



Date: Wednesday, June 10, 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 A08-26-PC - 4444 Miller Road 1

Action: Minor Variance
Agent: Brian Szenasi
Applicant: Les Szenasi
Location: 4444 Miller Road
 - 6.2 B06-26-PC - 527 Empire Road; B07-26-PC - 541 Empire Road 16

Action: Consent to Sever (Boundary Adjustment)
Agent: Lindsay Earl
Applicant: The Estate of June Schisler
Location: 527 Empire Road / 541 Empire Road
7. Other Business
8. Approval of Minutes
 - 8.1 May 13, 2026, Committee of Adjustment Minutes 18

9. Adjournment

Development and Government Relations

Planning Division Report

June 10, 2026

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

**Re: Application for Minor Variance File No. A08-26-PC
4444 Miller Road
Concession 5, Part lot 13, RP 59R8253, Parts 9 to 11, in the City of Port
Colborne, Agent: Brian Szenasi
Owner: Les Szenasi**

Proposal

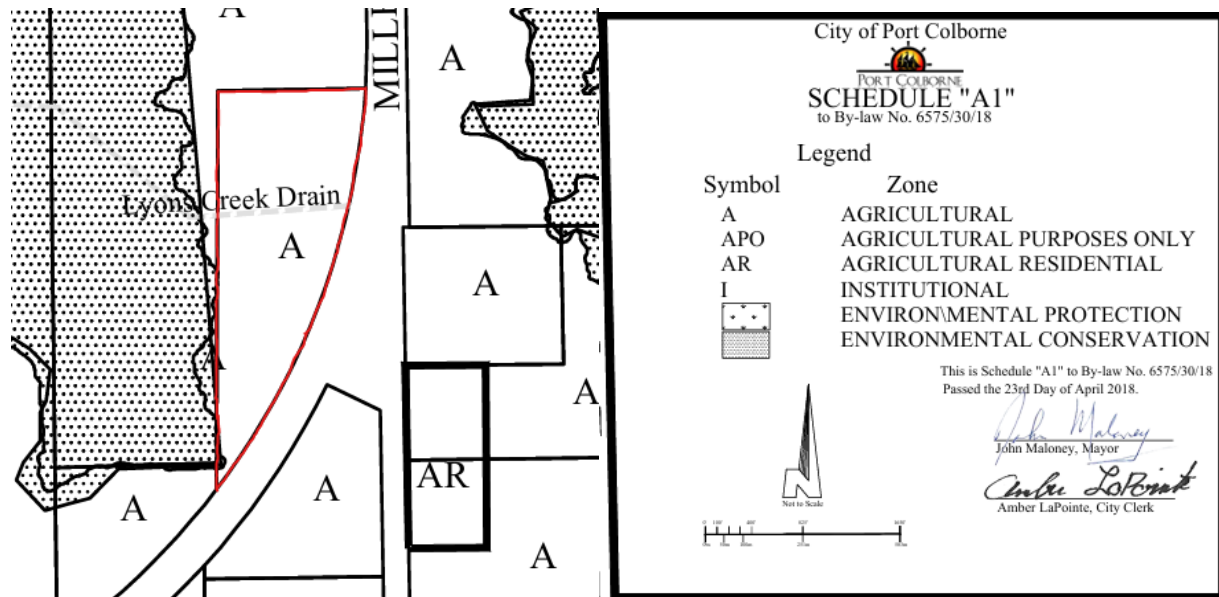
The purpose of this report is to provide a recommendation on a Minor Variance application for a lot at 4444 Miller Road, legally described as Concession 5, Part lot 13, RP 59R8253, Parts 9 to 11, in the City of Port Colborne, (the Subject Lands), as shown in the image on the right hand side of this page.

The purpose of this application is to build a new accessory building within the back yard, which requires a minor variance from the provisions of the Zoning By-law to permit that a maximum accessory building height of 7.69 metres be permitted, whereas a maximum accessory building height of 6 metres is required. The applicant's proposed site sketch for the accessory building location is shown on the following page.



Surrounding Land Uses and Zoning

The Subject Lands are zoned Agricultural (A) with an Environmental Conservation Area (ECA) overlay, and have a lot area of approximately 22,821 square metres and a lot frontage of approximately 294.4 metres along the west side of Miller Road. The parcels surrounding the Subject Lands are primarily zoned Agricultural, with some Agricultural Residential (AR) uses existing to the north and east of the Subject Lands. The figure below shows the zoning of the subject lands.



