



CORPORATION OF THE CITY OF
PORT COLBORNE

**COMMITTEE OF ADJUSTMENT
-MEETING AGENDA-
6:00 P.M., Wednesday, January 12th, 2022
Council Chambers (virtually)**

1. Call Meeting to Order
2. Reading of Meeting Protocol
3. Disclosures of Interest
4. Request for Any Deferrals or Withdrawals of Applications
5. New Business
 - i) Application: A33-21-PC
Action: Minor Variance
Agent: DeFilippis Design
Owners: Ron Lucchino
Location: 3475 Firelane 12
 - ii) Application: B18-21-PC
Action: Consent
Agent: Harry Kalantzakos
Owners: Gabriella Guo
Location: 664 King Street
 - iii) Application: A32-21-PC
Action: Minor Variance
Agent: Nancy Waters
Owners: Club Castropignano
Location: 700 Steele Street
6. Other Business
7. Approval of Minutes
 - i) December 8th, 2021, Committee of Adjustment Meeting
8. Adjournment



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

CITY OF PORT COLBORNE
COMMITTEE OF ADJUSTMENT
66 Charlotte Street
Port Colborne, ON L3K 3C8

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. A33-21-PC

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

AND IN THE MATTER OF the lands legally known as Part Lot 3, 4 and 10, Concession 1 on Plan 48, in the City of Port Colborne, Regional Municipality of Niagara, located in the Lakeshore Residential (LR) zone, municipally known as 3475 Firelane 12.

AND IN THE MATTER OF AN APPLICATION by the agent, DeFilippis Design, on behalf of the owner, Ron Lucchino 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, so as to permit a reduced front yard setback to an existing accessory structure built without a permit, an increased maximum lot coverage and reduced interior side yard setback to the existing dwelling, notwithstanding the following.

- 1) That a front yard setback of 6.48m be provided, whereas 10m is required.
- 2) That a maximum lot coverage of 16.5% be provided whereas a maximum lot coverage of 15% is permitted.
- 3) That an interior side yard setback of 0.58m be provided for the existing dwelling, whereas 3m is required.

Explanatory Relief from the Zoning By-law: The applicant is requesting variances for an accessory structure that was built without a permit. Due to the location of the existing accessory structure, the minor variances are required. A sketch of the structure is shown on the reverse side of this notice.

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

DATE: January 12th, 2022

TIME: 6:00 P.M.

LOCATION: City of Port Colborne Council Chambers - Third Floor (virtual)
66 Charlotte Street, Port Colborne, Ontario

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 205 or email at chris.roome@portcolborne.ca

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 January 7th, 2022.

NOTE: 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 Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <https://youtu.be/7JGvIMshzjE>.

Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting they must pre-register with the Secretary-Treasurer. **Written submissions and virtual participation requests must be received by noon on January 11, 2022**, by emailing Chris.Roome@portcolborne.ca or calling (905) 835-2901 ext. 205. Written submissions can also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Chris.Roome@portcolborne.ca or call (905) 835-2901 ext. 205.

The owner or agent must be present virtually at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

NOTE: If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Land Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,

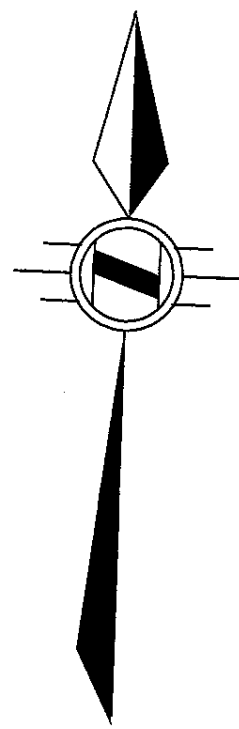
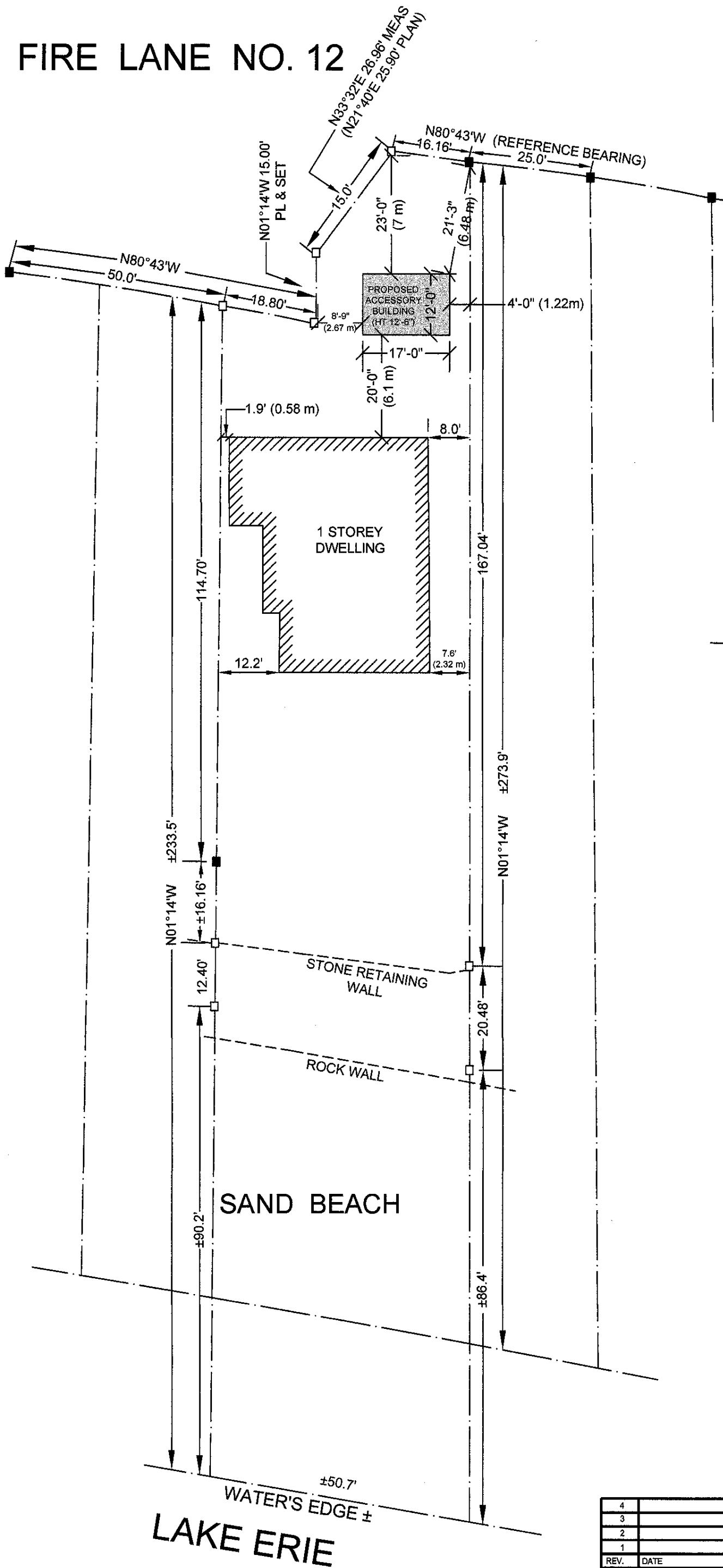



Chris Roome, BURPI

Secretary-Treasurer

Date of Mailing: December 22nd, 2021

FIRE LANE NO. 12



4		 DeFILIPPIS DESIGN 887 BARTON ST., SUITE 201 STONEY CREEK, ONTARIO L8E 9L6 (905) 643-2250 FAX (905) 643-1095 email: defilippidesign@bellnet.ca
3		
2		
1		
REV.	DATE	PROPOSED SITE PLAN FOR:
CHKD. BY		LUCCHINO RESIDENCE
DRN. BY		3475 FIRE LANE No. 12,
DATE:	DECEMBER, 2021	PORT COLBORNE, ON
SCALE:	1" = 20'	SITE PLAN
DWG NO.	SP-1	



PORT COLBORNE

City of Port Colborne

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

Planning and Development Department

Planning Division

January 7th, 2022

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

**Re: Application for Minor Variance A33-21-PC
3475 Firelane 12
Part of Lot 3, 4 and 10 on Plan 48
Agent: DeFilippis Design
Owner(s): Ron Lucchino**

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Wednesday, January 12th, 2021.

