



PORT COLBORNE

DEVELOPMENT AND LEGISLATIVE SERVICES

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION FOR MINOR VARIANCE

APPLICATION NO. A06-23-PC

IN THE MATTER OF the Planning Act, R.S.O., 1990, c.P.13, as amended and Section 23.5 (j) of the City of Port Colborne Zoning By-law 6575/30/18, as amended;

AND IN THE MATTER OF the lands legally known as Registered Plan Number 762 Lot 3 Parts 3 & 4 in the Former Municipality of Peterburg, currently in the City of Port Colborne, located in the Downtown Commercial (DC) zone, municipally known as 193 Main Street West.

AND IN THE MATTER OF AN APPLICATION by agent Amber Cuthbertson, on behalf of the applicant 2792795 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 conversion of 2 commercial units to 4 residential units, notwithstanding the following:

1. That a minimum floor area of 40m² per unit be permitted, whereas the minimum permitted floor area per unit is 50m².

Explanatory Relief from the Zoning By-law: The applicant is requesting permission to convert 2 commercial units into 4 residential units. Due to the proposed floor area per unit, 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.

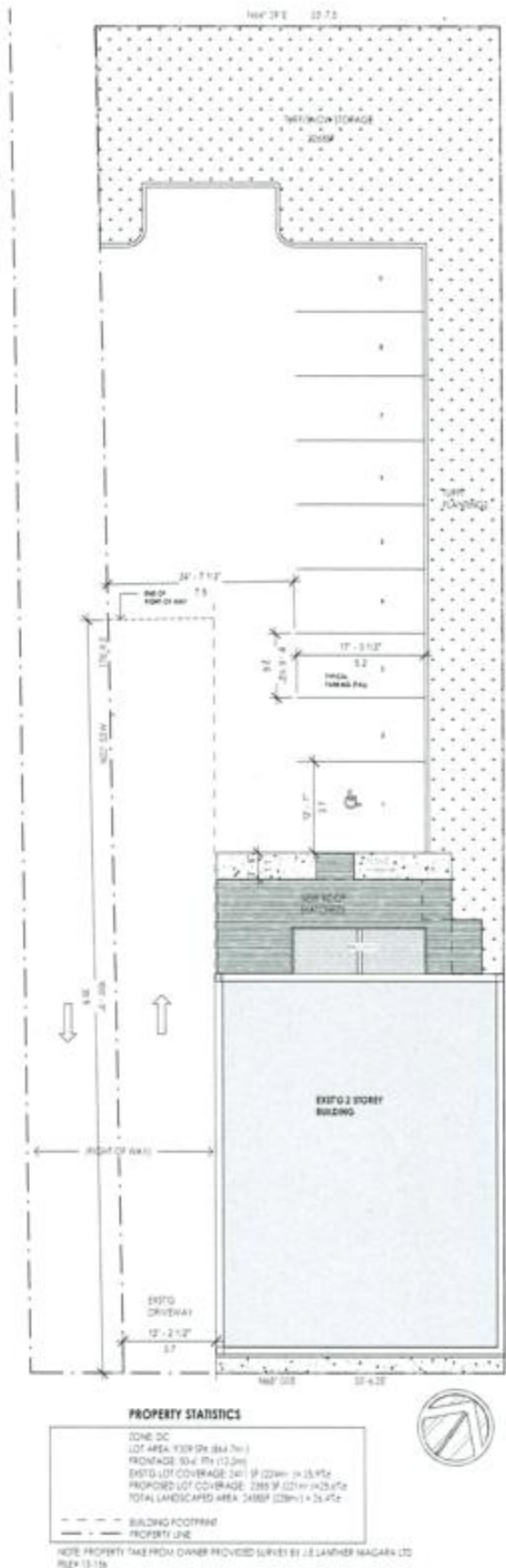
The owner or agent must be present, in person or virtually, at the Hearing. If you do not attend the Hearing, the Committee may adjourn the file or proceed in your absence and make a decision.

