



## PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

# COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A05-23-PC

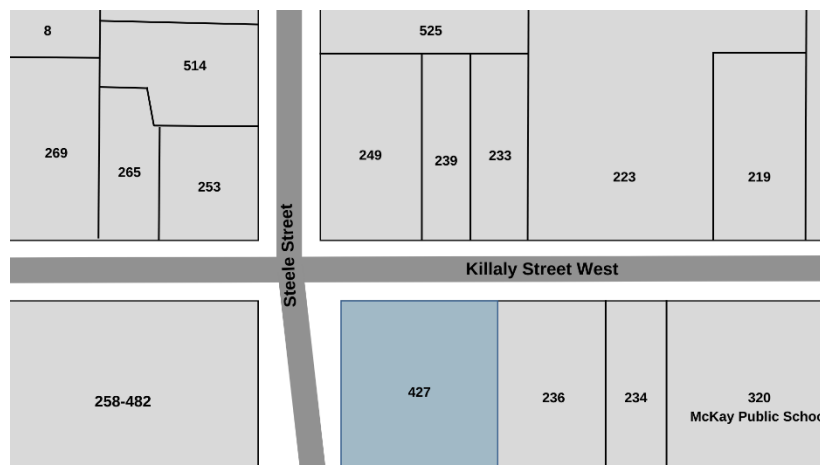
**IN THE MATTER OF** the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 22.3 (d) and Section 22.3 (f) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

**AND IN THE MATTER OF** the lands legally known as Plan 853 Lots 28 & 29 Part Lots 27 & 30, in the City of Port Colborne, located in the Commercial Plaza (CP) zone, municipally known as 427 Steele Street.

**AND IN THE MATTER OF AN APPLICATION** by the agent Brianna Bodorkos, on behalf of the applicant 1825142 Ontario Inc. 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 minimum interior side yard setback of 2.07m be permitted, whereas the minimum permitted interior side yard setback in the CP zone is 15m.
2. That a minimum rear yard setback of 9.16m be permitted, whereas the minimum permitted rear yard setback in the CP zone is 15m.

**Explanatory Relief from the Zoning By-law:** The applicant is requesting permission to construct an addition to the structure for the purpose of garbage storage. Due to the proposed side yard setback and rear yard setback, 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](mailto: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 3<sup>rd</sup>, 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](mailto: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](mailto: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.

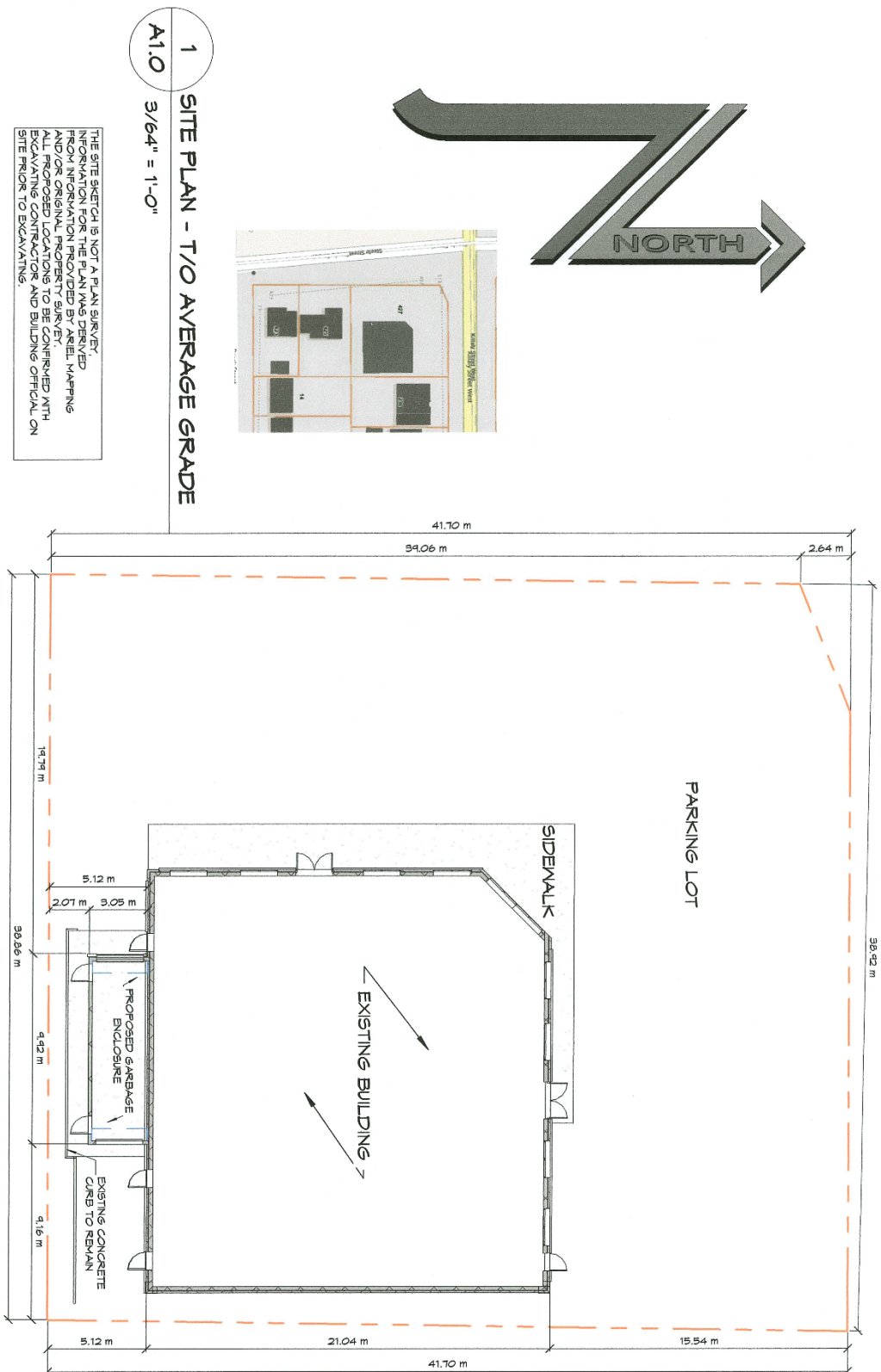
If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee 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,



