



PORT COLBORNE City of Port Colborne
Committee of Adjustment Meeting Addendum

Date: Wednesday, September 11, 2024
Time: 6:00 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Pages

5. New Business

5.4 A21-24-PC - VL Steele Street

*a. A21-24-PC - Planning Report

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5.5 A22-24-PC - VL Fielden Avenue

*a. A22-24-PC - Planning Report

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5.6 A23-24-PC - VL Northland Avenue

*a. A23-24-PC - Planning Report

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Development and Government Relations Department
 Planning Division Report

September 9, 2024

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

Re: Application for Minor Variance A21-24-PC
Vacant Lot on Steele Street
Plan 792 Part of Borden Avenue East side of Knoll Street, Part 2 on Reference
Plan 59R17542
Owner(s): Henley Heights Construction Inc

Proposal

The purpose of this application is to permit the construction of a new detached dwelling with an interior accessory dwelling unit, and another accessory dwelling unit in the proposed accessory building. The application is requesting an increase in the total permitted accessory building lot coverage of 10% to a proposed 14%, and an increase in the maximum permitted floor area of the proposed interior accessory dwelling unit from 40% of the gross floor area of the principal dwelling to 45%.

Surrounding Land Uses and Zoning

The parcels surrounding the subject lands are zoned First Density Residential (R1) to the north, south, and west; and Second Density Residential (R2) to the east and west. The surrounding uses consist of primarily of detached dwellings to the east, west, north, and south.



Official Plan

The subject lands are designated as Urban Residential in the City of Port Colborne Official Plan. This designation supports the development of accessory dwelling units.

Zoning

The subject lands are in a special provision of the R1 zone (R1-69) under Zoning By-law 6575/30/18, which permits residential uses including detached dwellings, and uses, structures and buildings accessory thereto. The by-law to permit the special provision, By-law 7010/48/22, is attached as Appendix A.

Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

Public Comments

Notice was circulated on August 30, 2024, as per section 45 (5) of the *Planning Act*, to properties within 60m of the subject lands. As of September 9, 2024, no comments from the public have been received.

Agency Comments

Notice was circulated on August 16, 2024, to internal departments and external agencies. As of September 9, 2024, the following comments have been received:

Drainage Superintendent

No comments.

Fire Department

No objections.

Engineering Technologist

No comments.

***Planning Act* – Four Tests**

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

Is the application minor in nature?

Planning staff find the requested variances to be minor in nature. The increase in the maximum permitted accessory lot coverage of 10% to 14%, and in the maximum permitted accessory dwelling unit floor area of 40% the gross floor area of the principal dwelling to 45% constitutes a minor increase, of 5% or less per request. The increase in accessory lot coverage and accessory dwelling unit floor area will not negatively impact the subject lands or those adjacent. The accessory structure is proposed to be situated behind the dwelling, towards the back of the lot, which will help mitigate the increased size of the proposed structure. The maximum accessory lot coverage and accessory dwelling unit floor area provisions intend to ensure that accessory structures remain a secondary use to the primary use of the dwelling. As the area of the accessory structure will not exceed the area of the dwelling, Planning staff are satisfied that the application is minor in nature. The requested variances are in keeping with the height of similar structures in the neighbourhood, and allows the accessory building to remain accessory to the dwelling.

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

The proposal is desirable and appropriate as the development is located in a suitable location on the site. The proposed development reflects the types of dwellings and uses already existing in the neighbourhood. The requested variances are minimal and will facilitate the addition of three new dwelling units to the available housing stock in the City. The development is compatible with the majority of the requirements of the Zoning By-law, with the exception of the requested variance, indicating that the proposal is therefore desirable for the appropriate development of the subject lands.

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

The Zoning By-law permits accessory dwelling units within the R1-69 zone, and the proposal meets the majority of the zoning requirements. The accessory structure will remain accessory in nature to the primary dwelling as the structure will not be larger than the primary dwelling. Planning staff find the 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?

Planning staff find this variance application meets the general intent and purpose of the Official Plan, as the Official Plan permits accessory structures and accessory dwelling units within the Urban Residential designation.

Recommendation:

Given the information above, Planning staff recommend application A21-24-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,

A handwritten signature in black ink, appearing to read 'D Vasu', written over a light gray grid background.

