NEW FIELDEN LOT.		
3.2 If a lot addition, identify the lands to which the parcel will be added:		
N/A		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:		
MYSELF		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: PART 1 (Easement)

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 20 m	Depth: 32.15 m	Area: 64.3 m ²
Existing Use: NONE		
Proposed Use: EASEMENT		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 26.04 m	Depth: 32.15 m	Area: 837.2 m ²
Existing Use: RESIDENCE		
Proposed Use: "		

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:	RESIDENTIAL (URBAN)
Regional Policy Plan:	N/A.
6.2 What is the Zoning of the land (By-law 6575/30/18)?	
R2	
6.3 Date and Subject Land was acquired by the Current Owner:	
2015	
6.4 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	

6.5 MORTGAGES, Charges & Other Encumbrances:		
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.		

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 checked="" type="checkbox"/> Publicly owned and operated piped water supply		
<input type="checkbox"/> Lake		
<input type="checkbox"/> Well (private or communal)		
<input type="checkbox"/> Other (specify): _____		
6.8 What type of SEWAGE DISPOSAL is proposed?		
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system		
<input type="checkbox"/> Septic system (private or communal)		
<input type="checkbox"/> Other (specify): _____		
6.9 What type of STORMWATER DISPOSAL is proposed?		
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system		
<input type="checkbox"/> Other (specify): _____		

SECTION 7

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

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 Nov 18/25
Date

X WBas
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Nov 18/25
Date

X W Bas
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 18th day of November

20 25.
A Commissioner, etc. Taya Hope Taraba, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of Port Colborne.
Expires January 31, 2027.

Taya Taraba

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

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

POSTING OF PUBLIC HEARING SIGN

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

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

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

I/We 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 W Bas
Signature of Owner/Agent

X Nov 18/25
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 W Bas
Signature of Owner

X Nov 18/25
Date

X

Signature of Owner

X

Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

Where the Owner is without a spouse, common-law or legpally 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

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 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 Wendy & Jacob Bas am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize Carol Horaziuk as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

X W Bas
Signature of Owner

X Feb 5, 2026
Date

X J Bas
Signature of Owner

X Feb 5 2026
Date

X CHoraziuk
Signature of Agent

X Feb. 5 2026
Date



PORT COLBORNE

PLANNING AND DEVELOPMENT DEPARTMENT

Municipal Offices: 66 Charlotte Street

Port Colborne ON L3K 3C8

www.portcolborne.ca

T (905) 228-8124

F 905.834.5746

E planning@portcolborne.ca

February 6th, 2026
Planning and Development Department
66 Charlotte Street
Port Colborne, L3K 3C8

RE: 205 Kent Street (B03-26-PC) - Committee of Adjustment Application Update

Dear Committee of Adjustment members,

As discussed in our prior Committee of Adjustment hearing, on January 27th, 2026, Staff met with the applicant for B03-26-PC, 205 Kent Street.

In this meeting, Staff discussed concerns regarding the Engineering comments provided as part of the application's circulation with the applicant; the applicant informed Staff that a new sketch was drafted to address these comments. This drawing has been attached to this respective agenda for the Committee's consideration.

While the applicant is unable to attend this Committee of Adjustment hearing, their agent has informed Staff that they anticipate on informing the Committee about this new sketch. Staff will leave the decision to proceed with the application, or, further adjourn the application with public recirculation up to the Committee of Adjustment.

Sincerely,

Taya Taraba
Secretary-Treasurer, Planning Division



PORT COLBORNE

Committee of Adjustment -Meeting Minutes-

Wednesday, January 14, 2025

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

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

Members Absent: Eric Beauregard, Committee Member

1. Call Meeting to Order

The Chair called the meeting to order at approximately 5:59 p.m.

2. Reading of Meeting Protocol

The Chair read the Meeting Protocol.

4. Disclosures of Interest

Nil.

5. Requests for Deferrals or Withdrawals of Applications

Nil.

