



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A04-23-PC

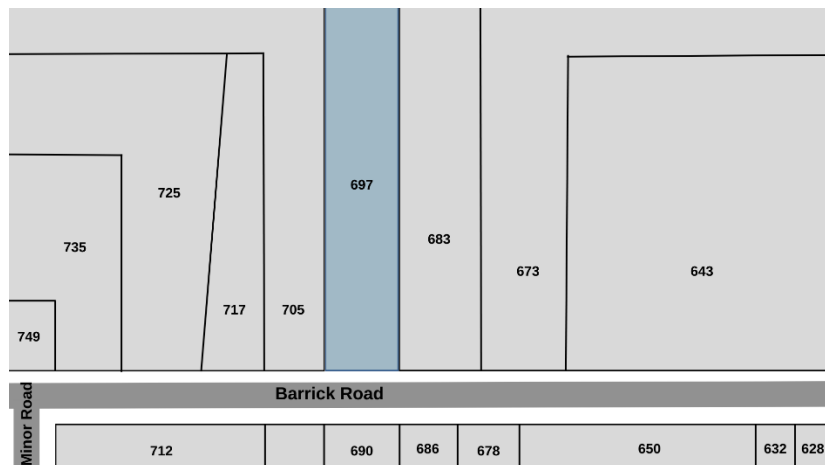
IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 2.8.1 (a) (ii) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Concession 3 Part Lot 32 in the Former Municipality of Humberstone, currently in the City of Port Colborne, located in the First Density Residential (R1) and Residential Development (RD) zones, municipally known as 697 Barrick Road.

AND IN THE MATTER OF AN APPLICATION by the applicant Panagiotis (Peter) Karastamatis for relief from the provisions of Zoning by-law 6575/30/18, as amended, under Section 45 of the Planning Act, R.S.O 1990 C.P 13, to permit the construction of an accessory structure, notwithstanding the following:

1. That a maximum height of 7.7m be permitted, whereas the maximum permitted height is 6m.

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to construct an accessory structure. Due to the proposed height, a minor variance is required. A sketch of the proposal is shown on the reverse side of this notice.



LOCATION MAP

PLEASE TAKE NOTICE that this application will be heard virtually by the Committee of Adjustment as shown below:

DATE: March 8, 2023
TIME: 6:00 P.M.
LOCATION: 66 Charlotte Street - Third floor Council Chambers and Virtually via zoom

Additional information regarding this application will be available for public inspection by appointment in the office of the Planning and Development Department, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, by telephone at 905-835-2900, Ext. 204 or email at Diana.Vasu@portcolborne.ca

PUBLIC HEARING: You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division's report may be available for public inspection by **Friday, March 3rd, 2023**.

NOTE: If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

Electronic Hearing Procedures How to get involved in the Virtual Hearing

The Public Meeting will be held in-person, while being live-streamed on the City's YouTube channel.

Anyone wishing to participate in the meeting can attend virtually or in person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting and become public. If anyone wishes to orally participate in the meeting, they must pre-register with

the Secretary-Treasurer. **Written submissions and participation requests must be received by noon on Tuesday, March 7, 2023**, by emailing Diana.Vasu@portcolborne.ca or calling (905) 835-2900 ext. 204. Written submissions may also be submitted to the mail slot in the front-left of City Hall, 66 Charlotte Street.

If you have any questions about the submission process or would like to explore alternative submission methods, please email Diana.Vasu@portcolborne.ca or call (905) 835-2900 ext. 204.

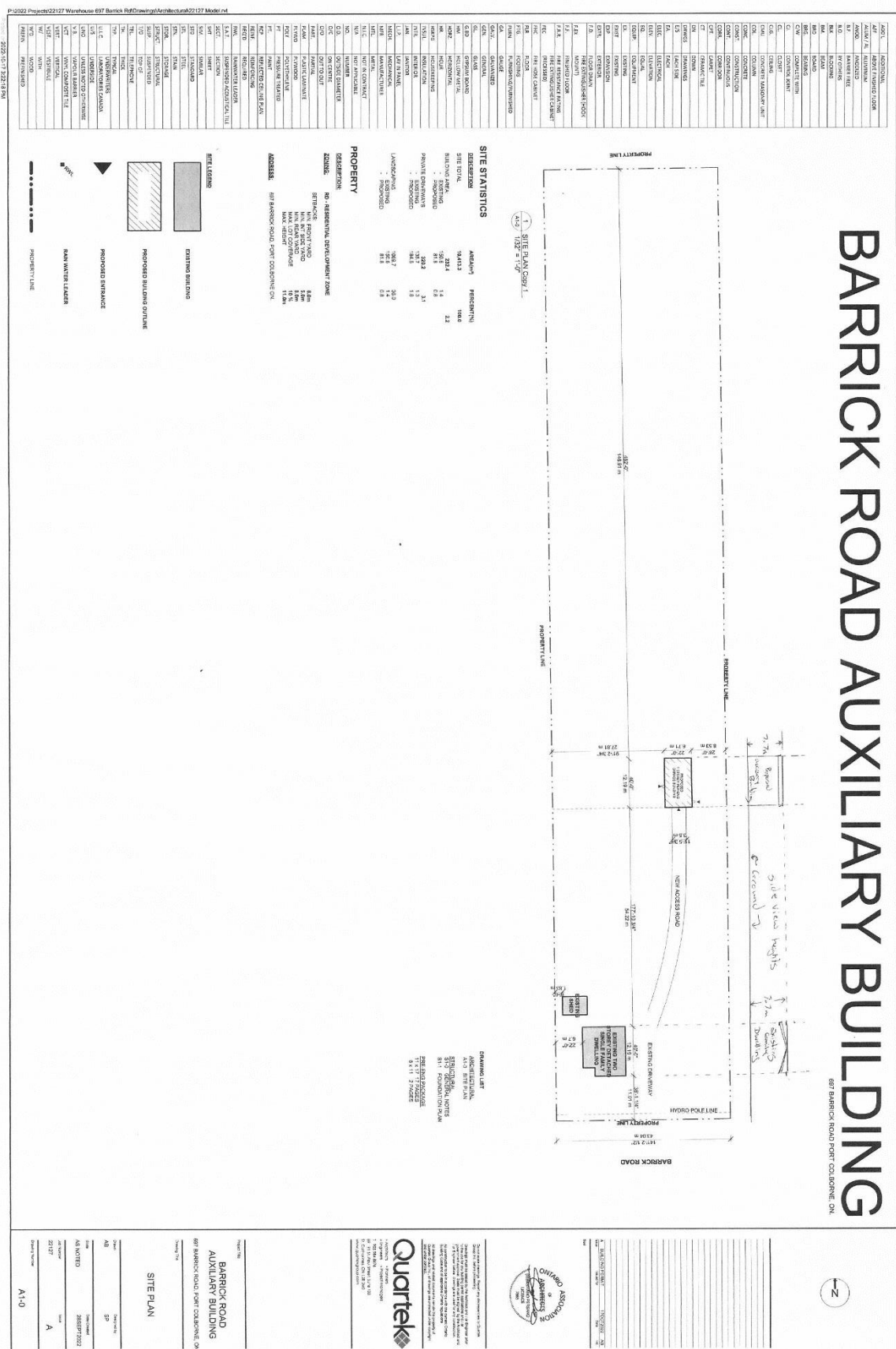
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

By order of the Committee of Adjustment,

Date of Mailing: February 24, 2023

Diana Vasu
Secretary-Treasurer





PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

For Office Use Only

Date Received: January 14th, 2023

Application Complete: ☐ Yes ☐ No

Date of Completion: _____

SUBMISSION OF APPLICATION

Completed applications can be sent to:

City of Port Colborne
Diana Vasu
Secretary Treasurer of the Committee of Adjustment
City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Telephone: 1-905-835-2900 ext. 204
Fax: 1-905-835-2939
Email: diana.vasu@portcolborne.ca

2023 APPLICATION FEES

Minor Variance	\$1,330	✓
Minor Variance (Building without a Permit)	\$1,736	
Minor Variance & Consent Combination	\$2,431	

COMPLETENESS OF APPLICATION

A complete application includes all required forms, fees, and applicable sketches, as well as any additional information that may be identified by the Secretary-Treasurer in accordance with the provisions under *the Planning Act, R.S.O. 1990, c.P. 13*, as amended.

