



**Date:** Wednesday, April 8, 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 B12-26-PC - 3367 Wilhelm Road 1

**Action:** Consent  
**Applicant:** Levi Fretz  
**Location:** 3367 Wilhelm Road
  - 6.2 A06-26-PC - 271 Lancaster Road 13

**Action:** Minor Variance  
**Agent:** Dan Cook  
**Applicant:** Lori Spittal  
**Location:** 271 Lancaster Road
7. Other Business
8. Approval of Minutes
  - 8.1 March 11, 2026, Committee of Adjustment Minutes 23
9. Adjournment



# PORT COLBORNE

PLANNING AND DEVELOPMENT DEPARTMENT

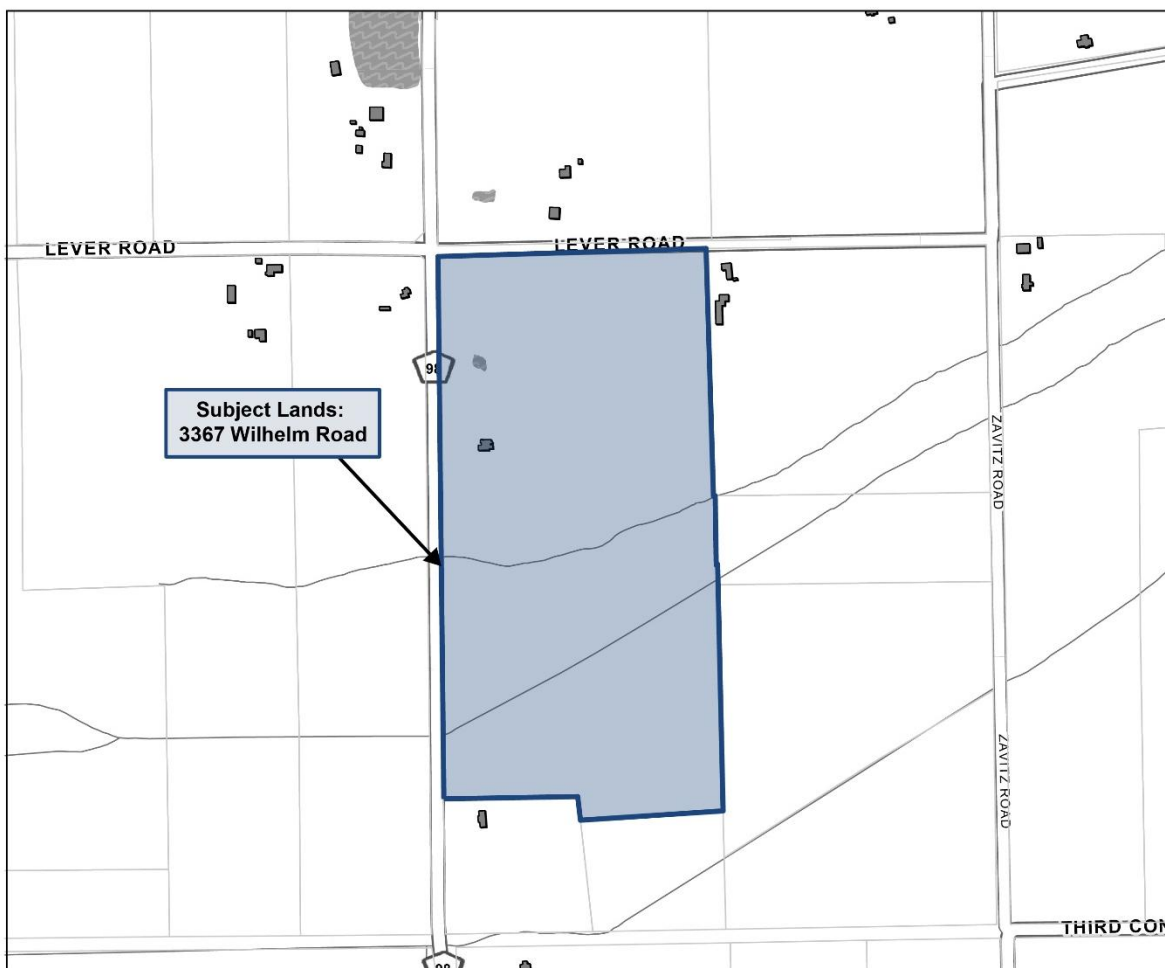
COMMITTEE OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
Consent Application  
File No. B12-26-PC

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

**AND IN THE MATTER OF** the lands legally known as Concession 4 Lot 4, in the City of Port Colborne, located in the Agricultural (A) zone, municipally known as 3367 Wilhelm Road;

**AND IN THE MATTER OF AN APPLICATION** by the owner, Levi Fretz, for consent to adjust the boundary for the purpose of severing a surplus agricultural residence from an existing farm operation. The subject parcels are shown as Parts 1 and 2 on the proposed sketch, where Part 1 is to be retained for existing agricultural use, and Part 2 is to be severed with an existing residential use. A sketch of the subject lands is shown on the reverse side of this notice. A higher resolution PDF version of this sketch can be found on the City's website.

## LOCATION MAP



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

**Date:** April 8, 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](mailto:taya.taraba@portcolborne.ca) to view the material.

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, April 3, 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, April 7, 2026**, by emailing [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

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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.

