
Development and Government Relations Department

Planning Division Report

April 4, 2025

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

Re: Application for Consent: B15-23-PC
Applications for Minor Variance: A04-25-PC and A05-25-PC
Lot 8 on Plan 229, New Plan 848
95 Victoria Street
Owner: Julie Cule

Proposal

The purpose and effect of this application for consent to sever for the purposes of creating a new residential lot. The application proposes to sever Part 1, the vacant portion of the lot as shown on the severance sketch attached as Appendix A, and to retain Part 2, the portion of the lot with the existing dwelling.

Surrounding Land Uses and Zoning

The subject lands are in the Fourth Density Residential Zone (R4). The parcels surrounding the subject lands are zoned R4 to the north, east, south, and west. The surrounding uses are all residential, consisting primarily of single detached dwellings, with an apartment building abutting the subject lands to the west.



Environmentally Sensitive Areas

The subject property does not feature 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 March 12, 2025, to internal City departments and external agencies. As of April 4, 2025, the following comments have been received.

Drainage Superintendent	No objections.
Fire Department	No objections.
Engineering Technologist	No objections. Please note that new site services (water and sanitary) and individual driveway entrances will be required through a Municipal Consent Permit when construction is proposed.
Niagara Region	Regional staff are satisfied that the proposal is consistent with the PPS and conforms to Regional policies, provided that the applicant/owner receive acceptance from the MCM for the Stage 1-2 Archaeological Assessment, prepared by TMHC Inc. (dated May 27, 2024). 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 the City of Port Colborne. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through the City of Port Colborne, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Discussion

Consent Application: B15-23-PC

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 Niagara Official Plan and Port Colborne Official Plan identify the subject lands as settlement area. Section 2.3.1.1 of the PPS 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 uses which efficiently use land and resources, optimizing existing and planned infrastructure. Section 2.3.1.3 requires that planning authorities support redevelopment to help achieve complete communities.

Planning staff are of the opinion that the severance application is consistent with the PPS. The proposal to sever the vacant portion of the lot from the existing detached dwelling for future residential use supports the provincial requirement to direct growth and development to settlement areas. The subject parcel is municipally serviced, which contributes to the efficient use of existing infrastructure. Permitting the severance will provide a new opportunity for intensification close to the City's downtown core, supporting the achievement of a complete community.

Niagara Official Plan (NOP)

According to Schedule A to the NOP, the subject lands are located within the Settlement Area of Port Colborne. Schedule B identifies the lands as being located within the Delineated Built-up Area. The policies in Section 2.2 of the NOP directs forecasted growth to settlement areas. Section 2.2.1.1 requires development 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 of the opinion that the proposed consent conforms to the NOP. The proposal to sever the existing detached dwelling will provide increased opportunities to support a more diverse range and mix of housing options in the future.

City of Port Colborne Official Plan (OP)

The subject lands are designated 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 of the OP outlines the requirements for intensification and infill in the Urban Residential designation. Proposals for severances 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 (OLS), the proposed lots having frontage on a public road, and the imposition of appropriate conditions.

Planning staff are of the opinion that the proposed consent meets the requirements of the OP, subject to necessary conditions, because a survey sketch prepared by an OLS was submitted and the proposed lots have frontage on a public road.

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

The subject lands are in the Fourth Density Residential Zone (R4) in Zoning By-law 6575/30/18.

The application proposes to create lots with the following dimensions:

Part Number	Proposed Lot Frontage	Proposed Lot Area
Part 1 (to be conveyed)	8.9 metres	450 square metres
Part 2 (to be retained)	11.5 metres	579.5 square metres

The R4 zone requires a frontage of 18 metres for triplexes, fourplexes, and apartment buildings, and 6 metres of frontage per unit for street and block townhouse dwellings. For detached dwellings, the Second Density Residential (R2) lot frontage requirement of 12 metres applies. For semi-detached dwellings and duplexes, the Third Density Residential (R3) lot frontage requirement of 18 metres applies.

The proposed lots do not meet the required lot frontage for the permitted uses in the R4 zone apart from street and block townhouse dwellings. As a result, the approval of minor variance applications A05-25-PC and A06-25-PC has been recommended as a condition of the severance.

Recommendation:

That consent application B05-25-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 with 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 minor variance applications A05-25-PC and A06-25-PC be approved.
3. That a final certification fee of \$400 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
4. That the applicant receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1-2 Archaeological Assessment, prepared by TMHC Inc. (dated May 27, 2024), or, if applicable, for the further archaeological

work submitted to and acknowledged by the Ministry, with a copy of the MCM acceptance letter being provided to Planning staff.

5. That all conditions of consent be completed by April 9, 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.

Minor Variance Applications: A05-25-PC and A06-25-PC

For a minor variance application to be approved, it must meet the four-part test outlined under section 45 (1) of the *Planning Act*. An analysis of the four tests follows.

Is the application minor in nature?

The requested reduction in lot frontage is minor in nature. The variances have been requested to facilitate the creation of a new residential lot within the urban boundary. The proposed lots are similar in size to other nearby lots, which indicates that the variances are unlikely to produce any adverse impact on neighbouring parcels. The size of the proposed lots will allow for adequate spacing between future dwellings to mitigate any potential negative impact. There are no anticipated adverse impacts to adjacent properties as a result of the reduced lot frontage to the proposed lots.

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. Permitting the reduced lot frontage will facilitate the creation of a new buildable lot on municipal services. 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 R4 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.

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

The applications maintain the general intent and purpose of the Zoning By-law. The minimum lot frontage requirement in the R4 zone intends to ensure that dwellings are appropriately distanced. Minimum lot frontage requirements aim to maintain the character of a neighborhood character by providing sufficient space for access and utilities. The proposed lots are able to be municipally serviced despite the reduced frontage. 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 R4 zone.

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

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

Recommendation

That minor variance applications A05-25-PC and A06-25-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.

Respectfully submitted,

Diana Vasu
Planner

Appendix A