To be considered complete, submitted applications must include:

- One fully completed application for minor variance or permission signed by the applicant(s) and/or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the property owner, if applicable.
- **Two (2) copies** of a completed preliminary drawing (see the "Drawing Requirements" section).
- Payment of the appropriate fee submitted at the time of application through cash, credit, debit, or cheque payable to the City of Port Colborne.
- Payment of the appropriate Regional Review & Approval fee(s) if required by the Region, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the Niagara Region. If payment is submitted to the Region directly, please submit the receipt to the City of Port Colborne. Failure to pay the Region's fee may result in an incomplete application. The Region's fees are available on its website, https://www.niagararegion.ca/business/fpr/forms_fees.aspx
- Payment of the appropriate NPCA fee, if required, submitted at the time of the preliminary review. Payment can be submitted to the City of Port Colborne or to the NPCA. If payment is submitted to the NPCA directly, please submit the receipt to the City of Port Colborne. Failure to pay the NPCA's fee may result in an incomplete application.

***Note:** Additional information may be required once a full review has been completed by planning staff. This may prevent deferral of your application. *

DRAWING REQUIREMENTS

Please submit two copies of each separate plan along with your completed application. Ensure that all the information below is included in the plan(s). Depending on the extent of the proposal, **the Planning Division may request a sketch prepared by a professional, and the Committee may require (at the discretion of the Manager of Planning Services) that the sketch be signed by an Ontario Land Surveyor.** This requirement can be clarified by the Planning Staff. The required sketch should be based on an actual survey by an Ontario Land Surveyor or drawn to a usable metric scale [e.g., 1:100, 1:300, 1:500].

To be considered complete, each sketch must identify:

- 1. The boundaries and dimensions of the land / lot.
- 2. The location and nature of any easement affecting the land, if applicable.
- 3. The location, size, height, and type of all existing and proposed buildings and structures on the land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
- 4. The parking areas, loading spaces, driveway entrance / exits.

PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR PERMISSION

Once the Secretary-Treasurer has received an application, the application will be circulated to external agencies for up to 10 days to determine whether additional information and/or fees are required. Once comments from these agencies have been received, the Secretary-Treasurer will inform the applicant of any additional information and/or fees required by these agencies (ie. Niagara Region, Niagara Peninsula Conservation Authority). If applicable, the applicant must submit this additional information and/or pay the additional fees for their application to be deemed complete. Once the application is deemed complete, a hearing date will be confirmed in writing by the Secretary-Treasurer.

Prior to the hearing, members of the Committee may choose to conduct a site visit and/or contact the applicants. **Please note that the Committee should not be contacted by members of the public.** Any comments, questions, or concerns should be addressed through the Planning Division.

Following the hearing, the applicant/agent/solicitor will be notified of the Committee's decision in a written Notice of Decision. In addition, any other person or agency who filed a written request for the Committee's decision will be sent a copy. Any applicant objecting to the decision of the Committee, or the condition(s) imposed by the Committee may appeal the decision to the Local Planning Appeal Tribunal within 20 days after the Notice of Decision has been given. The notice of appeal, together with written reasons supporting the appeal and the fee, by certified cheque or money order payable to the Minister of Finance, must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The fee is \$300.00 for the first application to be appealed and \$25.00 for each additional related minor variance appeal.

NIAGARA PENINSULA CONSERVATION AUTHORITY REVIEW

Fees which are payable directly to Authority vary depending on the location and on the type of application. For land: abutting or within 15 meters of a water course; on or within 30 meters of the Lake Erie shoreline; on land identified as "Hazard Land" or "Environmental Protection" by the Port Colborne Official Plan or Zoning Bylaw; or within a groundwater recharge / discharge area, aquifer, or headwater on the property or within 30 meters of the property, the Niagara Peninsula Conservation Authority will charge an additional Plan Review Fee. These fees are provided on the Niagara Peninsula Conservation Authority's website.

I acknowledge that I have read, understand, and agree to the terms outlined above.		
Name: Peter Karastamatis	Date: Jan 19 2023	Initials: P.K.



