

Date: Wednesday, October 21, 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 A10-25-PC - 3611 Firelane 12
Action: Minor Variance
Applicant: Danny Leon
Location: 3611 Firelane 12
7. Other Business
8. Approval of Minutes
 - 8.1 September 9, 2026 - Committee of Adjustment Minutes
9. Adjournment

1

119

IN THE MATTER OF the *Planning Act, R.S.O., 1990, c.P.13*, as amended, and Section 11.3 (g), Section 2.8.2 (b), and Section 2.8.1 (a) (ii), of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

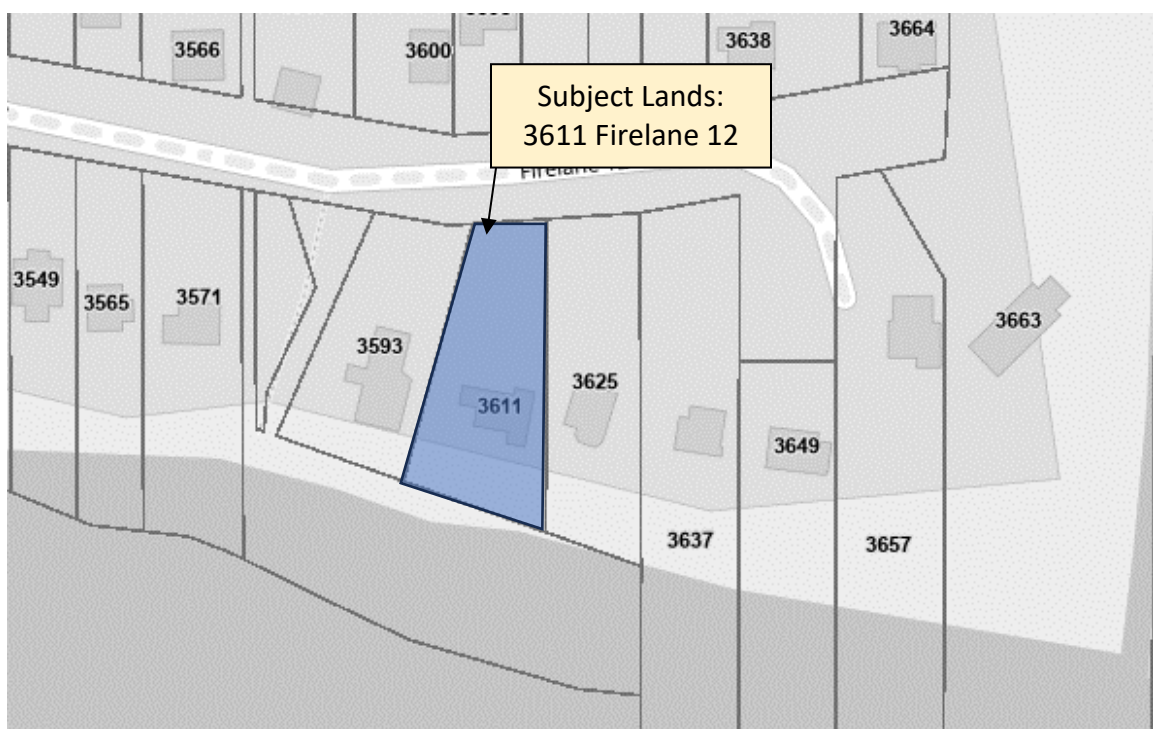
AND IN THE MATTER OF the lands legally known as Lot 38 on Plan 52, New Plan 811, in the City of Port Colborne, located in the Lakeshore Residential (LR) zone, municipally known as 3611 Firelane 12;

AND IN THE MATTER OF AN APPLICATION by the owner, Danny Leon, 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 new accessory residential dwelling, notwithstanding the following:

1. That the maximum residential lot coverage of 19.7% be permitted, whereas a maximum lot coverage of 15% is required;
2. That a maximum accessory lot coverage of 5.9% be permitted, whereas a maximum lot coverage of 5% is required;
3. That a maximum height of 7.2m be permitted, whereas a maximum height of 6m is required;

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to create a new house and accessory structure with increased lot coverage and height, 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: October 21, 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, October 16, 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

The meeting will be held in person and will be livestreamed on the City’s YouTube channel.

Anyone wishing to participate in the meeting can attend either virtually or in-person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting. All comments submitted are part of the public record. If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and participation requests must be received by 12:00 p.m. on Tuesday, October 20, 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.

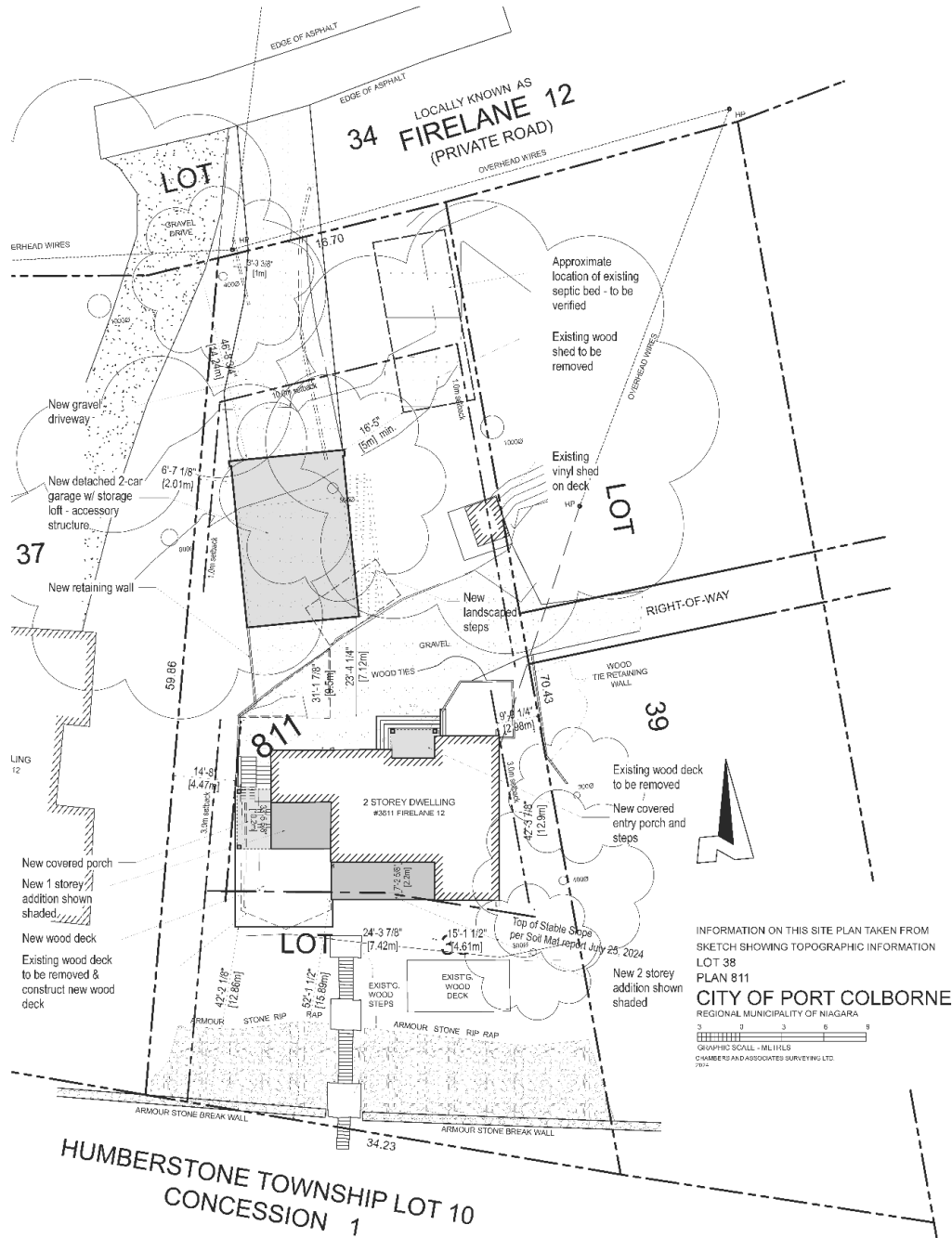
Taya Taraba

By order of the Committee of Adjustment,

Taya Taraba
Secretary-Treasurer

Date of Mailing: October 6, 2026

SKETCH



Development and Government Relations

Planning Division Report

May 9, 2025

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

Re: Application for Minor Variance A10-25-PC
Lot 38 on Plan 52, New Plan 811
3611 Firelane 12
Owner: Danny Leon
Agent: Craig Esposti, Willmott and Strickland Inc.

Proposal

The purpose of this minor variance application is to facilitate the construction of an addition to an existing residential dwelling and the construction of a new accessory building, as depicted in the sketch attached as Appendix A. This application requests:

Variance 1

That a maximum lot coverage of 19.65% be permitted, whereas a maximum lot coverage of 15% is permitted.

Variance 2

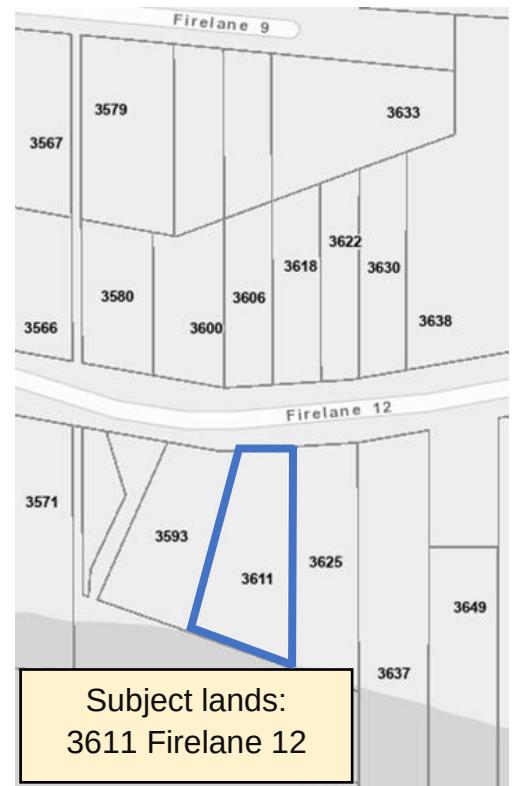
That a maximum accessory lot coverage of 5.93% be permitted, whereas a maximum accessory lot coverage of 5% is permitted.

Variance 3

That a minimum interior side yard setback of 2.9 metres be permitted, whereas a minimum interior side yard setback of 3 metres is permitted in the Lakeshore Residential (LR) zone.

Variance 4

Requesting that an accessory building height of 7.15 metres be permitted whereas a maximum accessory building of 6 metres is permitted.



Surrounding Land Uses and Zoning

The subject lands are in the Lakeshore Residential (LR) zone with a Hazard (H) overlay. The parcels surrounding the subject lands are zoned LR with an H overlay to the east and west, and Rural Residential (RR) with an Environmental Conservation (EC) overlay to the north. The surrounding uses consist of detached dwellings to the north, east, and west; Lake Erie abuts the subject lands to the south.

Environmentally Sensitive Areas

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Lake Erie, a Key Hydrologic Feature (KHF), and its Shoreline Area, as well as potential Other Woodlands. The property also contains features regulated by the Niagara Peninsula Conservation Authority (NPCA), including a back-dune feature on the northern portion of the property, and the Lake Erie Shoreline, along with its associated regulatory hazards, to the south of the property. This application was circulated to the Niagara Region and the NPCA for formal comments. Full comments from each agency are included in the Committee of Adjustment agenda package dated May 9, 2025.

Public Comments

Notice was circulated on April 29, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of May 9, 2025, no comments from the public have been received.

Agency Comments

Notice of the application was circulated on April 14, 2025, to internal City departments and external agencies. As of May 9, 2025, the following comments have been received.

Drainage Superintendent

The subject property is within the watershed of the Bearss Drain, but there are no objections to the proposed development.

Fire Department

Port Colborne Fire has no objections to this minor variance application.

Engineering Division

Development Engineering has no comments on this minor variance application.

Please note: Based on the reviewed site plan, a grading plan is not required at the time of building permit application. However, it remains the applicant's responsibility to ensure that adjacent properties are not adversely affected by improper drainage.

Niagara Region

The property is mapped as an area of archaeological potential in Schedule K of the NOP. Given the proposed development and site alteration, a Stage 1-2 Archaeological Assessment is required, prepared by a licensed archaeologist, as well as the Ministry's acknowledgement letter of receiving the report.

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Lake Erie and its Shoreline Area, and potential Other Woodland. Lake Erie is considered a Key Hydrologic Feature (KHF).

Due to the scope, nature and location of the proposed garage, a Tree Preservation Plan (TPP) will be required, to indicate any trees that need to be removed to allow for the construction of the garage, and appropriate mitigation measures to protect adjacent trees.

The TPP must be prepared in accordance with Region's Woodland Conservation By-law (By-law 20-79). If any trees are planned for removal, they should be compensated for by planting native species that complement that existing vegetation communities.

There is potential for sensitive habitat in the vicinity, including a Species at Risk (SAR) habitat, so the applicant is encouraged to contact the Ministry of Environment, Conservation and Parks to do their due diligence regarding their responsibilities under the *Endangered Species Act*.

A private sewage system inspection and review is required, as it appears a bedroom and living space are proposed to be added. A septic design will likely be needed as it is unlikely the existing septic system can accommodate the increased capacity. A septic permit will likely be required prior to a building permit being issued.

Note: Full Regional comments are included in the Committee of Adjustment agenda package dated May 9, 2025.

Staff Response

To facilitate the proposed development, a Stage 1-2 Archaeological Assessment and a Tree Preservation Plan must be completed, and a private sewage system inspection and potential redesign must be completed to accommodate the proposed new bedroom.

Note: Regional Planning staff provided their comments on this application on February 20, 2025, to assist City Planning staff in preparing this recommendation report.

As of March 31, 2025, the Niagara Region has become an upper-tier municipality without planning responsibilities under the Planning Act. As the 2022 Niagara Official Plan (NOP) is an official plan of an upper-tier municipality without planning responsibilities, section 70.13 (2) of the Planning Act provides that the NOP has been "deemed to constitute an official plan of the lower-tier municipality" and "remain in effect until the lower-tier

municipality revokes it or amends it to provide otherwise.” As of April 1, 2025, the City of Port Colborne is now responsible for administering both the NOP and the City’s 2013 Official Plan.

The Niagara Region continues to provide planning advice and assistance to the City of Port Colborne on matters related to archaeology, environmental review. The Niagara Region remains the approval authority for septic permitting.

Niagara Peninsula Conservation Authority (NPCA)

The Lake Erie Shoreline forms the southern lot line of this address. Lake Erie's associated regulatory hazards traverse onto the property. There is also a back-dune feature which forms a significant portion of the addresses' northern extent; the regulation distance for this feature must be established by a geotechnical report.

Two separate reports have been produced, for the proposed garage and addition, at this property. Both reports must be circulated on all future Minor Variances for this address.

The NPCA reviewed the Slope Stability Assessment for the proposed cottage addition at 3611 Firelane 12, authored by Soil-Mat Engineers & Consultants LTD., dated July 25, 2024. The NPCA agrees with this report's Stable Top of Slope limit. All development must remain setback landward from the Stable Top of Slope limit.

The proposed addition extends beyond the Stable Slope limit and, thus, is not supported by the NPCA; however, the NPCA could support a revised design which respects the Stable Top of Slope Allowance.

The NPCA recommends deferral of this application until the applicants provide a revised plan that no longer proposes any work beyond Lake Erie's Stable Top of Slope limit.

Note: Full NPCA comments are included in the Committee of Adjustment agenda package dated May 9, 2025.

Staff Response

The proposed addition to the dwelling that the NPCA objects to is at the southernmost building wall of the dwelling, which would extend beyond the stable slope limit. The NPCA recommends deferring the application until they revise their plan to propose works only within the stable top of slope limit.

Planning staff note that the subject property is impacted by the Hazard (H) overlay in the Zoning By-law. Section 35.3 (b) of the Zoning By-law prohibits any uses, buildings, structures, or expansion to existing buildings or structures until a permit for development or site alteration is issued by the NPCA.

NPCA and Planning staff note that the purpose and effect of the proposed minor variances are primarily to facilitate the construction of the garage; however, changes to the siting of the addition to the dwelling on the lot may result in changes to the garage.

Discussion

For a minor variance application to be approved, it must meet the four-part test outlined under section 45 (1) of the *Planning Act*. All four tests must be met for Planning staff to provide a positive recommendation. The four tests are:

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

City Planning staff note that Regional and NPCA Planning comments on this minor variance application have identified additional work for the applicants. As this work has not been completed yet, the application does not maintain the general intent and purpose of the Zoning By-law or Official Plan.

The intent of section 35 of the Zoning By-law, which includes regulations for the Hazard (H) overlay, is to ensure proposed uses, buildings, structures, or expansions to existing buildings or structures, are able to receive a permit for development or site from the NPCA. Since the NPCA has indicated they do not support the current proposal, an NPCA permit could not be received for the proposed development. Until the proposal is revised to satisfy the requirements of the NPCA, the application does not meet the general intent and purpose of the Zoning By-law.

The NOP has been deemed to constitute an official plan of the City of Port Colborne as of April 1, 2025. Section 6.4 of the NOP requires a Stage 1-2 Archaeological Assessment to be completed for lands mapped within Schedule K. Section 3.1 of the NOP requires an Environmental Impact Study for development proposed within 120 metres of a Key Hydrologic Feature and within 50 metres of an Other Woodland; however, Regional staff note that due to the scope, nature, and location of the proposed garage, a Tree Preservation Plan will suffice. Section 5.2.3 of the NOP requires development outside of urban areas to be serviced by sustainable individual on-site sewage services. The Niagara Region remains responsible for issuing permits for individual on-site sewage services, i.e. septic systems; therefore, Regional staff must be satisfied that the proposed private sanitary servicing is appropriate to facilitate the development.

To pass the test that requires this minor variance application to maintain the general intent of not only the Port Colborne Official Plan, but also the NOP, the outstanding archaeological, environmental, and private servicing matters must be satisfactorily addressed. Until these matters are further investigated, the application does not meet the general intent and purpose of the NOP.

An analysis of the remaining two tests follows for each requested variance.

Variance 1: That a maximum lot coverage of 19.65% be permitted, whereas a maximum lot coverage of 15% is permitted.

Is the variance minor in nature?

The requested increase in the maximum lot coverage is minor in nature, as this variance is unlikely to cause negative impacts on neighbouring parcels. The existing lot coverage is 11.2%, which is proposed to increase to 13.29% with the addition to the dwelling. The garage is proposed to be constructed into the dune and set far enough back from the road to help mitigate the impact of the increased lot coverage. The addition to the dwelling is proposed to be constructed primarily towards the Lake Erie shoreline, where only the neighbouring properties to the east and west would see it. There are no anticipated compatibility concerns from neighbouring parcels as the buildings are proposed to reflect other building envelopes of properties in the neighbourhood.

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

The requested increase in the maximum lot coverage is desirable for the appropriate development of the subject lands, as the increased coverage will help maximize the space that can be built up on the lot. The Slope Stability Assessment for the proposed cottage addition, by Soil-Mat Engineers and Consultants Ltd., dated July 25, 2024, and the Slope Stability Assessment completed by Soil-Mat Engineers and Consultants Ltd. for the proposed garage, dated January 27, 2025, states there will not be a negative impact on the stability of the subject slope at or uphill of the top of stable slope location, so long as their identified design and construction considerations are followed.

Variance 2: That a maximum accessory lot coverage of 5.93% be permitted, whereas a maximum accessory lot coverage of 5% is permitted.

Is the variance minor in nature?

The requested increase in the maximum accessory lot coverage is minor in nature, as this variance is unlikely to cause negative impacts on neighbouring parcels. The new garage is proposed to cover 5.93% of the lot while only 5% accessory lot coverage is permitted. The increase of 0.93% will not result in a visible difference in the accessory lot coverage. The garage is proposed to be constructed into the dune and set far enough back from the road to help mitigate the impact of the increased lot coverage. There are no anticipated compatibility concerns from neighbouring parcels as the garage is proposed to reflect similar accessory buildings of other properties in the neighbourhood.

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

The requested increase in the maximum accessory lot coverage is desirable for the appropriate development of the subject lands, as the increased coverage will help maximize the space that can be built up on the lot. The Slope Stability Assessment for the proposed garage, by Soil-Mat Engineers and Consultants Ltd., dated January 27, 2025, states there will not be a negative impact on the stability of the subject slope at or uphill of the top of stable slope location, so long as their identified design and construction considerations are followed.

Variance 3: That a minimum interior side yard setback of 2.9 metres be permitted, whereas a minimum interior side yard setback of 3 metres is permitted in this zone.

Is the variance minor in nature?

The requested decrease in the minimum interior side yard is minor in nature, as this variance will not cause negative impacts on neighbouring parcels. The variance has been requested to legalize an existing reduced side yard setback of 2.9 metres. As no changes are proposed to the existing deficient side yard setback, there are no anticipated compatibility concerns from neighbouring parcels.

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

The requested decrease in the minimum interior side yard is desirable for the appropriate use of the subject lands, as no issues have arisen in the past from this reduced side yard setback. The interior side yard setback deficiency of 0.1 metres has no impact on the use of the land, and is unlikely to have any impact on any future development.

Variance 4: That an accessory building height of 7.15 metres be permitted, whereas a maximum accessory building of 6 metres is permitted.

Is the variance minor in nature?

The requested increase in accessory building height of 7.15 metres is minor in nature, as this variance is unlikely to cause negative impacts on neighbouring parcels. The variance has been requested to facilitate the construction of a new accessory building, which would be constructed on a portion of the lot with a significantly lower elevation than that of the dwelling. There are no anticipated compatibility concerns from neighbouring parcels as the accessory building is proposed to be constructed into the lower portion of the dune.

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

The increase in accessory building height is desirable for the appropriate development of the subject lands. The height proposed for the new accessory building has been requested to permit a two-storey garage. The northeastern portion of the lot includes a septic bed that constrains where a building can be situated. The environmental features on and around the lot pose additional constraints to the building footprint. The increased height is proposed to allow for the desired amenity space despite these constraints.

Recommendation

That minor variance application A10-25-PC be **deferred** until:

1. The proposal is revised to ensure the addition is no longer proposed on an unstable portion of the slope, to the satisfaction of the NPCA staff.
2. A Stage 1-2 Archaeological Assessment is completed;
3. A Tree Preservation Plan is completed; and
4. An inspection is completed to determine whether the existing private sanitary service can accommodate the proposal, and if the existing system will not suffice, a new design of the septic system, to the satisfaction of Regional staff;

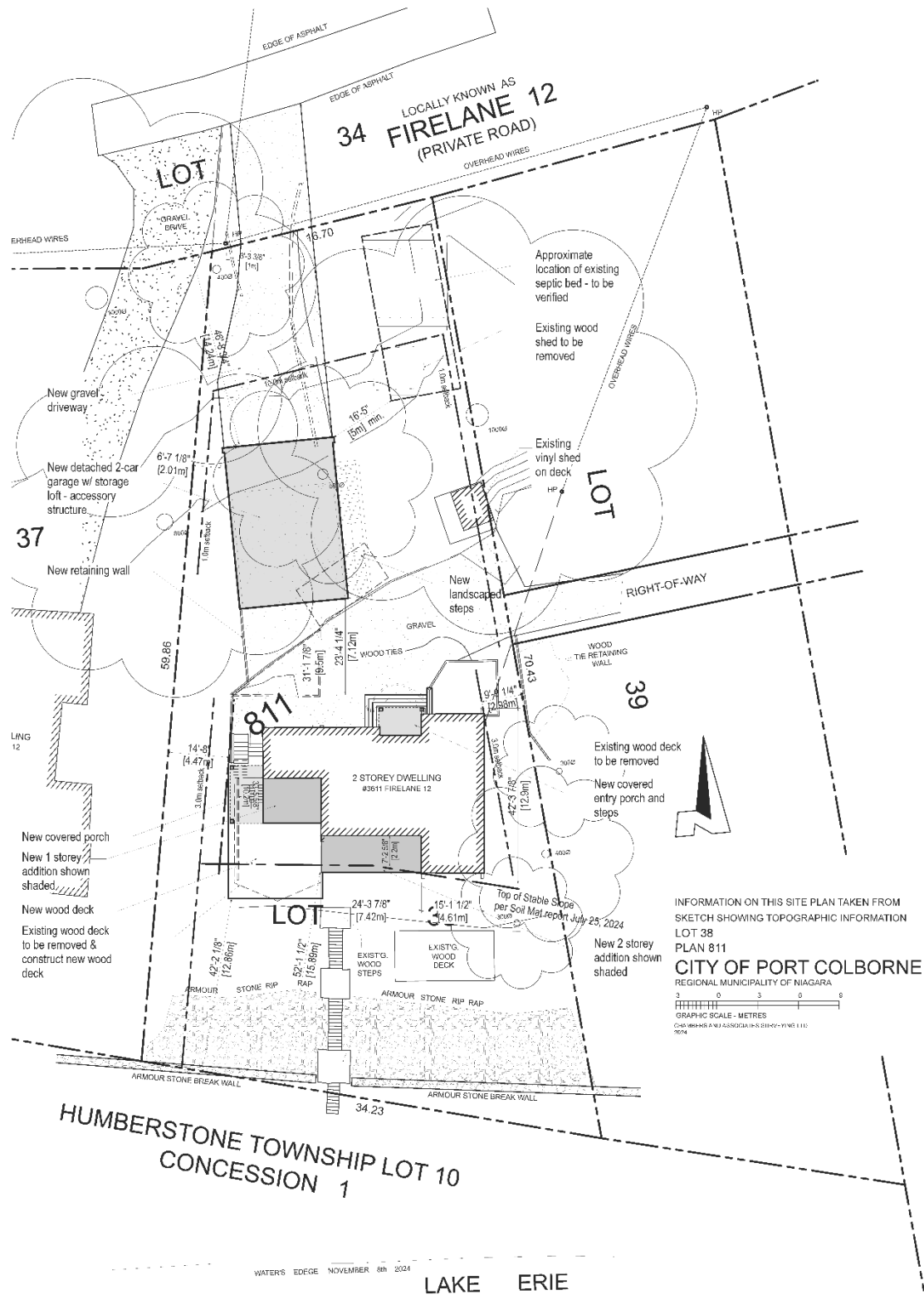
For the following reasons:

1. While the proposed variances are minor in nature and desirable for the appropriate development of the site, the proposed variances do not maintain the general intent and purpose of the Zoning By-law or Official Plan at this time.

