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**Planning and Legislative Services**

Planning Division Report

January 12, 2024

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

**Re: Application for Consent B21-23-PC  
19 Lakeshore Road  
Part of Lots 5 and 6 on Plan 803  
Agent: Dylan Earl  
Owner(s): Leo Di Fabio**

**Proposal:**

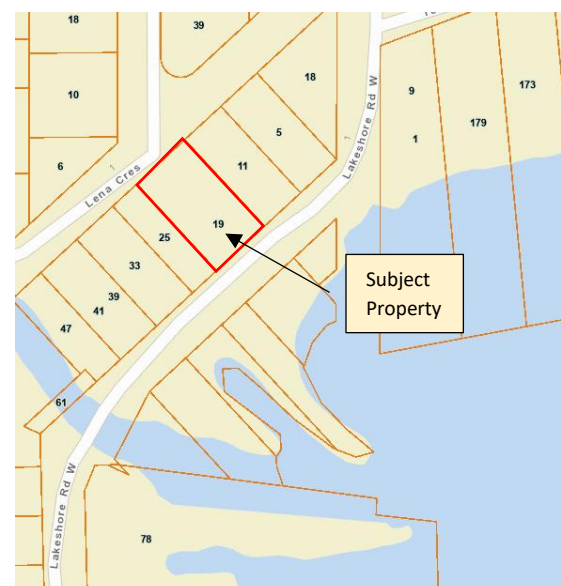
The purpose of this application is to permit the severance of the parcel at 19 Lakeshore Road, for the purpose of creating a new lot. Parts 1 and 4 (See appendix A) will both have a lot frontage of 15.24m and a lot area of 418m<sup>2</sup>, for future residential uses, where Part 4 is proposed to be severed and Part 1 to be retained.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned First Density Residential (R1) to the north, east, and west. The surrounding uses consist of single detached dwellings to the north, east, and west, with Lake Erie being located to the south.

**Environmentally Sensitive Areas:**

The subject lands do not contain any environmentally sensitive areas.



## **Public Comments:**

Notice was circulated on December 20<sup>th</sup>, 2023, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of January 12<sup>th</sup>, 2024, no correspondence from the public has been received.

## **Agency Comments:**

Notice was circulated on December 5<sup>th</sup>, 2023, to internal staff and agencies. As of January 12<sup>th</sup>, 2024 the following has been received.

### Drainage Superintendent

The parcel is in the watershed for the Eagle Marsh Drain however, there are no specific comments for the application.

### Fire Department

Port Colborne Fire has no objection to the proposed application.

### Development Services Supervisor

Engineering has no concerns with the lot severances.

### Niagara Region (See full comments in Agenda Package)

Regional Staff offers no objection to the proposed application, subject to the inclusion of the condition regarding the acceptance of the Archaeological assessment by the Ministry of Citizenship and Multiculturalism.

### Staff Response

Planning Staff have included the condition provided by the Region in the recommendation below.

## **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 consent is consistent with the PPS. The application efficiently uses land and resources by providing a buildable lot and promoting growth within the settlement area.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where 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. Furthermore, they support a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports and encourages development in the delineated built-up area, which will contribute to intensification.

The Niagara Official Plan (NOP), identifies 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 NOP. The proposed lots add to the intensification of the built-up area and make efficient use of the existing infrastructure and services. The application promotes intensification through development within an established Built-up area, where municipal roads and servicing are present. The retention of residential uses on the subject property aligns with the Region’s encouragement of intensification, through developing residential uses that are efficiently supported by existing infrastructure and servicing.

#### City of Port Colborne Official Plan

The subject property is designated as Urban Residential 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, which requires that severance applications must be submitted with an Ontario Land Surveyors Sketch and that each parcel has frontage on a public road. This section also provides for the collection of parkland dedication as a result of lot creation. Staff has established that parkland dedication fees are required to be collected before a building permit can be issued, and as such, Staff will include a condition that the applicant signs the City’s Memorandum of Understanding, stating that they are aware of the requirements for the collection of parkland dedication as set out in by-law number 4748/130/05.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. Staff is satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the severed and retained lot will have frontage on a public road.

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

The subject lands are zoned First Density Residential (R1) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 15.24m and a lot area of 418m<sup>2</sup>

Part 4: A lot frontage of 15.24m and a lot area of 418m<sup>2</sup>

R1 zoning permits detached dwellings and accessory structures and buildings thereto. The minimum frontage required for a detached dwelling is 15m and 500m<sup>2</sup> of total lot area. From the information above and on Appendix A, the proposal indicates that the frontage has been met, however the lot area is deficient. The applicant will need to apply for a minor variance to request relief from the lot area. This has been added as a condition of approval. Planning Staff has no concerns with the reduced lot size as 418m<sup>2</sup> is an adequate lot size for a detached dwelling when compared with detached dwelling lot sizes in the R2, R3 and R4 zones that only require 400m<sup>2</sup>.

Staff is satisfied that the proposed application will meet the requirements of the Zoning By-law, subject to a minor variance.

#### **Recommendation:**

Given the information above, Planning Staff recommends application B21-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant receives approval for a minor variance for the deficient lot area of Parts 1 and 4.
4. That the applicant signs the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day

before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.

5. That the applicant/owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd (dated September 5, 2023). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
6. That all conditions of consent be completed by January 17<sup>th</sup>, 2026.

