



Minor Variance

80 Nickel Street, Port Colborne

For: Vergel Group Developments Inc.

By: NPG Planning Solutions Inc.
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Date: April 2025

1.0 Introduction

NPG Planning Solutions Inc. ("NPG") has been retained by Vergel Group Developments Inc. ("Vergel Group") to provide independent professional planning advice to support a Minor Variance Application for lands municipally known as 80 Nickel Street in the City of Port Colborne and legally described as Lots 22 and 23 Plan 857, Village of Port Colborne; Part Lot 24 Plan 857, Village of Port Colborne as in RO757704 ("Subject Lands"). The Minor Variance Application is required to facilitate the development of a 4-storey apartment building with seventeen (17) dwelling units.

The Subject Lands are approximately 1,063.9 square metres in area with approximately 34.3 metres of frontage along Nickel Street and a lot depth of 31.1 metres; they are designated "Mixed Use Areas" in the City's Official Plan and zoned "Fourth Density Residential Zone (R4)" in the City's Zoning By-law No. 6575/30/18.

The Subject Lands are currently vacant and surrounded by low density residential uses punctuated by neighbourhood (local) commercial uses, as well as institutional uses. **Figure 1** below shows key locational features in the vicinity of the proposed development: Downtown Port Colborne, the Welland Canal, and a metals refinery operated by Vale Canada Ltd. ("Vale Canada Refinery").



Figure 1 – Aerial Context Map

Refer to the site images below for an illustration of the site, surroundings, and existing streetscape.



Photo 1 – 80 Nickel Street (Subject Lands)



Photo 2 – Adjacent properties to the east along Nickel Street



Photo 3 – Adjacent properties to the west along Nickel Street



Photo 4 – Nickel Street looking west toward the Welland Canal



Photo 5 – Nickel Street looking east toward Vale Canada Refinery Site

2.0 Proposed Development

A four (4) storey apartment building with 17 dwelling units and 18 surface parking spaces is proposed (see attached **Site Plan – Concept** and **Building Elevations**). The building design utilizes a smaller footprint at grade to increase the area available for surface parking, including ingress/egress and maneuvering space. The site layout includes a minimal front yard setback, which allows the new building to frame the street, creating a strong urban presence along Nickel Street and reducing the visual prominence of surface parking.

The 1st floor of the building will be occupied by a gym and community room in addition to the access lobby, garbage area, and building services/mechanical room. Dwelling units ranging in size from approximately 50 to 90 sqm are provided on the 2nd, 3rd, and 4th floors. The building design optimizes the development of the site by having the upper floors partially extend over the parking area, as shown on the **Site Plan – Concept** and **Building Elevations**.

The building design and site layout carefully balance the efficient use and development of the site with appropriate setbacks. Privacy fences will be provided along the side and rear property lines, with landscaping anticipated to soften the edge and enhance the transition to adjacent properties. A Landscape Plan detailing proposed tree plantings, shrubs, and other plantings will be provided as part of a future Site Plan Application.

3.0 Background and Policy Context

A pre-consultation meeting was held on June 27, 2024, for a seven (7) storey mixed use building that included dwelling units, a boutique hotel, and restaurant. The proposal reviewed at that time was deemed to require an Official Plan Amendment and Zoning By-law Amendment, as well as future a Site Plan Control application.

After further discussion with City Planning Staff, a revised concept was prepared. The applicant now proposes a four (4) storey apartment building that conforms to the building height limit and permitted uses provided for in the City's Official Plan.

Pre-consultation for the earlier proposal identified the following information as required for a complete application submission:

Official Plan and/or Zoning By-law Amendment

- Planning Justification Report (to include analysis of Province's D-6 Guidelines)
- Conceptual Site Plan and Building Elevations
- Noise Study
- Functional Servicing Report

Site Plan Control

- Site Plan
- Building Elevations and Floor Plans
- Servicing, Grading, and Stormwater Management Plans
- Landscape Plan
- Functional Servicing Report
- Stormwater Management Report
- Photometric Plan
- Detailed Noise Study
- Environmental Site Assessment (Phase One at minimum), Letter of Reliance and Record of Site Condition
- Archaeological Assessment and Ministry Acknowledgement Letter

We have reviewed the revised concept and determined that zoning relief that can be addressed by minor variances is required to implement the proposed development. As a result, a Minor Variance Application has been prepared with the expectation that it will be followed by Site Plan Control and Plan of Condominium Application submissions.

