



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

CONSENT APPLICATION THE CITY OF PORT COLBORNE

The Planning Act – Section 53

For Office Use Only

Date Received: _____

Application Complete: ☐ Yes ☐ No

Date of Completion: _____

SUBMISSION OF APPLICATION

Completed applications can be sent to:

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

Telephone: 1-905-835-2900 ext. 204
Fax: 1-905-835-2939
Email: taya.taraba@portcolborne.ca

2024 APPLICATION FEES

3249

Consent (New Lot)	\$1,926	Changes to Consent Conditions	\$601
Easement	\$1,323	Final Certification Fee	\$240
Lot Addition / Boundary Adjustment	\$1,323	Validation of Title	\$1,083

COMPLETENESS OF APPLICATION

A complete application includes all required forms, fees, and applicable sketches, as well as any additional information that may be identified by the Secretary-Treasurer in accordance with the provisions under *the Planning Act*, R.S.O. 1990, c.P. 13, as amended.

To be considered complete, submitted applications must include:

- One fully completed application for consent signed by the applicant(s) and/or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the property owner, if applicable.
- **Two (2) copies** of a sketch prepared by a licensed Land Surveyor, reduced to legal size.
- Payment of the appropriate fee submitted at the time of application through cash, credit, debit, or cheque payable to the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) if required by the Region, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the Niagara Region. If payment is submitted to the Region directly, please submit the receipt to the City of Port Colborne. Failure to pay the Region's fee may result in an incomplete application. The Region's fees are available on its website, https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Payment of the appropriate NPCA fee, if required, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the NPCA. If payment is submitted to the NPCA directly, please submit the receipt to the City of Port Colborne. Failure to pay the NPCA's fee may result in an incomplete application.

***Note:** Additional information may be required once a full review has been completed by planning staff. This may prevent deferral of your application. *

DRAWING REQUIREMENTS

- Please submit two copies of each separate plan, reduced to legal size, along with your completed application. Ensure that all the information below is included in the plan(s). The sketch must be prepared, signed, and dated by a licensed Ontario Land Surveyor.
- 1. As provided for in Section 14 of 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.

PROCEDURE FOR PROCESSING CONSENT APPLICATIONS

Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant of any additional information and/or fees required by these agencies (ie. Niagara Region, Niagara Peninsula Conservation Authority). If applicable, the applicant must submit this additional information and/or pay the additional fees for their application to be deemed complete. Once the application is deemed complete, a hearing date will be confirmed in writing by the Secretary-Treasurer.

Prior to the hearing, members of the Committee may choose to conduct a site visit and/or contact the applicants. **Please note that the Committee should not be contacted by members of the public.** Any comments, questions, or concerns should be addressed through the Planning Division.

Following the hearing, the applicant/agent/solicitor will be notified of the Committee's decision through a written Notice of Decision. In addition, any other person or agency who filed a written request for the Committee's decision will be sent a copy.

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

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 meters of a water course; on or within 30 meters of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within a groundwater recharge / discharge area, aquifer or headwater on the property or within 30 meters of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: <i>Steven Butera</i>	Date: <i>Mar. 8, 2024</i>	Initials: <i>SB</i>



SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: 1448022 Ontario Limited	
Mailing Address: 3139 Portage Road	
City: Niagara Falls	Province: Ontario
Postal Code: L2J2J8	Telephone: 905-401-0873
Fax:	Email: sbutera36@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: Carol Moroziuk	
Mailing Address: 243 Killaly Street East	
City: Port Colborne	Province: Ontario
Postal Code: L3K1P2	Telephone: 905-736-9739
Fax:	Email: clmoroziuk@gmail.com
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Lanthier & Gilmore Surveying Ltd.	
Mailing Address: 173 Clarence Street	
City: Port Colborne	Province: Ontario
Postal Code: L3K3G4	Telephone: 905-835-5477
Fax:	Email: lanthier.gilmore@bellnet.ca
1.5 All communications should be sent to the:	
☐ Owner ☐ Solicitor ☒ Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Township of Humberstone	
Concession No.	Lot(s):
Registered Plan No. 786	Lot(s): 228
Reference Plan No.	Part(s):
Name of Street: Charlotte Street	Street No. 211

SECTION 3: PROPOSAL DESCRIPTION

3.1 Type of proposed transaction: (Check appropriate space(s))		
☒ Creation of New Lot	☐ Lease	☐ Partial Discharge or Mortgage
☐ Addition to lot	☐ Disposal of Surplus Farm Dwelling	☐ Right-of-Way
☐ Mortgage or Charge	☐ Farm Retirement Lot	☒ Easement
Reason for proposed transaction: Create a new building lot along Fielden with an easement for future servicing for the lot. 		
3.2 If a lot addition, identify the lands to which the parcel will be added: 		
3.3 Name of person(s), if known, to whom land or interest in land is intended to be conveyed, leased, or mortgaged: 		

SECTION 4: SUBJECT PARCEL INFORMATION

Part No. On Sketch: 1

DESCRIPTION OF SUBJECT PARCEL (in metric units)		
Frontage: 23.3m.	Depth: 18.76m.	Area: 436.2 sq.m.
Existing Use: Residential		
Proposed Use: Residential		