Environmentally Sensitive Areas

The subject lands contain a small amount of Provincially Significant Wetland in the lower south corner. However, the neighbouring property to the west contains this feature up to the lot line. Comments from the Niagara Peninsula Conservation Authority (NPCA) address the development of an accessory structure within the buffer of a Provincially Significant Wetland. NPCA has noted that a Work Permit is required. City staff will not be in a position to issue a building permit for this structure until NPCA requirements have been satisfied.

Public Comments

Notice was circulated on May 26 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 May 19, 2026, to internal City departments and external agencies. As of the date of writing this report, the following comments have been received.

Committer	Comments	Planning Staff Response
Drainage Superintendent	This parcel is in the watershed of the Lyons Creek Municipal Drain. There are no concerns regarding the municipal drain for the proposal. No construction materials shall enter the drain.	Noted
Fire Department	No objection to the building of the accessory structure if it is used for personal use only. If it is to be used for commercial there are concerns with water supply that need to be addressed before any construction occurs.	Noted
Engineering Technologist	Development Engineering has no comments on this minor variance application.	Noted
Niagara Peninsula Conservation Authority	<p>The subject property contains the following features regulated by the NPCA: Forks Road Northeast Slough Forest Wetland Complex and its associated 30 metre buffer as well as additional unevaluated wetlands and a regulated watercourse.</p> <p>The provided materials indicate that the Minor Variance application is to permit an increase in the height of an accessory structure. In principle, the NPCA can support the height increase of the accessory structure.</p> <p>The provided materials indicated that the proposed location of the accessory structure is within the 30 metre buffer of the Forks Road Northeast Slough Forest Wetland Complex. As such, an NPCA work permit will be required.</p> <p>In principle, the NPCA can entertain the proposed location due to scope, nature, location. The proposed location appears to be on disturbed lands – a driveway parking area (since at least 2003 according to historic imagery on Google Earth).</p> <p>The NPCA will require the following for an NPCA work permit application: (1) Submission of the Building Permit Application</p>	Noted. Applicant working with NPCA to obtain permit.

Commenter	Comments	Planning Staff Response
	<p>(2) Submission of Application Fee</p> <p>(3) Submission of Supporting Documents</p> <p>a. A site plan</p> <p>i. The NPCA will also need Erosion Sediment Control measures (type and location) added to the site plan. Please include it along the northwest-west-southwest side of the proposed works. They will be needed to be installed prior to works and kept up during construction. This is to mitigate sediment from getting into the wetlands.</p> <p>ii. Showing that:</p> <ol style="list-style-type: none"> 1. The proposed structure footprint, grading, and servicing do not encroach further toward the wetland than shown in A08-26-PC. 2. Existing drainage patterns are maintained, with no concentrated runoff directed toward the wetland 3. Roof drainage/downspouts are directed away from the wetland or managed in a controlled manner 4. No fill placement, grading, or stockpiling occurs within the wetland or buffer beyond the approved work area. 5. Standard erosion and sediment control measures are installed before construction and maintained until stabilization. 	

Committer	Comments	Planning Staff Response
	<p>6. Disturbed areas are restored/stabilized following construction.</p> <p>b. Notice of Decision for A08-26-PC</p> <p>c. Notice of No Appeals for A08-26-PC.</p>	
Niagara Region	No comments received.	

Discussion

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

- That a maximum accessory building height of 7.69 metres be permitted, whereas a maximum accessory building height of 6 metres 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.

Is the variance minor in nature?

The accessory building is proposed to be set further back from the road than the main dwelling, which will reduce the visual impact of the increased height. There is an existing commercial building and accessory building north of the proposed structure. The addition of the accessory building among other large buildings will further mitigate the visual impact of the increased height. The immediate surrounding land uses are primarily agricultural residential, which will reduce the likelihood of any negative impacts to the surrounding parcels. The closest residential use is the parcel east of the subject property on the opposite side of Miller Road, which is closer to all three other structures on the subject property and over 125 metres away from where the accessory building is proposed. This distance from neighbouring structures and the surrounding wooded areas reduce the chance of any compatibility concerns arising from the proposed variance in height. As such, the variance is minor in nature.

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

The variance has been requested to facilitate the construction of an accessory building on a property in the Agricultural zone, which typically features larger accessory buildings. The proposed height increase will provide the owners with the garage storage they seek, while permitting a larger structure to allow a second-floor workshop that could serve a future agricultural operation. The requested increase in the maximum height of the proposed accessory structure is desirable for the appropriate development of the subject lands.