We have prepared this Planning Brief for the Minor Variance Application. The required zoning relief is detailed in this Planning Brief below and is followed by an analysis of the proposed variances to demonstrate they meet the four tests provided in Section 45(1) of the *Planning Act*.

In addition to this Planning Brief, a **Site Plan – Concept** and **Building Elevations** have been prepared and have been included as part of the Minor Variance Application submission. Other information identified as required in the pre-consultation notes will be

provided as part of the forthcoming Site Plan Control and Plan of Condominium Application submissions.

The Subject Lands are within the influence area of the Vale Canada Refinery—a Class III industrial land use under the Province’s Guideline D-6 (Compatibility between Industrial Facilities). Guideline D-6 is a direct application of Guideline D-1 (Land Use Compatibility). Section 2.3.2 of Guideline D-1 indicates a change of land use, an expansion, or new development that is in compliance with existing zoning and the Official Plan designation is not typically affected by this guideline.

Minor variances are needed to facilitate the development as proposed. As addressed below in this Planning Brief, however, the zoning relief requested maintains the general purpose and intent of the Zoning By-law and Official Plan and the Subject Lands are already designated and zoned to permit a four-storey residential apartment building.

Site Plan Control and Plan of Condominium Application approvals will also be required to implement the proposed development. Pre-consultation identified a detailed noise study as a requirement for the Site Plan Control Application submission. Land-Use compatibility issues, including any mitigative measures required to prevent or minimize potential adverse effects, will be addressed as part of the Site Plan Control or Plan of Condominium Application submissions required to implement the proposed development.

4.0 Required Zoning Relief

To proceed with this **Site Plan – Concept**, the following relief from Zoning By-law No. 6575/30/18) is needed:

Section 8.7 (Zone Requirements – Apartment Buildings for R4 Zone)

- Decrease the Minimum Lot Area Per Unit **from 125 m²** to 62 m²
- Decrease the Minimum Front Yard **from 9 m** to 0.3 m
- Decrease the Minimum Interior Side Yard **from 3 m** to 2.40 m
- Decrease the Minimum Landscaped Area **from 25%** to 23%
- Increase the Maximum Lot Coverage **from 40%** to 51%

Section 2.19 (Permitted Encroachments)

- Allow an attached barrier wall (non-structural) for screening as part of the building front facade to encroach into required yards (Section 2.19 b).

Section 2.19.1 (General Structures – Height of Deck or Platform)¹

- Reduce the Minimum Setback from Front Lot Line **from 7.5 m** to 0.3 m (Section 2.19.1)

¹ The **Site Plan – Concept** shows balconies along the front and west side of the proposed building that require relief from minimum setback requirements in Section 2.19.1 for Decks or Platforms.

- Reduce the Minimum Setback from Interior Side Lot Line **from 3 m** to 0.80 m (Section 2.19.1)

Section 3.0 (Parking Provisions)

- Reduce the minimum number of parking spaces required for an apartment building **from 1.25 spaces per unit** to 1.05 spaces per unit (Section 3.1.1).
- Reduce minimum landscape buffer provided between the edge of any parking area and an abutting lot line (Section 3.11.1):
 - West Lot Line **from 3 m** to 1.1 m
 - North Lot Line **from 3 m** to 2.3 m
 - South Lot Line **from 3 m** to 0.95 m
- Change required location of Bicycle Parking Spaces **from principal entrance of building** to rear access (Section 3.13 c)

5.0 Proposed Variances and Analysis of Four Tests

Section 45(1) of the *Planning Act* provides that:

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

The following is an analysis of the Minor Variance Application in relation to the four tests of the *Planning Act*:

1. Do the requested variances meet the general intent and purpose of the Official Plan?

The Subject Lands are located within the East Waterfront Secondary Plan Area and are designated “Mixed Use Area”, which permits the development of apartment buildings 2-5 storeys in height. The requested variances will facilitate the development of a four (4) storey apartment building on the Subject Lands as shown on the **Site Plan – Concept and Building Elevations**.

