



PORT COLBORNE

City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

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

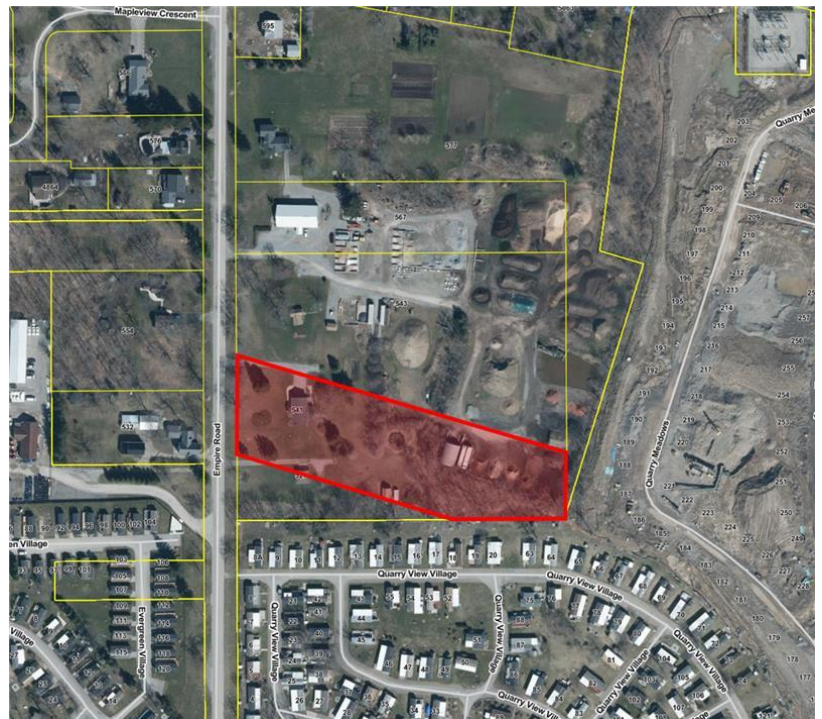
Re: Application for Consent: B07-26-PC
Concession 1 Part Lot 4 (541 Empire Road)
Agent: Lindsay Earl MCIP, RPP
Owner: June Marie Shisler

Proposal

The purpose of this application is to permit a boundary adjustment at 541 Empire Road for the purpose of resolving encroachment issues from the neighbouring parcel to the rear (east). The result will be a redefined lot, as illustrated in the provided figures and described below:

- **Part 2 is proposed to be severed**
- **Parts 2 & 3 will merge**
- **Part 1 will merge with Part 4**

The application is for a boundary adjustment by severing Part 2 (1,166 square metres) and merging with Part 3 (3,924.7 m²), resulting in a total lot area of 5090.7 square metres. Part 4 (6,150.4 square metres) will merge with Part 1 lands to the rear (east) of the lot. Through this application, the rear lands containing the neighbouring business (567-577 Empire Road) will be merged into the business holdings, separating the commercial use from the rural residential uses.