Diana Vasu, BA, MA
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'Denise Landry', written over a light gray grid background.

Denise Landry, MCIP, RPP
Chief Planner

Appendix A

The Corporation of the City of Port Colborne

By-law no. 7010/48/22

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of the Borden Avenue Road allowance lying between Knoll Street to the west and Steele Street to the east, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as a part of the Borden Avenue Road allowance.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

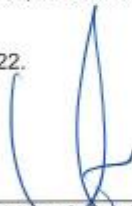
1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A8" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A to First Density Residential (R1) and R1-69, being a special provision of the First Density Residential (R1) zone.
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:
R1-69

Notwithstanding the provisions of the First Density Residential (R1) zone, the following regulations shall apply:

- a) Minimum Lot Frontage 12 metres

4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this 12th day of July, 2022.



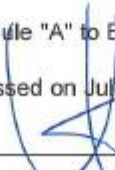

William C. Steele
Mayor



Nicole Rubli
Acting Clerk

Schedule A to By-law no. 7010/48/22



<p>This is Schedule "A" to By-law No. <u>7010/48/22</u></p> <p>Passed on July 12th, 2022.</p> <p>_____  Mayor</p> <p>_____  Clerk</p>	<table border="1"> <tr> <td data-bbox="974 1501 1055 1543"></td> <td data-bbox="1063 1501 1352 1543">- Lands to be rezoned to R1</td> </tr> <tr> <td data-bbox="974 1554 1055 1596"></td> <td data-bbox="1063 1554 1352 1596">- Lands to be rezoned to R1-69</td> </tr> </table> <p>June 2022</p> <p>File No. D14-04-22</p> <p>Drawn by: DS - City of Port Colborne Planning Division</p>		- Lands to be rezoned to R1		- Lands to be rezoned to R1-69
	- Lands to be rezoned to R1				
	- Lands to be rezoned to R1-69				



Development and Government Relations Department

Planning Division Report

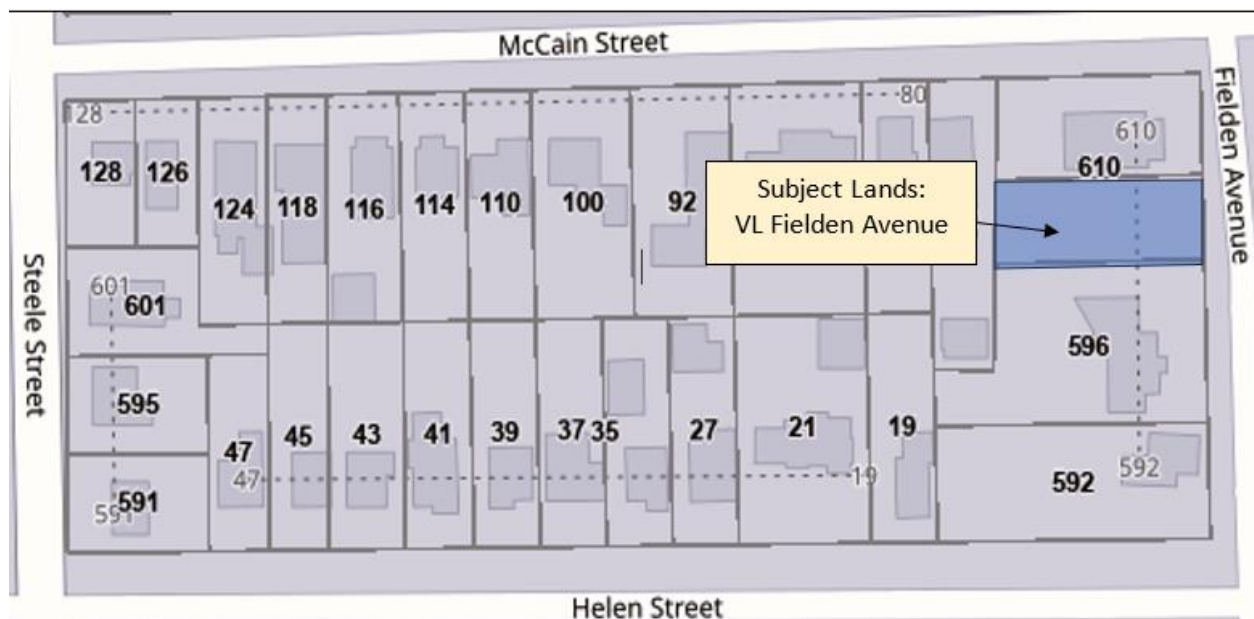
September 9, 2024

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

**Re: Application for Minor Variance A22-24-PC
Vacant Lot on Fielden Avenue
Part of Lots 1 and 2 on Plan 773, Part 1 on Reference Plan 59R16307
Owner(s): Henley Heights Construction Inc**

