



# GARDEN CITY

## DEVELOPMENT

June 27, 2024

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**Re: Northland Estates Subdivision  
Application for Redline Revision to Draft Plan of Subdivision  
Application for Minor Variance  
Addendum to Planning Justification Report (June 2022)**

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Garden City Development is pleased to provide this letter in support of the application for redline revision to the Northland Estates Draft Plan of Subdivision and the associated application for Minor Variance. The following letter is submitted along with the Application for Minor Variance, Revised Functional Servicing Study and Stormwater Management Report and Traffic Impact Study Addendum. I trust you will find this submission is responsive to the submission requirements outlined at our meeting of May 17, 2024, and Ms. Landry's email of May 3, 2024.

The purpose of this letter is to provide background and context to the applications and to provide Planning Justification for the proposed redline revision and associated application for minor variance. This letter is to serve as an addendum to the Planning Justification Report by Upper Canada Consultants (by this author), dated July 2022 in support of the application for Draft Plan of Subdivision and Zoning By-law Amendment.

### **Background and Context**

2600261 Ontario Inc. (Northland) is the owner of the Northland Estates Subdivision, which is legally described as Part of Lot 31, Concession 2, Geographic Township of Humberstone, City of Port Colborne, Regional Municipality of Niagara. The subject lands are located south of Barrick Road and west of West Side Road at the terminus of Northland Avenue. Northland filed applications for a Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the development of the subject lands as a residential subdivision, mixed use block, park and associated stormwater management pond and natural area in July 2022. The July 2022 Draft Plan of Subdivision was comprised of 120 single detached dwelling lots, 46 street townhouses and a mixed-use block containing 50 residential apartments. The Northland Estates Draft Plan of Subdivision and By-law 7141/83/23, which established the site-specific zoning to implement the subdivision were approved by Port Colborne Council on September 26, 2023.

By-law No. 7141/83/23 was appealed to the Ontario Land Tribunal by a resident that made submissions in opposition to the Zoning By-law Amendment. The appeal was dismissed by an order of the Ontario Land Tribunal dated May 31, 2024.

In the intervening two-year period between when the Northland applications for Draft Plan of Subdivision and associated Zoning By-law Amendment were made and present, the housing market conditions have changed drastically. There is a significantly increased demand for more affordable housing and less demand for large lot single detached dwellings. Northland is seeking to respond to this demand by making changes to the Draft Plan of Subdivision and the Zoning regulations that will implement it.

### **Purpose of the Applications**

The purpose of the proposed redline revision to the draft plan of subdivision is generally to increase the proportion of more affordable housing typologies within the subdivision. The proposed changes to the North Estates Subdivision are summarised as follows:

1. Decrease the number of single detached dwellings from 120 to 44. Several of the remaining single detached dwelling lots have also been reduced in size (i.e. frontage).
2. Increase the number of townhouse dwellings from 46 to 189.
3. Addition of 4 semi-detached dwelling units.
4. Other minor technical changes to the subdivision plan.

Port Colborne By-law 7141/83/23 Zones the portion of the Northland Estates Subdivision that was approved for single detached dwellings and street townhouses R3-73. The R3-73 Zone permits single detached dwellings, street townhouse dwellings and semi-detached dwellings. There is no change to the boundary within which these dwellings are proposed within the redlined subdivision compared to the location where they are proposed within the draft plan approved subdivision.