Proposal:

The purpose and effect of this application is to permit a reduced front yard setback to an existing accessory structure that was built without a permit, an increased maximum lot coverage and reduced interior side yard setback to the existing dwelling.

Surrounding Land Uses:

The subject lands are surrounded by Rural Residential (RR) zones to the north, Lakeshore Residential (LR) to the east and west and a Hazard Zone to the west, being the Lake Erie shoreline.

Official Plan:

The subject property is designated as Rural in the City's Official Plan.

Zoning:

The subject property is located in the LR zone under Zoning By-Law 6575/30/18.

Environmentally Sensitive Areas:

The subject property is located within a Valley Shoreline Buffer. The NPCA has been circulated on the application and will be providing comments.

Public Comments:

Notice was circulated on December 22nd, 2021. As of January 7th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on December 22nd, 2021. As of January 7th, 2022, the following has been received.

Engineering Department

No comments on proposed application.

Drainage Superintendant

No comments on proposed application.

Fire Department

No objection to proposed application.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined in the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff find the requested variance to be minor in nature. All of the variances are considered to be reasonable and measured requests.

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

The proposal is desirable and appropriate as the accessory structure is located in a suitable location on the site and meets the majority of the requirements of the by-law.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The Zoning By-law permits accessory structures in the LR zone and the proposal meets the majority of the requirements of the by-law. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits accessory structures in the Rural designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommend application A33-21-PC be **granted** for the following reasons:

1. **Minor in nature** as the requested variances are considered reasonable and measured requests.

2. **Appropriate for development of the site** as the accessory structure is located in a suitable location on the site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the majority of the requirements of the by-law have been satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as accessory structures are permitted in the Rural designation.

Prepared by,



Chris Roome
Planning Technician

Submitted by,



Rick Brady, MA, MCIP, RPP
Planner



PORT COLBORNE
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR
MINOR VARIANCE

REVISED
DEC 9/21

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: RON LUCCIANO	
Mailing Address: 1157 COLVIN BLVD	
City: BUFFALO	Province: NEW YORK
Postal Code: 14223	Telephone: 716 9034953
Fax: 716 8751067	Email: RLUCCHIANO@THEFETS.COM

1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City: PENDING	Province:
Postal Code:	Telephone:
Fax:	Email:

1.3 Owner's Authorized AGENT (if applicable)	
Name: DEFILIPPIS DESIGN	
Mailing Address: 201-687 BARTON ST	
City: STONEY PARK	Province: ONTARIO
Postal Code: L8E 5L6	Telephone: 905-643-2250
Fax:	Email: defilippisdesign@bellnet.ca

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

1.5 Date and Subject Land was acquired by the Current Owner:
MAY 27, 2004

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)

Name: _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.7 All communications should be sent to the:

Owner

Solicitor

Agent

Section 2: LOCATION

Former Municipality: PORT COLBORNE

Concession No. CONC 1 Lot(s) PT OF LOT 344 & 10

Registered Plan No. 48

Reference Plan No. _____ Part(s): _____

Name of Street: FIRE LANE No 12 Street No. 3475

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: 20m (IRMS) Depth: 39.7m (IRMS) Area: 680sqm (IRMS)

Existing Use: SINGLE FAMILY

Proposed Use: SINGLE FAMILY W/ ACCESSORY BLDG

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?

Port Colborne Official Plan: ~~RESIDENTIAL~~ RURAL

Regional Policy Plan: ~~RESIDENTIAL~~ RURAL

4.2 What is the Zoning of the land (By-law 1150/97/81)?

LAKE SHORE RESIDENTIAL (LR)

Section 5

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

Yes

No

If "Yes" describe the easement or covenant and its effect:
LAKE ACCESS AT WATERFRONT

Section 6

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

Section 7

What type of WATER SUPPLY is proposed?

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

Section 8

What type of SEWAGE DISPOSAL is proposed?

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

Section 9

What type of STORMWATER DISPOSAL is proposed?

- Publicly owned and operated stormwater system
- Other (specify)

*SUMP PUMP FOR DRAINAGE
- ACCESSORY BLDG - NONE*

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:

- a) TO PERMIT A FRONT YARD SETBACK FOR AN ACCESSORY BUILDING AT 6.4M FROM FRONT LINE, INSTEAD OF 10M
- b) LOT AREA OF 680 SQM±, INSTEAD OF 4000 SQM
- c) LOT FRONTAGE OF 20M± (ICR) INSTEAD OF 30M

10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?

- Yes
- No

NO PERMIT YET

Section 11

WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

EXISTING LOCATION OF DUNE LINE WILL NOT PERMIT THE FRONT YARD ACCESSORY STRUCTURE TO FIT LOT FRONTAGE AND LOT AREA IS EXISTING. LOT AREA AT BEACH FRONT EXCLUDED FROM LOT DIMENSIONS

Section 12

DATE OF ACQUISITION of the land by the current owner:

MAY 27 2004

X

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:

WINTER 2021

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:

40 years plus

Section 15: OTHER APPLICATIONS

15.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:

Official Plan Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Minor Variance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Consent	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

15.2 If the answer to the above is yes, and if known, provide the following for each application noted:

File number of the application:

Name of the approval authority considering the application:

Lands affected by the application:

Purpose of the application:

Status of the application:

Effect of the application on the proposed amendment:

Section 16: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

16.1 ALL EXISTING USE

- Residential
- Industrial
- Commercial
- Institutional
- Agricultural
- Parkland
- Vacant
- Other

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

40 years plus

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

- Yes
- No

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction

SEE SITE SKETCH

16.4 ALL PREVIOUS USE

- Residential
- Industrial
- Commercial
- Institutional
- Agricultural
- Parkland
- Vacant
- Other

16.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other				

16.6 If Industrial or Commercial, specify use

N/A

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

- Yes
- No
- Unknown

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

- Yes
- No
- Unknown

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

- Yes
- No
- Unknown

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

- Yes
- No
- Unknown

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

- Yes
- No
- Unknown

16.12 Have the lands or adjacent lands ever been used as a weapons firing range?

- Yes
- No
- Unknown

16.13 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

16.14 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

16.15 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

- 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.

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.

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.

DEC 7/2021
 Date

Ronald Stueckli
 Signature of Owner



Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria

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

- Yes
 No
 Unknown

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

- Yes
 No
 Unknown

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

- Yes
 No
 Unknown

17.4 Is there a valley slope on the property?

- Yes
 No
 Unknown

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

- Yes
 No
 Unknown

X Dec 7/2021
Date

X Rond A. Lucchesi
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 De Filippis, Nick
Of the City/Town/Township of Levin
In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the City of Levin
In the Prov of Ontario
This 8 day of Dec.
A.D. 20 21

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

Barbara Ellis

Barbara Louise Ellis, a Commissioner, etc.,
City of Hamilton, for Coombs & Lutz,
Barristers and Solicitors,
Expires August 31, 2022.

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: Amber LaPointe, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

Comments Received:
Solicitor:
Engineer:
<input type="checkbox"/> C.B.O <input type="checkbox"/> Fire Chief <input type="checkbox"/> C. N. Power <input type="checkbox"/> Region <input type="checkbox"/> NPCA <input type="checkbox"/> MTO <input type="checkbox"/> MOE <input type="checkbox"/> Other _____

Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

3475 FIRELANE No 12, Port Colborne

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

De Fucippis Design (Nick De Fucippis)

(name of agent)

of the City of Greater Essex

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the Planning Act.

Dated at the City of Greater Essex

in the Prov of ONTARIO

this 7 day of DECEMBER, 2021

X [Signature] Signature of Witness

X [Signature] Signature of Owner

X

X [Signature] Signature of Witness

X [Signature] Signature of Owner

X [Signature] Signature of Witness

X [Signature] Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

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.



PORT COLBORNE

• **PLANNING AND DEVELOPMENT DEPARTMENT** •

CITY OF PORT COLBORNE
COMMITTEE OF ADJUSTMENT
66 Charlotte Street
Port Colborne, ON L3K 3C8

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR CONSENT

APPLICATION NO. B18-21-PC

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

AND IN THE MATTER OF the lands legally known as Lot 29 on Plan 768, in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2), municipally known as 664 King Street.

AND IN THE MATTER OF AN APPLICATION by the agent Harry Kalantzakos on behalf of the owner, Gabriella Guo for a severance under Section 53 (1) of the Planning Act, R.S.O. 1990, Chapter P.13, so as to permit the conveyance of Part 1 having a lot frontage of 20.32m on Charles Street and a lot area of 375.79m² for a proposed semi-detached dwelling. Part 2 will retain a lot frontage of 18.50m on King Street with a lot area of 375.79m² for a proposed semi-detached dwelling. A sketch of the subject lands is shown on the reverse side of this notice.

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

DATE: Wednesday, January 12th, 2022
TIME: 6:00 P.M.
LOCATION: Virtual Public Meeting via Zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 205 or email at chris.roome@portcolborne.ca

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 **January 7th, 2022**.

NOTE: 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 Virtual Hearing

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The owner or agent must be present virtually at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

NOTE: If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Land Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment,

Chris Roome, BURPI

Secretary-Treasurer

Date of Mailing: December 22nd, 2021

REGISTERED PLAN 767

CHARLES STREET
(BY REGISTERED PLAN No. 775)
P/N 64148-0088(LT)

N85°11'10"E

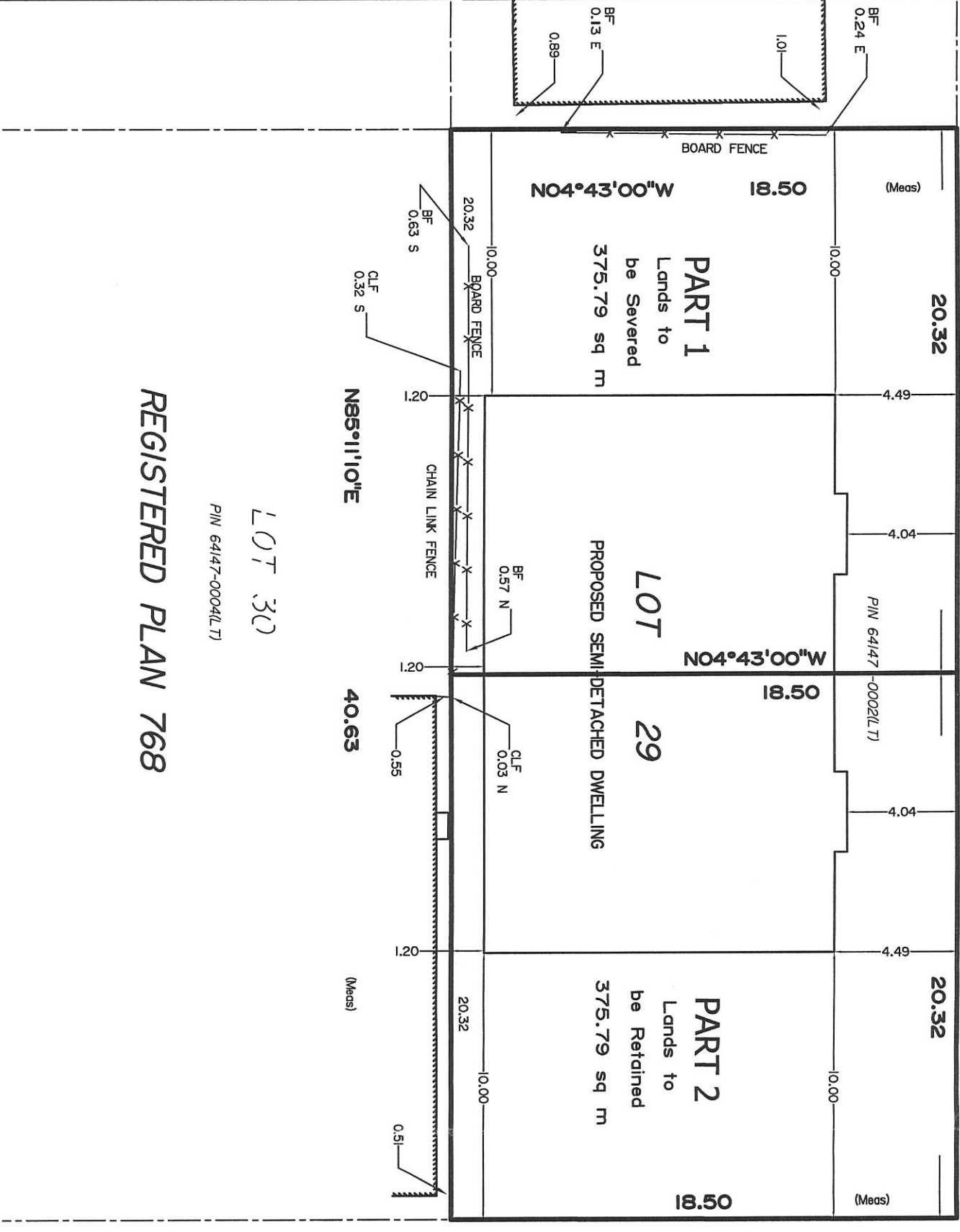
40.63

(Meas)

20.32

20.32

(Meas)



REGISTERED PLAN 768

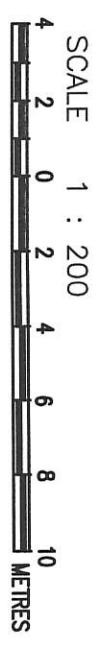
LOT 30
P/N 64147-0004(LT)



N04°43'00"W
KING STREET
(AS LOCALLY KNOWN)
(VICTORIA STREET BY REGISTERED PLAN No. 768)
P/N 64149-0001(LT)

