



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

RECEIVED

MAR 07 2024

RECEIVED

MAR 07 2024

For Office Use Only

Date Received: _____

Date of Completion: _____

Application Complete: ☐ Yes ☐ No

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

2023 APPLICATION FEES

Minor Variance	\$1,383
Minor Variance (Building without a Permit)	\$1,805
Minor Variance & Consent Combination	\$2,528

COMPLETENESS OF APPLICATION

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

To be considered complete, submitted applications must include:

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

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

DRAWING REQUIREMENTS

Please submit two copies of each separate plan along with your completed application. Ensure that all the information below is included in the plan(s). Depending on the extent of the proposal, the Planning Division may request a sketch prepared by a professional, and the Committee may require (at the discretion of the Manager of Planning Services) that the sketch be signed by an Ontario Land Surveyor. This requirement can be clarified by the Planning Staff. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g., 1:100, 1:300, 1:500].

To be considered complete, each sketch must identify:

1. The boundaries and dimensions of the land / lot.
2. The location and nature of any easement affecting the land, if applicable.
3. The location, size, height, and type of all existing and proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
4. The parking areas, loading spaces, driveway entrance / exits.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

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

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

Following the hearing, the applicant/agent/solicitor will be notified of the Committee's decision in a written Notice of Decision. In addition, any other person or agency who filed a written request for the Committee's decision will be sent a copy. Any applicant objecting to the decision of the Committee, or the condition(s) imposed by the Committee may appeal the decision to the Local Planning Appeal Tribunal within 20 days after the Notice of Decision has been given. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related minor variance appeal.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

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

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Peter Smith	Date: March 6, 2024	Initials: PWS



SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):		Name: Peter Smith Donna Bonato		Mailing Address: 657 King Street		City: Port Colborne		Province: Ontario		Postal Code: L3K 4H9		Telephone: 905-964-2085		Email: pwsmith@protonmail.com		1.2 Owner's SOLICITOR (if applicable)		Name:		Mailing Address:		City:		Postal Code:		Telephone:		Email:		1.3 Owner's Authorized AGENT (if applicable)		Name:		Mailing Address:		City:		Postal Code:		Telephone:		Email:		1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)		Name: Suda and Maleszyk Inc		Mailing Address: 126 Main Street		City: Welland		Province: Ontario		Postal Code:		Telephone: 905-732-7651		Fax: Email: dcb@cogeco.ca		1.5 All communications should be sent to the:		Owner ☐ Solicitor ☐ Agent ☐	
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SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: Humberstone	
Concession No. 1	Lot(s): 31,32,33,57,58,59,
Registered Plan No. 799	Lot(s):
Reference Plan No.	Part(s):
Name of Street: Firelane 3	Street No.

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 23.42	Depth: 46.7	Area: Approx 1093 square meters
Existing Use: vacant land		
Proposed Use: residential house		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: residential		
Regional Policy Plan: residential		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
Residential		

SECTION 4: LAND INFORMATION

4.1 Date the Subject Land was acquired by the Current Owner:	
4.2 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
☐ Yes ☒ No	
If "Yes" describe the easement or covenant and its effect:	
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
none	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
4.5 Type of ACCESS	
☐ Provincial Highway ☒ Regional Road ☐ Municipal Road maintained all year ☐ Other Public Road	☐ Municipal Road maintained seasonally ☐ Right-of-Way ☐ Water Access ☒ Private Road
4.6 What type of WATER SUPPLY is proposed?	
☐ Publicly owned and operated piped water supply ☐ Lake ☐ Well (private or communal) ☒ Other (specify) Cistern	
4.7 What type of SEWAGE DISPOSAL is proposed?	
☐ Publicly owned and operated sanitary sewage system ☒ Septic system (private or communal) ☐ Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
☐ Publicly owned and operated stormwater system ☒ Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
☐ Yes ☒ No	
If Yes, please indicate the meeting date:	

