

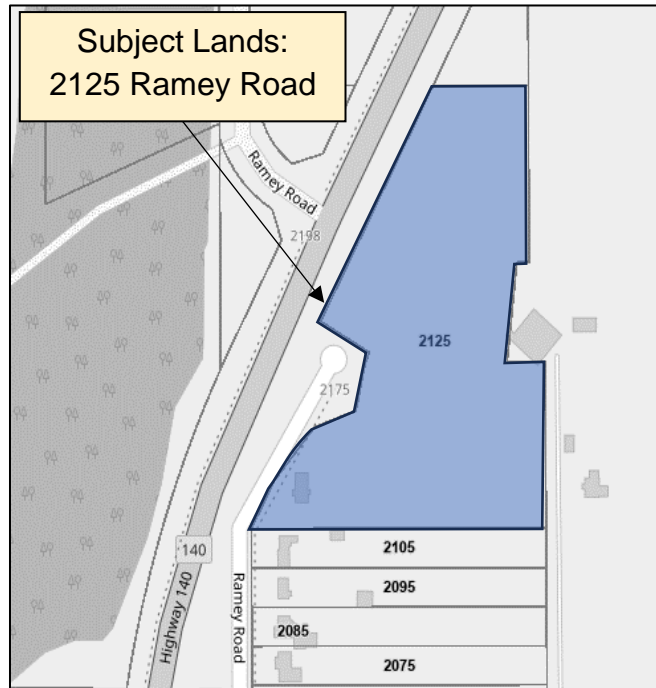
Development and Government Relations

Planning Division Report

June 6, 2025

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

Re: Application for Minor Variance
File No. A11-25-PC
Concession 3, Part of Lot 24
2125 Ramey Road
Owner(s): Dale and Kylie
Thompson



Proposal

The purpose of this minor variance application is to request that an accessory building height of 11 metres be permitted, whereas a maximum of 6 metres is permitted; and that an accessory lot coverage of 2.3% be permitted, whereas sections 2.8.2 (c) and 17.4 (a) of [Zoning By-law 6575/30/18](#) permit a maximum accessory lot coverage of 1% for accessory structures on properties within the Agricultural (A) zone. This minor variance application has been submitted to facilitate the construction of a storage barn on the subject property.

Surrounding Land Uses and Zoning

The subject lands are primarily within the Agricultural (A) zone, with a portion of the property to the southwest in the Agricultural Residential (AR) zone. The parcels surrounding the subject lands are in the A zone to east; A and AR to the north, with a parcel to the northwest also having an Environmental Conservation (EC) overlay to the southwest; and Gateway Industrial (GI) zone with an EC overlay to the north and west. The surrounding uses consist of detached dwellings to the south, agricultural lands to the north and east, and an industrial use to the west.

Environmentally Sensitive Areas

The subject property contains Other Woodlands as identified by the Niagara Official Plan (NOP) Natural Environment System (NES). Table 3-2 *Minimum Prescribed Buffer to a Natural Heritage Feature* outlines a buffer distance of 10 metres for Other Woodland features. The proposed development is not located within the Other Woodland feature is proposed to be located approximately 22 metres from the dripline of the Other Woodland feature.

Public Comments

Notice was circulated on May 23, 2025, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of June 6, 2025, no comments from the public have been received.

Agency Comments

Notice of the application was circulated on May 16, 2025, to internal City departments and external agencies. As of June 6, 2025, the following comments have been received.

Drainage Superintendent	No objections.
Fire Department	No objections.
Development Engineering	No objections.
Niagara Region – Private Servicing	No objections.

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.

Variance 1: That a maximum accessory lot coverage of 2.3% be permitted, whereas sections 2.8.2 (c) and 17.4 (a) of the Zoning By-law permit a maximum accessory lot coverage of 1% for accessory buildings on properties within the Agricultural (A) zone.

Is the variance minor in nature?

The requested increase in the maximum accessory lot coverage is minor in nature. The accessory structure is proposed to be sited closer to the industrial parcels towards the northwest, where the larger structure is unlikely to cause negative impacts as larger buildings already exist to the west of Highway 140. The increased size of the structure will be mitigated by the woodland in the centre of the parcel, which will provide a landscaped buffer between the structure and the existing residential uses to the east and south of the

property. Given that the land uses surrounding the location of the proposed accessory building are primarily industrial and agricultural, while more sensitive land uses are set a minimum of 65 metres away, there are no anticipated compatibility concerns that may result from the increased accessory lot coverage.

Is the variance 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 provide additional useable storage space to support the agricultural use of the subject lands. The proposed development will make more efficient use of the available space at the northern portion of this parcel, which currently features 6 buildings previously used as dog kennels and an unused trailer that are all proposed to be removed. The requested variance will help facilitate the removal of these unused buildings, which will improve the usability and aesthetic value of the subject lands.

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

This application maintains the general intent and purpose of the Zoning By-law. The intent of the maximum accessory lot coverage provision is to prevent the overdevelopment of a lot with accessory buildings, while ensuring accessory structures remain accessory to the primary use of the lot. The proposed development maintains the general intent and purpose of this provision as the lot is large enough to accommodate a building of this size without appearing overdeveloped. The accessory building, while proposed to be larger than the existing dwelling, is sited much further north of the frontage and access from Ramey Road than the dwelling. This distance from the primary entrance into the property ensures the dwelling will maintain its status as the primary use of the lot.

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

This application maintains the general intent and purpose of the City of Port Colborne Official Plan (OP). The subject lands are within the Agricultural designation in the OP. Accessory buildings that support agricultural uses are permitted in the Agricultural designation.

Variance 2: That an accessory building height of 11 metres be permitted, whereas 6 metres is permitted.

This variance is not required to facilitate the proposed development. Planning staff note that section 2.15.2 (a) of the Zoning By-law provides:

The height regulations of this By-law shall not apply to antennas, barns, chimneys, communication towers, elevator enclosures, flag poles, roof top mechanical equipment, silos, skylights, solar panels, spires, water tanks, or windmills.

Given that the subject property is in the Agricultural zone, the proposed accessory building would be supporting an agricultural use. The definition of "Agriculture Use" permits a range of agricultural uses, as well as "associated on-farm buildings and structures." Planning staff understand the proposed building qualifies as a "barn," which makes it exempt from the 6 metre accessory building height restriction.

Recommendation

Given the information above, Planning staff recommend application A11-25-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.**

Respectfully submitted,

Diana Vasu
Planner

Appendix A

A close-up of the proposed accessory building is on the next page.