Respectfully submitted,

Diana Vasu
Planner

Appendix A



LEON RESIDENCE

Site Plan • C.A.V. Application • 1:250
3611 Firelane 12, Port Colborne, ON • March 27, 2025

WILLMOTT &
STRICKLAND
Architecture & Interiors

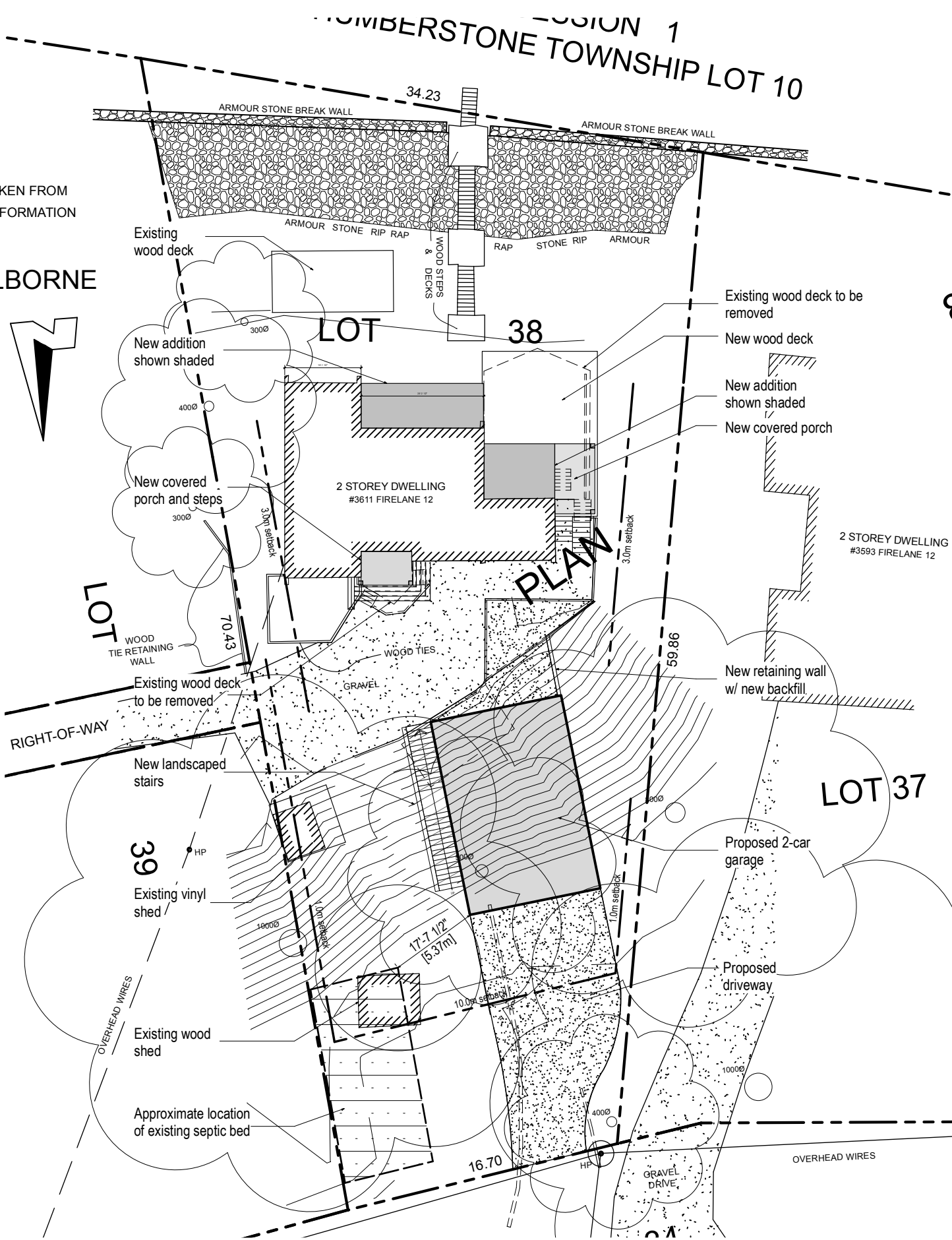
LEON RESIDENCE

WILLMOTT & STRICKLAND

INFORMATION ON THIS SITE PLAN TAKEN FROM
SKETCH SHOWING TOPOGRAPHIC INFORMATION
LOT 38
PLAN 811

CITY OF PORT COLBORNE

REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 300
GRAPHIC SCALE - METRES
CHAMBERS AND ASSOCIATES SURVEYING LTD.
2024



PORT COLBORNE ZONING CHECK REVIEW				
Zoning				By-Law 6575/30/18
				LR
Lot Area	1,611.12 m2	17,341.96 ft2		N/A
Lot Frontage	16.70 m	54.79 ft		30 m
Lot Coverage				
Exsting Dwelling	125.73 m2	1353.34 ft2	7.80%	
Existing wood deck (on bank)	26.94 m2	289.95 ft2	1.67%	
Existing vinyl shed on wood deck	13.20 m2	142.12 ft2	0.82%	
New Front Cov'd Porch	6.33 m2	68.12 ft2	0.39%	
New Rear Cov'd Porch	11.57 m2	124.49 ft2	0.72%	
New Addition	34.81 m2	374.67 ft2	2.16%	
New Garage	94.43 m2	1016.49 ft2	5.86%	
New Deck	38.25 m2	411.69 ft2	2.37%	
Total	351.25 m2	3780.87 ft2	21.8%	15% (max)
Lot Coverage (Accessory Building)				
Accessory Structure	94.43 m2	1016.49 ft2		
Total	94.43 m2	1016.49 ft2	5.9%	5% (max)
Residential Floor Area				
Lower Level	118.54 m2	1276.00 ft2		
Upper Level	151.06 m2	1626.00 ft2		
Total	269.60 m2	2902 ft2		
Building Height				
Dwelling Height	8.84 m	29.00 ft		11.0 m (max)
New Accessory Structure	7.20 m	23.62 ft		6.0 m (max)
Setbacks (Dwelling)				
Front Yard	35.58 m	116.73 ft		10.0m (min)
Rear Yard	15.89 m	52.13 ft		7.0m (min)
Interior Side Yard (W)	4.62 m	15.16 ft		3.0m (min)
Interior Side Yard (E)	2.98 m	9.78 ft		3.0m (min)
Setbacks (Accessory)				
Front Yard	15.15 m	49.70 ft		10.0 m (min)
Rear Yard	33.62 m	110.30 ft		N/A
Interior Side Yard (W)	2.34 m	7.67 ft		1.0 m (min)
Interior Side Yard (E)	10.11 m	33.17 ft		1.0 m (min)
Shaded items require minor variance				



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: _____

Application Complete: ☐ Yes ☐ No

Date of Completion: _____

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

Telephone: 1-905-835-2900
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:	Date:	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: DANNY LEON	
Mailing Address: 3611 FIRELANE 12	
City: PORT COLBORNE	Province: ONTARIO
Postal Code: L3K 5V3	Telephone: 416-464-3554
Fax:	Email: danny.leon@lflgroup.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: WILLMOTT & STRICKLAND INC., contact: CRAIG ESPOSTI	
Mailing Address: 594 CHARTWELL ROAD, SUITE 3	
City: OAKVILLE	Province: ONTARIO
Postal Code: L6J 4A5	Telephone: 905-842-2332 EXT. 13
Fax:	Email: craig@willmottstrickland.ca
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:	
☐ Owner ☐ Solicitor ☒ Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. 811	Lot(s): 38
Reference Plan No.	Part(s):
Name of Street: FIRELANE 12	Street No. 3611

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 16.7 m	Depth: 64.57 m	Area: 1,611.12 m2
Existing Use: RESIDENTIAL SINGLE FAMILY DWELLING		
Proposed Use: RESIDENTIAL SINGLE FAMILY DWELLING WITH DETACHED GARAGE		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: RURAL		
Regional Policy Plan:		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
LR		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
July 2013	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
☐ Yes ☒ No	If “Yes” describe the easement or covenant and its effect:
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:	
+/- 1980	
4.5 Type of ACCESS	
☐ Provincial Highway ☐ Regional Road ☐ Municipal Road maintained all year ☐ Other Public Road	☐ Municipal Road maintained seasonally ☒ Right-of-Way ☐ Water Access ☒ Private Road
4.6 What type of WATER SUPPLY is proposed?	
☐ Publicly owned and operated piped water supply ☒ Lake ☐ Well (private or communal) ☐ Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
☐ Publicly owned and operated sanitary sewage system ☒ Septic system (private or communal) ☐ Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
☐ Publicly owned and operated stormwater system ☒ Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
☐ Yes ☒ No If Yes, please indicate the meeting date:	

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

[illegible]

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		
☒ Residential	☐ Institutional	☐ Vacant
☐ Industrial	☐ Agricultural	☐ Other (specify):
☐ Commercial	☐ Parkland	_____
8.2 What is the length of time the existing use(s) of the land have continued?		
UNKNOWN - SINCE CONSTRUCTION		
8.3 Are there any buildings or structures on the subject land?		
☒ Yes ☐ No		
If Yes, briefly describe and indicate their use.		

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

ACKNOWLEDGMENT CLAUSE

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

X MARCH 25/2025
Date

X Danay Leon
Signature of Owner

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X

Date

X

Signature of Applicant(s)

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

I/We _____

Of the City/Town/Township of _____

In the County/District/Regional Municipality of _____

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

DECLARED before me at the
_____ of _____
In the _____ of _____
This _____ day of _____
20 ____.
A Commissioner, etc.

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

X

Signature of applicant(s), solicitor, or authorized

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

POSTING OF PUBLIC HEARING SIGN

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

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

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

I/We Danny Leon 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 *Danny Leon*
Signature of Owner/Agent

X MARCH 25/2025
Date

X

Signature of Owner/Agent

X

Date

PERMISSION TO ENTER

I/We Danny Leon 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 *Danny Leon*
Signature of Owner

X MARCH 25/2025
Date

X

Signature of Owner

X

Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

If the application is not the owner of the land that is subject to this application for 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 Danny Leon 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 Danny Leon
Signature of Owner

X MARCH 25/2025.
Date

X _____
Signature of Owner

X _____
Date

X _____
Signature of Agent

X _____
Date

SUGGESTION TO THE APPLICANT

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

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

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
General Planning Department
(905) 835-2900, Ext. 286
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Engineering Technologist
(905) 835-2900, Ext. 226
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Building Clerk
(905) 835-2900, Ext 229
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as “Hazard” in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 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

Forming part of C.A.V. Application for Minor Variance, 3611 Firelane 12,
March 27, 2025

Zoning By-law 6575/30/18
Zone LR

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

To permit a maximum lot coverage of **19.8%** where the Zoning By-law permits a maximum lot coverage of 15.0%, inclusive of accessory structures, in this zone.

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

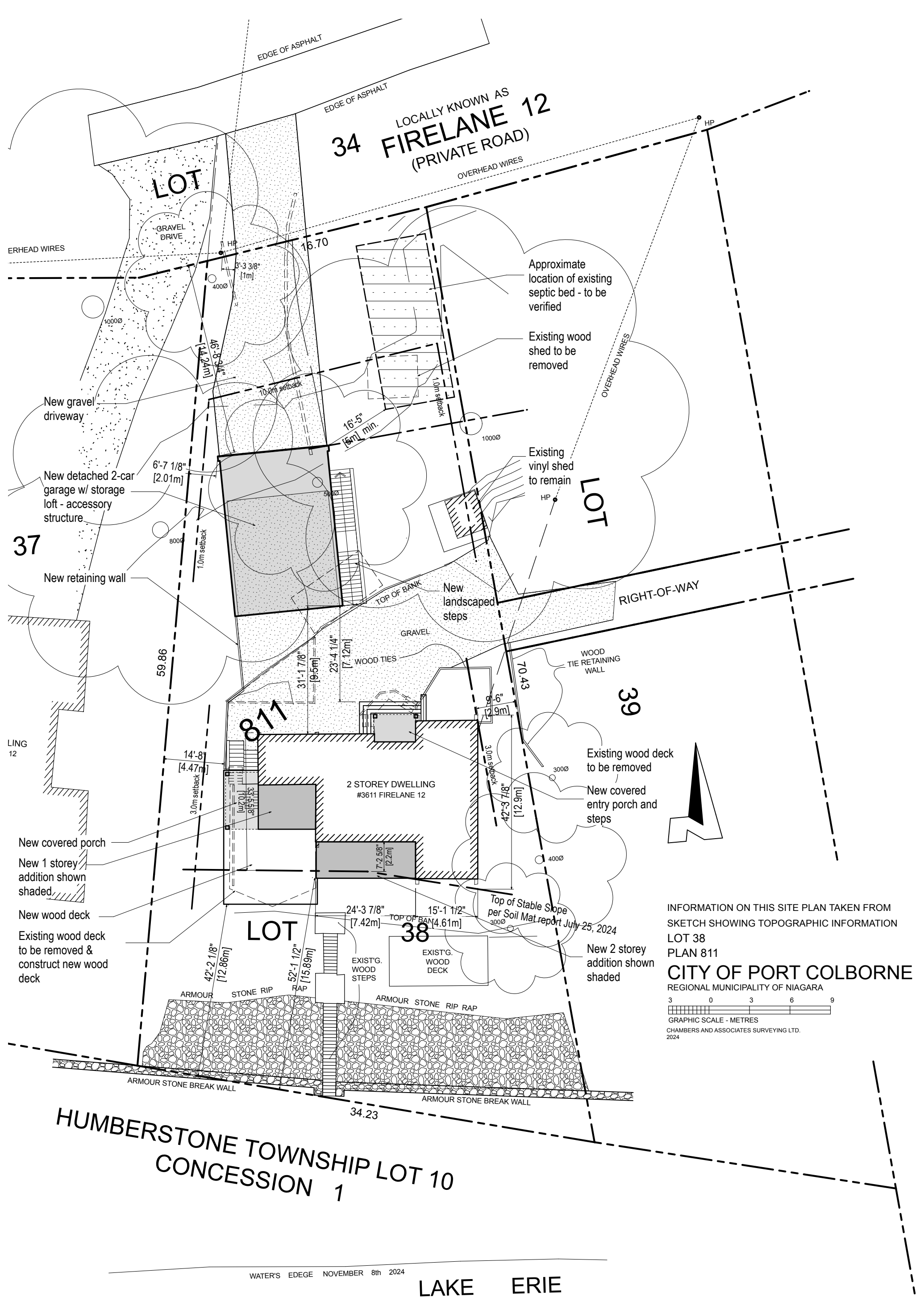
A variance is requested to permit an increase in lot coverage to accommodate a modest addition to the existing cottage, reconstruction of the existing raised deck, and construction of an accessory detached garage.

The existing dwelling and raised deck have a lot coverage of 11.2%. The proposed dwelling with addition and new deck would result in an increase in lot coverage of 2.3%.

The proposed additions to the cottage are along the south elevation, are modest in size, and located within the stepped profile of the current cottage and within the footprint of the existing deck, limiting any impact on the neighboring properties or view from the streetscape. The existing deck is proposed to be reconstructed and shall remain largely in the same location as the existing deck with the same setback to the top of bank. The southern edge is squared off, with new access steps along the west property line. A small portion is proposed to be covered at the upper floor to create a cover for the BBQ area, but otherwise, there would be no change or impact on the surrounding area.

A detached garage is proposed to be located at the road level on the north side of the dune with vehicle access directly from Firelane 12. The garage is to be set into the dune, with access steps to the upper cottage level along the east side of the garage. The scale of the garage is minimized by placement back from the road and setting into the landscape, resulting in a slight increase in lot coverage of 5.9%, over the permitted 5%, and a total lot coverage of 19.4% over the permitted 15%. Given the placement into the bank of the dune, the increased coverage would not be perceived and would be further mitigated by the increased setback to the road.

The lot also consists of an existing at grade deck & wood steps to the shoreline, which do not contribute to lot coverage.



INFORMATION ON THIS SITE PLAN TAKEN FROM
SKETCH SHOWING TOPOGRAPHIC INFORMATION
LOT 38
PLAN 811
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA
3 0 3 6 9
GRAPHIC SCALE - METRES
CHAMBERS AND ASSOCIATES SURVEYING LTD.
2024

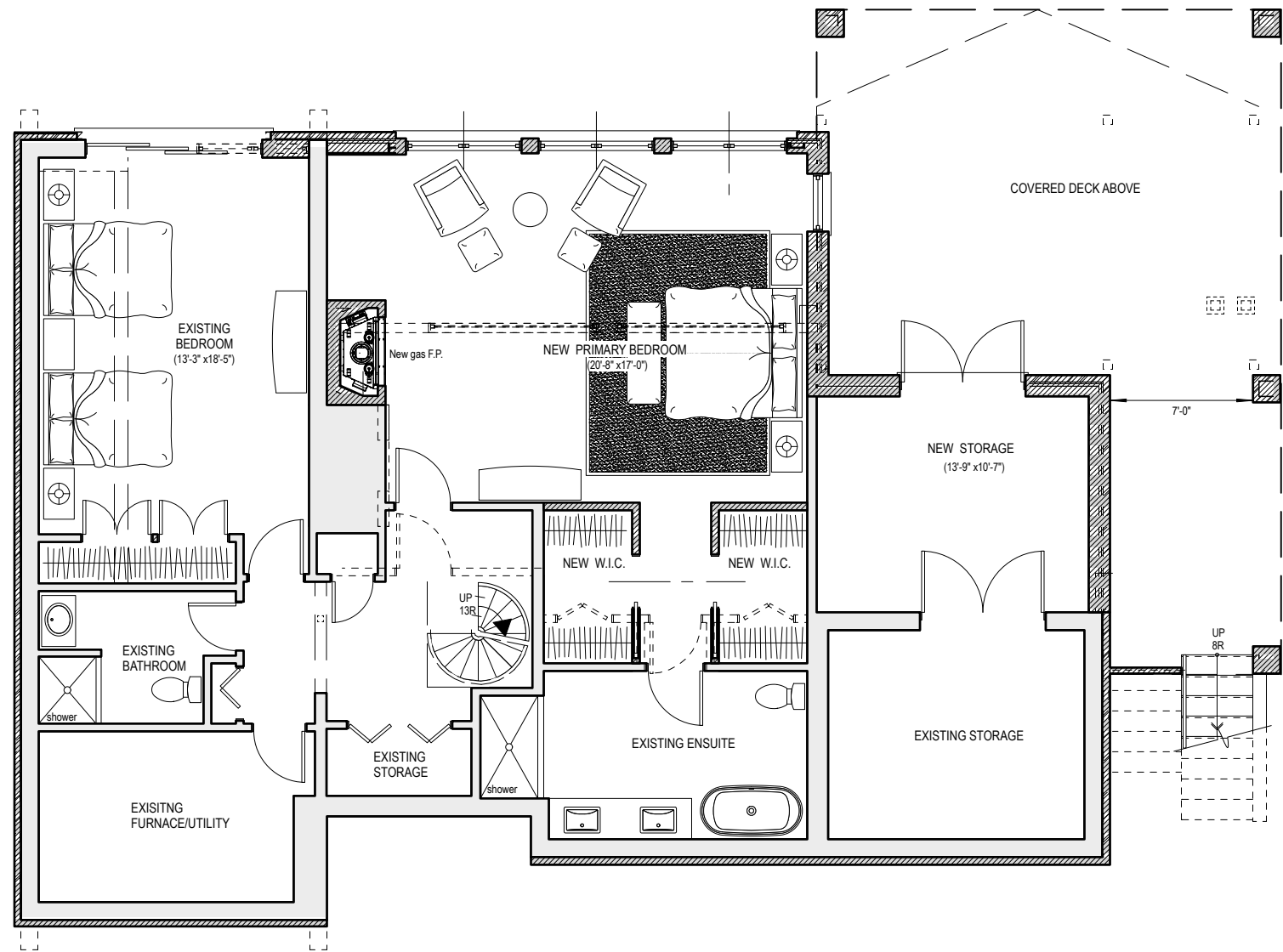
LEON RESIDENCE

Site Plan • C.A.V. Application • 1:250
3611 Firelane 12, Port Colborne, ON • March 27, 2025

**WILLMOTT &
STRICKLAND**
Architecture & Interiors

PORT COLBORNE ZONING CHECK REVIEW				
Zoning				By-Law 6575/30/18
				LR
Lot Area	1,611.12 m2	17,341.96 ft2		N/A
Lot Frontage	16.70 m	54.79 ft		30 m
Lot Coverage				
Exsting Dwelling	125.73 m2	1353.34 ft2	7.80%	
Existing vinyl shed	6.86 m2	73.82 ft2	0.43%	
New Entry Cov'd Porch	6.23 m2	67.10 ft2	0.39%	
New Deck and Cov'd Porch	48.47 m2	521.75 ft2	3.01%	
New Addition	33.67 m2	362.39 ft2	2.09%	
New Detached Garage Accessory Structure	95.60 m2	1028.99 ft2	5.93%	
Total	316.56 m2	3407.39 ft2	19.65%	15% (max)
Lot Coverage (Accessory Building)				
New Detached Garage Accessory Structure	95.60 m2	1028.99 ft2		
Total	95.60 m2	1028.99 ft2	5.93%	5% (max)
Residential Floor Area				
Lower Level	118.54 m2	1276.00 ft2		
Upper Level	151.06 m2	1626.00 ft2		
Total	269.60 m2	2902 ft2		
Building Height (from average grade)				
Dwelling Height	8.00 m	26.24 ft		11.0 m (max)
New Detached Garage Accessory Structure	7.15 m	23.46 ft		6.0 m (max)
Setbacks (Dwelling)				
Front Yard	35.58 m	116.73 ft		10.0m (min)
Rear Yard	15.89 m	52.13 ft		7.0m (min)
Interior Side Yard (W)	4.47 m	14.66 ft		3.0m (min)
Interior Side Yard (E)	2.90 m	9.50 ft		3.0m (min)
Setbacks (Accessory Building)				
Front Yard	14.24 m	46.72 ft		10.0 m (min)
Rear Yard	33.62 m	110.30 ft		N/A
Interior Side Yard (W)	2.01 m	6.59 ft		1.0 m (min)
Interior Side Yard (E)	10.25 m	33.63 ft		1.0 m (min)
Shaded items require minor variance				

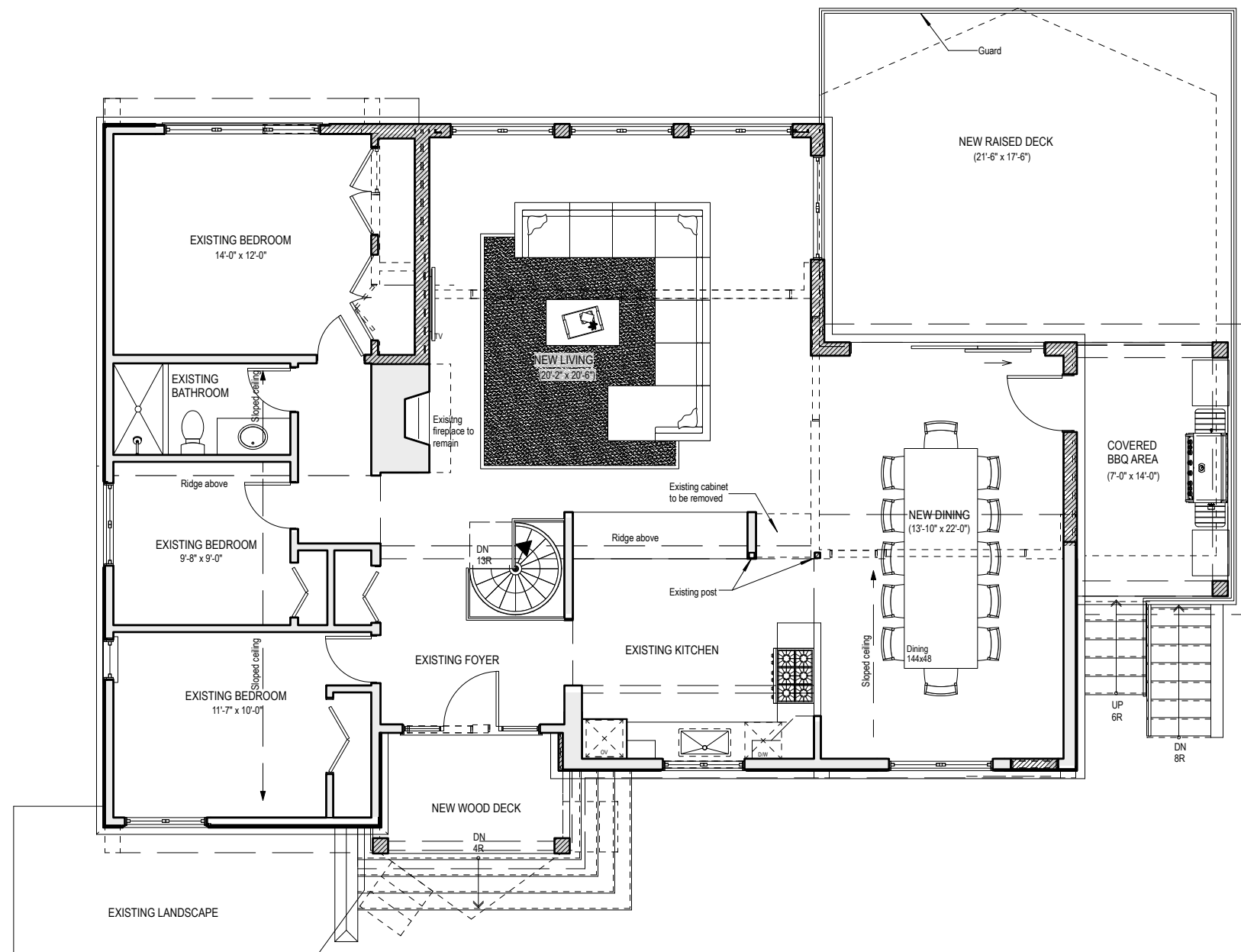
-  New Walls
-  Existing Walls
-  Walls to be Removed



LEON RESIDENCE

Lower Level Floor Plan • C.A.V. Application • 1/8" = 1'-0"
3611 Firelane 12, Port Colborne, ON • March 27, 2025