The detailed design of the single detached and street townhouse dwelling units has now been completed by Hunt Design Associates Inc. Various site plans and elevations by Hunt Design Associates are included with this submission. To implement Northland's vision for more affordable housing units on compact lots, the proposed dwellings require deviation from the approved zoning regulations contained in By-law 7141/83/23 and Port Colborne's parent by-law. The purpose of the Minor Variance Application is to permit the development of the dwelling units designed by Hunt Design Associates within the redlined Draft Plan. In particular, the Minor Variance Application seeks the following zoning relief:

1. (By-law 7141/83/23, 3. a) Minimum Lot Area for Townhouses (Interior and Exterior) – 160 m<sup>2</sup>
2. (By-law 6575-30-18, 7.8 c) Minimum Front Yard to House and Garage – 6.0 m
3. (By-law 6575-30-18, 7.8 e) Minimum Flankage to House – 3.0 m
4. (By-law 6575-30-18, 7.8 e) Minimum Flankage to Porch – 1.5 m
5. (By-law 6575-30-18, 7.8 g) Maximum Building Height – 12.0 m
6. (By-law 6575-30-18, 3.2) Minimum Garage Width (Obstructed Parking) – 3.0 m
7. (By-law 6575-30-18, 2.19.1) Minimum setback of uncovered stairs to first storey from lot line – 0.3 m

### **Planning Justification**

The Planning Justification Report prepared in support of the 2022 Application for Draft Plan of Subdivision and Zoning By-law Amendment provides a Planning Rationale for the development of the subject property as a residential subdivision containing a mix of dwelling types, a mixed-use block, park

and environmental protection areas generally. The Planning Justification Report contains an analysis of the development proposal in the context of the Planning Act, Provincial Policy Statement, Growth Plan, Region of Niagara Official Plan and Urban Design Guidelines, City of Port Colborne Official Plan and Comprehensive By-law 675-30-18. The analysis contained in the July 2022 Planning Justification Report is directly applicable to and should be relied upon for the consideration of the redline revision. The following is the summary of the planning analysis contained in the July 2022 Planning Justification Report:

*“The proposed development achieves a balance between environmental conservation and the accommodation of prescribed growth. The subject lands are located within the City of Port Colborne’s Settlement Area and are further within a designated Greenfield area. Provincial, Regional and local land use planning documents direct that these lands be developed to accommodate a range and mix of land uses and dwelling types through compact and efficient land use patterns to meet prescribed growth targets. The lands are also affected by Natural Heritage Features protected under the Region’s Core Natural Heritage System. Provincial, Regional and local land use policies require the long-term protection of Natural Heritage features and their functions. The on-site environmental features have been delineated through an Environmental Impact Study and will be contained within an environmental conservation block. This block will be designated and zoned to prohibit development which would negatively impact these features. The areas outside of the environmental conservation area are proposed to be developed through a compact mix of land uses, including a mix of dwelling types as encouraged in the Provincial, Regional and local plans. The proposed development yield contributes positively to the achievement of the City’s density obligations.*

*Based on the above analysis, it is my opinion that the applications comply with the Planning Act, are consistent with the Provincial Policy Statement, conform with the Growth Plan, Region of Niagara Official Plan and the City of Port Colborne Official Plan, represent good planning and should be supported.”*

The additional density proposed through the redline revision improves the efficiency and affordability of the proposed development which further contribute to the development’s consistency and conformity with relevant planning policy.

The revised subdivision plan continues to protect natural heritage features in proximity to the development. An Addendum to the Environmental Impact Study was prepared and peer reviewed subsequent to the July 2022 submission. This Environmental Impact Study Addendum and the City’s peer review confirm that natural heritage features will be adequately protected by the proposed development.

### **Minor Variance Analysis**

The following provides an analysis of the required minor variance for the severed parcel in the context of Section 45 of the Planning Act:

*Are the variances consistent with the general intent of the Official Plan*

The proposed variances will facilitate the intensification of a subdivision within an area Designated Greenfield in the City of Port Colborne and Region of Niagara Official Plan. The general intent of the

City's Official Plan is to promote compact, mixed-use communities, higher densities and a greater mix of housing types. The general intent of the Official Plan is to support the achievement of the Greenfield density target of 50 people and jobs per hectare. The revised plan of subdivision that is facilitated by the proposed variances will be a compact, mixed-use development containing a variety of housing forms at a density of 60 persons and jobs per hectare. The variances therefore conform to the general intent of the Official Plan.