Diana Vasu  
Secretary-Treasurer

Date of Mailing: February 24, 2023





**PORT COLBORNE**

**· PLANNING AND LEGISLATIVE SERVICES ·**

File No. \_\_\_\_\_

THE CITY OF PORT COLBORNE  
THE PLANNING ACT – SECTION 45.  
APPLICATION FOR:

## MINOR VARIANCE OR PERMISSION

This application is used by persons applying to the Committee of Adjustment for the City of Port Colborne under Section 45 of the *Planning Act*, as amended, for relief from By-law 6575/30/18 (as amended).

The Applicant is required to provide appropriate answers to all questions on the application form. If all prescribed information is not provided, the application will not be accepted.

### SUBMISSION OF APPLICATION:

Please submit the completed application form together with fees and other information as set out herein to:

City of Port Colborne  
Samantha Yeung  
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: samantha.yeung@portcolborne.ca

### COMPLETENESS OF APPLICATION:

The information required in this application form complies with the *Planning Act* and will assist in ensuring a complete evaluation. The *Planning Act* allows the Committee of Adjustment to refuse, to accept, or further consider any application that does not provide the information, material and fees prescribed.

A Minor Variance or Permission approved by the Committee of Adjustment of the City of Port Colborne may be reviewed by the Regional Municipality of Niagara and several other regional or provincial agencies. The Niagara Region and the Niagara Peninsula Conservation authority have additional fees / information requirements.

### PRE-CONSULTATION / OFFICIAL PLAN POLICY AND PROVINCIAL POLICY STATEMENT:

For help completing the application form, please call and make an appointment with the Planning and Development Services Division at City Hall.

In making decisions on planning applications, Committee of Adjustment shall have regard to Official Plan Policy and be consistent with the Province of Ontario's Provincial Policy Statement which came into effect on May 1<sup>st</sup>, 2020. Both provide policy direction



on matters relating to land use planning and development. A Copy of the Provincial Policy Statement can be obtained from the Ministry of Municipal Affairs web site ([www.mah.gov.on.ca](http://www.mah.gov.on.ca)) and clarification of Official Plan Policy can be received from the Planning & Development Services Division.

To avoid delays, the applicant must be informed of Official Plan Policy and the Provincial Policy Statement and to pre-consult with City, Regional and, if necessary, Provincial planning agencies before submitting an application. Through pre-consultation, agencies will discuss Official Plan Policy and the Provincial Policy Statement. An application for a pre-consultation meeting can be found on the City of Port Colborne's Planning & Development website.

## PROCEDURES FOR PROCESSING APPLICATIONS FOR MINOR VARIANCE OR FOR PERMISSION

Under the provisions of the *Planning Act*, land owners or their agents must obtain approval of the Committee of Adjustment for minor variances from the provisions of the Zoning By-law or from another by-law implementing the City's Official Plan.

