



City of Port Colborne
Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
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Development and Legislative Services
Planning Division Report

June 10, 2024

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

Re: Application for Minor Variance A16-24-PC
19 Lakeshore Road West – Parcel 3
Agent: Dylan Earl
Owner(s): Leo Di Fabio

Proposal:

The purpose and effect of this application is to permit a decrease in the minimum lot area from 0.05 hectares to 0.0418 hectares. The applicant is requesting the variance to facilitate the creation of a new lot.

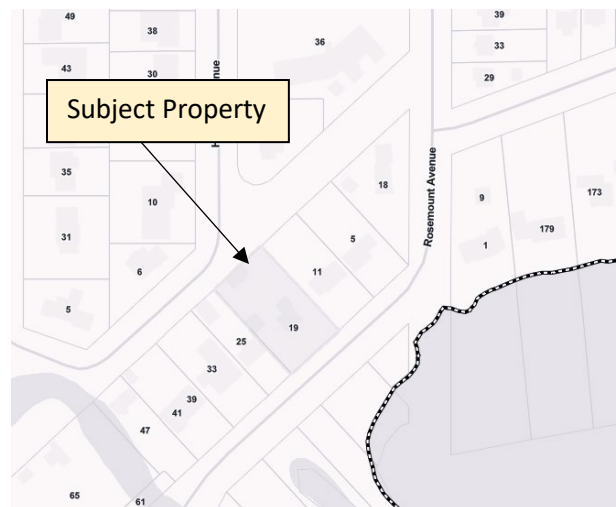
Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned First Density Residential (R1) to the north, east, and west. The surrounding uses consist of single detached dwellings to the north, east, and west, with Lake Erie being located to the south.

Official Plan:

The subject property is designated as Urban Residential in the City's Official Plan (OP). This designation permits residential uses and the creation of new residential lots.

Zoning:



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

Background

Three consent applications to create three additional lots (4 in total) were considered by the Committee of Adjustment on January 17, 2024. The Committee of Adjustment denied the three applications. The applicant appealed the three decisions to the Ontario Land Tribunal. On May 27, 2024, the Ontario Land Tribunal ordered that provisional consent be granted for the purposes of creating three new residential lots (Parts 2, 3 & 4 of the sketch) with Part 1 to be retained for a future residential use.

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 Eagle Marsh Municipal Drain. The Engineer's report is currently under review and drainage apportionment will be considered in the new report.

Fire Department

Port Colborne Fire has no objection to the application.

Development Services Supervisor

Engineering has no concerns with the lot area reduction request.

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?

The request to reduce the minimum lot area is minimal and will not impact the neighbouring properties. The frontage of the provisionally approved lot meets the minimum lot frontage requirements of 15 metres and no additional variances are being requested.

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 reduced lot area will facilitate the creation of a new lot in the urban area. There are lots of similar size in the existing neighbourhood and the provisionally approved lot is the same size as the three other approved lots on the subject lands.

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 intent of having minimum lot area requirements in the zoning bylaw is to ensure that new proposed lots are in keeping with the character of the neighbourhood and to ensure that there is sufficient area for a dwelling while meeting the zoning requirements. The proposed lot is of similar size to other lots in the neighbourhood and is the same size as the three other provisionally approved lots. No other variances to facilitate the creation of the lot is being requested.

For the reasons noted above, Staff is of the opinion that the requested variance 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 Urban Residential designation permits the creation of new lots under Policy 3.2.4 of the Official Plan. The provisional consent was approved by the Ontario Land Tribunal on May 27, 2024 and the proposed variance helps to facilitate the creation of the new lot.

In this instance, Staff are of the opinion that the requested variance is in keeping with the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A16-24-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 & Submitted by,

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

Denise Landry, MCIP, RPP
Chief Planner