



**PORT COLBORNE**

Committee of  
Adjustment  
- Notice of Decision -

**Application A22-23-PC**

**January 25, 2024**

**IN THE MATTER OF** the Planning Act, R.S.O., 1990, c.P.13, as amended, and Sections 3.7 (b), 3.11.1 (a), and 8.7 (c), (d), and, (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 Part of Park Lot 6 Plan 987, 988, and 989, in the City of Port Colborne, located in the Fourth Density Residential (R4) zone, municipally known as a vacant lot on Catharine Street.

**AND IN THE MATTER OF AN APPLICATION** by the agent Chris Lamb on behalf of the owner, The Landscape Depot, 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 construction of a stacked townhouse development, notwithstanding the following:

1. That a landscape buffer of 1.5m be permitted whereas 3m is required.
2. That a driveway width of 6m be permitted, whereas 7.5m is required for two-way traffic.
3. That a front yard setback of 6.2m be permitted, whereas 9m is required.
4. That a side yard landscape buffer of 0m be permitted, whereas 3m is required for a parking area abutting a residential zone.
5. That a minimum interior side yard setback of 2m be permitted, whereas 3m is required.

Given the information above, Planning Staff recommends that the proposed variances for landscape buffer reduction, front yard setback, and side yard setback, identified on the Notice of hearing as numbers 1, 3, 4, and 5, on A22-23-PC be **granted** for the following reasons:

1. **The application is minor in nature** as the landscape buffer reductions are meant to buffer uses that may be incompatible and are located adjacent to neighbouring parking lots, reducing compatibility concerns. The front and side yard setback reductions are required to accommodate the required amount of parking on the property.
2. **It is appropriate for the development of the site** as the front and side yard setbacks are being requested to accommodate parking at the back of the property.
3. **It is desirable and in compliance with the general intent and purpose of the Zoning By-Law** as it ensures that adequate spacing between parking

areas and adjacent sensitive uses is maintained.

- 4. It is desirable and in compliance with the general intent and purpose of the Official Plan** as the Official Plan permits the development of stacked townhouses within the Urban Residential designation.

**NOTE:** No public comments were received during the decision-making process.

**DATED AT PORT COLBORNE** this 25<sup>th</sup> day of January 2024.

**DECISIONS SIGNED:**

| <b>“Dan O’Hara”</b>                | <b>“Angie Desmarais”</b>            | <b>“Eric Beauregard”</b>            | <b>“Gary Bruno”</b>                 |
|------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Signature of<br>Committee<br>Chair | Signature of<br>Committee<br>Member | Signature of<br>Committee<br>Member | Signature of<br>Committee<br>Member |
| <b>Dan O’Hara</b>                  | <b>Angie Desmarais</b>              | <b>Eric Beauregard</b>              | <b>Gary Bruno</b>                   |

## THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL MAY BE FILED IS:

February 6<sup>th</sup>, 2023

The Decision of the Committee of Adjustment, when not appealed, does not become final and binding until **20 days** from the making of the decision has elapsed as set in subsection (12) of Section 45 of The Planning Act, R.S.O. 1990, c.P. 13, as amended.

### Appeal to the Ontario Land Tribunal

The applicant, the Minister, or any specified person or public body who has an interest in the matter may within 20 days of the making of the minor variance decision (20 days from date of the decision) appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a completed Appellant Form (A1) accompanied by payment of the fee. **A copy of the appeal form is available on the Ontario Land Tribunals website at <https://olt.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>**

### Cost of the Appeal

The cost of the appeal is \$400 for the first consent or minor variance application. Each additional appeal filed by the same appellant against connected consent or minor variance applications is \$25.00. Appeal fees must be paid by certified cheque or money order to the **Minister of Finance**.

### OLT Process

On an appeal to the OLT, the Tribunal shall, except if all appeals are withdrawn or if the Tribunal dismisses the appeal, hold a hearing of which notice shall be given to the applicant, the appellant, the Secretary-Treasurer of the Committee, and to such other persons in a manner that the Tribunal may determine. If within such 20 days no notice of appeal is given, the decision of the committee is final and binding and the Secretary-Treasurer shall notify the applicant. Where all appeals to the OLT are withdrawn, the decision of the committee is final and binding and the Secretary of the Tribunal shall notify the Secretary-Treasurer of the committee who in turn shall notify the applicant.

### OLT Dismissal Without Hearing

The OLT may dismiss the appeal and may make any decision that the Committee could have made on the original application. The OLT may dismiss all or part of any appeal without holding a hearing, on its own motion or on the motion of any party if it is the opinion that,

1. The reasons set out in the notice of appeal do not disclose any apparent land

- use planning ground which the Tribunal could allow all or part of the appeal;
2. The appeal is not made in good faith, or is frivolous, or vexatious;
  3. The appeal is only made for the purpose of delay;
  4. The appellant has not provided written reasons for the appeal;
  5. The appellant has not paid the fee prescribed under the *Ontario Land Tribunal Act*, or;
  6. The appellant has not responded to a request by the OLT for further information within the time specified by the Tribunal.

### Appeals Should Be Directed To:

Secretary-Treasurer  
Port Colborne Committee of Adjustment  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario L3K 3C8  
Telephone: (905) 835-2900 ext. 204