



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

RECEIVED

SEP 03 2024

For Office Use Only		Application Complete: <input type="checkbox"/> Yes <input type="checkbox"/> No
Date Received:		
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

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.

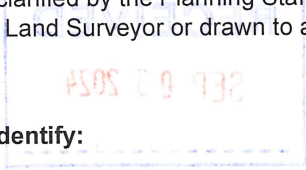
To be considered complete, submitted applications must include:

- 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: <i>Lemonice Benjamin</i>	Date: <i>09/03/2024</i>	Initials: <i>LB</i>



MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: <i>Domenic & Lindsey Benincasa</i>	
Mailing Address: <i>280 Omer Ave</i>	
City: <i>Port Colborne</i>	Province: <i>ON</i>
Postal Code: <i>L3K-3Z2</i>	Telephone: <i>905-941-4880</i>
Fax:	Email: <i>rockystang@live.com</i>
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:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality:	
Concession No.	Lot(s):
Registered Plan No. <i>Plan 60</i>	Lot(s): <i>Lot 28 NP819</i>
Reference Plan No.	Part(s):
Name of Street: <i>Omer Ave</i>	Street No. <i>280</i>

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: <u>22.84m</u>	Depth: <u>76.2 m</u>	Area: <u>1741.93m</u>
Existing Use: <u>Urban Residential</u>		
Proposed Use: <u>Urban Residential</u>		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: <u>Delineated Built-up Area 5</u>		
Regional Policy Plan: <u>Urban Residential</u>		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
<u>R1</u>		

SECTION 4: LAND INFORMATION

4.1 Date the Subject Land was acquired by the Current Owner:	
<u>July 2003</u>	
4.2 Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
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.	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
<u>House - 1967</u>	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system	
<input type="checkbox"/> Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: Request 7.62m where 6m is required I would like to request 7.62m when only 6m is allowed.
5.2 Why is it not possible to comply with the Zoning By-law? Storage
5.3 Does the structure(s) pertaining to the application for Minor Variance already exist? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5.4 If the answer to 5.3 is YES, has a building permit been issued? <input type="checkbox"/> Yes <input type="checkbox"/> 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		
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	_____
6.2 What is the length of time the existing use(s) of the land have continued?		
Unknown		
6.3 Are there any buildings or structures on the subject land?		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, briefly describe and indicate their use. Shed - Storage - House		

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

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 09/03/2024
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"?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.3 Is the property located on or within 30 metres of the Lake Erie shoreline?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.4 Is there a valley slope on the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.6 Is the property on a Regional Road?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X 08/30/2024
Date

X *DK* *Domenic Benincasa*
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 *Domenic & Lindsey Benincasa*
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 3rd day of September
2024.
A Commissioner, etc. *Taya Hope Taraba*

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS

X *DK*
Signature of applicant(s), solicitor, or authorized agent

Domenic Benincasa

Taya Hope Taraba, a Commissioner, etc.,
Province of Ontario, for the Corporation

Personal information collected for 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.

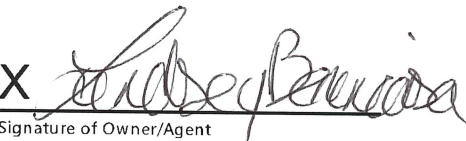
Each sign must remain posted a minimum of 14 days prior to the hearing, until the day following the hearing. Should a sign go missing or become damaged or illegible please contact the Secretary-Treasurer as soon as possible to request a replacement sign. Failure to post the sign as required may result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

X 
Signature of Owner/Agent

X 08/30/2024
Date

X 
Signature of Owner/Agent

X 08/30/2024
Date

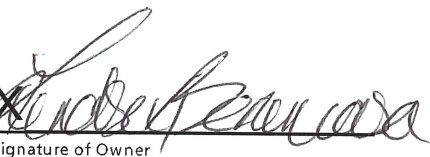
PERMISSION TO ENTER

I/We Domenic & Lindsey Benincasa 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.

X 
Signature of Owner

X 08/30/2024
Date

X 
Signature of Owner

X 08/30/2024
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 _____ 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.

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

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

