

Development and Government Relations Department

Planning Division Report

February 7, 2025

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

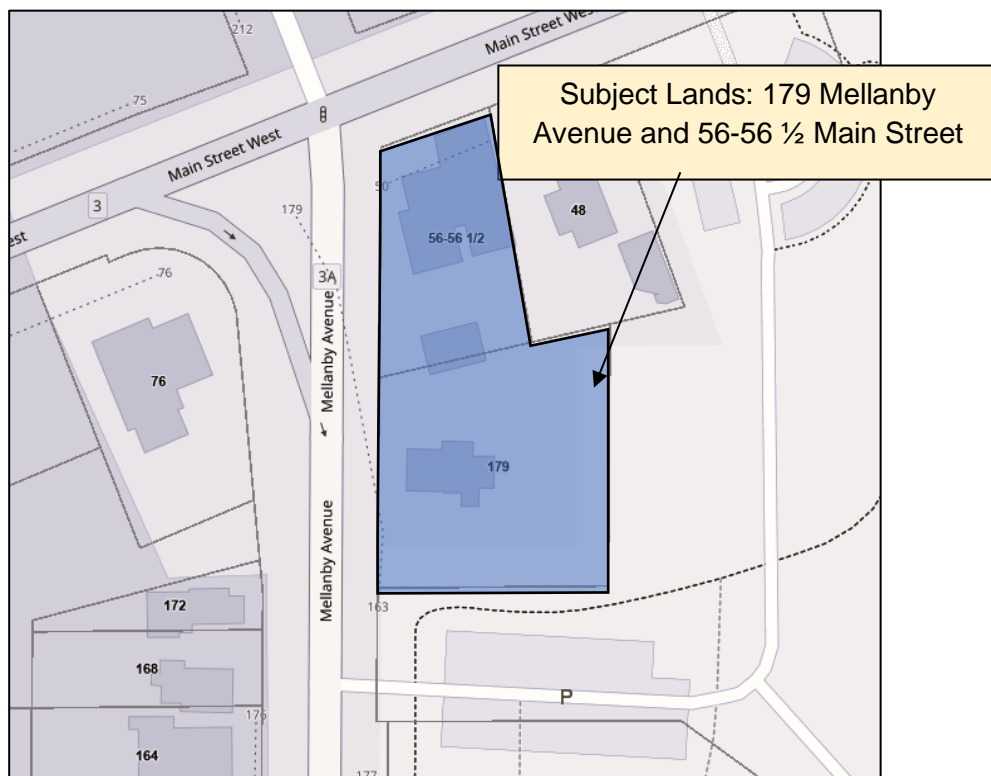
**Re: Application for Minor Variance A02-25-PC
 179 Mellanby Avenue and 56-56 1/2 Main Street
 Plan 25, Lot 45, New Plan 784
 Owner(s): 1000367026 Ontario Inc.**

Proposal

The purpose of this application is to request that 1 parking space per dwelling unit be permitted, whereas 1.25 parking spaces per dwelling unit are required, to facilitate the construction of a 101-unit apartment building.

Surrounding Land Uses and Zoning

The subject lands are in a special provision of the Downtown Commercial zone, with a holding provision (DC-79-H). The parcels surrounding the subject lands are zoned DC to the north and west, Second Density Residential (R2) to the west, and Public and Park (P) to the east and south. The surrounding uses consist of commercial and residential uses to the north, a park to the east and south, and detached dwellings and a community hall to the west.



Official Plan

The subject lands are in the Downtown Commercial designation in the City of Port Colborne Official Plan. This designation supports residential uses, which includes apartment buildings.

Zoning

The subject lands are in a special provision of the Downtown Commercial zone, with a holding provision (DC-79-H) in Zoning By-law 6575/30/18. Apartment buildings are a permitted use in the DC zone.

Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

Public Comments

Notice was circulated on January 28, 2025, as per section 45 (5) of the *Planning Act*, to properties within 60 metres of the subject lands. As of February 7, 2025, the following has been received:

Dennis Orosz, 53 Main Street West

The application to amend bylaw parking ratio to 1:00 from 1:25 is ludicrous for anyone to consider. Living across from the proposed site, I observe the use of Lock 8 parking lot as well as the Heritage Information Centre on the south west corner of Main st and Mellanby Ave. Particularly during spring, summer and fall, there are many people that use the park for family activities and to observe the ship traffic in the Canal.