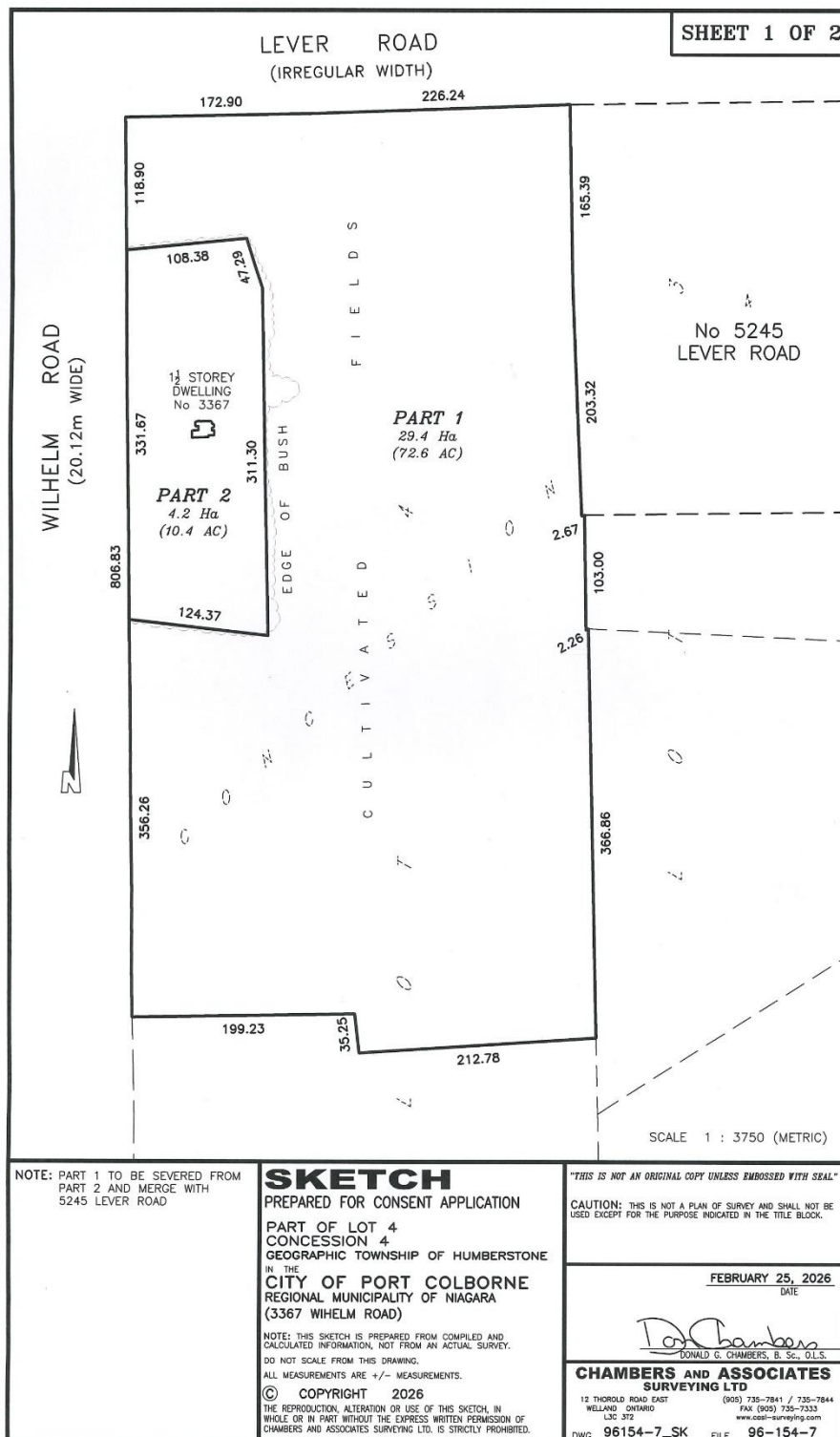
*Taya Taraba*

By order of the Committee of Adjustment,

Taya Taraba  
Secretary-Treasurer

**Date of Mailing:** March 24, 2026

**SKETCH**





**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

April 1, 2026

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

**Re: Application for Consent: B12-26-PC**  
**Concession 4, Lot 4 Reference Plan 59R9547 PART 2**  
**3367 Wilhelm Road**  
**Owner: Levi Fretz**

### **Proposal**

The purpose of this application is to seek approval for a boundary adjustment. The effect of the adjustment is to resize the existing parcel with the home and woodlot, and merge the balance of the agricultural lands with the neighbouring farm located at 5245 Lever Road (also owned by applicant).



- **Part 1** i with a lot frontage of 475.16 metres and a lot area of 294,000 square metres will be merged with the agricultural lands to the east located at 5245 Lever Road
- **Part 2** i Will be resized with a lot frontage of 331.67 metres and a lot area of 42,000 square metres. The existing residential use will remain on Part 2.

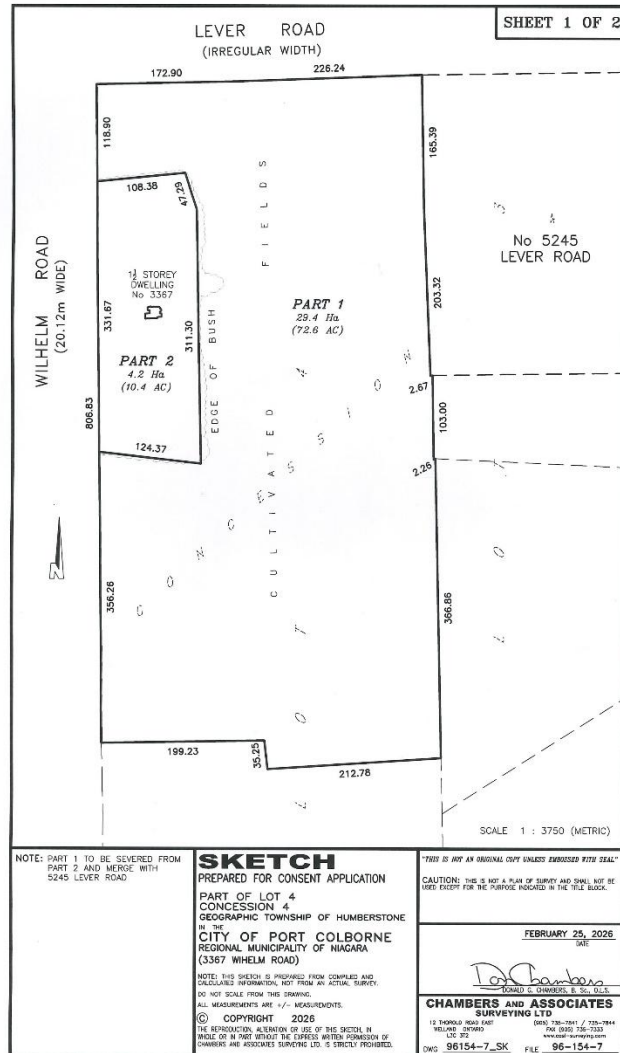


Figure 2 (above): Proposed severance sketch

### Surrounding Land Uses and Zoning

The Subject Lands are zoned Agricultural (A), and agricultural uses exist on the surrounding parcels. Figure 3 shows the zoning of the subject and surrounding lands.

