
Development and Legislative Services

Planning Division Report

April 9, 2024

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

Re: Application for Minor Variance A02-24-PC
VL Firelane 3
Lots 31 to 33 and Lots 57 to 58 Plan 799
Agent: N/A
Owner(s): Peter Smith and Donna Bonato

Proposal:

The purpose and effect of this application is to permit a reduced lot frontage of 18.4m where 30m is required and a reduced lot area of 835m² where 0.4ha (4000m²) is required for Part 1 of the concurrent severance application (B05-24-PC). The variances are being requested to facilitate the severance of the subject lands.

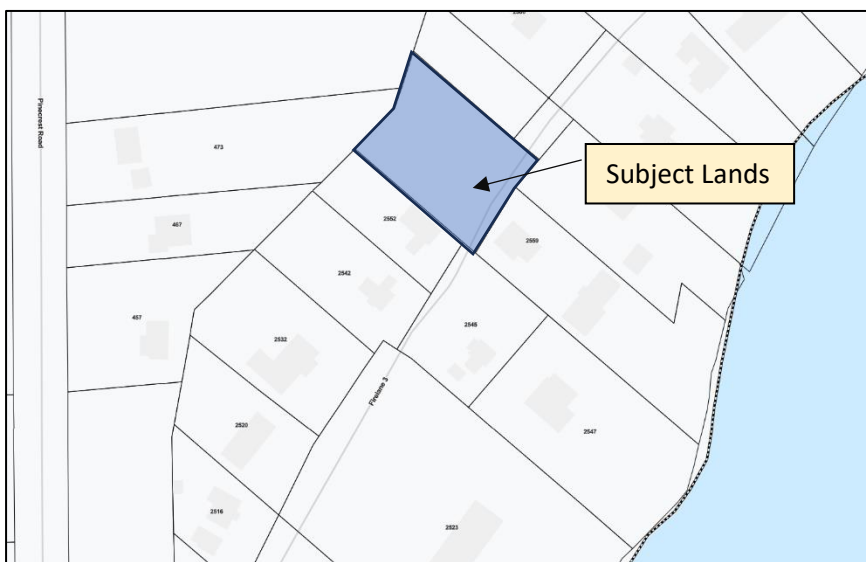
Surrounding Land Uses and Zoning:

The subject lands are surrounded by Rural Residential (RR) zones to the north, and west and Lakeshore Residential (LR) zones to the south and east. The surrounding uses consist of single detached dwellings to the north, east, south, and west.

Official Plan:

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

Zoning:



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

Environmentally Sensitive Areas:

The subject lands are impacted by a Significant Woodland as per Schedule B2 of the Official Plan. Typically, when development is proposed within a Significant Woodland, an Environmental Impact Assessment is required. Under Section 4.1.2.2 of the Official Plan, Staff may reduce the scope/content of the EIS in consultation with the Niagara Region when the impacts of the proposed development are thought to be limited. Staff have consulted with Regional Environmental Planning Staff and have determined that the submission of an EIS was not required for this application for the reasons provided below.

The Significant Woodland is already fragmented by multiple existing lots of record. The proposed severance takes six lots of record and reduces it to two, resulting in less fragmentation of the Significant Woodland. Staff is of the opinion that the application is improving the current condition. Conditions have been added to formally merge the existing lots of record so that the feature may not be further fragmented in the future. The applicant is advised that any future Planning Act applications will likely require an Environmental Impact Study.

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 9th, 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 9th, 2024, the following has been received.

Drainage Superintendent

There are no comments regarding municipal drains. All comments have been addressed through the consent application.

Fire Department

Port Colborne Fire has no objection to the proposed application.

Development Services Supervisor

Engineering has no comments on the proposed application.

NPCA

The NPCA has no objections to the proposed application.

Niagara Region

Regional Staff have provided comments that have been addressed under the concurrent severance application.

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?

Staff finds the requested variances to be minor in nature. The decrease in lot area from 0.4ha to 835m² and decrease in lot frontage from 30m to 18.4m will not negatively impact the subject parcel. The lot area intends to ensure that a dwelling can suitably fit on the subject parcel and that private servicing can be wholly contained within the lot lines without negatively impacting adjacent parcels. It has been established through a hydrogeological assessment that private servicing can be located on the property. The decrease in frontage does not result in a negative impact to the subject parcel as the parcel remains wide enough to accommodate a dwelling and any required parking.

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

The proposal is desirable for the development of the site. The proposed lot dimensions are consistent with the parcels along Firelane 3 and it has been determined through a hydrogeological study that the lots can be privately serviced. Detached dwellings are a permitted use in the LR zone and Staff are satisfied that a future dwelling could be located on the site and meet the setback requirements under the Zoning By-law.

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 lot area requirement intends to ensure lots are an adequate size to facilitate the development of the site and all necessary servicing. It has been shown through the hydrogeological assessment that this can be accomplished and staff are satisfied that a dwelling can be located on the parcel. The lot frontage requirement intends to ensure that lots are a sufficient width to accommodate a dwelling as well as parking, and also to ensure that the width of lots is generally uniform throughout the neighbourhood. Staff are satisfied that the width of the lots is sufficient to accommodate a dwelling and parking and the lot will be consistent with the existing lots along Firelane 3.

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 Rural 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 A02-24-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,

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 large loop at the top and a horizontal line across the middle.

Denise Landry, MCIP, RPP
Chief Planner