



Development and Government Relations Department

Planning Division Report

January 14, 2026

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

**Re: Application for Consent: B03-26-PC
205 Kent Street Plan 854 Part Lots 355 and 356
Owner: Wendy and Jacob Bas**

Proposal

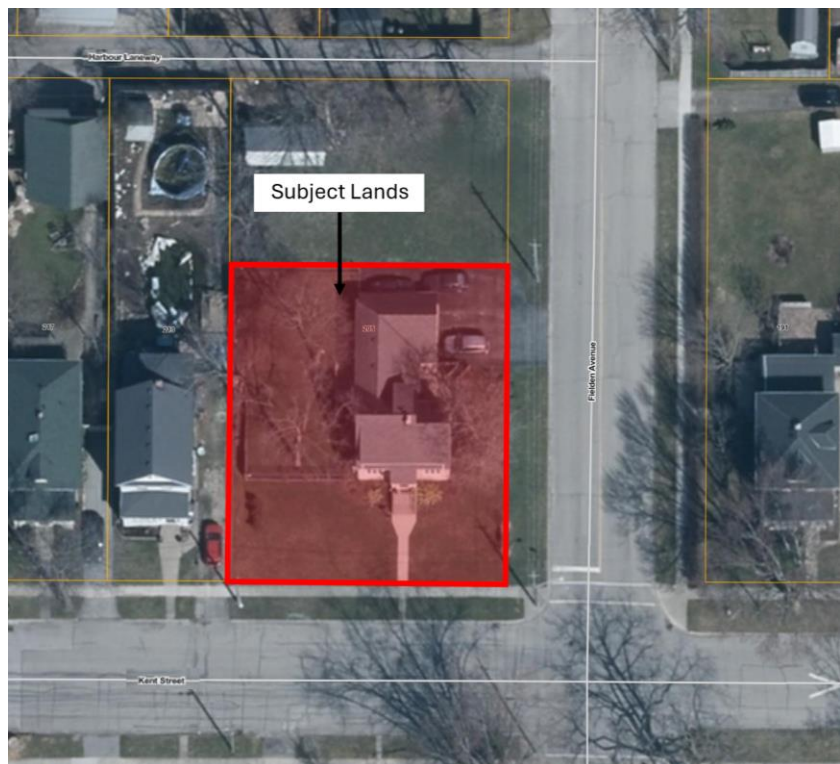
The purpose of this application is to create a new part on a plan that can be used as an easement. The applicant/owner of the subject lands (205 Kent Street) also owns the abutting parcel to the north (unaddressed vacant lot on Fielden Avenue). The applicant/owner would like to use the proposed easement to extend municipal services to the vacant lot.

The proposed severance (for easement) sketch shows 2 parts:

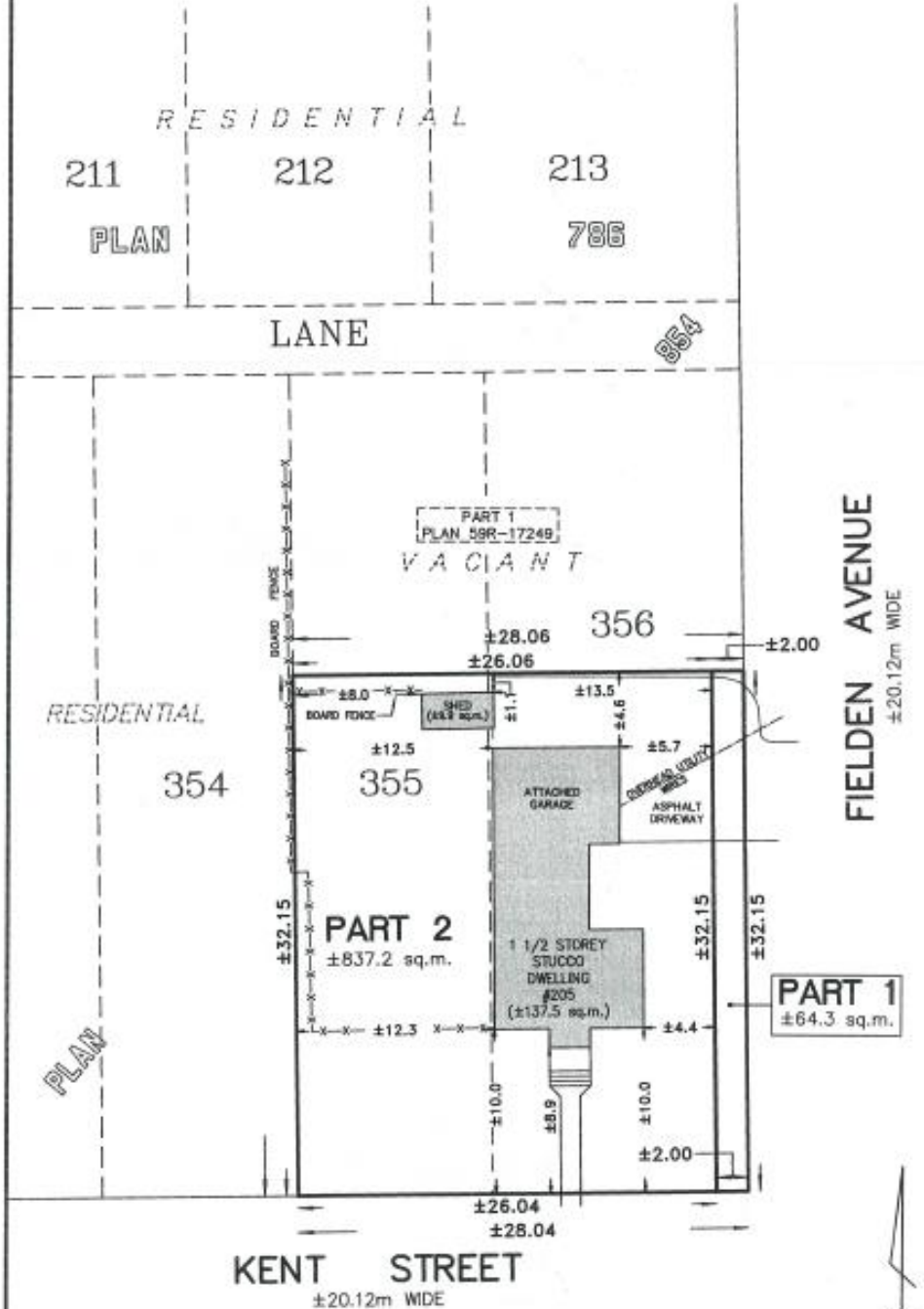
Part 1 the easement, has 2 metres of frontage on Kent Street, and 32 metres of depth/frontage on Fielden Avenue. The total area for the easement is 64.3 square metres.

Part 2, the retained lot, has 26.94 metres of frontage on Kent Street and 837.2 square metres of lot area.

Figure 2 shows the proposed severance sketch.



SKETCH PREPARED FOR SEVERANCE/MINOR VARIANCE APPLICATION
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN
 CURRENT SEVERANCE/MINOR VARIANCE APPLICATION. © THIS SKETCH IS PROTECTED BY COPYRIGHT.



NOTE: THE PURPOSE OF PART 1 IS TO CREATE AN EASEMENT TO ALLOW FOR THE SERVICING OF THE PREVIOUSLY SEVERED LOT (PART 1 PLAN 59R-17249)

<p>VOID IF USED FOR ANY OTHER PURPOSE THAN THIS CURRENT CONSENT APPLICATION</p>	<p>PRELIMINARY ONLY</p>	<p>BLANTHER & GILMORE SURVEYING LTD. 2173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477 SKETCH OF PROPOSED SEVERANCE/MINOR VARIANCE LOTS 355 & 356 PLAN 854 IN THE CITY OF PORT COLBORNE REGIONAL MUNICIPALITY OF NIAGARA DRAWN BY: CM CHECKED BY: MS</p>
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Figure 2 (above): Proposed Severance Sketch

Surrounding Land Uses and Zoning

The subject lands are zoned Residential Second Density (R2) in accordance with the Zoning By-law. The parcels surrounding the Subject Lands are also zoned R2 and are primarily residential uses. Figure 3 shows the zoning of the subject and surrounding lands.

