



PORT COLBORNE

Committee of Adjustment -Meeting Minutes-

Wednesday, March 13th, 2024

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

Staff Present: Chris Roome, Planner
Taya Taraba, Acting Secretary-Treasurer
Hannah Walker, Planning Assistant

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
Member Beauregard declared an indirect pecuniary interest on application B02-24-PC as Member Beauregard is employed by an agent of the applicant, although not the agent featured on this application.
4. Requests for Deferrals or Withdrawals of Applications
Nil.
5. New Business
 - a. Application: A01-24-PC
Action: Minor Variance
Owner(s): Ron and Susan Webb
Location: 239 Firelane 26

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

The Chair asked the present applicants if they wanted to add any further information on the application, to which, they did not have any additional comments.

That minor variance application **A01-24-PC** be **granted** for the following reasons:

- 1. The application is minor in nature** as the reduced front yard setback addresses the existing setback and no construction is proposed that would increase the existing encroachment.
- 2. It is appropriate for the development of the site** as Staff recognize the lots in the area are small and may result in difficulties meeting the zoning requirements where structures are expanded or constructed.
- 3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the side yard requirement intends to ensure adequate spacing between dwellings, while the front yard setback intends to ensure parking and amenity space is provided without obstructing the view from the street.
- 4. It is desirable and in compliance with the general intent and purpose of the Official Plan** as the Official Plan permits residential uses within the Rural designation.

Motion: *Eric Beaugard*

Seconded: *Angie Desmarais*

Carried: 5-0

- b. Application: B02-24-PC
Action: Consent
Agent: Carol Moroziuk
Owner(s): Justin and Ralph Rotella
Location: 88 Merritt Parkway

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

The Chair asked the present applicants if they wanted to add any further information on the application, to which, they did not have any additional comments.

That consent application B02-24-PC be granted subject to the conditions outlined in the staff report dated March 8th, 2024:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the 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 \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the existing garage on Part 1 be removed.
4. 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.
5. That all conditions of consent be completed by March 13th, 2026.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, 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.

Motion: *Dave Elliot*

Seconded: *Angie Desmarais*

Carried: 4-0

- c. Application: B18-23-PC; A23-23-PC
Action: Consent and Minor Variance
Agent: Kirk Guthro
Owner: Betty Guthro
Location: 239 Firelane 26

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

The Chair asked the present applicants if they wanted to add any further information on the application, to which, they did not have any additional comments.

That consent application **B18-23-PC** be **granted** subject to the conditions outlined in the staff report dated March 8th, 2024:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the 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 \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.

3. That minor variance application A23-23 be approved by the Committee of Adjustment.
4. 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.
5. That the applicant/owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated January 12, 2023). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
6. That a 3.5m x 3.5m sightline triangle on the southwest corner of Part 2 be conveyed to the City of Port Colborne.
7. That the existing concrete pad on Part 1 be removed.
8. That the east-west running fence on Part 1 be removed.
9. That all conditions of consent be cleared by March 13th, 2026.

For the following reasons:

The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, 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.

Motion: *Gary Bruno*

Seconded: *Eric Beauregard*

Carried: 5-0

That minor variance application **A23-23-PC** be **granted** for the following reasons:

1. **The application is minor in nature** as the reduction of lot area from 400m² to 396.2m² is minor, as a 3.8 metre difference will not drastically change the size of the property and would not negatively impact the adjacent properties.

2. **It is appropriate for the development of the site** as the retained lot and existing dwelling meet the zoning requirements and will provide enough amenity space and landscaped area on the retained parcel.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as the minor changes do not affect the ability for a dwelling to be located on the site, which is the intent of the lot area requirements. The existing dwelling is not proposed to change and the proposed lot lines do not create zoning issues.
4. **It is desirable and in compliance with the general intent and purpose of the Official Plan** as the Official Plan permits residential uses within the Urban Residential designation.

Motion: *Gary Bruno*

Seconded: *Angie Desmarais*

Carried: 5-0

6. Other Business

Nil.

7. Approval of Minutes

That the minutes from the February 14th, 2024, Committee of Adjustment meeting be approved.

Motion: *Angie Desmarais*

Seconded: *Eric Beauregard*

Carried: 5-0

8. Adjournment

There being no further business, the meeting was adjourned at approximately 6:26 pm.

Dan O'Hara, Chair

Taya Taraba, Acting Secretary-Treasurer