

**Development and Legislative Services**

**Planning Division Report**

March 8, 2024

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

**Re: Application for Minor Variance A23-23-PC**  
**583 Fielden Avenue**  
**Lot 1 and 2 on Plan 3252**  
**Agent: Kirk Guthro**  
**Owner(s): Betty Guthro**

**Proposal:**

The purpose and effect of this application is to permit a lot area reduction from 400m<sup>2</sup> to 396.2m<sup>2</sup>. The applicant is requesting the variance to facilitate the creation of a new residential lot at 583 Fielden Ave.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, east, south and west. The surrounding uses consist of single detached dwellings to the north, east and south, with an apartment to the west.

**Official Plan:**

The subject property is designated as Urban Residential in the City's Official Plan. Residential uses are permitted under this designation.

**Zoning:**

The subject property is zoned Second Density Residential (R2) in accordance with Zoning By-Law 6575/30/18. Residential uses are permitted within this zone.

**Environmentally Sensitive Areas:**



The subject property does not contain any environmentally sensitive areas.

### **Public Comments:**

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

### **Agency Comments:**

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

#### Drainage Superintendent

There are no comments regarding municipal drains.

#### Fire Department

Port Colborne Fire has no objection to the proposed application.

#### Development Services Supervisor

Development Services staff are requiring a 3.5m x 3.5m sightline triangle to be conveyed to the City from Part 2.

#### Staff Response

Planning Staff have added this as a condition of consent. The conveyance of this sightline triangle can be completed through the submission of the final registered plan.

### **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 requested variance for the reduction of lot area from 400m<sup>2</sup> to 396.2m<sup>2</sup> is minor, as a 3.8 metre difference will not drastically change the size of the property and would not negatively impact the adjacent properties. Staff are satisfied that a dwelling could be located on the property and meet all of the required setbacks of the R2 zone, while providing ample amenity space.

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

The requested variance is desirable for the development of the site and facilitates the creation of a new lot. The retained lot and existing dwelling meets all the zoning requirements and will provide enough amenity space and landscaped area on the retained parcel. Furthermore, the surrounding parcels consist of residential dwellings and lots of similar size, therefore this is an appropriate development for the surrounding area.

#### ***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 minor changes to the lot area do not affect the ability for a dwelling to be located

on the site, which is the intent of the lot area requirements. Secondly, the existing dwelling is not proposed to change and the proposed lot lines do not create any zoning issues. Staff are satisfied that a dwelling could fit appropriately on the subject parcel and amenity space and parking can be provided as well.

***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 residential uses. The proposed development and Minor Variance application appear to be consistent with the scale of developments in the neighbourhood and is in keeping with the nature of the community. In this instance, the requested variances would align with the general intent and purpose of the Official Plan.

**Recommendation:**

Given the information above, Planning Staff recommends application A23-23-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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