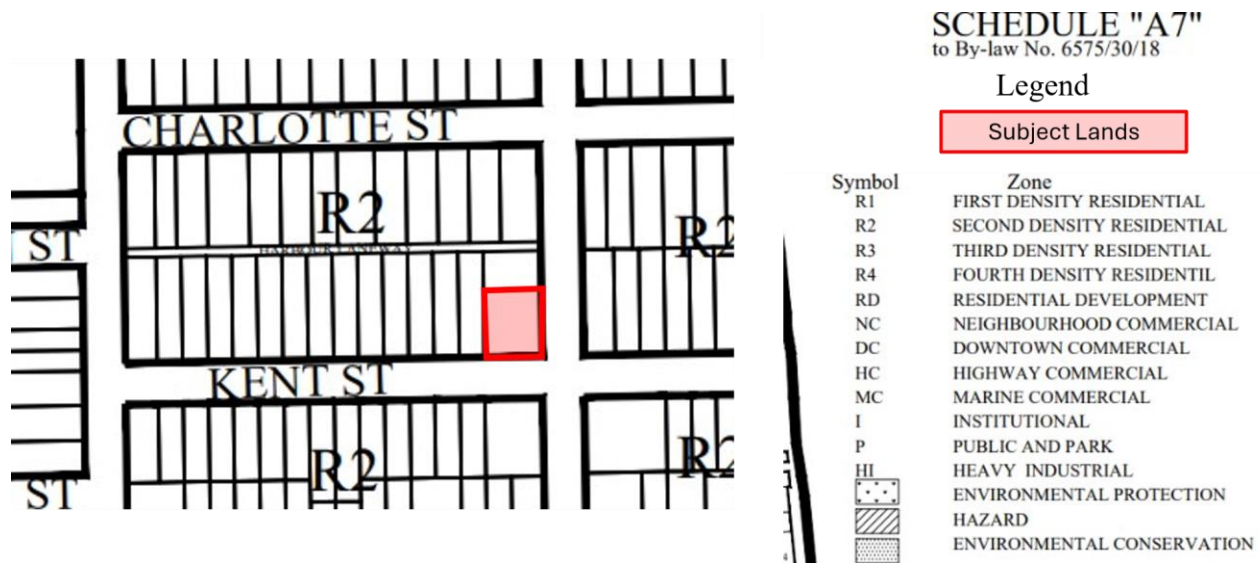


Figure 3 (above): Zoning of the subject and surrounding lands

Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas. There are no natural areas or features mapped within the Niagara Official Plan (NOP) or City of Port Colborne Official Plan (OP) on or adjacent to the Subject Lands. The Subject Lands do not contain any natural hazard areas that are regulated by the Niagara Peninsula Conservation Authority (NPCA).

Public Comments

Notice was circulated on December 16, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of the time of writing this report, no comments from the public have been received.

Agency Comments

Notice of the application was circulated on December 9, 2025, to internal City departments and external agencies. As of the time of writing this report, the following comments have been received.

Commenter	Comments	Planning Staff Response
Fire Department	No concerns.	Noted
Deputy Chief Building Official	No comments.	Noted
Engineering Technologist	<p>In accordance with the Ministry of the Environment, Conservation and Parks (MECP) and Ontario Building Code, a minimum horizontal separation of 2.5 m is required between water and sanitary services. Additionally, there is a minimum setback of 1.0 m from property lines as set out in City of Port Colborne's Engineering Design Manual. The proposed 2.0 m-wide easement is insufficient.</p> <p>Due to the proximity of the existing dwelling, including the foundation footings, the proposed configuration may adversely impact the structural integrity of the building and limit future access for the operation and maintenance of these services.</p> <p>Based on the above, Development Engineering does not support the proposed Consent (Easement) application. Should the owner wish to service the vacant lot, it would be the owner's responsibility to extend the sanitary sewer and watermain, to municipal standards, along Fielden Avenue to the frontage of the subject property.</p>	Further discussion on this is included in the body of this report.
Niagara Peninsula Conservation Authority	No Comments	Noted

Discussion

Consent application B03-26-PC was reviewed in consideration of the applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and Zoning By-law 6575/30/18.

Provincial Planning Statement (PPS)

Section 3.1 of the PPS provides direction on infrastructure and public service facilities to facilitate effective growth management. These stress financial viability, efficiency and leveraging capacity.

Staff identify that this block bound by Kent, Fielden, Charlotte and Steele Streets has opportunity for infill development. Planning for infrastructure should occur in a coordinated manner. However, obtaining an easement for servicing is an option, but may not result in a desirable outcome with respect to future servicing opportunities.

It is staff's opinion that the proposed easement can be consistent with the relevant sections and policies of the PPS.

Niagara Official Plan (NOP)

As of March 31, 2025, the Regional Municipality of Niagara no longer has Planning Authority. Despite this removal of Planning Authority, the 2022 Niagara Official Plan (NOP) remains in full force and effect and is now part of the City of Port Colborne Official Plan. Accordingly, an assessment for conformity with the relevant policies of the NOP is required. The Subject Lands are designated Urban Area and are within the Built-up Area, in accordance with Schedule B, Regional Structure.

Section 2.2 of the NOP directs growth to settlement areas and states that most development will occur in urban areas, where municipal water and wastewater systems/services exist or are planned and a range of transportation options can be provided. The urban growth management policies in NOP Policy 2.2.1 encourage land use patterns that minimize land consumption, make efficient use of existing infrastructure, and promote orderly development while protecting natural heritage features.

