

**Development and Government Relations Department**

Planning Division Report

December 6, 2024

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

**Re: Application for Minor Variance A26-24-PC  
1196 Chippawa Road  
Part Lot 20, Concession 3  
Owner(s): Stif and Dana Kozelj**

**Proposal**

The purpose of this application is to request that an accessory lot coverage of 1.3% be permitted, whereas a maximum of 1% is permitted in the Agricultural (A) zone. The application has been requested to facilitate the construction of an accessory structure, as depicted in Appendix A.

**Surrounding Land Uses and Zoning**

The subject lands are in the Agricultural (A) and Agricultural Residential (AR) zone. The parcels surrounding the subject lands are in the Agricultural zone to the north, south, east, and west. The surrounding uses consist of detached dwellings and buildings accessory thereto, to north, south, east, and west.



*Figure 1 (right): the subject property, 1196 Chippawa Road.*

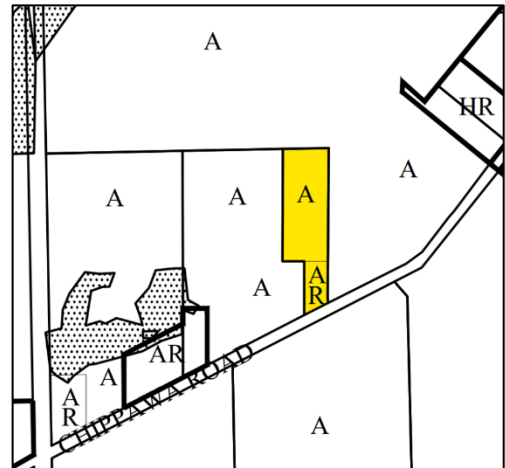
## Official Plan

The subject lands are in the Agricultural designation in the City of Port Colborne Official Plan. This designation permits residential uses, which includes buildings accessory to the main residential use.

## Zoning

The subject lands are in the Agricultural (A) and Agricultural Residential (AR) zone in Zoning By-law 6575/30/18. The location of the proposed garage would be in the (A) portion of the lot. The (A) and (AR) zones both permit residential uses, including detached dwellings and uses, structures, and buildings accessory thereto.

*Figure 2 (right): an excerpt from Schedule A2 of Zoning By-law 6575/30/18 depicting the subject lands.*



## Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

## Public Comments

Notice was circulated on November 27, 2024, as per section 45 (5) of the *Planning Act*, to properties within 60 metres of the subject lands. As of December 6, 2024, no public comments have been received.

## Agency Comments

Notice was circulated on November 12, 2024, to internal departments and external agencies. As of December 6, 2024, the following comments have been received:

### Drainage Superintendent

No objections.

### Fire Department

No objections.

### Engineering Division

No objections.

## Niagara Region

Regional Growth Management and Planning staff do not object to the proposed Minor Variance from a Provincial and Regional perspective, provided there is no plumbing or living space included in the accessory building.

**Note:** Full comments are included in the Committee of Adjustment agenda package dated December 6, 2024.

### **Discussion**

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*. An analysis of the four tests follows.

#### ***Is the variance minor in nature?***

Planning staff finds the requested increase in accessory lot coverage to be minor in nature. The accessory structure is proposed to be set far back enough from dwellings on neighbouring parcels, which will mitigate potential adverse impacts from the construction of a larger structure. A concrete pad is already situated on the proposed site of the structure, which will minimize some of the potential adverse impacts of the construction process. There are no anticipated compatibility concerns from neighbouring parcels as the accessory structure appears to be of a similar size to other accessory structures in the neighbourhood.

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

The proposal is desirable for the appropriate use of the land and building, as the variance has been requested in part due to a technicality resulting from the dual zoning of the property and the location of the requested accessory building. The existing concrete pad appears to currently be used for outdoor storage purposes, thus building an accessory structure on this location will create a more protected indoor space for storage purposes.

#### ***Does it maintain the general intent and purpose of the Zoning By-law?***

Planning staff find the increase in accessory lot coverage maintains the general intent and purpose of the Zoning-By-law. The Zoning By-law permits accessory buildings within the Agricultural zone, and the proposal meets the majority of the zoning requirements. Section 2.8.2 (c) of the Zoning By-law requires lots in the Agricultural or Rural zone to maintain a maximum accessory lot coverage of 1% of the lot area, whereas section 2.8.2 (b) allows lots with no municipal services a maximum accessory lot coverage 5% of the lot area. If the accessory structure was proposed to be constructed in the AR portion of the lot, this variance application would not be required; however, as the accessory structure is proposed in the Agricultural portion, the variance is required to permit the proposed size.

***Does it maintain the general intent and purpose of the Official Plan?***

Planning staff find the increased accessory lot coverage maintains the general intent and purpose of the Official Plan. The Official Plan permits residential uses within the Agricultural designation, which includes buildings accessory thereto.

**Recommendation:**

Given the information above, Planning Staff recommends application A26-24-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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Submitted by,

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Appendix A