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

5.1 Nature and Extent of Relief from the Zoning By-law: The historic lots are now not large enough to meet current by-law however most of the homes on the firelane do not have a 30meter frontage. In consultation with Jamie Kennedy from Terra Dynamic consulting we changed from making six lots into 3 and made 6 lots into 2. It was approved without any minor variance required but because of timing to get a development agreement complete we have had to reapply and this time apply for two variances.
5.2 Why is it not possible to comply with the Zoning By-law? Frontage of lot not 30 meters meters because of irregular shape of lot and historic size of homes on the laneway. The house size which is approved by the region for the septic is 2000 sq ft or 16% of lot. Many of current homes have smaller frontages and overall area thus our design will not negatively impact the historic "look" on the firelane, unlike new approved houses taking up over 60% of the lot area.
5.3 Does the structure(s) pertaining to the application for Minor Variance already exist? ☐ Yes ☒ No
5.4 If the answer to 5.3 is YES, has a building permit been issued? ☐ Yes ☐ No
If the answer is "Yes," please provide the following information: File Number: Decision:

SECTION 6: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

6.1 ALL EXISTING USE ☐ Residential ☐ Industrial ☐ Commercial ☐ Institutional ☐ Agricultural ☐ Parkland ☒ Vacant ☐ Other (specify):
6.2 What is the length of time the existing use(s) of the land have continued? since the property was first zoned residential
6.3 Are there any buildings or structures on the subject land? ☐ Yes ☒ No If Yes, briefly describe and indicate their use.

Date

X 3/6/24

Signature of Owner

X P. Smith

I hereby acknowledge 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.

ACKNOWLEDGMENT CLAUSE

6.4	Are any of these buildings designated under the Ontario Heritage Act?	Yes ☒	No ☐	Unknown ☐
6.5	Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?	Yes ☒	No ☐	Unknown ☐
6.6	Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?	Yes ☒	No ☐	Unknown ☐
6.7	Has there been petroleum or other fuel stored on the subject land or adjacent lands?	Yes ☒	No ☐	Unknown ☐
6.8	Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?	Yes ☒	No ☐	Unknown ☐
6.9	Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?	Yes ☒	No ☐	Unknown ☐
6.10	Have the lands or adjacent lands ever been used as a weapon firing range?	Yes ☒	No ☐	Unknown ☐
6.11	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 ☐
6.12	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 ☐
6.13	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 ☐
6.14	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.				

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)

Date X 3/7/24
Signature of Applicant(s) X P. W. Smith

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 P. W. Smith
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 7 day of March
20 24

A Commissioner, etc.
Taya Taraba
Taya Taraba

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.

Taya Hope Taraba, a Commissioner, etc.,
Province of Ontario, for the Corporation
of the City of Port Colborne.
Expires January 31, 2027.

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

POSTING OF PUBLIC HEARING SIGN

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

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

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

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

Signature of Owner/Agent X Pu Smith Date X 3/6/24

Signature of Owner/Agent _____ Date _____

PERMISSION TO ENTER

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

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

Signature of Owner X Pu Smith Date X 7/3/24

Signature of Owner _____ Date _____

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

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

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

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

I/We P. W. Smith am/are the owner(s) of the land that is subject to this application for a Minor Variance and I/We hereby authorize as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Minor Variance.

