

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

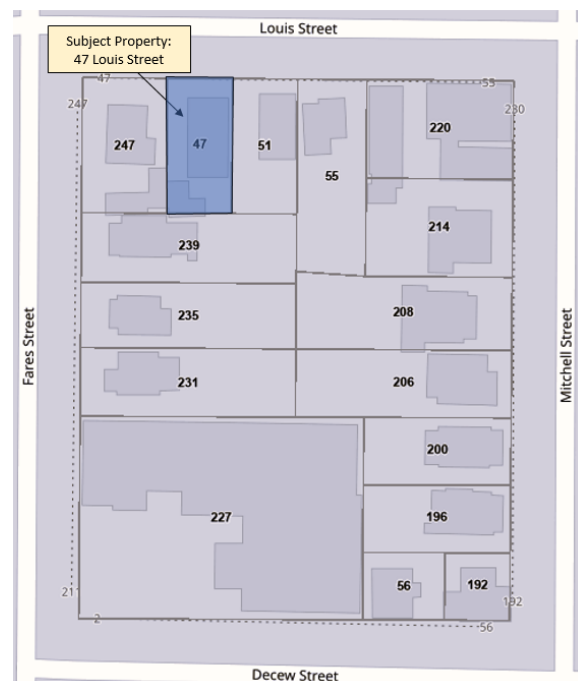
**Re: Application for Minor Variance A18-24-PC
 47 Louis Street
 Part Lot 20 on Plan 283, New Plan 849
 Agent: Ross Nadaee
 Owner(s): Said Zabiullah Nadaee and Nahiid Nedae**

Proposal:

The applicant is requesting permission to allow tandem parking to facilitate the conversion of a triplex into a fourplex, where tandem parking is only permitted for single detached, semi-detached, duplex, or triplex dwellings, and ingress and egress parking is required for a fourplex dwelling unit.

Surrounding Land Uses and Zoning:

The lands surrounding the subject lands are zoned Third Density Residential (R3) to the north, south, east, and west. There are also Fourth Density Residential (R4) dwellings located to the Northeast. The surrounding uses consist of detached dwellings to the north, south, east, and west.



Official Plan:

The subject lands are designated as Medium Density Urban Neighbourhood within the East Waterfront Secondary Plan in the City's Official Plan. This designation permits residential uses, and new residential lots and intensification is encouraged.

Zoning:

The subject lands are zoned Third Density Residential (R3) under Zoning By-law 6575/30/18. Residential uses, including triplex and fourplex dwellings, are permitted within this zone.

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on June 26, 2024, as per section 45 (5) of *the Planning Act*, to landowners of 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

Regional staff identified that the subject lands are located on an area of archaeological potential but offered no archaeological requirements due to the scope of the development.

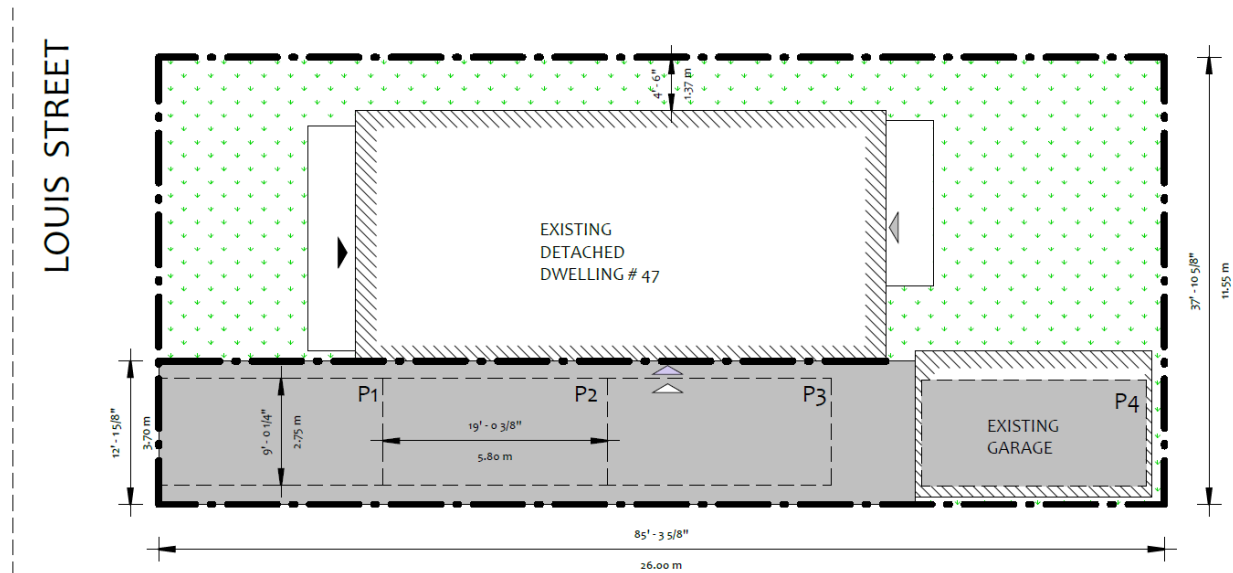
By-law Enforcement Services were also consulted as the requested variance concerns parking. By-law Enforcement staff confirmed they have no objection to the application.

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?

The application is minor in nature as section 3.7 (a) of the Zoning By-law permits tandem parking for triplex dwellings, and the three existing dwelling units already park in tandem, as demonstrated in the sketch below:



The spaces labeled P1, P2, and P3 are the existing parking spaces; P4 is the additional parking space being requested. The resulting increase of one additional tandem parking space is a minor increase from the existing parking situation.

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

The application is desirable for the development and use of the subject lands. The proposed variance will facilitate the development of the subject lands by permitting the additional tandem parking space, which will allow an additional dwelling unit to be constructed. As surrounding parcels consist of multi-residential dwellings of a similar nature, the application is appropriate for the surrounding lands, buildings, and uses.

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, as section 3.7 (a) of the Zoning By-law aims to limit the potential nuisance that tandem parking might pose for ingress and egress of lands with higher density residential uses. Staff circulated By-law Enforcement Services on this application to confirm whether the existing tandem parking has created any nuisances. By-law Enforcement staff indicated that they have no concerns at this time, nor do they anticipate

any future nuisances to be created because of the variance. Furthermore, the Zoning By-law regulates parking to ensure residents can park their vehicles safely and in accordance with other parking regulations in effect in a municipality, which is achieved through the proposed development. Staff is therefore satisfied that the application is 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 subject property is in keeping with the general intent and purpose of the City of Port Colborne Official Plan, as the Medium Density Urban Neighbourhood designation permits residential uses and intensification. The proposed development and Minor Variance application is consistent with the size and scale of developments in the neighbourhood and is in keeping with the character of the community. In this instance, the requested variances would maintain the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A18-24-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,



Diana Vasu, BA, MA
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner
