



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 1150/97/81 (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
Secretary - Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8
Telephone: 1-905-835-2900
FAX: 1-905-835-2939
Email: planning@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 City Council 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 must be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Region has 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 March 1, 2005. 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.

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.

As provided for in Regulations made under the *Planning Act*, every application for a minor variance or for permission must be brought to the attention of certain agencies. In addition, and by Policy of the Committee of Adjustment, other agencies will be consulted if the location of the land falls within their field of responsibility. Although you are under no obligation to do so, it is suggested you may wish to discuss your intentions with various municipal departments and authorities.

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).
- Fifteen (15) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee. Cheques are to be made payable to "The City of Port Colborne". (See the attached copy of By-law 4806/31/06)

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

Someone must be present at the hearing to represent the application.

Decisions of the Committee are made in public.

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

Incomplete or improperly submitted documents may result in deferral of the application to a later hearing.

APPLICATION FEES

The application fee (See the attached copy of By-law 4806/31/06) must be 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. The City will bill the applicant / agent the cost of the newspaper notice if required. Submission of the Staff Recommendation Report to Council is dependant upon receipt of advertising payment.

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 approximate location of all natural and artificial features on the land and on the adjacent land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
 5. The existing uses on adjacent land, such as residential, agricultural and commercial uses;
 6. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
 7. If access to the land is by water only, the location of the parking and boat docking facilities to be used.
 8. The location and nature of any easement affecting the land.
 9. 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.
 10. The location and nature of any easement affecting the land.
 11. Parking areas, loading spaces, driveway entrance / exits
 12. 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.

APPLICATION FORM AND SKETCH

It is required that ONE copy of this application form be filed with the Secretary - Treasurer of City of Port Colborne Committee of Adjustment, together with the sketch (referred to above), accompanied by the appropriate fee per application (By-law 4806/31/06), in cash or by cheque made payable to THE CITY OF PORT COLBORNE.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

In the Region's review of development applications on behalf of several Provincial Ministries, assistance may be required from the Niagara Peninsula Conservation Authority. 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 Regional Municipality (on behalf of the Niagara Peninsula Conservation Authority) will charge an additional Plan Review Fee. These fees are provided on the Regional Niagara web site (www.regional.niagara.on.ca).

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.

APPLICATIONS REQUIRED

One copy of this application form is to be filed for each subject parcel, together with the required copies of the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of Port Colborne.

PLEASE TYPE OR USE BLACK INK

1. OWNER

1.1 Registered Owner(s): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.2 Owner's SOLICITOR (if any): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.3 Owner's Authorized AGENT(if any): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.4 MORTGAGES, Charges and other Encumbrances:

List the name(s) and address(es) of any mortgages, charges or other encumbrances in respect of the land.

1.5 The date the Subject Land was acquired by the Current Owner:

1.6 Owner's ONTARIO LAND SURVEYOR (if any): _____

Mailing Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Fax: _____ Email: _____

1.7 All communications should be sent to the:

Owner _____ Solicitor _____ Agent _____

2. LOCATION:

Former Municipality _____

Concession No. _____ Lot(s) _____ Registered Plan No. _____ Lot(s) _____

Reference Plan No. _____ Part(s) _____

Name of Street _____ Street No. _____

3. DESCRIPTION: Part No. on sketch _____

Frontage _____ Depth _____ Area _____

Existing Use _____

Proposed Use _____

4. OFFICIAL PLAN AND ZONING

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

Port Colborne Official Plan _____

Regional Policy Plan _____

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

5. Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?

Yes _____ No _____

If "Yes" describe the easement or covenant and its effect: _____

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 _____

7. What type of WATER SUPPLY is proposed?
Publicly owned and operated piped water supply _____
Lake _____
Well (private or communal) _____
Other (specify) _____

8. What type of SEWAGE DISPOSAL is proposed?
Publicly owned and operated sanitary sewage system _____
Septic system (private or communal) _____
Other (specify) _____

9. What type of STORMWATER DISPOSAL is proposed? (Check appropriate space)
Publicly owned and operated stormwater system _____
Other (specify) _____

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

- 10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?
Yes _____ No _____

11. WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:

12. DATE OF ACQUISITION of the land by the current owner:

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

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

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 _____

Zoning By-law Amendment _____

Minor Variance _____

Plan of Subdivision _____

Consent _____

Site Plan _____

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 _____

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?

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 for each building or structure:

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 and number of storeys)	Dimensions or floor area (in metres)	Date of Construction

16.4 ALL PREVIOUS USE

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

16.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	_____	_____	_____	_____
Industrial	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Institutional	_____	_____	_____	_____
Agricultural	_____	_____	_____	_____
Parkland	_____	_____	_____	_____
Vacant	_____	_____	_____	_____
Other	_____			

16.7 If Industrial or Commercial, specify use

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

Yes _____ No _____ Unknown _____

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

Yes _____ No _____ Unknown _____

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

Yes _____ No _____ Unknown _____

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

Yes _____ No _____ Unknown _____

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

Yes _____ No _____ Unknown _____

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

Yes _____ No _____ Unknown _____

16.14 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 _____

16.15 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 _____

16.16 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.

Date _____ Signature of Owner _____

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

Yes _____ No _____ Unknown _____

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

16.19 If there has been industrial or commercial uses on the property or if the answer to 1465 to 16.13 is "Yes", a previous use inventory is needed. Is a previous use inventory attached?

Yes _____ No _____

17 NIAGARA PENINSULA CONSERVATION AUTHORITY Prescreening 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 _____

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 _____

of the City/Town/Township of _____

in the County/District/Regional Municipality of _____

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

DECLARED before me at the _____) TO BE SIGNED IN THE PRESENCE OF A
of _____) COMMISSIONER FOR TAKING AFFIDAVITS
in the _____ of _____)
This _____ day of _____)
A.D. 20 _____)
(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 _____

C.B.O. _____

Fire Chief _____

C. N. Power _____

Region _____

NPCA _____

MTO _____

MOE _____

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 _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Condition _____ Satisfied _____

Agreement Signed by Owner _____

Agreement Signed by Mayor and Clerk _____

Agreement sent to City Solicitor _____

Registration _____

Instrument No. _____

Final Approval _____

Application Revised April 2018

AUTHORIZATION

LOCATION OF SUBJECT LANDS:

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

(name of agent)

of the _____ of _____

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 _____ of _____

in the _____ of _____

this _____ day of _____ 200 _____

Signature of Witness

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
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
Christopher Glofcheskie
1-416-235-5560
Christopher.Glofcheskie@ontario.ca

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
Alexandra Boucetta
1-416-235-5383
Alexandra.Boucetta@ontario.ca

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