Proposal

The purpose of this application is to permit the construction of a semi-detached dwelling with an accessory dwelling unit in each half of the proposed dwelling. The application is requesting that an accessory dwelling unit floor area 45% the gross floor area of the principal dwelling be permitted, whereas a maximum of 40% is required; and that a minimum lot frontage of 14.7m be permitted for a semi-detached dwelling, whereas 18m is required.



Surrounding Land Uses and Zoning

The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, south, east, and west. The surrounding uses consist of primarily of detached dwellings to the north, south, east, and west.

Official Plan

The subject lands are designated as Urban Residential in the City of Port Colborne Official Plan. This designation supports residential uses, including semi-detached dwellings and accessory dwelling units.

Zoning

The subject lands are in the R2 zone under Zoning By-law 6575/30/18, which permits residential uses including detached dwellings, and uses, structures and buildings accessory thereto.

Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

Public Comments

Notice was circulated on August 30, 2024, as per section 45 (5) of the *Planning Act*, to properties within 60m of the subject lands. As of September 9, 2024, no comments from the public have been received.

Agency Comments

Notice was circulated on August 16, 2024, to internal departments and external agencies. As of September 9, 2024, the following comments have been received:

Drainage Superintendent

No comments.

Fire Department

No objections.

Engineering Technologist

No comments.

***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 variances to be minor in nature. The increase in the maximum permitted accessory dwelling unit floor area of 40% the gross floor area of the principal dwelling to 45% constitutes a minor increase which will not negatively impact the subject lands or those adjacent. The request for a reduced lot frontage of 14.7 metres for a semi-detached dwelling, whereas 18 metres is required, is a minor reduction which will facilitate the addition of 4 additional dwelling units to the supply of housing stock available in the City. The maximum accessory dwelling unit floor area provision intends to ensure that accessory structures remain a secondary use to the primary use of the dwelling. Lot frontage requirements intend to create a cohesive streetscape and provide residents with adequate parking and amenity space. The effect of the reduced frontage will be negligible as the lot is already existing, and enough space remains adequate amenity and parking space. The proposal will support 2 tandem parking spaces in each of the proposed driveways, for a total of 4 parking spaces to support the 4 proposed dwelling units. As the area of the accessory structure will not exceed the area of the dwelling, Planning staff are satisfied that the application is minor in nature.

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

The proposal is desirable and appropriate as the development is located in a suitable location on the site. The proposed development reflects the types of dwellings and uses already existing in the neighbourhood. The requested variances are minimal and will facilitate the addition of 4 new dwelling units to the available housing stock in the City. The development is compatible with the majority of the requirements of the Zoning By-law, with the exception of the requested variance; the proposal is therefore desirable for the appropriate development of the subject lands.

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

The Zoning By-law permits accessory dwelling units within the R2 zone, and the proposal meets the majority of the zoning requirements. The accessory structure will be accessory in nature to the primary dwelling as the structure will not be larger than the primary dwelling. The reduced lot frontage will still provide adequate parking and amenity space for the 4 additional dwelling units. Planning staff find the application to be in keeping with the general intent and purpose of the Zoning-By-law.

