

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 A20-23-PC
Lot 24 on Plan 843
30 Louis Street
Agent: Mayu Balasubramaniam
Owner(s): Anbalahan Selvakunarajah

Proposal:

The applicant is requesting the following variances to facilitate the creation of a new lot on Part 1 for an existing detached dwelling:

1. Reduce the lot frontage from 15 meters to 11.02 meters;
2. Reduce the lot area from 400m² to 342.95m²;
3. Reduce the front yard setback from 6.5 meters to 3.45 meters;
4. Reduce the interior side yard setback from 1 meters to 0.37 meters; and
5. Reduce the corner side yard setback from 3.5m to 3.45m.

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.



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 new residential lots and intensification is encouraged.

Zoning:

The subject property is zoned Third Density Residential (R3) 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 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.

Staff Response

These comments will be addressed as a part of the concurrent severance application (B17-23-PC).

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 to the lot frontage, lot area, front yard, and side yard and corner side yard are the result of the configuration of the existing building footprint. The front yard and corner side yard setbacks are existing, and the lot frontage, lot area, and side yard setback are required to facilitate the concurrent severance application. The surrounding parcels on Fares Street and Louis Street appear to be of similar size to the newly severed parcel and the building envelope displays that the parcel can retain sufficient driveway, landscaped, and amenity space.

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. The proposed variance will facilitate the development of the subject property to accommodate residential uses by retaining the detached dwelling on the severed parcel. The surrounding parcels consist of dwellings and lots of similar nature, therefore the application is appropriate for the surrounding lands, buildings, and uses.

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 existing dwelling has remained in place prior to the current provisions of the Zoning By-law, and the lot reductions are a result of the parcel severance and not any new construction. Section 2.12 of the zoning by-law indicates that only one principal building can be present on a lot, whereas the parcel severance will allow for the dwelling to function as the principal building on the subject parcel. The reductions in lot area, frontage, and yard setbacks will not negatively impact the adjacent properties as the building footprints currently exist, therefore staff is satisfied that the application is in keeping with the general intent and purpose of the Zoning Bylaw.

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 Medium Density Urban Neighbourhood designation

permits residential uses, creation of new residential lots, and intensification. The proposed development and Minor Variance application appears to be consistent with the size and scale of developments in the neighbourhood and is in keeping with the character of the community. In this instance, the requested variances would maintain the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A20-23-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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Submitted by,



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