



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: B04-26-PC & B05-26-PC
Concession 2, Part Lot 15
VL Killaly Street East
Agent: Joesph Tomaino, MCIP RPP Upper Canada Consultants.
Owner: Heidi Murphy & Wes Visser**

Proposal

The purpose of these applications is to seek approval for a severance to create 1 new lot. These applications have been made concurrently and propose to reconfigure 2 existing lots into 3 lots, as illustrated in the provided figures and described below:

- **Part 1** is proposed as a new residential lot, with a lot frontage of 72.38 metres and a lot area of 4,278 square metres.
- **Part 4** is proposed as a new residential lot, with a lot frontage of 47.91 metres and lot area of 4047 square metres.
- **Part 2** is proposed to be **severed** (from **Part 1**), with a lot frontage of 39.91 metres and a lot area of 2510.5 square metres.
- **Part 3** is proposed to be **severed** (from **Part 4**), with a lot frontage of 6.09 metres and a lot area of 1553.5 square metres.



Figure 1 (above): Subject Lands

Surrounding Land Uses and Zoning

The lands which are the subject of this application are located in the Gasline Hamlet. The subject lands are zoned Hamlet Residential (HR) parcels surrounding the subject lands are zoned Agriculture (A) and Hamlet Residential (HR) and include a mixture of residential, and agricultural uses. Figure 3 shows the zoning of the subject and surrounding lands.

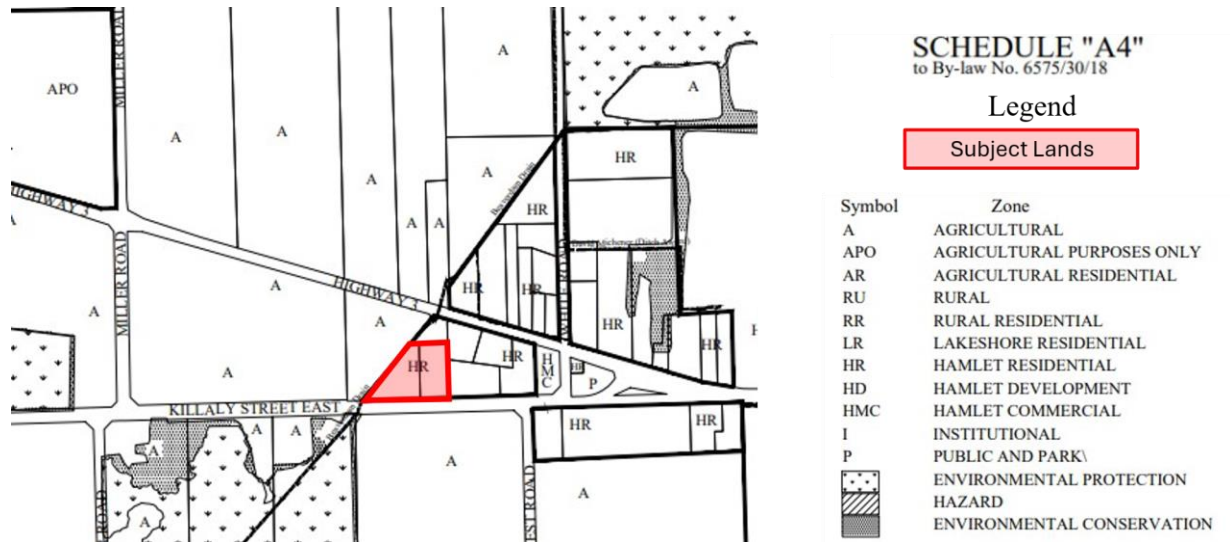


Figure 3 (above): Zoning of the subject and surrounding lands

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 NPCA has indicated that the property is located within a regulated floodplain.

Public Comments

Notice was circulated on December 16, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. At 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 October 3, 2025, the following comments have been received.

Commenter	Comments	Planning Staff Response
Drainage Superintendent	<p>The parcel is within the watershed of the Beaver Dam Municipal Drain. Any alterations to existing parcels through consent application will require a drainage reapportionment agreement.</p> <p>That can be completed by the Drainage Superintendent or by an approved drainage engineer. The cost of the city completing the agreement is \$118.00 per parcel. If the applicant chooses to have an engineer complete the agreement, the cost will be paid entirely by the applicant. For any questions on this process, please contact the Drainage Superintendent.</p> <p>Please note that for future development, as per the planning bylaw, there is a 10 m set back from top of bank of all municipal drains for any structures.</p>	Addressed in Conditions of Approval (Condition 3)
Fire Department	No objections	Noted
Engineering Technologist	No objections	Noted
Niagara Peninsula Conservation Authority	<p>NPCA has reviewed the Consent application to sever for the purpose of creating a new residential lot. The proposed parcels shown as Parts 1 and 2 on the severance sketch, where Part 1 is to be retained for a future residential use, and Part 2 is to be created for a future residential use.</p> <ul style="list-style-type: none"> Please note that the subject property is impacted by NPCA regulated watercourse (Beaver Dam Drain) and associated regulated floodplain. 	Addressed in Conditions of Approval (Condition 4)

