



PORT COLBORNE

Committee of Adjustment -Meeting Minutes-

Wednesday, February 11, 2026

Members Present: Dan O'Hara, Chair
Gary Bruno, Committee Member
Dave Elliott, Committee Member
Eric Beauregard, Committee Member

Staff Present: Erik Acs, Chief Planner
Taya Taraba, Secretary-Treasurer

Members Absent: Angie Desmarais, Vice-Chair

1. **Call Meeting to Order**
The Chair called the meeting to order at approximately 5:59 p.m.
2. **Reading of Meeting Protocol**
The Chair read the Meeting Protocol.
4. **Disclosures of Interest**
Nil.
5. **Requests for Deferrals or Withdrawals of Applications**
Nil.
6. **Order of Business**
 - a. **Application:** A03-26-PC
Action: Minor Variance
Agent: Hank Nauta
Applicant: Tanya Franke
Location: 22 Ridgewood Avenue

The Secretary-Treasurer read the correspondence received for the application.

The Chair asked if the agent was present at the Hearing; the agent, Hank Nauta, introduced himself and mentioned that there were no further concerns at this time.

There were no further comments or questions from the members of the Committee.

That the Committee of Adjustment recommend application **A03-26-PC** be **granted** for the following reasons:

1. The application is minor in nature.
2. It is appropriate for the development of the site.
3. It is desirable and in compliance with the general intent and purpose of the Zoning By-law.
4. It is desirable and in compliance with the general intent and purpose of the Official Plan.

Motion: Eric Beauregard

Seconded: Gary Bruno

Carried: 4-0

b. Application: B08-26-PC; A01-26-PC; A02-26-PC
Action: Consent to Sever and Minor Variance
Applicant: Crystal and Jamie McNay
Location: 953 Cedar Bay Road

The Secretary-Treasurer read the correspondence received for the application.

The Chair asked if the applicants were present at the Hearing; the applicant did not have anything further to add at this time.

There were no further comments or questions from the members of the Committee.

Given the information above, the Committee of Adjustment also recommend application **B08-26-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 the applicant shall undertake an archaeological assessment and obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM).
4. 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.

5. That the applicant shall obtain final approval for Minor Variance Applications A01-26-PC & A02-26-PC to the satisfaction of the Chief Planner.
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 February 11, 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.

Given the information above, the Committee of Adjustment recommend applications A01-26-PC and A02-26-PC be **granted** for the following reasons:

1. The applications are minor in nature.
2. They are appropriate for the development of the site.
3. They are desirable and in compliance with the general intent and purpose of the Zoning By-law.
4. They are desirable and in compliance with the general intent and purpose of the Official Plan.

Motion: Dave Elliott

Seconded: Eric Beauregard

Carried: 4-0

c. Application: A04-26-PC
Action: Minor Variance
Applicant: Chris Phelan
Location: 936 Cedar Bay Road

The Secretary-Treasurer read the correspondence received for the application.

The Chair asked if the applicant was present at the Hearing; the applicant had nothing further to add.

Member Bruno inquired to the applicant regarding whether there needs to be additional septic capacity. The Chief Planner answered that additional septic would be done through an application with the Region of Niagara and that this would likely be a different system, although that will be determined through a building permit.

The Chair mentioned to the applicant regarding the septic and as to whether the applicant had considered splitting the septic beds into two individual units to give each ADU a respective septic system.

Member Beauregard inquired to the Chief Planner as to whether a Hydrogeological Study was required for this site. The Chief Planner answered that a Pre-Consultation meeting was done for this property and that was not identified nor required during the process.

That the Committee of Adjustment recommend application **A04-26-PC** be **granted** for the following reasons:

1. The application is minor in nature.
2. It is appropriate for the development of the site.
3. It is desirable and in compliance with the general intent and purpose of the Zoning By-law.
4. It is desirable and in compliance with the general intent and purpose of the Official Plan.

Motion: Gary Bruno

Seconded: Dave Elliott

Carried: 4-0

d. Application: B03-26-PC
Action: Consent to Sever (Easement)
Agent: Carol Moroziuk
Applicant: Wendy and Jacob Bas
Location: 205 Kent Street

The Chair introduced the application and gave a brief overview regarding where the application currently stands, as the application was adjourned.

The Agent spoke about the nature of the application and mentioned that the applicant had amended the sketch to address the Engineering concerns brought up in the prior meeting.

Given the information above, the Committee of Adjustment also recommend application **B03-26-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 shall submit a detailed servicing plan 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 pre-condition structural assessment and post-condition assessment of the existing dwelling.
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 February 11, 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.

Motion: Dan O'Hara

Seconded: Gary Bruno

Carried: 3-0

7. Other Business

Nil

8. Approval of Minutes

That the minutes from the January 14, 2026 meeting be approved.

Motion: Dave Elliott

Seconded: Dan O'Hara

Carried: 4-0

9. Adjournment

There being no further business, the meeting was adjourned at approximately 6:50 pm.

Dan O'Hara, Chair

Taya Taraba, Secretary-Treasurer