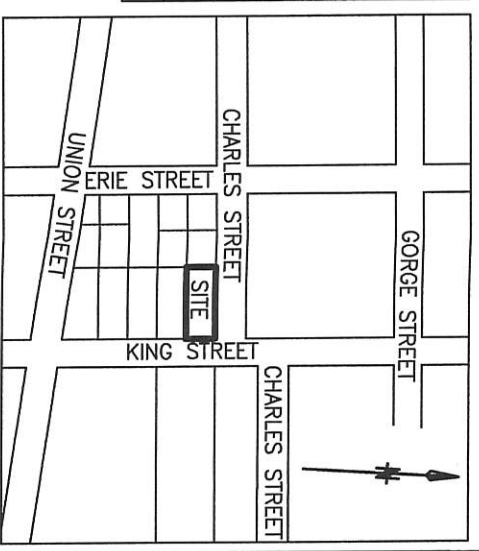
(REFERENCE BEARING)

SEVERANCE SKETCH OF
LOT 29
REGISTERED PLAN 768
IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA



ASHENHURST NOUWENS & ASSOCIATES INC.
COPYRIGHT 2021 ©

ZONING: R2			
SITE STATISTICS	BYLAW	PROPOSED	
LOT FRONTAGE	18.0	18.5 M	
LOT AREA	500.0 m ²	751.58 m ²	
FRONT YARD SETBACK	6.5 m	10.0 m	
REAR YARD SETBACK	6.0 m	10.0 m	
SIDE YARD INTERIOR	1.2 m	1.2 m	
SIDE YARD CORNER	3.0 m	4.0 m	



METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THE SURVEY WAS COMPLETED ON THE 13TH DAY OF SEPTEMBER, 2021.

DATE NOV 23 2021
HARRY KALANTZAKOS
ONTARIO LAND SURVEYOR

ASHENHURST NOUWENS & ASSOCIATES INC.
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1
TELEPHONE: (905) 529-6316
(905) 529-4314
FAX: (905) 529-6651
e-mail: anl@AshenhurstNouwens.ca



SINCE 1956

DRAWN BY M.S.	CALCD BY M.S.	CHKD BY H.K.	FILE No. 21--217 SKETCH
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PORT COLBORNE

City of Port Colborne

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

Planning and Development Department

Planning Division

January 7, 2022

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

**Re: Application for Consent B18-21-PC
664 King Street
Lot 29 Plan 768
Agent: Harry Kalantzakos
Owner(s): Gabriella Guo**

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Wednesday, January 12th, 2022.

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 having a lot frontage of 20.32m and a lot area of 375.79m² for a proposed residential use. Part 2 will retain a lot frontage of 20.32m and a lot area of 375.79m² for a proposed residential use.

Surrounding Land Uses:

The subject lands are surrounded by Second Density Residential (R2) zones to the north, south, east and west, as well as a Neighbourhood Commercial use to the east.

Official Plan:

The subject property is designated as Urban Residential in the City's Official Plan.

Zoning:

The subject property is located in the Second Density Residential (R2) zone under Zoning By-Law 6575/30/18.

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on December 22, 2021. As of January 7th, 2022, no written correspondence has been received.

Agency Comments:

Notice was circulated on December 22, 2021. As of January 7th, 2022, the following correspondence has been received.

Engineering Department

No comments on proposed application.

Drainage Superintendent

No comments on proposed application.

Fire Department

No objection to proposed application.

Discussion:

This consent application proposes the creation of a lot for a future semi-detached dwelling. Part 1 on the sketch will be retained for a future semi-detached dwelling as well. The proposed severance will leave the following lot areas and frontages:

Part 1: A lot frontage of 20.32m and lot area of 375.79m²

Part 3: A lot frontage of 20.32m and lot area of 375.79m²

The R2 Zone requires a minimum lot frontage of 18m and a minimum lot area of 0.02ha.

The applicant has already begun construction of the semi-detached dwelling and is seeking the approval of the consent application to sever the units by the centre line/ common wall.

Recommendation:

Given the information above, Planning Staff recommend application B18-21-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.

For the following reasons:

1. The application conforms to Provincial Policy Statement, the policies of the Regional Official Plan, City of Port Colborne Official Plan and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act. R.S.O. 1990, c.P.13.

Prepared by,



Chris Roome
Planner

Submitted by,



Rick Brady, MA, MCIP, RPP
Planner



PORT COLBORNE

· PLANNING AND DEVELOPMENT DEPARTMENT ·

File No. _____

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.
APPLICATION FOR:

CONSENT

This application form is to be used by persons applying to the City of Port Colborne Committee of Adjustment for approval for Consent.

The Applicant is required to provide appropriate answers to **all** questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Chris Roome
Secretary - Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 205
FAX: 1-905-835-2939
Email: chris.roome@portcolborne.ca



COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse to accept or further consider any application that does not provide the information, material and fees prescribed.

A Consent approved by the Committee of Adjustment of the City of Port Colborne must sometimes be reviewed by the Regional Municipality of Niagara and other regional or provincial agencies. The Niagara Region and Niagara Peninsula Conservation Authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

To help you complete the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs web site (www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and should also consult with staff prior to submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's Planning & Development website.

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of the Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by the Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or prepaid first class mail or by posting notice of the application at every separately assessed property in the area that constitutes the subject land. In addition, and by policy of the City Council and the Committee of Adjustment, other agencies may be consulted if the location of the subject lands falls within their respective field of responsibility. Refer to "A Suggestion to the Applicant".

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent / solicitor and all other persons or agencies as required at least 14 days prior to the date of hearing.

Prior to the hearing, members of the Committee may examine the lands which are the subject of the application. To assist the members and other interest persons or agencies in locating the lands under consideration, the applicant will be required to place one or more posters, 14 days prior to the hearing, on the lands subject of the application. This poster MUST remain in place for the entire 14 day period. If removed, the meeting date will be re-scheduled as proper notice will not have been given. The poster and instructions for its use will be given to the applicant / agent / solicitor by the Secretary-Treasurer of the Committee when application is made or shortly thereafter.

Following the hearing, the applicant / agent / solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

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

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

POLICIES

In addition to the matters set out in "Procedures for Processing Applications for Consent", the Committee has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
 - A letter of authorization for the applicant(s) for applications which are signed by someone other than the owner(s).
 - Two (2) copies of a sketch prepared by a licensed Land Surveyor.
 - Payment of the appropriate fee submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne. (See By-law 5718/149/11).
 - Payment of the appropriate Regional Review & Approval fee(s) required by the region, submitted to the City of Port Colborne at the time of the preliminary review. If this does not occur, then the fee will be due at the time the application is submitted to the Region for review (usually at the time of the Notice of Public Meeting). Failure to pay the Region's fee may result in the Region refusing to consider the Consent Application until the fee has been received. The Region's fees are available on its web site.
https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Someone must be present at the hearing to represent the application.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other agencies.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the Consent application the following supplementary information / sketches are requested:

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

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 metres of a water course; on or within 30 metres 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 metres 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.

NOTICE REQUIREMENTS

Notice of Public Hearing MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 14 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 14 day period, the public hearing date may be rescheduled.