It is staff's opinion that the proposed easement conforms with the policies of the NOP.

City of Port Colborne Official Plan (OP)

Section 3.2.4 provides direction on consents to sever. Specially it indicates that within the urban residential area, consents to sever for easements can be considered.

With respect to municipal servicing, Section 8.1.1d) states

"In the Urban Area, where adequate municipal infrastructure services exist, a developer or subdivider shall provide on their site, approved engineered systems for water service, sanitary sewers and storm sewers; and where the City deems necessary, and shall also provide extensions beyond said lands for connections to City mains..."

The proposal seeks to service an abutting lot which does not form part of this application. Based on Policy 8.1.1d the City can determine if an extension of services beyond private lands is appropriate. The Provincial Ministry of Environment, Climate Change and Parks provides procedures for separating sewers and watermains through document F-6-1 titled *“Procedures to Govern Separation of Sewers and Watermains”*. Further to this, the Ontario Building Code, through Section 7.3.5.7 also provides direction on separation distance. Considering these two standards, it is the City’s position that servicing a neighbouring lot via easement is not appropriate in this circumstance.

City of Port Colborne Zoning By-law 6575/30/18

As noted previously, the Subject Lands are zoned Residential Second Density (R2) in accordance with Zoning By-law 6575/30/18.

The lands to be severed and used as an easement will continue to be used for residential purposes; however, the creation of the easement would allow for municipal sewer and water lateral connections to be located within the cross section of the easement.

Conclusion

From a planning perspective, the proposed consent generally aligns with the intent of the applicable planning documents, which support efficient use of land and the provision of services to facilitate development. However, planning policies also emphasize the importance of public health and safety, and the need for development to comply with municipal standards and provincial regulations.

Engineering Review

Development Engineering staff have identified concerns with the proposed easement configuration:

- **Insufficient Width:** In accordance with the Ministry of the Environment, Conservation and Parks (MECP) and the Ontario Building Code, a minimum horizontal separation of 2.5 m is required between water and sanitary services. Additionally, the City of Port Colborne’s Engineering Design Manual requires a minimum setback of 1.0 m from property lines. The proposed 2.0 m-wide easement does not meet these requirements.
- **Structural and Maintenance Risks:** The close proximity of the existing dwelling, including its foundation footings, may compromise the structural integrity of the building and restrict future access for operation and maintenance of the services.
- **Servicing Solution:** Based on these constraints, Development Engineering does not support the proposed easement. Should the owner wish to service the vacant lot, it would be their responsibility to extend the sanitary sewer and watermain along Fielden Avenue to the frontage of the subject property, in accordance with municipal standards.

While the proposal is generally consistent with planning policy objectives, the application cannot be supported due to overriding concerns related to public safety, structural integrity, and compliance with engineering standards. If the applicant was successful in obtaining the requested easement, the City's Development Engineering division would not be able to issue a permit for new municipal connections. The proposed servicing arrangement is not feasible, and an extension of municipal services along Fielden Avenue would be required to properly service the lot.

Recommendation:

That consent application B03-26-PC be **Refused** for the reasons outlined in this report including:

- The proposed easement does not meet the minimum separation and setback requirements under the Ontario Building Code, MECP guidelines, and the City's Engineering Design Manual.
- The configuration may pose risks to the structural integrity of the existing dwelling and limits future access for maintenance.
- The proposed servicing arrangement is not supported by Development Engineering and the City will not be able to issue a Municipal Connection Permit utilizing this easement.

If the Committee chooses to approve this application, the following conditions are recommended:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels, including a registrable legal description of the subject parcels, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That the applicant shall submit a detailed servicing plan prepared by a qualified professional engineer, demonstrating compliance with the Ontario Building Code, MECP guidelines, and the City's Engineering Design Manual to the satisfaction of the City's Engineering Division.
3. That the applicant shall provide a structural assessment prepared by a qualified professional engineer confirming that the installation of services within the easement will not compromise the structural integrity of the existing dwelling or its foundation.
4. That the applicant shall enter into a legal agreement, registered on title, ensuring perpetual access rights for operation, maintenance, and repair of services within the easement, to the satisfaction of the City Solicitor.

5. That the owner shall indemnify and hold harmless the City from any claims, damages, or liabilities arising from the installation, maintenance, or failure of services within the easement.
6. That a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
7. That all conditions of consent be completed by January 14, 2028.

Respectfully submitted,

Erik Acs

Chief Planner