

Development and Legislative Services
 Planning Division Report

July 5, 2024

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

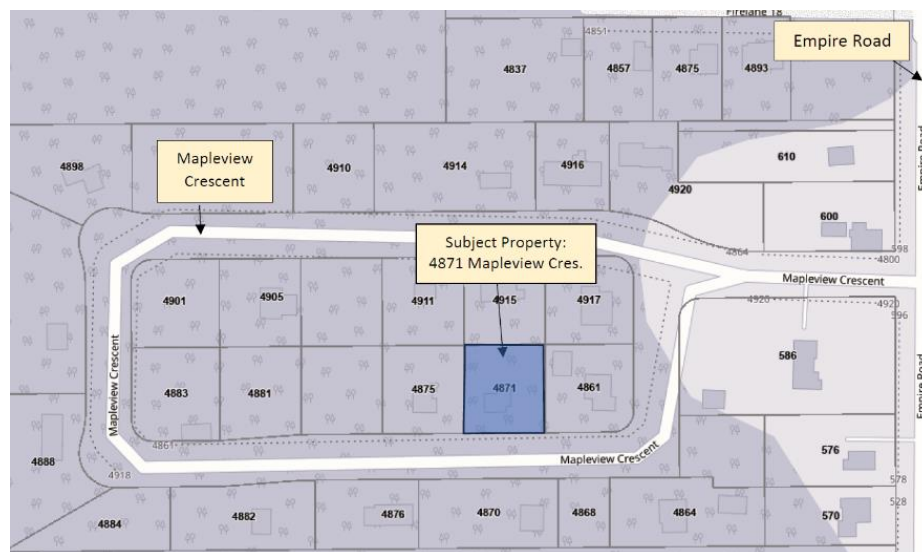
Re: Application for Minor Variance A17-24-PC
4871 Mapleview Crescent
Plan 68, Lot 32, New Plan 849
Agent: Brianna Bodorkos
Owner(s): Ed Dias and Mary Dias

Proposal:

The purpose of this application is to facilitate the construction of a new single detached dwelling at the subject lands. The application is requesting that a maximum lot coverage of 20% be permitted where a maximum of 15% is required, and that a front yard setback of 6.67m be permitted where a minimum of 10m is required.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Rural Residential (RR) 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 lands are designated as Rural in the City of Port Colborne Official Plan. This designation supports the development of single detached dwellings.

Zoning:

The subject lands are zoned Rural Residential (RR) under Zoning By-law 6575/30/18. The RR zone permits residential uses including detached dwellings, and uses, structures and buildings accessory thereto. A small portion of the western and southeastern borders of the subject lands are also in the Environmental Conservation (EC) overlay.



Environmentally Sensitive Areas:

A small portion of the western and southeastern borders of the subject lands appears to be impacted by a Significant Woodland under the City's Official Plan. While section 4.3.5.1 (a) states that development within these areas and on adjacent lands will be subject to an Environmental Impact Study (EIS), section 4.1.2.2 of the Official Plan states that 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.

When the Niagara Region was circulated on this application for comments, Regional staff indicated that the subject lands are not impacted by the Region's Natural Environment System. Staff note that the Niagara Official Plan includes more precise and updated mapping of environmental features than the City's Official Plan and Zoning By-law. As a result of the Region's comments, the scope of the proposed work, and the location of the proposed dwelling, staff have determined that the submission of an EIS was not required for this application.

Public Comments:

Notice was circulated on June 26, 2024, as per section 45 (5) of the *Planning Act*, to properties within 60m of the subject lands. As of July 5, 2024, no comments from the public have been received.

Agency Comments:

Notice was circulated on June 11, 2024, to internal departments and external agencies. As of July 5, 2024, the following comments have been received:

Drainage Superintendent

No comments regarding municipal drains.

Fire Department

Port Colborne Fire has no objection to the application.

Development Services Supervisor

Engineering has no comments.

Niagara Region

The Niagara Region offered no objection to the proposed application.

NPCA

The NPCA offered no objection to the proposed 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 proposed variances have been triggered as the proposed new dwelling and covered entry would not meet the required 10m front yard setback and the maximum lot coverage of 15%. Staff note that there are currently two uncovered decks attached to the existing dwelling, one attached to the front of the dwelling and one attached to the back, which appear to be of a similar size to the proposed covered entry in the front and the proposed covered deck in the back.

The reduction from the existing 10.3m front yard setback to the proposed 6.67m setback constitutes a minor change to the building footprint. The front yard setback intends to ensure adequate spacing between the dwelling and the street, as well as maintain enough room for the required amount of parking. Staff is satisfied that the application is minor as the requested relief maintains an adequate amount of spacing from the street and still maintains the parking requirement for the dwelling.

The existing decks are not included in the lot coverage calculation due to section 2.8.2 (e) of the Zoning By-law, which states that uncovered decks that are attached to a dwelling are not to be included when calculating lot coverage, whereas covered decks do form part of the calculation. Staff are satisfied that the increased lot coverage is minor as the actual lot coverage is not proposed to significantly change; rather, the increased lot coverage appears to be primarily the result of a technicality in the Zoning By-law.

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

The proposal is desirable and appropriate as the application is being requested to accommodate a proposed new dwelling and covered porches, which will be rebuilt in a similar footprint to the existing dwelling and uncovered porches. The proposed front yard setback is not a significant reduction from the existing front yard setback. The proposed development is located in a suitable location on the site, and the proposed covered decks do not pose an impediment to the function of the site. The surrounding lots consist of dwellings of a similar nature, therefore the application is appropriate considering surrounding lands, buildings, and uses.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The Zoning By-law permits detached dwellings within the RR zone, and the proposal meets the majority of the zoning requirements. The front yard setback intends to ensure that parking can still suitably be located on the subject property and that the dwelling is set back a suitable location from the street. Staff is satisfied that the subject lands will still maintain the required amount of parking as the driveway is located on the east side of the property and the front yard setback is acceptable as the building location is currently existing. Planning Staff are satisfied that the proposed application maintains the intentions of the Zoning By-law requirements. Staff finds the 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 Official Plan permits detached dwellings within the Rural designation. Staff finds this variance application meets the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A17-24-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,

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Diana Vasu, BA, MA
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'Denise Landry', is placed over a light gray rectangular background.

Denise Landry, MCIP, RPP
Chief Planner