PORT COLBORNE

· PLANNING AND DEVELOPMENT DEPARTMENT ·

APPLICATION FOR CONSENT

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Gabriella Yangyi Guo	
Mailing Address: 40B Upper Edith Street	
City: St. Catharines	Province: Ontario
Postal Code: L2S 2P9	Telephone: (647) 569-5071
Fax:	Email: gabriellaguo@gmail.com

1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.3 Owner's Authorized AGENT (if applicable)	
Name: Harry Kalantzakos (Ashenurst Nouwens & Associates INC.)	
Mailing Address: 225 King William Street, Suite 204	
City: Hamilton	Province: Ontario
Postal Code: L8R1B1	Telephone: (905) 529-6316
Fax: (905) 529-6651	Email: (Harry@ashenurstnouwens.ca) or (Mitch@ashenurstnouwens.ca)

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
None

1.5 Date and Subject Land was acquired by the Current Owner:
March 21, 2021

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Harry Kalantzakos (Ashenurst Nouwens Associate INC.)	
Mailing Address: 225 King Williams Street, Suite 204	
City: Hamilton	Province: Ontario
Postal Code: L8R1B1	Telephone: (905) 529-6316
Fax: (905) 529-6651	Email: harry@ashenurstnouwens.ca

1.7 All communications should be sent to the:
<input type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality: HUMBERSTONE	
Concession No.	Lot(s):
Registered Plan No. PL768	Lot(s): 29
Reference Plan No.	Part(s):
Name of Street: King Street	Street No. 664

2.1 Type of proposed transaction: (Check appropriate space(s))
<input checked="" type="checkbox"/> Creation of New Lot <input type="checkbox"/> Addition to lot <input type="checkbox"/> Mortgage or Charge <input type="checkbox"/> Lease <input type="checkbox"/> Disposal of Surplus Farm Dwelling <input type="checkbox"/> Farm Retirement Lot <input type="checkbox"/> Partial Discharge or Mortgage <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement Reason for proposed transaction: <hr/> Creating two new house (Semi-Detached Dwelling) after demolition the old one while it is old and not in a good condition

2.2 If a lot addition, identify the lands to which the parcel will be added:
<hr/> <hr/> <hr/>

2.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged:
To be determined <hr/> <hr/>

Section 3: OFFICIAL PLAN & ZONING

3.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Urban Residential
Regional Policy Plan: Urban Area

3.2 What is the Zoning of the land (By-law 1150/97/81)?
R2 (Secondary Density Residential)

3.3 Is the proposal consistent with Provincial policy statements issued under Subsection 3(1) of the Planning Act, 1990, R.S.O., as amended?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Section 4

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If "Yes" describe the easement or covenant and its effect:

Section 5

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

Section 6

What type of WATER SUPPLY is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply <input type="checkbox"/> Lake <input type="checkbox"/> Well (private or communal) <input type="checkbox"/> Other (specify) _____

Section 7

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

Section 8

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

Section 9

Part No. On Sketch: Part 1

DESCRIPTION OF PARCEL TO BE SEVERED (in metric units)		
Frontage: 20.32 m	Depth: 15.50 m	Area: 375.79 sq. m
Existing Use:	Residential	
Proposed Use:	Residential	

Existing and proposed buildings and structures on the subject land. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:

Existing:
Proposed:

Section 10

Part No. On Sketch: Part 2

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 18.50 m	Depth: 20.32 m	Area: 375.79 sq.m
Existing Use:	Residential	
Proposed Use:	Residential	

Existing and proposed buildings and structures on the land to be retained. For each existing and / or proposed building or structure, the type of building or structure, the setback from the front lot line, rear lot line and side lot lines, and the height of the building or structure and the dimensions or floor area of the building or structure IN METRES. Please use additional sheets if necessary:

Existing:
Proposed:

Section 11

Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown

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

File Number:

Decision:

Section 12

HAS THE LAND BEEN SEVERED from the parcel originally acquired by the owner of the land?

- Yes
 No

If the answer is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name:

Land Use on severed parcel:

Date Parcel Transferred:

Consent file number (if known):

B _____

Section 13: OTHER APPLICATIONS

13.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:

Official Plan Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Minor Variance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Consent	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

13.2 If the answer to the above is yes, and if known, provide the following for each application noted:

File number of the application:

Name of the approval authority considering the application:

Lands affected by the application:

Purpose of the application:

Status of the application:

Effect of the application on the proposed amendment:

Section 14 ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

14.1 ALL EXISTING USE

- Residential
 Industrial

Commercial
 Institutional
 Agricultural
 Parkland
 Vacant
 Other

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

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

Yes
 No

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction

14.4 ALL PREVIOUS USE

Residential
 Industrial
 Commercial
 Institutional
 Agricultural
 Parkland
 Vacant
 Other

14.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14.6 If Industrial or Commercial, specify use

--

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

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

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

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

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

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

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

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

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

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

14.12 Have the lands or adjacent lands ever been used as a weapons firing range?

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

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

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

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

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

14.15 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

- 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.

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.

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 November 18th 2021
Date

X GGS
Signature of Owner

14.16 Are there any buildings designated under the Ontario Heritage Act?

- Yes
- No
- Unknown

14.17 If there are any existing buildings on the site, briefly describe them and indicate their proposed use

14.18 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

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-screening Criteria

15.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?

- Yes
- No
- Unknown

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

- Yes
- No
- Unknown

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

- Yes
- No
- Unknown

15.4 Is there a valley slope on the property?

- Yes
- No
- Unknown

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

- Yes
- No
- Unknown

Nov 30, 2021
Date


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.

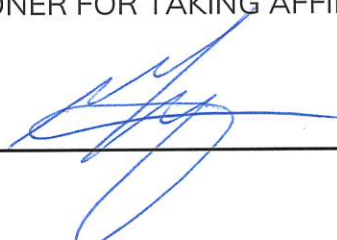
I/We LIVIU COTOCARU
Of the City/Town/Township of ST. CHATEAUMEES
In the County/District/Regional Municipality of NIAGARA

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

DECLARED before me at the
CITY of PORT COLBORNE
In the REGION of NIAGARA
This 30 day of NOV.
A.D 20 21

Chris Roome, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the
City of Port Colborne.

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



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

A Commissioner, etc.

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: Amber LaPointe, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

Comments Received:
Solicitor:
Engineer:
<input type="checkbox"/> C.B.O <input type="checkbox"/> Fire Chief <input type="checkbox"/> C. N. Power <input type="checkbox"/> Region <input type="checkbox"/> NPCA <input type="checkbox"/> MTO <input type="checkbox"/> MOE <input type="checkbox"/> Other

Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions:

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:
664 King Street, Port Colborne, ON, L3K4H9

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

Harry Kalantzakos

(name of agent)

of the Region of Hamilton-Wentworth

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the Region of Hamilton-Wentworth

in the City of Hamilton

this 18th day of November 2021



Signature of Witness

Mitch Salih
EIT



Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

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*.

SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account 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 1150/97/81, 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 Director of Planning & Development
(905) 835-2901, Ext. 203

Information on the Port Colborne Official Plan and Zoning Bylaw

2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8 Director of Engineering & Operations
(905) 835-2901, Ext. 223

Information on Servicing, Lot Grading and Drainage

3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8 C.B.O.
(905) 835-2901, Ext 201

Information about the Building Code

4. Region of Niagara Public Works Department
Development Services Division Director
2201 St. David's Road, P.O. Box 1042, Thorold, (905) 984-3630
1-800-263-7215

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

For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways 1-866-636-0663

8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under “Your Ministry” – Land Use Planning – Provincial Policy Statement



PORT COLBORNE

• PLANNING AND DEVELOPMENT DEPARTMENT •

CITY OF PORT COLBORNE
COMMITTEE OF ADJUSTMENT
66 Charlotte Street
Port Colborne, ON L3K 3C8

COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A32-21-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended, and Section 6 of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Part Lot 185 on Plan 797, in the City of Port Colborne, Regional Municipality of Niagara, located in the Second Density Residential (R2) zone, municipally known as 700 Steele Street.