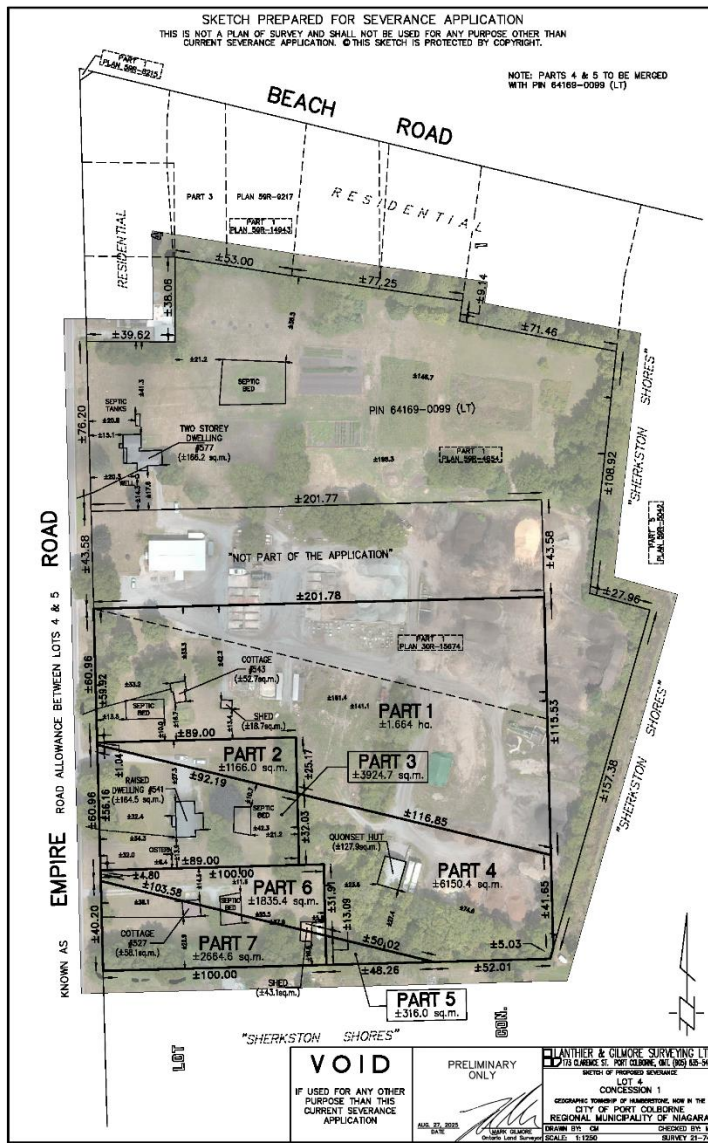


Figure 2 (above): Proposed severance sketch

Surrounding Land Uses and Zoning

The Subject Lands are located outside of the Urban Area and are zoned Rural Residential (RR) and Rural Residential Special 14 (RR-14). The special Zoning permits a landscaping business located at 567 Empire Road. Parcels surrounding the Subject Lands include other rural residential dwellings, the Sherkston Shores Resort and the landscaping business. Figure 3 shows the zoning of the subject and surrounding lands.

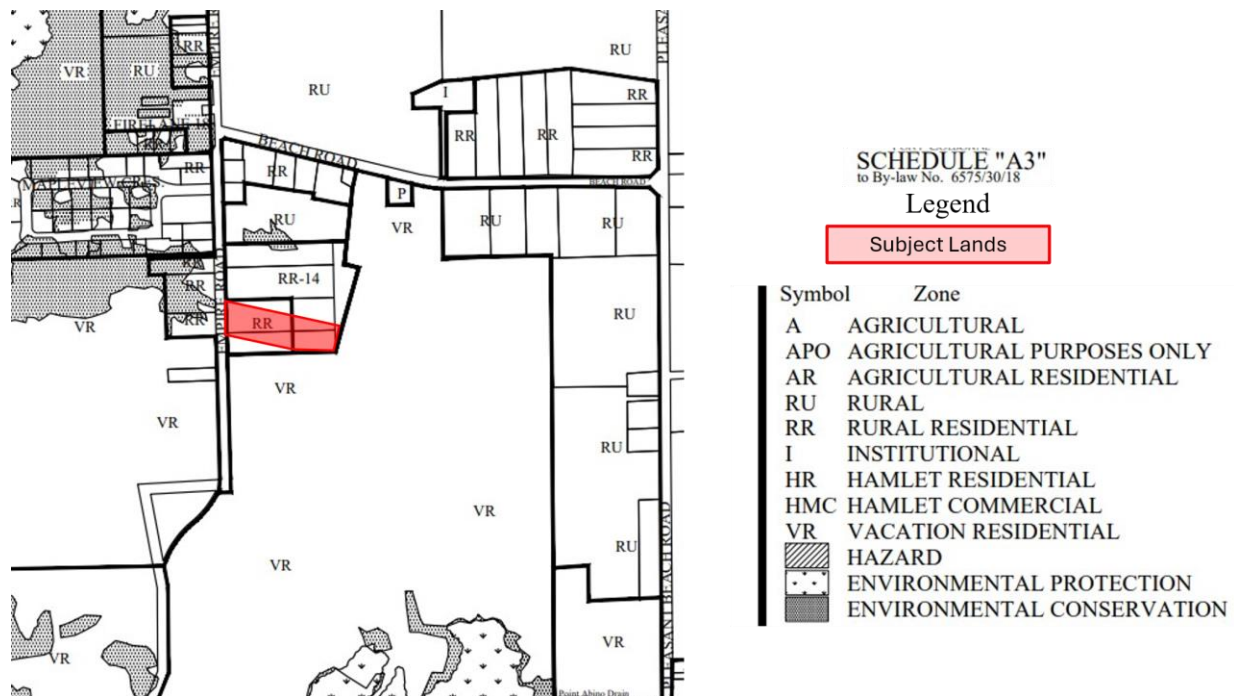


Figure 3 (above): Zoning of the subject and surrounding lands

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 date 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 date of writing this report, the following comments have been received.

Commenter	Comments	Planning Staff Response
Drainage Superintendent	The parcel is within the watershed of the Bearss, Wm. Michael Drains. Any alterations to existing parcels through severance application will require a drainage reapportionment agreement. 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.	This has been included as a condition of consent (Condition 3).
Fire Department	No objections.	Noted
Engineering Technologist	No objections	Noted
Niagara Peninsula Conservation Authority	No comments.	Noted
Region of Niagara	541 Empire Road, the two compartment concrete septic tank was exposed for our inspection and the inground septic bed is located in the rear yard (east of the dwelling). No defects were observed with the septic tank or the septic bed at the time of our inspection. Regional Infrastructure Planning and Development staff do not	Noted

	object to the proposed consent applications.	
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Discussion

Consent application B07-26-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)

Under Section 2.6 “Rural Lands in Municipalities”, the PPS recognizes that on rural lands, permitted uses include “residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services.” Since the subject parcels are already existing dwellings serviced by adequate private water and sanitary systems, the adjusted boundary lines simply reflect the existing situation, no new uses or intensification is proposed.

