



PORT COLBORNE

Committee of Adjustment -Meeting Minutes-

Wednesday, September 11, 2024

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

Staff Present: Denise Landry, Chief Planner
Diana Vasu, Planner
Taya Taraba, Acting Secretary-Treasurer

1. Call Meeting to Order
The Chair called the meeting to order at approximately 6:00 p.m.
2. Reading of Meeting Protocol
The Chair read the Meeting Protocol.
3. Disclosures of Interest
Member Beauregard declared an indirect pecuniary interest on application(s) A23-24-PC, as his employer is an agent for the owner of the Subject Lands.
4. Requests for Deferrals or Withdrawals of Applications
Nil.
5. Order of Business
 - a. Application: B11-24-PC ; B15-24-PC
Action: Consent
Agent: Weston Consulting
Applicant: One Forty Development Inc.
Location: 5088 Highway 140

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

The Chair asked the applicant if they wanted to add any further information on the application; the agent gave a short presentation describing the nature of the application and the development.

A member of the public had asked whether the development planned to include sidewalks along Forkes Road to make the area safer and more accessible for residents living within the neighbourhood. The agent reassured the public that there will be stages for them to work through City standards regarding the development.

There were no further comments from the Committee or members of the public.

That consent application **B11-24-PC** be **granted** subject to the conditions outlined in the staff report dated September 6th, 2024:

1. That application B15-24-PC be granted.
2. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels, with a paper and electronic copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
3. That a final certification fee of \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
4. That a drainage apportionment agreement be completed by an approved engineer at the cost of the applicant, with a copy of the deposited plan to be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed, to the satisfaction of City staff.
5. That the owner enters into a Development Agreement with the City Port Colborne to require the identification of the permanent roadway location for the roadway that will service the "lands to be severed" identified on the severance sketch, such that the City will be able to place the water and sanitary into a future Right of Way, and that vehicular traffic will be provided adequate access to Highway 140 from municipal streets prior to site occupancy, to the satisfaction of City staff.
6. That the applicant submits an affidavit that Parts 4 and 5 will merge, to the satisfaction of City staff.
7. That all conditions of consent be cleared by September 11, 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, will comply with the provisions of Zoning By-law 6575/30/18, as amended, and with O. Reg. 337/24.

That consent application **B15-24-PC** be **granted** subject to the conditions outlined in the staff report dated September 6th, 2024:

1. That the applicant provides the Secretary-Treasurer with the deeds 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 application B11-24-PC be granted.
4. That all the conditions of consent for application B11-24-PC be cleared.
5. That all conditions of consent be cleared by September 11, 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, will comply with the provisions of Zoning By-law 6575/30/18, as amended, and with O. Reg. 337/24.

Motion: Angie Desmarais

Seconded: Eric Beauregard

Carried: 4-0

- b. Application: A20-24-PC
Action: Minor Variance
Agent: Isaac Adams
Applicant: Emily and Andrew Brondes
Location: 1628 Third Concession Road

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

The Chair asked the applicant if they wanted to add any further information on the application; the applicant expanded on the reason for requesting the variance.

Member Beauregard questioned what the building would be used for and asked the applicant to provide clarification on the nature of the application.

The applicant answered that the building would be used for both storage and an accessory dwelling unit.

Member Desmarais questioned Staff regarding Melissa Bigford-Loquists concerns submitted in August 2024. The Chief Planner mentioned that the resident's inquiries were addressed within the Staff Report.

Concerns were addressed regarding why the variance was not applied for during the building permit phase.

Melissa Bigford-Loquists presented points encompassing the development being located within NPCA regulated lands and also any potential violations of the minor variance.

There were no further comments from the Committee or members of the public.

That minor variance application **A20-24-PC** be **granted** for the following reasons:

1. The application is minor in nature.
2. It is appropriate for the development of the site.
3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.
4. It is desirable and in compliance with the general intent and purpose of the Official Plan.

Motion: Eric Beauregard

Seconded: Gary Bruno

Carried: 4-0

- c. Application: A21-24-PC
Action: Minor Variance
Applicant: Henley Heights Construction Inc.
Location: VL Steele Street

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

The Chair asked the applicant if they wanted to add any further information on the application. The applicant had no additional information to add.