To allow the request to amend the bylaw would create an even more overwhelming amount of vehicles in the immediate area.

To think that each apartment owner only has one vehicle is not realistic these days. Allowing the bylaw change would overflow to the Information Centre, private properties in the immediate area as well as Mellanby South residential areas.

My question I shall ask, where will you park the secondary vehicle (for those apartment owners who), where do visitors park, where do PSW park for those who may require that service? Also in the development there is Commercial space proposed. Where do customers/clients park for those businesses?

Please understand I do not oppose new development in our City. However I feel the proposed development is not suited for this location as is.

I strongly oppose the request to amend the Bylaw and developers should consider downsizing the building to 4-5 stories to accommodate our existing 1:1.25 parking ratio at minimum.

Staff Response

These comments raise concerns regarding where future residents of the apartment will park secondary vehicles, and where residential and commercial visitors will park their vehicles. Planning staff note that the parking provisions in section 3 of the Zoning By-law do not require any zone in the City to provide 2 parking spaces per dwelling unit; rather, most zones require a minimum of 1 parking space per unit. Apartment buildings require 1.25 parking spaces to recognize that the increased density of an apartment building will require additional space for visitor parking. As is discussed later in this report, the parking available at the abutting Lock 8 Park can provide temporary parking spaces for visitors of both the dwelling and commercial units.

Agency Comments

Notice was circulated on January 8, 2025, to internal departments and external agencies. As of February 7, 2025, the following comments have been received.

Drainage Superintendent

No objections.

Fire Department

No objections.

Engineering Division

No objections.

Discussion

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?

The requested variance of 1 parking space per dwelling unit, where 1.25 is required, is minor in nature. The requested reduction in parking on the subject property will be mitigated by the adjacent Lock 8 Park parking lot which can provide additional temporary parking spaces for visitors. Following the surrounding context of the property, the reduced parking rate is unlikely to have an adverse impact as the additional parking area available at Lock 8 Park will contribute towards ensuring the apartment building has a sufficient

amount of parking spaces available for the expected vehicular traffic. As the requested variance is unlikely to negatively impact neighbouring properties, the application is minor in nature.

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 land, as the application will facilitate the redevelopment of the subject lands. The application is a result of not being able to lease parking spaces from Lock 8 Park, which is controlled by the St. Lawrence Seaway Authority, as was addressed in zoning by-law amendment application D14-08-23 that Council approved on March 12, 2024. The request to reduce the required parking rate to 1 parking space per unit for the proposed 101 dwelling units. The requested variance aligns with the measures recommended in [Report 2024-53](#) if the applicants were unable to reach an agreement with the St. Lawrence Seaway Authority.

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

The intent of the required parking rate of 1.25 spaces per apartment dwelling unit is to ensure each dwelling unit is provided with a space to park, with some additional parking spaces provided for visitors. The request to reduce the parking rate to 1 space per unit will maintain the goal of each dwelling unit having a parking spot, with temporary visitor parking available at Lock 8 Park. The proposal meets the rest of the applicable zoning provisions, which include the parking provisions of section 3, the DC zoning provisions in section 23, and the special provision DC-79-H that was adopted by By-law 7199/21/24.

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

The subject lands are within the Downtown Commercial designation, which permits apartment buildings. The property is in an Intensification Area, as identified on [Schedule A1: Greenfields](#). Section 2.4.3 encourages intensification efforts to be directed towards local intensification areas which include the Main Street West. The reduced parking will facilitate the intensification of the subject lands. Additionally, this site is close to the bike trail network identified on [Schedule D: Transportation](#) which provides access to active transportation methods to mitigate the impact of the reduced parking.

Recommendation:

Given the information above, Planning Staff recommends application A02-25-PC be **granted** for the following reasons:

- 1. The application is minor in nature.**
- 2. It is desirable for the appropriate development of the land.**
- 3. It maintains the general intent and purpose of the Zoning By-law.**
- 4. It maintains the general intent and purpose of the Official Plan.**

Prepared by,

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