



**PORT COLBORNE**

## Committee of Adjustment -Meeting Minutes-

Wednesday, December 13th, 2023

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

Staff Present: Chris Roome, Planner  
Taya Taraba, Acting Secretary-Treasurer

1. Call Meeting to Order  
The Chair called the meeting to order at approximately 6:03 pm.
2. Reading of Meeting Protocol  
The Chair read the Meeting Protocol.
3. Disclosures of Interest  
Nil.
4. Requests for Deferrals or Withdrawals of Applications  
Nil.
5. Adjourned Application(s)
  - a. Application: A22-23-PC  
Action: Minor Variance  
Agent: Chris Lamb  
Owners: The Landscape Depot  
Location: Vacant Lot Catharine Street

The applicant was still receiving correspondence from the railway regarding land ownership concerns (as per the November 8<sup>th</sup> Committee of Adjustment) and requested for an adjournment. The motion was motioned by Member Bruno, seconded by Member Beauregard, and carried unanimously.

6. New Business
  - a. Application: A25-23-PC

Action: Minor Variance  
Agent: Schilstra Builders Inc.  
Owners: Lorie Maralit and Hannibal Aligada  
Location: 11 Church Street

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

The Chair asked the present agent, on behalf of the owners, if they wanted to add any further information on the application.

The agent further clarifies the reason for obtaining the minor variance; the deck was constructed before the installed fence but had to be rearranged when their patio door was larger than anticipated. This shifted the size of the deck, placing them within a setback.

The Chair asked if any members of the public wished to speak towards the nature of the application, to which, there were no concerns.

The Planner concluded that the proposed application A25-23-PC be **granted** for the following reasons:

- 1. The application is minor in nature** as the reduced side yard setback will not negatively impact the subject parcel or neighbouring properties. The proposed structure is located at a permissible distance from the lot lines and is located at the back of the existing dwelling. The side yard setback requirement intends to ensure adequate spacing between dwellings and structures.
- 2. It is appropriate for the development of the site** as the proposed variance accommodates a permitted use on the subject property.
- 3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the Zoning By-Law permits the construction of decks within the R2 zone and the proposal meets the rest of the Zoning By-Law requirements.
- 4. It is desirable and in compliance with the general intent and purpose of the Official Plan** as the Official Plan permits accessory structures within the Downtown Commercial designation.

Motion: *Dave Elliot*      Seconded: *Gary Bruno*  
Carried: 4-0

b. Application: B14-23-PC

Action: Consent  
Solicitor: Brian Miller  
Owners: Clayton and Pamela Rosario  
Location: 1189 Sherk Road

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

The Chair asked the present solicitor and/or the owners if they wanted to add any further information on the application.

The solicitor agreed with the comments made by Planning Staff but wanted to edit the pre-existing drainage apportionment agreement condition.

The Solicitor mentioned that the condition required the agreement to be arranged by the Drainage Superintendent or an approved Engineer, to which the Solicitor mentioned the process to be difficult and technical. They request that the agreement is to be prepared by the owners to the satisfaction of the Superintendent or the City, as it allows the City to retain the right of approval without need for a re-hearing to approve the agreement.

The Solicitor further explained the nature of the severance and the concern regarding the wood lot located around the property.

Member Bruno asked the Planner if the solution the Solicitor had devised had been considered before and how might it apply to this application.

The Planner responded that they do not possess a thorough understanding of the Drainage Act and that the comments were made in confidence by the Drainage Superintendent, to which Planning supports.

Councillor Beauregard agreed that the amendment would be beneficial but questioned the archaeological potential of the property.

The Planner mentioned that the application went through a pre-consultation, in which the archaeological potential was assessed and any requests are made during the building permit stage.

The Solicitor mentioned that they would have no qualms with the amendment if it was to the satisfaction of the Drainage Superintendent and that the archaeological concerns were addressed in the pre-consultation stage.

Motion: *Gary Bruno*

Seconded: *Eric Beauregard*

Carried: 4-0

c. Application: B16-23-PC

Action: Consent  
Agent: Steven Rivers  
Owners: 2493207 Ontario Inc.  
Location: 599 Main Street West

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

The Chair asked the present agent if they, on behalf of the owners, wanted to add any further information on the application.

The agent added that they do not wish to make any further recommendations and support the comments made by the Planning staff.

The Chair questioned the difference between the current application and the older application, initially brought to the attention of the Committee in 2016.

The agent mentioned that this application is identical to the prior application and that the conditions encompassing the consent to sever were not completed.

The Chair asked if any members of the public wished to speak towards the nature of the application, to which, there were no concerns.

Member Beauregard questioned the nature of the application and the reason for the severance.

The Planner responded that the application had similar comments as the initial application and that a 2020 Zoning By-Law Amendment had addressed any residual concerns.

The Planner concluded that consent application B16-23-PC be **granted** subject to the conditions outlined in the Staff report dated December 8<sup>th</sup> and 11<sup>th</sup>, 2023:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or registrable legal description of the subject parcel, together with a paper 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 is submitted to the Secretary-Treasurer.

3. That the applicant signs the City of Port Colborne’s standard “Memorandum of Understanding” explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act, R.S.O. 1990, as amended.
4. That all conditions of consent be fulfilled by December 13<sup>th</sup>, 2025.

Motion: *Dave Elliot*      Seconded: *Gary Bruno*  
Carried: 4-0

7. Other Business

Nil.

8. Approval of Minutes

That the minutes from the November 8, 2023, Committee of Adjustment meeting be approved.

Motion: *Gary Bruno*      Seconded: *Dave Elliott*  
Carried: 4-0

**Note:** *The minutes were not signed for the November 8<sup>th</sup>, 2023, Committee of Adjustment meeting and will be done so during the January meeting.*

9. Adjournment

There being no further business, the meeting was adjourned at approximately 7:03 pm.

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Dan O’Hara, Chair

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Taya Taraba, Acting Secretary-Treasurer