Member Beauregard inquired as to whether there was enough parking for the property, to which both Staff and the applicant reassured that there was.

There were no further comments from the Committee or members of the public.

That minor variance application **A20-24-PC** be **granted** for the following reasons:

1. The application is minor in nature.
2. It is appropriate for the development of the site.

3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.

4. It is desirable and in compliance with the general intent and purpose of the Official Plan.

Motion: Gary Bruno

Seconded: Angie Desmarais

Carried: 4-0

d. Application: A22-24-PC
Action: Minor Variance
Applicant: Henley Heights Construction Inc.
Location: VL Fielden Avenue

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

The Chair asked the applicant if they wanted to add any further information on the application. The applicant had no additional information to add.

There were no further comments from the Committee or members of the public.

That minor variance application **A20-24-PC** be **granted** for the following reasons:

1. The application is minor in nature.
2. It is appropriate for the development of the site.
3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.
4. It is desirable and in compliance with the general intent and purpose of the Official Plan.

Motion: Gary Bruno

Seconded: Eric Beauregard

Carried: 4-0

e. Application: A23-24-PC
Action: Consent
Agent: Matt Kernahan
Applicant: 260026 Ontario Inc.
Location: VL Northland Avenue

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

The Chair asked the applicant if they wanted to add any further information on the application. The agent outlined concerns from the public.

Member Bruno inquired about the nature of the minor variance increasing the density of housing on the land if the setbacks are altered.

The applicant responded that it could facilitate the increase in density and about why a variance was applied for over a Zoning By-Law amendment.

Shane Parisi inquired about the negative effects on traffic regarding the development as there is only two vehicular exits.

The Committee motioned to adjourn the application until the nature of the variance was made transparent, as there was confusion encompassing which lots the variance applied to.

There were no further comments from the Committee or members of the public.

Motion: Angie Desmarais

Seconded: Gary Bruno

Carried: 3-0

- f. Application: B12-24-PC; B13-24-PC; B14-24-PC
- Action: Consent
- Agent: Steven Rivers
- Applicant: Whiskey Run Golf Course
- Location: 631 Lorraine Road

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

The Chair asked the applicant if they wanted to add any further information on the application; the agent gave a short presentation describing the nature of the application and the development.

Member Bruno brought up concerns regarding the recommendations, particularly the Nitrate Impact Assessment.

The Chief Planner had mentioned that Planning would be hesitant on supporting altering any of the recommendations as the Region were the ones who had requested the condition initially.

There were no further comments from the Committee or members of the public.

Motion: Eric Beauregard

Seconded: Angie Desmarais

Carried: 4-0

That consent application **B12-24-PC; B13-24-PC; B14-24-PC** be **granted** subject to the conditions outlined in the staff report dated September 6th, 2024:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels or a registrable legal description of the subject parcels, 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 a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That the applicant(s) sign 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 2 Archaeological Assessment, prepared by Irvin Heritage Inc. (dated May 24, 2024). 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 Restoration Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate dense plantings of native trees, shrubs and wildflowers that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Landscape Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA) or a qualified environmental professional.
7. That the Nitrate Impact Assessment and Water Supply Potential Assessment, prepared by Hydrogeology Consultants Services Inc. (dated July 2, 2024) be updated with the proposed location of the bed, dilution area and groundwater

flow direction for the location of the septic systems to be located appropriately to meet the nitrate concentration requirements at the lot boundaries.

8. The owner provides a written undertaking stating future purchase and sales agreements will include a clause advising that the septic systems for Parcels 1, 2, and 3 will need to include pre-treatment with an effluent level of 5.5 mg/L.
9. That a Minimum Distance Separation I calculation be submitted which identifies that each lot is sufficiently setback from mitigating agricultural operations, to the satisfaction of City staff.
10. That all conditions of consent be cleared by September 11, 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.

7. Approval of Minutes

Motion: Angie Desmarais

Seconded: Eric Beauregard

Carried: 4-0

8. Adjournment

There being no further business, the meeting was adjourned at approximately 9:00 pm.

Dan O'Hara, Chair

Taya Taraba, Acting Secretary-Treasurer