Signature of Owner P. W. Smith

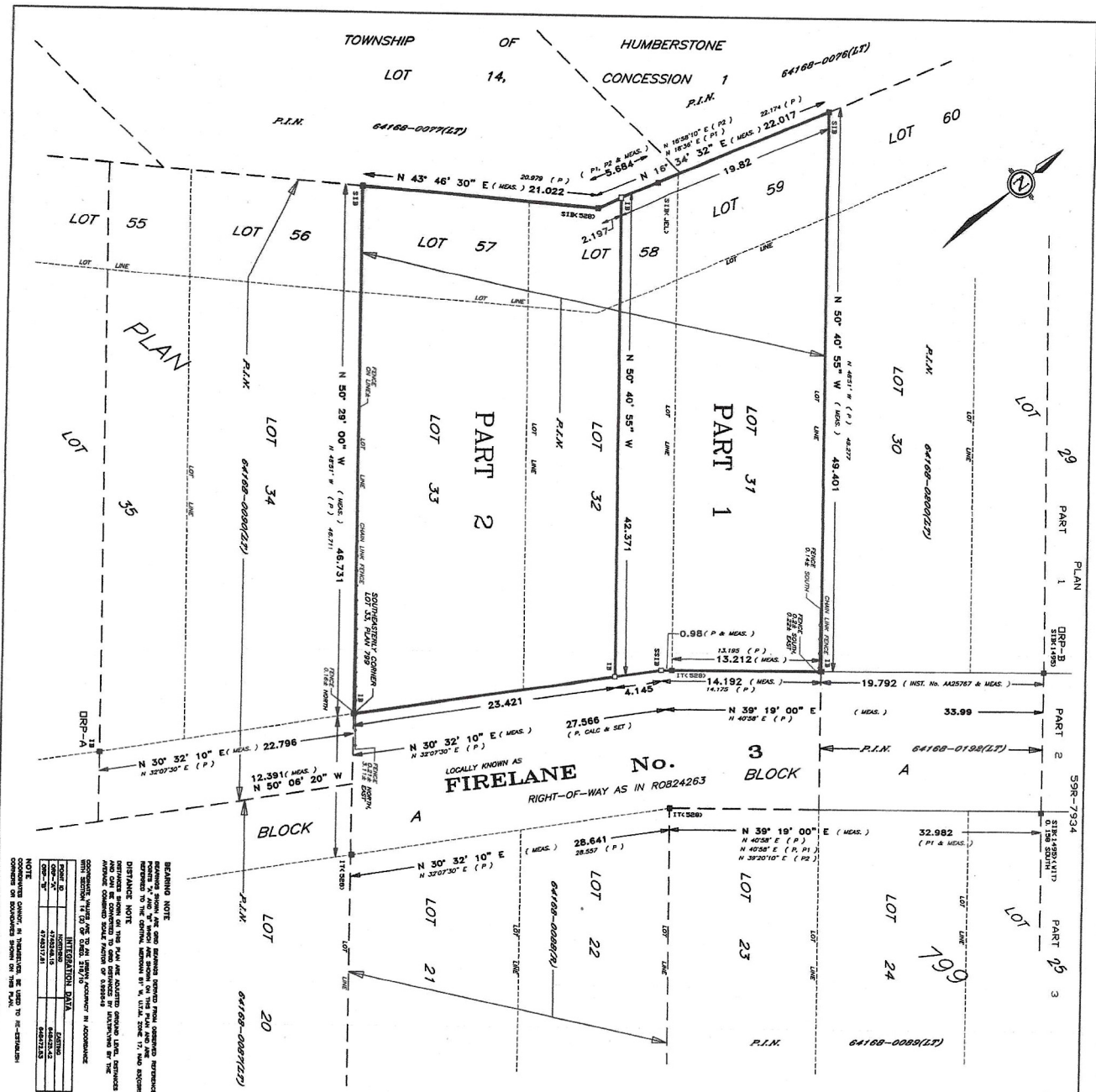
Date X 7/3/24

Signature of Owner X

Date X

Signature of Agent X

Date X



1. I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

DATE: January 16, 2024 RECEIVED AND DEPOSITED: Jan 17, 2024

PHILIP S. SUDA O.L.S. "Sandra Hill"

FOR THE RECORD OF THE REGISTRY DIVISION OF NORTHERN ONTARIO

PART	LOT	PLAN	P.L.N.
1	LOTS 31 & 32	799	PART OF 64168-0000(21)
2	PART OF 32 & 33		
3	LOTS 33 & 34		

PLAN OF SURVEY OF LOTS 31, 32, 33, 57, 58 AND 59, PLAN 799

CITY OF PORT COLBORNE

REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1:250

PHILIP S. SUDA O.L.S.

METRIC NOTE

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

1. BOUNDARY LINE

2. CONVEYANCE LINE

3. EASEMENT LINE

4. RIGHT-OF-WAY LINE

5. FENCE LINE

6. LOT LINE

7. ROAD LINE

8. RAILROAD LINE

9. WATER LINE

10. POWER LINE

11. TELEPHONE LINE

12. GAS LINE

13. OIL LINE

14. SEWER LINE

15. DRAINAGE LINE

16. FLOOD LINE

17. EROSION LINE

18. LANDSLIDE LINE

19. OTHER LINE

SURVEYOR'S CERTIFICATE

1. I CERTIFY THAT THE PLAN WAS CORRECTLY AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE UNDER THEREOF.

2. THE SURVEY WAS COMPLETED ON THE 16 DAY OF JANUARY 2024.

DATE: January 16, 2024 SURVEYOR: Philip S. Suda

ONTARIO LAND SURVEYOR

This Plan of Survey relates to AOLS Plan Submission Form Number V-60882

SUDA & MALESZYK SURVEYING INC.

26 EAST MAIN STREET, WILLOWDALE, ONT. M2B 3H3

TEL: (905) 732-7651

FILE NO: 24-06 JOB NO: 6063-2