Under the Provisions of the *Planning Act*, a public hearing must be held on each application within 30 days of the date upon which the properly completed application for minor variance or permission is received. Notice of Hearing is circulated to the applicant or properly appointed agent at least 10 (ten) days before the hearing date. The applicant and/or agent will be responsible for posting notice of hearing on the subject land of the application.

Prior to the hearing, a planning report consisting of an agenda and this application form would be distributed to the Committee and made available on Port Colborne's website through this link: <https://www.portcolborne.ca/en/business-and-development/committee-of-adjustment.aspx>.

Members of the Committee may conduct a site visit of the subject lands at their discretion and may contact applicants. **Please note that the Committee is considered a quasi-judicial body of the Government and should not be contacted by a member of the public.** Any comments, questions or concerns should be addressed through the Planning and Development Services Division.

X 

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee will be sent a copy of the decision.

Any person objecting to the decision, may appeal within 20 days from the date of the decision. Appeals are filed with the Secretary Treasurer of the Committee of Adjustment, who in turn, files the appeal with the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal arranges an appeal hearing date and the applicant or agent and the person who appealed, will receive notice of date.

## POLICIES

In addition to the matters set out in "Procedures for Processing Applications for Minor Variance or for Permission", the Port Colborne Committee of Adjustment has adopted the following general policies:

## THE REQUIREMENTS TO COMPLETE ONE APPLICATION ARE:

- One fully completed application for minor variance or permission form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.
- A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).
- Two (2) copies of a preliminary drawing showing all information referred to in SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY.
- Payment of the appropriate fee, submitted at the time of application as cash or as a certified cheque or a money order payable to the Treasurer of the City of Port Colborne.
- One complete application is required and shall be submitted for each parcel of land on which a variance is requested.

## SUPPLEMENTARY INFORMATION REQUESTED TO ASSIST THE CITY

To assist the City of Port Colborne in processing the application for Minor Variance or Permission the following supplementary information / sketches are requested:

- Depending on the scope of the request, one or more copies of plan(s) showing the following should be submitted. **The Planning & Development Services Division may request for a sketch submitted by a professional.** This requirement can be clarified by the Planning Staff.
  1. A sketch or sketches showing the following shall be submitted:
    - i. The boundaries and dimensions of the land.
    - ii. The location and nature of any easement affecting the land.
    - iii. The location, size, and type of all existing and height of 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.
    - iv. The location and nature of any easement affecting the land.
    - v. Parking areas, loading spaces, driveway entrance / exits
    - vi. Existing and proposed servicing [e.g. water, storm and sanitary]
  2. 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].
  3. One (1) copy of each separate type of plan reduced to legal size.
  4. One (1) copy of an Ontario Land Surveyor's Plan or Reference Plan to describe the subject lands.
  5. One (1) copy of a Registered Deed including full legal description of the subject lands.
  6. Council MAY require (at the discretion of the Manager of Planning and Development Services) that the sketch be signed by an Ontario Land Surveyor.

## 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 metres of a water course; on or within 30 metres 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 metres 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.

## NOTICE REQUIREMENTS

Notice of Public Hearing of Council MUST be posted on the property where it is clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property in the area to which the application applies or, where posting on the property is impractical, at a nearby location chosen by the Manager of Planning and Development Services. The notice of public hearing must be posted 10 days prior to the hearing and must remain in that location until after the hearing is held. If the notice is removed during this 10 day period, the public hearing date may be rescheduled.



**PORT COLBORNE**

**· PLANNING AND LEGISLATIVE SERVICES ·**

**APPLICATION FOR  
MINOR VARIANCE**

PLEASE TYPE OR USE BLACK INK

**Section 1**

|                                 |                         |
|---------------------------------|-------------------------|
| <b>1. Registered Owner (s):</b> |                         |
| Name: 1825142 ONTARIO INC.      |                         |
| Mailing Address: 427 STEELE ST  |                         |
| City: PORT COLBORNE             | Province: ONTARIO       |
| Postal Code: L3K 4Y2            | Telephone: 905-708-4174 |
| Fax:                            | Email:                  |

|  |            |
|--|------------|
| <b>1.2 Owner's SOLICITOR (if applicable)</b> |            |
| Name:  |            |
| Mailing Address:                             |            |
| City:  | Province:  |
| Postal Code:                                 | Telephone: |
| Fax:   | Email:     |