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

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

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

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

Recommendation

Given the information above, Planning staff recommend that application A08-26-PC be **granted** for the following reasons:

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

Respectfully submitted,

Owen McDonnell
Planning Student

Kelly Martel
Planning Manager

GENERAL NOTES

1. THIS PLAN, SPECIFICATIONS AND ALL INFORMATION IS THE PROPERTY OF THE DRAFTER.
2. THIS PLAN, SPECIFICATIONS AND ALL INFORMATION IS NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE DRAFTER.
3. DO NOT SCALE DIMENSIONS.

REVISIONS

DATE	ITEM

QUALIFICATION INFORMATION

Ontario
 The Ontario Professional Engineers Act, R.S.O. 1990, Chapter O.1, Section 24.1
 The Professional Engineers Act, R.S.O. 1990, Chapter O.1, Section 24.1
 The Professional Engineers Act, R.S.O. 1990, Chapter O.1, Section 24.1

Registration Information
 Name: *Mark Nautia*
 Province: *Ontario*
 Registration No.: *123456789*

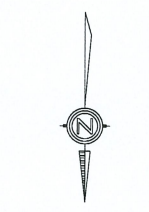
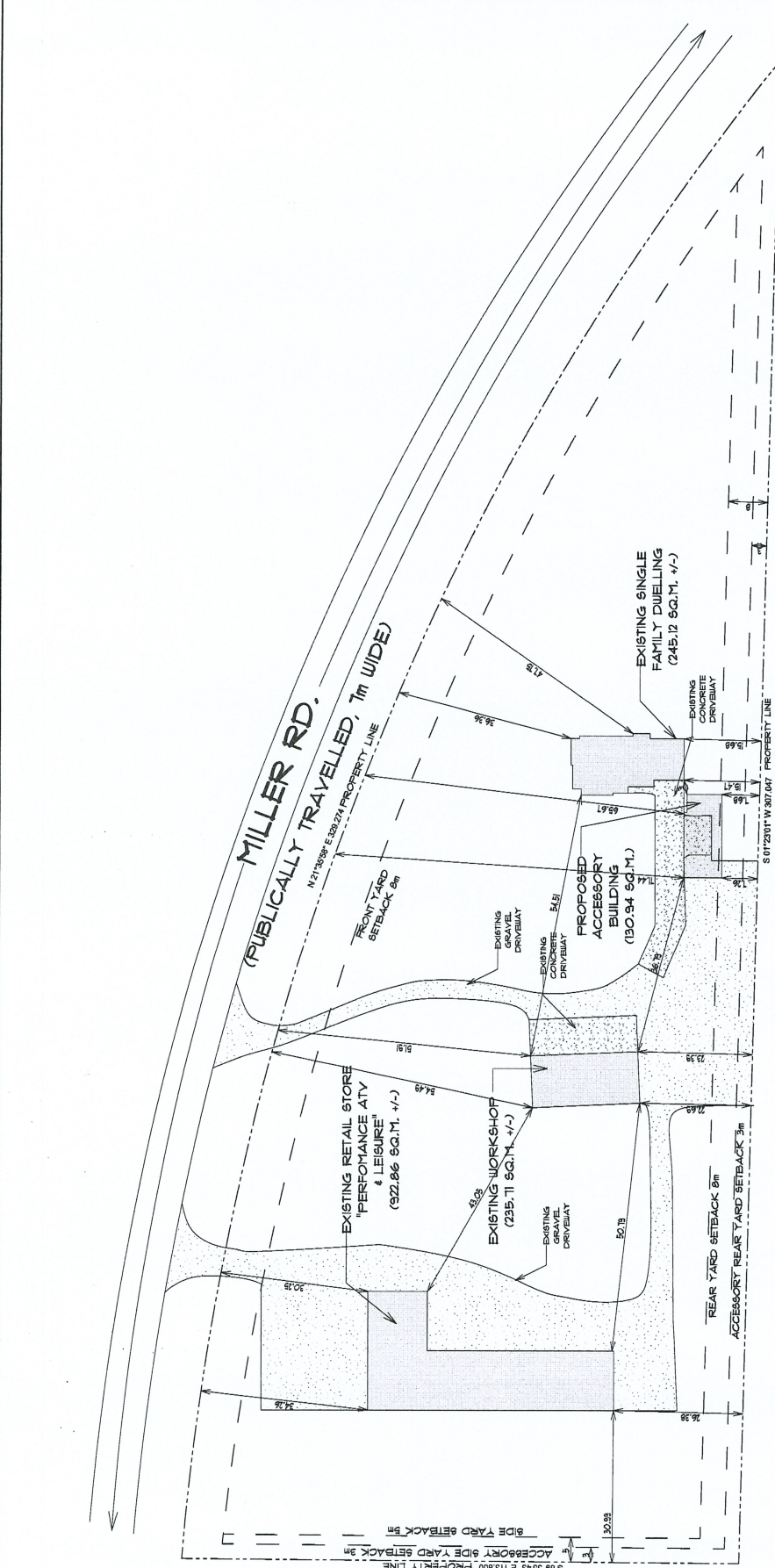
NAUTA HOME DESIGNS
 905-892-9657
 1789 MERRITTVILLE HWY
 WELLSFORD, ON L3B 5N5
 PLAN NUMBER: **GR361**

