

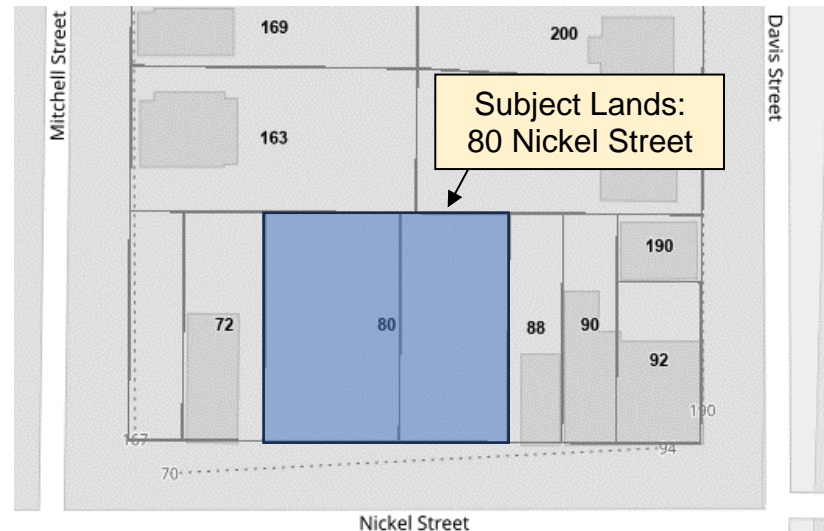
Development and Government Relations Department

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. A09-25-PC
Lots 22, 23, and Part Lot 24 on
Plan 857
80 Nickel Street
Agent: Aaron Butler, NPG
Planning Solutions Inc.
Owner(s): Vergel Group
Developments Inc.



Proposal

The purpose of this application is to request relief of the zoning provisions listed in Table 1, to facilitate the construction of a new four-storey, 17-unit apartment building. The proposed site plan is attached as Appendix A to this report.

Table 1 - Requested Variances:

Zoning Provision	Permitted	Requested
Permitted Encroachments – Attached Boundary Wall and Balconies		
Section 2.19 (b) No part of any required yard or required court shall be obstructed by any building or structure or part thereof except one or more of the following functional and ornamental structures including but not limited to:	<ul style="list-style-type: none"> i) Drop awnings; ii) Clothes poles; iii) Ornamental fountains, statutes, monuments, memorials, planters and garden tresses; iv) Fences; v) Air conditioning units, heat pumps and generators; and vi) Boundary and retaining walls, hedgerows and legal signs 	Allow an attached barrier wall, projecting east-west of the building's proposed front façade, to encroach into required yards

Section 2.19.1 Minimum front yard setback of a deck or platform	Required corner side yard of principal building. Section 8.7 (e) requires a minimum corner side yard setback of 7.5 metres for an apartment building in the R4 zone	0.3 metres
Section 2.19.1 Minimum interior side yard setback of a deck or platform	Required interior side yard of principal dwelling. Section 8.7 (d) requires a minimum interior side yard setback of 3 metres for an apartment building in the R4 zone	0.8 metres
Parking		
Section 3.1.1 Number of parking spaces required per unit in an apartment building	1.25 spaces per unit (21.3 total)	1.05 spaces per unit (18 total)
Section 3.11.1 (a) Minimum landscape buffer provided between the edge of a parking area with more than 20 parking spaces but fewer than 100 and a lot line:	<ul style="list-style-type: none"> • Abutting a public road (for the subject lands, the south lot line): 3 metres • Not abutting a public road (for the subject lands, north, east, and west lot lines): 3 metres • Abutting a Residential, Institutional, or Public and Park zone (for the subject lands, north, east, and west lot lines): 3 metres 	<ul style="list-style-type: none"> • West lot line: 1.1 metres • North lot line: 2.3 metres • South lot line: 0.95 metres
Section 3.13 (c) Bicycle parking spaces shall be located at a principal entrance of a building	Principal entrance	Rear access of building
Fourth Density Residential (R4) Zone – Apartment Building		
Section 8.7 (b) Minimum lot area per unit	125 square metres	61 square metres
Section 8.7 (c) Minimum front yard setback	9 metres	0.3 metres
Section 8.7 (e) Minimum interior yard setback	3 metres	2.4 metres
Section 8.7 (g) Maximum lot coverage	40 percent	52 percent
Section 8.7 (i) Minimum landscaped area	25 percent	21 percent

Surrounding Land Uses and Zoning

The subject lands are in the Fourth Density Residential (R4) zone. Apartment buildings are a permitted use in the R4 zone.

The parcels surrounding the subject lands are zoned R4 to the west, Third Density Residential (R3) to the north and south, and Neighbourhood Commercial (NC) to the east. The surrounding uses consist primarily of neighbourhood commercial to the east and lower density residential uses to the north, west, and south.

Official Plan

The subject lands are in the Mixed Use Area designation in the East Waterfront Secondary Plan Area in the City of Port Colborne Official Plan. This designation supports residential uses, specifically encouraging the development of apartment buildings of 2-5 storeys.

Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

Public Comments

Notice was circulated on May 27, 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 to this minor variance application, but Development Engineering notes that the following will be required at the Site Plan Control stage of this development: <ul style="list-style-type: none">- Functional Servicing Report- Stormwater Management Report- Grading Plan- Servicing Plan

Discussion

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

Is the application minor in nature?

This application is minor in nature. For a variance to qualify as being “minor” in nature, the zoning relief must result in a development that has limited adverse impacts on other properties in the neighbourhood. The existing lot is vacant and underused, given its location within the City’s Urban Area where residential growth is encouraged. The scale of the development is appropriate for the location as a four-storey building will provide a gentle height transition which will benefit the streetscape along Nickel Street, which consists primarily of one to two-storey buildings.

The impact of all the requested variances will result in the construction of 17 new dwelling units in an area of the City that encourages residential development. The reduced yard setbacks will facilitate the siting of the building on an appropriate portion of the site as compared to neighbouring buildings, which are similarly sited towards their front and interior lot lines. Measures to mitigate any potential negative impact of the reduced unit size, number and location of parking and bicycle spaces, and size of landscape buffers during the Site Plan Control process. The changes to the permitted encroachments have been requested to allow the storeys above the ground floor to extend over the first storey of the building and part of the parking area, extending the liveable space of the building and usability of the lot. The increased lot coverage is a result of the overhang of the storeys above the ground floor, as depicted in the front-right and rear-left perspective drawings provided by ACK Architects Studio Inc. in support of this application:

Figure 1 (right, top): Front-right perspective drawing by ACK Architects Studio Inc.



Figure 2 (right, bottom): Rear-left perspective drawing by ACK Architects Studio Inc.



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

This application is desirable for the appropriate development of the land. The subject lands are able to connect to municipal services, increasing users of the system which will support a more efficient use of available resources. The proposed apartment building will provide 17 new thoughtfully-designed residential units, with a future Plan of Condominium application to be prepared alongside a Site Plan Control application which will provide additional design considerations to minimize any impacts of the variances. In the Planning Justification Report prepared by NPG Planning Solutions Inc., dated April 2025, submitted in support of this application, such design considerations as perimeter fencing for privacy are already planned to mitigate any impacts of this minor variance application. The proposed development will provide additional housing options to vacant urban land in a neighbourhood where development is encouraged. The proposal balances City policies and development requirements with good planning practices that will compliment the neighbourhood well.

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

Request	Analysis
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<p>Front yard setback of 0.3 metres instead of 9 metres</p>	<p>The general intent and purpose of the front yard setback requirement is to create an aesthetic connection between the main buildings on different properties along a street, while ensuring adequate spacing for pedestrian sidewalk traffic and required on-site parking areas.</p> <p>The proposed development maintains the general intent and purpose of this provision by maintaining the front yard setbacks of existing buildings along Nickel Street to integrate the new apartment building into the existing streetscape. Design elements such as large windows and upper storeys on stilts face towards the street to maintain a spacious, pedestrian-friendly façade. Adequate access to on-site parking is provided under the units above the ground floor to the east.</p>
<p>Interior yard setback 2.4 metres instead of 3 metres</p>	<p>The general intent and purpose of the side yard setback requirement is to ensure building walls that face interior lot lines can be serviced without encroaching onto neighbouring properties.</p> <p>The proposed development maintains the general intent and purpose of this provision by including the building services and mechanical room on the interior of the western wall that the 2.4-metre setback is proposed, which will ease future servicing of the western building face impacted by the reduced setback.</p>
<p>Allow an attached barrier wall, projecting east-west of the building's front façade, to encroach into required yard setbacks</p>	<p>The general intent and purpose of the provision permitting certain encroachments into required yards aims to allow “functional and ornamental” structures to be incorporated into the design of a building to enhance the functional and aesthetic quality of the structure.</p> <p>The proposed development maintains the general intent and purpose of this provision by using the attached barrier wall as a buffer between the public and private realm which will provide extra privacy to residents of the apartment and aesthetic value to the streetscape. The eastern portion of the attached barrier wall also provides space to clearly display the municipal address of the property, which can help first responders find a property faster during an emergency.</p>