|   |                                |
|---|--------------------------------|
| <b>1.3 Owner's Authorized AGENT (if applicable)</b> |                                |
| Name: BRIANNA BODORKOS                              |                                |
| Mailing Address: 960 LORRAINE RD                    |                                |
| City: PORT COLBORNE                                 | Province: ONTARIO              |
| Postal Code: L3K 5V3                                | Telephone: 289-214-1953        |
| Fax:  | Email: jvhomedesigns@gmail.com |

|   |
|---|
| <b>1.4 MORTGAGES, Charges &amp; Other Encumbrances:</b>   |
| List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land. |
|   |
|   |
|   |
|   |
|   |

|   |
|---|
| <b>1.5 Date and Subject Land was acquired by the Current Owner:</b> |
| 2012  |

|  |            |
|--|------------|
| <b>1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)</b> |            |
| Name:  |            |
| Mailing Address:   |            |
| City:  | Province:  |
| Postal Code:   | Telephone: |
| Fax:   | Email:     |

|   |
|---|
| <b>1.7 All communications should be sent to the:</b>  |
| <input type="checkbox"/> Owner<br><input type="checkbox"/> Solicitor<br><input checked="" type="checkbox"/> Agent |

## Section 2: LOCATION

|   |                |
|---|----------------|
| Former Municipality: PORT COLBORNE                        |                |
| Concession No.  | Lot(s):        |
| Registered Plan No. plan 853 lots 28& 29pt; lots 27 30 pt |                |
| Reference Plan No.  | Part(s):       |
| Name of Street: STEELE ST                                 | Street No. 427 |

## Section 3: DESCRIPTION

Part No. On Sketch: \_\_\_\_\_

|                                   |             |                 |
|-----------------------------------|-------------|-----------------|
| Frontage: 38.2 m                  | Depth: 39 m | Area: 1602 sq m |
| Existing Use: 1 STOREY COMMERCIAL |             |                 |
| Proposed Use: 1 STOREY COMMERCIAL |             |                 |

## Section 4: OFFICIAL PLAN & ZONING

|  |
|--|
| <b>4.1 What is the current designation of the land in the Official Plan and the Regional Plan?</b> |
| Port Colborne Official Plan: COMMERCIAL PLAZA CP   |
| Regional Policy Plan:  |

|  |
|--|
| <b>4.2 What is the Zoning of the land (By-law 6575/30/18)?</b> |
| COMMERCIAL PLAZA (CP)  |

## Section 5

|  |  |
|--|--|
| <b>Are there any existing EASEMENTS OR RESTRICTIVE COVENANTS affecting the land?</b> |  |
| <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No               | If "Yes" describe the easement or covenant and its effect:<br>EASEMENT TO BELL CANADA R0619124 |



## Section 6

### Type of ACCESS

- ☐ Provincial Highway
- ☐ Regional Road
- ☒ Municipal Road maintained all year
- ☐ Other Public Road
- ☐ Municipal Road maintained seasonally
- ☐ Right-of-Way
- ☐ Water Access
- ☐ Private Road

## Section 7

### What type of WATER SUPPLY is proposed?

- ☒ Publicly owned and operated piped water supply
- ☐ Lake
- ☐ Well (private or communal)
- ☐ Other (specify)  
\_\_\_\_\_

## Section 8

### What type of SEWAGE DISPOSAL is proposed?

- ☒ Publicly owned and operated sanitary sewage system
- ☐ Septic system (private or communal)
- ☐ Other (specify)  
\_\_\_\_\_

## Section 9

### What type of STORMWATER DISPOSAL is proposed?

- ☒ Publicly owned and operated stormwater system
- ☐ Other (specify)  
\_\_\_\_\_

## Section 10

### NATURE AND EXTENT OF RELIEF FROM THE ZONING BY-LAW:

COMMERCIAL ZONING BYLAW

INTERIOR SIDEYARD SETBACK OF 15 m TO A PROPOSED 2.07 m

REAR YARD SETBACK OF 15m TO A PROPOSED 9.16 m (SEE ATTACHED SITE SKETCH.

**10.1 Does the structure(s) pertaining to the application for Minor Variance already exist and has a building permit been issued?**

- ☐ Yes  
☒ No

### Section 11

**WHY IS IN NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW:**

AS REQUESTED BY THE CITY OF PORT COLBORNE FOR INTERIOR AND REAR YARD SETBACKS. THE LOCATIONS OF THE GARBAGE ENCLOSURE WILL ON THE SIDE OF THE EXISTING COMMERCIAL STRUCTURE TO KEEP VERMIN OUT AND HIDE THE GARBAGE FROM THE GERNEAL PUBLIC.