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  
Planner

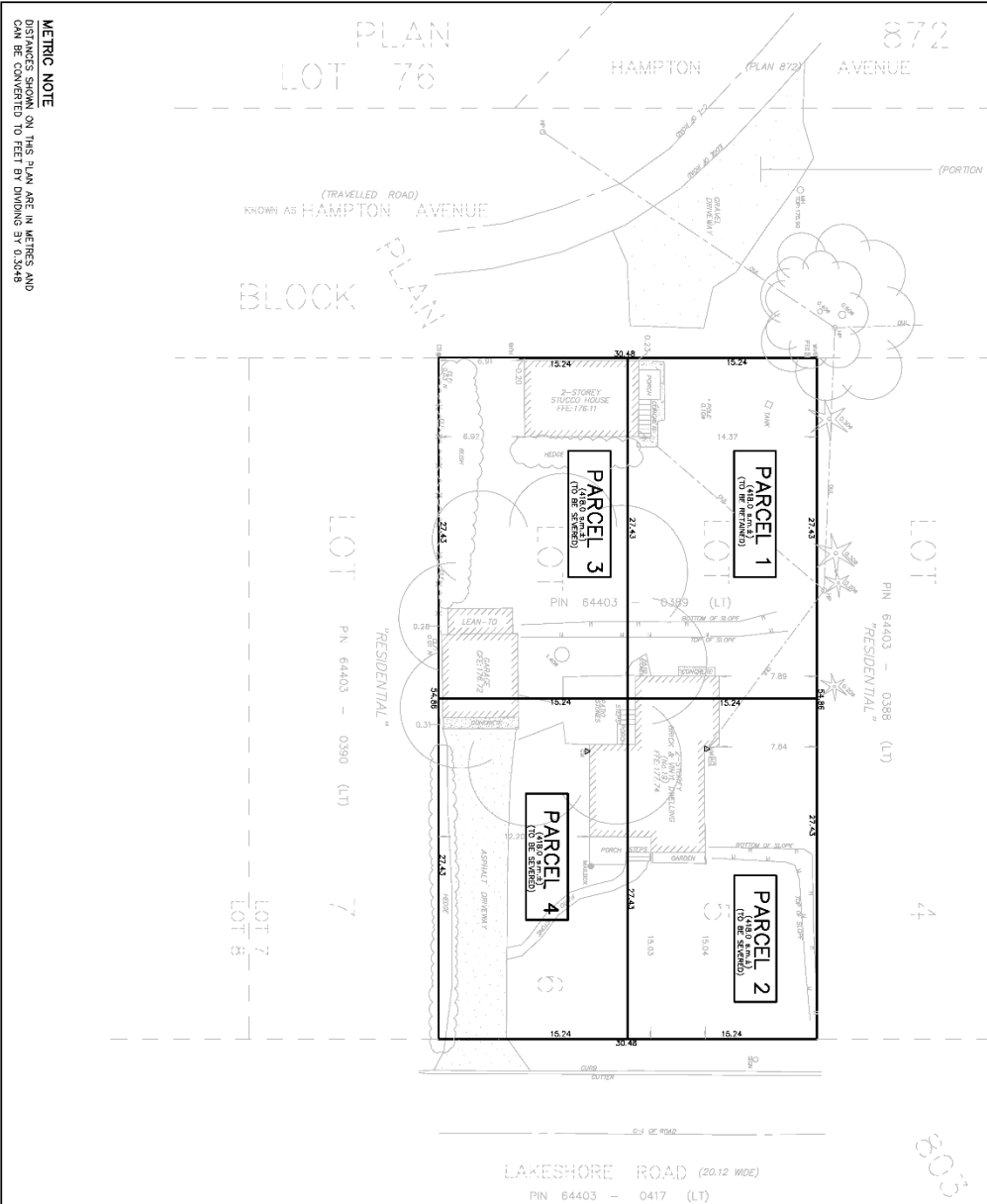
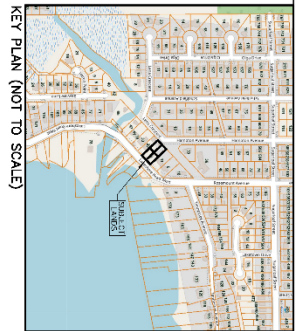
Submitted by,



Denise Landry, MCIP, RPP  
Chief Planner

# Appendix A

SKETCH  
 THE F.P.A. ORIGINAL  
 OF THE SURVEY IS FILED  
 IN THE OFFICE OF THE  
 REGISTRAR OF LANDS  
 AT TORONTO, ONTARIO



METRIC NOTE  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SKETCH FOR SEWERAGE APPLICATION  
 AT NO. 19 LAKESHORE ROAD  
 CITY OF PORT COLBORNE  
 REGIONAL MUNICIPALITY OF NIAGARA



PROPERTY DESCRIPTION  
 LOTS 5, 6, 7, 8 AND 9  
 REGISTRATION NO. 200 8000  
 RESIDENTIAL, W/ATC, ZONED R-10  
 A.S. BY THE SURVEY (PART 1)

CAUTION  
 1. THIS IS NOT A FINAL SURVEY AND SHOULD NOT BE USED FOR ANY PURPOSES WITHOUT THE SUPERVISOR'S APPROVAL.  
 2. THE SURVEY IS SUBJECT TO THE SURVEY ACT AND THE SURVEY REGULATIONS.  
 3. THIS SURVEY IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE SUPERVISOR'S APPROVAL.

BOUNDARY NOTE  
 PROPERTY IS SHOWN WITH A 10% BUFFER ZONE FROM SURVEYED LOT BOUNDARIES TO THE NEARBY LOT BOUNDARIES.

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REVISIONS SHEET  
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