-  New Walls
-  Existing Walls
-  Walls to be Removed





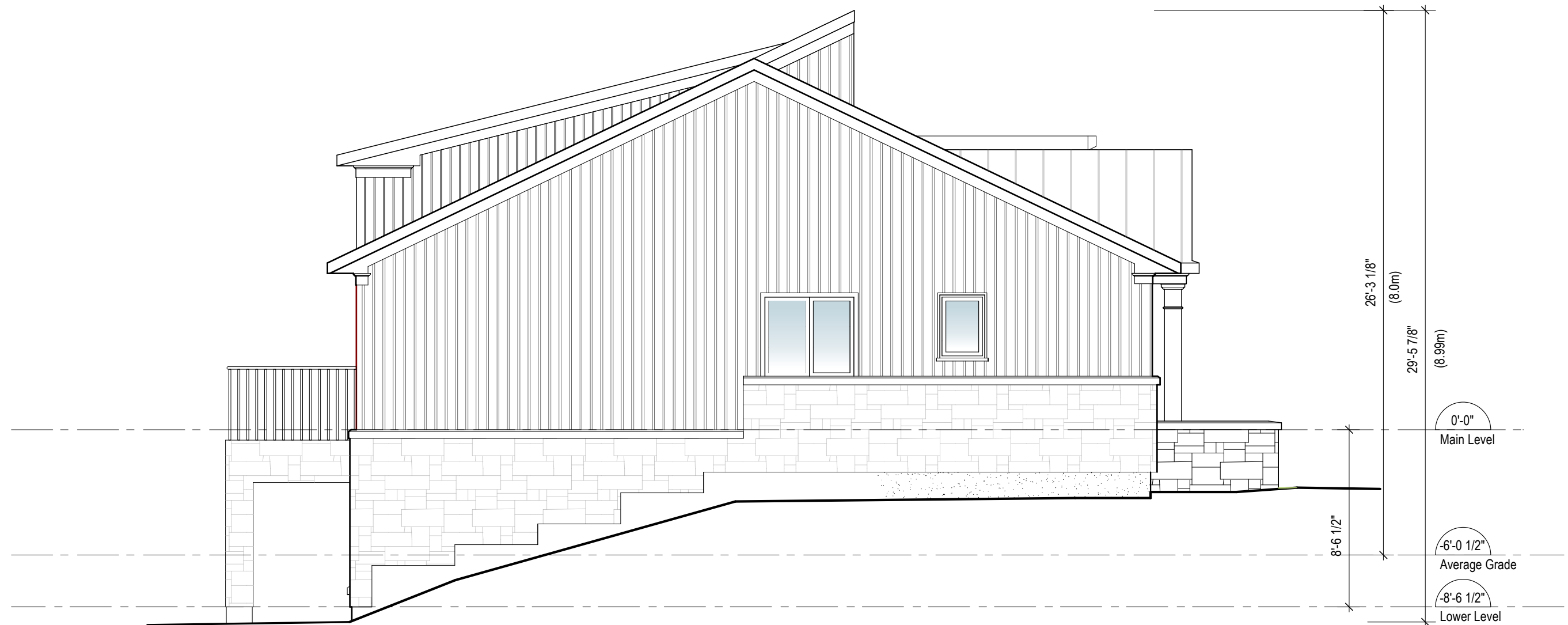
LEON RESIDENCE

Lake (South) Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



LEON RESIDENCE

Front (North) Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



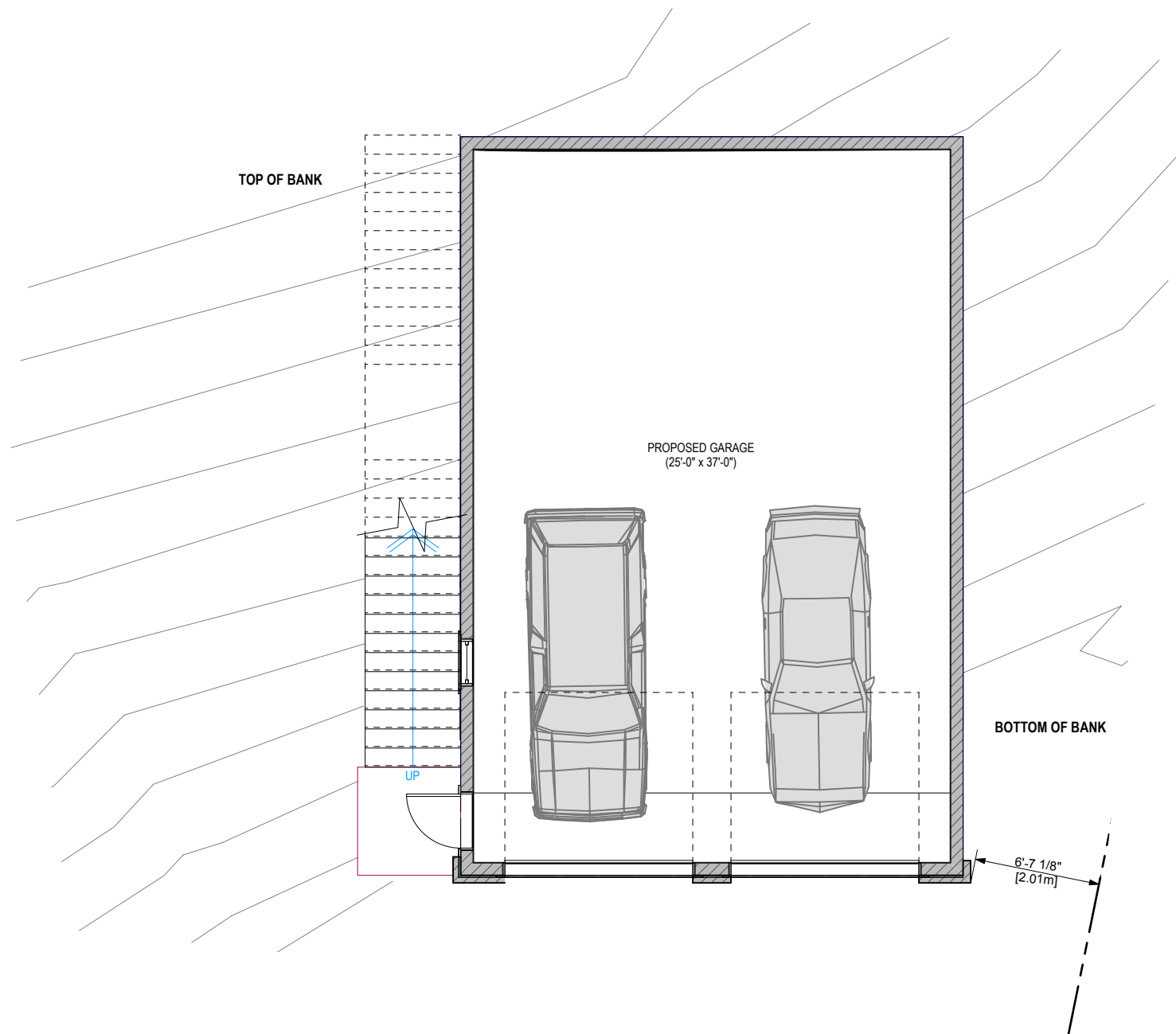
LEON RESIDENCE

East Side Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025

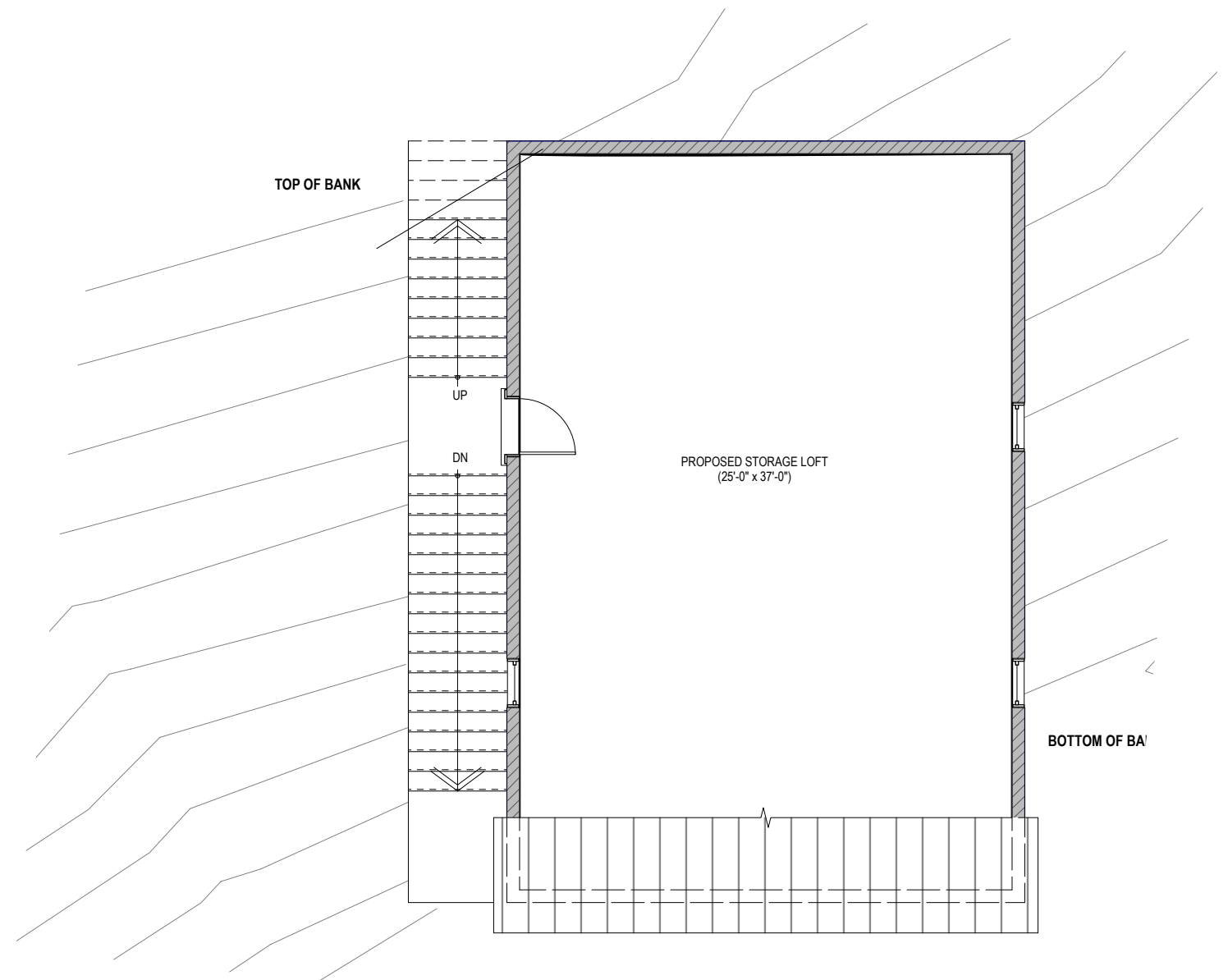


LEON RESIDENCE

West Side Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



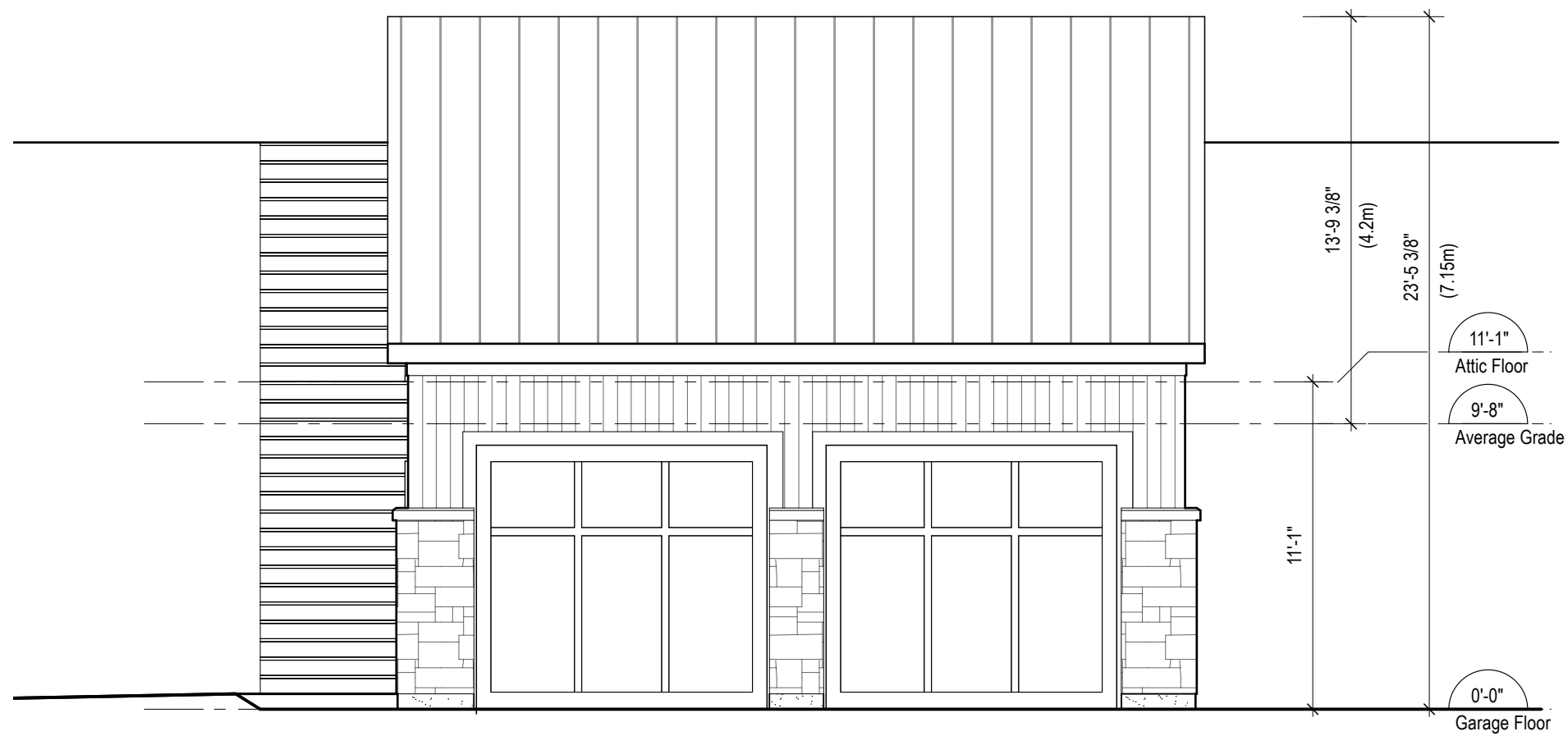
Garage Plan



Garage Loft

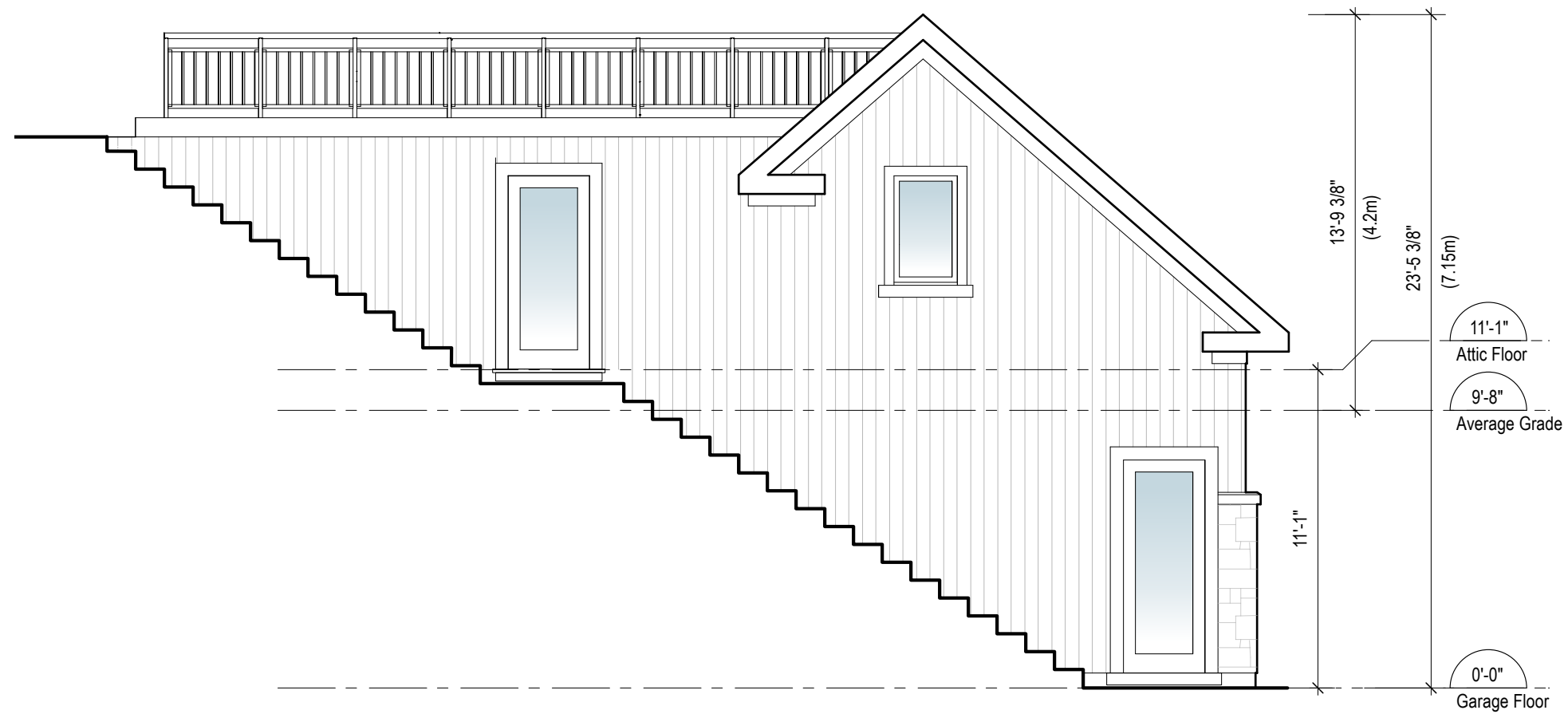
LEON RESIDENCE

Garage Floor Plan • C.A.V. Application • 1/8" = 1'-0"
3611 Firelane 12, Port Colborne, ON • March 27, 2025



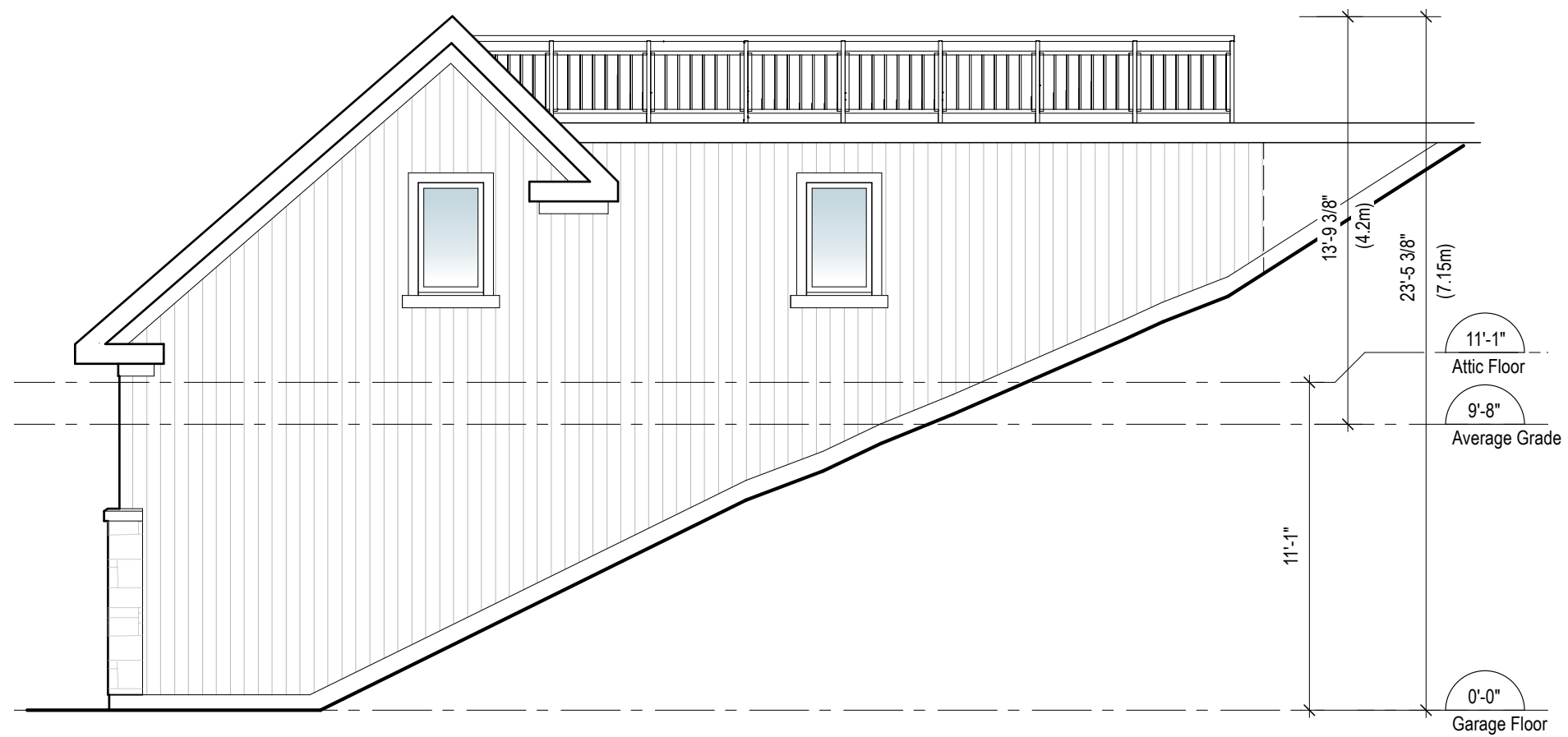
LEON RESIDENCE

Garage Front (North) Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



LEON RESIDENCE

Garage Side (East) Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025



LEON RESIDENCE

Garage Side (West) Elevation • C.A.V. Application • 3/16" = 1'-0"
 3611 Firelane 12, Port Colborne, ON • March 27, 2025

Arborist Report

Prepared For:

Danny Leon

Site Address:

3611 Firelane 12
Port Colborne, ON L3K 5V3

June 8th, 2025

Kaitlyn Simpson

Prepared By:

Kaitlyn Simpson

ISA Certified Arborist (ON-2642A)

ISA Tree Risk Assessment Qualified (TRAQ)

Phone: (905) 961-8154 || Email: Kaitlyn.Simpson@Davey.com

©2025 Davey Resource Group. All rights reserved. This document must be used in conjunction with the tree inventory lists, and Tree Preservation Plans with arborist comments (these plans are to be printed on the correct size to ensure scalability). This document must be used in whole and with all pages.

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Summary

The following Arborist Report is with respect to proposed construction of a new detached garage within the property located at 3611 Firelane 12 in Port Colborne, ON. This report serves to provide information on the trees present within and surrounding the proposed construction site, and provide guidance on tree protection, injury, and/or removal as per the arborist's assessment of potential impacts from the work.

9 trees were assessed on site:

- Private Trees: 3
- City Trees: 0
- Boundary/Neighbour-owned: 6

All 9 trees are recommended to be preserved throughout construction. No digging or material storage is to take place within their Tree Protection Zones (TPZs) as outlined in this report and the trees should not be injured.

- Protection Fencing (TPF) should be installed following the Tree Protection Plan (Appendix 2 – Page 9).
- TPF must be built on a rigid frame comprised of 2x4's anchored with stakes or T-posts and clad in orange snow fencing or plywood. (Appendix 3 – Page 10)
- Silt fencing should be affixed to the outer frame of the fencing downslope of any excavation work (Appendix 4 – Page 11).
- All excavation activities, including sloping, shoring, and construction of retaining walls or foundations enclosing the garage, shall take place outside of Tree Protection Zones.
- Proper pruning of roots extending beyond the limits of Tree Protection Zones is recommended, with cuts made to the limit of soil exposure using sharp clean tools. Digging to expose roots prior to pruning should be done carefully, preferably under arborist supervision, and by hand or air-spade tool.

No trees are recommended for removal.

It is imperative for all crew contracted to perform this construction to thoroughly understand this report and the recommendations stated within.

Introduction

Davey Resource Group (DRG) was retained by the client and owner of the property, Danny Leon, to develop an Arborist Report and Tree Protection Plan (TPP) for the Pre-Construction application package at 3611 Firelane 12 in Port Colborne.

An inventory and assessment of all city trees within the scope of the construction project were collected. The Arborist was to document the current condition, size, and location of the trees as they relate to the proposed work. All trees within the scope of the survey were included in an inventory and assessed for protection or removal needs. Small shrubs and forest trees were not surveyed for this report.

Recommendations for tree preservation or removal are to be provided.

This report must be accompanied by the following additional documents:

1. A full printing of the tree inventory performed by Davey Resource Group (DRG), otherwise known as the Tree Protection Action Key (TPAK). (Appendix 1)
2. The construction maps with the Arborist Comments, otherwise known as the Tree Protection Plan (TPP). (Appendix 2)

Limitations of the Assignment

It must be understood that DRG is the assessor of the trees in relation to tree preservation practices. The construction supervisors should incorporate the information and recommendations provided within this report into their construction methodology to complete their project in a reasonable manner.

This Arborist Report is based on the project scope and details for tree preservation as discussed. All proposed construction methods are limited to what was provided in the site plans and in discussions with the Project Leader. Estimates, measurements and comments regarding tree preservation were based on the proposed construction plans and field observations.

This Arborist Report was compiled from field data collected from the ground. A basic visual assessment of the tree was performed. No level of ISA Tree Risk Assessment was performed. More data on risk may be obtained through a basic or advanced ISA Tree Risk Assessment.

Methods

- Tools used to assess the trees included a metric DBH measuring tape, metric measuring tape, and camera.
- All trees above 10cm in diameter within 6 meters of the proposed construction activity, including on neighboring lots, as well as any other significant trees within the remainder of the property were collected in the inventory for this report.
- Trees were studied for their proximity to existing and planned structures to determine recommendations or precautions for trees requiring removal or injury.

Observations

- The site was inspected on May 28th, 2025, by ISA Certified Arborist Kaitlyn Simpson (ON-2642A).
- No evidence of construction was present, and work had not started.
- No material storage or soil compaction within Tree Protection Zones was observed.
- The area of proposed construction lies on a steep slope with a north-facing aspect running downslope from the main house towards the main access road. Currently, access to the house is only possible via an easement through neighboring properties, and not directly from Firelane 12. The garage will serve to provide direct parking and access through the property to the house.
- 9 trees were assessed for this report and labeled #1 - #9 in the Tree Protection Action Key (TPAK) and Tree Protection Plan (TPP) included within Appendices 1 and 2.
- 4 trees were in good condition, 4 trees were in fair condition, 1 tree was in poor condition
For further details and observations, refer to the Tree Protection Action Key (Appendix 1).
- Most of the trees surveyed (#1, 2, 5, 6, 7, 8) were Manitoba Maple (*Acer negundo*) which commonly grow in disturbed areas, riverbanks, and lakeshores. Within the construction area, these trees are primarily growing along the west property line of 3611 Firelane 12. These trees have poor structural growth but strong wood and are resistant to decay. No disturbance to their critical roots within their Tree Protection Zones is proposed.
- A small Japanese Maple (Tree #3) off the rear of the house was noted. It is located within a garden bed and is not expected to be disturbed by the work
- A tall Black Locust (Tree #4) in front of the property along the lakeshore was noted and is also significantly far away from the work.
- The largest tree surveyed, a mature Red Oak (Tree #9) was noted along the east property line. Its Tree Protection Zone, measured using the trunk diameter, lies well enough outside the proposed construction area so as not to be directly disturbed. It is, however, strongly recommended that its roots and crown branches be preserved during the work, as the tree is co-owned by the neighbor to the east.

Discussion

To preserve and protect trees, proper recommendations must be followed and abided by the client for the duration of the project.

Regulatory context

Trees on private property in Port Colborne are not regulated under any bylaw and the Regional Municipality of Niagara By-Law NO. 30-2008 applies only to “all Woodlands having an area of one (1) hectare or more; all Woodlands having an area of less than one (1) hectare, upon delegation of such authority by an Area Municipality to the Region; and Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.” Given that the subject property is currently developed and located in a residential neighborhood, this bylaw does not apply.

Tree Protection Zones

Construction within a certain distance of a tree risks damage to its roots by way of soil compaction, root damage or severance, trunk wounds, and breakage of limbs. It is important to set a zone encircling each tree at a specific distance within which construction should be excluded. Following general ISA guidelines for Tree Protection Zone distances, we have provided a rubric for calculating the Tree Protection Zone of each tree in the inventory, as described below:

Trunk Diameter (DBH)	<10cm	11-30cm	31-39cm	40-49cm	50-59cm	60-69cm	70-79cm	80-99cm	91-100+cm
Minimum Protection Distance	1.2m	1.8m	2.4m	3.0m	3.6m	4.2m	4.8m	5.4m	6.0m+

Any construction within the TPZ of a tree is likely to cause injury to it that may take time for the tree to heal from. It is typically closer to the tree than its dripline and encloses the tree’s most significant structural and feeder roots. Trees may not easily recover from injury to these roots, so it is important to alter construction activity within TPZ’s to preserve these roots. Excavation activity within or close to the limit of a TPZ should avoid the use of heavy machinery to avoid tearing and breaking of roots typically risked by using mechanical excavators. Digging and grading to install new buildings should be done carefully, with a non-invasive tool such as Hydro-Vac or an Air-Spade if possible, to expose roots prior to excavation and allow for root pruning to cut back roots to a clean cross section which the tree can more easily heal over. Where possible, TPZ’s must be enclosed with rigid protection fencing, or “hoarding”.

Tree Protection Hoarding (Appendix 3)

It is in the best interest of the client to take every precaution possible to minimize damage to trees where work is taking place, and to avoid any unnecessary injury to trees outside of work areas. On this construction site, hoarding (Tree Protection Fencing (TPF)) is recommended to protect all trees to be retained around the edges of the property and surrounding the construction site.

On most landscapes within a private property, solid plywood hoarding best serves to protect tree trunks from inadvertent damage. However, along city streets and at driveway entrances, it is recommended that high-visibility snow fence be affixed to a wooden beam frame, which allows for proper tree protection while allowing vehicle and pedestrian traffic to maintain visibility through the tree protection zone.

Hoarding locations will be indicated on the Tree Preservation Plan (Appendix 2) which has been included in this report but will be printed to-scale for use on-site and in site plan approval applications. Within the scope of this project, hoarding is recommended to be established around all trees at variable distances indicated on the tree protection plan to enclose the TPZs where possible.

Problems will arise for tree preservation efforts when anyone removes the hoarding, even temporarily. It takes one instance of soil compaction from a heavy machine for roots to suffer from air and water deprivation and for the tree to become stressed. It is imperative to install and maintain the hoarding in good condition to prevent this from happening.

Root Protection

During initial stages of construction, the slope within the middle of the property is to be excavated, which will likely require significant amounts of sloping and shoring up to where the trees are expected to be protected. To mitigate and minimize this disturbance to the roots of trees to be retained closest to this work, conscious efforts must be made to exclude heavy machinery from the Tree Protection Zones of Trees #1, #2, and #9. If excavation must come to the limit of the tree protection fencing, low-impact methods are advised, using hand digging or air spading to first break through the soil down to a depth of 30-60cm which will serve to expose any roots that will require cutting to proceed. By pruning the roots at the limit of soil exposure, along the boundary of required excavation, further damage to the roots can be avoided, and a clean cross-section of root can remain buried in the soil for the tree to heal over and begin the growth of new roots.

Staging Areas

All staging areas are understood to be outside the TPZ. At no time are materials, vehicles, traffic or debris to be stacked, staged, or piled inside the hoarding (Tree Protection Fencing).

Conclusion and Recommendations

For the proposed construction of a new detached garage at 3611 Firelane 12, we assessed 9 trees on-site or surrounding the property for retention, injury, or removal. In total, none of the trees require direct injury to their root systems inside their respective Tree Protection Zones, and no trees are recommended for removal. However, 3 large trees (#1, 2, and 9) lie close to the proposed work, and should have additional protection measures in place to prevent any significant injury as a result of root cutting during future excavation and construction.