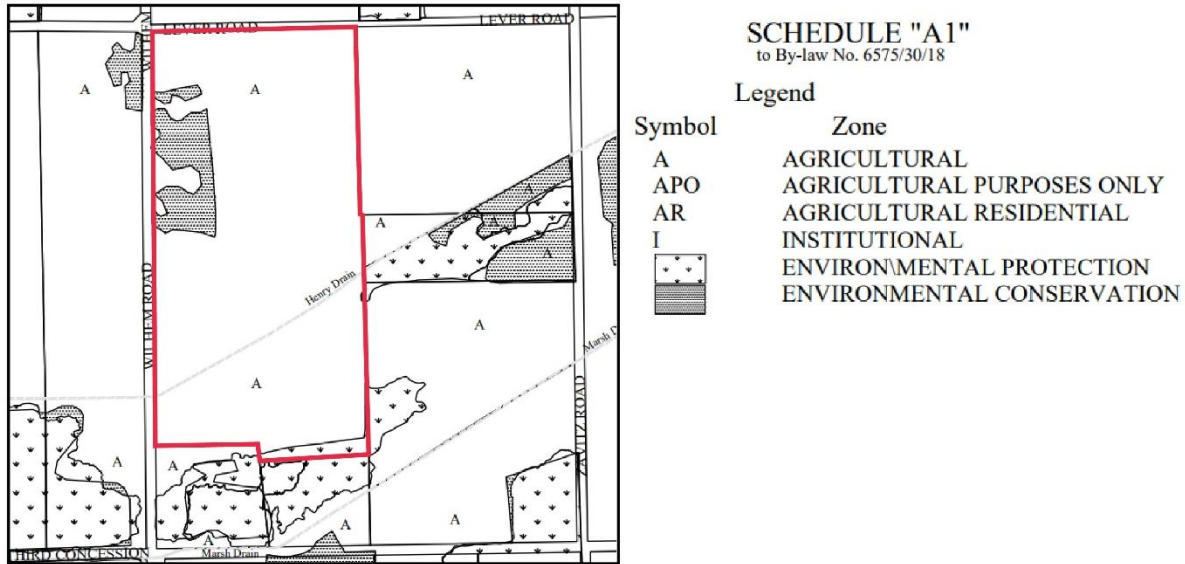


Figure 3 (above): Zoning of the subject and surrounding lands

### Environmentally Sensitive Areas

There are some natural features on the southern portion of the subject lands mapped within the Niagara Official Plan (NOP) designated as part of the Natural Environment System Overlay and the City of Port Colborne Official Plan (OP) designated Environmental Protection Area.

Some of the lands within Part 2 are zoned Environmental Conservation (EC). As no future development is proposed on the site, it is of Staff's opinion that it will not be affected by the boundary adjustment.

The subject lands are impacted by the following NPCA regulated features; Provincially Significant Wetland (and 30-metre buffer); regulated 1-in-100-year floodplain; unmapped floodplain; unevaluated wetlands; and regulated watercourses (and associated 15-metre buffers). As the unevaluated wetlands are to be contained within part 2 the feature will not be affected by this boundary adjustment.

### Public Comments

Notice was circulated on March 24, 2026, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. At the time of writing this report, no comments from the public have been received.

### Agency Comments

Notice of the application was circulated on March 10, 2026, to internal City departments and external agencies. As of March 31, 2026, the following comments have been received.

<b>Commenter</b>	<b>Comments</b>	<b>Planning Staff Response</b>
<b>Drainage</b>	This parcel is in the watershed of the Marsh and Henry Drains. As such, if the parcel is successfully severed a drainage apportionment agreement will be required. This can be completed by the City's Drainage Superintendent at a fee of \$118 to be paid to the City or may be completed by an approved Engineer at the rate set by the Engineer. Please return a copy of the application, and the deposited plan to the Drainage Superintendent to complete the drainage apportionment agreement. Allow 1 week for this to be completed.	Noted. Addressed via Condition #2
<b>Fire Department</b>	Port Colborne Fire has no objection to the application.	Noted.
<b>Engineering Technologist</b>	Development Engineering has no comments for this Consent application.	Noted.
<b>Niagara Peninsula Conservation Authority</b>	The subject property is NPCA policies generally direct the creation of lots away from the natural hazards (wetlands, watercourses, floodplain). Proposed severed lot 'Part 2' is impacted by potential unevaluated wetland. The proposed lot lines appear to contain the potential unevaluated wetland within the severed parcel and not fragment the feature. As such, NPCA has no objections. Please be advised that should any development or site alterations be proposed in future within or adjacent to these potential unevaluated wetlands, further evaluation (through the completion of a vegetation index or Environmental Impact Study to the satisfaction of the NPCA) may be necessary to determine whether these areas meet the definition of regulated wetlands. The proposed southern lot line appears to encroach the NPCA regulated watercourse which is also impacted by an unmapped regulated floodplain. NPCA notes that the existing dwelling is located outside the flood hazard and as no new development activity is proposed through the consent application, NPCA is supportive of the proposed severance. NPCA recommends the watercourse feature be maintained within a single parcel, with the proposed lot line established at or beyond the top of the bank, to prevent fragmentation of the watercourse.	Noted.

Commenter	Comments	Planning Staff Response
<p><b>Niagara Region</b></p>	<p>Regional staff note that the required Regional review fees for this application have not been submitted at the time of writing this letter and, therefore, an inspection of the existing septic system servicing the dwelling has not been conducted at this time. Accordingly, Regional staff is unable to support the consent application at this time without review and inspection of the on-site sewage system and payment of Regional review fees. Should the Committee consider the application at this time, Regional staff request that conditions of approval as outlined in the comments and conclusion be included to address the fee payment and on-site sewage system requirements.</p> <p>The Region has included a condition of consent approval requiring a road widening of approximately 3.05 metres (to be confirmed by field survey) required along the subject parcel frontage of Wilhelm Road to achieve the designated road allowance of 26.2 metres (based around the legal centreline).</p> <p>The required property is to be conveyed free and clear of any mortgages, liens, or other encumbrances, and is to be described by Reference Plan. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for a land surveyor to submit the preliminary undeposited survey plan along with all related documents to Niagara Region Surveys staff for review and approval. Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.</p> <p>*March 30 – Niagara Region fees now paid, and septic inspection has been scheduled.</p>	<p>Noted. Addressed via Condition 6</p>

**Discussion**

Consent application B12-26-PC was reviewed in consideration of the applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and Zoning By-law 6575/30/18.

