



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Planning and Legislative Services

Planning Division Report

April 5, 2024

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

Re: Application for Consent B06-24-PC
211 Charlotte Street
Lot 228 Plan 27 NP 786
Agent: Carol Moroziuk
Owner(s): 1448022 Ontario Inc.

Proposal:

The purpose of this application is to permit the severance of the parcel at 211 Charlotte Street, for the purpose of creating a new lot. Part 1, having a lot frontage of 18.7m and a lot area of 436.2m² will be severed for future residential use. Part 2, having a lot frontage of 18.9m and a lot area of 414.5m² will be retained for an existing residential use. The application is also seeking to establish an easement over Part 3 for the purpose of establishing services for the lot on Part 1

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 single 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 March 27th, 2024, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of April 5th, 2024, no correspondence from the public has been received.

Agency Comments:

Notice was circulated on March 11th, 2024, to internal staff and agencies. As of April 5th, 2024, 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.

Development Supervisor

As this is a corner lot a 3.5m x 3.5m daylight triangle will be conveyed to the City of Port Colborne. The easement shall act as the homeowners property as they will be responsible for any repairs and replacement of the service within this boundary, the services for this lot will not be the City's responsibility until entering the roadway. The water valve must be placed in the Charlotte Street right-of-way.

Staff Response

Planning Staff will add the daylighting triangle as a condition of the consent.

Niagara Region

Growth Strategy and Economic Development staff do not object to the proposed consent application, in principle, subject to the recommendation that a Stage 1 Archaeological Assessment be completed at minimum by a licensed archaeologist. The assessment must receive an acknowledgement letter from the Ministry of Citizenship and Multiculturalism (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Staff Response

City Staff have added this as a condition of consent.

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 and will contribute to intensification. The existing lot is sufficiently large enough to accommodate a future dwelling, and the application promotes development in a delineated built-up area within the urban boundary.

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 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 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 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 18.7m and a lot area of 436.2m²

Part 2: A lot frontage of 18.9m and a lot area of 414.5m².

R2 zoning permits detached dwellings and accessory structures and buildings thereto. The minimum lot creation policies for a detached dwelling are 12m of lot frontage and 400m² of total lot area. From the information above and on Appendix A, the proposal indicates that these minimum requirements will be exceeded.

Staff is satisfied that the proposed application will meet the requirements of the Zoning By-law. The proposed lots on Parts 1 and 2 exceed the zone requirements for lot frontage and area, and as a result, a future dwelling can be located in a suitable location on the subject property.

Recommendation:

Given the information above, Planning Staff recommends application B06-24-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 \$216 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 a 3.5m x 3.5m sightline triangle on the southeast corner of Part 2 be conveyed to the City of Port Colborne.
5. 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.
6. That a Stage 1 Archaeological Assessment be completed at minimum by a licensed archaeologist. The assessment must receive an acknowledgement letter from the Ministry of Citizenship and Multiculturalism (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
7. That all conditions of consent be completed by April 10th, 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, MCIP, RPP
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'D. Landry', written over a horizontal line.

Denise Landry, MCIP, RPP
Chief Planner

Appendix A