CONTRACT NUMBER: 2024-001
 PROJECT: GARAGE
 1409 SQ. FT.
 WIDTH: 56' 1"
 DEPTH: 25' 4"

LOCATION: 4444 MILLER RD.
 FORT COLERNE, ON

TITLE: 6ITE PLAN

DATE: APRIL 2024
 PAGE: 1 OF 3



SITE PLAN PROPERTY BEARINGS AND LENGTH, EXISTING BUILDING FOOTPRINTS AND DRIVEWAY LOCATIONS DETERMINED USING NIAGARA NAVIGATOR ONLINE MAPPING. OWNER LIABLE FOR ANY DISCREPANCIES BETWEEN NIAGARA NAVIGATOR AND ACTUAL SITE CONDITIONS.

LOT COVERAGE			
"A" ZONE	SG. M.	%	
LOT AREA	22892.14 SQ. M.		
PROPOSED LOT COVERAGE	1534.63 SQ. M.	6.7%	
MAXIMUM LOT COVERAGE	2289.2 SQ. M.	10%	

LOT COVERAGE			
ACCESSORY	SG. M.	%	
LOT AREA	22892.14 SQ. M.		
PROPOSED LOT COVERAGE	2293.51 SQ. M.	5.6%	
MAXIMUM LOT COVERAGE	228.8 SQ. M.	1%	

PROPOSED LOT COVERAGE INCLUDES: EXISTING STRUCTURES AND PROPOSED GARAGE

SITE PLAN N.T.S.
 April 30, 2026 J.N. 10:31 AM

GENERAL NOTES

1. ALL WORK PROPOSED AND SHOWN ON THIS PLAN SHALL BE IN ACCORDANCE WITH THE ZONING BY-LAW AND THE BUILDING CODE.
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
3. E.P. NOT SCALE INFERENCES.

QUALIFICATION INFORMATION

Ontario

Registration Information

NAUTA HOME DESIGNS

905-892-9657

1789 MENDOTVILLE HWY
WELLAND, ON L3B 5N5

PLAN NUMBER:
GR361

CONTRACT NUMBER:
2025-361

PROJECT:
GARAGE

1409 SQ. FT.

WIDTH: 56' 1"

DEPTH: 25' 4"