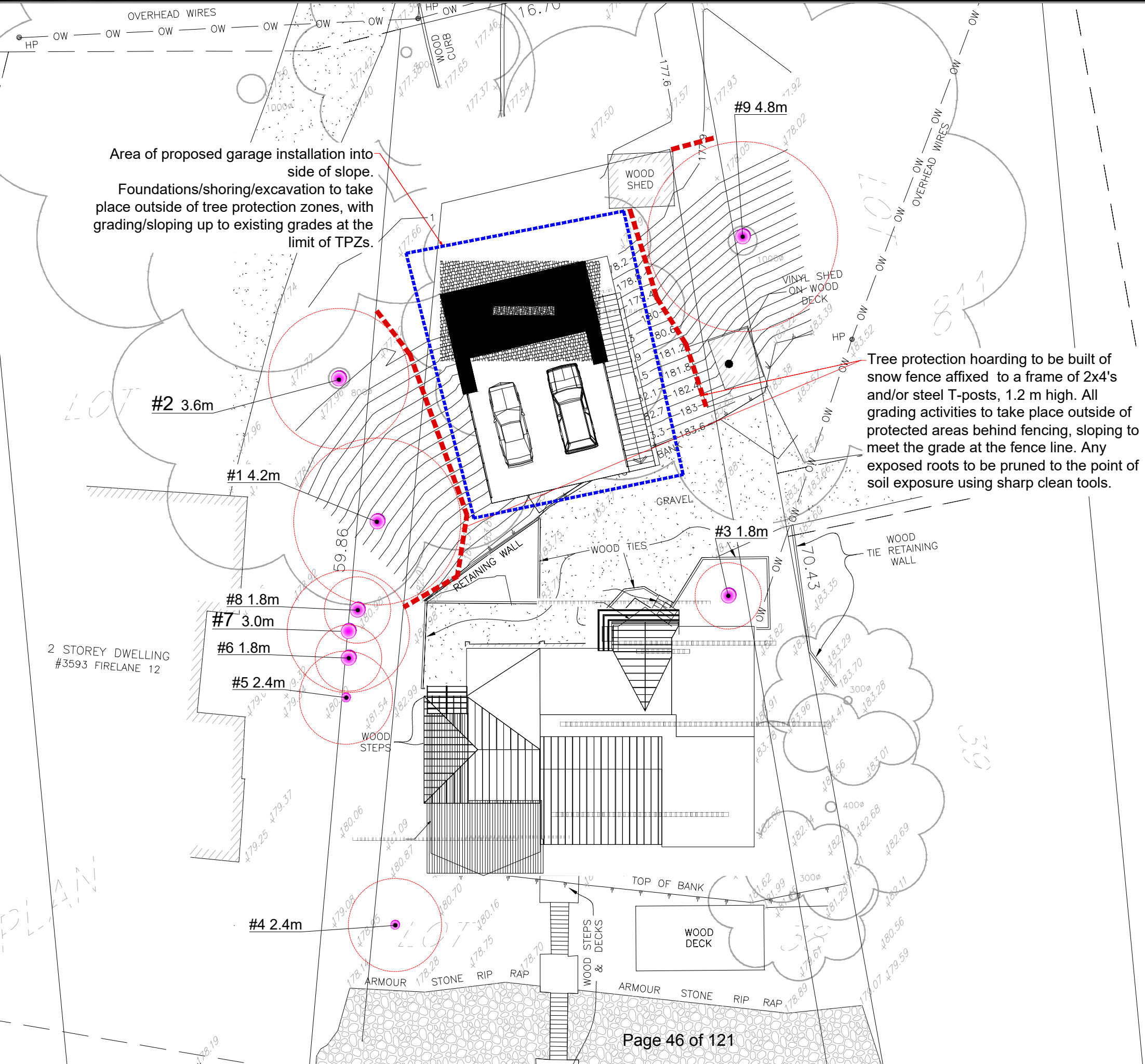
In accordance with the numbering of trees in the inventory listed on the Tree Protection Action Key (Appendix 1), we have provided the following recommendations by each action to the client:

- **For Trees #1, 2, and 9**, work to excavate into the slope and build the detached garage is proposed up to 1-2m away from the limit of their tree protection zones. Fencing is advised to enclose the tree protection zone areas where they face towards the proposed construction.
 - Tree protection fencing should be built of a rigid frame using 2x4's, anchored to stakes or T-posts, and clad in orange high-visibility snow fencing, or plywood.
 - Silt fencing should be affixed to the outer frame of the fencing downslope of any excavation work (Appendix 4 – Page 11).
 - All excavation activities, including sloping, shoring, and construction of retaining walls or foundations enclosing the garage, shall take place outside of Tree Protection Zones.
 - Proper pruning of roots extending beyond the limits of Tree Protection Zones is recommended, with cuts made to the limit of soil exposure using sharp clean tools. Digging to expose roots prior to pruning should be done carefully, preferably under arborist supervision, and by hand or air-spade tool.

Appendix 1 – Tree Protection Action Key (TPAK)

Tree Map Number	Species	Botanical	DBH (cm) @ 1.4 m	Tree Ownership	Minimum Tree Protection Distance (m)	Health	Structure	Overall Condition	Tree Height (m)	Crown Width (m)	Construction inside Min TPZ? (Y/N)	Construction Impact (None, Low, Medium, High)	Action	Permit Required? (Y/N)	Notes	Observations
1	Manitoba Maple	<i>Acer negundo</i>	68	Private	4.2	Fair	Fair	Fair	9	5	N	None	Preserve	N		
2	Manitoba Maple	<i>Acer negundo</i>	60	Neighbour	3.6	Fair	Fair	Fair	8	7	N	None	Preserve	N		
3	Japanese Maple	<i>Acer palmatum</i>	16	Private	1.8	Good	Good	Good	5	6	N	None	Preserve	N	Multistem (12, 8, 6, 6cm)	
4	Black Locust	<i>Robinia pseudoacacia</i>	40	Private	2.4	Fair	Fair	Fair	9	6	N	None	Preserve	N		
5	Manitoba Maple	<i>Acer negundo</i>	34	Boundary	2.4	Good	Fair	Fair	9	5	N	None	Preserve	N		
6	Manitoba Maple	<i>Acer negundo</i>	17	Boundary	1.8	Poor	Poor	Poor	7	4	N	None	Preserve	N		
7	Manitoba Maple	<i>Acer negundo</i>	41	Boundary	3.0	Good	Fair	Good	7	5	N	None	Preserve	N		
8	Manitoba Maple	<i>Acer negundo</i>	29	Boundary	1.8	Good	Fair	Good	9	4	N	None	Preserve	N		
9	Red Oak	<i>Quercus rubra</i>	73	Boundary	4.8	Fair	Good	Good	12	6	N	None	Preserve	N		

Appendix 2 – Tree Protection Plan (TPP) on Following Page



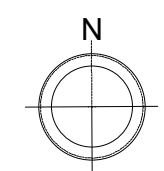
Area of proposed garage installation into side of slope. Foundations/shoring/excavation to take place outside of tree protection zones, with grading/sloping up to existing grades at the limit of TPZs.

Tree protection hoarding to be built of snow fence affixed to a frame of 2x4's and/or steel T-posts, 1.2 m high. All grading activities to take place outside of protected areas behind fencing, sloping to meet the grade at the fence line. Any exposed roots to be pruned to the point of soil exposure using sharp clean tools.

- NOTES:
- All field data have been recorded by ISA Certified Arborist Kaitlyn Simpson (ON-2642A)
 - All tree locations are based on the site plan and/or survey supplied by the client, and field observation by the arborist.
 - This plan shall be used in conjunction with the Tree Protection Action Key (TPAK). Specific information regarding tree species, condition, and protection protocols are listed therein.
 - Refer to the Arborist Report prepared for this project for specific instruction regarding tree protection requirements.

PLAN KEY

- TREE RECOMMENDED FOR REMOVAL
- RETAINED TREE
- CONIFEROUS TREE FOR REMOVAL
- RETAINED CONIFEROUS TREE
- REPLACEMENT TREE
- RETAINED HEDGEROW
- HEDGEROW FOR REMOVAL
- TREE PROTECTION FENCE
- TREE PROTECTION ZONE



No.	DATE	BY	REVISIONS
001	06/08/2025	KS	Tree Protection Plan

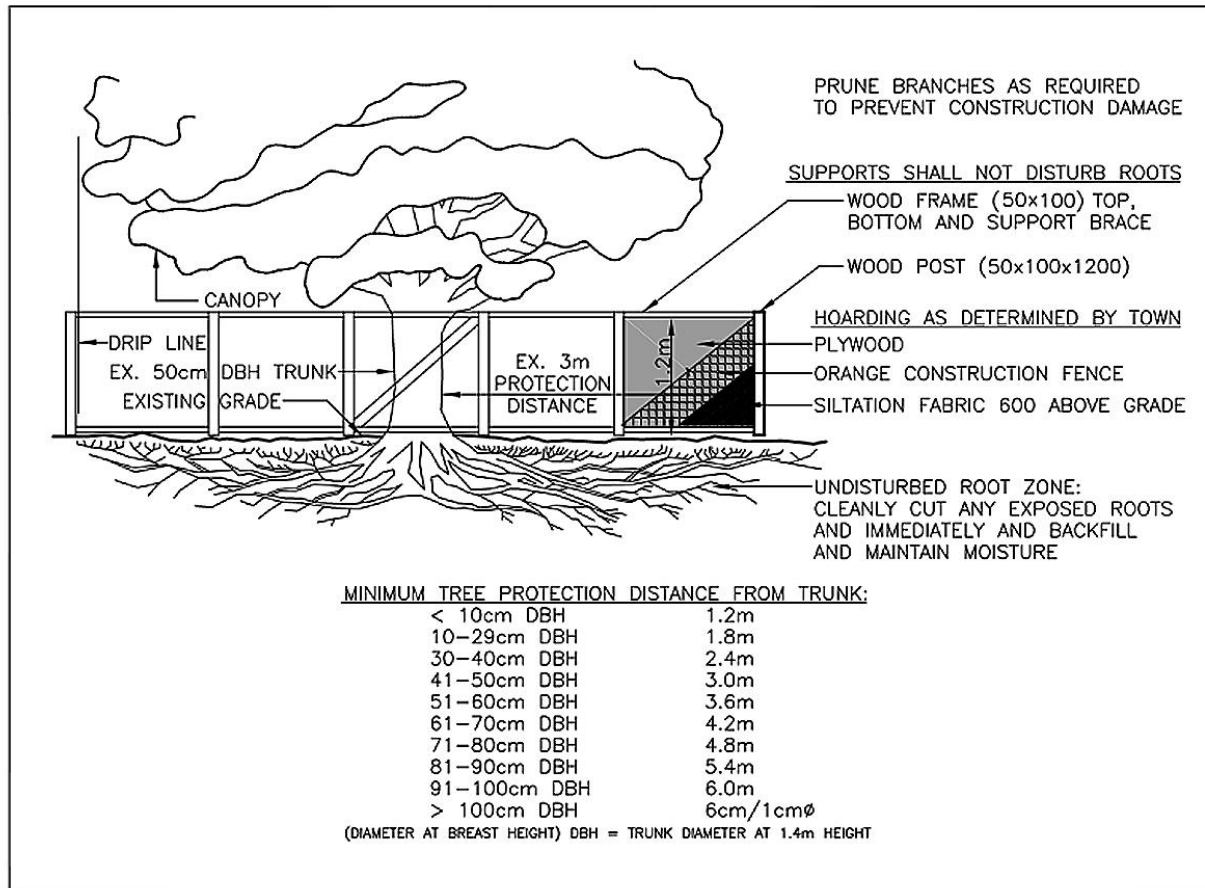


TITLE: Tree Protection Plan
3611 Firelane 12
Port Colborne, ON

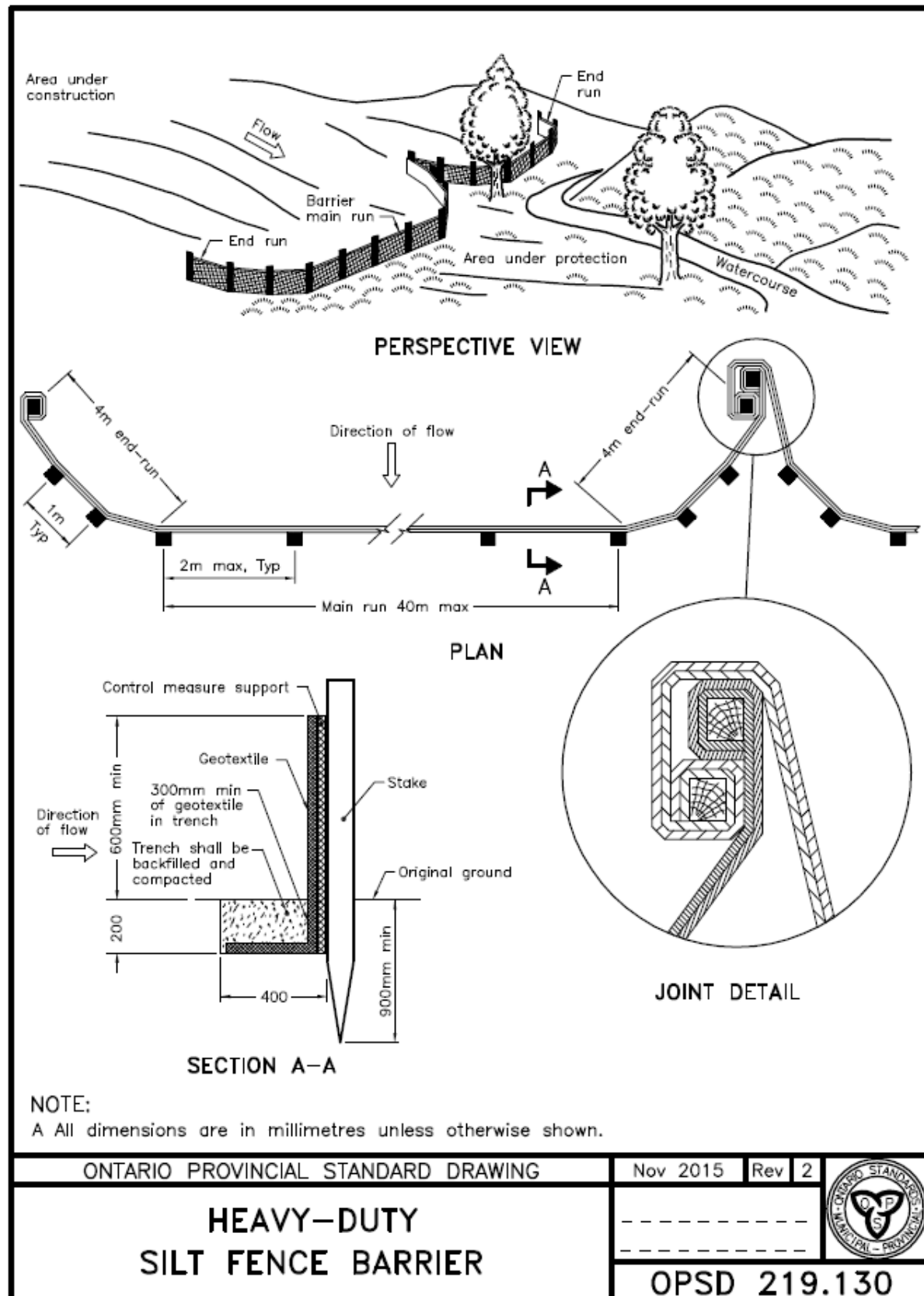
CLIENT: Dan Leon

DRAWING NO.: 001	SCALE: 1:200
JOB NO.:	SHEET: 1 of 3

Appendix 3 – Hoarding (TPF) Detail



Appendix 4 – Silt Fence Detail



Appendix 5 – References

1. ISA, 2001-2011. Best Management Practices, Books 1-9, Companion publications to ANSI A300 Standards for Tree Care
2. Dujesiefken, Dr. Dirk, 2012. Director of the Institute for Tree Care in Germany, The CODIT Principle, research presented on cambial regrowth on trees after injury at the Annual ISA Conference in Kingston Ontario
3. Sinclair and Lyon, 2005. Diseases of Trees and Shrubs, Second Edition
4. ISA, 2010. Glossary of Arboricultural Terms
5. Neely and Watson, ISA, 1994 and 1998. The Landscape Below Ground 1 and 2
6. Matheny and Clark, ISA, 1994. A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas, 2nd Edition
7. Matheny and Clark, ISA 1998. Trees and Development, A Technical Guide to Preservation of Tree During Land Development
8. PNW-ISA, 2011. Tree Risk Assessment in Rural Areas and Urban/Rural Interface, Version 1-5
9. Todd Hurt & Bob Westerfield, 2005. Tree Protection During Construction and Landscaping Activities

Appendix 6 – Glossary of Common Arboricultural Terms

Arborist	A professional who possesses the technical competence gained through experience and related training to provide for or supervise the management of trees and other woody plants in residential, commercial, and public landscapes.
ANSI A300	Acronym for American National Standards Institute. In the United States, industry-developed, national consensus standards of practice for tree care.
Bark Tracing	Cutting away torn or injured bark to leave a smooth edge.
Branch Bark Ridge	Raised strip of bark at the top of a branch union, where the growth and expansion of the trunk or parent stem and adjoining branch push the bark into a ridge.
Callus wood	Undifferentiated tissue formed by the cambium, usually as the result of wounding.
Clinometer	A device used to calculate the height of trees.
Consulting Arborist	An Arboricultural consultant is one of the following: - American Society of Consulting Arborists, Registered Consulting Arborist (ASCA RCA#___) - International Society of Arboriculture, Board Certified Master Arborist (ISA BCMA #___B) - ISA Certified Arborist/Municipal Specialist in good standing for a minimum of 6 years with 6 years of proven experience in a management role related to arboriculture, and has attested and signed to a code of ethics related to arboriculture (ISA#_____)
Compartmentalization	Natural defense process in trees by which chemical and physical boundaries are created that act to limit the spread of disease and decay organisms
Critical Root Zone – (CRZ)	Area of soil around a tree where the minimum amounts of roots considered critical to the structural stability or health of the tree are located. CRZ determination is sometimes based on the drip line or a multiple of dbh (12:1, 12cm of ground distance from the trunk for every cm of dbh) but because root growth is often asymmetric due to site conditions, on-site investigation is preferred.
Daylighting	Also known as Hydro-vac, this is the process by which soil is vacuumed up. In the context of tree care this allows workers to access the soil below the roots without mortal damage to significant roots.
DBH	Acronym for tree diameter at breast height. Measured at 1.4m above ground.
Decurrent	Rounded or spreading growth habit of the tree crown.
Directional Pruning	Providing clearance by pruning branches that could significantly affect the integrity of utility facilities or other structures and leaving in place branches that could have little or no effect.
Dripline	Imaginary line defined by the branch spread of a single parent or group of plants

Excurrent	Tree growth habit characterized by a central leader and a pyramidal crown.
Included bark	Bark that becomes embedded in a crotch (union) between branch and trunk or between codominant stems. Causes a weak structure.
Lion's Tailing	Poor pruning practice in which an excessive number of branches are thinned from the inside and lower part of specific limbs or a tree crown, leaving mostly terminal foliage. Results in poor branch taper, poor wind load distribution, and higher risk of branch failure.
MTPZ	Acronym for Minimum Tree Protection Zone, also known as the Structural Root Zone (SRZ), which is the distance from the tree equal to 6 times the dbh, within which the likelihood of encountering roots that are structural supports for the tree.
Moment	Rotational force that is created by any line force on a body. The magnitude of a moment is defined as the product of the force magnitude and perpendicular distance from the line of action of the force to the axis of which the moment is being calculated.
Mortality Spiral	A sequence of stressful events or conditions causing the decline and eventual death of a tree.
Mulch	Material that is spread or sometimes sprayed on the soil surface to reduce weed growth, to retain soil moisture and moderate temperature extremes, to reduce compaction from pedestrian traffic or to prevent damage from lawn-maintenance equipment, to reduce erosion or soil spattering onto adjacent surfaces, to improve soil quality through its eventual decomposition, and/or to improve aesthetic appearance of the landscape. Mulch can be composed of chipped, ground, or shredded organic material such as bark, wood, or recycled paper; unmodified organic material such as seed hulls; organic fiber blankets or mats; or inorganic material such as plastic sheeting.
Organic Matter	Material derived from the growth (and death) of living organisms. The organic components of the soil.
CRZ	Acronym for Critical Root Zone, also known as the Critical Root Zone (see definition above), within which there is a high likelihood of encountering roots that are necessary for the survival for the tree.
Project Arborist	The consulting arborist retained to provide all tree preservation recommendations to the project manager or contractors on a given construction project.
Qualified Arborist	An arborist who has documented related training (i.e., ISA, MTCU, or equivalent) and on-the-job experience (minimum of 5 years)
Radial trenching	Technique for aerating the soil or alleviating compaction around a tree by removing and replacing soil (which may be amended) in trenches (typically 300mm deep and 150mm wide) made in a spoke like pattern (radially from the trunk) in the root zone to

	improve conditions for root growth.
Reaction Wood	Wood formed in leaning or crooked stems or on lower or upper sides of branches as a means of counteracting the effects of gravity.
Removal Cut	A cut that removes a branch at its point of origin. Collar cut.
Reduction Cut	A pruning cut that reduces the length of a branch or stem back to a lateral branch large enough to assume apical dominance.
Resistograph®	A brand name of a device consisting of a specialized micro-drill bit that drills into trees and graphs density differences that are used to detect decay.
Soft-Scaped	Landscaping practices that do not involve solid or deeply dug foundations. Patios consisting of slab rocks laid on-top of the soil with minimal excavation and base (less than 10cm) and causing minimal damage to existing tree roots.
Static Support System	Cabling system that utilizes rigid materials such as rods and steel cables to limit movement and provide constant support of limbs.
Structural cells	Modular system consisting of units of soil and integrated support structures that serve both as a foundation for paved surfaces and a hospitable environment for tree root growth,
Structural pruning	Pruning to establish a strong arrangement or system of scaffold branches.
Structural Soil™	Pavement substrate that can be compacted to meet engineering specifications remains penetrable by tree roots in the urban environment. Composed of angular crushed stone, clay loam, and hydrogel mixed in a weight ratio of 100:20:0.03. Developed at the Urban Horticulture Institute, Cornell University, Ithaca, NY.
Supersonic Air Excavation Techniques (SSAT)	A methodology using a device that directs a jet of highly compressed air to excavate soil. Used within the root zone of trees to avoid or minimizing damage to the roots, or near underground structures such as pipes and wires to avoid or minimize damage to them.
Tree Protection Zone (TPZ)	Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction. TPZ is sometimes based on a minimum multiple of dbh (e.g., 6:1, 6cm of ground distance from the trunk for 1cm of dbh)
Walls	Trees have 4 walls in a process known as compartmentalization. • Wall 1 prevents decay from moving up and down in a tree. • Wall 2 prevents decay from moving inward in a tree. • Wall 3 prevents decay from moving laterally in a tree. • Wall 4 is the new growth formed on the outside of the tree, callus growth.
Woundwood	Lignified, differentiated tissues produced on woody plants after wounding.

Appendix 7 – Arborist Qualifications

Kaitlyn Simpson is an ISA Certified Arborist Consultant with Davey Resources Group. Her formal education includes a bachelor's degree in environmental management, Arboriculture Graduate from Humber College, and IPM Short Course Graduate from the University of Maryland. Kaitlyn has varied work experience in the past 7 years in arboriculture, urban forestry, and education fields.

Certifications

International Society of Arboriculture Certified Arborist (ON-2642A)
Certified Chainsaw Operator
ISA Tree Risk Assessment Qualified (TRAQ)
444a Qualified Arborist
Tree Appraisal Qualified

Appendix 8 – Photographs



Tree #1



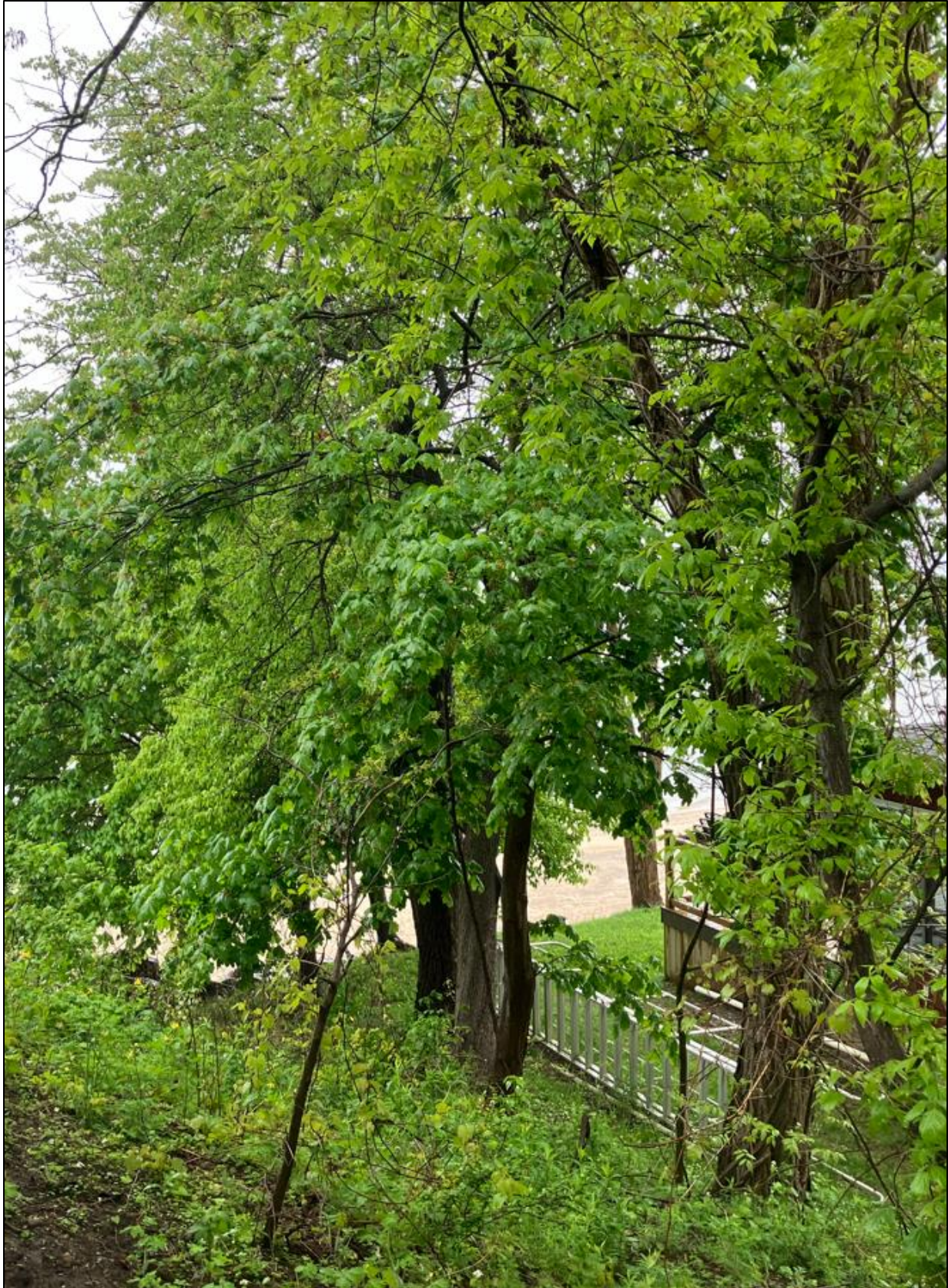
Tree #2



Tree #3



Tree #4



Trees #5-7 along the west property line



Tree #8



Tree #9

Conditions of Assessment Agreement

This Conditions of Assessment Agreement is made pursuant to and as a provision of Davey Resource Group, a division of The Davey Tree Expert Co. of Canada, Limited (“Davey”), providing tree assessment services as agreed to between the parties, the terms and substance of which are incorporated in and made a part of this Agreement (collectively the “Services”).

Trees are living organisms that are subject to stress and conditions and which inherently impose some degree or level of risk. Unless a tree is removed, the risk cannot be eliminated entirely. Tree conditions may also change over time even if there is no external evidence or manifestation. In that Davey provides the Services at a point in time utilizing applicable standard industry practices, any conclusions and recommendations provided are relevant only to the facts and conditions at the time the Services are performed. Given that Davey cannot predict or otherwise determine subsequent developments, Davey will not be liable for any such developments, acts, or conditions that occur including, but not limited to, decay, deterioration, or damage from any cause, insect infestation, acts of God or nature or otherwise.

Unless otherwise stated in writing, assessments are performed visually from the ground on the above-ground portions of the tree(s). However, the outward appearance of trees may conceal defects. **Therefore, to the extent permitted by law, Davey does not make and expressly disclaims any warranties or representations of any kind, express or implied, with respect to completeness or accuracy of the information contained in the reports or findings resulting from the Services beyond that expressly contracted for by Davey in writing, including, but not limited to, performing diagnosis or identifying hazards or conditions not within the scope of the Services or not readily discoverable using the methods applied pursuant to applicable standard industry practices.** Further, Davey’s liability for any claim, damage or loss caused by or related to the Services shall be limited to the work expressly contracted for.

In performing the Services, Davey may have reviewed publicly available or other third- party records or conducted interviews and has assumed the genuineness of such documents and statements. Davey disclaims any liability for errors, omissions, or inaccuracies resulting from or contained in any information obtained from any third- party or publicly available source.

Except as agreed between the parties prior to the Services being performed, the reports and recommendations resulting from the Services may not be used by any other party or for any other purpose. The undersigned also agrees, to the extent permitted by law, to protect, indemnify, defend and hold Davey harmless from and against any and all claims, demands, actions, rights and causes of action of every kind and nature, including actions for contribution or indemnity, that may hereafter at any time be asserted against Davey or another party, including, but not limited to, bodily injury or death or property damage arising in any manner from or in any way related to any disclaimers or limitations in this Agreement.