Development within the “Mixed Use Area” designation is encouraged, in accordance with Section 5.2.2 of the Official Plan, to provide commercial uses at grade. The Subject Lands are located on the east side of the Welland Canal where neighbourhood-oriented, small-scale commercial uses exist. While the proposed development does not include commercial uses, it will provide new housing units to support existing commercial uses in the East Waterfront Secondary Plan Area, including along Nickel Street.

Sections 2.4.3 and 3.6 of the Official provide direction applicable to the Subject Lands, particularly design guidance. The requested variances do not inhibit achieving the design guidance provided by the Official Plan in these Sections.

For the above reasons, the requested variances meet the general intent and purpose of the Official Plan.

2. Do the requested variances meet the general intent and purpose of the Zoning By-law?

Requested Variance	Analysis
Section 8.7 (Zone Requirements – Apartment Buildings for R4 Zone)	
<i>Decrease the Minimum Lot Area Per Unit from 125 m² to 61 m²</i>	<p>The general intent of minimum lot area per unit regulations is to control for overdevelopment of a site.</p> <p>As noted, the proposed development maintains the general intent and purpose of the Official Plan and conforms to the building height range permitted for these lands. The site layout has been optimized to accommodate the proposed building and sufficient parking, while providing setbacks from property lines consistent with those found along Nickel Street and generally in the surrounding area. The building placement ensures minimum setbacks are achieved for abutting properties with existing residential uses to the east and north.</p>
<i>Decrease the Minimum Front Yard from 9 m to 0.3 m</i>	<p>The general intent of front yard setback regulations is to maintain consistency along the streetscape and for certain housing types to ensure adequate room for parking.</p> <p>Buildings along Nickel Street near the Subject Lands generally have minimal setbacks from front property lines. Ingress/egress for the parking area is provided along the eastern side of the proposed development.</p>
<i>Decrease the Minimum Interior Side Yard from 3 m to 2.40 m</i>	<p>The general intent of interior side yard regulations is to ensure adequate space is available for maintenance, access and drainage purposes on a lot, as well as to maintain adequate separation between adjacent buildings.</p> <p>The proposed development will have adequate space available around it for maintenance, access and drainage purposes. The reduced interior side yard (to west property line) currently abuts a vacant lot and the side yard proposed will be consistent with those found along Nickel Street.</p>
<i>Decrease the Minimum Landscaped Area from 25% to 21%</i>	<p>The general intent of minimum landscaped area regulations is to ensure adequate space is available for</p>

	<p>landscaping to provide drainage, privacy screening, and aesthetics.</p> <p>The modest reduction requested will not substantively alter the landscaping provided as part of the proposed development. Adequate drainage can be provided and will be detailed at the Site Plan Control stage.</p>
<p><i>Increase the Maximum Lot Coverage from 40% to 52%</i></p>	<p>The general intent of maximum lot coverage regulations is to control built density and ensure the massing of buildings and structures do not impact the availability of natural light, ventilation, and space for drainage and access, as well as for amenities and parking.</p> <p>The proposed building has a smaller footprint at grade to accommodate the maneuvering aisle and parking spaces for the development. The upper floors of the proposed building partially overhang the parking area. This increases lot coverage but ensures adequate space is available at grade to provide parking, access, landscaping, and drainage. The proposed development is well-designed and optimizes use of the site. The proposed lot coverage on Subject Lands will be comparable or less than the lot coverage of adjacent properties on Nickel Street immediately to the east.</p>
<p>Section 2.19 b) (Permitted Encroachments)</p>	
<p><i>Allow an attached barrier wall (non-structural) for screening as part of the building front facade as a permitted encroachment into required yards.</i></p>	<p>The general intent of regulations that allow specified structures or features to encroach or project into required yards is: to clarify that fencing or boundary structures are permitted along the perimeter of lots; and, identify decorative or functional structures and features that are appropriate for placement in required yards or projection from building facades.</p> <p>The Site Plan – Concept shows walls projecting east-west at the sides of the proposed building's front façade along the Nickel Street. These are an architectural feature intended to screen the parking areas from the street and provide a transition from the east and west property lines to the building. The requested variance will facilitate an aesthetically preferable equivalent to a boundary wall, which is already a permitted encroachment in all required yards.</p>
<p>Section 2.19.1 (General Structures – Deck or Platform)</p>	
<p><i>Reduce the Minimum Setback from Front Lot Line from 7.5 m to 0.3 m</i></p>	<p>The general intent of regulations that allow decks or platforms to encroach or project into required yards is to acknowledge that when they are not part of the main building massing, they have a different, lesser impact and should be allowed to project from the façade of a building. A minimum setback (usually less than the minimum required yard) is applied to ensure an</p>