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

MINOR VARIANCE APPLICATION

THE CITY OF PORT COLBORNE

The Planning Act – Section 45

SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: <u>Panagiotis Karastamatis</u>	
Mailing Address: <u>1551 Brentano Blvd</u>	
City: <u>Mississauga</u>	Province: <u>Ont</u>
Postal Code: <u>L4X 1A5</u>	Telephone: <u>647 801-7383</u>
Fax:	Email: <u>pete247@hotmail.com</u>
1.2 Owner's SOLICITOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.3 Owner's Authorized AGENT (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.4 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name:	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:
1.5 All communications should be sent to the:	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Solicitor <input type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: <u>Humberstone</u>	
Concession No. <u>3</u>	Lot(s): <u>part Lot 32</u>
Registered Plan No.	Lot(s):
Reference Plan No.	Part(s):
Name of Street: <u>Barrick</u>	Street No. <u>697</u>

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 43.0 m	Depth: 236.52 m	Area: 10170.36 m ²
Existing Use: Dwelling		
Proposed Use: Accessory structure		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: Urban Residential		
Regional Policy Plan: Built up area		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
R1 & RD		

SECTION 4: LAND INFORMATION

4.1 Date and Subject Land was acquired by the Current Owner:	
March 30 th 2022	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input type="checkbox"/> Yes	If "Yes" describe the easement or covenant and its effect:
<input checked="" type="checkbox"/> No	
4.3 MORTGAGES, Charges & Other Encumbrances:	
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
1840	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal Road maintained seasonally
<input type="checkbox"/> Regional Road	<input type="checkbox"/> Right-of-Way
<input checked="" type="checkbox"/> Municipal Road maintained all year	<input type="checkbox"/> Water Access
<input type="checkbox"/> Other Public Road	<input type="checkbox"/> Private Road
4.6 What type of WATER SUPPLY is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated piped water supply	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Well (private or communal)	
<input type="checkbox"/> Other (specify)	
4.7 What type of SEWAGE DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated sanitary sewage system	
<input checked="" type="checkbox"/> Septic system (private or communal)	
<input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input type="checkbox"/> Publicly owned and operated stormwater system	
<input checked="" type="checkbox"/> Other (specify)	
4.9 Has a Pre-Consultation application been filed for this proposal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, please indicate the meeting date: 	

SECTION 5: NATURE & EXTENT OF RELIEF FROM THE ZONING BY-LAW

5.1 Nature and Extent of Relief from the Zoning By-law:

By-law is 6 m for Accessory structure
Requesting 7.7m allowance to match existing family home

5.2 Why is it not possible to comply with the Zoning By-law?

① New structure to match existing family dwelling

② To store motorhome trailer, R.V., Lawn Care equipment personal vehicles & Tools.

③ To match existing structures in the neighborhood.

5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?

☐ Yes

☒ No

5.4 If the answer to 5.3 is YES, has a building permit been issued?

☐ Yes

☒ No

If the answer is “Yes,” please provide the following information:

File Number:

Decision:

SECTION 6: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

8.1 ALL EXISTING USE

☒ Residential

☐ Institutional

☐ Vacant

☐ Industrial

☐ Agricultural

☐ Other (specify):

☐ Commercial

☐ Parkland

8.2 What is the length of time the existing use(s) of the land have continued?

180 years

8.3 Are there any buildings or structures on the subject land?

☒ Yes

☐ No

If Yes, briefly describe and indicate their use.

Home & stone shed

8.4 Are any of these buildings designated under the Ontario Heritage Act?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.5 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.6 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.7 Has there been petroleum or other fuel stored on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.8 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.9 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.10 Have the lands or adjacent lands ever been used as a weapon firing range?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.11 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational / non-operational public or private landfill or dump?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.12 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.13 If there has been industrial or commercial uses on the property, a previous use inventory is needed. Is a previous use inventory attached?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
8.14 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
<p>If previous use of property is industrial or commercial or if the answer was YES to any of the above, please attach a previous use inventory showing all former uses of the land, or if applicable, the land(s) adjacent to the land.</p> <p>*Possible uses that can cause contamination include operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities, and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry-cleaning plants have similar potential. Any industrial use can result in potential contamination. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.</p>		