By accepting or using the Services, the customer will be deemed to have agreed to the terms of this Agreement, even if it is not signed.

Acknowledged by:

Name of Customer: _____

Authorized Signature: _____

Date: _____



SOIL-MAT ENGINEERS & CONSULTANTS LTD.

401 Grays Road · Hamilton, ON · L8E 2Z3

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PROJECT No.: SM 240465-G

July 25, 2024

DANNY LEON
3611 Firelane 12
Port Colborne, Ontario
L3K 5V3

**SLOPE STABILITY ASSESSMENT
PROPOSED COTTAGE ADDITION
3611 FIRELANE 12
PORT COLBORNE, ONTARIO**

Dear Mr. Leon,

Further to your authorisation, SOIL-MAT ENGINEERS & CONSULTANTS has completed our assessment of the slope at the above noted property. Our comments and recommendations, based on our observations and assessment are presented herein.

We understand that it is proposed to construct an addition to the south face of the existing cottage at 3611 Firelane 12, Port Colborne, Ontario. It is understood that the proposed addition would line up with the southern most edge of the existing dwelling. It is also understood that a deck encroaching on to the slope is proposed. As the property falls under the jurisdiction of Niagara Peninsula Conservation Authority [NPCA], permit approval will be required from NPCA for any construction near the slope. In order for permit approval, it was necessary to conduct a slope stability assessment in order to establish the stability of the existing slope, and the effect of the proposed development near the existing slope.

This work has been conducted in general accordance with the guideline policies of NPCA, including the Natural Hazards Technical Guide by MNR and the supporting document "Geotechnical Principles for Stable Slopes".

PROCEDURE

The site was visited initially on June 7, 2024, by a representative of SOIL-MAT ENGINEERS & CONSULTANTS LTD. During our site visit representative slope profiles of the subject slopes were measured from the middle of the south face, and north east and north west corners of the existing cottage down to the shore of Lake Erie. These profile locations are indicated on the attached Drawing No. 1, Slope Profile Location Plan, while the slope profiles are illustrated on the attached Drawing Nos. 2 to 4, Slope Profile A-A to C-C. It is noted that these slope profiles were measured in the field roughly perpendicular to the slope, at locations considered to be representative of the worst case, or steepest, inclinations.

A Slope Stability Rating Chart, as per the Ontario Ministry of Natural Resources publication "Geotechnical Principles for Stable Slopes" [Geotechnical Principles publication] was completed for the southern slope indicated a Rating Value of 28, respectively, corresponding to a slight potential for slope instability. A copy of the Slope Stability Rating Chart has been appended to the end of this report.

SLOPE CONDITIONS AND STABILITY ASSESSMENT

The slope was measured to be approximately 8 to 9 metres in height with overall inclinations of 2.1 to 2.7 horizontal to 1 vertical. The slope was noted to be vegetated with occasional shrubs and covered with scrub vegetation with an armour stone revetment was noted at the toe. No significant evidence of failure scars tension cracks, or other signs of slope instability were noted on either slope at the time of our visit.

A review of available published information [Quaternary Geology of Ontario, Southern Sheet Map 2556] indicate the subsurface soils to consist of coarse-textured lacustrine deposits of sand and gravel with minor silt and clay, and Eolian deposits of fine sand and silt. This is consistent with our observations on site within a series of hand dug test pits, and experience in the area.

As with all slopes, there is a reduction in shearing resistance attributed to the effects of freezing and thawing, wetting and drying, burrowing animals, etc. With time, the surface of the slope will degenerate and tend to reach equilibrium within its stress and ambient environment, including vegetative cover. However, this degeneration of the slope angle is a very slow process as is evident by the present condition of the existing slope.

A stability analysis of the 'worst case' Slope Profiles A-A, B-B, and C-C were performed with a computerized modelling program [SLOPE/W 2023] utilising multiple methods of analysis [Bishop, Janbu, Morgenstern-Price] and considering different slip planes and centres of rotation, as well as normal and elevated groundwater conditions, to determine the minimum factor of safety for a series of potential trial slip surfaces.

Soil properties for the subsurface soils have been conservatively attributed based on our experience in the area and the soil strata encountered in the hand dug test pits. In this case the subsurface soils have been modelled as silt sand, and assigned a unit weight of $\gamma = 18 \text{ kN/m}^3$, an angle of internal friction of $\phi = 32$ degrees, and cohesion of $c = 0 \text{ kPa}$ for the purpose of this analysis.

Based on our analyses using the conservative assumptions noted above, the subject slope was found to have minimum factors of safety, with respect to the ground surface at the top of stable slope location in the area of profiles A-A to C-C on the order of 1.51 and 1.45 for normal and elevated groundwater conditions respectively.

The Ministry of Natural Resources "Geotechnical Principles for Stable Slopes" publication, Table 7.2 lists a minimum Factor of Safety of 1.3 to 1.5 for Active Land Use properties [habitable or occupied structures near the slope. As the calculated factors of safety for the subject slope fall within the range of minimum factors for Active Land Use, the subject slope may be considered stable in the long and short term with respect to the top of stable slope locations, discussed further below.

TOP OF STABLE SLOPE

The top of stable slope location is determined by the application of an erosion allowance at the toe and stable slope inclinations through the slope. Given the distance between the shore of Lake Erie and the toe of the slope, as well as the presence of shoreline protection at the toe of the southern slope, the focus of this assessment was on the slope stability, and an erosion allowance of zero has been assumed. Table 4.3 of the Ministry of Natural Resources publication "Geotechnical Principles for Stable Slopes" indicates stable slope inclinations through sands and gravels in the range of 1.5 to 2.0 horizontal to 1.0 vertical. A conservative stable slope inclination of 2.3 horizontal to 1 vertical has been applied for the fine-grained silty sand soils. Applying these conservative stable slope inclinations results in a conservative long-term top of stable slope location approximately coincident with the south east corner of the existing cottage and 10.2 metres south of the north west corner of the cottage, as illustrated in Drawing No. 1. The top of stable slope location approximately coincides with the proposed addition.

CONSTRUCTION CONSIDERATIONS

Based on the above discussions, the existing slope is considered to be stable in both the short and long-term with respect to the top of stable slope location, and the proposed addition located in line with the southern most face of the existing structure. As such, it is our opinion that construction of the proposed addition at or uphill of the top of stable slope location, would have no negative impact on the stability of the subject slope, from a geotechnical point of view, and no further setback from the top of stable slope location would be necessary. This is further supported from access to the toe of the slope being readily available from the beach, and the depth of the proposed addition footings relative to the top of the slope.

As noted above, it is understood that the proposed deck would extend onto the slope. While this structure would technically be located 'downhill' of the top of stable slope location, the deck could readily be supported on helical piers, that could readily extend to such depths that would not negatively impact the stability of the slope, with the required depths being a function of the location of the support piers.



The following recommendations should be considered in the proposed construction:

- With respect to the subject slope, excavated soil and/or heavy construction equipment should not be placed or travel near the top of stable slope location. In this regard it is recommended that a silt fence be placed along, or slightly 'uphill' from, the top of stable slope for the duration of construction. This will act as a barrier for construction activity and also prevent sediment runoff during construction.
- Any drainage towards the slope should be in a controlled fashion, such as sheet flow through well-established grass or vegetation, so as to not alter the natural drainage over the slope or create concentrated flows onto the slope.
- Vegetation on the slope should be protected during construction and all existing trees on the slope maintained where feasible. Uphill of the crest of the slope the vegetation should be repaired/improved with the establishment of new deep-rooted vegetation post construction, where required, in accordance with the site landscape plan.

We trust that this geotechnical investigation and slope stability assessment report is sufficient for your present requirements. Should there be any questions regarding the content or comments within this report please do not hesitate to contact our office.

Yours very truly,

SOIL-MAT ENGINEERS & CONSULTANTS LTD.

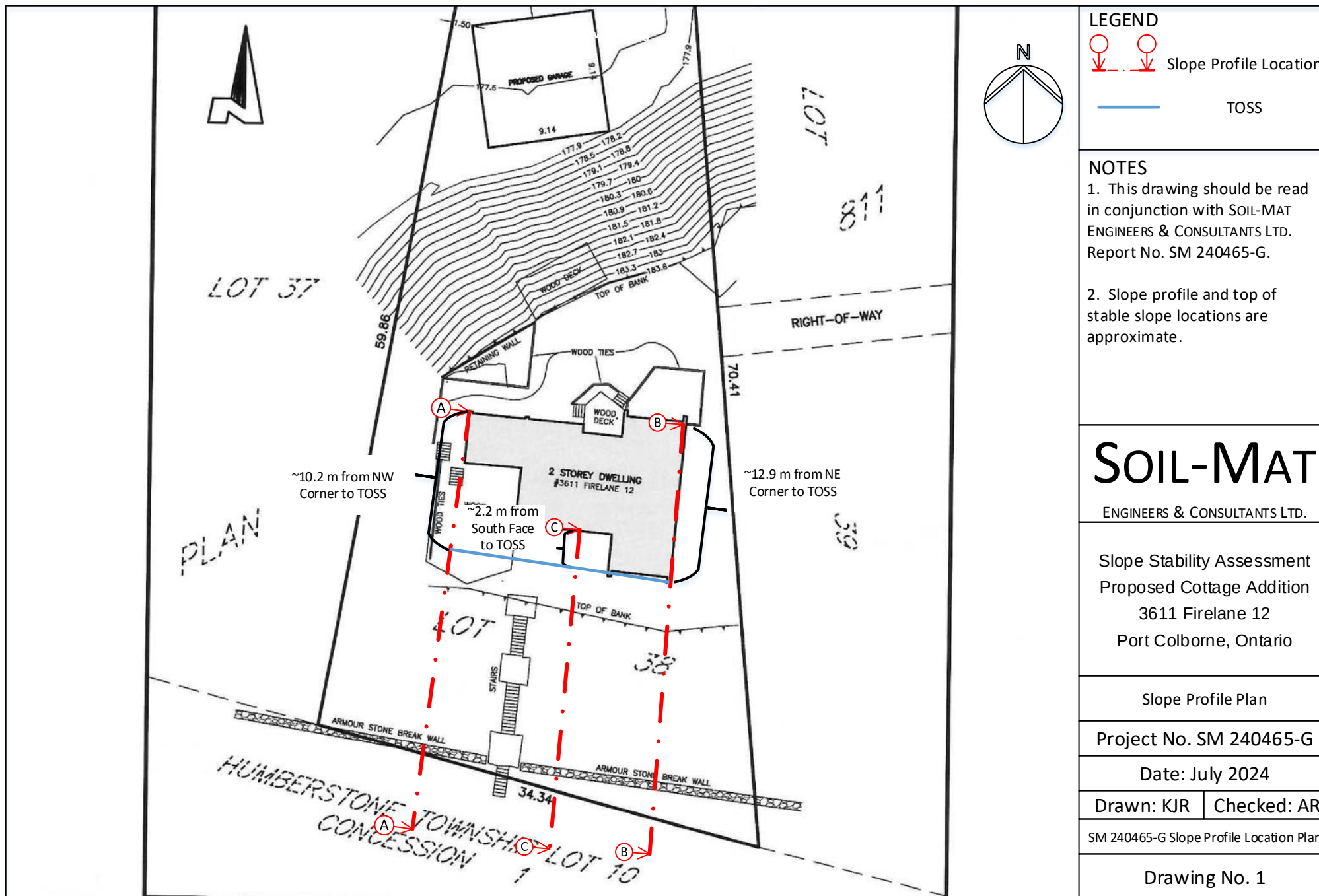
Kevin Reid, B.Eng., EIT
Junior Engineer

Adam Roemmele, P. Eng.
Project Engineer

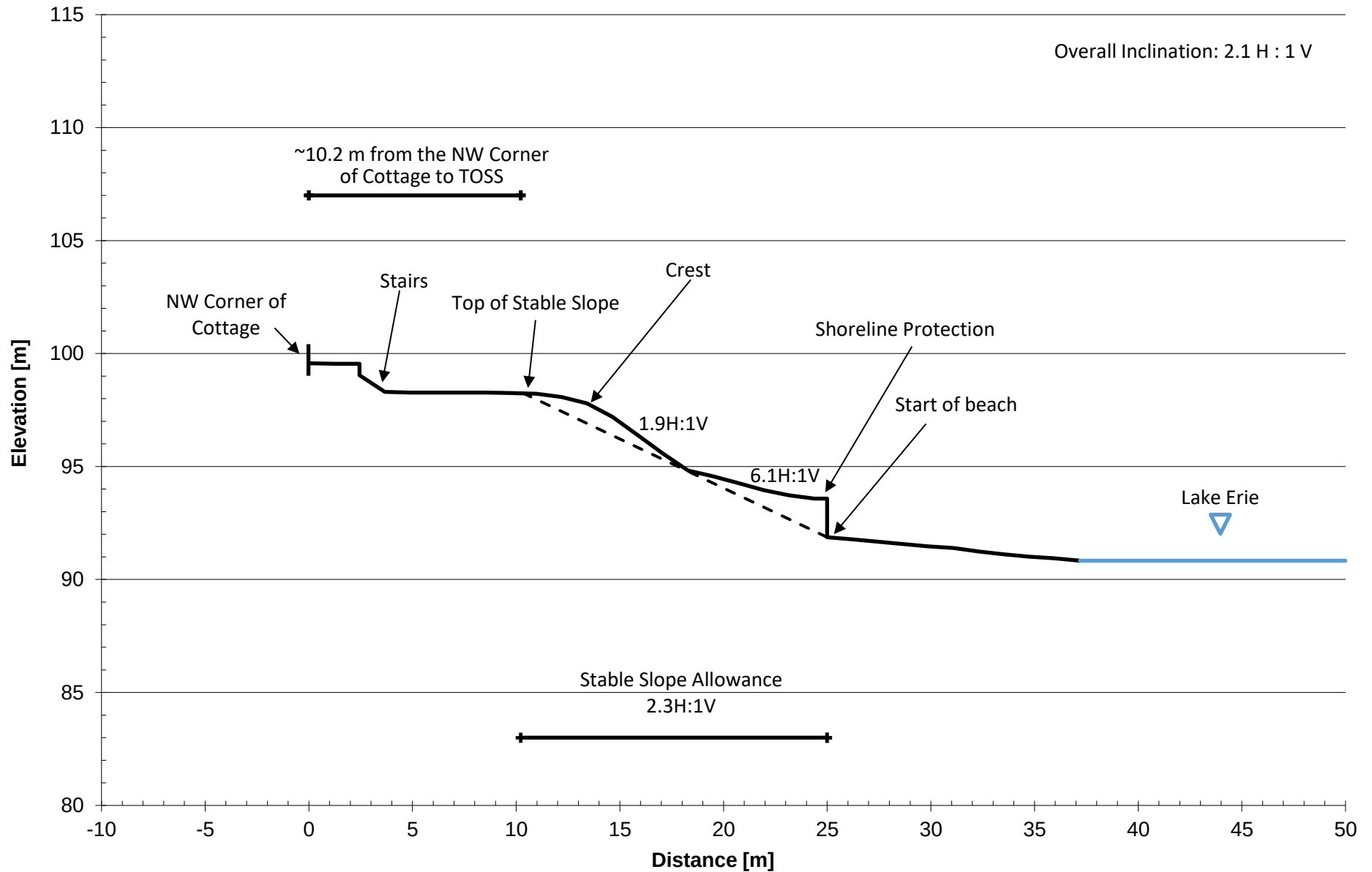


Enclosures: Drawing Nos. 1, Slope Profile Location Plans
Drawing No. 2, 3, and 4, Profile A-A to C-C
Slope Stability Rating Chart
Slope Stability Analyses

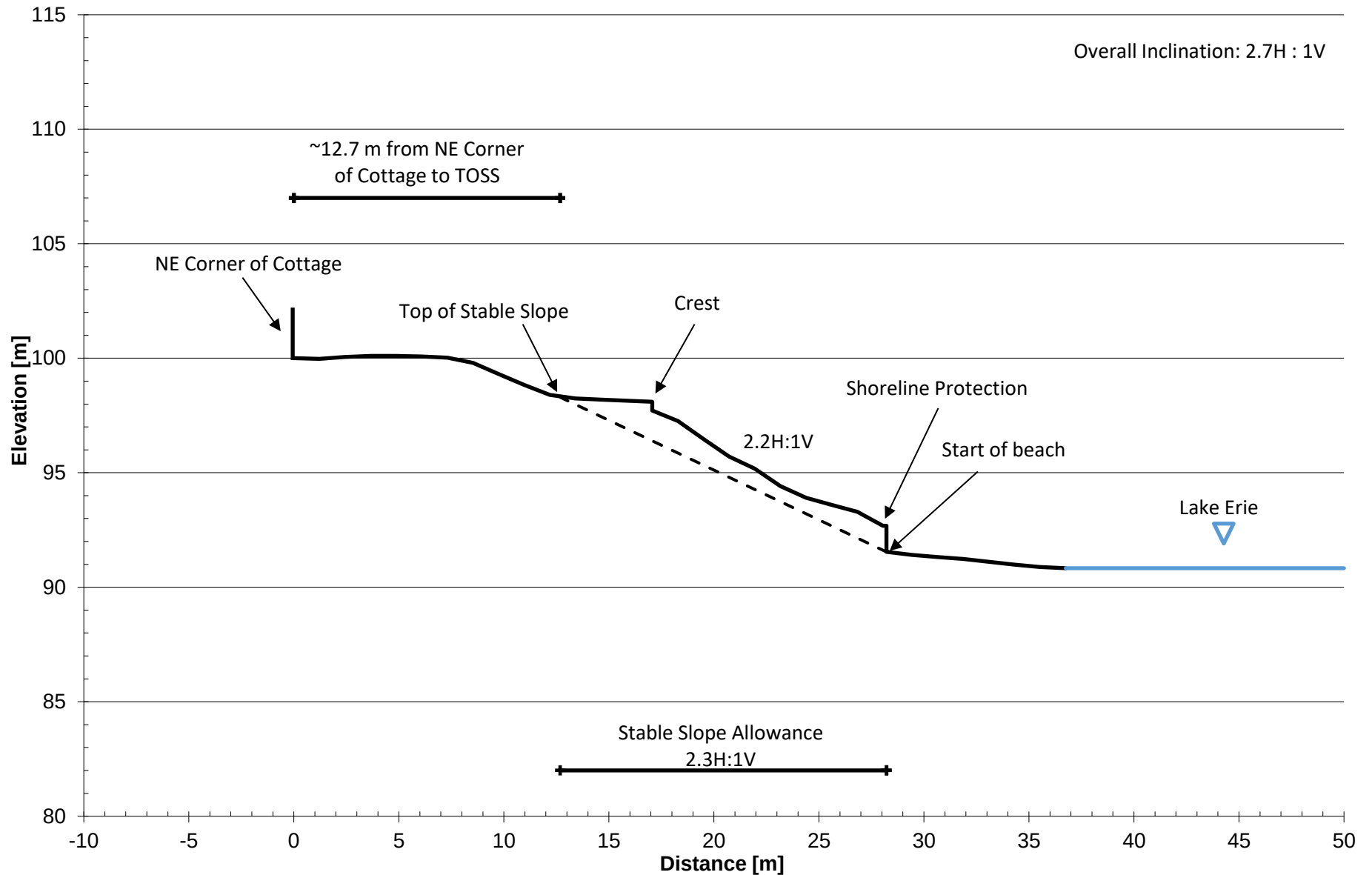
Distribution: Danny Leon



**Slope Profile Section
3611 Firelane 12
Port Colborne, Ontario
Slope Profile A-A**



**Slope Profile Section
3611 Firelane 12
Port Colborne, Ontario
Slope Profile B-B**



**Slope Profile Section
3611 Firelane 12
Port Colborne, Ontario
Slope Profile C-C**

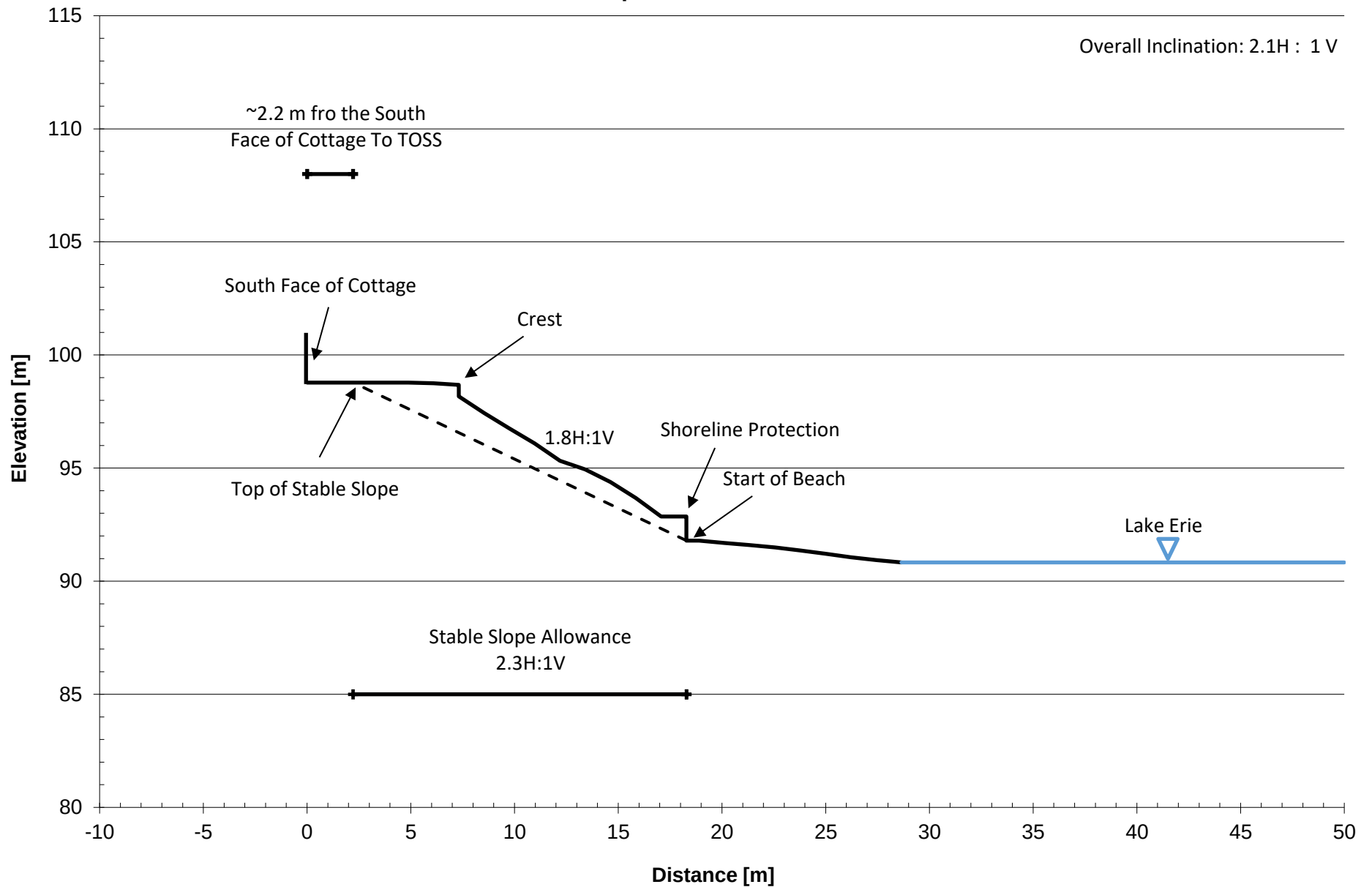
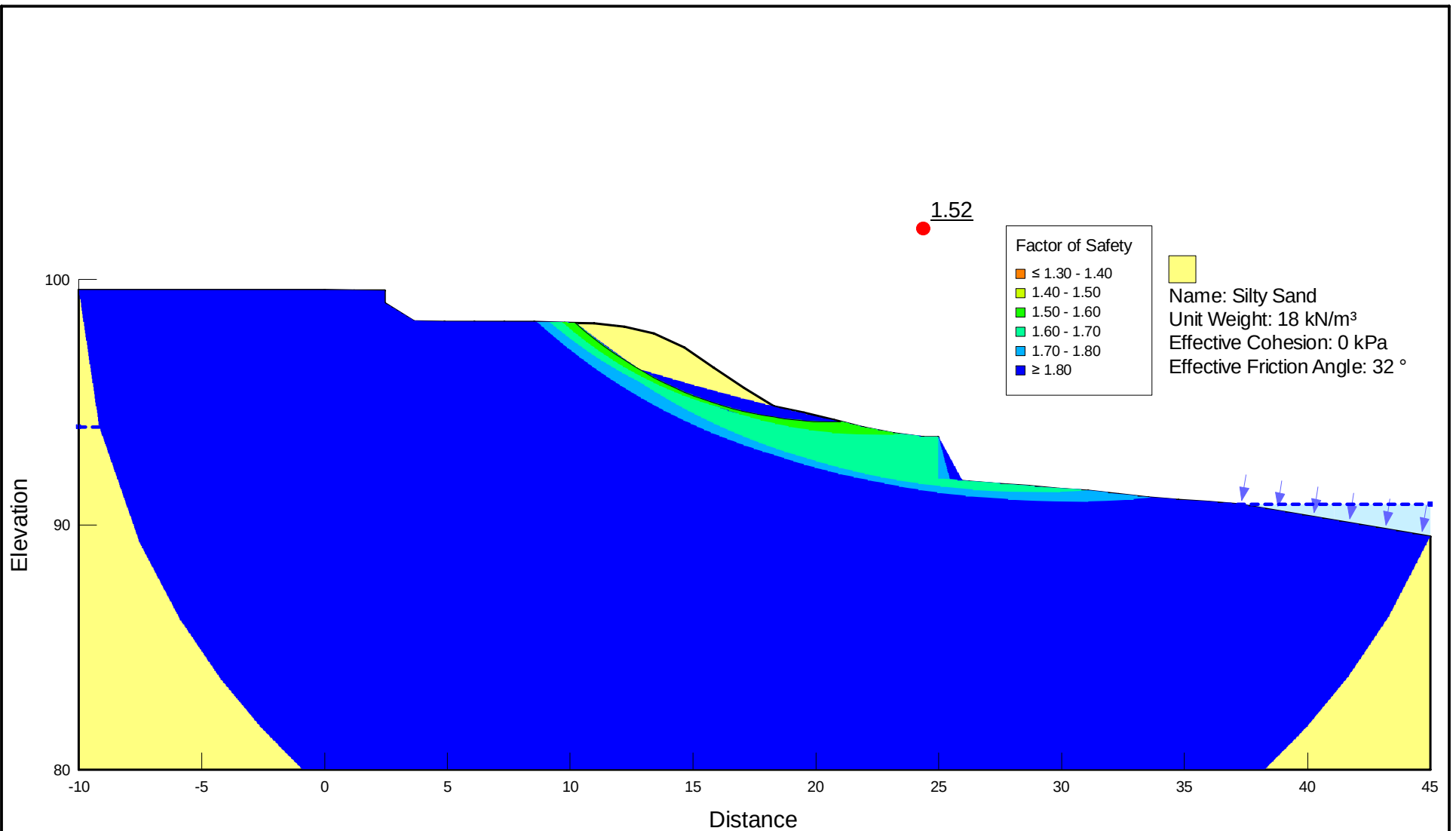
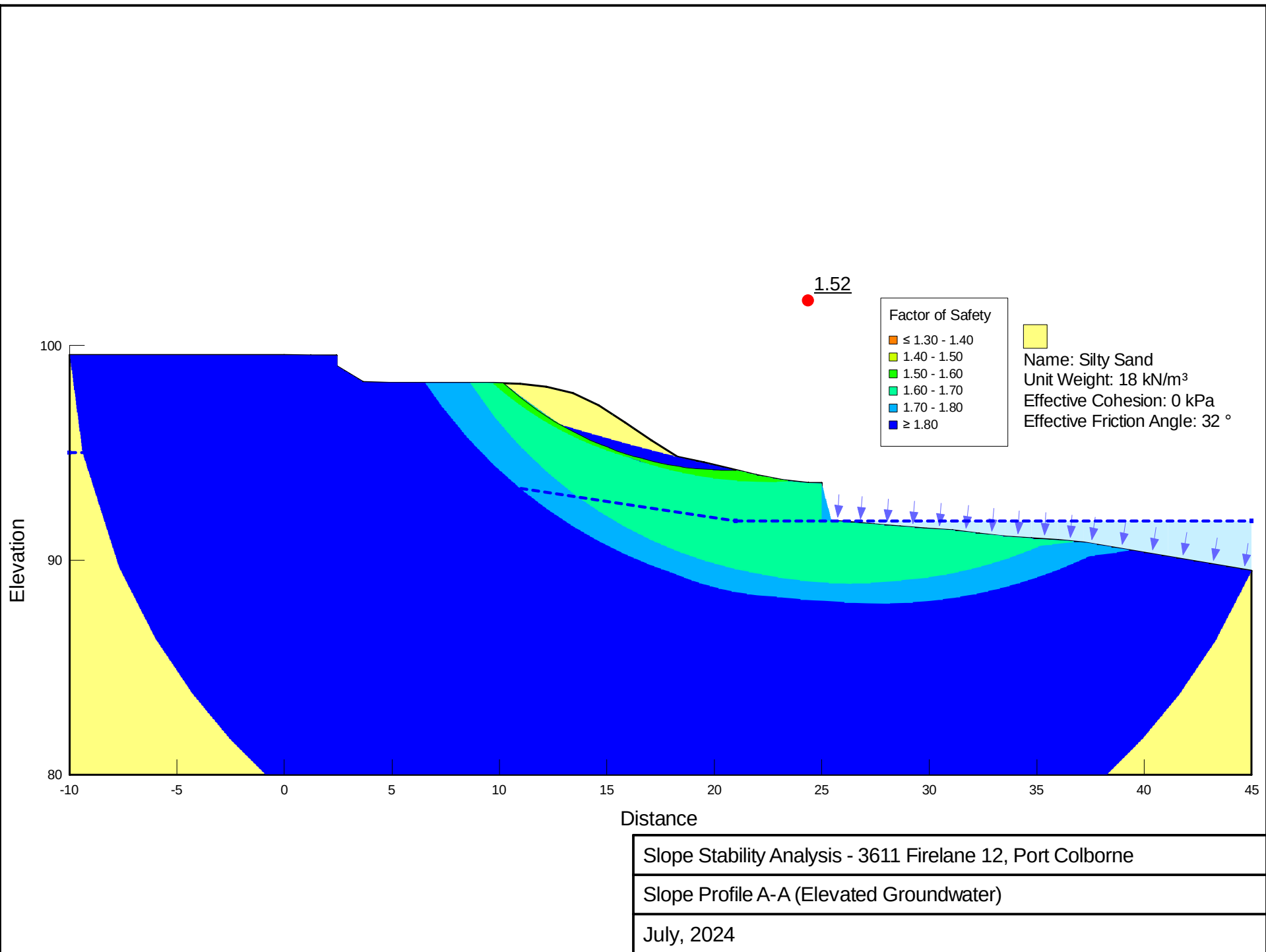


