



PORT COLBORNE

City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

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 Consent B04-25-PC
Plan 16, Lot 365, New Plan 854
153 Kent Street
Agent: Carol Moroziuk
Owner(s): Michael Smith**

Proposal

The purpose and effect of this application is to permit the adjustment of the rear lot boundary line between 153 Kent Street and 176 Elm Street. The application proposes to convey Part 1 on the proposed severance sketch attached as Appendix A, to 176 Elm Street for residential use. Part 2 will retain a lot frontage of 11.58 metres on Kent Street with a lot area of 438.7 square metres for residential use.

Surrounding Land Uses and Zoning

153 Kent Street, the subject of this application, is in the Fourth Density Residential (R4) zone; 176 Elm Street is in a special provision of the R4 zone (R4-56). The parcels surrounding the subject lands are zoned R4 to the east and south, Downtown Commercial (DC) to the north, and Second Density Residential (R2) to the west. The surrounding uses consist primarily of residential dwellings to the east, west, and south, and a post office and office building to the north.



Environmentally Sensitive Areas

The subject property does not feature any environmentally sensitive areas.

Public Comments

Notice was circulated on January 28, 2025, to properties within 60 metres of the subject lands, in accordance with section 44 (5) of the *Planning Act*. As of February 7, 2025, no comments from the public have been received.

Agency Comments

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

Drainage Superintendent

No objections.

Fire Department

No objections.

Engineering Technologist

No objections.

Discussion

This application 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 subject lands are identified as a Settlement Area in the PPS. Section 2.3.1.1 states that settlement areas shall be the focus of growth and development. Section 2.3.1.2 encourages land use patterns within settlement areas to 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 redevelopment to support the achievement of complete communities.

Planning staff are satisfied that the boundary adjustment application is consistent with the PPS. The proposal to adjust the boundaries for existing residential uses supports the provincial requirement to direct growth and development to settlement areas. The proposed boundary adjustment would be for lots that are municipally serviced, contributing to a more efficient use of the existing infrastructure. The proposal contributes

toward the provision of an appropriate range and mix of housing by supporting the needs of two existing residential lots.

Niagara Official Plan (NOP)

The subject lands are within the Delineated Built-up Area designation in the NOP, which also classifies the lands as being within an Urban Area and a Settlement Area. The policies in section 2.2 of the NOP directs forecasted growth to settlement areas. Section 2.2.1.1 requires development in urban areas to support a diverse range and mix of housing types, unit sizes, and densities to accommodate housing needs. Housing options must consider the character of established residential neighbourhoods, and the development of a mix of residential built forms must be in appropriate locations to ensure compatibility with established residential areas.

Planning staff are satisfied that the proposed consent application conforms to the NOP. The proposal to facilitate a boundary adjustment will result in 153 Kent Street providing its surplus storage buildings to 176 Elm Street for additional storage space to support the apartment building. As no physical development or site alteration is proposed to result from this application, the structures on each property will remain compatible with the character of the established residential 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 boundary adjustments 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 3.2.4 (d) allows boundary adjustments for the purpose of conveying part of a property to an adjacent landowner and for any other purpose that does not create a separate lot.

Planning staff are satisfied that the proposal meets the requirements of the OP. An Ontario Land Surveyor sketch has been submitted. The boundary adjustment application has been requested to convey part of a property to an adjacent landowner, as supported by section 3.2.4 (d) (i); no new lots are being proposed by this application. If approved, both 153 Kent Street and 176 Elm Street will maintain their compliance with the Zoning By-law, as required by section 3.3.2 (b) (iii). No Minimum Distance Separation formula was required as the property is within a settlement area.

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

The lands subject to this application are in the Fourth Density Residential (R4) zone in Zoning By-law 6575/30/18. The application proposes to leave the following dimensions:

Part 1 would be added to 176 Elm Street. Part 1 has a width of 11.58 metres, a depth of 14 metres, and an area of 162.1 square metres.

Part 2 would be the remanent parcel, retaining a lot frontage 11.58 metres and a lot area of 438.7 square metres.

Planning staff are satisfied that all applicable zoning requirements will be met, as the required.

Recommendation:

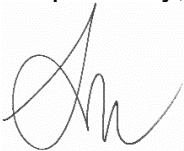
Given the information above, Planning staff recommend application B03-25-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcel or a registrable legal description of the subject parcel, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That all conditions of consent be completed by February 12, 2027.

For the following reasons:

1. The application is consistent with the Provincial Planning Statement and conforms to the Niagara Official Plan, City of Port Colborne Official Plan, will comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,



Diana Vasu, BA, MA
Planner

Submitted by,



David Schulz, BURPI, MCIP, RPP
Manager of Planning

Appendix A

