



## Official Plan

The subject lands are in the Medium-Density Urban Neighbourhood designation, as identified in Schedule F: East Waterfront Secondary Plan in the City of Port Colborne Official Plan. This designation supports residential uses, which includes duplexes and triplexes.

## Zoning

The subject lands are in the Third Density Residential (R3) zone, as per Zoning By-law 6575/30/18. The R3 zone permits residential uses, which includes duplexes and triplexes.

## Surrounding Land Uses and Zoning

The parcels surrounding the subject lands are zoned R3 to the north, east, and west; the parcel to the south is in a special provision of the Fourth Density Residential zone (R4-80). All the surrounding land uses are residential, apart from le Centre des Aines Francophones de Port Colborne, which is to the north of 178 Mitchell Street.

## Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

## Public Comments

Notice was circulated on March 25, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of April 4, 2025, no comments from the public have been received.

## Agency Comments

Notice of the application was circulated on February 18, 2025, to internal City departments and external agencies. As of April 4, 2025, the following comments have been received.

<b>Drainage Superintendent</b>	No objections.
<b>Fire Department</b>	No objections to the application for relief of the parking. Port Colborne Fire staff will require an inspection of the property to ensure proper fire separation and exits from the proposed third unit in the basement.
<b>Engineering Technologist</b>	No objections.
<b>By-law Enforcement Services</b>	No objections.

<b>Niagara Region</b>	No objections to this application, though Regional staff note that 178 Mitchell Street is mapped as an area of archaeological potential in the Niagara Official Plan. As there is no development or site alteration proposed with the application, there are no archaeological assessment requirements. Future <i>Planning Act</i> applications may require an archaeological assessment to be completed.
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### Staff Response

If this application is approved, the applicant will need to receive a building permit to convert the duplex into a triplex. The Fire Department is circulated on building permit applications to ensure proper fire safety, and an inspection of the property can be conducted at that time.

### Discussion

For a minor variance application to be approved, the requested variances must meet each of the four tests outlined in section 45 (1) of the *Planning Act*. An analysis of the requested variances and the four tests follows.

#### Variance 1

*That no parking space per dwelling unit be permitted, whereas 1 parking space per dwelling unit is required.*

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

Planning staff find the reduction in parking to be minor in nature. This variance was requested as the configuration of the existing buildings on the lot does not have enough space in the front or side yards to provide on-site parking (see Appendix A). The conversion of the duplex to a triplex would result in a total of 4 dwelling units on the property, none of which would have parking on site. The impact of the reduction in parking is unlikely to have a negative impact on the subject or neighbouring properties as By-law Enforcement Services were circulated on the application and did not express any objections to the reduction in parking. The subject property is close to the Port Colborne Bike Trail network identified in [Schedule D: Transportation](#) in the Official Plan, which helps reduce the need for future occupants to own a vehicle.

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

The requested variance would facilitate the addition of a new dwelling unit to the City's housing supply and contributes to the City's intensification target. The new unit in the basement would result in the conversion of a duplex to a triplex, both of which are permitted uses in the R3 zone. The proposed parking reduction is desirable for the appropriate development of the land because it will result in increased housing options.

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

The requested variance does not maintain the general intent and purpose of the Zoning Bylaw. The purpose of section 3.1.1 of the Zoning By-law is to ensure residential dwelling units are provided with adequate parking for residents of the unit. The existing dwelling units do not have on-site parking; thus, allowing an additional dwelling unit with no parking results in further eliminating, not reducing, the parking requirement. The parking requirement intends, in part, to ensure residents can use their vehicles in accordance with other parking regulations, such as the prohibition of street parking during snow events. Allowing a complete elimination of required parking for this property would therefore allow a variance that does not maintain the general intent and purpose of the Zoning By-law.

Section 3.1a) requires one or more parking spaces to be provided for buildings in accordance with sections 3.1.1, and this proposal does not qualify for the exceptions provided for in section 3. Section 3.8 requires that parking standards related to the expansion of a building with existing parking deficiencies, must be adhered to. This proposal cannot satisfy these provisions.

Planning staff note that, due to the additional provisions 3.1a), 3.1.1 and 3.8, a minor Zoning By-law Amendment is a more appropriate application type to facilitate the proposed development.

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

The Medium Density Urban Neighbourhood designation in the East Waterfront Secondary Plan area in the Official Plan permits the repair and renovation of existing housing stock; however, as noted above, the request for elimination of parking does not maintain the applicable zoning regulations. Section 5.2.2 (a) (ii) requires properties in this designation to be developed in accordance with the applicable zoning by-law uses and regulation, which this variance would not conform to. Accordingly, this variance does not maintain the general intent and purpose of the Official Plan.