LOCATION:
4444 MILLER RD.
EAST COLBORNE, ON

TITLE:
SITE PLAN

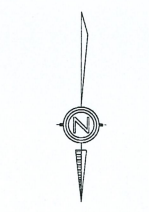
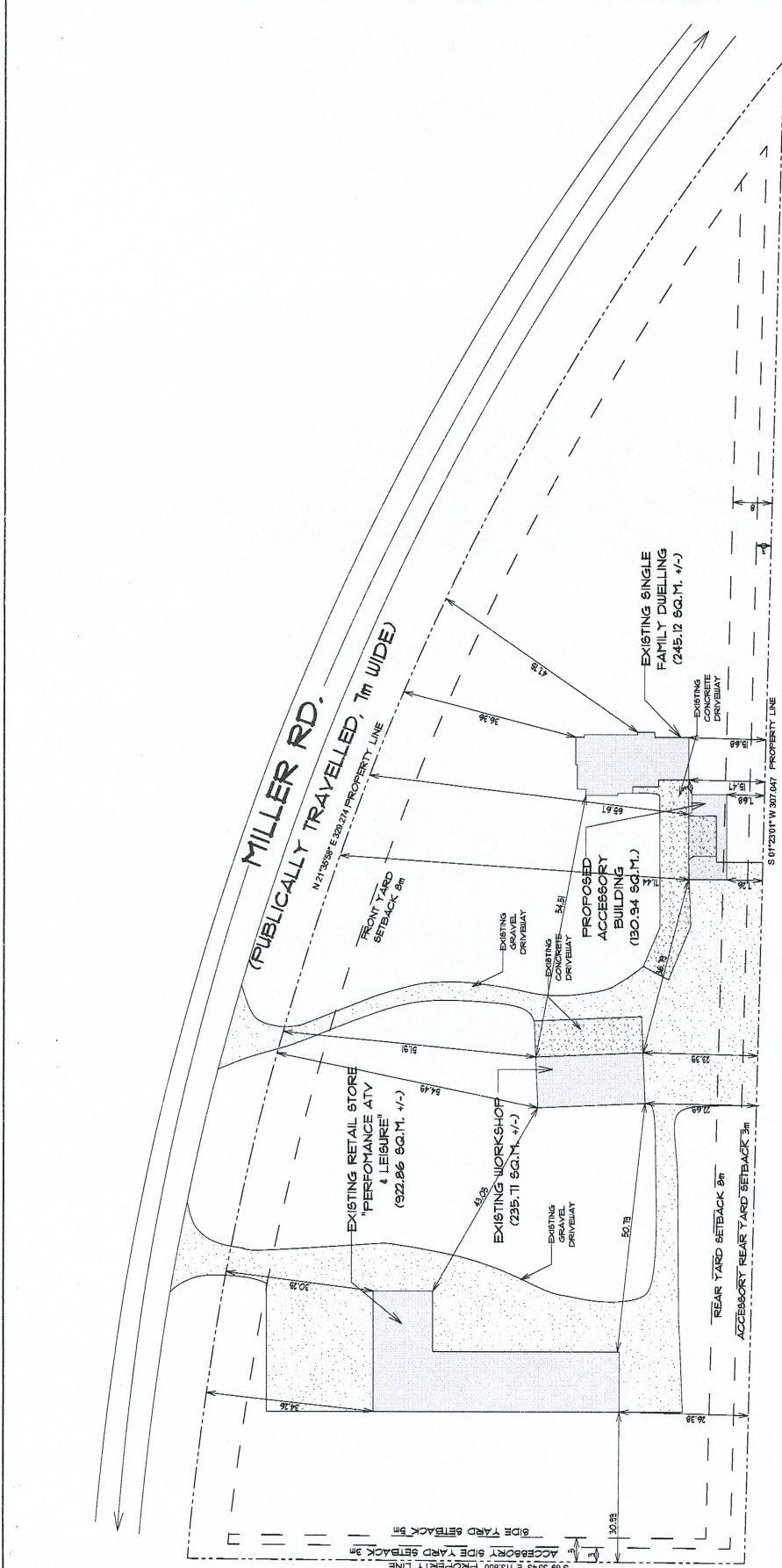
ISSUED FOR: DATE: _____
BY: M.H.L.M.

DESIGNED BY: J.N.

CHECKED BY: _____

DATE: APRIL 2026

PAGE: 1 OF 3



NOTE: SITE PLAN PROPERTY BEARINGS AND LENGTH, EXISTING BUILDING FOOTPRINTS AND DRIVEWAY LOCATIONS DETERMINED USING NIAGARA NAVIGATOR ONLINE MAPPING. OWNER LIABLE FOR ANY DISCREPANCIES BETWEEN NIAGARA NAVIGATOR AND ACTUAL SITE CONDITIONS.

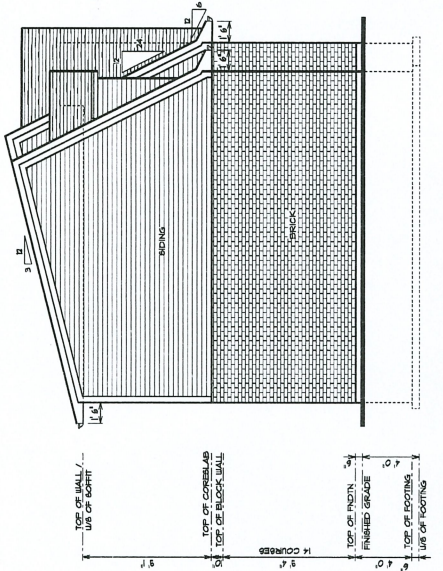
LOT COVERAGE	
"A" ZONE	%
LOT AREA	22892.14 SQ. M.
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MAXIMUM LOT COVERAGE	2289.2 SQ. M. 10%

