



## City of Port Colborne

Municipal Offices  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8  
[www.portcolborne.ca](http://www.portcolborne.ca)

### Planning and Legislative Services

#### Planning Division Report

November 3rd, 2023

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

**Re: Application for minor variance A24-23-PC  
Lot 137 and Plan 797  
VL Oakwood Street  
Agent: N/A  
Owner(s): Jordan Michels and Matthew Beeke**

#### Proposal:

The purpose and effect of this application is to permit reduced rear yard setback of 4.17m where 6m is permitted. The applicant is requesting the variance to facilitate the construction of an enclosed deck attached to the dwelling.

#### Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Mixed Used (MU) to the north, and west, and Second Density Residential to the east and south. The surrounding uses consist of residential dwellings to the north, east, south, and west.

#### Official Plan:

The subject property is designated as Downtown Commercial in the City's



Official Plan (OP). This designation permits residential uses.

**Zoning:**

The subject property is zoned as Mixed Use (MU) in accordance with Zoning By-Law 6575/30/18. Detached dwellings are permitted in this zone.

**Environmentally Sensitive Areas:**

The subject lands do not contain any environmentally sensitive areas.

**Public Comments:**

Notice was circulated on October 25<sup>th</sup>, 2023, to adjacent landowners within 60m of the subject property as per the Planning Act. As of November 3<sup>rd</sup>, 2023, no comments from the public have been received.

**Agency Comments:**

Notice was circulated on October 16<sup>th</sup>, 2023, to internal departments and agencies. As of November 3<sup>rd</sup>, 2023, the following has been received.

Drainage Superintendent

There are no concerns regarding municipal drains for this application.

Fire Department

Port Colborne Fire has no objection to the proposed application.

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?***

The proposed application is minor in nature as the requested relief for rear yard setback is to accommodate a covered patio. The intent of the rear yard setback is to ensure that enough amenity space can be provided for the residents of the dwelling. Staff are satisfied that the reduction from 6m to 4.17m still allows for an adequate amount of amenity space in the yard, and the patio can be considered as amenity space as well.

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

The application is desirable for the development and use of the subject lands as detached dwellings are a permitted use on the property. When patios and decks are proposed to be covered and attached to the dwelling, they are considered to be part of the dwelling and must conform to the required setbacks. Covered decks can be used as amenity space and as such, are considered to be appropriate for the land, building or structure.

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

The requested variance is in keeping with the general intent and purpose of Zoning Bylaw 6575/30/18. The rear yard setback requirement intends to ensure an adequate amount of amenity space for the residents of the dwelling. Staff are satisfied that the proposed rear yard setback still maintains adequate amenity space as the relief is only for the northern side of the rear yard, leaving additional space on the southern side. Additionally, the deck can be considered amenity space as well.

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

The subject property is in keeping with the general intent and purpose of the City of Port Colborne Official Plan, as the Downtown Commercial designation permits residential uses.

**Recommendation:**

Given the information above, Planning Staff recommends application A24-23-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,



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Planner

Submitted by,



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