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





For Office Use Only

Date Received: _____

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: AMBER CUTHBERTSON

Date: 2/6/23

Initials:

AC



SECTION 1 : CONTACT INFORMATION

1.1 Registered Owner (s):	
Name: 2792795 Ontario Inc.	
Mailing Address: 38 MARSDALE DR.	
City: St. Catharines	Province: Ontario
Postal Code: L2T 3S3	Telephone: 905-380-7336
Fax:	Email: chrisdilalla@gmail.com
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: BENT PENCIL DESIGN c/o AMBER CUTHBERTSON	
Mailing Address: PO BOX 1479	
City: FONTHILL	Province: Ontario
Postal Code: LOS 1E0	Telephone: 289-929-2438
Fax:	Email: amber@bentpencildesign.com
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 type="checkbox"/> Owner	<input type="checkbox"/> Solicitor
<input checked="" type="checkbox"/> Agent	

SECTION 2: LOCATION OF SUBJECT LAND

Former Municipality: VILLAGE OF PETERBURG	
Concession No.	Lot(s):
Registered Plan No. 762	Lot(s): 3
Reference Plan No.	Part(s): 3,4
Name of Street: MAIN ST. WEST	Street No. 193

SECTION 3: SUBJECT LAND DESCRIPTION

Part No. On Sketch:

3.1 Lot Description		
Frontage: 50.52'	Depth: 178.79'	Area: 9309sf
Existing Use: COMMERCIAL(GRD FLR) RESIDENTIAL (2ND FLR)		
Proposed Use: ALL RESIDENTIAL		
3.2 What is the current designation of the land in the Official Plan and the Regional Plan?		
Port Colborne Official Plan: COMMERCIAL PLAZA		
Regional Policy Plan: BUILT-UP AREA		
3.3 What is the current zoning of the land (By-law 6575/30/18)?		
DC		

SECTION 4: LAND INFORMATION

4.1 Date the Subject Land was acquired by the Current Owner:	
11/25/20	
4.2 Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes" describe the easement or covenant and its effect: right of way access to rear parking lot on site and adj. property to the west.
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.	
<hr/> <hr/>	
4.4 DATE OF CONSTRUCTION of all existing buildings and structures on the land:	
1920's approx.	
4.5 Type of ACCESS	
<input type="checkbox"/> Provincial Highway <input checked="" type="checkbox"/> Regional Road <input type="checkbox"/> Municipal Road maintained all year <input type="checkbox"/> Other Public Road	<input type="checkbox"/> Municipal Road maintained seasonally <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Water Access <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 checked="" type="checkbox"/> Publicly owned and operated sanitary sewage system <input type="checkbox"/> Septic system (private or communal) <input type="checkbox"/> Other (specify)	
4.8 What type of STORMWATER DISPOSAL is proposed?	
<input checked="" type="checkbox"/> Publicly owned and operated stormwater system <input 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:
RELIEF FROM MIN. AREA REQUIREMENTS OF A DWELLING UNIT FROM 50m ² TO 40m ² TO ALLOW THE CONVERSION OF THE EXISTING GROUND FLOOR FROM 2 COMMERCIAL UNITS TO 4 RESIDENTIAL UNITS.
5.2 Why is it not possible to comply with the Zoning By-law?
INSUFFICIENT FLOOR AREA w/i THE EXISTING BUILDING FOOTPRINT AND LIMITED LOT AREA TO EXPAND WHILE MEETING THE PARKING REQUIREMENTS.
5.3 Does the structure(s) pertaining to the application for Minor Variance already exist?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
5.4 If the answer to 5.3 is YES, has a building permit been issued?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input type="checkbox"/> Vacant
<input type="checkbox"/> Industrial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other (specify):
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Parkland	
8.2 What is the length of time the existing use(s) of the land have continued?		
SINCE BUILDING CONSTRUCTED IN 1920'S		
8.3 Are there any buildings or structures on the subject land?		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, briefly describe and indicate their use.		
2 STOREY BRICK BUILDING GRD. FLR COMMERCIAL (VACANT), 2ND FLR. 2 RESIDENTIAL UNITS		

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 type="checkbox"/> No	<input checked="" 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 type="checkbox"/> No	<input checked="" 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 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

2/6/23

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 type="checkbox"/> Yes	<input checked="" 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 checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
9.6 Is the property on a Regional Road?		
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

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

AUTHORIZATIONS

SIGNATURE OF APPLICANT(S)

X FEB 7/2023
Date

X Amber Cuthbertson
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 AMBER CUTHBERTSON
Of the City/Town/Township of TOWN OF PELHAM
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 7th day of February
20 23.

