

**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 A22-23-PC**  
**Part of Park Lot 6**  
**V/L Catharine Street**  
**Agent: Chris Lamb**  
**Owner(s): The Landscape Depot**

**Proposal:**

The purpose and effect of this application is to permit a reduction in landscape buffer from 3m to 1.5m, a reduced driveway width from 7.5m to 3m, a reduced front yard setback from 9m to 6.2m, a side yard landscape buffer from 3m to 0m and a side yard setback reduction from 3m to 2m. The applicant is requesting the variances to facilitate the construction of a stacked townhouse development. Due to the layout of the proposal, the minor variance is required.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the north, and west, Parks and Public Space (P) to the east and Downtown Commercial (DC) to the south. The surrounding



uses consist of apartments to the north and west, the museum to the east and a rail line to the south.

**Official Plan:**

The subject property is designated as Urban Residential in the City's Official Plan. This designation permits residential uses including stacked townhouses.

**Zoning:**

The subject property is zoned Fourth Density Residential (R4) in accordance with Zoning By-Law 6575/30/18. Stacked townhouses are permitted in this zone as they are defined as apartments.

**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

A multi-residential property with more than 10 units requires Site Plan Control approval and a commercial entrance. The minimum entrance width for commercial and apartment uses is 4.5m for one-way traffic with a minimum radius of 4.5m per side as per the Ontario Provincial Standards. The City Entrance By-law states that the maximum commercial entrance width shall be 9m for two-way traffic and 6m for one-way traffic, plus permissible radii. The minimum setback for an entrance from the projected lateral property line is 1.5m and the curb radii must not cross these projected property lines.

## Staff Response

Given the City and Provincial requirements for driveway entrances, Staff are unable to support the variance for a reduced driveway width. This has been included in the recommendation below. The applicant will need to explore alternative measures to address parking on the site, if the Committee does not grant the reduced driveway width variance.

### **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 variances for landscape buffer reductions, front yard setback and side yard setback are considered to be minor in nature. The landscape buffer reductions are meant to buffer uses that may be incompatible. The proposed landscape buffers are located adjacent to neighboring parking lots which reduces compatibility concerns. The front yard setback and side yard setback reductions are considered to be minor in nature as they are required in order to accommodate the required amount of parking on the property.

The driveway width requirement is not considered to be minor in nature. The driveway width is too narrow for two-way traffic and could result in queuing on the road and on the site. Additionally, the proximity to Princess Street is a safety concern as the proposed location of the entrance creates an awkward intersection for vehicles leaving the property or turning from Princess Street.

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

The landscape buffer reductions and front and side yard reductions are considered to be appropriate for the development of the land. The front yard and side yard setback reductions are being requested to accommodate parking at the back of the property. Staff would prefer that the parking area be located at the back of the property for compatibility purposes. The landscape buffer reductions at the rear of the property are more appropriate as they are adjacent to parking areas on the property to the north and west.

The driveway width reduction is not considered to be appropriate for the development of the site as it does not facilitate the efficient flow of traffic in or out of the site and there are safety concerns.

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

The requested landscape buffer and front and side yard variances are in keeping with the general intent and purpose of Zoning Bylaw 6575/30/18. The intent of the landscape

buffer requirements is to ensure adequate spacing between parking areas and adjacent sensitive uses. Staff are satisfied that the landscape buffer requests meet the intent of the by-law as they are located next to adjacent parking areas which mitigates any compatibility concerns. The front and side yard setbacks intend to ensure that parking can be accommodated on the site and that the building is appropriately located on the site, within the context of the neighborhood. Staff are satisfied that these requests meet the intent of the by-law as the required amount of parking has been accommodated on the site and the location of the building matches the built form of the apartment buildings to the north.

Planning Staff do not consider the driveway width request to meet the intent of the by-law. The driveway width requirement intends to ensure efficient ingress and egress to the site. The proposed width of the driveway cannot facilitate two-way traffic as the driveway is not wide enough to accommodate two vehicles side-by-side. This will result in queuing issues for vehicles entering and exiting the property and safety concerns with vehicles entering and existing the property.

***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 Urban Residential designation permits stacked townhouses.

**Recommendation:**

Given the information above, Planning Staff recommends that the proposed variances for landscape buffer reduction, front yard setback and side yard setback, identified on the Notice of Hearing as numbers 1, 3, 4, and 5 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**

And that the proposed variance for driveway width, identified on the Notice of Hearing as number 2, be **denied** for the following reasons:

1. **The variance is not minor in nature.**
2. **It is not appropriate for the development of the site.**
3. **It is not desirable and in compliance with the general intent and purpose of**

**the Zoning by-law.**

Prepared by,

A handwritten signature in black ink, appearing to read 'C. Roome', with a long horizontal flourish extending to the right.

Chris Roome, BURPI, MCIP, RPP  
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'D. Landry', with a long horizontal flourish extending to the right.

Denise Landry, MCIP, RPP  
Chief Planner