AND IN THE MATTER OF AN APPLICATION by the agent, Nancy Waters, on behalf of the Owner, Club Castropignano 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, so as to permit the expansion of a legal non-conforming use.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission for the expansion of the existing non-conforming institutional use in the Second Density Residential zone. The applicant proposes to change the use from a place of worship to a private club. A sketch of the subject property is shown on the reverse side of this notice.

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

DATE: Wednesday, January 12th, 2022
TIME: 6:00 P.M.
LOCATION: City of Port Colborne Council Chambers - Third Floor (virtual)
66 Charlotte Street, Port Colborne, Ontario

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 205 or email at chris.roome@portcolborne.ca

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 **January 7, 2022**.

NOTE: 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 Virtual Hearing

To prevent the spread of COVID-19, the Committee of Adjustment meeting will be held virtually, with the meeting live-streamed on the City's YouTube channel at <https://youtu.be/7JGvIMshzjE>.

Anyone wishing to participate in the meeting is asked to submit a written submission that will be circulated to Committee members prior to the meeting. If anyone wishes to virtually participate in the meeting, they must pre-register with the Secretary-Treasurer. **Written submissions and virtual participation requests must be received by noon on Tuesday, January 11, 2022** by emailing Chris.Roome@portcolborne.ca or calling (905) 835-2901 ext. 205. Written submissions can also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Chris.Roome@portcolborne.ca or call (905) 835-2901 ext. 205.

The owner or agent must be present virtually at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

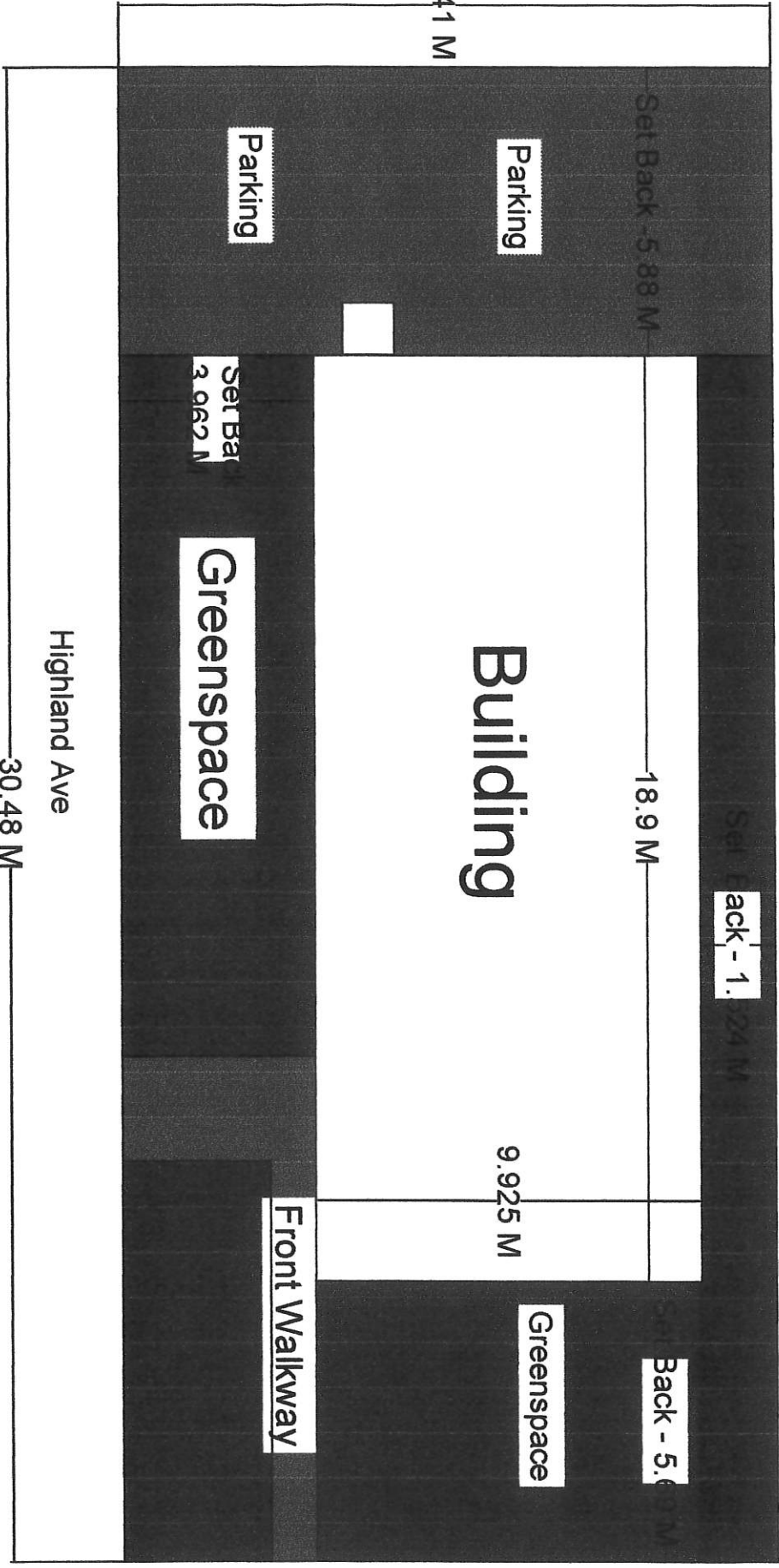
NOTE: If you wish to be notified of the decision of the Committee with respect to this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Land Tribunal hearing if the decision of the Committee is appealed.

By order of the Committee of Adjustment

Date of Mailing: December 22nd, 2021

Chris Roome, BURPI Secretary-Treasurer

North



Scale 1:137

700 Steele St, Port Colborne, L3K4Z2
PT LT185 PL 797 Humberstone As in PC19233;
Port Colborne

STEELE ST



PORT COLBORNE

City of Port Colborne

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

Planning and Development Department

Planning Division

January 7th, 2022

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

**Re: Application for Minor Variance A32-21-PC
700 Steele Street
Part of Lot 185 on Plan 797
Agent: Nancy Waters
Owner(s): Club Castropignano**

Planning staff has reviewed the referenced application and offer the following comments for your hearing on Wednesday, January 12th, 2021.

Proposal:

The purpose and effect of this application is to permit the expansion of the existing legal non-conforming institutional use. The property currently operates as a place of worship and the applicant is requesting that the use be expanded to allow for a private club.

Surrounding Land Uses:

The subject lands are surrounded by Second Density Residential (R2) zones to the north, south, east and west.

Official Plan:

The subject property is designated as Urban Residential in the City's Official Plan.

Zoning:

The subject property is located in the R2 zone under Zoning By-Law 6575/30/18.

Environmentally Sensitive Areas:

There are no environmentally sensitive areas located on this property.

Public Comments:

Notice was circulated on December 22nd, 2021. As of January 7th, 2022, no comments from the public have been received.

Agency Comments:

Notice was circulated on December 22nd, 2021. As of January 7th, 2022, the following has been received.