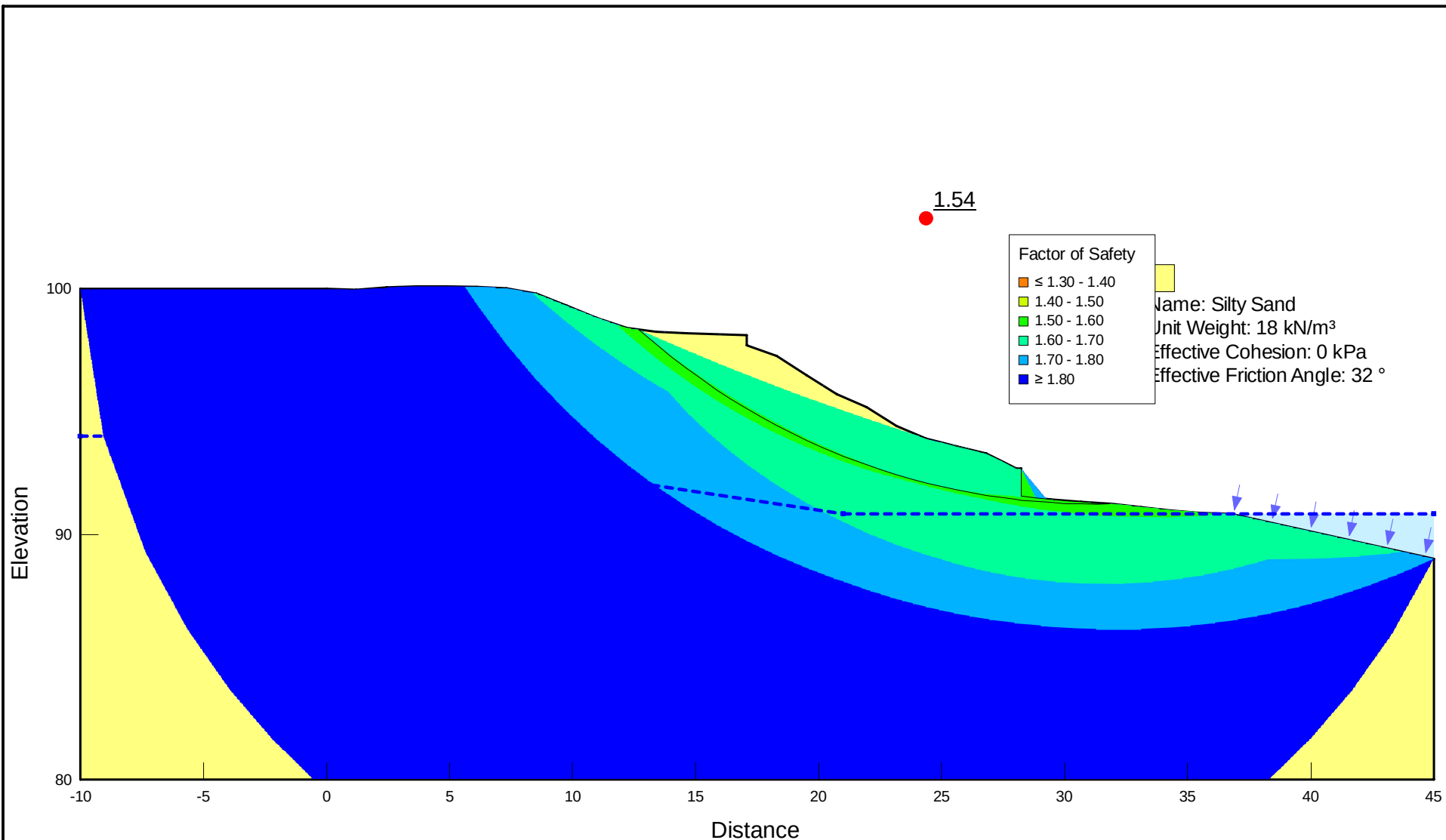
TABLE 8.1 - SLOPE STABILITY RATING CHART

Site Location: 3611 Firelane 12, Port Colborne			File No. SM 240465-G
Property Owner:			Inspection Date: June 8, 2024
Inspected By: Malcolm Green			Weather:
1.	SLOPE INCLINATION		Rating Value
	degrees	horiz. : vert.	
a)	18 or less	3 : 1 or flatter	0
b)	18 - 26	2 : 1 to more than 3 : 1	6
c)	more than 26	steeper than 2 : 1	16
2.	SOIL STRATIGRAPHY		
a)	Shale, Limestone, Granite (Bedrock)		0
b)	Sand, Gravel		6
c)	Glacial Till		9
d)	Clay, Silt		12
e)	Fill		16
f)	Leda Clay		24
3.	SEEPAGE FROM SLOPE FACE		
a)	None or Near bottom only		0
b)	Near mid-slope only		6
c)	Near crest only or, From several levels		12
4.	SLOPE HEIGHT		
a)	2 m or less		0
b)	2.1 to 5 m		2
c)	5.1 to 10 m		4
d)	more than 10 m		8
5.	VEGETATION COVER ON SLOPE FACE		
a)	Well vegetated; heavy shrubs or forested with mature trees		0
b)	Light vegetation; Mostly grass, weeds, occasional trees, shrubs		4
c)	No vegetation, bare		8
6.	TABLE LAND DRAINAGE		
a)	Table land flat, no apparent drainage over slope		0
b)	Minor drainage over slope, no active erosion		2
c)	Drainage over slope, active erosion, gullies		4
7.	PROXIMITY OF WATERCOURSE TO SLOPE TOE		
a)	15 metres or more from slope toe		0
b)	Less than 15 metres from slope toe		6
8.	PREVIOUS LANDSLIDE ACTIVITY		
a)	No		0
b)	Yes		6
	SLOPE INSTABILITY RATING	RATING VALUES TOTAL	INVESTIGATION REQUIREMENTS
			TOTAL
			28
1.	Low potential	< 24	Site inspection only, confirmation, report letter.
2.	Slight potential	25-35	Site inspection and surveying, preliminary study, detailed report.
3.	Moderate potential	> 35	Boreholes, piezometers, lab tests, surveying, detailed report.
NOTES:			
a)	Choose only one from each category; compare total rating value with above requirements.		
b)	If there is a water body (stream, creek, river, pond, bay, lake) at the slope toe; the potential for toe erosion and undercutting should be evaluated in detail and, protection provided if required.		

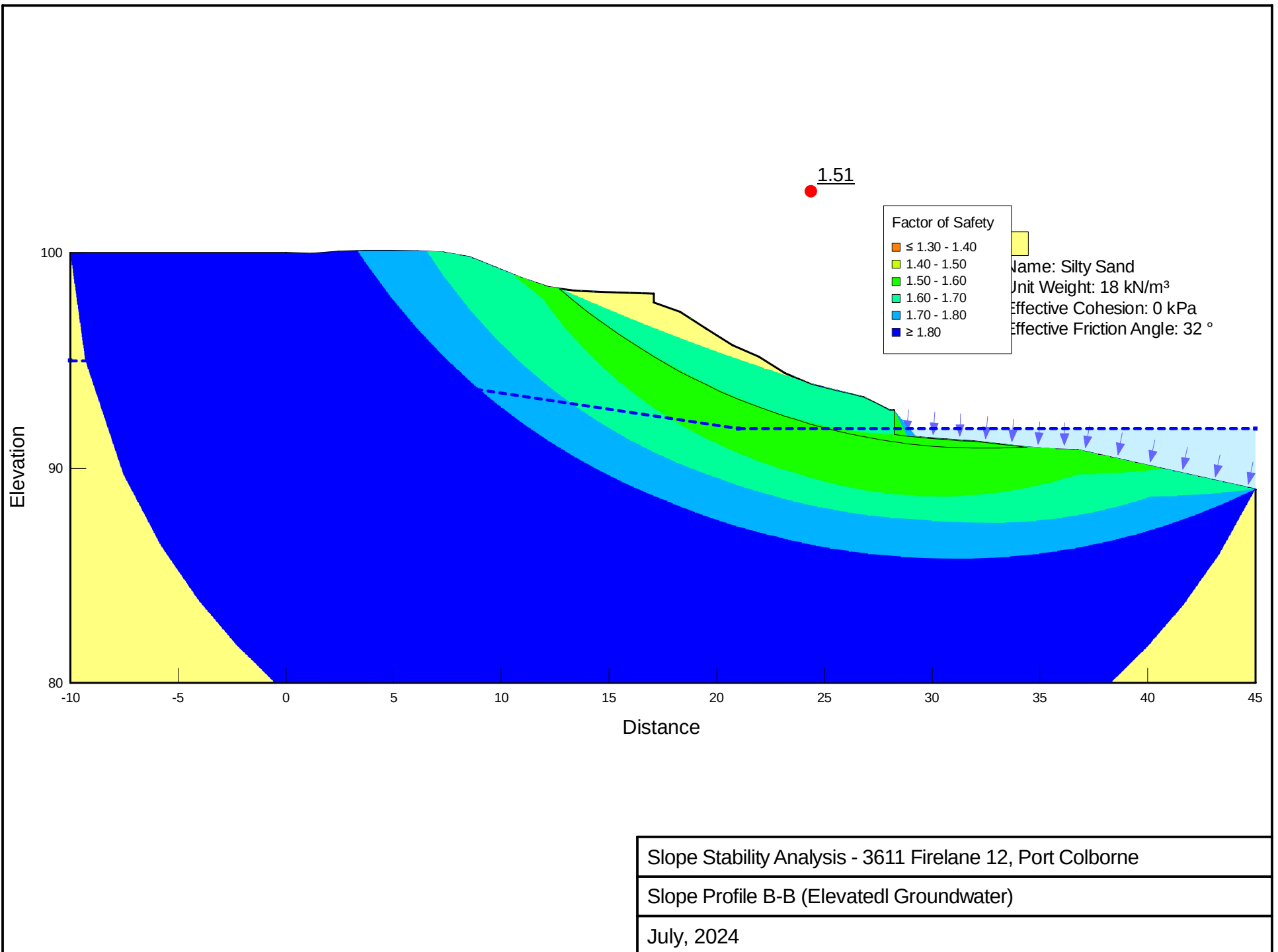


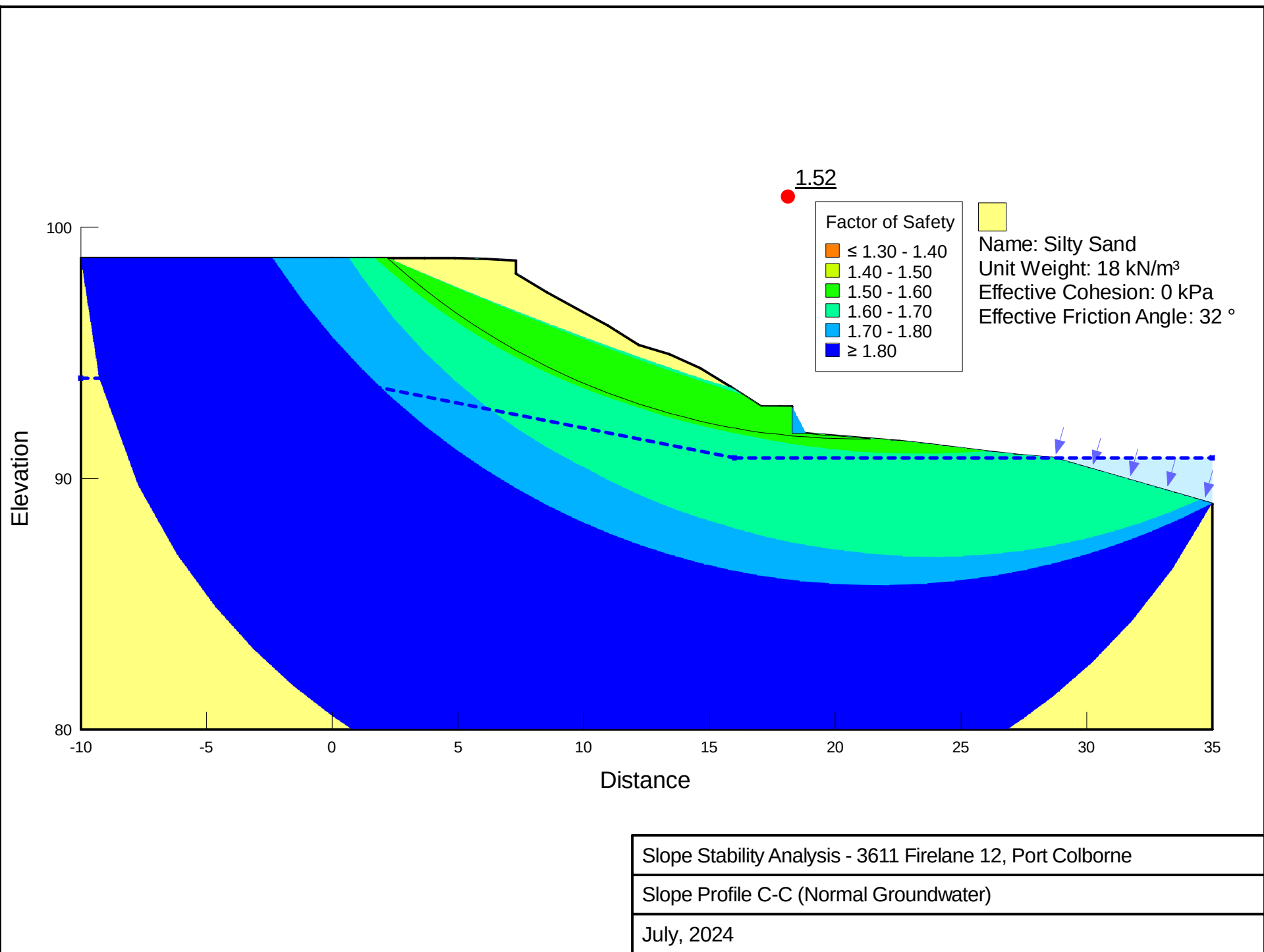
Slope Stability Analysis - 3611 Firelane 12, Port Colborne
Slope Profile A-A (Normal Groundwater)
July, 2024

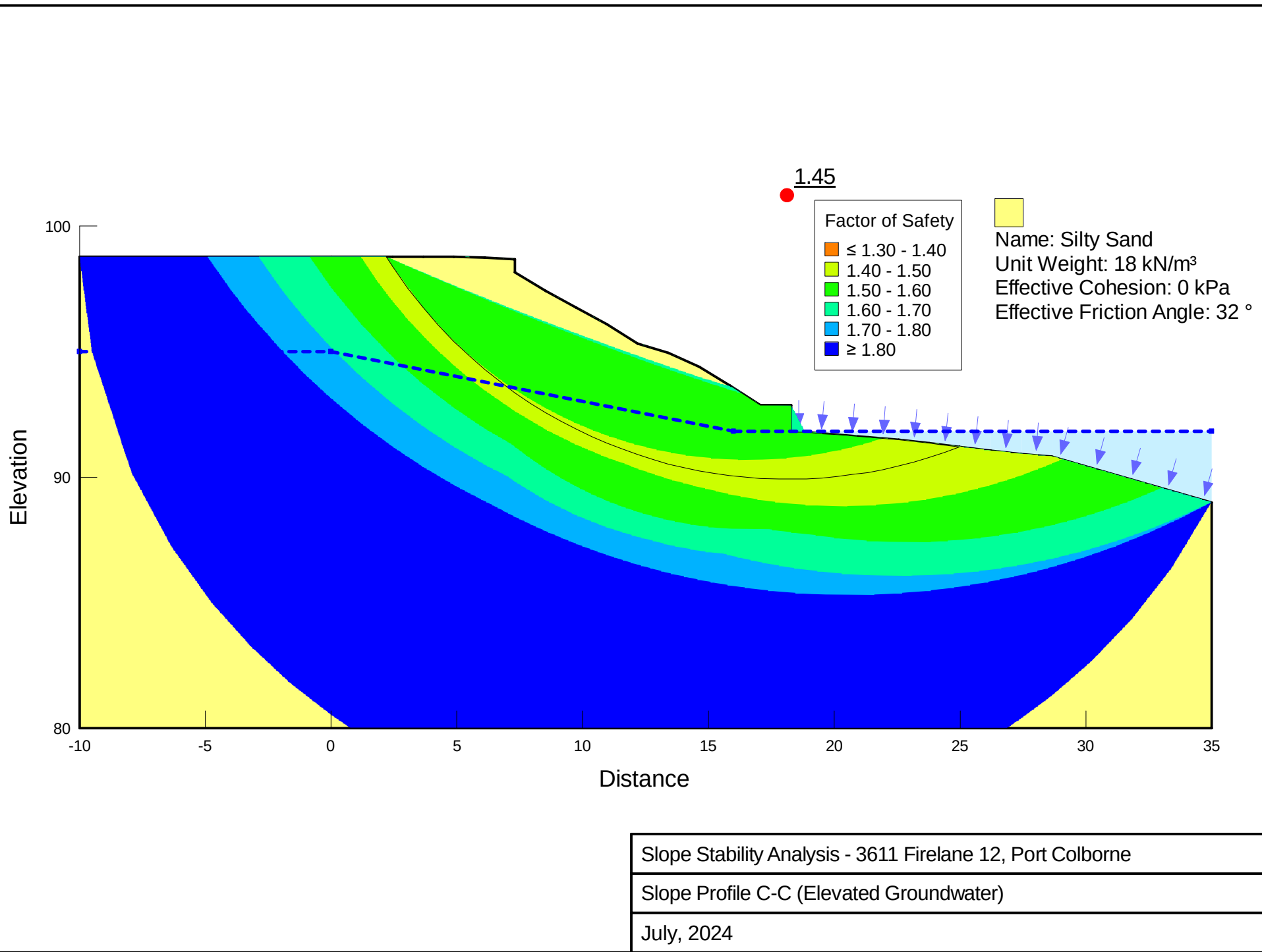




Slope Stability Analysis - 3611 Firelane 12, Port Colborne
Slope Profile B-B (Normal Groundwater)
July, 2024









ACC

ARCHAEOLOGICAL
CONSULTANTS CANADA

Stage 1 & 2 Archaeological Assessment

Proposed Residential Development

3611- 3657 Firelane 12, Part of Lot 10, Concession 1, Geographic Township of
Humberstone, City of Port Colborne, Regional Municipality of Niagara, Ontario

Original Report

Prepared for:

Ontario Ministry of Citizenship and Multiculturalism

Prepared by:

Archaeological Licensee: Kristy O'Neal, M.A., P066

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PIF #: P066-0590-2025

Project No. 195-12-25

September 18, 2025

EXECUTIVE SUMMARY

Archaeological Consultants Canada (ACC) was contracted by the Proponent to conduct a Stage 1 & 2 archaeological resource assessment, including background research and property survey, for a proposed residential development. An archaeological assessment was conducted during the pre-approval process and was required under the *Planning Act, R.S.O 1990*. The subject property is located at municipal addresses 3611- 3657 Firelane 12 and is legally described as Part of Lot 10, Concession 1, Geographic Township of Humberstone, City of Port Colborne, Regional Municipality of Niagara, Ontario. The subject property measures 1.32 hectares (ha).

Archaeological Consultants Canada (ACC), conducted a Stage 1 & 2 archaeological assessment of a 0.39 hectare property within the current subject property, in 2023. Background research indicated that portions of the property retained archaeological potential and required a Stage 2 archaeological assessment (ACC, 2023). The Stage 2 was conducted in November of 2023 and no artifacts or archaeological resources were retained. Therefore, the property is now considered fully assessed and requires no additional assessment (ACC, 2023).

The Stage 1 & 2 assessment was conducted under Professional Archaeological License P066, held by Kristy O'Neal. Fieldwork was conducted under the direction of Zack Cousineau (R1335). The Ontario Ministry of Citizenship and Multiculturalism (MCM) assigned Project Information Form (PIF) number P066-0590-2025 to this project. The licensee of ACC received permission from the Proponent to access the property and to conduct all required archaeological fieldwork activities including the removal of artifacts, as necessary. The property was accessed on July 16th, 2025.

Stage 1 background research indicated that the subject property has general archaeological potential due to the following factors:

- The subject property is largely comprised of well-drained land that is suitable for human habitation and agriculture
- The subject property is adjacent to Lake Erie
- Niagara Region's archaeological management plan indicates that the entire subject property has archaeological potential.

The subject property measures 1.32 ha. A visual property inspection determined that 0.1 ha of the subject property has been previously disturbed by modern construction activities and has low to no archaeological potential. Less than 0.1 ha of the subject property consists of steeply sloping topography and has low to no archaeological potential. 0.33 ha of the subject property consists of a waterbody, Lake Erie. Less than 0.1 ha was not accessible due to the presence of a shoreline stabilizing rock wall.

0.6 ha of the subject property retained archaeological potential and was recommended for Stage 2 assessment. The entirety of this area consisted of manicured lawn and was assessed by test pit survey at 5 m intervals. No artifacts or other archaeological resources were identified during the Stage 2 archaeological assessment.

The following recommendation is provided for consideration by the Proponent and by the MCM:

1. No artifacts or other archaeological resources were identified during the Stage 1 & 2 archaeological assessment. The subject property has now been fully assessed according to MCM's 2011 *Standards and Guidelines for Consultant Archaeologists*. No further archaeological assessment of the property is required.
2. Less than 0.1 ha of the subject property consists of the shoreline of Lake Erie. If impacts to these watercourses are proposed, marine archaeological potential may be evaluated through a separate process following the MCM's 2016 *Criteria for Evaluating Marine Archaeological Potential* checklist.

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LIST OF ABBREVIATIONS

The following is a list of abbreviations and acronyms used throughout this report.

ACC	Archaeological Consultants Canada
CHVI	Cultural Heritage Value or Interest
Detritus	Detritus Consulting Ltd.
cm	centimetre
ha	hectares
km	kilometre
m	metre
MCM	Ministry of Citizenship and Multiculturalism
OASD	Ontario Archaeological Sites Database
OHA	Ontario Heritage Act
PIF	Project Information Form
%	percent

PROJECT PERSONNEL

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Professional License:	Kristy O’Neal, M.A., P066
Field Director:	Michelle Volpe, M.L.I.S, R1241
Report Preparation:	Delaney Parent, B.Sc, R1349 Leah Peacock, B.A., R1273
Graphics:	Leah Peacock, B.A., R1273



Stage 1 & 2 Archaeological Assessment

Proposed Residential Development

3611- 3657 Firelane 12, Part of Lot 10, Concession 1, Geographic
Township of Humberstone, City of Port Colborne, Regional
Municipality of Niagara, Ontario

1.0 PROJECT CONTEXT

1.1 Development Context

Archaeological Consultants Canada (ACC) was contracted by the Proponent to conduct a Stage 1 & 2 archaeological assessment, including background research and property survey, for a proposed residential development. An archaeological assessment was conducted during the pre-approval process and was required under the *Planning Act, R.S.O 1990*. The assessed area, or the “subject property”, is located at municipal addresses 3611- 3657 Firelane 12 and is legally described as Part of Lots 21 and 22, Concession 4 East of Hurontario Street, Geographic Township of Chinguacousy, Former County of Peel, now in the Town of Caledon, Regional Municipality of Peel, Ontario. The subject property measures 1.32hectares (ha). The Proponent verified the subject property limits as defined within this report.

The objective of a Stage 1 background study is to provide information about the subject property’s geography, history, previous archaeological fieldwork, and current land conditions. A Stage 1 study evaluates the subject property’s archaeological potential in order to recommend appropriate strategies for the Stage 2 survey.

The objective of a Stage 2 property assessment is to document all archaeological resources present on the property and to make a determination about whether these resources, if present, have Cultural Heritage Value or Interest (CHVI). Archaeological resources consist of artifacts (Indigenous stone tools, pottery and subsistence remains as well as Euro-Canadian objects), subsurface settlement patterns and cultural features (post moulds, trash pits, privies, and wells), and sites (temporary camps and special purpose activity areas, plus more permanent settlements such as villages, homesteads, grist mills and industrial structures). If any archaeological resources are present that exhibit CHVI, a Stage 2 survey will determine whether these resources require further assessment and, if necessary, recommend appropriate Stage 3 strategies for identified archaeological sites.

The Stage 1 & 2 assessment was conducted under Professional Archaeological License P066, held by Kristy O’Neal. Fieldwork was conducted under the direction of Michelle Volpe (R1241). The Ontario Ministry of Citizenship and Multiculturalism (MCM) assigned Project Information Form (PIF) number P066-0590-2025 to this project. The licensee of ACC received permission from the Proponent to access the property and to conduct all required archaeological fieldwork

activities including the removal of artifacts, as necessary. The property was accessed on July 16, 2025.

All fieldwork and reporting were completed using MCM's 2011 *Standards and Guidelines for Consultant Archaeologists*. This report documents the research, the field methods and results, and the conclusions and recommendations based on the Stage 1 & 2 archaeological assessment. All documents and records related to this project will be curated at the offices of ACC, in accordance with subsection 66(1) of the *Ontario Heritage Act* (OHA).

1.2 Historical Context

1.2.1 Background Research

Stage 1 background research was conducted to determine the potential for finding and identifying archaeological resources including sites within the current subject property and to determine the necessity of conducting a Stage 2 survey. This is done by reviewing geographic, archaeological, and historical data for the property and the surrounding area. The background research was conducted to:

- amass all the readily available information on any previous archaeological surveys in the area.
- determine the locations of any registered and unregistered sites within and around the subject property.
- develop an historical framework for assigning levels of potential significance to any new sites discovered during fieldwork.

1.2.2 A Cultural Chronology for Southern Ontario

Over their thousands of years of occupation in the general region, Indigenous peoples have left behind, to a greater or lesser degree, physical evidence of their lifeway activities and settlements at many locations. Based upon a published synthesis of Indigenous cultural occupations (Wright, 1968). Table 1 is a general outline of the cultural history of southern Ontario that is applicable to the subject property. Ellis and Ferris (1990) provide greater detail of the distinctive characteristics of each time period and cultural group. It should be noted that this general outline uses longstanding labels that are used to describe the archaeological record in North America. Archaeological terms like Paleoindian, Archaic, and Woodland, are used here as a way to divide time and should be treated as such.

It is likely that Ontario was occupied soon after the retreat of the Ice Age glaciers. The earliest known human occupation in the area was during the Paleoindian period (between 12,000 and 9,500 years ago) wherein small groups of nomadic peoples hunted big game such as caribou in a cool sub-arctic climate. Sites are typically found near glacial features such as the shorelines of glacial lakes or kettle ponds which would have allowed access to the low-lying environments that were favoured by caribou and other wildlife. These people were few and their small, temporary campsites are relatively rare. Paleoindian sites are recognized by the presence of

distinctive artifacts such as fluted projectile points, beaked scrapers, and graters and by the preference for light colored chert, such as Collingwood chert. The Paleoindian Period is divided into two sub-periods, Early Paleoindian, and Late Paleoindian.