ACKNOWLEDGMENT CLAUSE

I hereby acknowledge that is my responsibility to ensure that I am in compliance with all applicable laws, regulations and standards pertaining to contaminated sites. I further acknowledge that the City of Port Colborne is not responsible for the identification and / or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Port Colborne, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

X
Jan 19 2023
Date

X
Signature of Owner

NIAGARA PENINSULA CONSERVATION AUTHORITY

Pre-Screening Criteria

9.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as “hazard lands”?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.3 Is the property located on or within 30 metres of the Lake Erie shoreline?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.4 Is there a valley slope on the property?		
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
9.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X Jan 19 2023
Date

X [Signature]
Signature of Applicant(s)

Please note: If the applicant is not the owner of the subject land or there is more than one owner, written authorization of the owner(s) is required (Complete Form 1) indicating that the applicant is authorized to make application.

I/We Panagiotis Karastamatis
Of the City/Town/Township of Mississauga
In the County/District/Regional Municipality of Peel

solemnly declare that all the statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the City of Port Colborne
In the Region of Niagara
This 19th day of January
20 23.

A Commissioner, etc.

Chris Roome, a Commissioner, etc.,
Regional Municipality of Niagara, while a
Deputy Clerk, for the Corporation of the
City of Port Colborne.

TO BE SIGNED IN THE PRESENCE OF A
COMMISSIONER FOR TAKING AFFIDAVITS
X [Signature]
Signature of applicant(s), solicitor, or authorized

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to the City Clerk at 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

POSTING OF PUBLIC HEARING SIGN

A public hearing sign is required to be posted by all applicants or agents on each property under application. A sign will be made available to you after review of your application, and you are required to post each sign in a prominent location on the subject property. The sign should be placed so that it is legible from the roadway.

Each sign must remain posted a minimum of 14 days prior to the hearing, until the day following the hearing. Should a sign go missing or become damaged or illegible please contact the Secretary-Treasurer as soon as possible to request a replacement sign. Failure to post the sign as required may result in deferral of you application(s).

Please note that an affidavit must also be signed and commissioned in the presence of a Commissioner of Oaths. This can be done at City Hall AFTER the signs have been posted.

I/We Panagiotis Karastamatis am/are the owner(s) of the land subject to this application for a Minor Variance and I/We agree to post the required sign(s) a minimum of 14 days prior to the hearing and will remain posted, and replaced, if necessary, until the day following the hearing.

X 
Signature of Owner/Agent

X Jan 19 2023
Date


X _____
Signature of Owner/Agent

X _____
Date

PERMISSION TO ENTER

I/We Panagiotis Karastamatis am/are the owner(s) of the land subject to this application for a Minor Variance and I/We authorize the members of the Committee of Adjustment and the City of Port Colborne Planning Staff to enter onto the property for the purpose of evaluating the merits of the application(s).

Please note that the Committee should not be contacted by members of the public. Any comments, questions or concerns should be addressed through the Planning Division.

X 
Signature of Owner

X Jan 19 2023
Date

X _____
Signature of Owner

X _____
Date

AUTHORIZATION FOR AGENT / SOLICITOR (IF APPLICABLE)

If the application is not the owner of the land that is subject to this application for a Minor Variance, the authorization set out below must be completed by the owner(s). All registered owners must complete the authorization form for it to be valid.

Please Note: If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

Where the Owner is without a spouse, common-law or legally married, the Owner is required to sign only once. Where the spouse of the Owner is not an owner, the spouse is required to sign. Spouse shall include a common-law spouse as defined within the *Family Law Reform Act*.

I/We _____ am/are the owner(s) of the land that is subject to this application for a Minor Variance and I/We hereby authorize as my/our agent for the purposes of submitting an application(s) to the Committee of Adjustment for a Minor Variance.

