

Development and Government Relations

Planning Division Report

December 6, 2024

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

Re: Application for Consent: B16-24-PC
Applications for Minor Variance: A29-24-PC and A30-24-PC
Humberstone Concession 3 Part Lot 31, Part 2 on RP 59R17017
607 Barrick Road
Agent: Martyn Perrin
Owner(s): Lucia Maria Pinelli

Proposal

Consent application B16-24-PC proposes to permit the conveyance of Parcel 2 on the severance sketch attached as Appendix A, for a future residential use. Parcel 2, which fronts onto Barrick Road, is proposed to have a lot area of 548.6 square metres. Minor variance application A29-24-PC is requesting that a minimum lot frontage of 12 metres be permitted for Parcel 2, whereas a minimum lot frontage of 15 metres is required. Parcel 1, which also fronts onto Barrick Road, is proposed to be retained for its existing residential use, with a lot area of 629.3 square metres. Minor variance application A30-24-PC is requesting that a lot frontage of 13.47 metres be permitted for Parcel 1, whereas a minimum lot frontage of 15 metres is required.



*Figure 1 (left):
 The subject
 property, 607
 Barrick Road*

Surrounding Land Uses and Zoning

The subject lands are the First Density Residential (R1) zone. The parcels surrounding the subject lands are zoned R1 to the east and south; the lands to the north and west are in a site-specific Fourth Density Residential zone (R4-88) and the Public and Park (P) zone.

Environmentally Sensitive Areas

The subject lands are not impacted by the Region's Natural Environment System.

Public Comments

Notice was circulated on November 27, 2024, to properties within 60 metres of the subject lands, in accordance with section 44 (5) of the *Planning Act*. As of December 6, 2024, no comments from the public have been received.

Agency Comments

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

Niagara Region

Regional Growth Management and Planning staff offer no objection to the proposed Consent application from a Provincial and Regional perspective, subject to the applicant/owner receiving acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated August 2, 2024). No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

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

Staff Response

The recommendation of Regional staff has been included as a condition of the severance.

Drainage Superintendent

The parcel in the application is assessed through the Biederman Municipal Drain report. Assuming the application is approved, a condition of completion will require a drainage apportionment agreement. Planning will provide the deposited plan to the Drainage Superintendent to complete the apportionment agreement. The City fee for the agreement from the Drainage Superintendent is \$118. If the applicants not satisfied with the Drainage Superintendent completing the reapportionment, the applicant may choose to have the

agreement completed by an approved drainage engineer. Any costs incurred from the drainage engineer will be at the expense of the applicant. Secondly, it is strongly recommended that if the proposed parcels do not drain independently of one another that a mutual agreement drain be established. If further information is required on the mutual agreement drain, please contact the Drainage Superintendent.

Staff Response

A drainage apportionment agreement has been included as a condition of the severance.

Fire Department

No objections.

Engineering Division

Engineering staff will require separate water and sanitary services, and separate entrances, to be provided to the new lot, in accordance with the City's Engineering Design Manual. A Municipal Consent permit will be required for these works, which can be applied for on the [Municipal Consent permits webpage](#).

Staff Response

Engineering requirements will be addressed through the Municipal Consent permit process during construction.

Discussion

Consent application B16-24-PC was reviewed with consideration of applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and Zoning By-law 6575/30/18.

Provincial Planning Statement (PPS)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are in a Designated Growth Area in the PPS, as the lands are within a settlement area designated for growth that has not yet been fully developed.

Section 2.3.1.1 states that settlement areas shall be the focus of growth and development. Section 2.3.1.2 provides that land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources and optimize existing and planned infrastructure. Section 2.3.1.3 requires that planning authorities support general intensification to support the achievement of complete communities, including by planning for a range and mix of housing options.

Planning staff are satisfied that the consent application is consistent with the PPS. The proposal to create a new residential lot supports the provincial requirement to direct growth and development to settlement areas. The new residential infill lot would be serviced by municipal water and sanitary infrastructure, which will contribute to a more efficient use of the existing infrastructure by adding new usership to both systems. The proposal contribute towards the provision of an appropriate range and mix of housing in settlement areas by creating a new building lot in an area slated for future residential growth.

Niagara Official Plan (NOP)

The subject lands are within the Designated Greenfield Area in the NOP, and is mapped within Schedule K as an area of archaeological potential. Development and site alteration is not permitted unless the lands are investigated and any existing archaeological resources are conserved. The NOP outlines that Designated Greenfield Areas are to be planned as complete communities by ensuring that development is sequential, orderly and contiguous with existing built-up areas, ensuring infrastructure capacity is available. Designated Greenfield Areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.

Planning staff are satisfied that the proposed consent applications conform to the NOP. A Stage 1-2 Archaeological Assessment was prepared by Detritus Consulting Ltd. (dated August 2, 2024), which found no archaeological resources to be conserved and recommended no further archaeological assessment of the lands. The proposed severance will create a new residential lot with a similar lot fabric as other lots within the neighbourhood. Creating the new lot between the subject property and the abutting property to the east allows for a more efficient use of existing infrastructure while also contributing to the Regional density target. A new infill lot between two existing serviced lots will contribute to the orderly development of the existing built-up neighbourhood.

City of Port Colborne Official Plan (OP)

The subject lands are designated as Urban Residential in the OP. The Urban Residential designation (section 3.2 of the OP) permits residential uses, neighbourhood commercial uses, cemeteries, parks, schools, community facilities and institutional uses normally located in residential areas.