### Section 12

**DATE OF ACQUISITION of the land by the current owner:**

2012 APPROX.

### Section 13

**DATE OF CONSTRUCTION of all existing buildings and structures on the land:**

2015

### Section 14

**LENGTH OF TIME of time that the existing use(s) of the land have continued:**

ALL

### Section 15: OTHER APPLICATIONS

**15.1 If known, identify whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of:**

|                         |                              |  |
|-------------------------|------------------------------|--|
| Official Plan Amendment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Zoning By-Law Amendment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Minor Variance          | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Plan of Subdivision     | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Consent                 | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Site Plan               | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

|  |
|--|
| <b>15.2 If the answer to the above is yes, and if known, provide the following for each application noted:</b> |
| File number of the application:  |
| Name of the approval authority considering the application:  |
| Lands affected by the application:   |
| Purpose of the application:  |
| Status of the application:   |
| Effect of the application on the proposed amendment:   |

## Section 16: ALL EXISTING, PREVIOUS AND ADJACENT USE OF THE LAND

|   |
|---|
| <b>16.1 ALL EXISTING USE</b>  |
| <input type="checkbox"/> Residential<br><input type="checkbox"/> Industrial<br><input checked="" type="checkbox"/> Commercial<br><input type="checkbox"/> Institutional<br><input type="checkbox"/> Agricultural<br><input type="checkbox"/> Parkland<br><input type="checkbox"/> Vacant<br><input type="checkbox"/> Other<br><hr/> |

|  |
|--|
| <b>16.2 What is the length of time the existing use(s) of the land have continued?</b> |
| ALL  |

|  |
|--|
| <b>16.3 Are there any buildings or structures on the subject land?</b> |
| <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

If Yes, for each existing building or structure, complete the following:

| Type of Building or Structure | Setback from the front lot line (in metres) | Setback from the rear lot line (in metres) | Setback from the side lot line (in metres) | Setback from the side lot line (in metres) | Height (in metres & number of stories) | Dimensions or floor area (in metres) | Date of construction |
|-------------------------------|---|--|--|--|--|--------------------------------------|----------------------|
| CP                            | 15.5 m                                      | 1.6 m                                      | 5.18 m                                     | 15.2 m                                     | 5.38 m                                 | 430.14 m <sup>2</sup>                |                      |
|                               |   |  |  |  |  |                                      |                      |
|                               |   |  |  |  |  |                                      |                      |



**16.4 ALL PREVIOUS USE**

- ☐ Residential  
☐ Industrial  
☒ Commercial  
☐ Institutional  
☐ Agricultural  
☐ Parkland  
☐ Vacant  
☐ Other
- 

**16.5 ALL ADJACENT USE(S)**

|               | NORTH                               | SOUTH                               | EAST                                | WEST                                |
|---------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Residential   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Industrial    | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Commercial    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Institutional | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Agricultural  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Parkland      | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Vacant        | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Other         |                                     |                                     |                                     |                                     |

**16.6 If Industrial or Commercial, specify use**

WEST - COMMERICAL PLAZA, NORTH- RACO AUTO SUPPLY

**16.7 Has the grading of the subject land been changed by adding earth or material?  
 Has filling occurred on the subject land?**

- ☐ Yes  
☒ No  
☐ Unknown

**16.8 Has a gasoline station and/or automobile service station been located on the  
 subject land or adjacent lands at any time?**

- ☐ Yes  
☒ No  
☐ Unknown

**16.9 Has there been petroleum or other fuel stored on the subject land or adjacent  
 lands?**

- ☐ Yes  
☒ No  
☐ Unknown

**16.10 Are there or have there ever been underground storage tanks or buried  
 waste on the subject land or adjacent lands?**

- ☐ Yes  
☒ No  
☐ Unknown

**16.11 Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?**

- ☐ Yes  
☒ No  
☐ Unknown

**16.12 Have the lands or adjacent lands ever been used as a weapons firing range?**

- ☐ Yes  
☒ No  
☐ Unknown

**16.13 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?**

- ☐ Yes  
☒ No  
☐ Unknown

**16.14 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)?**

- ☐ Yes  
☒ No  
☐ Unknown

**16.15 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?\***

- ☐ Yes  
☒ No  
☐ Unknown

- 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.

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.