Table 1: General Cultural Chronology for Southern Ontario

PERIOD	SUBDIVISION I	SUBDIVISION II	YEARS BEFORE PRESENT	COMMENTS
PALEOINDIAN	Early Paleoindian	Fluted Point Horizon	12,000-10,500	big game hunters
	Late Paleoindian	Holcombe & Hi-Lo Horizons	10,500-9,500	small nomadic groups
ARCHAIC	Early Archaic	Side Notched Horizon	10,000-9,700	nomadic hunters and gatherers
		Corner-Notched Horizon	9,700-8,900	
		Bifurcate Horizon	8,900-8,000	
	Middle Archaic	Middle Archaic I/Stemmed Horizon	8,000-5,500	territorial settlements
		Middle Archaic II	5,500-4,500	polished ground stone tools
	Late Archaic	Narrow Point Horizon	4,500-3,500	
		Broad Point Horizon	4,000-3,500	
		Small Point Horizon (including Haldimand and Glacial Kame Complexes)	3,500-2,800	burial ceremonialism
WOODLAND	Early Woodland	Meadowood Complex	2,900-2,400	introduction of pottery
		Middlesex Complex	2,500-2,000	
	Middle Woodland	SW Ontario: Saugeen	2,300-1,500	long distance trade networks
		Western Basin: Couture	2,300-1,500	
	Transitional Woodland	SW Ontario:		
		Princess Point	1,500/1,400-1,200	incipient agriculture
		Western Basin:		
		Riviere au Vase	1500/1400-1200/1100	
	Late Woodland: Ontario Iroquois Tradition	Early: Glen Meyer	1200/100-750/700	transition to village life
		Middle I: Uren	720/700-710/670	large villages with palisades
		Middle II: Middleport	710/670-670/600	wide distribution of ceramic styles
		Late: Neutral	600-450	
	Late Woodland: Western Basin Tradition	Younge Phase	1200/1100-800	
		Springwells Phase	800-600	
		Wolf Phase	600-450	
HISTORIC	SW Ontario Iroquois	Historic Neutral	450-350	tribal warfare
	European Contact	Initial Contact	380-300	tribal displacement
		European Settlement	200 >	European settlement
		First Nations Resettlement	200 >	

(Compiled from Adams, 1994, Ellis *et al.*, 1990, Wright, 1968)

During the Archaic period (*circa* 10,000 to 2,800 years ago) people were still primarily nomadic hunters, but they adapted to a more temperate climate. Groups were dispersed during winter months and converged around watercourses from the spring to fall in large fishing campsites. The Archaic period is characterized by the appearance of ground stone tools, notched, or



stemmed projectile points. The Archaic Period is divided into three sub-periods, Early, Middle, and Late Archaic. During the Archaic Period, groups began to establish territorial settlements and introduce burial ceremonialism. There is a marked increase in the number and size of sites, especially during the Late Archaic period.

The Woodland period is distinguished by the introduction of pottery vessels for storage and cooking. Sites of the Woodland period (*circa* 3,000 to 400 years ago) are usually the most numerous because the population levels in southern Ontario had significantly increased, especially along the shores of Lakes Erie and Ontario. The Woodland Period is also marked by the establishment of complex long distance trading networks. The Woodland Period is divided into three sub-periods, Early, Middle and Late Woodland. During the Late Woodland Period, there is increasing sedentarism and the establishment of horticulture, a reliance on tribal warfare, and the introduction of semi-permanent villages with large protective palisades. The Late Woodland period also envelops the emergence of Iroquoian tribes and confederacies.

The historic period (from A.D. 1650 to 1900) begins with the arrival of Euro-Canadian groups. Sites of this period document European exploration, trade, and the displacement and devastation of native groups caused by warfare and infectious disease. The most common sites of this period include Euro-Canadian homesteads, industries, churches, schools, and cemeteries.

While North America had been visited by Europeans on an increasing scale since the end of the 15th century, the first European to venture into what would become southern Ontario was Étienne Brûlé. Brûlé was sent by Samuel de Champlain in the summer of 1610 to consolidate an emerging relationship between the French and the First Nations, and to learn their languages and customs. Other Europeans would subsequently be sent by the French to train as interpreters. These men played an essential role in communications with the First Nations (Gervais and Rothe, 2004:182).

The late 17th and early 18th centuries saw the growth and spread of the fur trade, with the establishment and maintenance of trading posts along the Great Lakes. In 1754, hostilities over trade and the territorial ambitions of the French and the British led to the Seven Years' War, which ended when the French surrendered in 1760 (Smith, 1987:22). In addition to cementing British control over the Province of Quebec, the British victory over the French also proved pivotal in catalyzing the Euro-Canadian settlement process.

During pre-contact and early contact times, the vicinity of the subject property would have contained a mixture of deciduous trees, coniferous trees, and open areas. In the early 19th century, Euro-Canadian settlers arrived via easily accessible colonization routes and began to clear the forests for agricultural purposes. In the 19th and early 20th centuries, the subject property and surrounding land were primarily used for agricultural purposes. Mixed farming was common, with wheat crops and beef cattle dominating the landscape (Chapman and Putnam, 1984:177).

The subject property is historically located in part of Lot 10, Concession 1, Township of Humberstone, County of Welland. In 1791, the provinces of Lower Canada and Upper Canada were created from the former province of Quebec by a British parliamentary act. Colonel John



Graves Simcoe was appointed as the Lieutenant Governor of Upper Canada and was tasked with governing and directing its settlement, as well as establishing a constitutional government based on Britain's model (Coyne et al, 1895:33).

Welland County was formed in 1851, when land from the southern section of Lincoln County broke away (Mika & Mika, 1983). The county was named after the Welland River, which, in turn, was named by John Graves Simcoe, after a stream in Lincolnshire, England (Middleton & Landon, 1927). The townships in this county were among the earliest settlements in Upper Canada, made up of United Empire Loyalists who came to the area after the American Revolutionary war (Carter, 1984). The building of the first Welland Canal in the 1820's also helped stimulate the growth of settlement in the area (Mika & Mika, 1983). The earliest recorded European visitor to the county is Father Louis Hennepin, who explored the area as a missionary in 1678. He is best known for publishing an account of his travels, which include the first written description of Niagara Falls, published in 1689 (Page, 1876).

Humberstone Township was named in 1787 for a town of the same name in England's Lincolnshire (Rayburn, 1997). It was first settled in 1785 with land selling for ten cents an acre. By 1817 it contained 75 occupied homes, one grist mill and one sawmill. By 1850 it contained 279 occupied homes, one grist mill, three sawmills, one foundry, two churches, and eight public schools. The population at time had reached 2,377. By 1875 it had risen to 3,200 (excluding the population of Port Colborne). Marshland occurs throughout the township and peat manufacture was a large industry, alongside standard agricultural production (Page, 1876).

Historical records and mapping were examined for evidence of early Euro-Canadian occupation within and near the subject property in the mid- to late 19th century. Tremaine's 1862 *Historical County Map of Welland County* indicates that the part of Lot 10, Concession 1 containing the subject property was at the time owned by Ira Bearss. Bearss appears in the 1871 census as an 84-year-old farmer and Quaker from the United States. His wife Lydia, 79 was a Mennonite born in the United States (Library and Archives Canada, 1871). The map illustrates an unnamed tributary of Lake Erie approximately 300 m north of the subject property. No structures are depicted within the subject property (Figure 2). A branch of the Buffalo and Lake Huron Railway is shown 1 km north of the subject property, running through the northern half of the lot.

H. R. Page & Co's 1876 *Illustrated Historic Atlas of the Counties of Lincoln and Welland* indicates that the subject property at this time owned by Gustuvus Ulz. Ulz does not appear in census records of this time. There are no structures depicted within the subject property (Figure 3). The nearest settlement is still Port Colborne. The railway is shown in the same location as before but has now been renamed to the Grand Trunk Railway.

It should be noted that while there are no structures illustrated within the subject property on the historical atlas maps, it does not necessarily mean that one or more structures were not present at that time, earlier or later. Not all features of interest were mapped systematically on the Ontario series of historical maps and atlases, given that they were financed by subscription, and subscribers were given preference regarding the level of detail provided on the maps (Caston,

1977:100). Given that the subject property fronts Lake Erie, there is the potential for 19th century buildings to be present, depending on the level of disturbance.

1.3 Archaeological Context

1.3.1 Natural Environment

The subject property is located within the Iroquois Plain physiographic region (Chapman and Putnam 1984). This region is a lowland bordering Lake Ontario that was once inundated by a body of water known as Lake Iroquois. The area is made up of undulating till plains that once made up the shorelines of Lake Iroquois. These old shorelines and the smoothed lake bottoms are easily identifiable geographic features. The subject property is within the Niagara Fruit Belt, a lowland with excellent well-drained soils that allow orchards and vineyards to flourish.

The *Soils of the Regional Municipality of Niagara* (Kingston & Presant, 1989) indicates the entirety of the subject property occurs upon Eastport sand soils. These soils are stone free, loose greyish sand along the lakeshore and appear along smooth to hilly topographies and have good drainage.

Water has been identified as the major determinant of site selection and the presence of potable water is the single most important resource necessary for any extended human occupation or settlement. Primary water sources include, among others, lakes, rivers, creeks, and streams. Secondary water sources include intermittent streams, creeks, springs, marshes, and swamps. Past water sources, such as raised beach ridges, relic water channels, and glacial shorelines are also considered to have archaeological potential. Swamps and marshes are also important as resource extraction areas, and any resource areas are considered to have archaeological potential. The subject property fronts Lake Erie to the south.

1.3.2 Current Land Use

Figure 5 provides the current land use of the subject property. The subject property consists of multiple residential lots. Each property contains a residential home, laneways and outbuildings surrounded by manicured lawns. The southern edge of each property consists of a sloped area fronting a beach along the shores of Lake Erie.

Fieldwork for the project was conducted on July 16th, 2025.

1.3.3 Previous Archaeological Investigations

1.3.3.1 Registered Archaeological Sites

Previously registered archaeological sites can be used to indicate archaeological potential. To determine if any previous assessments have yielded archaeological sites, either within or surrounding the current subject property, two main sources were consulted. These include the *Ontario Archaeological Sites Database* (OASD) and the *Public Register of Archaeological Reports*, both of which are maintained by MCM.

The OASD contains archaeological sites registered within the Borden system (Borden, 1952). The Borden system divides Canada into 13 km by 18.5 km blocks based on longitude and latitude. Each Borden block is designated with a four-letter label and sites identified within the block are numbered sequentially as they are registered. The subject property is located within the *AlGt* Borden block.

According to the OASD, no archaeological sites have been registered within 1 km of the subject property (MCM, 2025a). The absence of registered sites may not necessarily be an accurate indication of cultural occupation, but rather it may reflect the lack of systematic archaeological surveys in the area.

Information concerning specific site locations is protected by provincial policy and is not fully subject to the *Freedom of Information Act*. The release of such information in the past has led to looting or various forms of illegally conducted site destruction. Confidentiality extends to all media capable of conveying location, including maps, drawings, or textual descriptions of a site location. MCM will provide information concerning site location to the party or an agent of the party holding title to a property, or to a licensed archaeologist with relevant cultural resource management interests.

1.3.3.2 Previous Archaeological Reports

A review of archaeological reports within the *Public Register of Archaeological Reports* indicated that one report detailing previous archaeological fieldwork within the subject property have been entered into MCM's register at the time this report was written (MCM, 2024b). Additionally, there is one report detailing previous fieldwork within 50 m of the subject property within the register. Reports were searched based on registered site information, historic lots and concessions, and nearby streets. Figure 6 shows the location of these assessments in relation to the current subject property.

Stage 1 & 2 Archaeological Assessment 3637 Firelane 12, City of Port Colborne, in Part of Lot 10, Concession 1, Geographic Township of Humberstone, Regional Municipality of Niagara, Ontario. P1208-376-2023. Archaeological Consultants Canada (ACC), 2023

In 2023, ACC conducted a stage 2 assessment of a 0.21 ha property located at 3637 Firelane 12, within the current subject property. Stage 1 background research showed that the property had the potential to retain archaeological resources and a Stage 2 assessment was recommended. ACC conducted the Stage 2 test pit survey in November of 2023. No artifacts were recovered during the test pit survey and no further fieldwork was recommended (ACC, 2023).

Stage 1-2 Archaeological Assessment 3618 Firelane 12, Port Colborne Part of Lot 10, Concession 1, Geographic Township of Humberstone, Historical County of Welland, now the Regional Municipality of Niagara, Ontario. December 16th , 2024. PIF P462-0327-2024.



Detritus Consulting Ltd. ('Detritus') was retained by Mitchell Contracting to conduct a Stage 1-2 archaeological assessment of a 0.09 ha property located 8 m from the current subject property. Stage 1 background research showed that the property had the potential to retain archaeological resources and a Stage 2 assessment was recommended. Detritus conducted the Stage 2 test pit survey in November of 2024. No artifacts were recovered during the test pit survey and no further fieldwork was recommended (Detritus, 2024).

1.3.4 Historical Plaques

MCM's *Standards and Guidelines for Consultant Archaeologists* (MCM, 2011:17) stipulates that areas of early Euro-Canadian settlement (including places of early military pioneer settlement, pioneer homesteads, isolated cabins, farmstead complexes, early wharf or dock complexes, pioneer churches, and early cemeteries) are considered to have archaeological potential. There may be commemorative markers of their history, such as local, provincial, or federal monuments, plaques, cairns, or heritage parks. Early historical transportation routes (trails, passes, roads, railways, portage routes), properties listed on a municipal register or designated under the OHA or a federal, provincial, or municipal historic landmark or site, and properties that local histories or informants have identified with possible archaeological sites, historical events, activities, or occupations are also considered to have archaeological potential.

There are no plaques or commemorative markers within or near the subject property (Ontario Provincial Plaques, 2025).

1.3.4 Archaeological Master Plans

In 2023, Niagara Region adopted the *Niagara Region Archaeological Management Plan* which established specific policies to ensure the responsible management of archaeological resources. The plan provides a trigger for the required archaeological assessment in the development review process and suggests appropriate methods to protect significant archaeological resources. It also sets out the procedures to implement the province's archaeological assessment process, including in the case of unexpected discovery of a site.

The document provides information about the archaeological history of the region, the Ontario archaeological assessment process, and sets out the process for integrating the archaeological assessment and development review processes (Niagara Region, 2023). The document also includes an Archaeological Potential Model for Niagara Region which highlights the lands within the Region that contain archaeological potential. Potential for lands to contain archaeological resources is based on the proximity of those lands to features such as water, well drained soils, known archaeological sites, and early Euro-Canadian settlements. The potential model takes into consideration deep and extensive land alterations that have removed archaeological potential from the Region (Niagara Region, 2023). A review of this potential model indicates that the current subject property is in a zone considered to have archaeological potential (Figure 7).

1.3.5 Cemetery

A search of the subject property and surrounding area determined that there were no cemeteries located within or near the subject property. The Bereavement Authority of Ontario's Public Register does not list any cemeteries within the subject property (Bereavement Authority of Ontario, 2025).



2.0 FIELD METHODS

The subject property measures 1.32ha. The Stage 1 & 2 assessment were conducted concurrently between July 16th, 2025, with advance permission to enter the subject property obtained from the Proponent. Weather conditions during the assessment were excellent, with sunny skies and maximum daily high temperature of 24 degrees Celsius.

The Stage 1 assessment of the subject property began with an on-site property inspection to gain first-hand knowledge of the geography, topography, and current condition of the property. The entirety of the subject property was accessible and was inspected. Appropriate photographic documentation was taken during the visual inspection. Coverage of the property was sufficient to identify the presence or absence of features of archaeological potential, meeting the requirements of Section 1.2 Standard 1 of the *Standards and Guidelines for Consultant Archaeologists*.

Areas of low to no archaeological potential include lands that have been previously disturbed, lands that have steeply sloping topography, and lands that are low-lying and permanently wet. 0.1 ha of the subject property has been previously disturbed by modern construction activities and has low to no archaeological potential. Less than 0.1 ha, of the subject property consists of steeply sloping topography and less than 0.1 ha, was not accessible due to the presence of a shoreline stabilizing rock wall. Approximately 0.33 ha, 25% of the subject property consists of a waterbody, Lake Erie.

In 2023, Archaeological Consultants Canada (ACC), conducted a Stage 1 & 2 archaeological assessment of a 0.39 hectare property within the current subject property. This previously assessed area comprises approximately 29%, of the current subject property.

The remainder of the subject property, totaling 0.6 ha, 40%, was determined to retain archaeological potential and require Stage 2 archaeological assessment. The entirety of the this area consists of manicured lawn. As these lands could not be ploughed, Stage 2 archaeological assessment was conducted by test pit survey at 5 m intervals in accordance with Section 2.1.2 of the *Standards and Guidelines for Consultant Archaeologists*. Each test pit was dug by hand and was 30 centimetres (cm) in diameter and was dug to at least 5 cm into the subsoil or to a sufficient depth to confirm deep disturbance if subsoil was not preserved. Test pits were examined for stratigraphy, cultural features, or evidence of fill. Test pits were dug to within one m of all disturbances and other areas of low archaeological potential. All soil was screened through 6-millimetre mesh to maximize the potential for artifact recovery. Appropriate photographic documentation was taken, and all test pits were backfilled upon completion. As no artifacts were observed during the test pit assessment no intensified survey was conducted.

There were no weather, ground, or lighting conditions detrimental to the recovery of artifacts. As such, it is confirmed that the Stage 2 assessment met Section 1.2 Standard 2 and Section 2.1 Standard 3 of the *Standards and Guidelines for Consultant Archaeologists* regarding weather and lighting.

The entirety of the subject property was assessed. The results of the Stage 1 & 2 assessment are shown on Figure 8. Images of the assessment are provided in Section 8.0.



3.0 RECORD OF FINDS

3.1 Soils

The surface soils within the ploughed agricultural fields consisted of medium brown sandy loam. Test pits contained approximately 20 to 40 cm of dark brown sandy loam topsoil above yellow to light brown sandy loam subsoil.

3.2 Archaeological Resources

No artifacts or other archaeological resources were observed during the Stage 1 & 2 assessment of the subject property.

3.3 Documentary Record

All fieldwork-related activities were documented and kept, including field notes and observations and detailed maps. Appropriate photographic records were kept of the assessment and all image descriptions were recorded in a photo log.

A detailed list of field records is presented in Table 2. All digital items have been duplicated and all paper items have been scanned and stored as digital documents. All items are housed in the corporate offices of ACC.

Under Section 6 of Regulation 881 of the OHA, ACC will keep in safekeeping all objects of archaeological significance that are found under the authority of the license and all field records that are made in the course of the work authorized by the license, except where the objects and records are donated to His Majesty the King in right of Ontario or are directed to be deposited in a public institution under subsection 66 (1) of the Act.

Table 2: Inventory of Documentary and Material Records

PROJECT INFORMATION		
ACC project number	195-12-25	
Licensee	Kristy O'Neal	
MCM PIF numbers	P066-0590-2025	
DOCUMENT/MATERIAL	NUMBER	DESCRIPTION
field notes & photo logs	1	pages (paper, with digital copies)
maps	1	aerial imagery of subject property
photographs	11	digital colour photographs

4.0 ANALYSIS AND CONCLUSIONS

4.1 Potential for Archaeological Resources

Archaeological potential is defined as the likelihood of finding archaeological sites within a subject area. For planning purposes, determining archaeological potential provides a preliminary indication that significant sites might be found within the subject area, and consequently, that it may be necessary to allocate time and resources for archaeological survey and mitigation.

The framework for assigning levels of potential archaeological significance is drawn from provincial guidelines found in the *Standards and Guidelines for Consultant Archaeologists* (MCM, 2011: Sections 1.3.1 and 1.3.2). The following are features or characteristics that can indicate archaeological potential:

- previously identified archaeological sites
- water sources (It is important to distinguish types of water and shoreline, and to distinguish natural from artificial water sources, as these features affect site locations and types to varying degrees.)
 - primary water sources (e.g., lakes, rivers, streams, creeks)
 - secondary water sources (e.g., intermittent streams and creeks, springs, marshes, swamps)
 - features indicating past water sources (e.g., glacial lake shorelines indicated by the presence of raised sand or gravel beach ridges, relic river or stream channels indicated by clear dip or swale in the topography, shorelines of drained lakes or marshes, cobble beaches)
 - accessible or inaccessible shoreline (e.g., high bluffs, swamp or marsh fields by the edge of a lake, sandbars stretching into marsh)
- elevated topography (e.g., eskers, drumlins, large knolls, plateaus)
- pockets of well-drained sandy soil, especially near areas of heavy soil or rocky ground
- distinctive land formation that might have been special or spiritual places, such as waterfalls, rock outcrops, caverns, mounds, and promontories and their bases. There may be physical indicators of their use, such as burials, structures, offerings, rock paintings or carvings.
- resource areas, including:
 - food or medicinal plants (e.g., migratory routes, spawning areas, prairie)
 - scarce raw materials (e.g., quartz, copper, ochre or outcrops of chert)
 - early Euro-Canadian industry (e.g., fur trade, logging, prospecting, mining)



- areas of early Euro-Canadian settlement. These include places of early military or pioneer settlement (e.g., pioneer homesteads, isolated cabins, farmstead complexes), early wharf or dock complexes, pioneer churches and cemeteries. There may be commemorative markers of their history, such as local provincial, or federal monuments or heritage parks
- early historical transportation routes (e.g., trails, passes, roads, railways, portages)
- property listed on a municipal register or designated under the OHA or that is in a federal, provincial, or municipal historic landmark site
- property that local histories or informants have identified with possible archaeological sites, historical events, activities, or occupations

Archaeological potential can be determined not to be present for either the entire property or parts of it when the area under consideration has been subject to extensive and deep land alterations that have severely damaged the integrity of any archaeological resources. This is commonly referred to as “disturbed” or “disturbance” and may include:

- quarrying
- major landscaping involving grading below topsoil
- building footprints
- sewage and infrastructure development
- activities such as agricultural cultivation, gardening, minor grading, and landscaping do not necessarily affect archaeological potential.

4.2 Discussion

Section 1.3.1 of the *Standards and Guidelines for Consultant Archaeologists* (MCM, 2011) lists criteria indicative of archaeological potential. Stage 1 background research indicated that the subject property has general archaeological potential due to the following factors:

- The subject property is largely comprised of well-drained land that is suitable for human habitation and agriculture
- The subject property is adjacent to Lake Erie
- Niagara Region’s archaeological management plan indicates that the entire subject property has archaeological potential.

Given the above criteria, background archival research indicates that the subject property exhibits general archaeological potential for the discovery of both pre/post-contact Indigenous and Euro-Canadian archaeological resources therefore, a Stage 2 archaeological assessment was required.



According to Section 1.4 Standard 1e, of the *Standards and Guidelines for Consultant Archaeologists* (MCM, 2011) no areas within a property containing locations listed or designated by a municipality can be recommended for exemption from further assessment unless the area can be documented as disturbed. The *Municipal Heritage Register* was consulted and there were no areas within or near the subject property that were Listed or Designated under the *Ontario Heritage Act*.

The subject property measures 1.32 ha. A visual property inspection determined that 0.1 ha of the subject property has been previously disturbed by modern construction activities and has low to no archaeological potential. Less than 0.1 ha of the subject property consists of steeply sloping topography and has low to no archaeological potential. 0.33 ha of the subject property consists of a waterbody, Lake Erie. Less than 0.1 ha was not accessible due to the presence of a shoreline stabilizing rock wall.

Archaeological Consultants Canada (ACC), conducted a Stage 1 & 2 archaeological assessment of a 0.39 hectare property within the current subject property, in 2023. Background research indicated that portions of the property retained archaeological potential and required a Stage 2 archaeological assessment (ACC, 2023). The Stage 2 was conducted in November of 2023 and no artifacts or archaeological resources were retained. Therefore, the property is now considered fully assessed and requires no additional assessment (ACC, 2023).

0.6 ha of the subject property retained archaeological potential and was recommended for Stage 2 assessment. The entirety of this area consisted of manicured lawn and was assessed by test pit survey at 5 m intervals.

No artifacts or other archaeological resources were identified during the Stage 1 & 2 archaeological assessment.

5.0 RECOMMENDATIONS

Subject to acceptance of the results and approval of the recommendations, MCM is requested to deem this report compliant with ministry requirements for archaeological fieldwork and reporting and to issue a letter accepting this report into the *Ontario Public Register of Archaeological Reports*.

The following recommendation is provided for consideration by the Proponent and by the MCM:

1. No artifacts or other archaeological resources were identified during the Stage 1 & 2 archaeological assessment. The subject property has now been fully assessed according to MCM's 2011 *Standards and Guidelines for Consultant Archaeologists*. No further archaeological assessment of the property is required.
2. Less than 0.1 ha of the subject property consists of the shoreline of Lake Erie. If impacts to these watercourses are proposed, marine archaeological potential may be evaluated through a separate process following the MCM's 2016 *Criteria for Evaluating Marine Archaeological Potential* checklist.



6.0 ADVICE ON COMPLIANCE WITH LEGISLATION

The following advice on compliance with current legislation is provided for consideration:

- a. This report is submitted to the Minister of Citizenship and Multiculturalism as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c O.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Citizenship and Multiculturalism, a letter will be issued by the ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.
- b. It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such a time as a licensed archaeologist has completed archaeological fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeological Reports referred to in Section 65.1 of the *Ontario Heritage Act*.
- c. Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48 (1) of the *Ontario Heritage Act*.
- d. The *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 (when proclaimed in force) requires that any person discovering human remains must notify the police or coroner and the Registrar, Burials Unit, at the Ministry of Public and Business Service Delivery and Procurement.
- e. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.



7.0 CLOSURE

This report was prepared for the exclusive use of the Proponent, unless otherwise expressly stated in the report or contract. This report documents work that was performed in accordance with the accepted professional standards at the time and location in which the services were provided.

The report is based solely on data and information collected during the archaeological assessment as described in this report. All information received from the Proponent or third parties in the preparation of this report has been assumed by ACC to be factual and accurate. ACC assumes no responsibility for any deficiency, misstatement, or inaccuracy in information received from others. ACC disclaims any obligation to update this report for events or information that becomes available to ACC after the assessment has been completed.

Conclusions made within this report consist of ACC's professional opinion as of the time of the writing of this report and are based solely on the scope and extent of work described in the report, the limited data available, and the results of the work. The conclusions are based on the conditions encountered by ACC at the time the work was performed. Due to the nature of archaeological assessment, which consists of systematic sampling, it is possible that unforeseen and undiscovered archaeological resources may be present within the assessed area. ACC does not warrant against undiscovered environmental liabilities nor that the sampling results are indicative of the condition of the entire property. No other representations, warranties, or guarantees are made concerning the accuracy or completeness of the data or conclusions contained within this report, including no assurance that this work has uncovered all potential archaeological resources associated with the identified property.

Any use of this report by any third party is prohibited. This report is not to be given over to any third party, for any purpose whatsoever, without the written permission of ACC, which shall not be unreasonably withheld. Any use which a third party makes of this report, in whole or in part, or any reliance on or decisions to be made based on any information and conclusions in the report, are the responsibility of the third party. ACC assumes no responsibility for losses, damages, liabilities or claims of any kind whatsoever, howsoever arising, from third party use of this report.

ACC makes no other representations whatsoever, including those concerning the legal significance of the report's findings, or as to other legal matters touched on in this report, including, but not limited to, ownership of any property, or the application of any law to the facts set forth herein.

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9.0 IMAGES



Image 1: Home within subject property, along northern edge, facing south.



Image 2: Home within subject property, along northern edge, facing south.



Image 3: Subject property, along eastern edge, facing west.



Image 4: Inaccessible rock wall within subject property, along eastern edge, facing north.



Image 5: Beach within subject property, along eastern edge, facing west.



Image 6: Home within subject property, from western half of property, facing west.



Image 7: Inaccessable rock wall, steeply sloping area and beach within southwestern corner of subject property, facing northeast.



Image 8: Home within subject property, from western half of property, facing west.



Image 9: Subject property, from northwestern corner, facing south.



Image 10: Typical test pit.



Image 11: Typical test pit.

10.0 FIGURES

See the following pages for detailed assessment mapping and figures.



