



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
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Planning 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 Consent B18-23-PC
583 Fielden Avenue
Lot 1 and 2 on Plan 3252
Agent: Kirk Guthro
Owner(s): Betty Guthro

Proposal:

The purpose of this application is to permit the severance of the parcel at 583 Fielden Avenue, for the purpose of creating a new lot. Part 1 (See appendix A) is proposed to have a lot frontage of 13m and a lot area of 396.2m² for a future residential use. Part 2 will retain a lot frontage of 18.39m and a lot area of 560.5m for an existing residential use.

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.



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

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.

Niagara Region (See full comments in Agenda Package)

Regional Growth Strategy and Economic Development staff are satisfied that the proposal is consistent with the Provincial Policy Statement and conforms to Provincial and Regional policies, subject to the condition of the acceptance of the Archeological Assessment by the Ministry of Citizenship and Multiculturalism.

Staff Response

Staff has added the requested condition to the recommendation.

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 lot adds to the intensification of the built-up area and makes 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 therefore, 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.

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

The subject lands are zoned Second Density Residential (R2) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 13m and a lot area of 396.2m²

Part 2: A lot frontage of 18.39m and a lot area of 560.5m²

The R2 zone permits detached dwellings and accessory structures and buildings thereto. The minimum frontage required for a detached dwelling is 12m and 400m² of total lot area. Part 1 does not satisfy the lot coverage requirements and, subsequently, the applicant has submitted a minor variance application to request relief from this provision. Planning Staff have no concerns with the requested relief as the westerly lot line for Part 1 allows for a sufficient side yard setback to the existing dwelling on Part 2.

Planning Staff have added the condition that Minor Variance application A23-23-PC be approved. Staff is satisfied that the proposed application has met the requirements of the Zoning By-law.

Additional Information

Staff note that a fence running east-west is located on part 1 and appears to exceed the proposed limits of the property line. It is also noted that a concrete pad exists at the southern end of Part 1 that also exceeds the proposed property boundaries. Staff have included a condition that both of these features be removed.

Recommendation:

Given the information above, Planning Staff recommends application B18-23-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 minor variance application A23-23 be approved by the Committee of Adjustment.
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 January 12, 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 a 3.5m x 3.5m sightline triangle on the southwest corner of Part 2 be conveyed to the City of Port Colborne.
7. That the existing concrete pad on Part 1 be removed.
8. That the east-west running fence on Part 1 be removed.
9. That all conditions of consent be cleared 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,

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

Chris Roome, 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

Appendix A