### Provincial Planning Statement (PPS)

Based on the policies and definitions in the PPS, the subject lands are considered agricultural lands. Section 4.3.3 speaks to lot creation and lot adjustments in the Prime Agricultural Area. Section 4.3.3.2 states:

*“Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.”*

Section 8 defines the following” “legal or technical reasons *means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*”

Staff are satisfied that the proposed boundary adjustment is consistent with the PPS. The proposal for a boundary adjustment will resize the existing parcel, while creating an opportunity to create a larger agricultural parcel through a consolidation with 5245 Lever Road. No new lot will be created, and no new development is proposed.

### 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 Prime Agricultural Area in accordance with Schedule F – Agricultural Land Base..

Section 4.1.6.1 of the NOP discusses lot creation in prime agricultural areas. Policy 4.1.6.1d) reflects the policies of the PPS, noting that consents are permitted for legal or technical reasons.

The Regional Official Plan focuses on reducing the fragmentation of farm parcels. This application supports a consolidation in results in a larger farm parcel for 5245 Lever Road, which is also owned by the applicant.

Staff are satisfied that this application conforms to the Regional Official Plan.

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

The subject lands are designated Agricultural in accordance with Schedule A of the OP. Section 3.5 of the OP identifies the planned function of the Agriculture designation as follows:

*“The predominant uses for lands designated Rural shall include, but not be limited to; the cultivation of crops on a commercial basis; the storage and processing of produce grown on the premises; the raising of livestock; greenhouses; small-scale*

*agri-tourism; value-added agricultural activities; specialty agricultural uses such as an agricultural research station, fertilizer or seed depot, feed mill, saw mill or kennel, provided the uses are compatible with adjacent uses; and agriculture-related accessory uses, including the sale of products from the farm operation.”*

The proposed consent application is being brought forward to facilitate a boundary adjustment that supports consolidation of farm parcels. This is consistent with the OP and meets the necessary requirements with respect to lot creation in the prime agricultural area.

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

The subject lands are zoned Agricultural (A) in accordance with Zoning By-law 6575/30/18. The requested boundary adjustment will enable the consolidation of farm parcels, while retaining the existing residential dwelling on a smaller lot. Detached dwellings and their associated accessory uses either existing at the date of passing of the By-law as a principal use on a new lot or a principal use on an existing lot of record at the date of passing are the only permitted residential use in the A zone.

The proposed boundary adjustment will leave the following dimensions:

- Part 1 Lot area of 294,000 square metres and 475.16 metres of frontage
- Part 2 Lot area of 42,000 square metres and 331.67 metres of frontage.

The A zone requires minimum lot frontages and lot areas. Minimum lot frontage is 30 metres or as existing. Minimum lot area is as existing. Consent application B12-26-PC is consistent with Zoning By-law 6575/30/18.

#### **Recommendation:**

That consent application B12-26-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 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.
3. That the applicable final certification fee, per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
4. That the applicant's solicitor shall provide written confirmation to the Secretary Treasurer of the Committee of Adjustment that under the *Planning Act*, the severed lands will merge with the adjacent lands known as 5245 Lever Road.

5. That, immediately following the registration of the Transfer of the lot addition lands, the applicant/owner shall register an Application to Consolidate Parcels in order to include the lot addition (Part 1) with the abutting lands municipally known as 5245 Lever Road. The Secretary Treasurer shall accept, to their satisfaction of this condition, and Undertaking from an Ontario solicitor to register the Application to Consolidate Parcels within 60 days following registration of the Transfer of the lot addition lands.
6. That the applicant shall have Niagara Region staff conduct a review and inspection of the on-site sewage system to the satisfaction of Niagara Region.
7. That all conditions of consent be completed by April 8, 2028.

For the following reasons:

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

Respectfully submitted,

Erik Acs

Chief Planner

LEVER ROAD  
(IRREGULAR WIDTH)

172.90

226.24

WILHELM ROAD  
(20.12m WIDE)

118.90

108.38  
47.29

1 1/2 STOREY  
DWELLING  
No. 3367

PART 2  
4.2 Ha  
(10.4 AC)

311.30

806.83

PART 1  
29.4 Ha  
(72.6 AC)

C U L T I V A T E D F I E L D S

EDGE OF BUSH



356.26

124.37

199.23

35.25

212.78

165.39

203.32

2.67

103.00

2.26

366.86

No 5245  
LEVER ROAD

SCALE 1 : 3750 (METRIC)