X

Signature of Owner

X

Date

X

Signature of Owner

X

Date

X

Signature of Agent

X

Date

Development and Legislative Services

Planning Division Report

March 3, 2023

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

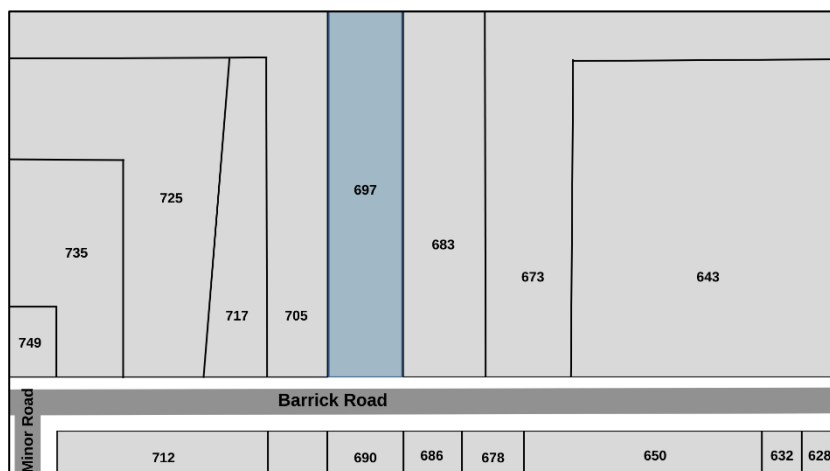
Re: Application for Minor Variance A04-23-PC
697 Barrick Road
Concession 3 Part Lot 32
Agent:
Owner(s): Panagiotis (Peter) Karastamatis

Proposal:

The purpose and effect of this application is to permit the construction of a proposed accessory structure. The applicant is requesting that a height of 7.7m be provided whereas 6m is permitted for accessory structures. All other provisions of the Zoning By-law are proposed to be met.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Residential Development (RD) and First Density Residential (R1) to the north, south, east, and west. The surrounding land uses consist of single detached dwellings to the north, south, east, and west.



Official Plan:

The subject property is designated as Urban Residential in the City's Official Plan. Accessory structures are permitted under this designation.

Zoning:

The subject property is zoned R1 and RD in accordance with Zoning By-Law 6575/30/18. Accessory structures are permitted under each of these zones. The accessory structure will be wholly contained in the R1 zone.

Environmentally Sensitive Areas:

The subject property is impacted by a Significant Woodland. The Region has been formally circulated on the application for comments.

Public Comments:

Notice was circulated on February 24th, 2023 as per Section 45 (5) of the Planning Act. As of March 3rd, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on February 8th, 2023. As of March 3rd, 2023, the following comments have been received.

Drainage Superintendent

There are no comments regarding municipal drain for these applications

Fire Department

No objection to the proposed application.

Engineering Technologist

No objection to the proposed application.

Niagara Region (please see full comments in Agenda Package)

Regional Private Sewage System staff have no objections to the proposed minor variance application provided there is no living space or plumbing within the accessory structure. Furthermore, Staff is satisfied that the distance between the woodland and accessory building ensures there will be no negative impact, provided standard best management practices are implemented during construction.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

Staff finds the requested variance to be minor in nature. The increase in height from 6m to 7.7m will not negatively impact the subject parcel or neighboring properties. The structure is located at a reasonable distance from all lot lines, so the increase in height will not result in visibility concerns. The height requirement intends to ensure that accessory structures remain accessory

in nature to the primary use of the primary. In this case, the garage will not exceed the height of the dwelling as the dwelling is also 7.7m tall.

Is it desirable for the appropriate development or use of the land, building, or structure?

The proposal is desirable and appropriate as the development is located in a suitable location on the site. The proposed structure is located in the rear yard and will be setback from the front property line by 77.4m and 54.22m behind the existing dwelling. This distance will result in the proposed accessory structure having less of a visual impact from the road. Accessory structures are a permitted use in the R1 zone so the proposal is compatible with the majority of the requirements of the zoning by-law, with the exception of the requested variance.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The Zoning By-law permits accessory structures in the R1 zone and the proposal meets the setbacks, lot coverage requirements, and will be accessory in nature to the primary dwelling as the structure will not be larger than the primary dwelling. Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

Is it in keeping with the general intent and purpose of the Official Plan?

The Official Plan permits accessory structures in the Urban Residential designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A04-23-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**

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'D. Landry', with a horizontal line drawn across it.

