



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

Development and Legislative Services
Planning Division Report

June 7, 2024

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

Re: Application for Minor Variance A10-24-PC
21 Royal Road
Lot 61 on Plan 74, New Plan 888
Owner(s): Marc Arcand

Proposal:

The purpose and effect of this application is to permit an increase in accessory building height from 6m to 7.62m and an increase in accessory lot coverage from 10% to 10.7%. The applicant is requesting the variances to facilitate the creation of a new larger garage on the 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.

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.



Zoning:

The subject lands are zoned First Density Residential (R1) under Zoning By-law 6575/30/18. Residential uses including detached dwellings, and uses, structures and buildings accessory thereto are permitted within this zone.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on May 29th, 2024, as per Section 45 (5) of the Planning Act, to properties within 60m of the subject lands. As of June 6th, 2024 no comments from the public have been received.

Agency Comments:

Notice was circulated on May 13th, 2024, to internal departments and external agencies. As of June 6th, 2024, the following comments have been received.

Drainage Superintendent

No comments regarding municipal drains as this parcel is not in a know municipal drain.

Fire Department

Port Colborne Fire has no objection to the application.

Development Services Supervisor

Engineering has no comments.

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 lot area cover from 10% to 10.7% is less than a 1% increase in accessory lot coverage and it does not impact any other provision in the zoning bylaw. The requested variance for the increase in accessory building height from 6 metres to 7.62 metres is considered minor in nature, as a less than 2-metre difference in height will not negatively impact the subject parcel or neighbouring properties. The garage is

proposed to be setback further from Elmvale Court than the existing dwelling ensuring that the garage remains accessory in nature to the primary use of the property. As such, Staff is of the opinion that the requested lot coverage increase and height increase is considered minor in nature.

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

The requested variance is desirable and appropriate as the development is in a suitable location on the site. The proposed structure is located in the rear yard and will be setback from the side property line by 9.45m and 2.4 m behind the existing dwelling. This distance will result in the proposed accessory structure having less of a visual impact from either road.

As such, Staff is of the opinion that the requested variance is desirable for the appropriate development of the land.

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 the Zoning By-law. The Zoning By-law permits accessory structures in the R1 zone and the structure will be accessory in nature to the primary dwelling for the following reasons:

- the building footprint of the accessory structure is smaller than the dwelling;
- the accessory structure is set further back from Elmvale Court than the dwelling;
and
- the accessory structure will be approximately the same height as the dwelling;

As such, Staff find this application to be in keeping with the general intent and purpose of the Zoning By-law.

Is it in keeping with the general intent and purpose of the Official Plan?

The Urban Residential designation in the Official Plan permits accessory structures. The proposed development and minor variance application are 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.

As such, staff is of the opinion that the subject property is in keeping with the general intent and purpose of the City of Port Colborne Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A10-24-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 and Submitted by,

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

Denise Landry, MCIP, RPP
Chief Planner