NOTE: PART 1 TO BE SEVERED FROM  
PART 2 AND MERGE WITH  
5245 LEVER ROAD

**SKETCH**

PREPARED FOR CONSENT APPLICATION

PART OF LOT 4  
CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE  
IN THE  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA  
(3367 WILHELM ROAD)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND  
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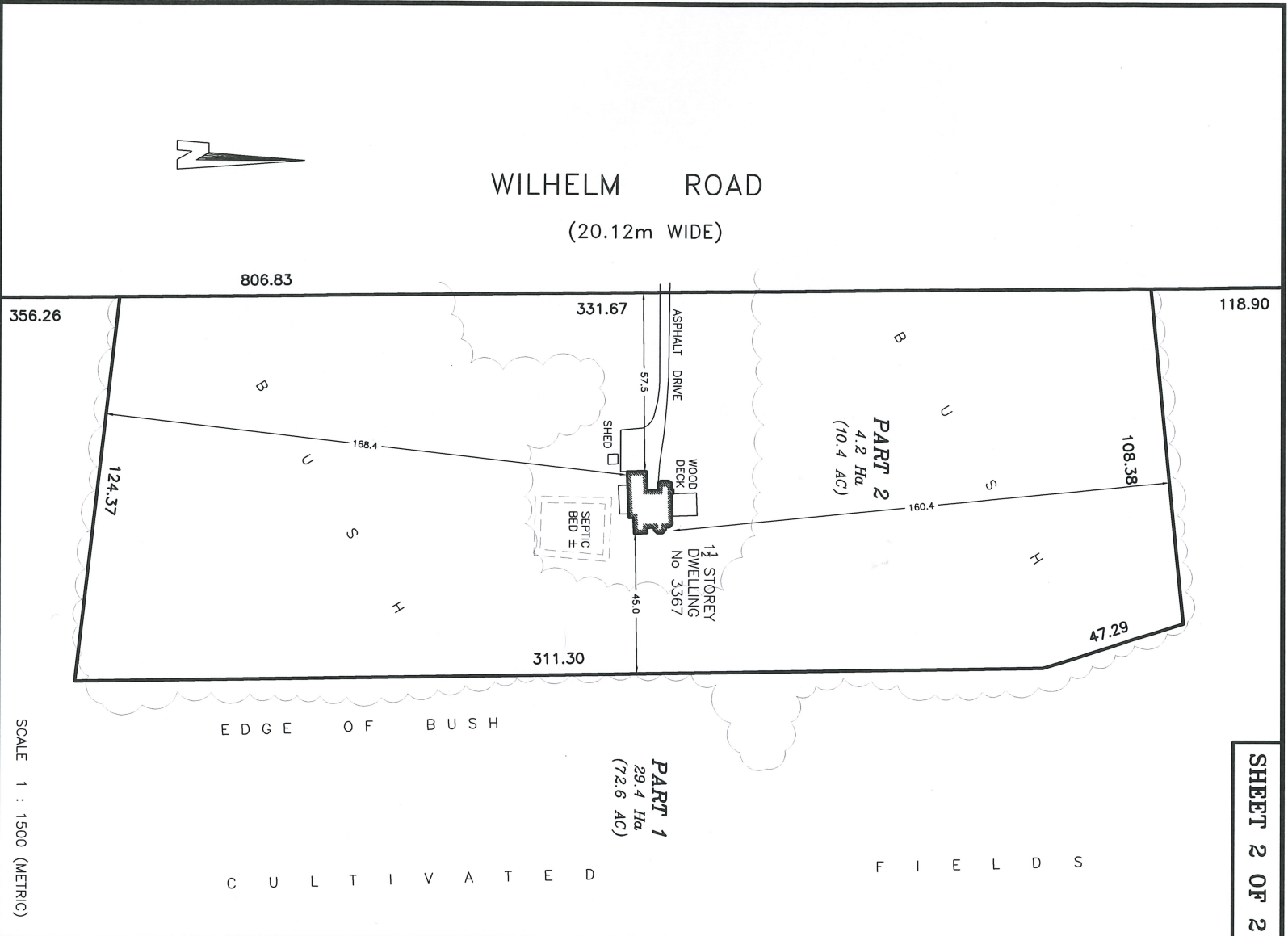
FEBRUARY 25, 2026

DATE

*Donald G. Chambers*  
DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES**  
SURVEYING LTD

12 THOROLD ROAD EAST  
WELAND ONTARIO  
L3C 3T2  
DWG 96154-7\_SK FILE 96-154-7



NOTE: PART 1 TO BE SEVERED FROM PART 2 AND MERGE WITH 5245 LEVER ROAD

**SKETCH**  
PREPARED FOR CONSENT APPLICATION

PART OF LOT 4  
CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF HUMBERSTONE  
IN THE  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA  
(3367 WILHELM ROAD)

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SCALE 1 : 1500 (METRIC)

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FEBRUARY 25, 2026  
DME

*Chambers*  
DONALD G. CHAMBERS, B. Sc., O.L.S.  
**CHAMBERS AND ASSOCIATES**  
SURVEYING LTD  
12 THOROLD ROAD EAST  
WELAND ONTARIO  
L3C 3T2  
DWG 94156-7\_SK FILE 96-154-7  
(905) 735-7841 / 735-7844  
FAX (905) 735-7333  
www.cad-surveying.com



# PORT COLBORNE

DEVELOPMENT AND GOVERNMENT RELATIONS DEPARTMENT

## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

Minor Variance Application  
File No. A05-26-PC

**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 7.8 (d) (f) (h) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as PLAN 59M428 PT BLK 72 RP 59R17626 PARTS 3 AND 4, in the City of Port Colborne, located in the Third Density Residential (R3) zone, municipally known as 271 Lancaster Drive.

**AND IN THE MATTER OF AN APPLICATION** by the agent, Dan Cook, on behalf of the owner, Lori Spittal, 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 enclosed deck, notwithstanding the following:

1. That a minimum interior side yard setback of 0.5m for an enclosed deck be permitted, whereas a minimum interior side yard setback of 3m is required.
2. That a rear yard setback of 4.5m for an enclosed deck be permitted, whereas a minimum rear yard setback of 6 metres for a deck is required.
3. That a minimum landscaped area of 20 percent be permitted, whereas a minimum landscaped area of 25 percent for a street townhouse is required.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission to build a new screened-in deck located closely to the interior and rear lot lines, 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:** April 8, 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.

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**Electronic Hearing Procedures**  
**How to Get Involved in the Hearing**