	<p>appropriate separation is maintained, particularly for privacy.</p> <p>The Site Plan – Concept and Building Elevations show the location of balconies included as part of the proposed development.</p> <p>Balconies with a very modest projection are proposed along the front façade of the building along Nickel Street where they will not overlook other residential properties. It is not possible to comply with the minimum setback of 7.5 metres as the building is being placed with a slight setback from the front lot line for consistency with the character of the streetscape. Juliette style balconies are proposed as an architectural detail or articulation along the front façade of the building.</p>
<p><i>Reduce the Minimum Setback from Interior Side Lot Line from 3 m to 0.80 m</i></p>	<p>See previous for general intent of regulation.</p> <p>Balconies are shown projecting from the west façade of the proposed building on the Site Plan – Concept and Building Elevations. The projecting balconies are located on the front half of the Subject Lands, reducing the potential for them to overlook a private rear yard in future. The abutting lands to the west are currently vacant.</p>
<p>Section 3.0 (Parking Provisions)</p>	
<p><i>Reduce the minimum number of parking spaces required for an apartment building from 1.25 spaces per unit to 1.05 spaces per unit (Section 3.1.1).</i></p>	<p>The general intent of regulations requiring a minimum number of parking spaces per dwelling unit is to ensure an appropriate on-site parking supply is maintained.</p> <p>The proposed development will be a residential apartment building with surface parking provided to improve the market affordability of units. The site layout has been optimized to provide one parking space per unit plus an accessible parking space. The on-site parking spaces for residents will be complemented by on-street parking. Along the frontage of the property there is room for 2-3 parking spaces based on location of the driveway shown on the Site Plan - Concept. This additional on-street parking provides a flexible parking supply that could accommodate visitors or guests of building residents.</p>
<p><i>Reduce minimum landscape buffer provided between the edge of any parking area and an abutting lot line (Section 3.11.1):</i></p> <ul style="list-style-type: none"> • <i>West Lot Line from 3 m to 1.1 m</i> • <i>North Lot Line from 3 m to 2.3 m</i> 	<p>The general intent of regulations requiring a minimum landscape buffer around the edge of any parking area and an abutting lot line is to provide space for growing and maintenance of grass, trees, shrubs and other horticultural elements to provide a transition and screening to mitigate potential impacts.</p> <p>The Site Plan – Concept shows that adequate space will be provided for trees, shrubs, and other landscaping around the edge of the parking area proposed. A</p>

<ul style="list-style-type: none"> • <i>South Lot Line from 3 m to 0.95 m</i> 	<p>landscape plan will be submitted as part of a forthcoming application for Site Plan Control and will provide specifics on species of tree and other plantings. Given the site and urban context, a perimeter fence will be installed/maintained along abutting lot lines (west, north, east) for privacy.</p>
<p><i>Change required location of Bicycle Parking Spaces from principal entrance of building to rear access (Section 3.13 c))</i></p>	<p>The general intent of regulations requiring bicycle spaces be located at the principal entrance of the building is to ensure they are accessible and conveniently located.</p> <p>The Site Plan – Concept shows bicycle parking spaces provided at the rear of the proposed building where they will be covered by upper floors and accessible by an internal walkway from the street that passes the principal entrance provided along the east façade of the building. This configuration is preferable as it optimizes the use of available space and leverages the placement and design of the building to locate the principal entrance and bicycle parking under the upper floors for weather protection.</p>

3. Are the requested variances desirable for the appropriate development or use of the land, building, or structure?

The Subject Lands are located within the East Waterfront Secondary Plan Area and are designated “Mixed Use Area”, which permits the development of apartment buildings 2-5 storeys in height. The requested variances will facilitate the development of a four (4) storey apartment building on the Subject Lands as shown on the **Site Plan – Concept** and **Building Elevations**. The variances are desirable as they will permit the appropriate development and use of the lands as follows:

- The Subject Lands combine two smaller vacant lots and present an opportunity for infill development consistent with the Official Plan’s vision for these lands;
- The scale and massing of the proposed building is modest and corresponds to the permitted height range for these lands; and,
- The proposed apartment building is located along the front lot line with parking provided behind and along the eastern side of the building. This configuration, with the parking partially beneath the upper floors and screened from Nickel Street by an architectural wall, makes optimal use of the Subject Lands and is consistent with design guidance provided by the Official Plan.