	<ul style="list-style-type: none"> • The flood elevation here is 179 CGVD28:78 • Subject to Section to 2.4.2 of the NPCA Policy Document, please note that NPCA does not support lot creation in flood hazards. • NPCA will require a topographic survey to delineate the flood hazard and confirm that the proposed lot lines do not cross the floodplain. <p>At this time, NPCA staff are not in the position to support the application for Consent B04-26-PC, provided until the following items have been addressed to the satisfaction of the NPCA:</p> <ul style="list-style-type: none"> • Submission of a topographic survey to delineate the flood hazard and to demonstrate that that the proposed lot lines would not cross the floodplain. <p>Please note that any development or site alterations proposed within NPCA regulated areas or their buffers will require NPCA approvals ahead of the commencement of the works on site and will require a formal NPCA Permit.</p>	
Niagara Region	Regional Infrastructure Planning and Development staff do not object to the proposed consent applications provided that as a condition of consent, Part 2 will be merged on title with Part 3 to create a residential lot with a minimum size of 1 acre.	Addressed in Conditions of Approval (Condition 7)

Discussion

Consent application B04-26-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)

Based on the policies and definitions in the PPS, the subject lands are within a settlement area. Section 2.5.2 suggests that rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. Section 3.6.4 indicates that individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Section 4.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological resources have been conserved. The creation of a new lot is considered development. The Niagara Region Official Plan (NOP) includes an operative schedule that identifies areas of archaeological potential (Schedule K). The Subject Lands are located within an area of identified archaeological potential. To address this, staff are recommending that the applicant complete the necessary works to obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM) as a condition of consent.

Staff are satisfied that the proposed severance is consistent with the PPS. The proposal to create a new lot within the Gasline Hamlet area supports the provincial requirement to direct growth and development to settlement areas.

Niagara Official Plan (NOP)

The Niagara Official Plan (NOP) provides the long-term land use planning framework for development across the Niagara Region, including the City of Port Colborne. The subject lands are designated as Rural Settlement in the NOP.

Section 2.2.3.1 of the NOP discusses growth in rural settlement areas, further to this section 2.2.3.3 provides some criteria to guide development including encouraging residential infill development. Section 2.2.3.5 states that rural settlements will be serviced by sustainable private water and wastewater treatment systems.

The proposed consent application conforms to the NOP.

City of Port Colborne Official Plan (OP)

The subject lands are designated Hamlet in accordance with Schedule A of the OP. Section 3.8 of the OP identifies the planned function of the Highway Commercial designation as follows:

“The predominant uses of lands designated Hamlet shall include, but not be limited to; residential uses, community facilities and institutional uses;

existing agricultural uses; special agricultural and rural uses such as a farm machinery sales dealership, feed mill and saw mill, provided that the uses are compatible with adjacent uses; neighbourhood commercial uses such as a convenience store, or similar small-scale commercial uses; Natural Heritage features; parks; and public open spaces.”

The proposed consent application is being brought forward to facilitate the development of all 3 parcels for uses consistent with the OP designation; and, meets the requirements to sever the lands set out in the OP, subject to necessary conditions which are outlined in the Recommendation section of this report.

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

The subject lands are zoned Hamlet Residential (HR) in accordance with Zoning By-law 6575/30/18. The requested consent applications will enable all three lots to be developed for residential uses. Detached dwelling and their associated accessory uses are the only permitted residential use in the HR Zone.

The proposed severance will leave the following dimensions:

- Part 1 Lot area of 4278 square metres and 72.38 metres of frontage
- Parts 2&3 Lot area of 4064 square metres and 46 metres of frontage
- Part 4 Lot area of 4047 square metres 47.91 metres of frontage

The HR zone requires minimum lot frontages and lot areas. Minimum lot frontage is 45 metres. Minimum lot area is 4000 square metres.

The consent applications B04-26-PC and B05-26-PC proposed to create 3 lots, all of which meet the requirements of the HR zone.

Recommendation:

That consent application B04-26-PC and B05-26-PC be **granted** subject to the following conditions:

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 signs 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.

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 shall complete a topographic survey to delineate the flood hazard and confirm that the proposed lot lines do not cross the floodplain to the satisfaction of the City of Port Colborne and Niagara Peninsula Conservation Authority.
5. That the applicant shall undertake an archaeological assessment and obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM).
6. That the applicant's solicitor shall provide written confirmation to the Secretary Treasurer of the Committee of Adjustment that under the *Planning Act*, the severed lands Part 2 will merge with the adjacent lands Part 3.
7. That, immediately following the registration of the Transfer of the lot addition lands, the applicant/owner shall register an Application to Consolidate Parcels in order to include Part 2 with the abutting lands Part 3. The Secretary Treasurer shall accept, to their satisfaction of this condition, and Undertaking from an Ontario solicitor to register the Application to Consolidate Parcels within 60 days following registration of the Transfer of the lot addition lands.
8. That a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
9. That all conditions of consent be completed by January 14, 2028.

For the following reasons:

1. The application is consistent with the Provincial Planning Statement, conforms to the Niagara Official Plan and the City of Port Colborne Official Plan; and, after conditions are cleared, will comply with the provisions of Zoning By-law 6575/30/18, as amended.

Respectfully submitted,

Erik Acs

Chief Planner