LOT COVERAGE	
ACCESSORY	%
LOT AREA	22892.14 SQ. M.
PROPOSED LOT COVERAGE	1289.51 SQ. M. 5.6%
MAXIMUM LOT COVERAGE	228.9 SQ. M. 1%

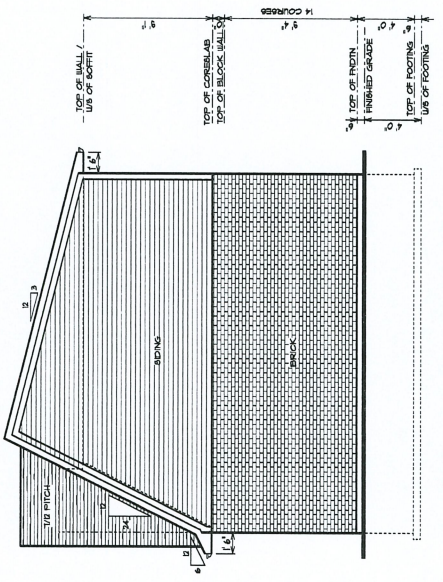
PROPOSED LOT COVERAGE INCLUDES EXISTING STRUCTURES AND PROPOSED GARAGE

SITE PLAN N.T.S.
April 30, 2026 J.N. 10:31 AM

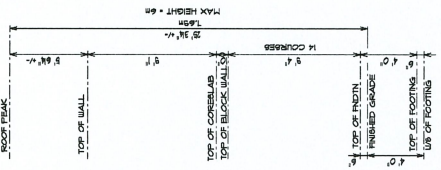
GENERAL NOTES 1. ALL WORK, REVISIONS AND CORRECTIONS TO THE DRAWING SHALL BE SHOWN ON THIS DRAWING. 2. VERIFY ALL DIMENSIONS AND MATERIALS WITH THE SUPPLIER. 3. DO NOT SCALE DIMENSIONS.	
QUALIFICATION INFORMATION  HONK NAUTA ARCHITECTURE	
REGISTRATION INFORMATION HONK NAUTA ARCHITECTURE 1789 MERRITTVILLE HWY WILLOWDALE, ON L3B 3N5 PLAN NUMBER: G R 3 6 1 CONTRACT NUMBER: 2022-261 PROJECT: GARAGE 1409 862 FT. WIDTH: 56' 1" DEPTH: 75' 4" LOCATION: 4444 MILLER RD. FORT COLBORNE, ON	
TITLE: ELEVATIONS	
DRAWN FOR: DATE: DRAWN BY: CHECKED BY:	DATE: DRAWN BY: CHECKED BY:
DATE: PAGE: OF:	DATE: PAGE: OF:



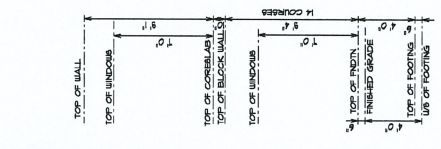
LEFT ELEVATION 1/4" = 1' 0"
 April 30, 2026
 J.N.
 NOT FOR CONSTRUCTION



RIGHT ELEVATION 1/4" = 1' 0"
 April 30, 2026
 J.N.
 NOT FOR CONSTRUCTION



FRONT ELEVATION 1/4" = 1' 0"
 April 30, 2026
 J.N.
 NOT FOR CONSTRUCTION



REAR ELEVATION 1/4" = 1' 0"
 April 30, 2026
 J.N.
 NOT FOR CONSTRUCTION



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

June 5th, 2026
Planning and Development Department
66 Charlotte Street
Port Colborne, L3K 3C8

RE: 527 Empire Road (B06-26-PC) and 541 Empire Road (B07-26-PC) – Notice of Decisions

Dear Committee of Adjustment members,

In January of 2026, the Committee of Adjustment had heard two Consent to Sever (Boundary Adjustment) applications to rectify several historical encroachments on the lands municipally known as 527 Empire Road (B06-26-PC) and 541 Empire Road (B07-26-PC). Within these applications, as listed by the documentation, the agent had requested the following:

B06-26-PC

"Part 6 to merge with Part 7, Part 5 and Part 4 to merge with Part 1 (543 Empire Rd)"

B07-26-PC

"Parts 2 to merge with Part 3, Part 6 to merge with Part 7, Parts 5 and 4 to merge with Part 1"

These wordings were then reflected in the Notices of Decision, where the Committee had ultimately decided upon the following:

B06-26-PC

"...The subject parcels are shown as Parts 5, 6, and 7 on the proposed sketch. Part 6 is to be severed and merged with Part 7. Both Parts are presently used for residential purposes. Part 5 will be retained for an existing commercial use and is to merge with Part 4 and Part 1 (subject to a separate application, B07-26-PC), which is also where the existing commercial use operates."

B07-26-PC

"The subject parcels are shown as Parts 2, 3, and 4 on the proposed sketch. Parts 2 and 3 are presently used for a single detached dwelling. Part 2 is to be severed and will merge with Part 3. Part 4 contains an existing commercial use and is to merge with Part 1 (subject to a separate application B06-26-PC), which is also where the existing commercial use operates."

Since the issuance of this Final and Binding Notice of Decision, the agent has expressed difficulty in settling this boundary adjustment due to complications with the severed and retained parcels of land. The agent is requesting that both Notices of Decision be updated with different language to allow for the merging of lands to legally proceed in the way the agent and applications have originally intended.

The agent wishes for the Notices of Decision to read as such:

B06-26-PC

"Sever Part 5 from Part 7, Sever Part 6 from Parts 3 and 4, merge Parts 6 & 7 (Parts 3, 4, and 5 remnant)".

B07-26-PC

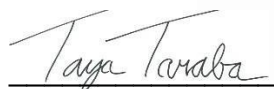
"Sever Part 2 from Part 1, merge Part 2 with Part 3, Sever Parts 4 & 5 from Part 3, merge Parts 4 & 5 with Part 1."

If the Committee finds that this request is acceptable, they should direct staff to update the Notice of Decision, reflecting the language above. However, if the Committee does not find that this request can be supported, no action is required.

The agent has expressed that they do not wish for the decision of the Committee of Adjustment to change, rather, the language support their ability to clear the conditions in a different manner. As such, the changes to these decisions have been added to the June 10th, 2026, Committee of Adjustment agenda for your consideration.

If you have any questions regarding these changes, please contact Planning staff.

Sincerely,



Taya Taraba
Secretary-Treasurer



PORT COLBORNE

Committee of Adjustment -Meeting Minutes-

Wednesday, May 13, 2026

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

Staff Present: Erik Acs, Chief Planner / Acting Secretary-Treasurer

Members Absent: Dave Elliott, Committee Member
Eric Beauregard, Committee Member

1. **Call Meeting to Order**
The Chair called the meeting to order at approximately 6:01 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:** A06-26-PC; B13-26-PC
Action: Consent to Sever and Minor Variance
Applicant: Rick Armenti
Location: 12 Main Street East

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

The Chair asked if the applicant was present at the Hearing; the applicant did not have anything further to provide.

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

That the Committee of Adjustment recommend application **A06-26-PC** be **granted** for the following reasons:

1. The application is minor in nature.

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

That consent applications B13-26-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 obtain final approval for Minor Variance Applications A06-26-PC & A07-26-PC to the satisfaction of the Chief Planner.
4. That a 6 metre by 6 metre daylight triangle at the corner of Regional Road 3 (Main Street East) and Chippawa Road be dedicated to the Region.
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 May 13, 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: Gary Bruno

Carried: 3-0

b. Application: A07-26-PC

Action: Minor Variance

Applicant: 1000677999 Ontario Inc.

Location: 20 Main Street East

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

The Chair asked if the applicant was present at the Hearing; the applicant did not have anything further to provide.

The Chair brought up a discrepancy regarding the requested relief.

The Committee of Adjustment have decided that application **A07-26-PC** be **granted** for the following reasons:

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

Motion: Angie Desmarais

Seconded: Gary Bruno

Carried: 3-0

7. Other Business

Nil.

8. Approval of Minutes

That the minutes from the April 8th, 2026 meeting be approved.

Motion: Gary Bruno

Seconded: Angie Desmarais

Carried: 3-0

9. Adjournment

There being no further business, the meeting was adjourned at approximately 6:24 pm.

Dan O'Hara, Chair

Erik Acs, Acting Secretary-Treasurer