4. Are the requested variances minor in nature?

The requested variances are not anticipated to result in any impacts on surrounding properties and will facilitate the optimal use and redevelopment of a vacant lot, which will enhance the streetscape and increase the vibrancy of the surrounding area.

It has been demonstrated above that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law and are desirable for the appropriate development and use of the Subject Lands.

The requested variances facilitate development envisioned by the Official Plan for the Subject Lands; and reflect the unique circumstances of the site, character of the abutting properties and surrounding area, and building design and site layout considerations that enhance the proposed development.

The requested variances individually and collectively are minor in nature for the above reasons.

3.0 Conclusion

This Planning Brief provides the planning justification for the approval of the minor variances requested for 80 Nickel Street.

As noted above, the Application complies with Section 45(1) of the Planning Act, as the variances are minor in nature, desirable for the appropriate use and development of the Subject Lands and maintain the general intent and purpose of both the Zoning By-law and the Official Plan.

Regard has been given for the matters of provincial interest outlined in Section 2 of the Planning Act and the requested variances will facilitate development that is consistent with the Provincial Planning Statement, including the following policy direction:

- That Settlement Areas be the focus of growth and development;
- That planning authorities should permit development and intensification in strategic growth areas such as the East Waterfront Secondary Plan Area² to support the achievement of complete communities and compact built form; and,
- That planning authorities provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the Regional Market Area, including promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation.

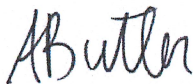
² The PPS 2024 defines strategic growth areas as: *means within settlement areas, nodes, corridors, and other areas that have been identified by municipalities to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form.* The policies outlined in the East Waterfront Secondary Plan indicate the area has been identified by the City of Port Colborne to be a focus for accommodating intensification and higher-density mixed uses in a more compact built form.

Brief prepared by:



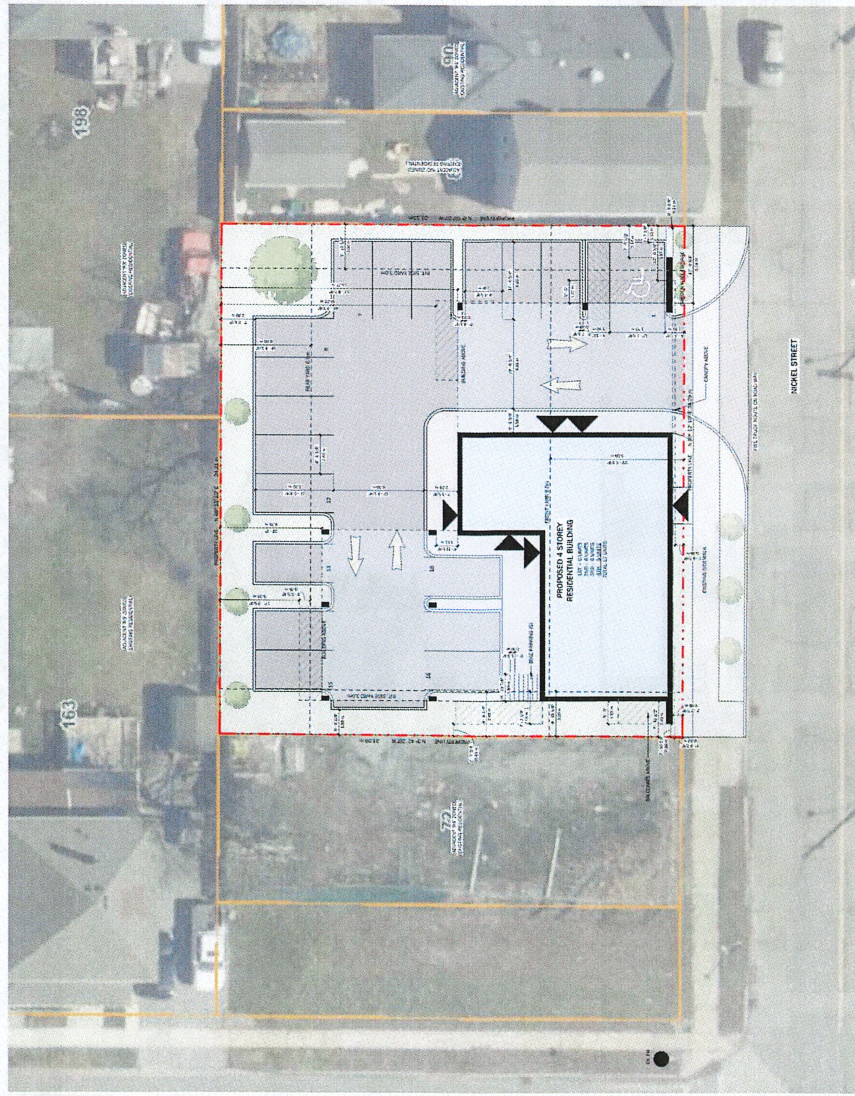
Rob Fiedler, PhD
Intermediate Planner
NPG Planning Solutions Inc.