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

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

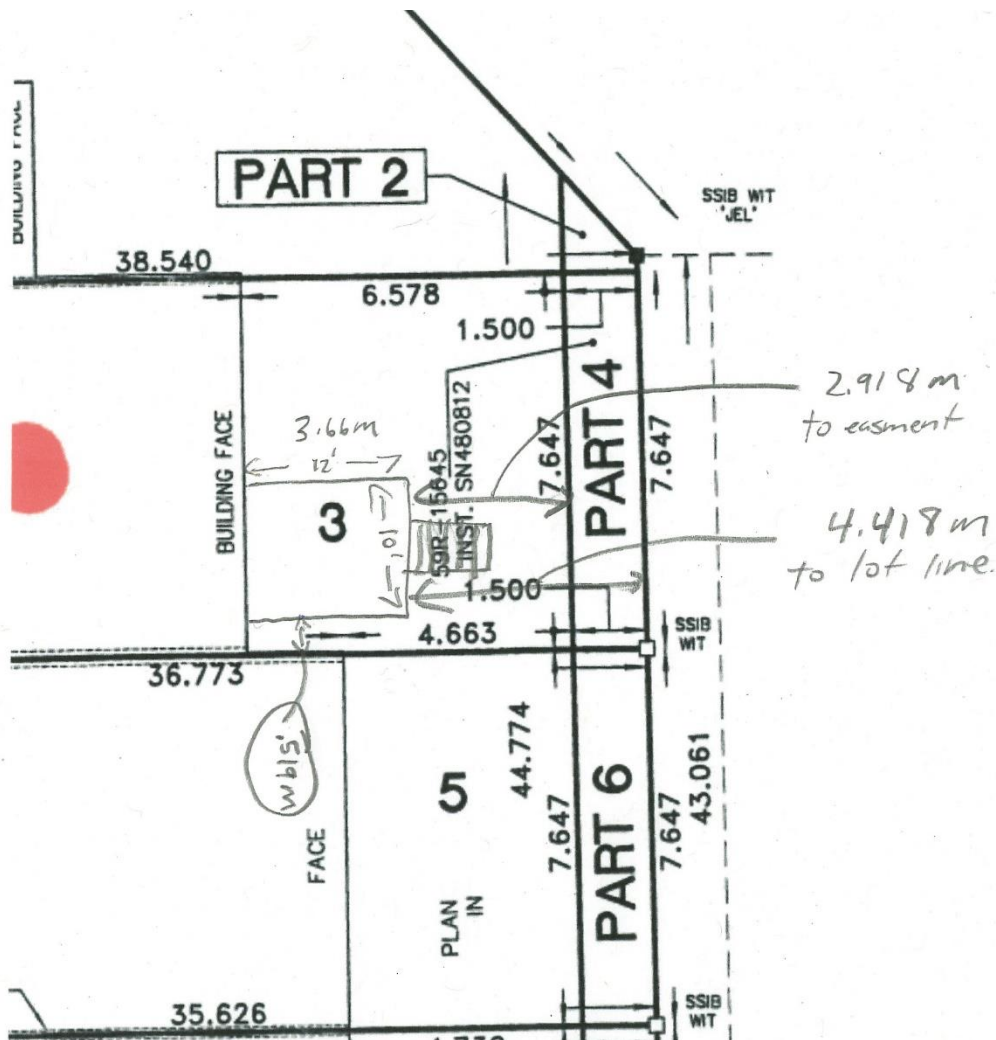
By order of the Committee of Adjustment,



Taya Taraba  
Secretary-Treasurer

Date of Mailing: March 24, 2026

SKETCH



**Development and Government Relations**  
Planning Division Report

April 8, 2026

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

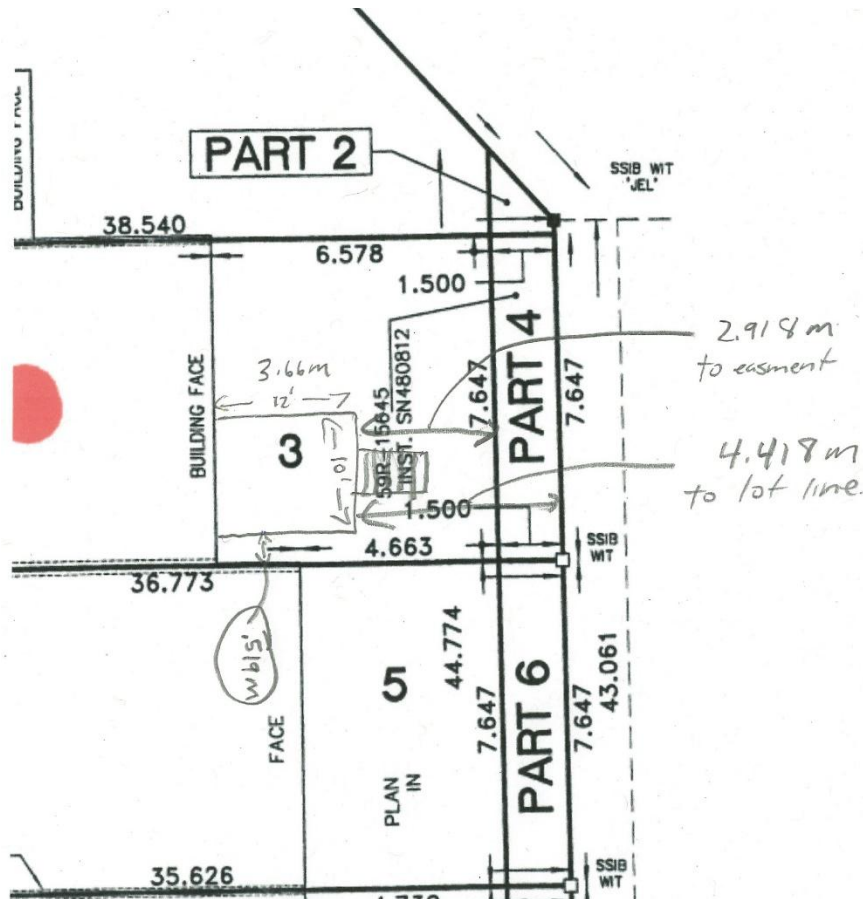
**Re: Application for Minor Variance File No. A05-26-PC**  
**PLAN 59M428 Part Block 72 Reference Plan 59R17626 PARTS 3 AND 4**  
**271 Lancaster Drive**  
**Owner(s): Lori Spittal**  
**Agent: Dan Cook**

**Proposal**

The purpose of this report is to provide a recommendation on a Minor Variance application for a lot on the east side of Lancaster Drive, south of Clarence Street, legally described as **PLAN 59M428 Part Block 72 Reference Plan 59R17626 PARTS 3 AND 4** (the Subject Lands), as shown below.

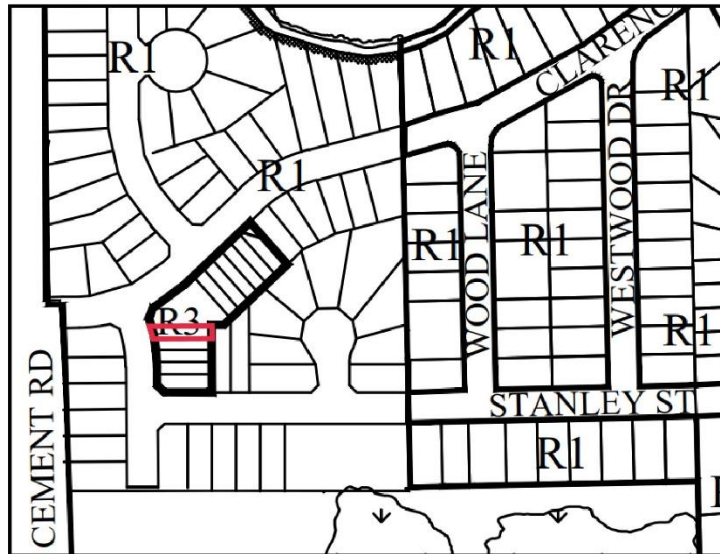


The purpose of this application is to facilitate the building of a screened-in deck, attached to the primary dwelling. The applicant is requesting relief from the Zoning By-law that would permit reduced side yard and rear yard setbacks for the placement of the proposed deck. A copy of the proposed concept development plan is shown below.



