

Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

November 26, 2024

Region File: PLMV202401213

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

Dear Ms. Taraba:

**Re: Regional and Provincial Comments
Proposed Minor Variance
City File: A26-24-PC
Applicants/Owners: Stif and Dana Kozelj
1196 Chippawa Road
City of Port Colborne**

Regional Growth Management and Planning staff has reviewed the proposed Minor Variance for lands municipally known as 1196 Chippawa Road in the City of Port Colborne.

The subject land is zoned Agricultural (A) and Agricultural Residential (AR) zone in the City of Port Colborne Zoning By-law 6575/30/18, as amended. The applicants are seeking relief from the provisions of the Zoning By-law to permit an increase in lot coverage (1.3%) of an accessory structure, whereas 1% is required.

The following comments are provided from a Provincial and Regional perspective to assist the Committee with their consideration of the application.

Provincial and Regional Policies

The subject land is located within the Prime Agricultural Area within the *Provincial Planning Statement, 2024* (PPS), and designated Prime Agricultural Area in the *Niagara Official Plan, 2022* (NOP).

Provincial and Regional policies designate and protect lands for the long-term use for agriculture. Within Prime Agricultural Areas, the permitted uses and activities include agricultural uses, agriculture-related uses, and on-farm diversified uses. Furthermore,

the NOP permits accessory structures and existing uses, subject to new municipal services not being required, the proposal not expanding into key natural heritage features and key hydrologic features, the proposal not resulting in the intrusion of new incompatible uses, and the proposed use being in accordance with the minimum distance separation formulae (MDS).

Staff acknowledge that the proposal for an accessory structure (garage) will not require municipal services, as the subject property is serviced by private services as detailed below under 'Private Sewage System'. The property is not impacted by the Region's Natural Environment System and will not result in the intrusion of new incompatible land uses. Staff advise that City staff should be satisfied that MDS is met for the property.

Archaeological Potential

The PPS and NOP state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. The subject land is mapped within Schedule K as an area of archaeological potential.

Based on photos of the proposed building area, building plans, and additional information provided by the applicant, the area where the garage (slab on grade) will be located appears to have been disturbed and therefore staff do not require an archaeological assessment. Staff advise that any future *Planning Act* applications for the property may require an archeological assessment.

In the event that any resources are unexpectedly encountered, staff provide the following warning clause to the applicant/owner:

If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.

Private Sewage System

Regional Private Sewage System staff has reviewed the application. No records were found within our department for the existing class 4 sewage system servicing the dwelling.

The existing septic tank is located under the deck north of the dwelling with an access hatch to allow maintenance to occur. The exact location of the inground leaching field is unknown but also appears to be located north of the dwelling and pool. The existing septic system is considered legal non-conforming. At the time of inspection, no visual

defects were noted with the existing septic system. The liquid levels in the septic tank were lower than normal operating level; however, it was confirmed that the tank was recently pumped by the homeowner.

The proposed accessory building appears to meet the required setbacks to the existing septic system as per Ontario Building Code (OBC) requirements. No living space, plumbing fixtures or bedrooms are permitted in the proposed structure. The property appears to contain enough usable area for a replacement system in the future if required.

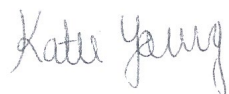
Therefore, based the information submitted for the minor variance application, we have no objections to the proposed accessory building, provided no plumbing or living space is included.

Conclusion

Regional Growth Management and Planning staff do not object to the proposed Minor Variance from a Provincial and Regional perspective, provided there is no plumbing or living space included in the accessory building.

Should you have any questions regarding the above comments, please contact the undersigned at Katie.Young@niagararegion.ca. Please send the staff report and the Committee's decision on the application when available.

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner

cc: Devon Haluka, Private Sewage System Inspector