Report reviewed and approved by:

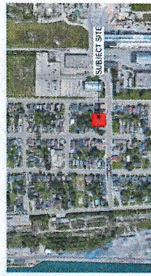


Aaron Butler, RPP MCIP
Principal Planner, Niagara Falls
NPG Planning Solutions Inc.

Attachment A – Concept Plan



SITE PLAN - CONCEPT
1" = 10' 0"



KEY PLAN

NOT TO SCALE

PRELIMINARY SITE DATA			
MEASUREMENT	PROPOSED	EXISTING	%
Lot Area	2.00 ac	1.40 ac	100%
Proposed Building Footprint	10,000 sq ft	10,000 sq ft	100%
Proposed Parking Area	10,000 sq ft	10,000 sq ft	100%
Proposed Landscaping	10,000 sq ft	10,000 sq ft	100%
Proposed Stormwater Management	10,000 sq ft	10,000 sq ft	100%
Proposed Access	10,000 sq ft	10,000 sq ft	100%
Proposed Utilities	10,000 sq ft	10,000 sq ft	100%
Proposed Other	10,000 sq ft	10,000 sq ft	100%
Proposed Total	10,000 sq ft	10,000 sq ft	100%

DISCLAIMER: ISSUED FOR PRELIMINARY DESIGN DISCUSSION ONLY

A.C.K.
architects
STUDIO, INC.

4 STOREY RESIDENTIAL DEVELOPMENT

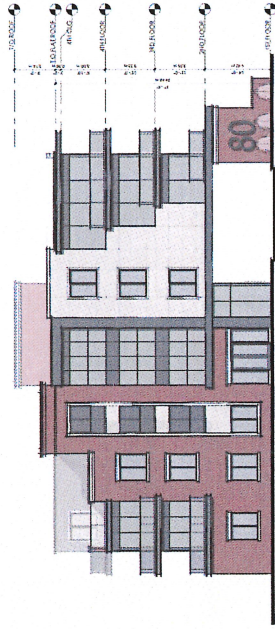
16300 NICKEL STREET, PORT COLOMBE, ONTARIO, CANADA

SITE PLAN

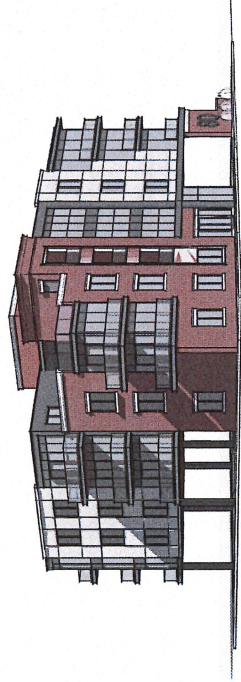
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DATE: NOVEMBER 2021
SCALE: AS SHOWN
PROJECT NO.: 2021-110