### Surrounding Land Uses and Zoning

The Subject Lands are zoned Third Density Residential (R3) and have lot area of 286.5 square metres and has a lot frontage of approximately 7.65 metres along the east side of Lancaster Drive. Residential uses exist to the north, east and south of the Subject Lands; and agricultural uses exist further to the west, in the Township of Wainfleet. The figure below shows the zoning of the subject and surrounding lands.



**SCHEDULE "A7"**  
to By-law No. 6575/30/18

**LEGEND**

Symbol	Zone
R1	FIRST DENSITY RESIDENTIAL
R2	SECOND DENSITY RESIDENTIAL
R3	THIRD DENSITY RESIDENTIAL
R4	FOURTH DENSITY RESIDENTIAL
RD	RESIDENTIAL DEVELOPMENT
NC	NEIGHBOURHOOD COMMERCIAL
DC	DOWNTOWN COMMERCIAL
HC	HIGHWAY COMMERCIAL
MC	MARINE COMMERCIAL
I	INSTITUTIONAL
P	PUBLIC AND PARK
HI	HEAVY INDUSTRIAL
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION

**Environmentally Sensitive Areas**

The subject lands do not contain any environmentally sensitive areas.

**Public Comments**

Notice was circulated on March 24, 2026, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*.

**Agency Comments**

Notice of the application was circulated on March 10, 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
<b>Drainage Superintendent</b>	The parcel is in the watershed of the Eagle Marsh Drain. There are no further comments due to the nature of the application.	Noted.
<b>Fire Department</b>	Port Colborne Fire have no objection to the application.	Noted.
<b>Engineering Technologist</b>	Development Engineering has no comments on this minor variance application.	Noted.
<b>Niagara Peninsula Conservation Authority</b>	No Comments Received	
<b>Niagara Region</b>	No Comments Received	

**Discussion**

The application is requesting the following variance:

- That a side yard setback of 0.5 metres be permitted where 3 metres is required.
- That a rear yard setback of 4.4 metres be permitted where 6 metres is required.
- That a minimum landscaped area of 20 percent be permitted where 25% is required.

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 such as a convenience store, beauty salon, post office, and doctor’s office all of limited size; 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 and rear yard setbacks to support the proposed enclosed deck.

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

The Subject Lands are zoned R3, in accordance with the Zoning By-law. As the applicant is proposing to build a screened in covered deck, Section 2.19.2 outlines that any enclosed platform structure, enclosed steps or enclosed barrier-free ramps are deemed to be part of the building to which they are attached and shall meet all required yards.

Specific zone requirements for street townhouses are set out in Section 7 of the Zoning By-law, and zone requirements are contained within Section 7.8 of the Zoning By-law.

<b>Zoning By-Law 6575/30/18</b>		
<b>7.8 Zone Requirements – Townhouse, Street</b>		
Provision	Required	Proposed Provision
a) Minimum lot frontage per unit	6 metres	No change
b) Minimum lot area	0.02 hectares	No change
c) Minimum front yard	7.5 metres	No change
d) Minimum interior side yard	3 metres	0.5 metres
e) Minimum corner side yard	4.5 metres	No change
f) Minimum rear yard	6 metres	4.4 metres
g) Maximum height	11 metres	No change

h) Minimum landscaped area	landscaped	25 percent	20 percent
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As demonstrated in the table above, the proposed minor variance seeks to reduce the required interior side yard setback from 3 metres to 0.5 metres. The existing patio door on the dwelling is close to the shared wall of the townhouses, so the reduced setback will allow the deck to be accessed from the dwelling. 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. As the dwelling is a street townhouse not on a corner, the rear yard can only be accessed through the door to the rear yard. It is of staff's opinion that the enclosed deck will maintain privacy for the neighbouring townhouses and will not interfere with rear yard access.

The proposed minor variance also seeks to reduce the required minimum rear yard setback from 6 metres to 4.4 metres. As the existing rear yard has a depth of approximately 6.5 metres, a variance is required to facilitate the development of a deck of an adequate size. Rear yard setbacks preserve open space within a neighbourhood, providing space for recreational activities, gardening, and creating private backyards for residents.

As the existing dwelling on the subject lands meets the minimum landscaped area, the construction of a screened-in deck would reduce the landscaped area. In order to facilitate this, the minimum landscaped area would need to be reduced from 25 percent to 20 percent.

All other provisions are met, and the proposed variance is appropriate and maintains the general purpose and intent of the Zoning By-law.

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

The proposed variance allows for the creation of a screened-in deck, with access from the dwelling's rear patio door. The reduction in side and rear yard setbacks and landscaped area will facilitate the creation of an adequately sized deck. All other lot requirements set out in the Zoning By-law are met by the proposed variance. As such, the requested variance is desirable and appropriate, as it enables the creation of an appropriately sized screened-in deck on the rear yard of the subject lands.

***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 decrease in rear and side yard setbacks are modest and do not result in any significant change to the overall use, function, or character of the site. The decrease in landscape area is reasonable in the context of the subject lands. 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.