Further, the PPS directs that “development that can be sustained by rural service levels should be promoted” and that development “shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.” Because the adjustments rely entirely on existing utilities, driveways, and private servicing, and do not trigger any need for expanded infrastructure, the proposal meets those infrastructure-related policy requirements.

Section 4.1 of the PPS provides guidance with respect to natural heritage and states that natural features and areas shall be protected for the long term. A boundary adjustment is not considered development or site alteration. Further, there are no natural heritage features found on the subject properties.

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. Based on Ministry of Citizenship and Multiculturalism’s Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources. Policies typically require the completion of an archaeological assessment, however since there is no development or site alteration proposed, an archaeological assessment is not required. Any future Planning Act applications for the subject property will require the completion of an archaeological assessment.

In light of the above, the proposed boundary realignments respects the rural land use framework under the PPS and represents a modest, servicing compatible reorganization of existing lots rather than new or intensified development, consistent with the provincial policy intent for sustainable and appropriate rural land use. The proposed consent is consistent with the direction set out in the PPS.

Niagara Official Plan (NOP)

The subject property is designated as Rural Lands in the Niagara Official Plan (NOP). The predominant use of rural lands will continue to be agriculture, but some non-agricultural related development may be permitted subject to specific policies. A minor boundary adjustment is not considered “development” under the NOP glossary of terms and, as such, is considered a permitted action under the Official Plan.

The subject property is not mapped as part of the Region’s Natural Environment System (NES) and is not subject to polices in Chapter 3.

Policy 6.4.2.1 states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The subject property is mapped as having archaeological potential under Schedule K of the NOP. An archaeological assessment was not required as there is no proposed development or site alteration at this time. Any future Planning Act applications will require the completion of an archaeological assessment.

Based on the analysis above, the proposed consent application conforms to the NOP.

City of Port Colborne Official Plan (OP)

The subject lands are designated Rural in the City’s Official Plan. Policy 3.4 recognizes that Rural lands accommodate primarily agricultural uses, clusters of existing residential development outside the Urban Area Boundary, and residential uses with access to the Lake Erie shoreline. The policy identifies a broad range of compatible land uses, including agriculture, single-detached residential dwellings, natural heritage features, parks and open spaces, and accessory structures or activities typically associated with rural and lakeshore settings.

While new residential development is permitted in the Rural designation, the proposed minor boundary adjustments continue to conform to the City’s Official Plan as they do not create new lots, introduce new development, or alter the existing land uses on the subject properties. The adjustments merely reconfigure lot lines to reflect the location of existing dwellings, buildings, and associated landscaping, maintaining the rural character and functionality of the parcels. Access, servicing, and the relationship of the lots to nearby agricultural operations remain consistent with the intent of the Rural designation. The adjusted lot shapes are regular and orderly, supporting the long-term stewardship of rural lands while ensuring compatibility with surrounding uses.

In this context, the proposed boundary adjustments are fully consistent with the policies of the City’s Official Plan for Rural lands, as they preserve existing uses, respect the rural landscape, and maintain the integrity of the surrounding area.

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

The subject lands are zoned Rural Residential (RR) at the front and RR-14 at the rear under the City's Zoning By-law 6575/30/18. The RR zone permits a single-detached dwelling and accessory uses, buildings, and structures. The RR-14 site-specific zone states:

"in addition to the uses permitted in the RR zone, the manufacturing of sashes, frames, and doors, as well as the stockpiling and transport of sand, stone, and topsoil, and uses, buildings, and structures accessory thereto."

The RR-14 zoning along the rear of the property reflects and formalizes the historical operation and expansion of the business, as recognized in the 2018 comprehensive zoning by-law update.

The proposed minor boundary adjustment maintains conformity with the Zoning By-law, as no new uses or structures are being introduced. The adjustments serve to more accurately align the lot lines with the existing buildings and uses, including the separation between residential uses at the front and the business at the rear. The configuration ensures that all existing dwellings and accessory structures remain compliant with the minimum requirements of the RR zone, while the RR-14 portion continues to accommodate the permitted business operations.

Based on this, the boundary adjustments uphold the intent and requirements of Zoning By-law 6575/30/18.

Minimum Distance Separation

The proposed minor boundary adjustments have been reviewed in the context of the Minimum Distance Separation (MDS) Guidelines to ensure compatibility with nearby agricultural operations.

Implementation Guideline #8 of the Minimum Distance Separation (MDS) Document identifies that "an MDS I setback is not required for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot". Given the applications are for boundary adjustments and no new lots are being created, as well as the setback distances, the proposed lot configurations comply with the MDS requirements and maintain appropriate separation between non-agricultural uses and existing livestock operations, ensuring compatibility and minimizing potential land-use conflicts.

Recommendation:

That consent application B07-26-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 a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
5. 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, complies with the provisions of Zoning By-law 6575/30/18, as amended.

Respectfully submitted,

Erik Acs

Chief Planner