6. Order of Business

a. Application: B06-26-PC; B07-26-PC

Action: Consent to Sever

Agent: Lindsay Earl

Applicant: The Estate of June Shisler

Location: 527 Empire Road; 541 Empire Road

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

The Chair asked if the agent was present at the Hearing; the agent presented an overview of the boundary adjustment and the nature of the application.

Member Elliott inquired to the Chief Planner regarding Parts 1, 4, and 5, and the nature of their merging for the commercial use. Member Elliott wanted to know if these lands need to be rezoned.

The Chief Planner responded that the property does not need to be rezoned and that this boundary adjustment will correct where the boundary lies.

The Chair asked if there were any members of the public who wished to speak to the application, in which there were none.

The Chair asked if the agent had received a Certificate of Trustees so that the applicants may legally make an application. The agent responded stating that the will has been probated and a Certificate will be provided as part of the conditions.

Given the information above, the Committee of Adjustment have decided that application **B06-26-PC and 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 a Certificate of Trustees be provided to the satisfaction of 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.

Motion: Angie Desmarais

Seconded: Dave Elliott

Carried: 4-0

b. Application: B01-26-PC
Action: Consent to Sever
Agent: Jim Frank
Applicant: Gregory Gamm
Location: 3958 Snider Road

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

The Chair asked if the agent was present at the Hearing; the agent explained the reason behind the submission of the application.

The Chair asked if there were any questions from the Committee, to which, there were none. The Chair inquired if there were any members of the public who wished to speak to the application, to which, there were none.

Given the information above, the Committee of Adjustment have decided that application **B01-26-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.

Motion: Dave Elliott

Seconded: Angie Desmarais

Carried: 4-0

c. Application: B02-26-PC
Action: Consent to Sever
Agent: Jim Frank
Applicant: Troy and Peggy Robins
Location: 737 Forkes Road

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

The Chair asked if the agent was present at the Hearing; the agent explained the reason behind the submission of the application.

The Chair asked if there were any questions from the Committee, to which, there were none. The Chair inquired if there were any members of the public who wished to speak to the application, to which, there were none.

Given the information above, the Committee of Adjustment have decided that application **B02-26-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.

Motion: Angie Desmarais

Seconded: Dave Elliot

Carried: 4-0

d. Application: B04-26-PC; B05-26-PC
Action: Consent to Sever
Agent: Joe Tomaino
Applicant: Heidi Murphy; Wes Visser
Location: VL Killaly Street West

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

The Chair asked the agent if there was anything they would like to add. The agent, in reviewing the comments provided through the recommendation report, did not have any further comments.

Member Elliott inquired to the agent about whether the retaining wall would cross the new boundary lines, to which, the agent answered that this was unknown at this time.

The Chair asked if there were any further questions at this time, to which, there were none.

Given the information above, the Committee of Adjustment have decided that applications **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.

Motion: Gary Bruno

Seconded: Dave Elliot

Carried: 4-0

e. Application: B03-26-PC

Action: Consent to Sever
Applicant: Wendy and Jacob Bas
Location: 205 Kent Street

The Chair had inquired to the Committee of Adjustment members regarding this application, as the applicant had an emergency arise. The Committee had commented that the application process should be started and adjourned if in the event any questions for the applicant were to arise.

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

The Chair had mentioned that the property in which was severed was before the Committee of Adjustment not too long ago. The Chief Planner responded, mentioning that there was no condition within the severance to sort out the servicing complications.

Given the information above, the Committee of Adjustment have decided that application B03-26-PC be adjourned to the February 11th, 2026, Committee of Adjustment hearing.

Motion: Angie Desmarais
Carried: 4-0

Seconded: Dave Elliott

7. Other Business

Nil

8. Approval of Minutes

That the minutes from the December 10th, 2025 meeting be approved.

Motion: Angie Desmarais **Seconded:** Dan O'Hara
Carried: 4-0

9. Adjournment

There being no further business, the meeting was adjourned at approximately 6:40 pm.

Dan O'Hara, Chair

Taya Taraba, Secretary-Treasurer