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**Planning and Legislative Services**

Planning Division Report

June 9<sup>th</sup>, 2023

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

**Re: Application for Consent B08-23-PC**  
**Part Lot 28, 29, 30 and 31 on Plan 831**  
**VL Omer Avenue**  
**Agent: Brian Miller**  
**Owner(s): Wesley Visser**

**Proposal:**

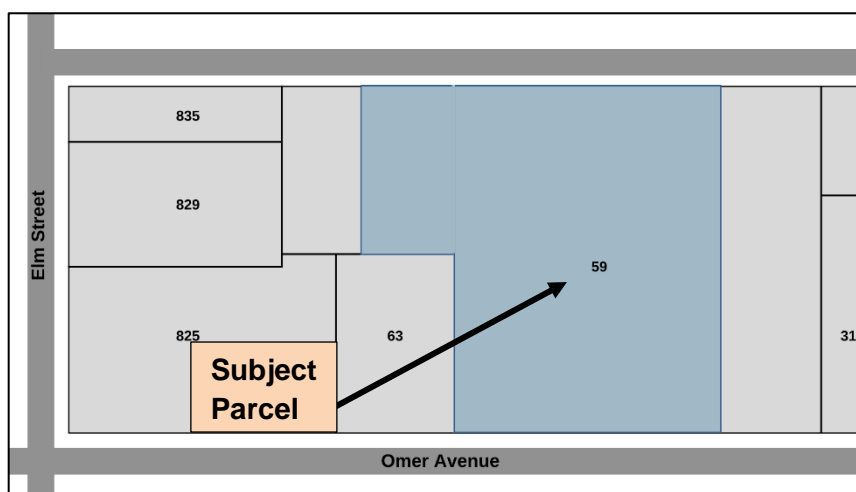
The purpose and effect of this application is to permit the conveyance of Part 1 (see Appendix A) having a lot frontage of 14.69m along Omer Avenue and a lot area of 387.1m<sup>2</sup> to be merged with Part 3, having a lot frontage of 18.26m and a lot area of 487.8m<sup>2</sup>. The boundary adjustment is being requested to consolidate the lots fronting Omer Avenue and Sherwood Forest Lane for future residential development.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned Fourth Density Residential (R4) to the south, east, and west and Light Industrial (LI) to the north. The surrounding uses consist of detached dwellings to the south, east, and west and light industrial use to the north.

**Environmentally Sensitive Areas:**

The subject lands do not contain any environmentally sensitive areas.



## **Public Comments:**

Notice was circulated on May 31<sup>st</sup>, 2023 to properties within 60m meters of the subject lands as per Section 44 (5) of the Planning Act. As of June 9<sup>th</sup>, 2023, no comments from the public have been received.

## **Agency Comments:**

Notice of the application was circulated on May 15<sup>th</sup>, 2023 to internal City departments. As of June 9<sup>th</sup>, 2023, the following has been received.

### Drainage Superintendent

There are no concerns regarding municipal drains for this application.

### Fire Department

Port Colborne Fire has no objection to the proposed application but the applicant should be aware that there is currently no water line or hydrant down Sherwood Forest Lane.

### Staff Response

Staff notes the Fire Department's comments about there being no water line or a hydrant. As there are no structures proposed as a part of this application, this is not a concern. Should the applicant propose any future development on the property fronting Sherwood Forest Lane the water and hydrant will need to be addressed at that time.

### Engineering Technologist

A master lot grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting the adjacent properties.

### Staff Response

Staff will require a condition of this application that a master lot grading plan is required, to the satisfaction of City Staff.

## **Discussion:**

This application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan*, and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a "settlement area" according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses that efficiently use land and resources.

Staff is satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land and resources by consolidating the two lots into lots that each have frontage on one street.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, the vast majority of growth is to be directed to settlement areas that have a delineated built boundary, have existing or planned services, and support the achievement of complete communities.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application enables growth within a settlement area and within a delineated built boundary, has existing services along Omer Avenue, while services along Sherwood Forest Lane would have to be installed at a later date, and support the achievement of complete communities by providing for two developable lots within the settlement area.

The Niagara Official Plan (NOP), designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Intensification is generally encouraged throughout the Built-up Area and includes residential uses that make efficient use of existing services.

Planning Staff is satisfied that the proposed consent application conforms to the NOP. The proposed boundary adjustment will enable future intensification by providing buildable lots within the built-up area and makes efficient use of the existing services along Omer Avenue. Future services will need to be installed to accommodate any development along Sherwood Forest.

#### City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City’s Official Plan. This designation permits residential uses and land severances for technical reasons (such as a boundary adjustment) for any purpose that does not create a separate lot.

Consents to sever are assessed by the policies of Section 3.2.4 of the OP. An Ontario Land Surveyor sketch is required and the parcel must have frontage on a public road. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the adjusted lots will have frontage on a public road.

Section 3.2.4 also provides for the conditions for the collection of Cash-in-Lieu of Parkland Dedication. As this is a technical amendment, Staff will not be requiring the collection of cash-in-lieu of parkland dedication as a condition of consent. If the property owner has not paid the parkland dedication fee, it will be collected at the time of the building permit.

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

The subject lands are zoned Fourth Density Residential (R4) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions if the application is approved.

Part 1 and Part 3: A lot frontage of 32.98m and a lot area of 874.5m<sup>2</sup>

Part 2 and Part 4: A lot frontage of 82.9m and a lot area of 2208.5m<sup>2</sup>.

The lot creation requirements of the R4 zone for detached dwellings require 12m of frontage and 400m<sup>2</sup> of lot area, while the requirements in the R4 zone for apartments require 18m of frontage and a lot area of 125m<sup>2</sup> per unit.

As noted in the statistics above, as well as on the sketch attached as Appendix A, both parcels have exceeded the required frontage and lot area for all uses permitted in the R4 zone.

Staff is satisfied that all the requirements of the zoning by-law will be met as a result of the proposed boundary adjustment.

### **Recommendation:**

Given the information above, Planning Staff recommends application B08-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$216 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That a master lot grading plan be submitted to the satisfaction of City Staff.
4. That all conditions of consent be completed by June 14<sup>th</sup>, 2025.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,



Chris Roome, BURPI  
Planner

Submitted by,



Denise Landry, MCIP, RPP  
Chief Planner

## Appendix A