A Commissioner, etc.

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

X Chris Roome
Signature of applicant(s), solicitor, or authorized agent

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.

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

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 Amber Cuthbertson (Bent Pencil Design) 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 Amber Cuthbertson

Signature of Owner/Agent

X

FEB. 07, 2023

Date

X

Signature of Owner/Agent

X

Date

PERMISSION TO ENTER

I/We 2792795 Ontario Inc. 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

February 6, 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 2792795 Ontario Inc. 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

February 6, 2023

Date

X

Signature of Owner

X

Date

X



Signature of Agent

X

FEB. 07, 2023

Date

X

Signature of Owner

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 A06-23-PC
193 Main Street West
Lot 3 and Part Lots 3 & 4 Plan 762
Agent: Amber Cuthbertson
Owner(s): 2792795 Ontario Inc

Proposal:

The purpose and effect of this application is to permit the conversion of 2 commercial units into 4 residential units. The applicant is requesting a minimum floor area per unit of 40m², whereas a minimum of 50m² is required. The property currently has 2 existing residential units on the second floor. The conversion of the 2 existing commercial units into 4 residential will result in a total of 6 residential units on the property.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Downtown Commercial (DC) to the south, east, and west, and Fourth Density Residential (R4) and Heavy Industrial (HI) to the north. The surrounding land uses consist of commercial uses to the south, east and west, with detached dwellings and vacant land to the north.



Official Plan:

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

Zoning:

The subject property is zoned DC in accordance with Zoning By-Law 6575/30/18. Apartments are a permitted use in this zone.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

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.

Fire Department

No objection to the proposed application.

Engineering Technologist

A City of Port Colborne Municipal Consent permit will be required for alterations to the existing site servicing. Niagara Region permits will be required for any works required within the Main Street West regional road allowance.

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 find the requested variance to be minor in nature. The decrease in minimum floor area has been requested because the two existing commercial units do not meet the minimum size required for four residential units. The reduction from 50m² to 40m² is considered to be minor in nature as the difference does not represent a significant decrease in liveable space. The purpose of the minimum unit size is to ensure that enough liveable space is being provided to future tenants. The proposed units will be bachelor-style units which are generally smaller in nature.

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

The proposal is desirable and appropriate as apartments are permitted in this zone. The application proposes bachelor-style units that will provide a range and mix of housing options in the area. Furthermore, as the application proposes 4 additional units, for a total of 6 residential units, this use is considered an apartment, which is a permitted use in the DC zone.

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

The Zoning By-law permits apartments in the DC zone and the proposal meets the majority of the zoning requirements with the exception of the requested variance. The applicant has provided 9 parking spaces where 8 are required. 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 apartments in the Downtown Commercial designation. The Official Plan encourages mixed-use development within the downtown. The preferred built form for mixed-use development is commercial and office uses on the ground floor, with residential units located above, however this is only a preference and not a requirement of the Official Plan. Apartments are permitted without commercial uses in the Downtown Commercial 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 A06-23-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,



Denise Landry, MCIP, RPP
Chief Planner

From: charlesturpin@portcolborne.ca
To: [Diana Vasu](#)
Subject: Re Committee of Adjustment Review - 193-197 MAIN STREET WEST
Date: February 9, 2023 2:10:51 PM

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

All construction shall be through a building permit.
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"

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by telephone, fax or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.

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
City of Port Colborne

Port Colborne, ON

Phone 905-835-2900 x226

Email Nicholas.Olschansky@portcolborne.ca