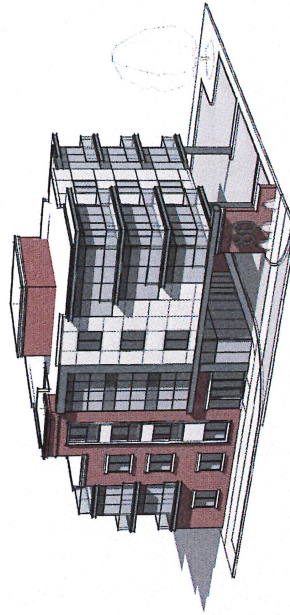
Attachment A – Building Elevations



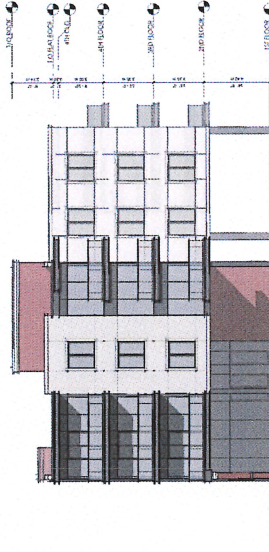
FRONT (NICKEL ST) ELEVATION
1" = 10'-0"



FRONT-LEFT PERSPECTIVE



FRONT-RIGHT PERSPECTIVE



RIGHT (EAST) ELEVATION
1" = 10'-0"

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4 STOREY RESIDENTIAL DEVELOPMENT

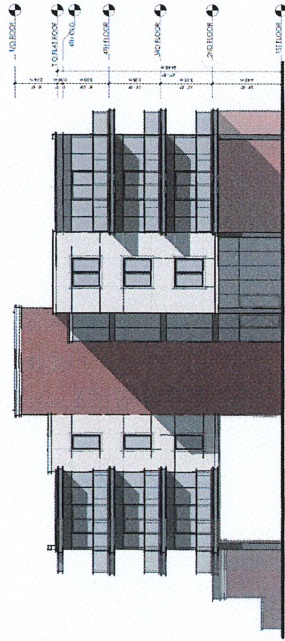
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A.C.K.
ARCHITECTS
STUDIO INC.

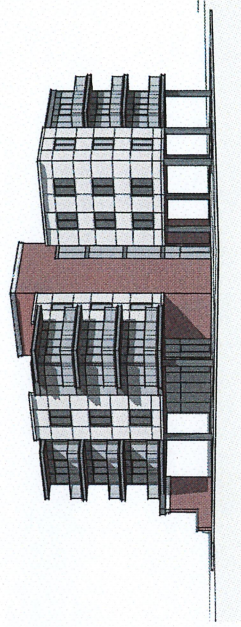
FRONT AND RIGHT
ELEVATION

Sheet No.
A3

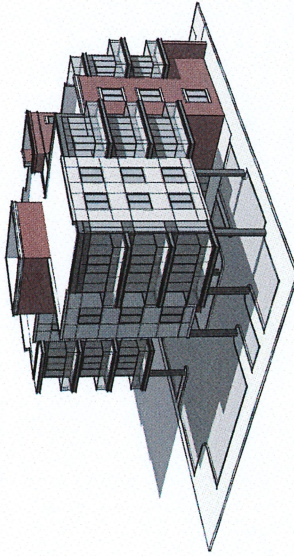
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PROJECT: 204-1178



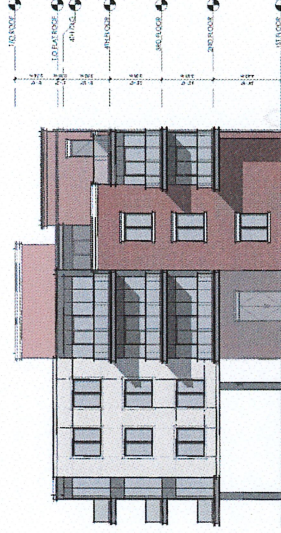
REAR (NORTH) ELEVATION
1" = 10'-0"



REAR-RIGHT PERSPECTIVE
1" = 10'-0"



REAR-LEFT PERSPECTIVE
1" = 10'-0"



LEFT (WEST) ELEVATION
1" = 10'-0"

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4 STOREY RESIDENTIAL DEVELOPMENT

80 NICKEL STREET, PORT CHARLOTTE, QUEENSLAND, AUSTRALIA

A · C · K
architects
studio inc.

REAR AND LEFT
ELEVATION

A4

DATE: NOVEMBER 2024
PROJECT No: 20241118