Engineering Department

No comments on proposed application.

Drainage Superintendant

No comments on proposed application.

Fire Department

No objection to proposed application.

Discussion:

The applicant is requesting that the property be permitted to operate as a social club, rather than its existing use as a place of worship. The existing use was established in 1960, before the provisions of the City's by-law were in place. As a result the property, located in the R2 zone, is considered a legal non-conforming use and the applicant is applying to add a new complimenting use and continue to maintain a legal non-conforming status.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined in the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff find the requested variance to be minor in nature. The expansion of the non-conforming use will not negatively impact the surrounding area and neighbouring properties. There is little to no change in how the property will operate.

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

This proposal is desirable and appropriate as there have been no proposed changes to the footprint or exterior of the building.

Is it in keeping with the general intent and purpose of the Zoning By-law?

Staff find the requested variance to be in keeping with the general intent of the by-law as the requirements of section 2.7 have been met. The proposal does not increase the height, size volume or extent of non-conformity of the building on the property.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits community facilities in the Urban Residential designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommend application A32-21-PC be **granted** for the following reasons:

1. **Minor in nature** as the requested variances are considered reasonable and measured requests.
2. **Appropriate for development of the site** as the proposal will not change the exterior or footprint of the building.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the requirements listed in regard to legal non-conforming uses are satisfied.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as community facilities are permitted in the Urban Residential designation.

Prepared by,



Chris Roome
Planning Technician

Submitted by,



Rick Brady, MA, MCIP, RPP
Planner



PORT COLBORNE
· PLANNING AND DEVELOPMENT DEPARTMENT ·

File No. _____

THE CITY OF PORT COLBORNE
THE PLANNING ACT – SECTION 45.
APPLICATION FOR:

MINOR VARIANCE OR PERMISSION

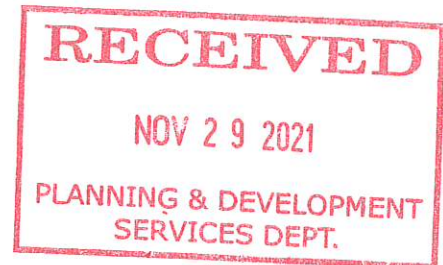
This application is used by persons applying to the Committee of Adjustment for the City of Port Colborne under Section 45 of the *Planning Act*, as amended, for relief from By-law 6575/30/18 (as amended).

The Applicant is required to provide appropriate answers to **all** questions on the application form. If all prescribed information is not provided, the application will not be accepted.

SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne
Chris Roome
Secretary/Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900 ext. 205
FAX: 1-905-835-2939
Email: chris.roome@portcolborne.ca



COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse, to accept, or further consider any application that does not provide the information, material and fees prescribed.

A Minor Variance or Permission approved by the Committee of Adjustment of the City of Port Colborne may be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Niagara Region and the Niagara Peninsula Conservation authority have additional fees / information requirements.

PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

For help completing the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1st, 2020. Both provide policy direction on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal

Affairs web site (www.mah.gov.on.ca) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and to pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's Planning & Development website.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

Under the provisions of the *Planning Act*, land owners or their agents must obtain approval of the Committee of Adjustment for minor variances from the provisions of the Zoning By-law or from another by-law implementing the City's Official Plan.

Under the Provisions of the *Planning Act*, a public hearing must held on each application within 30 days of the date upon which the properly completed application for minor variance or permission is received. Notice of Hearing is circulated to the applicant or properly appointed agent as least 10 (ten) days before the hearing date. The applicant and / or agent will be responsible for posting notice of the hearing on the land subject of the application.

Before the public hearing, an agenda is prepared and this, together with a copy of the application form and other relevant information, is forwarded to the members of the Committee of Adjustment who will hear the application. Before the hearing and in as many cases as possible, the members of the Committee will examine the land in an effort to obtain as much information as possible about physical characteristics.

Following the public hearing, the applicant or agent, is notified in writing of the decision of the Committee. In addition, any other person who is present at the public hearing and who makes a written request is also entitled to receive a copy of the decision of the Committee. Any person who objects to the decision and / or the conditions imposed, may lodge an appeal within 20 days from the date of the decision. Appeals are filed with the Secretary/Treasurer of the Committee of Adjustment, who in turn, files the appeal with the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal arranges an appeal hearing date and the applicant or agent and the person who appealed, will receive notice of such date.

POLICIES

In addition to the matters set out in "Procedures for Procession Applications for Minor Variance or for Permission", the Port Colborne Committee of Adjustment has adopted the following general policies:

THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee, submitted at the time of application as cash

or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.

- One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the application for Minor Variance or Permission the following supplementary information / sketches are requested:

1. Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. This requirement can be clarified by the Planning & Development Services Division.
 1. A sketch or sketches showing the following shall be submitted:
 1. The boundaries and dimensions of the land.
 2. The location and nature of any easement affecting the land.
 3. The location, size, and type of all existing and height of 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 location and nature of any easement affecting the land.
 5. Parking areas, loading spaces, driveway entrance / exits
 6. Existing and proposed servicing [e.g. water, storm and sanitary]
 2. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a useable metric scale [e.g. 1:100, 1:300, 1:500].
 3. One (1) copy of each separate type of plan reduced to legal size.
 4. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
 5. One (1) copy of a Registered Deed including full legal description of the subject lands.
 6. A sketch must be provided with this application. Council MAY require (at the discretion of the Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

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 metres of a water course; on or within 30 metres 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 metres 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.

NOTICE REQUIREMENTS

Notice of Public Hearing of Council MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 10 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 10 day period, the public hearing date may be rescheduled.



PORT COLBORNE

· PLANNING AND DEVELOPMENT DEPARTMENT ·

APPLICATION FOR MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Club Castropignano Niagara Inc.	
Mailing Address: c/o 399 Killally Street West	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V4	Telephone: 905-384-9292
Fax:	Email: clubc@clubcastropignano.com

1.2 Owner's SOLICITOR (if applicable)	
Name: John Wiley	
Mailing Address: 900-80 King Street	
City: St. Catharines	Province: Ontario
Postal Code: L2R 6Y8	Telephone: 905-688-4500
Fax:	Email: jcwilley@chownlaw.com

1.3 Owner's Authorized AGENT (if applicable)	
Name: Nancy Waters	
Mailing Address: c/o 399 Killally Street	
City: Port Colborne	Province: Ontario
Postal Code: L3K 5V4	Telephone: 905-384-9292
Fax:	Email: clubc@clubcastropignano.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
not mortgaged

1.5 Date and Subject Land was acquired by the Current Owner:
November 24, 2021

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: n/a	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.7 All communications should be sent to the:
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Agent

Section 2: LOCATION

Former Municipality: Port Colborne	
Concession No.	Lot(s): PT LT 185
Registered Plan No. 797 Humberstone	
Reference Plan No. PC19233	Part(s):
Name of Street: Steele Street	Street No. 700

Section 3: DESCRIPTION

Part No. On Sketch: _____

Frontage: 30.48m	Depth: 13.41M	Area: 408.73 sq m
Existing Use: church		
Proposed Use: social club institution		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: urban residential
Regional Policy Plan: built up area

4.2 What is the Zoning of the land (By-law 1150/97/81)?
R2

Section 5

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If "Yes" describe the easement or covenant and its effect:

Section 6

Type of ACCESS
<input type="checkbox"/> Provincial Highway

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

Section 7

What type of WATER SUPPLY is proposed?
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply <input type="checkbox"/> Lake <input type="checkbox"/> Well (private or communal) <input type="checkbox"/> Other (specify) <hr/>

Section 8

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

Section 9

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

Section 10

NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:
expansion of legal non-conforming variance <hr/> <hr/> <hr/> <hr/> <hr/>

10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Section 11

WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:
We are requesting that the property be allowed to operate as a social club instead of its existing use as a church.