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

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

Recommendation:

Given the information above, Planning Staff recommends application A22-24-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,



Diana Vasu, BA, MA
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner



Development and Government Relations Department

Planning Division Report

September 9, 2024

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

**Re: Application for Minor Variance A23-24-PC
Vacant Lot on Northland Avenue
Concession 2, Part of Lot 31, Parts 2 to 5 on Reference Plan 59R1186, Parts 1 and 2
on Reference Plan 59R12021
Agent: Matt Kernahan
Owner(s): 2600261 Ontario Inc.**

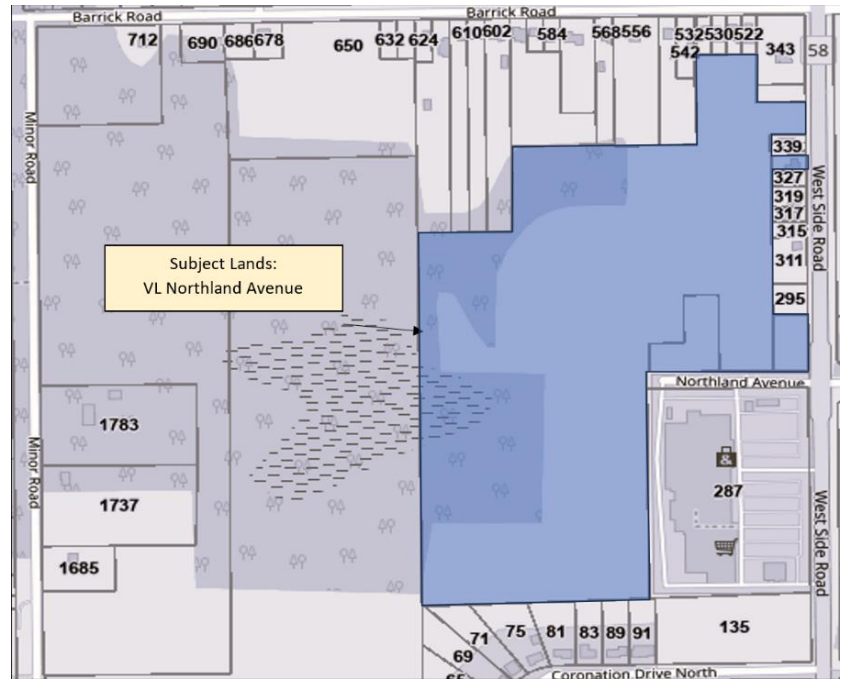
Proposal

The purpose and effect of this application is to facilitate the construction of a subdivision, Northland Estates. An application has also been submitted for a Redline Revision of a Draft Plan of Subdivision (file: D12-03-24; see Appendix A). Application A23-24-PC is requesting the following:

Zoning By-law Section	Provision	Required	Proposed
2.19.1	Minimum setback for uncovered stairs of the first storey of a dwelling to a lot line	0.5 m	0.3 m
3.2	Minimum parking space width of parking space obstructed on two sides	3.5 m	3 m
37 (Special Provision: R3-73)	Minimum lot area for townhouses	180 m ²	160 m ²
7.8 (c)	Minimum front yard setback	6 m	7.5 m
7.8 (e)	Minimum corner side yard setback	4.5 m	3 m
2.19.1	Minimum corner side yard setback from a deck 1.2m or greater above the ground floor level to a lot line	4.5 m	1.5 m
7.8 (g)	Maximum dwelling height	11 m	12 m

Surrounding Land Uses and Zoning

The parcels surrounding the subject lands are zoned First Density Residential (R1) and Residential Development (RD) to the north; Institutional (I), Fourth Density Residential (R4), Commercial Plaza (CP), Third Density Residential (R3), and R1 to the east; R1 to the south; and Rural Residential (RR) with an Environmental Conservation (EC) overlay to the west. The surrounding land uses consist of residential, commercial, and institutional uses, and of vacant environmentally protected lands.



Official Plan

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

Zoning

The subject property is in a special provision of the Third Density Residential zone (R3-73), a special provision of the Mixed-Use zone (MU-74), the Public and Park zone (P), and the Environmental Conservation zone (EC), in accordance with Zoning By-Law 6575/30/18, as amended by By-law 7141/83/23. Residential uses are permitted uses in this zone.

Environmentally Sensitive Areas

The subject property contains a Wetland with Significance, Other Wetlands and Non Provincially Significant Wetlands, and Significant Woodlands in the Niagara Region's Natural Environment System (NES) mapping, which includes wetland features regulated by the Niagara Peninsula Conservation Authority (NPCA). The Region and NPCA were both circulated on this application for comments; however, both agencies indicated that their environmental requirements will be addressed through the concurrent redline revision to the Northland Estates draft plan of subdivision application (file no. D12-03-24).

Public Comments

Notice was circulated on August 28, 2024, as per section 45 (5) of the *Planning Act*. As of September 9, 2024, no comments from the public have been received.