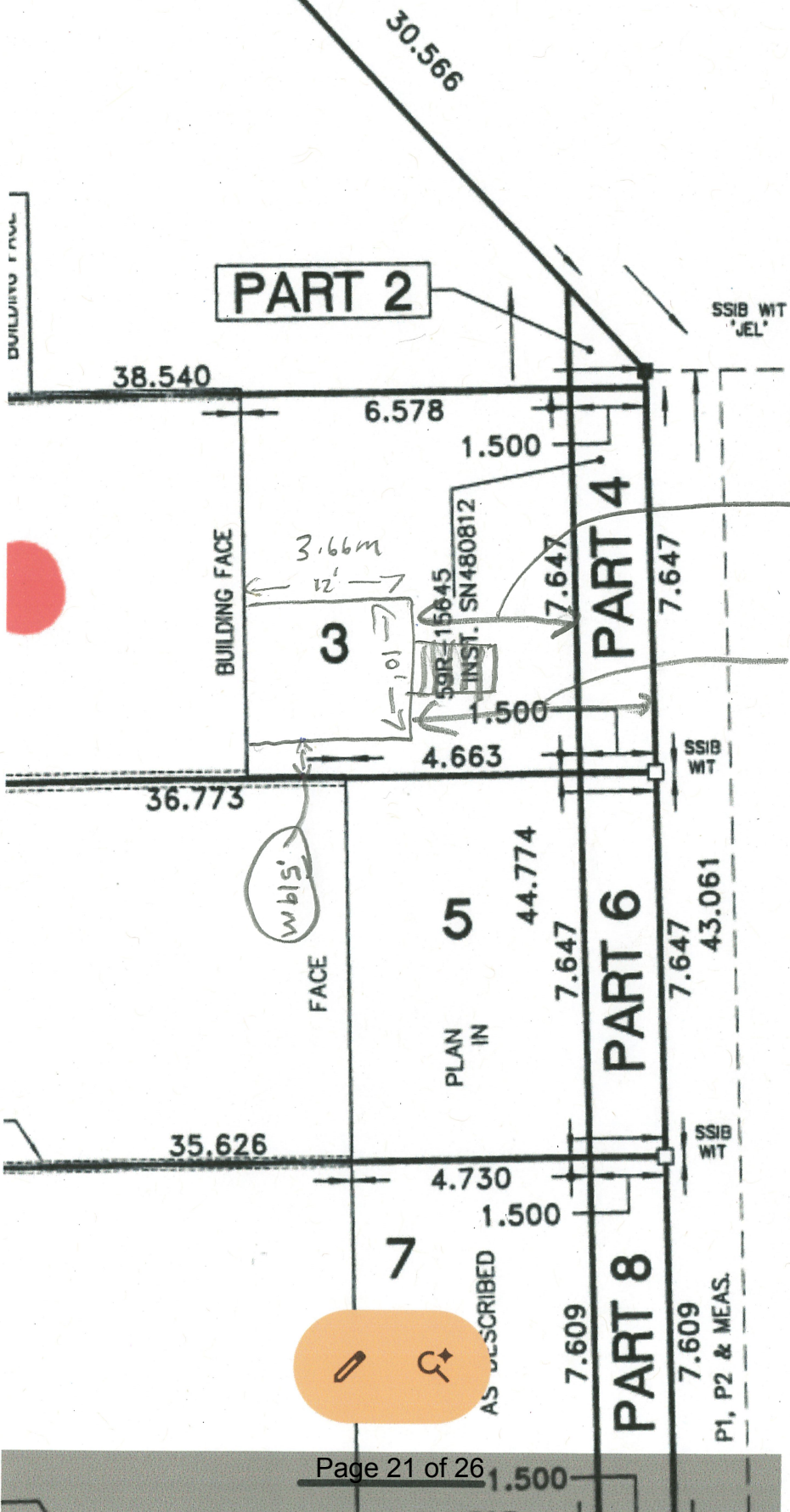
## Recommendation

Given the information above, Planning staff recommend that application A05-26-PC be **granted** for the following reasons:

1. **Application A05-26-PC maintains the general intent and purpose of the Official Plan.**
2. **Application A05-26-PC maintains the general intent and purpose of the Zoning By-law.**
3. **Application A05-26-PC is desirable for the appropriate development of the land.**
4. **Application A05-26-PC is minor in nature.**

Respectfully submitted,

Erik Acs  
Chief Planner







**PORT COLBORNE**

## Committee of Adjustment -Meeting Minutes-

Wednesday, March 11, 2026

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

**Staff Present:** Kelly Martel, Manager of Planning  
Taya Taraba, Secretary-Treasurer

1. **Call Meeting to Order**  
The Chair called the meeting to order at approximately 6:00 p.m.
2. **Reading of Meeting Protocol**  
The Chair read the Meeting Protocol.
4. **Disclosures of Interest**  
Nil.
5. **Requests for Deferrals or Withdrawals of Applications**  
Nil.
6. **Order of Business**
  - a. **Application:** B09-26-PC; B10-26-PC; B11-26-PC  
**Action:** Consent to Sever  
**Agent:** Matt Kernahan  
**Applicant:** Stephanie Phibb  
**Location:** 5930 Michener Road

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

The Chair asked if the agent was present at the Hearing; the agent, Matt Kernahan, spoke to the applicant and mentioned that the clients were in agreement with the recommendation report and that there were no questions at this time.

Member Bruno posed a question to the Manager of Planning regarding the future residential lots and how many lots can be severed. The Manager of Planning mentioned that each new lot would need to meet the requirements outlined by the Zoning By-law, which states that only three lots can be severed before a Plan of Subdivision is required.

There were no further comments or questions from the members of the Committee.

That consent applications B09-26-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 new Class 4 septic system be constructed, with appropriate permits, to service the existing dwelling on Part 2.
6. That the applicable final certification fee, per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
7. That all conditions of consent be completed by March 11, 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.

That consent applications B10-26-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 the existing septic leaching bed located on Part 3 be decommissioned.
6. That the applicable final certification fee, per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.

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.

That consent applications B11-26-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 the applicable final certification fee, per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.

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.

That all conditions of consent be completed by March 11, 2028.

**Motion:** Eric Beauregard

**Seconded:** Gary Bruno

**Carried:** 5-0

## 7. Other Business

### OACA 2026 Conference & AGM

The Committee of Adjustment members had discussed potential interest regarding the upcoming OACA conference held in Ottawa. Member Beauregard had inquired any interest to the Committee regarding going.

### Reformatting Committee of Adjustment Minutes

The Secretary-Treasurer had brought up the potential to reformat the Committee of Adjustment meeting minutes to reflect the format City Council follows. The Committee had felt this to remove potential important information for those interested in Committee matters and decided to keep the present format.

## 8. Approval of Minutes

That the minutes from the February 11, 2026 meeting be approved.

**Motion:** Dave Elliott

**Seconded:** Angie Desmarais

**Carried:** 4-0

## 9. Adjournment

There being no further business, the meeting was adjourned at approximately 6:34 pm.

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Dan O'Hara, Chair

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Taya Taraba, Secretary-Treasurer