Front yard setback of 0.3 metres for a deck or platform instead of 7.5 metres	<p>Planning staff do not believe this variance is required to facilitate the proposed development, as the required minimum setback of a deck or platform taller than 1.2 metres from the ground floor level is the “required corner yard of principal building.” Since 80 Nickel Street is not a corner lot, there is no required corner yard setback for the principal building.</p> <p>Planning staff are still supportive of this application being granted with this variance request included, as approving a variance that is not needed will not have an impact on the proposed development.</p>
Interior side yard setback of 0.8 metres for a deck or platform instead of 3 metres	<p>The general intent and purpose of the required interior side yard setback for a deck or platform intends to ensure structures that are not subject to the required zone-specific side yard setbacks are still set far enough back from property lines to prevent adverse impacts to neighbouring parcels.</p> <p>The proposed development maintains the general intent and purpose of this provision by ensuring the balconies that project into the required yard space are only features of the storeys above the ground floor, thus allowing the ground floor area beneath to be further set back.</p>
Landscaped area of 21 percent instead of 25 percent	<p>The general intent and purpose of the landscaped area requirement aims to prevent the urban heat island effect and ensure proper management of the site’s stormwater.</p> <p>The proposed development will maintain the general intent and purpose of this provision as detailed landscaping and stormwater management plans will be required during the Site Plan Control application that will be required to facilitate this development.</p>
Lot area per unit of 61 square metres instead of 125 square metres	<p>The general intent and purpose of the lot area per unit requirement is to ensure dwelling units are provided with adequate living and amenity space to support the wellbeing of residents.</p> <p>The proposed development maintains the general intent and purpose of this provision by proposing unit sizes larger than the required minimum room sizes in the Ontario Building Code and including amenities such as a gym and community room on the first floor of the building.</p>

<p>Lot coverage of 52 percent instead of 40 percent</p>	<p>The general intent and purpose of the maximum lot coverage provision aims to prevent buildings from covering too much of the surface of a lot, such that adequate on-site parking can be provided, and stormwater runoff can be appropriately managed.</p> <p>The proposed development maintains the general intent and purpose of this provision as the building envelope has been designed to cover about 19% of the lot area on the ground floor—the increased lot coverage request accounts for the upper storeys of the building. This design will allow for adequate on-site parking, which is proposed towards the back of the lot to minimize the aesthetic impact of the surface parking lot. The proposed orientation of the building on the site will allow for appropriate stormwater management plans to be prepared in support of the required future Site Plan Control application.</p>
<p>1.05 parking spaces per unit (18 total) in an apartment building instead of 1.25 spaces per unit (21.3 total)</p>	<p>The general intent and purpose of the requirement for 1.25 parking spaces per unit for an apartment building is to ensure that each dwelling unit is provided with at least 1 parking space, with the additional 0.25 parking spaces per unit required for temporary parking needs (i.e. visitor parking).</p> <p>The proposed development maintains the general intent and purpose of this provision by providing 1 standard-size parking space per dwelling unit and 1 accessible space, for a total of 18 parking spaces on-site. The driveway to access the parking area has been oriented towards the easternmost portion of the frontage to provide for temporary on-street visitor parking, which is permitted in this portion of the City.</p>

<p>Landscape buffer of 1.1 metres instead of 3 metres for the west lot line, 2.3 metres instead of 3 metres for the north lot line, and 0.95 metres instead of 3 metres for the south lot line</p>	<p>The general intent and purpose of the required landscape buffer between lot lines and parking areas aims to provide a planting buffer between paved surfaces to reduce the urban heat island effect that could be created by parking areas abutting one another.</p> <p>The proposed development maintains the general intent and purpose of this provision an appropriate planting strip can still be accommodated with the reduced buffers. The Site Plan Control process will provide greater control over the landscaping features that will form part of this buffer, which will allow Planning staff to ensure the plantings in these buffers will help mitigate the impact of the paved parking area. Fencing is also proposed along the perimeter of the property to create the additional privacy and screening which established landscaping features can provide.</p>
<p>Bicycle parking spaces located at rear access of building instead of the principal entrance</p>	<p>The general intent and purpose of requiring bicycle parking spaces to be in front of the principal entrance is to make bicycle access and storage convenient, to encourage active transportation.</p> <p>The proposed development maintains the general intent and purpose of this provision by locating the bicycle parking spaces in a location conveniently accessible via on-site pedestrian walkways that are proposed to provide convenient access to the front of the building. This proposed bicycle parking location provides the additional benefit of being situated under the upper storeys of the building to shelter bicycles from the weather.</p>

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 Mixed Use Area in the East Waterfront Secondary Plan Area in the OP. Section 5.2.1 of the OP establishes that the vision for the East Waterfront area includes neighbourhood renewal, infill development, improving the quality of streetscapes in the neighbourhood, attracting new investment and development to vacant properties, and improving pedestrian and cycling connections to Nickel Beach and the lake generally. The proposed infill development will improve the aesthetic quality of the streetscape, provide new investment and development to vacant lots, and supply the necessary bicycle spaces to encourage cycling.

Section 5.2.2 (c) of the OP provides that the Mixed Use Area in the East Waterfront Secondary Plan is to encourage the development of neighbourhood-oriented, small-scale commercial uses, townhouses and apartment buildings of 2-5 stories. A four-storey apartment building falls within this type of encouraged development. Policies in Sections 2.4.3 (Intensification and Infill) and 3.6 (Downtown Commercial) of the OP also apply. These sections of the OP similarly encourage midrise medium-density apartment buildings, as is proposed to be constructed if this application is approved.

Recommendation:

Given the information above, Planning staff recommend application A09-25-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