Section 3.2.2 and 2.4.3 outline the requirements for intensification and infill in the Urban Residential designation. Proposals for the creation of new lots in the Urban Residential designation are considered in accordance with the provisions of section 3.2.4 of the OP, which permits severances subject to the submission of a survey sketch prepared by a registered Ontario Land Surveyor and the proposed lots having frontage on a public road. Section 11.5.1 of OP provides for the collection of cash-in-lieu of parkland dedication as a condition of consent. Parkland dedication is required when new development is proposed that would increase the population of the City and add more users to the parkland system.

The proposed severances would have the effect of creating a new lot for residential use. As a result of this application, the proposed lots can include new units and are intended for residential use which will lead to the population increasing. As a result, the standard condition of a memorandum of understanding stating that the applicant is aware of the requirements of parkland dedication have been included as a condition of the consents. The addition of new residential units will contribute to the intensification target of 15% established in section 2.4.3.1 of the OP. The severance sketch submitted in support of this application shows that both proposed lots have frontage on Barrick Road, though minor variance applications A29-24-PC and A30-24-PC, which are analyzed later in this report, are requesting relief of the minimum lot coverage requirement established for the First Density Residential (R1) zone. Planning Staff are satisfied that the proposal meets the OP.

City of Port Colborne Zoning By-law 6575/30/18

The subject lands are the R1 zone under Zoning By-law 6575/30/18. The proposed severances will leave the following dimensions:

Parcel No.	Lot Frontage	Lot Area
Parcel 1 (to be retained)	13.47 metres	629.3 square metres
Parcel 2 (to be severed)	12 metres	548.6 square metres

Planning staff are satisfied that all the requirements of the zoning by-law will be met, subject to the approval of minor variance applications A29-24-PC and A30-24-PC. The R1 zone requires that new lots provide a minimum lot frontage of 15 metres and a minimum lot area of 0.05 hectares (500 square metres). Both proposed lots would exceed the lot area requirements. The dwelling on Parcel 1 will allow enough space to accommodate a dwelling on Parcel 2 and maintain the setbacks of the R1 zone on both proposed lots.

Recommendations

B16-24-PC

Planning staff recommend application B16-24-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels or a registrable legal description of the subject parcels, and a paper and electronic copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.

3. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
4. That the applicant(s) sign the City of Port Colborne's standard Memorandum of Understanding explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to section 42 of the *Planning Act*.
5. That the applicant receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) and provide it to City staff. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
6. That all conditions of consent be cleared by December 11, 2026.

For the following reasons:

1. The application is consistent with the Provincial Planning Statement, the Niagara Official Plan, City of Port Colborne Official Plan, and will comply with the provisions of Zoning By-law 6575/30/18, as amended, provided the concurrent minor variance applications are approved.

Minor Variance Applications: A29-24-PC and A30-24-PC

Minor variance application A29-24-PC is applicable to Parcel 2 on the proposed severance sketch. Application A29-24-PC is requesting that a minimum lot frontage of 12 metres be permitted, whereas a minimum lot frontage of 15 metres is required in the R1 zone.

Minor variance application A30-24-PC is applicable to Parcel 1 on the proposed severance sketch. Application A30-24-PC is requesting that a lot frontage of 13.47 metres be permitted, whereas a minimum lot frontage of 15 metres is required in the R1 zone.

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 application minor in nature?

Planning staff find the requested reduction in lot frontage to be minor in nature. The variances have been requested to facilitate the creation of a new residential lots which is similar in size and shape to other lots in the neighbourhood. The similar lot sizes in the neighbourhood indicate that the variances are unlikely to produce any adverse impact on neighbouring parcels. The size of the proposed lots will allow for adequate setbacks between future dwellings, which will mitigate the potential negative impact of the reduced frontage. As the only variance requested at this time is the reduction in lot frontage, there are no other anticipated adverse impacts to adjacent properties.

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

The proposal is desirable for the appropriate development of the subject lands. No development of the lands is proposed as a direct result of the applications, but future development of the severed lots will be required to comply with the remainder of the R1 zoning provisions. The proposed lots will be of a sufficient size to maintain all other zoning provisions, which will help facilitate the appropriate development of the lands. The residential development that would result from the approval of these applications will add additional housing options to the available supply of housing. The variances will facilitate a more efficient use of these lands by allowing an appropriate amount of residential development to occur on the lands in the future.

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

Planning staff find the applications maintain the general intent and purpose of the Zoning By-law. The minimum lot frontage requirement in the R1 zone intends to ensure that dwellings are appropriately separated. Minimum lot frontage requirements further aim to maintain the character of a neighborhood character by providing sufficient space for access and utilities. The proposed lots will be large enough to be municipally serviced. The size of the proposed lots will allow enough space to ensure adequate access to future developments, which will be required to abide by the rest of the provisions of the R1 zone.

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

Planning staff find the applications meet the general intent and purpose of the Official Plan. The Official Plan permits severances for residential purposes within the Urban Residential designation.

Recommendation

Planning staff recommend applications A29-24-PC and A30-24-PC be **granted** for the following reasons:

1. The applications are minor in nature.

2. They are appropriate for the development of the site.
3. They are desirable and in compliance with the general intent and purpose of the Zoning By-law.
4. They are desirable and in compliance with the general intent and purpose of the Official Plan.

Prepared by,

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Planner

Submitted by,

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Appendix A