Agency Comments

Notice was circulated on August 16, 2024. As of September 9, 2024, the following comments have been received.

Niagara Region

No Regional circulation required. Staff will review through the redline revision to the Draft Plan of Subdivision.

NPCA

The NPCA recognizes that the Northland Estates Subdivision has gone through the process of Draft Plan of Subdivision. While NPCA's concerns were not fully addressed through the Draft Plan of Subdivision, the NPCA recognizes that formal draft approval has been received for the Northland Estates Subdivision. The circulated application form notes several requested variances, the mentioned variances include lot area, front yard setback, exterior side yard setback, height, garage width, and stair setback.

Due to the formal draft plan approval, the NPCA has no comments for the minor variance application. The NPCA looks forward to being involved in the clearance of draft plan conditions for the subdivision.

Drainage Superintendent

No comments.

Fire Department

Emergency Access (Block 93) is required to be 6 meters in width. As the density of the building has changed, a revised Functional Servicing Report for the Firefighting water flows is required. Port Colborne Fire shall be conducting a full site plan review due to the changes purposed.

Staff Response

Planning staff will address the items identified above through the subdivision process.

Engineering Technologist

No comments.

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?

Planning staff find the requested variances to be minor in nature. The variances have been requested to facilitate the construction of a subdivision that primarily proposes townhouse units, which are a traditionally smaller housing form. The requested reduction in various setbacks, lot area, and parking space width will permit townhouse units that are slightly smaller than the existing townhouse unit size requirements, but still larger than the zoning requirements for apartment units. The requested increase in dwelling height for the proposed townhouse units will enlarge the smaller housing option by providing extra vertical space. The functional impact of the increase in height and the decrease in the setback for uncovered stairs of the first storey of a dwelling to a lot line, the corner side yard setback from a deck 1.2m or greater above the ground floor level to a lot line, the minimum width of a parking space obstructed on two sides, the lot area, the front yard

setback, and the corner yard setback will be negligible as the neighbouring units will be constructed with the same variances.

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

The proposal is desirable and appropriate as the application is being requested to accommodate permitted uses on the subject property and facilitate the development of land designated as Greenfield in the Official Plan. The subject lands include environmental features which prevent the westerly portion of the lands from development. The requested variances are required to ensure that the subject lands are developed with an appropriate density to make efficient use of the lands, contributing to the increase of housing options within the City while ensuring the environmental features are adequately protected from the potential impact of the proposed development.

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

Planning staff find this application to be in keeping with the general intent and purpose of the Zoning By-law. The general intent and purpose of the required setbacks for uncovered stairs and decks are to ensure that dwelling units are adequately separated. Similarly, the general intent and purpose of the minimum lot area and front yard setback are to ensure lots are large enough to accommodate an adequately sized dwelling unit, as well as provide the required parking and amenity space for residents. The minimum width of a parking space obstructed on two sides intends to provide enough space to safely park larger vehicles despite the obstructions—in this case, the obstructions on both sides are in reference to the garages for the proposed units. The corner side yard setbacks intend to mitigate potential siteline issues associated with corner lots, while the maximum dwelling height intends to reduce shadowing and privacy concerns to adjacent dwelling units. The lots, dwelling units, yards, and parking spaces being narrower, taller, and closer together than other housing options within the City will provide opportunities for those seeking more compact and affordable housing options with less required maintenance. Planning staff note that the requested variances are to establish the absolute maximum dwelling height and minimum setbacks, lot area, and parking space widths. Given the increased regulatory controls available through the subdivision process, Planning staff are satisfied that any potential concerns which could result from the proposed variances can be addressed through the draft plan approval process.

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

The subject lands are within the Urban Residential designation in the Official Plan which permits residential uses. The lands are also in a designated Greenfield Area, wherein growth and development are to be encouraged by promoting compact, mixed use development with higher densities and a greater mix of housing types. As the variances have been requested to facilitate the development of compact and higher density townhouse units within a subdivision that also proposes a mixed use block and detached dwellings, Planning staff find this variance application meets the general intent and purpose of the Official Plan.

Recommendation

Given the information above, Planning Staff recommends application A23-24-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,



Diana Vasu, BA, MA
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Appendix A

