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 1st, 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) 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 Procession 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
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APPLICATION FOR
MINOR VARIANCE

PLEASE TYPE OR USE BLACK INK

Section 1

1. Registered Owner (s):	
Name: Susan Nenadovich	
Mailing Address: 510 Main Street West	
City: Port Colborne	Province: ON
Postal Code: L3B 3W7	Telephone: 905-708-2026
Fax: n/a	Email: snenadovichhannah@hotmail.com

1.2 Owner's SOLICITOR (if applicable)	
Name: n/a	
Mailing Address:	
City:	Province:
Postal Code:	Telephone:
Fax:	Email:

1.3 Owner's Authorized AGENT (if applicable)	
Name: Joseph M. Tomaino	
Mailing Address: 127 Aqueduct Street	
City: Welland	Province: ON
Postal Code: L3C 1B9	Telephone: 905-734-6938
Fax:	Email: jtomaino66@gmail.com

1.4 MORTGAGES, Charges & Other Encumbrances:
List the name(s) and address(es) of any mortgages, charges, or other encumbrances in respect of the land.
PenFinancial Credit Union, 247 East Main Street, Welland ON L3B 3x1

1.5 Date and Subject Land was acquired by the Current Owner:
Feb 1, 2022

1.6 Owner's ONTARIO LAND SURVEYOR (if applicable)	
Name: Suda & Maleszyk	
Mailing Address: 26 East Main Street, Suite 2	
City: Welland	Province: ON
Postal Code: L3B 3W3	Telephone: 905-732-7651
Fax: n/a	Email: dcb@cogeco.ca

1.7 All communications should be sent to the:
☒ Owner
☐ Solicitor
☒ Agent

Section 2: LOCATION

Former Municipality: City of Port Colborne	
Concession No.	Lot(s): 111 and 112
Registered Plan No. 797	
Reference Plan No.	Part(s):
Name of Street: Main Street West	Street No. 510

Section 3: DESCRIPTION

Part No. On Sketch: 2

Frontage: 10.35 m	Depth: 24.29 m	Area: 251.41 sq m
Existing Use: Vacant Land		
Proposed Use: Single Family Dwelling		

Section 4: OFFICIAL PLAN & ZONING

4.1 What is the current designation of the land in the Official Plan and the Regional Plan?
Port Colborne Official Plan: Downtown Commercial
Regional Policy Plan: Urban-Built Up Area

4.2 What is the Zoning of the land (By-law 6575/30/18)?
MU-Mixed Use Zone

Section 5

Are there any existing EASMENTS OR RESTRICTIVE COVENANTS affecting the land?	
☐ Yes ☒ No	If "Yes" describe the easement or covenant and its effect:

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:
21.4 (a) Lot Frontage Reduction from 12 metres to 10.35 metres
21.4 (c) Lot Area Reduction from 4oo sq metres to 251 square metres

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:
To recognize certain deficiencies to faciltate the creation of a single family residential dwelling.

Section 12

DATE OF ACQUISITION of the land by the current owner:
February 1, 2022

Section 13

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

Section 14

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

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	☐ Yes	■ No
Zoning By-Law Amendment	☐ Yes	■ No
Minor Variance	☐ Yes	■ No
Plan of Subdivision	☐ Yes	■ No
Consent	■ Yes	☐ No
Site Plan	☐ Yes	■ No

15.2 If the answer to the above is yes, and if known, provide the following for each application noted:
File number of the application: concurrent 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

16.1 ALL EXISTING USE

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

_____

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

unknown

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

- ☐ Yes
- ☒ 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

16.4 ALL PREVIOUS USE

- [x] Residential
- [ ] Industrial
- [ ] Commercial
- [ ] Institutional
- [ ] Agricultural
- [ ] Parkland
- [ ] Vacant
- [ ] Other

_____

16.5 ALL ADJACENT USE(S)

	NORTH	SOUTH	EAST	WEST
Residential	☑	☑	☑	☑
Industrial	☐	☐	☐	☐
Commercial	☐	☐	☐	☐
Institutional	☐	☐	☐	☐
Agricultural	☐	☐	☐	☐
Parkland	☐	☐	☐	☐
Vacant	☐	☐	☐	☐
Other				

16.6 If Industrial or Commercial, specify use

n/a

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

- [ ] Yes
- [x] 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
- [x] No
- [ ] Unknown

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

- [ ] Yes
- [x] 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
- [x] 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 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 May 12/23
Date

X Susan Nenadovich
Signiture of Owner

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 MAY 12/23
Date

X
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 Joseph M. Tomaino

Of the City/Town/Township of Welland

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 15th day of May

A.D 20 23.

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

A Commissioner, etc.

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

X

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: City Clerk, Freedom of Information and Privacy Officer: 66 Charlotte Street, Port Colborne, Ontario L3K 3C8 (905) 835-2900 Ext. 106.

AUTHORIZATIONS

LOCATION OF SUBJECT LANDS:

510 Main Street West

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

Joseph M. Tomaino

(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 12th day of May 2023

X _____ X Susan Venadovich

Signature of Witness Signature of Owner

X _____ X _____

Signature of Witness Signature of Owner

X _____ X _____

Signature of Witness 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, 7th 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, 7th 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

FOR OFFICE USE ONLY

(Not to be completed by the applicant)

Date of Receipt of Completed Application:
Public hearing Date:
Adjourned Public Hearing Date:
Checked for completeness by:

Processing

Date: _____

Accepted by Manager of Planning and Development Services:
Circulated:

Comments Received:
Solicitor:
Engineer:
☐ C.B.O ☐ Fire Chief ☐ C. N. Power ☐ Region ☐ NPCA ☐ MTO ☐ MOE ☐ Other _____

Notice of Public Meeting:
Public Meeting:
Committee Approval:
Notice Given:
Final Day for OMB Appeal:
OMB Appeal:
OMB Hearing:
OMB Decision:
Final Day to Satisfy Conditions: