

Public Works Growth Management and Planning Division

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Via Email Only

December 18, 2024

Region File: MV-23-0117

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 Application
City File: A01-25-PC
Owner: Frank DiCosimo
Applicant/Agent: Coleen Potter
1433 Firelane 1
City of Port Colborne**

Regional Growth Management and Planning staff has reviewed the proposed Minor Variance application for lands municipally known as 1433 Firelane 1 in the City of Port Colborne.

The applicant is requesting relief from the provisions of the City of Port Colborne Zoning By-law 6575/30/18, as amended, to permit the construction of a new accessory building with a height of 9.4 metres, whereas a maximum of 6 meters 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 lands are identified as 'Rural Lands' under the *Provincial Planning Statement, 2024* (PPS) and designated 'Rural Lands' under the *Niagara Official Plan, 2022* (NOP). The PPS permits a number of uses within Rural Lands, including residential development, so long as development can be sustained by rural service levels.

The NOP states that the predominant use of rural lands will continue to be agriculture, but some non-agricultural related development may be permitted under limited circumstances. The NOP acknowledges that the rural lands along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development and that these uses and expansions thereof continue to be permitted in accordance with Local official plans and zoning by-law provisions. Furthermore, the NOP notes that accessory structures are permitted subject to new municipal services not being required, the proposal not expanding into key natural heritage features and key hydrologic features, the proposal does not result in the intrusion of new incompatible land uses and the proposed use is in accordance with the minimum distance separation (MDS) formulae.

Regional staff acknowledge that the proposal contemplates the construction of a new accessory building. The proposal does not propose municipal services and will not expand into key natural heritage features, subject to the natural environmental system comments below. No new incompatible land uses are proposed, and City staff should be satisfied that MDS is met for the subject property.

Private Sewage System

No record was found for the existing sewage system servicing the property. The existing system for the house was not exposed at the time of inspection and therefore the exact location of the tank and tile bed is unknown. A septic permit was issued by our department in December 2022 to service the proposed two-storey dwelling. That septic permit has since expired.

As proposed, the location of the garage would meet all setbacks to the previously approved septic system shown on the sketch. The property contains enough useable area for the installation of a new class 4 sewage system.

Therefore, our department has no objections to the minor variance application as submitted provided that the applicant reapplies for a new class 4 sewage system to service the two-storey dwelling and garage.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Other Woodland, Other Wetland and Lake Erie, including its Shoreline Area. The wetland and lake are considered Key Hydrologic Features (KHF).

NOP policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of a KHF and within 50 m of an Other Woodland. Further, NOP policies require that a minimum 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KHF be established as natural self-sustaining vegetation. Development or site alteration is generally not

permitted within a KHF or its VPZ. Additionally, a minimum buffer of 10 m is required for Other Woodland.

However, NOP policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. As the Minor Variance is for relief of accessory structure height restrictions, and is an expansion of an existing use, staff have no objection to the proposed minor variance and proposed development, on condition that a Landscape Plan is submitted for Regional approval for a 5 m buffer from dripline of the Other Woodland, in lieu of an EIS. The plan shall include native trees, shrubs and/or ground cover as appropriate, and complement the existing vegetation community.

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.

Niagara Region is in receipt of a clearance letter (dated November 16, 2024) from the Ministry of Citizenship and Multiculturalism for a Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (October 31, 2024). Staff advise that the archaeological assessment submitted is dated September 26, 2024. Staff will require the October 31, 2024 dated assessment that matches the Ministry's clearance letter. This can be managed as a condition to the minor variance application. The submitted archaeological assessment did not identify any archaeological resources and therefore the licensed archaeologist does not recommend further archaeological assessment work for the study area.

The assessment notes that a portion of the property extends into Lake Erie and retains archaeological potential. A marine archaeological assessment would be required in the future if any development is proposed in this area. Staff advise that no development is proposed in this area and therefore for the purposes of this application no further work is required.

Conclusion

Regional Growth Management and Planning staff offer no objection to the proposed minor variance application to construct a new accessory building provided the following conditions are fulfilled:

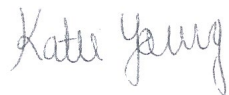
1. That a Landscape Plan be submitted for Regional approval for a 5 m buffer from the Other Woodland. The plan shall include native trees, shrubs and/or ground cover as appropriate, and complement the existing vegetation community.

2. That the Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated October 31, 2024) is submitted to Niagara Region, to match the Ministry clearance letter received.
3. That the Applicant reapplies for a Class 4 Sewage System to service the two-storey dwelling and accessory building.

Provided these conditions are fulfilled, staff are satisfied that the proposal is consistent with the PPS and conforms to Regional policies.

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

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner

cc: Lori Karlewicz, Planning Ecologist
Devon Haluka, Private Sewage System Inspector