



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
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Development and Government Relations Department

Planning Division Report

May 9, 2025

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

Re: Application for Minor Variance: A08-25-PC
Lot 89 on New Plan 814
32 South Crescent
Owners: Graham and Erin Menard
Agent: Dustin Porter

Proposal

The purpose of this minor variance application is to facilitate the demolition of an existing garage and the construction of an exterior accessory dwelling unit in its place, as depicted in the sketch attached as Appendix A. This application requests that a maximum accessory lot coverage of 11.4% be permitted, whereas a maximum of 10% is required.



Surrounding Land Uses and Zoning

The subject lands are in the First Density Residential Zone (R1). The parcels surrounding the subject lands are zoned R1 to the north, east, south, and west. The surrounding uses consist of single detached dwellings and structures accessory to those dwellings.

Environmentally Sensitive Areas

The subject property does not feature any environmentally sensitive areas.

Public Comments

Notice was circulated on April 29, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of May 9, 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 14, 2025, the following comments have been received.

Drainage Superintendent	No objections.
Fire Department	No objections.
Engineering Technologist	No objections. Please note that a lot grading plan will be required at the time of the building permit application.
Niagara Region	<p>The property is mapped as an area of archaeological potential. Staff recommend a Stage 1 Archaeological Assessment (at minimum), prepared by a licensed archaeologist and acceptance from the Ministry is provided.</p> <p>Note: this requirement was waived due to the scope of the project and that disturbance of the site has already occurred.</p>

Discussion

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 increase in lot coverage is minor in nature, as this variance is unlikely to cause negative impacts on neighbouring parcels. The variance has been requested to facilitate the construction of a new accessory dwelling unit. The new accessory structure is proposed to be built in a similar footprint to the existing garage that would be demolished—since the location or size of the existing garage has not caused any negative impacts to the neighbourhood, it is unlikely the new accessory dwelling unit will cause any disturbances due to the increased accessory lot coverage.

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

The requested increase in the maximum accessory lot coverage is desirable for the appropriate development of the subject lands, as the increased coverage will facilitate the creation of a new dwelling unit within the urban area. The residential development that would result from the approval of this application will add an additional option to the available supply of housing. The increased accessory lot coverage is unlikely to cause any noticeable difference, but will contribute towards the gentle intensification of a lower density residential neighbourhood in the urban area.

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

The application maintains the general intent and purpose of the Zoning By-law. The maximum accessory lot coverage requirement intends to ensure that accessory structures remain accessory to the primary structure on a property. Given that the accessory dwelling unit is proposed to be set adequately far back from the street when compared to the dwelling, the new structure will remain visibly accessory. The proposal indicates the size and siting of the detached accessory dwelling unit will meet the rest of the applicable zoning provisions from section 2.9.1 (Accessory Dwelling Unit), as the floor area for the accessory dwelling unit will be less than 40% of the gross floor area of the dwelling; the new building will not be in a required front or corner side yard, nor within a sight triangle; the new building will be less than 6 metres tall, as well as further than 1 metre from the interior side and rear lot lines; and will be located further than 1.5 metres from the main building.

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 the creation of accessory dwelling units within the Urban Residential designation.

Recommendation

That minor variance applications A08-25-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