**ACKNOWLEDGMENT CLAUSE**

I hereby acknowledge that it 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

Date

Jan 26 / 2023

X

Signature of Owner

1829142 Ontario Inc  
Garry Markham Pres.



**Section 17: NIAGARA PENINSULA CONSERVATION AUTHORITY**  
**Pre-screening Criteria**

**17.1 Is there land on the property identified in the Official Plan and / or Zoning By-law as "hazard lands"?**

- ☐ Yes  
☒ No  
☐ Unknown

**17.2 Is there a watercourse or municipal drain on the property or within 15 metres of the property?**

- ☐ Yes  
☒ No  
☐ Unknown

**17.3 Is the property located on or within 30 metres of the Lake Erie shoreline?**

- ☐ Yes  
☒ No  
☐ Unknown

**17.4 Is there a valley slope on the property?**

- ☐ Yes  
☒ No  
☐ Unknown

**17.5 Is there known localized flooding or a marsh / bog area on or within 30 metres of the property?**

- ☐ Yes  
☒ No  
☐ Unknown

X Jan 27/23  
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 BRIANNA BODORKOS  
Of the City/Town/Township of PORT COLBORNE  
In the County/District/Regional Municipality of NIAGARA

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 27th day of January  
A.D. 20 23

TO BE SIGNED IN THE PRESENCE OF A  
COMMISSIONER FOR TAKING AFFIDAVITS

X [Signature]

Signature of applicant(s), solicitor, or authorized agent

A Commissioner, etc.

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

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

## AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

427 STEELE ST, PORT COLBORNE ONTARIO

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

**BRIANNA BODORKOS**

(name of agent)

of the City of PORT COLBORNE

to make an application on my/our behalf to the Council or the Committee of Adjustment for the City of Port Colborne for transaction concerning an application for Official Plan Amendment / Zoning By-law Amendment / Consent to Sever / Minor Variance or Permission / Draft Plan of Subdivision or Condominium / Site Plan Control Approval (please circle the appropriate application) in accordance with the *Planning Act*.

Dated at the City of PORT COLBORNE

in the Region of NIAGARA

this 27 day of JANUARY 20  

X Lisa Stratton  
Signature of Witness

1825420 John Mc  
X Gay Matheson Re  
Signature of Owner

X  
Signature of Witness

X  
Signature of Owner

X  
Signature of Witness

X  
Signature of Owner

This form is only to be used for applications which are to be signed by someone other than the owner or where more than one owner giving authorization to another owner.

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*.

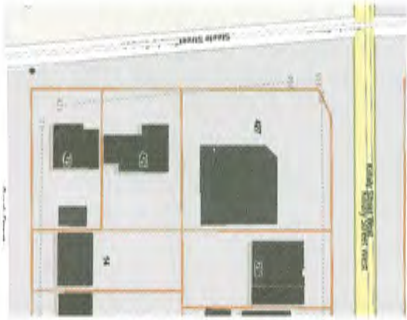


## SUGGESTION TO THE APPLICANT

Notice of your application is required for a number of agencies. All written responses will be taken into account before reaching a decision on your application.

Although you are under no obligation to do so, we suggest that you discuss your intentions with the appropriate agencies from the list below before submitting an application. A pre-consultation could provide you with information about the City of Port Colborne Official Plan, the minimum requirements and permitted uses of Zoning By-law 6575/30/18, the Regional Policy Plan, the concerns of various Provincial Ministries and other relevant information which may have a direct effect upon the final decision on your application.