Figure 1: Location of the Subject Property on a 1:50,000 Scale Topographic Map



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Figure 2: Location of the Subject Property on Tremaine's 1862 Map of the Counties of Lincoln and Welland, Canada West

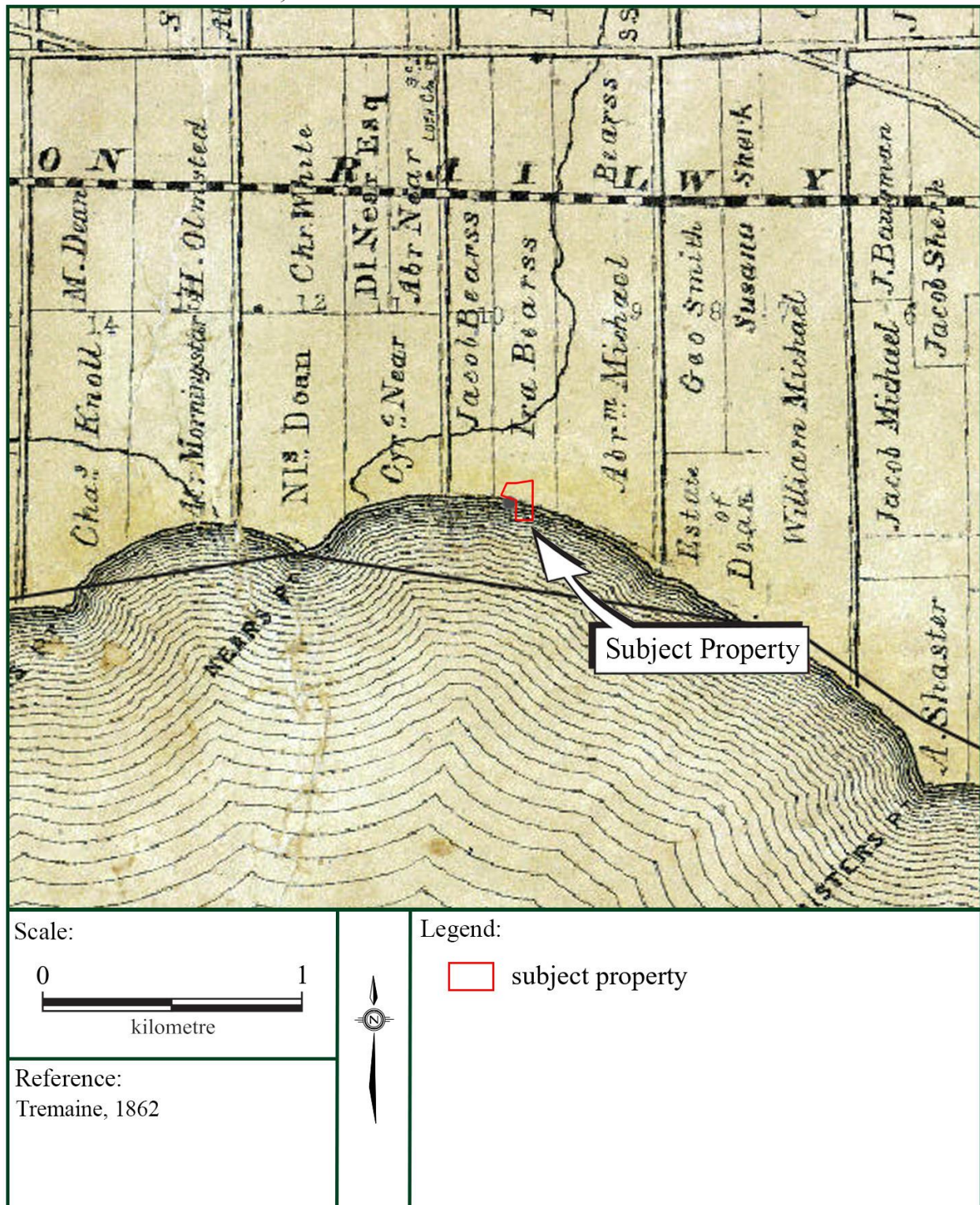
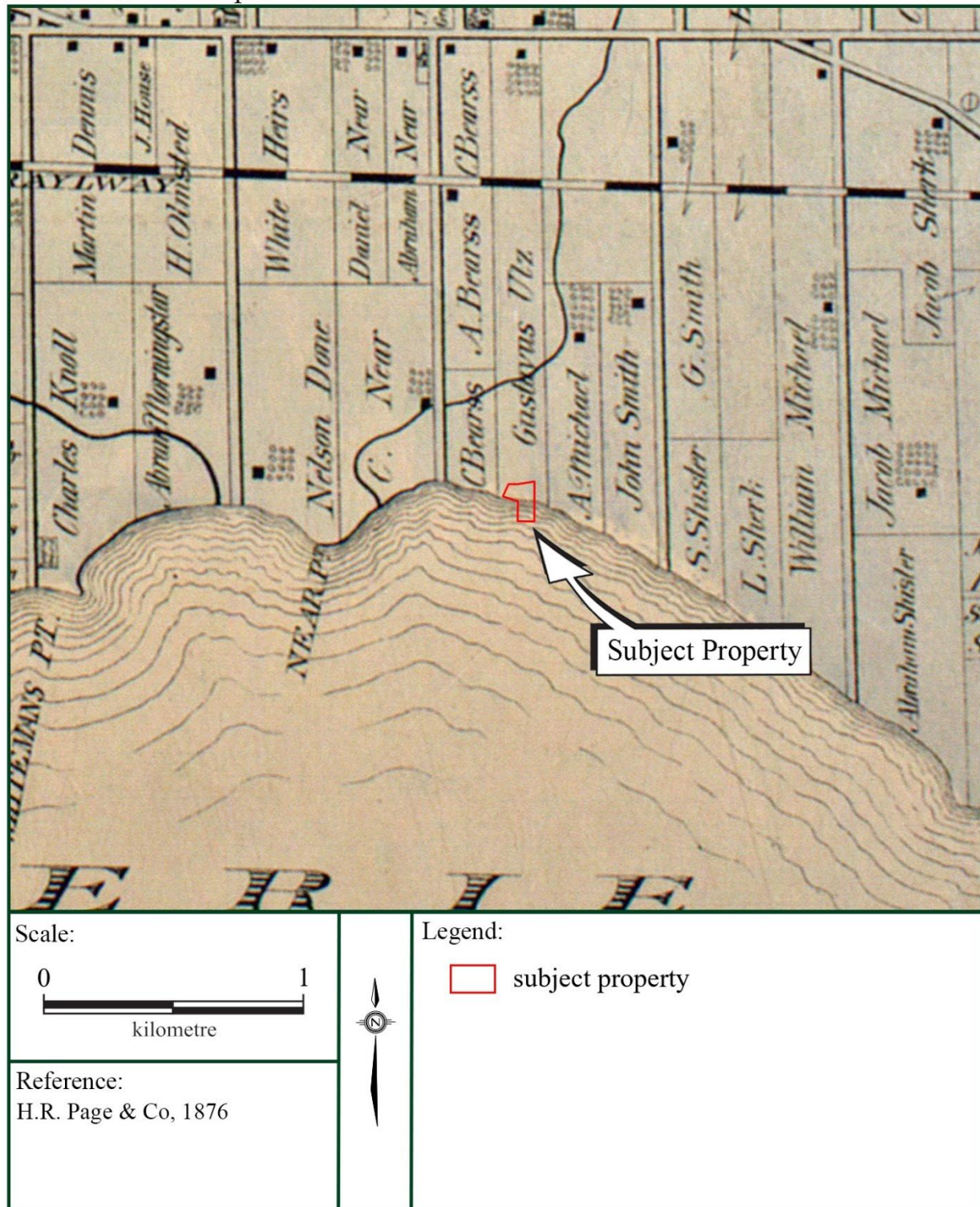


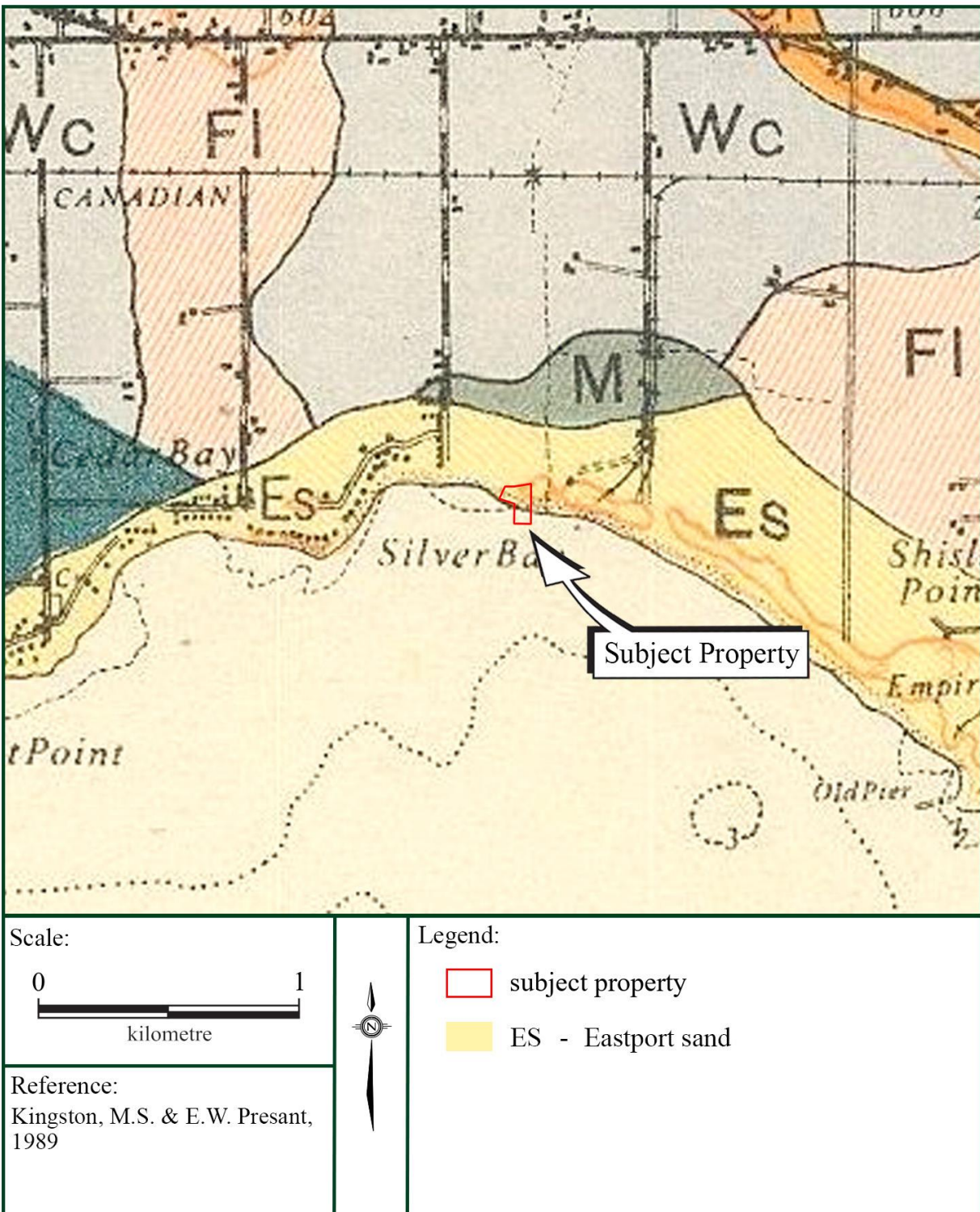
Figure 3: Location of the Subject Property on H.R. Page & Co's 1876 Illustrated Historical Atlas Map of Counties of Lincoln & Welland



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Figure 4: Location of the Subject Property on a Map of Welland County Soils



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Figure 5: Current Land Use of the Subject Property

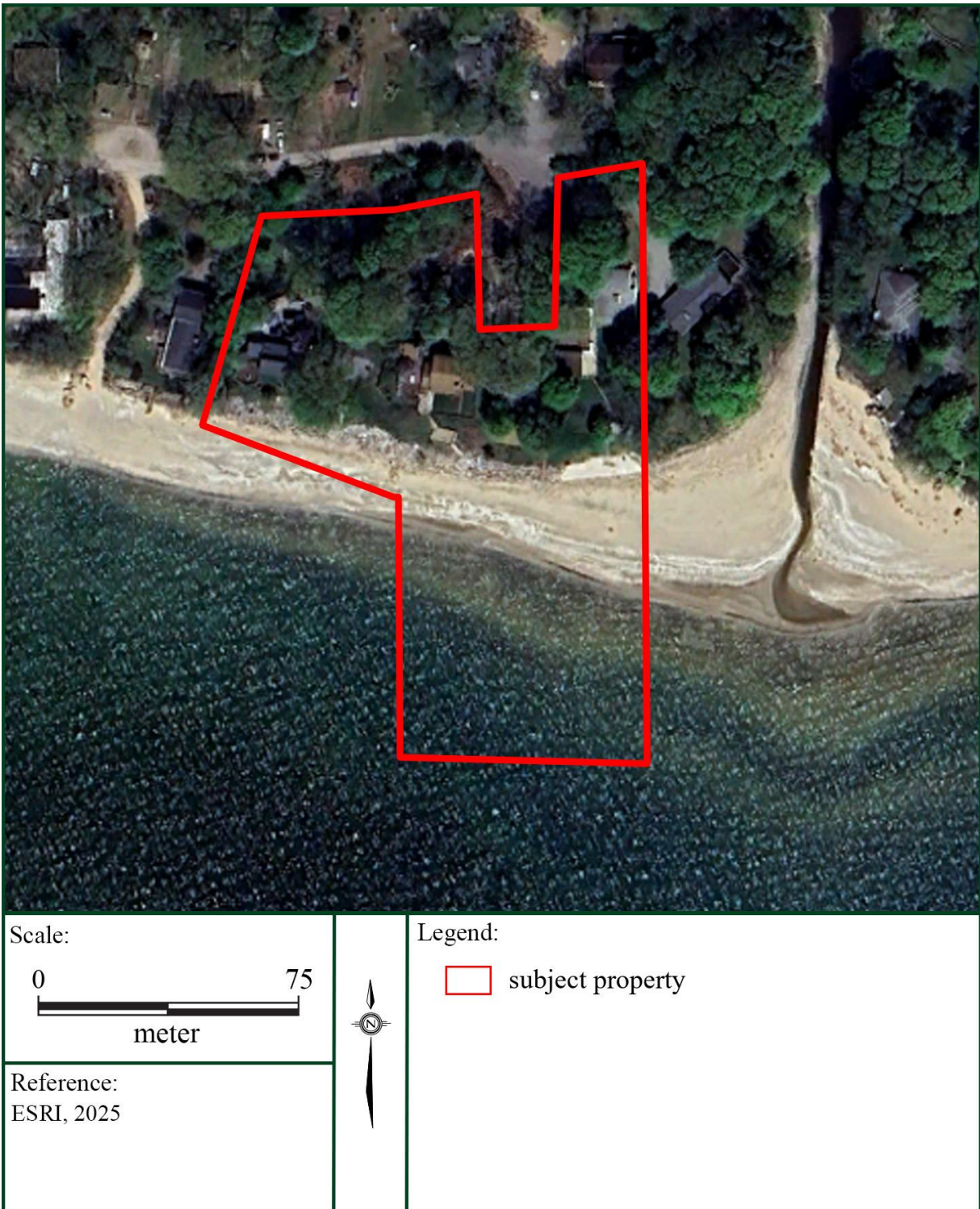
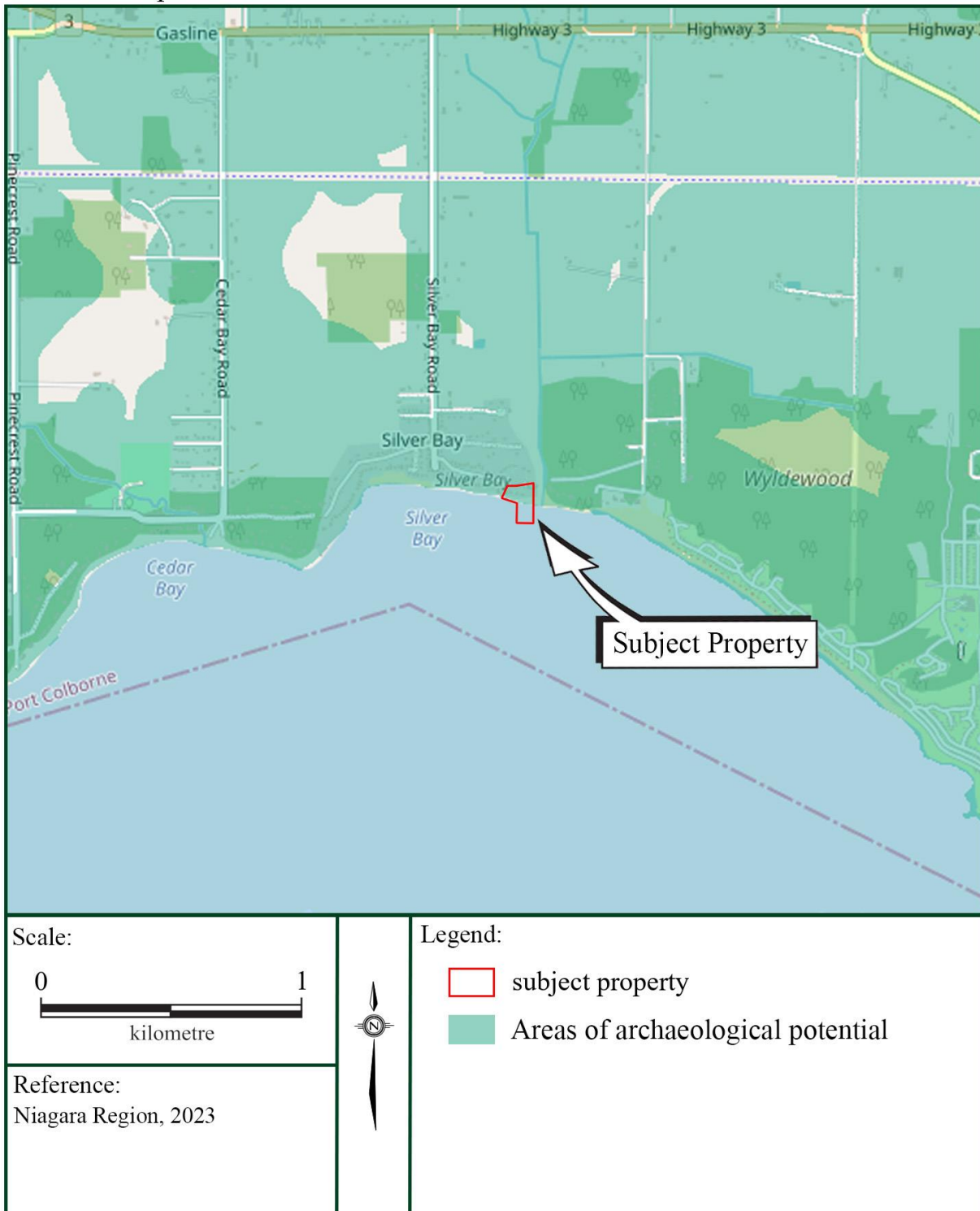


Figure 7: Location of the Subject Property on Niagara Region's Archaeological Potential Map



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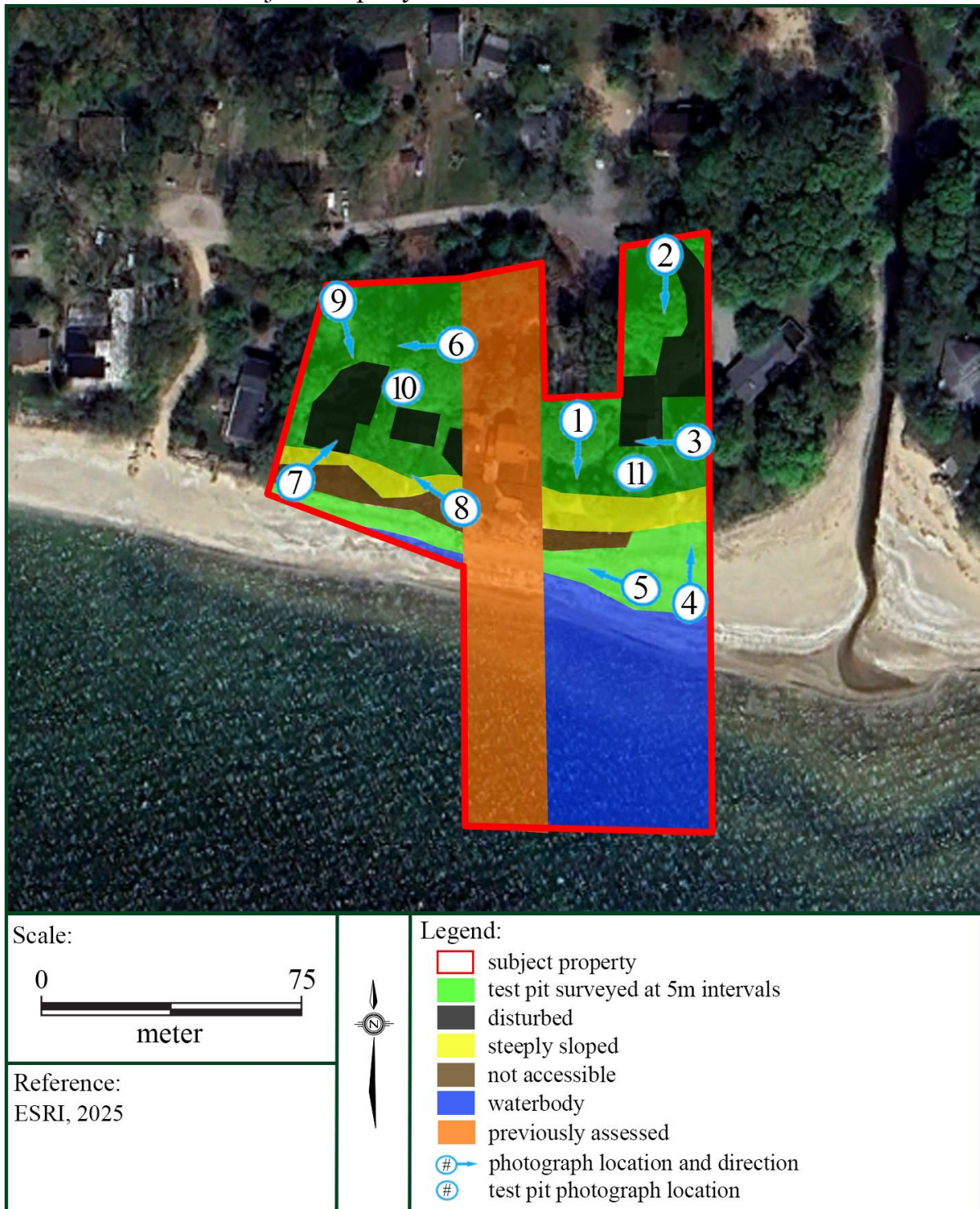
Figure 6: Previous Archaeological Assessments Conducted within 50 m of the Subject Property



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Figure 8: Aerial Imagery Showing the Results of the Stage 1 & 2 Archaeological Assessment of the Subject Property



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Public Works – Infrastructure Planning and Development Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

October 15, 2026

Regional File Number: PLMV202601171

Taya Taraba,
Zoning Administrator
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Ms. Taraba:

Re: Regional and Provincial Comments
Minor Variance Application
City File Number: A10-25-PC
Applicant/Owner: Danny Leon
3611 Firelane 12
City of Port Colborne

Regional Infrastructure Planning and Development staff have reviewed the Minor Variance application for the property municipally known as 3611 Firelane 12 in the City of Port Colborne.

Based on the circulated Notice of Public Hearing, the applicant is proposing 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 a new accessory residential dwelling.

Staff note that the proposal description in the Notice contains differing references: one section identifies a new accessory residential dwelling, while another refers to a new house and accessory structure. Based on the site plan, the application may instead be seeking an addition to the existing dwelling and construction of a new garage. The analysis below is provided based on the variance described in the formal notice.

The following private servicing comments are provided in accordance with the Memorandum of Understanding for engineering review between the Region and the City and are Regional requirements that must be addressed.

Private Servicing

A septic permit was issued by the Niagara Regional Area Health Unit in 1984 for the existing sewage system serving the property. The permit was issued for a three-bedroom dwelling with a design flow of 1,800 L/day. The existing double-chamber septic tank is located on the north side of the dwelling, at the bottom of the hill, and the in-ground leaching bed is located in the northwest corner of the property.

The existing septic system is considered legal non-conforming because its approved capacity is below the design flow associated with the existing dwelling. The proposed development requires the installation of a new sewage system that complies with Ontario Building Code requirements.

A detailed sewage system design was not submitted with the application. The site plan identifies the existing septic system as requiring verification; however, the existing system would not be permitted to service the proposed development due to its limited capacity. Based on the information available, there appears to be limited usable area on the property to accommodate a Class 4 sewage system while also meeting required setbacks from the proposed detached garage.

If a compliant Class 4 sewage system cannot be accommodated on the property, a holding tank may be the only alternative for servicing the dwelling. However, a dwelling serviced by a holding tank cannot accommodate an increase in sewage flows and the addition of the new accessory residential unit.

Accordingly, Regional staff are unable to support the proposed development at this time.

Conclusion

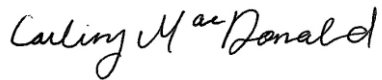
Regional Infrastructure Planning and Development staff suggest the deferral of the subject application, to allow for the submission of a detailed sewage system design and confirmation that there is sufficient area for a new, compliant sewage system that can service the existing dwelling and proposed accessory dwelling unit.

Should the Committee of Adjustment approve the application notwithstanding Regional staff's comments, the following conditions to the Variance are required:

- 1. The owner shall submit a detailed sewage system design to Niagara Region for review and approval, demonstrating that a sewage system complying with the Ontario Building Code can be accommodated on the property. The owner shall obtain the required sewage system permit and pay all applicable Niagara Region sewage system review and permit fees.*
- 2. The owner shall submit an updated site plan drawing to Niagara Region, confirming that there is sufficient area on the parcel to accommodate a compliant sewage system servicing both existing and proposed development.*

Please send copies of the staff report and notice of the City's decision on these applications. If you have any questions related to the above comments, please contact me at carling.macdonald@niagararegion.ca.

Kind regards,

A handwritten signature in black ink that reads "Carling MacDonald". The signature is written in a cursive, flowing style.

Carling MacDonald
Development Planner

cc: Cara Lampman, BES, Director of Development Planning
Susan Dunsmore, P.Eng., Acting Director of Development Engineering
Devon Haluka, Private Sewage System Inspector



Committee of Adjustment -Meeting Minutes-

Wednesday, September 9, 2026

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

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

Members Absent: Angie Desmarais, Vice-Chair

1. **Call Meeting to Order**
The Chair called the meeting to order at approximately 6:02 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:** B17-26-PC through B47-26-PC
Action: Consent to Sever (Easements)
Applicant: Asahi Kasei Battery Separator Canada Corporation
Location: 5088 Highway 140

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

The Chair had asked if the agent would like to speak to the application; the agent provided a presentation that provided an in-depth explanation regarding the reasoning for the thirty applications to establish the easements.

Member Elliott and Bruno asked clarifying questions to the applicant and the Planning Department concerning the ownership of the lands and which easement parts are where.

The Chair inquired to the agent regarding the placements of the easements and how servicing or repairs would happen to the easements if there were structures on the easements. The agent clarified that the easements were executed in this manner for legal purposes, stating that this would help with future business transactions and would avoid

the applicant from needing to come back to the Committee when new building phases occur.

That consent applications B17-26-PC through B47-26-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with registrable easement documents, including any required legal descriptions and reference plan(s), for use in the issuance of the Certificate of Consent.
2. 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.
3. That the final certification fee, per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
4. That all conditions of consent be completed by September 9, 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, and maintain the intent and purpose of O. Reg. 337/24

Motion: Gary Bruno

Seconded: Dave Elliott

Carried: 3-0

b. Application: B48-26-PC; B49-26-PC

Action: Consent to Sever

Agent: Stantec Consulting Ltd.

Applicant: Asahi Kasei Battery Separator Canada Corporation

Location: 5088 Highway 140

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

The Chair had asked if the agent would like to speak to the application; the Agent did not have anything to add.

That consent application B06-26-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels, including a registrable legal description of the subject parcels, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That the final certification fee, per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.

3. That all conditions of consent be completed by September 9, 2028.

For the following reasons:

2. The application is consistent with the Provincial Planning Statement, conforms to the Niagara Official Plan and the City of Port Colborne Official Plan; and, and maintain the intent and purpose of O. Reg. 337/24

Motion: Gary Bruno

Seconded: David Elliott

Carried: 3-0

7. Other Business

Nil.

8. Approval of Minutes

That the minutes from the August 12th, 2026 meeting be approved.

Motion: David Elliott

Seconded: Angie Desmarais

Carried: 4-0

9. Adjournment

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

Dan O'Hara, Chair

Taya Taraba, Secretary-Treasurer