Denise Landry, MCIP, RPP
Chief Planner

From: [Alana VanderVeen](#)
To: [Diana Vasu](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 9, 2023 3:37:00 PM

Hello Diana

There are no comments regarding municipal drains on these applications.

Alana

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Committee of Adjustment Review - 697 BARRICK ROAD
Date: February 9, 2023 2:21:17 PM

Port Colborne Fire & Emergency Services has reviewed application File number and would like to offer the following comments.

Port Colborne Fire has no objection to the application

Should you have any questions, please feel free to contact this office.

Charles Turpin
Port Colborne Fire & Emergency Services



www.portcolborne.ca

Charles Turpin
Fire Prevention Officer
City of Port Colborne

Port Colborne, ON
Phone 905-834-4512 x
Email Charles.Turpin@portcolborne.ca

"To provide an exceptional small-town experience in a big way"

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From: [Nicholas Olschansky](#)
To: [Diana Vasu](#)
Cc: [Chris Roome](#)
Subject: RE: Notices of Hearing - March 8 COA
Date: February 27, 2023 11:36:31 AM

Hi Diana,

Please see my comments below.

A04-23-PC – 697 Barrick Road

- No comments

A05-23-PC – 427 Steele Street

- No comments

A06-23-PC – 193 Main Street West

- City of Port Colborne Municipal Consent required for alterations to existing site servicing (sanitary, storm, & water services) within the regional road allowance
 - For your convenience, I have included the link to the City's Municipal Consent Permits page below

https://www.portcolborne.ca/en/living-here/municipal-consent-permits.aspx?_mid_=78499

- Niagara Region permits required for works within the Main Street West regional road allowance
 - For your convenience, I have included the link to the Niagara Region Road Use Permit Application Forms page below

<https://www.niagararegion.ca/living/roads/permits/default.aspx>

A07-23-PC – 21 Dolphin Street

- No comments

A08-23-PC – 19 Dolphin Street

- No comments

B03-23-PC – 21 Dolphin Street

- No comments

B04-23-PC – 19 Dolphin Street

- No comments

Cheers,
Nick



www.portcolborne.ca

Nicholas Olschansky
Engineering Technologist
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Port Colborne, ON

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From: Young, Katie <Katie.Young@niagararegion.ca>
Sent: March 3, 2023 10:12 AM
To: Chris Roome
Cc: devtplanningapplications@niagararegion.ca; Ramundo, Matteo; Karlewicz, Lori
Subject: RE: 697 Barrick Road Regional Comments (Region File: MV-23-0007)

Hi Chris,

Sorry I missed your call.

Please see below comments with respect to the proposed Minor Variance application located at 697 Barrick Road in the City of Port Colborne in order to permit the construction of an accessory structure with a maximum height of 7.7 m, whereas the maximum permitted height is 6 m within the City's Zoning By-law 6675/30/18.

Private Sewage System Comments

Regional Private Sewage System ("PSS") staff have reviewed the proposed application to construct a new driveway and an accessory structure. Staff searched our records for any previous applications associated with the property and none were found. As a result of there being no previous files it was requested for a run to be exposed of the septic system to confirm the exact location.

An on-site inspection took place on February 7, 2023 where the septic system was located east of the existing driveway. The existing in-ground tile bed appeared to be in good working order at the time of inspection and it was determined that all setbacks required in the Ontario Building Code will be met for the proposed driveway extension and accessory structure. During the inspection it was noted that the existing septic tank does not meet the current Ontario Building Code setbacks from the existing dwelling. Therefore the existing septic system is considered legal non-conforming. At this time there is no required action to bring the existing system up to code but it should be noted that if in the future there are any renovations proposed to the existing dwelling that a new septic system would be required.

Therefore, Regional PSS staff have no objections to the proposed minor variance application provided there is no living space or plumbing within the accessory structure.

Natural Environment

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of significant woodland. Niagara Official Plan ("NOP") policies require the completion of an Environmental Impact Study ("EIS") when development or site alteration is proposed within 120 m of significant woodland.

The proposed accessory building is approximately 60 m from significant woodland. However, NOP policy 3.1.9.7.2 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. Staff are satisfied that the distance between the woodland and accessory building ensures there will be no negative impact, provided standard best management practices are implemented during construction.