**Recommendation:**

That Variance 1 in application A04-25-PC be **denied** for the following reasons:

- 1. The application is minor in nature.**
- 2. It is desirable for the appropriate development or use of the land, building, or structure.**
- 3. It does not maintain the general intent and purpose of the Zoning By-law.**
- 4. It does not maintain the general intent and purpose of the Official Plan.**

Planning staff note that a variance must meet all 4 tests for approval to be recommended.

### Variance 2

*That a minimum lot frontage of 11.23m be permitted, whereas a minimum lot frontage of 18m is required.*

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

The request for a reduced lot frontage has been applied for as the conversion of the existing duplex to a triplex requires relief of the existing lot frontage deficiency. The existing lot frontage will not change as a result of this variance being approved. Since the lot fabric is not proposed to change at all, there will be no negative impact, which makes the variance minor in nature.

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

The requested reduction in lot frontage will not result in any changes to the frontage; rather, the variance would permit the increased density of the dwelling from a duplex to a triplex. This variance would result in an increase in the available housing supply in the City without causing any visual change to the lot frontage. The proposal is therefore desirable for the appropriate development of the subject lands.

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

The existing lot already has a reduced frontage, as the R3 zone requires an 18 metre frontage for duplexes and triplexes. The variance has been requested due to the proposed change in use, but the lot is not proposed to change. The reduced frontage still maintains a wide enough lot to accommodate multiple dwelling units, thus the proposal maintains the general intent and purpose of the Zoning By-law.

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

The Medium Density Urban Neighbourhood designation in the East Waterfront Secondary Plan area in the Official Plan permits the repair and renovation of existing housing stock. Accordingly, this variance maintain the general intent and purpose of the Official Plan.

#### **Recommendation:**

That Variance 2 in application A04-25-PC be **granted** for the following reasons:

- 1. The variance is minor in nature.**
- 2. It is desirable for the appropriate development or use of the land, building, or structure.**
- 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.**

### Variance 3

*That a minimum front yard setback of 3.4m be permitted, whereas a minimum front yard setback of 9m is required.*

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

The request for a reduced front yard has been applied for as the conversion of the existing duplex to a triplex requires relief of the existing front yard deficiency. The existing front yard will not change as a result of this variance being approved. Since the lot fabric is not proposed to change at all, there will be no negative impact, which makes the variance minor in nature.

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

The requested reduction in front yard will not result in any changes to the lot; rather, the variance would permit the increased density of the dwelling from a duplex to a triplex. This variance would result in an increase in the available housing supply in the City without causing any visual change to the lot. The proposal is therefore desirable for the appropriate development of the subject lands.

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

The existing lot already has a reduced front yard, as the R3 zone requires a minimum front yard of 6.5 metres for a duplex and 9 metres for a triplex. The variance has been requested due to the proposed change in use, but the lot is not proposed to change. The reduced front yard still maintains enough space to accommodate multiple dwelling units, thus the proposal maintains the general intent and purpose of the Zoning By-law.

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

The Medium Density Urban Neighbourhood designation in the East Waterfront Secondary Plan area in the Official Plan permits the repair and renovation of existing housing stock. Accordingly, this variance maintain the general intent and purpose of the Official Plan.

#### **Recommendation:**

Given the information above, Planning Staff recommends Variance 2, as requested in application A04-25-PC, be **granted** for the following reasons:

- 1. The variance is minor in nature.**
- 2. It is desirable for the appropriate development or use of the land, building, or structure.**
- 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.**

#### Variance 4

*That a maximum lot coverage of 41% be permitted, whereas a maximum lot coverage of 40% is required.*

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

The request for increased lot coverage has been applied for as the conversion of the existing duplex to a triplex requires relief of maximum lot coverage. The existing lot frontage will not change as a result of this variance being approved. Since the lot fabric is not proposed to change at all, there will be no negative impact, which makes the variance minor in nature.

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

The requested increase in lot coverage will not result in any changes to the lot coverage; rather, the variance would permit the increased density of the dwelling from a duplex to a triplex. This variance would result in an increase in the available housing supply in the City without causing any visual change to the lot coverage. The proposal is therefore desirable for the appropriate development of the subject lands.

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

The existing lot already has a lot coverage of 41%, which is permitted for a duplex in the R3 zone, but a triplex has a maximum permitted lot coverage of 40%. The variance has been requested due to the proposed change in use, but the lot is not proposed to change. The increase in lot coverage still maintains private outdoor amenity space, thus the proposal maintains the general intent and purpose of the Zoning By-law.

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

The Medium Density Urban Neighbourhood designation in the East Waterfront Secondary Plan area in the Official Plan permits the repair and renovation of existing housing stock. Accordingly, this variance maintains the general intent and purpose of the Official Plan.

#### **Recommendation:**

Given the information above, Planning Staff recommends Variance 2, as requested in application A04-25-PC, be **granted** for the following reasons:

- 1. The variance is minor in nature.**
- 2. It is desirable for the appropriate development or use of the land, building, or structure.**
- 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.**

Respectfully submitted,

Diana Vasu  
Planner



Appendix A