Section 12

DATE OF ACQUISITION of the land by the current owner:
1954

Section 13

DATE OF CONSTRUCTION of all existing buildings and structures on the land:
1954-56

Section 14

LENGTH OF TIME of time that the existing use(s) of the land have continued:
68 years

Section 15: OTHER APPLICATIONS

15.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:		
Official Plan Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Zoning By-Law Amendment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Minor Variance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Plan of Subdivision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Consent	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Site Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

15.2 If the answer to the above is yes, and if known, provide the following for each application noted:
File number of the application:
Name of the approval authority considering the application:
Lands affected by the application:
Purpose of the application:

Status of the application:
Effect of the application on the proposed amendment:

Section 16: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

16.1 ALL EXISTING USE
<input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other

16.2 What is the length of time the existing use(s) of the land have continued?
1956

16.3 Are there any buildings or structures on the subject land?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If Yes, for each existing building or structure, complete the following:

Type of Building or Structure	Setback from the front lot line (in metres)	Setback from the rear lot line (in metres)	Setback from the side lot line (in metres)	Setback from the side lot line (in metres)	Height (in metres & number of stories)	Dimensions or floor area (in metres)	Date of construction
church	3.962 m	1.524 m	5.88 m	5.69 m	1	187.58	1954-56

16.4 ALL PREVIOUS USE
<input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Parkland <input type="checkbox"/> Vacant <input type="checkbox"/> Other

16.5 ALL ADJACENT USE(S)				
	NORTH	SOUTH	EAST	WEST
Residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parkland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other				

16.6 If Industrial or Commercial, specify use

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

Yes
 No
 Unknown

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

Yes
 No
 Unknown

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

Yes
 No
 Unknown

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

Yes
 No
 Unknown

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

Yes
 No
 Unknown

16.12 Have the lands or adjacent lands ever been used as a weapons firing range?

Yes
 No
 Unknown

16.13 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

16.14 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

16.15 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

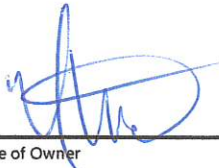
- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and 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.

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.

ACKNOWLEDGMENT CLAUSE

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

X Nov 29 / 21
Date

X 
Signature of Owner

**Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY
Pre-screening Criteria**

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

- Yes
- No
- Unknown

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

- Yes
- No
- Unknown

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

- Yes
- No
- Unknown

17.4 Is there a valley slope on the property?

- Yes
- No
- Unknown

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

- Yes
- No
- Unknown

X November 21, 2021
Date

X [Signature]
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 Club Castropisano Niagara Inc.
Of the City/Town/Township of Port Colborne
In the County/District/Regional Municipality of Niagara

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

DECLARED before me at the
City of Port Colborne
In the Region of Niagara
This 21st day of November
A.D. 2021

Chris Roome, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the
City of Port Colborne.
[Signature]
A Commissioner, etc.

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

X [Signature]

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

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: Amber LaPointe, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:
700 Steele Street.

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize
Nancy Waters

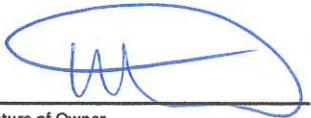
(name of agent)
City of Port Colborne of Club Castropignano Niagara Inc

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the City of Port Colborne
in the Region of Niagara
this 29 day of November 2021

X

Signature of Witness

X 

Signature of Owner

X

Signature of Witness

X

Signature of Owner

X

Signature of Witness

X

Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

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*.

SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account 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 1150/97/81, 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 Director of Planning & Development
(905) 835-2901, Ext. 203

Information on the Port Colborne Official Plan and Zoning Bylaw

2. Port Colborne Engineering & Operations Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8 Director of Engineering & Operations
(905) 835-2901, Ext. 223

Information on Servicing, Lot Grading and Drainage

3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8 C.B.O.
(905) 835-2901, Ext 201

Information about the Building Code

4. Region of Niagara Public Works Department
Development Services Division
2201 St. David's Road, P.O. Box 1042, Thorold, Director
(905) 984-3630
1-800-263-7215

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

For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways 1-866-636-0663

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



Members Present: Dan O'Hara, Angie Desmarais, Eric Beauregard, Gary Bruno,
Donna Kalailieff

Staff Present: David Schulz, Planner
Chris Roome, Secretary/Treasurer

The meeting was called to order at approximately 6:00pm by Chair Dan O'Hara.

1. Disclosures of Interest:

Nil.

2. Requests for Deferrals or Withdrawals of Applications:

Nil.

3. New Business

- i) Application: B17-21-PC & A31-21-PC**
Action: Consent and Minor Variance
Agent: Christopher Wilson
Owner: The Port Colborne Lions Club
Location: 49 Chippawa Road

The Secretary/Treasurer read the correspondence received from the appropriate agencies.

The Applicant provided additional background information on the property and explained that a surveying error is the reason why a consent was required.

Member Beauregard raised concerns over the neighbouring driveway and asked if an easement existed over the property.

Mr. Wilson explained that no easement is currently registered, so the neighbour has no legal right to use that driveway.

The Chair asked staff if the neighbour would have to apply and pay for a new driveway.

Mr. Roome responded that the owner would have to apply and pay.

Mr. Wilson added that it is only a very small section of the driveway that is on the Lions Club land.

The Chair inquired about the existing hydro pole on the parcel.

Mr. Schulz responded that it would be addressed through CN Power at the time of the building permit.

Mr. Wilson added that the purchaser is aware it will need to be removed.

The Chair asked if the minor variance was necessary.

Mr. Schulz responded no and that it could be removed if the Committee wishes.

That Consent application B17-21-PC be **GRANTED** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$212 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.

For the following reasons:

1. The application conforms to Provincial Policy Statement, the policies of the Regional Official Plan, City of Port Colborne Official Plan and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act. R.S.O. 1990, c.P.13.

Motioned: Eric Beauregard

Seconded by: Gary Bruno

Carried: 5-0

And that Minor Variance application A31-21-PC be **GRANTED** for the following reasons:

1. **Minor in nature** as the decreased interior side yard setbacks are a reasonable and measured request.

2. **Appropriate for development of the site** since the structures on Part 2 are existing and located in a suitable location on the site.
3. **Desirable and in compliance with the general intent and purpose of the Zoning By-Law** as cultural facilities are permitted in the Institutional zone and the proposal meets the majority of the requirements of the by-law.
4. **Desirable and in compliance with the general intent and purpose of the Official Plan** as institutional uses are permitted in the Urban Residential designation.

Motioned: Eric Beauregard
Carried: 5-0

Seconded by: Angie Desmarais

4. Other Business:

Nil.

5. Approval of Minutes:

Minutes from the November 10th, 2021 Committee of Adjustment meeting were approved.

Moved: Gary Bruno
Carried: 5-0

Seconded by: Angie Desmarais

6. Adjournment

There being no further business, the meeting was adjourned at approximately 6:35 PM.