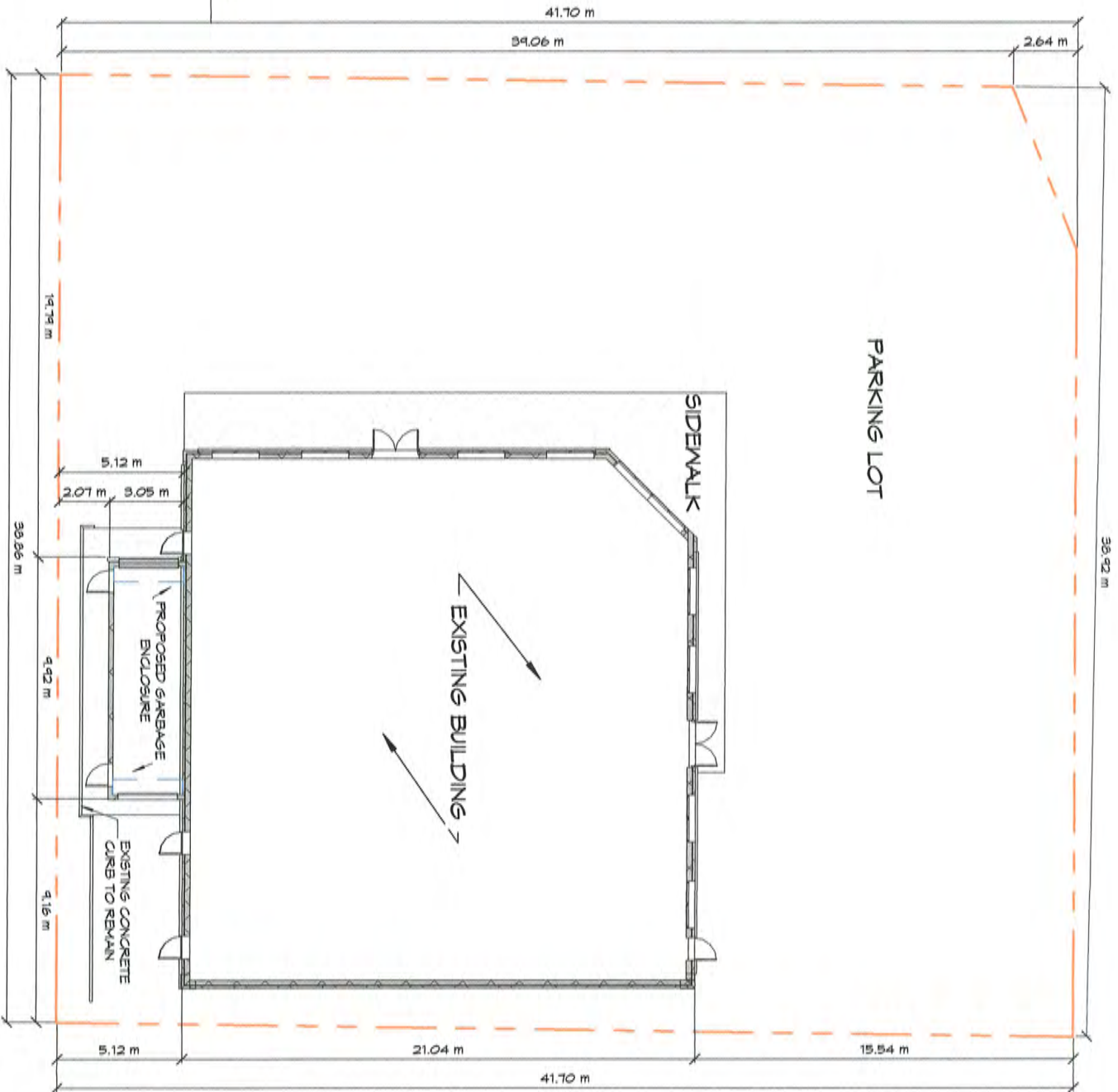
1. Port Colborne Planning and Development Department  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8  
Manager of Planning & Development  
(905) 835-2900, Ext. 203  
Information on the Port Colborne Official Plan and Zoning Bylaw
2. Port Colborne Engineering & Operations Department  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8  
Director of Engineering & Operations  
(905) 835-2900, Ext. 223  
Information on Servicing, Lot Grading and Drainage
3. Port Colborne Building Division  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8  
Chief of Building  
(905) 835-2900, Ext 201  
Information about the Building Code
4. Region of Niagara Public Works Department  
Planning and Development Department  
1815 Sir Isaac Brock Way, Thorold, Ontario L2V 4T7  
(905) 980-6000, Ext. 3727  
Information about the Regional Policy Plan, Agriculture, Public Works & Regional Health, and for concerns regarding Provincial Policy and Ministry responsibilities
5. The Niagara Peninsula Conservation Authority  
250 Thorold Road West, Welland, Ontario L3C 3W2  
Watershed Planner  
(905) 788-3135, Ext 272  
For information about lands which may be zoned as "Hazard" in the local zoning by law, lands adjacent to watercourses, Lake Erie or flood plains
6. Ministry of Transportation of Ontario  
Corridor Management Section  
159 Sir William Hearst Ave, 7<sup>th</sup> Floor, Toronto, Ontario M3M 1J8  
For information about sight plan applications for lands fronting onto provincial Highways
7. Ministry of Transportation of Ontario  
Corridor Management Section  
1201 Wilson Avenue, Bldg D, 7<sup>th</sup> Floor, Downsview, ON, M3M 1J8  
1-866-636-0663  
For information about official plan amendments, consents, re-zonings, and other inquiries for lands fronting onto provincial highways
8. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement* (PPS) available for download (On-line) at: <http://www.mah.gov.on.ca>  
Under "Your Ministry" – Land Use Planning – Provincial Policy Statement



