



City of Port Colborne
Municipal Offices
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Port Colborne, Ontario
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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

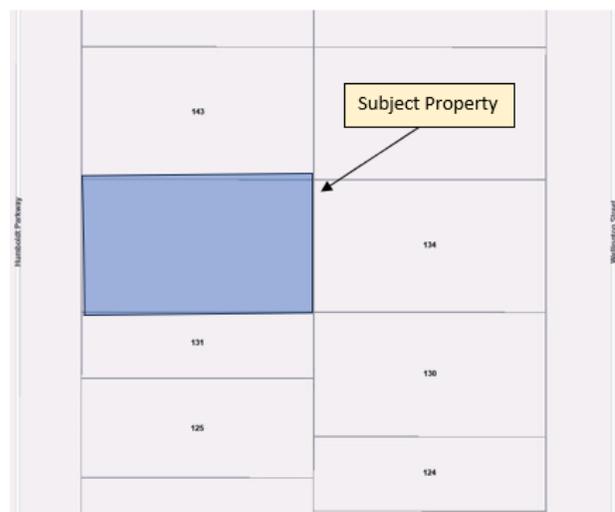
**Re: Application for Minor Variance A11-24-PC
Vacant Lot Humboldt Parkway
Lots 257 and 256 on Plan 8, New Plan 836
Agent: Timothy Sinke
Owner(s): Jonathon Sinke**

Proposal:

The purpose and effect of this application is to permit a decrease in the municipal drain setback from 10m to 8m, an increase in maximum parking area width from 50% of the lot frontage to 60% and to increase the maximum floor area for the accessory dwelling unit from 40% to 45%. The applicant is requesting the variances to facilitate the creation of a new detached dwelling and accessory dwelling unit within the detached dwelling.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Second Density Residential (R2) 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 accessory dwellings.

Zoning:

The subject lands are zoned Second Density Residential (R2) under Zoning By-law 6575/30/18. Residential uses including detached dwellings, duplex dwellings, semi-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

The parcel is in the watershed of the Central Park Municipal Drain. The setback required is from the municipal drain. An 8m set back will be acceptable for this application.

Fire Department

Port Colborne Fire has no objection to the application.

Development Services Supervisor

Engineering has no concerns as the Drainage Superintendent supports the 8m setback to the drain.

Staff Response

There are no concerns from internal departments or external agencies.

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?

A 2-metre reduction to the drain setback will not drastically impact the drain as it is an underground system, as confirmed with the Drainage Superintendent. Section 2.22 of the Zoning By-Law states the municipal drain setback is to be measured from the top of the bank, however as this is not applicable for underground systems, it has been interpreted that the centre line of the drain will be considered the 'top of bank' meaning a 2-metre difference can be considered negligible for this drain type.

The increase in maximum parking area width from 50% of the lot frontage to 60%, is to accommodate the two required parking spaces for the detached dwelling and accessory dwelling. Lot coverage, setback provisions and minimum landscaped area will not be impacted and can still be met with the increase in parking area.

The increase in the maximum floor area for the accessory dwelling from 40% to 45% of the gross floor area of the dwelling is a negligible increase. The accessory dwelling will be contained within the main dwelling and still be accessory in nature.

For the reasons noted above, Staff is of the opinion that the three requested variances are minor in nature.

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

The requested variances are desirable for the development of the site as the application is being requested to accommodate a permitted use on the subject property and will help to diversify the housing stock by providing an accessory dwelling. The proposal is consistent with uses of the surrounding parcels along Humboldt Parkway. Detached dwellings and accessory dwellings are permitted uses in the R2 zone. Staff are satisfied that the dwelling can be accommodated on the property without needing additional variances for setbacks or for landscaped area.

As such, Staff is of the opinion that the proposal 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 setback to a municipal drain intends to ensure that structures are set back far enough from the drain for maintenance purposes. The Drainage Superintendent has confirmed that the proposal will not impact future maintenance of the drain. The requested variance

does not propose any further encroachment toward the municipal drain and is required for the construction of a detached dwelling on the subject property.

Furthermore, the parking area provisions exist to ensure that there is area in the front yard for landscaping for amenity and aesthetic purposes. As all lot coverage and landscaping provisions are met, Staff are of the opinion that a 1-metre increase in driveway width is in keeping with the general intent and purpose of the Zoning By-law.

The intent of limiting accessory dwellings to a maximum of 40% of the total dwelling gross floor area is to ensure that the accessory dwelling remains accessory in nature to the dwelling.

For the reasons noted above, Staff is of the opinion that the three requested variances are 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 proposal is in keeping with the general intent and purpose of the City of Port Colborne Official Plan, as the Urban Residential designation permits residential uses (such as detached dwellings) and accessory dwellings. 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, Staff are of the opinion that the requested variances align with the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A11-24-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.**
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Prepared & Submitted by,

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

Denise Landry, MCIP, RPP
Chief Planner