
Planning and Legislative Services

Planning Division Report

March 8th, 2024

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

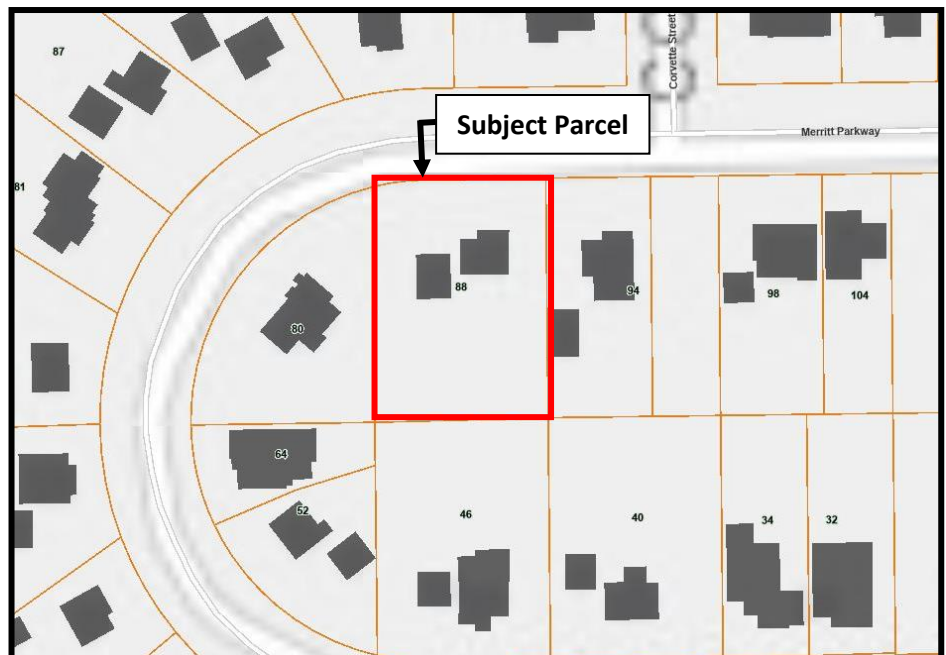
Re: Application for Consent B03-24-PC
88 Merritt Parkway
Part of Lot 18 on Plan 812
Agent: Carol Moroziuk
Owner(s): Justin Rotella, Ralph Rotella

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 having a lot frontage of 17.39m on Merritt Parkway and a lot area of 914m² for the creation of a new building lot. Part 2 will retain a lot frontage of 20.72m on Merritt Parkway and a lot area of 1094.6m². The existing dwelling will remain on the retained lot.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned First Density Residential (R1) to the north, south, east, and west. The surrounding



uses consist of detached dwellings to the north, south, east, and west.

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on February 28th, 2024, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of March 8th, 2024, no correspondence from the public has been received.

Agency Comments:

Notice was circulated on February 13th, 2024, to internal staff and agencies. As of March 8th, 2024, the following has been received.

Drainage Superintendent

This parcel is within the Eagle Marsh municipal drain watershed. The report for the Eagle Marsh Municipal Drain is currently under review and should the application be approved prior to the completion of the Engineers report, a drainage apportionment agreement will not be required. However, should the report be issued prior to the completion of the application process, the applicant will be required to pay for a drainage apportionment agreement which can be completed by the City's Drainage Superintendent. This will be completed once the application and registered deposited plan for the severance have been provided to the Drainage Department through the Planning department.

Staff Response

The application will be reviewed by the Committee of Adjustment before the report is completed, therefore a drainage apportionment agreement will not be required. In the event that the application is delayed, Staff will consult with the Drainage Superintendent to establish if the report is complete and an apportionment is required.

Fire Department

Port Colborne Fire has no objection to the application.

Engineering Technologist

Engineering has no comments.

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*, *the City of Port Colborne Strategic Plan (2023-2026)*, and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

Provincial Policy Statement (2020)

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 the focus of growth and development through intensification and redevelopment. Land use patterns within these areas shall be based on densities and a mix of land uses that efficiently use land and resources and occur adjacent to an existing built-up area.

Staff is satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources and promotes intensification within an existing built-up area.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan also directs development to settlement areas that have a delineated built boundary, have existing or planned municipal services, and can support the achievement of complete communities. 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, the Growth Plan Policies encourage a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and people at all stages of life.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application encourages intensification in the delineated built-up area, which supports the achievement of complete communities.

Niagara Region Official Plan

The Regional Official Plan (ROP), designates the subject lands as within a settlement area within an “Urban Area Designation” and the “Delineated Built-up Area”. The ROP directs growth to settlement areas and encourages principles of complete communities. Strategic intensification is generally encouraged throughout the Built-up Area to accommodate growth and includes residential uses that make efficient use of existing services to support the creation of complete communities. A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs is also encouraged within Built-up Areas to minimize land consumption and optimize use of infrastructure.

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 and makes efficient use of the existing infrastructure and services.

City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City's Official Plan (OP). This designation permits a variety of uses including residential uses and the creation of new residential lots and intensification is encouraged and permitted.

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.

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 17.39m and a lot area of 914m².

Part 2: A lot frontage of 20.72m and a lot area of 1094m².

R1 zoning permits detached dwellings and uses, structures and buildings accessory thereto. Additionally, Section 5.3 of the Zoning By-law outlines the zone requirements for a detached dwelling with the minimum frontage being 15m and minimum total lot area of 500m². Based on the information above and attached as Appendix A, the proposal indicates that the frontage and lot area have been met.

As shown in the sketch, the accessory building on part one of the subject property that does not comply with the setbacks and under Section 2.8.1 cannot be used as a principal building, is to be demolished. Additionally, under Section 3.1.1 a minimum of 1 parking space must be provided for the dwelling on part 2. Given that the required dimensions of a parking stall is 2.6m by 5.2m, staff is satisfied that this requirement can be fulfilled as shown by the measurements on the survey for the subject property. Staff is therefore satisfied that the proposed application will meet the requirements of the Zoning By-law as

the requirements of lot area, lot frontage, and the provisions regarding the existing dwelling are all fulfilled.

Recommendation:

Given the information above, Planning Staff recommends application B03-24-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 existing garage on Part 1 be removed.
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 all conditions of consent be completed by March 13th, 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