1 SITE PLAN - T/O AVERAGE GRADE

A1.0 3/64" = 1'-0"

THE SITE SKETCH IS NOT A PLAN SURVEY.  
INFORMATION FOR THE PLAN WAS DERIVED  
FROM INFORMATION PROVIDED BY AREL, MAPPING  
AND/OR ORIGINAL PROPERTY SURVEY.  
ALL PROPOSED LOCATIONS TO BE CONFIRMED WITH  
EXCAVATING CONTRACTOR AND BUILDING OFFICIAL ON  
SITE PRIOR TO EXCAVATING.



## 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

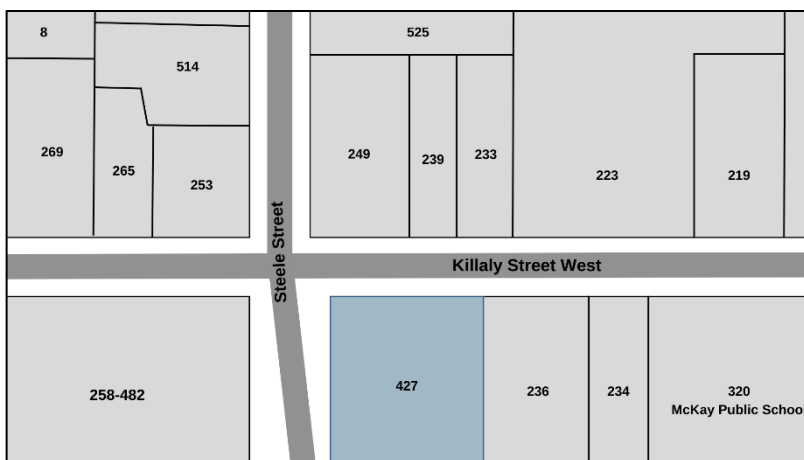
**Re: Application for Minor Variance A05-23-PC**  
**427 Steele Street**  
**Plan 853 Lots 28 & 29 Part Lots 27 & 30**  
**Agent: Brianna Bodorkos**  
**Owner(s): 1825142 Ontario Inc.**

### Proposal:

The purpose and effect of this application is to permit the construction of a proposed addition to enclose an existing garbage storage area. The applicant is requesting that an interior side yard setback of 2.07m be permitted, whereas the minimum interior side yard setback permitted is 15m, and that a minimum rear yard setback of 9.16m be permitted, whereas the minimum permitted rear yard setback is 15m.

### Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Neighbourhood Commercial (NC) to the north, Second Density Residential to the north, south and east, and Commercial Plaza (CP) to the west. The surrounding land uses consist of single detached dwellings to the north, south and east and commercial uses to the north and west.



### Official Plan:

The subject property is designated as Commercial Plaza in the City's Official Plan. Commercial uses are permitted under this designation.



## **Zoning:**

The subject property is zoned CP in accordance with Zoning By-Law 6575/30/18. Additions to the permitted uses are permitted in this zone.

## **Environmentally Sensitive Areas:**

The subject property does not contain any environmentally sensitive areas.

## **Public Comments:**

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

## **Agency Comments:**

Notice was circulated on February 8<sup>th</sup>, 2023. As of March 3<sup>rd</sup>, 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.

## **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 decrease in the side yard and rear yard setbacks are being requested to enclose an existing garbage storage area. The location of where the garbage is stored is not proposed to be changed, only the structure that is storing it.

### ***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. Completely enclosing the garbage storage area will reduce the unsightly visual of the existing garbage storage area, reduce odors in the area, and will reduce the number of animals attempting to get into the garbage.

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

The Zoning By-law permits commercial uses in the CP zone and the proposal meets the majority of the zoning requirements. The proposed addition will be used in conjunction with the existing

commercial use. Staff finds 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 commercial uses in the Commercial Plaza 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 A05-23-PC be **granted** for the following reasons:

1. **The application is minor in nature.**
2. **It is appropriate for 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,



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

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Hello Diana

There are no comments regarding municipal drains on these applications.

Alana



**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

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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](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](http://www.portcolborne.ca)

**Nicholas Olschansky**  
*Engineering Technologist*  
**City of Port Colborne**

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Port Colborne, ON

**Phone** 905-835-2900 x226

**Email** [Nicholas.Olschansky@portcolborne.ca](mailto:Nicholas.Olschansky@portcolborne.ca)