



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 A12-24-PC
3233 Snider Road
Humberstone Concession 4 Part Lot 22 Parts 1 to 6 on Registered Plan
59R9658
Owner(s): Sara Schaeffer

Proposal:

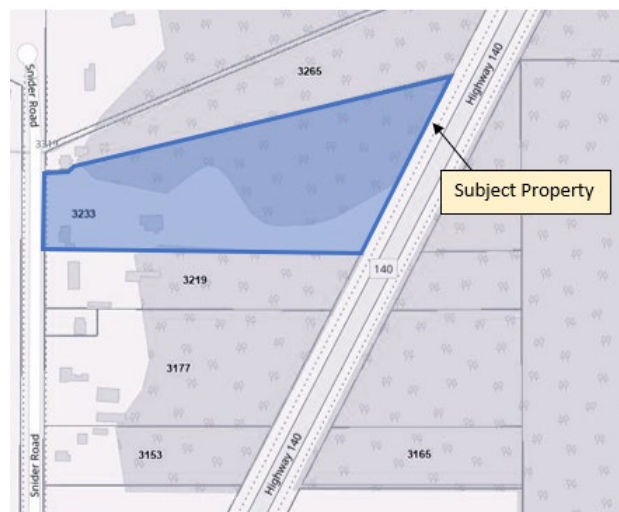
The purpose and effect of this application is to permit a decrease in the minimum interior side yard setback from 5m to 1.52m. The applicant is requesting the variance to facilitate the creation of a new addition on the existing detached dwelling.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Rural (RU) to the north, Agricultural (A) to the south, Industrial Development (ID) to the east, and Agricultural (A) to the west. The surrounding uses consist of detached dwellings to the north and south and vacant parcels to the east and west.

Official Plan:

The subject property is designated as Rural and Environmental Conservation Area in the City's Official Plan (OP). The Rural



designation permits a variety of uses including agricultural operations; single-detached residential; natural heritage areas; parks and public open spaces; golf courses; conservation clubs; off-road trails and on-road bicycle routes; veterinary establishments; commercial or industrial uses that serve or directly relate to agriculture and; activities normally found in close proximity to a lakeshore area including docks, accessory boat storage buildings, navigation facilities and erosion control measures.

The predominant uses for lands designated Environmental Conservation Area shall include existing uses, conservation uses, flood and erosion control, fish, forestry and wildlife management, as well as passive recreational activities.

Zoning:

The subject lands are zoned Rural (RU) and Environmental Conservation (EC) under Zoning By-law 6575/30/18. Rural permitted uses include accessory agricultural activities, agricultural use, agri-tourism and value added uses, cannabis production facility, conservation uses, detached dwellings that existed at the date of passing of the by-law or are a principal use on an existing lot of record, kennels, and uses, structures and buildings accessory thereto are permitted within this zone. Environmental Conservation permitted uses include Boat House, Boat Ramp, Conservation Uses, Dock, Existing Agricultural Uses, excluding buildings and structures, Existing Dwelling and any enlargement thereof and existing uses, buildings and structures accessory thereto Flood and Erosion Protection Works, Forestry Uses, Park Passive Recreation Uses and Public Use.

Environmentally Sensitive Areas:

The property is impacted by the Region's Natural Environment System, consisting of other wetlands and woodland (significant or other). The wetlands are considered Key Hydrologic Features (KHF). Niagara Official Plan policy 3.1.5.7.1 typically requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of a KHF. However, Region staff determined in May 2023 that a restoration landscape plan for the buffer would satisfy requirements in lieu of an EIS.

In March 2024, Regional Staff reviewed the Landscape Plan provided by the applicant in response to the Region's request. Staff are satisfied that the Plan meets Regional requirements and offer no objection to the Minor Variance.

The property is impacted by a significant woodland as per Schedule B2 of the City's Official Plan. Policy 4.3.1 c) states that 'an Environmental Impact Study may not be required for the development of a single detached dwelling on an existing lot of record or

minor expansion of an existing use where in the opinion of the City, in consultation with other agencies, the development is being located, designed and constructed to minimize impacts to the health and integrity of the natural features or ecological functions for which the area is identified'.

Staff is satisfied that the restoration landscape plan for the buffer satisfies policy 4.3.1 c).

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

The parcel is in the watershed of the Indian Creek Municipal Drain. There are no concerns of this development the Municipal Drain.

Fire Department

Port Colborne Fire has no objection to the application.

Development Services Supervisor

Engineering has no comments.

Niagara Region (these comments are summarized, please see full comments in agenda package)

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Staff Response

The Region's comments have been satisfied.

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 reduction in side yard setback from 5 metres to 1.5 metres will not impact the adjacent dwelling and drainage has not been identified as a concern as a result of the reduced setback. The addition is also proposed to align with the existing garage setback of 1.5 metres.

As such, Staff is of the opinion that the minor variance request is minor in nature.

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

The variance facilitates an addition to an existing dwelling and aligns with the existing garage setback of 1.5 metres. Detached dwellings are a permitted use in the RU zone and Staff are satisfied that the addition to the dwelling meets all requirements except the interior side yard setback.

Furthermore, the dwelling is still located 1.5 metres away from the property line to ensure neighbouring parcels are not impacted by the addition to the existing dwelling.

As such, Staff is of the opinion that the 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 purpose of the interior side yard setback is to ensure there is adequate spacing between buildings and to ensure impacts from the building are not imposed on neighbouring parcels. Staff are satisfied that the addition to the detached dwelling will fit appropriately on the subject parcel and will allow for minimal impacts to neighbouring parcels as well as the environmentally sensitive areas located on the parcel.

As such, Staff is of the opinion that the requested variance is in keeping with the general intent and purpose of Zoning By-law.

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

The Official Plan Rural designation permits detached dwellings and additions to them. The proposed addition is not within the environmentally sensitive area and the restoration landscape plan for the buffer satisfies Policy 4.3.1 c) of the City's Official Plan and satisfies the Region's Official plan policies.

The proposed development is consistent with the scale of developments in the neighbourhood and is in keeping with the nature of the community.

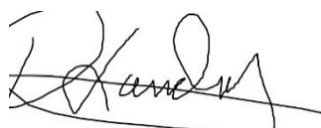
As such, the requested variance aligns with the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A12-24-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,



Denise Landry, MCIP, RPP
Chief Planner