
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 Consent B17-23-PC
Lot 24 on Plan 843
30 Louis Street
Agent: Mayu Balasubramaniam
Owner(s): Anbalahan Selvakunarajah**

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 2 (as depicted on Appendix A) having a lot frontage of 9.1m along Fare Street and a lot area of 290.48m² for an existing residential use. Part 1 will retain a lot frontage of 11.017m on Fares Street with a lot area of 342.95m² for an existing residential use. The purpose of this severance is to separate two dwellings that are located on one lot.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Third Density Residential (R3) to the north, south, east, and west. The surrounding uses consist of residential dwellings to the north east, south, and west.

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

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



Agency Comments:

Notice was circulated on October 16th, 2023, to internal departments and agencies. As of November 3rd, 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

Engineering Staff recommend a topographic survey to identify the existing drainage patterns and to ensure that the parts, when severed, can drain independently of one another. Should existing surface water runoff from any part currently flowing across or onto adjacent parts and all options to manage or redirect said surface water have been exhausted, a mutual agreement drain or mutual drainage agreement on title with the affected property or properties is highly recommended.

Please have the applicant confirm that existing site services for each dwelling is wholly contained on their respective parcel, otherwise, the relocation of existing services will be required.

Due to the lack of an entrance for 262 Fares Street, if supported, the proposed severance should consider the creation of an entrance from Louis Street for 262 Fares Street.

Engineering Staff are also requesting that a 3.5m x 3.5m sightline triangle be given to the City at the corner of Fares Street and Louis Street.

Staff Response

Planning Staff have included conditions that the applicant must provide a topographic survey and that they confirm that the services are wholly contained on each parcel, and that the sightline triangle be given to the City. Staff advise the applicant that they are not required to provide a parking space for the property at 262 Fares Street as the parking requirements are considered legal non-conforming.

Niagara Region (Full comments in Agenda Package)

Regional staff observes that the proposal is for the recreation of a merged lot and recognition of the existing structures located on-site. As no development or site alteration is contemplated, staff offer no archaeological assessment requirements.

Discussion:

This application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan*, and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses that efficiently use land and resources.

Staff is satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land and resources by providing for each dwelling to be located on its own parcel and no new services are required.

The Growth Plan designates the subject parcel as within a “Delineated Built-up Area” within a “Settlement Area” where development is to be directed and intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports a range of housing types and is located in the settlement area, where development is to be directed.

The Regional Official Plan (ROP), designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Intensification is generally encouraged throughout the Built-up Area and includes residential uses that make efficient use of existing services.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lot adds to the intensification of the built-up area by providing another lot within the Built-up Area and makes efficient use of the existing services.

City of Port Colborne Official Plan

The subject property is designated as Medium Density Urban Neighbourhood within the East Waterfront Secondary Plan in the City’s Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is encouraged.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road. The Official Plan also provides for the collection of cash-in-lieu of parkland dedication as a condition of consent. Staff has determined that cash-in-lieu of parkland does not apply. Parkland dedication is required when new development is proposed that would increase the population of the City and add more users to the parkland system. As a result of this application, no new units have been proposed which means, there will be no population increase. If the applicant decides to intensify either parcel in the future, the collection of cash-in-lieu of parkland dedication will be applied to the building permits.

City of Port Colborne Comprehensive Zoning By-law 6575/30/18

The subject lands are zoned Third Density Residential (R3) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 11.017m and a lot area of 342.95m²

Part 2: A lot frontage of 9.1m and a lot area of 290.48m².

Minor variance applications have been submitted to request relief from the provisions of the Zoning By-law regarding lot creation. In the R3 zone, a lot frontage of 12m is required for a detached dwelling, and a lot frontage of 15m is required for a detached dwelling on a corner lot. The applications also request relief from the lot area provisions for Part 1 and 2 as well as setback requirements for both parts. Planning Staff has no concerns with the requests and has been reviewed with consideration of the 4 tests for minor variance in the report for applications A20-23-PC and A21-23-PC.

The proposed lot dimensions are not a concern for staff, as both of the buildings on the property are existing and the application proposes to provide for each dwelling to be located on its own parcel. Parking is not a concern for Staff either as parking requirements are considered to be 'legal non-conforming'. No parking exists for the dwelling at 262 Fares Street and no new units have been proposed.

Staff notes that the proposed lot line dissects the existing patio on the south side of the dwelling at 262 Fares Street. This will need to be removed from the dwelling in order to not encroach over the property line. Staff have included this as a condition of the consent.

Staff is satisfied that all the requirements of the zoning by-law will be met, subject to the approval of minor variance applications A20-23-PC and A21-23-PC

Recommendation:

Given the information above, Planning Staff recommends application B17-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with a draft transfer and a copy the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$231 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant provide Staff with a master lot grading plan to identify the existing drainage patterns and ensure that the parts, when severed can drain independently of one another.
4. That the applicant provides the City with a 3.5m x 3.5m sightline triangle at the corner of Fares Street and Louis Street.
5. That the applicant confirms the location of the existing site services to Staff, to the satisfaction of City Staff.
6. That the applicant removes the existing patio on the south side of the dwelling located at 262 Fares Street, or alters it in a way that meets the requirements of the by-law or to the satisfaction of City Staff.
7. That minor variance applications A20-23-PC and A21-23-PC be approved.

8. That all conditions of consent be completed by November 8th, 2025.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,



Chris Roome, BURPI, MCIP, RPP
Planner

Submitted by,



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Chief Planner