*Are the variances consistent with the general intent of the Zoning By-law*

The general intent of the zoning by-law for minimum lot area for townhouses is to ensure that there is adequate space available on the lot for a dwelling, parking and amenity area. The proposed variance will apply to a limited amount of interior townhouse lots that have shallow depth. These lots will still accommodate a dwelling, minimum of 6 m front and rear yard setbacks which provide for adequate amenity area and a parking space in the driveway (and garage). The proposed variance for minimum lot area is therefore consistent with the general intent of the zoning by-law.

The general intent of the zoning by-law for minimum front yard setback to the house and garage is to ensure that there is adequate space in the front yard for parking and to minimize streetscape impacts. In this instance, the minimum front yard setback will apply universally to the new subdivision so a consistent streetscape will be achieved within the subdivision. The 6.0 m setback will also provide adequate space for a legal parking space in the front yard of each dwelling. The proposed variance for front yard setback is therefore consistent with the general intent of the zoning by-law.

The general intent of the zoning by-law for minimum flankage yards for dwellings and porches is to ensure that there is adequate separation between dwellings/porches and the street. In this instance, the proposed 1.5 m will be adequate to ensure that sight lines are not obstructed and will provide for consistency of setbacks within the subdivision. The proposed variance for flanking yard setback is therefore consistent with the general intent of the zoning by-law.

The general intent of the zoning by-law for maximum height is to ensure that buildings do not overpower the lot on which they are located and to ensure that consistency with existing, traditional development is maintained. The increase in height is required due to the shallow bedrock within the subdivision. The dwellings within the subdivision will have very limited interface with established development and will generally only interface with a rear yard-rear yard condition. The proposed dwellings will not overpower their lots and will maintain consistency with the surrounding neighbourhood. The proposed variance for maximum height is therefore consistent with the general intent of the zoning by-law.

The general intent for minimum obstructed parking space width is to ensure that adequate parking is provided for the use it serves. In this instance, a 6 m front yard setback will be provided to each dwelling unit. This setback provides for a legal parking space in the front yard of each dwelling which ensures adequate parking is provided to each dwelling. The proposed variance for obstructed parking space width is therefore consistent with the general intent of the zoning by-law.

The general intent of the zoning by-law for minimum setback of stairs to the first storey of a dwelling is to prevent the encroachment of stairs onto adjacent lots or municipal rights of way. In this instance, a slight decrease in setback is necessary to accommodate the raised first storey which is required as a consequence of the shallow bedrock. The requested variance will only apply to a limited number of flanking yards and will not cause encroachment into the right of way. The proposed variance for setback

to stairs to the first storey of the dwelling is therefore consistent with the general intent of the zoning by-law.

*Are the variances considered desirable for the appropriate development or use of the land*

The variances will facilitate a compact mixed-use development at an appropriate density considering the Greenfield designation of the site. The proposed development consistent with the Provincial Policy Statement, conforms to the Growth Plan, Region of Niagara Official Plan and the City of Port Colborne Official Plan, represents good planning and is in the public interest. The variances are therefore considered desirable for the appropriate development of the subject property.

*Are the variances minor in nature*

The minor variances will apply uniform zoning regulations to a new subdivision with limited interface with adjacent established neighbourhoods. There will be no tangible impact of the granting any of the minor variances requested on existing or future residents. The minor variances are therefore minor in nature.

**Conclusion**

The applications for redline revision and minor variance will facilitate modifications to a subdivision plan in response to the change in market conditions which have occurred subsequent to the original application two years ago. The applications will facilitate efficient, compact, mixed-use development at an appropriate density for the Greenfield area. The applications satisfy the requirements under the Planning Act, are consistent with the Provincial Policy Statement, conform to the Growth Plan, the Region of Niagara Official Plan, and the City of Port Colborne Official Plan, represent good planning and should therefore be supported.

Respectfully submitted,



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