SECTION 5: RETAINED PARCEL INFORMATION

Part No. On Sketch: 2 & 3

DESCRIPTION OF PARCEL TO BE RETAINED (in metric units)		
Frontage: 18.84m.	Depth: 12.70m.	Area: 463.9 sq.m.
Existing Use: Residential		
Proposed Use: Residential		

SECTION 6: SUBJECT LAND INFORMATION

6.1 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:	
6.2 What is the Zoning of the land (By-law 6575/30/18)?	
R2	
6.3 Date the Subject Land was acquired by the Current Owner:	
Feb. 23/2024	
6.4 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
☐ Yes	If "Yes" describe the easement or covenant and its effect:
☒ No	

6.5 MORTGAGES, Charges & Other Encumbrances:		
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.		
J&Y Bulk Enterprises Inc. - PO Box 33, Dunnville Ontario N1A 2X1		
6.6 Type of ACCESS		
☐ Provincial Highway	☐ Water Access	☐ Private Road
☐ Regional Road	☒ Municipal Road maintained all year	☐ Other Public Road
☐ Right-of-Way	☐ Municipal Road maintained seasonally	
6.7 What type of WATER SUPPLY is proposed?		
☒ Publicly owned and operated piped water supply		
☐ Lake		
☐ Well (private or communal)		
☐ Other (specify):		
6.8 What type of SEWAGE DISPOSAL is proposed?		
☒ Publicly owned and operated sanitary sewage system		
☐ Septic system (private or communal)		
☐ Other (specify):		
6.9 What type of STORMWATER DISPOSAL is proposed?		
☒ Publicly owned and operated stormwater system		
☐ Other (specify):		

SECTION 7

7.1 Has the land ever been the subject of an application for approval of a PLAN OF SUBDIVISION or a CONSENT?		
☐ Yes	☒ No	☐ Unknown

If the answer is “Yes,” please provide the following information:

File Number:
Decision:

SECTION 8: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

8.1 ALL EXISTING USE		
☒ Residential	☐ Institutional	☐ Vacant
☐ Industrial	☐ Agricultural	☐ Other (specify):
☐ Commercial	☐ Parkland	
8.2 What is the length of time the existing use(s) of the land have continued?		
50+ years		
8.3 Are there any buildings or structures on the subject land?		
☒ Yes ☐ No		
If Yes, briefly describe and indicate their use.		
Two Storey Dwelling		

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

ACKNOWLEDGMENT CLAUSE

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

X Mar. 7 2024
Date

X
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X March 11/ 2024
Date

X CMoroziuk
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 Carol Moroziuk

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 11th day of March

20 24.
A Commissioner, etc. Chris Reeme, 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

X CMoroziuk

Signature of applicant(s), solicitor, or authorized

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

POSTING OF PUBLIC HEARING SIGN

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

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

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

I/We Carol Moroziuk am/are the owner(s) of the land subject to this application for Consent and I/We agree to post the required sign(s) a minimum of 14 days prior to the hearing and will remain posted, and replaced, if necessary, until the day following the hearing.

X CMoroziuk
Signature of Owner/Agent

X March 11/2024
Date

X _____
Signature of Owner/Agent

X _____
Date

PERMISSION TO ENTER

I/We Steven Butera am/are the owner(s) of the land subject to this application for Consent and I/We authorize the members of the Committee of Adjustment and the City of Port Colborne Planning Staff to enter onto the property for the purpose of evaluating the merits of the application(s).

Please note that the Committee should not be contacted by members of the public. Any comments, questions or concerns should be addressed through the Planning Division.

X [Signature]
Signature of Owner

X Mar. 8, 2024
Date

X _____
Signature of Owner

X _____
Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

If the application is not the owner of the land that is subject to this application for Consent, the authorization set out below must be completed by the owner(s). All registered owners must complete this authorization form for it to be valid.

Please Note: If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

I/We _____ am/are the owner(s) of the land that is subject to this application for Consent and I/We hereby authorize Carol Morozziuk as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Consent.

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

Mar. 8, 2024

X

Signature of Agent

Carol Morozziuk

X

Date

March 8/24

SUGGESTION TO THE APPLICANT

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

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

1. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
General Planning Department
(905) 835-2900, Ext. 286
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Planning and Development Department
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Engineering Technologist
(905) 835-2900, Ext. 226
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division
66 Charlotte Street, Port Colborne, Ontario L3K 3C8
Building Clerk
(905) 835-2900, Ext 229
Information about the Building Code
4. Region of Niagara Public Works Department
Planning and Development Department
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7
(905) 980-6000, Ext. 3727
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, Ontario L3C 3W2
Watershed Planner
(905) 788-3135, Ext 272
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario
Corridor Management Section
159 Sir William Hearst Ave, 7th Floor, Toronto, Ontario M3M 1J8
For information about sight plan applications for lands fronting onto provincial highways
7. Ministry of Transportation of Ontario
Corridor Management Section
1201 Wilson Avenue, Bldg D, 7th Floor, Downsview, ON, M3M 1J8
1-866-636-0663
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement