

Planning Justification Brief

For

510 Main Street West

Lots 111 and 112

Plan No. 797

City of Port Colborne

Regional Municipality of Niagara

Prepared by:

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Prepared for:

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1.0 THE PROPOSAL AND REQUIRED PLANNING APPROVALS

Susan Nenadovich would like to proceed with the redevelopment of the subject property to create a new residential lot. The severed new residential lot would be approximately 10.35 m x 24.29 m in size and the retained residential lot would be 20.12x 24.29 m. in size. The proposal is for residential uses only. **(Severance Sketch-Appendix 1)**

The subject lands are zoned Mixed Use (MU Zone). The MU Zone permits single family and duplex dwellings.

A Consent application is required to sever the parcel into two separate lots. Concurrent minor variance applications have been submitted to facilitate the development to recognize certain lot deficiencies as required per Comprehensive Zoning Bylaw 6575/30/18

The brief demonstrates that the proposal is keeping with Provincial and Municipal land use planning policies and the requested variances meet the prescribed tests set out in the Planning Act.

Joseph M. Tomaino was retained by Susan Nenadovich in November of 2022 to prepare a planning justification brief for the subject development.

The Appendixes contain some additional information specifically the notes from the pre-consultation meeting held on October 13, 2022. **(Appendix 2)**

2.0 DESCRIPTION OF THE SUBJECT LANDS

The subject lands are known as 510 Main Street West. The parcel is approximately 30.48 metres by 24.29 metres in size. The lands are on a local municipal and regional roads with full municipal services. The lands are legally described as Lots 11 and 112, Plan No. 797, City of Port Colborne Regional Municipality of Niagara. Severance Sketch **(Appendix 1)** attached to this submission.

3.0 SURROUNDING LAND USES

The subject lands are located within the urban built-up area of the City of Thorold. The lands are surrounded by various urban land uses as follows:

North- Residential

East- Residential

South- Residential

West-Residential

Similar new builds have been developed on similar sized lots in the surrounding neighbourhood. Photos are included in Appendix 3 of recent new builds in the surrounding area. The proposed development is compatible with the surrounding land uses and adjacent properties.

4.0 REVIEW OF PLANNING POLICY FRAMEWORK

The subject lands are within a settlement area under the Provincial Policy Statement (2020) (“PPS”) and designated Built Up Area within the Places to Grow, for the Greater Golden Horseshoe, 2020 Consolidation (“Growth Plan”). According to the Niagara Official Plan (“NOP”), coming into effect November 4, 2022, the lands are within the Urban Area and the Built-Up Area for the City of Port Colborne. A full range of residential, commercial, and industrial uses are permitted generally within the Urban Areas, subject to the availability of adequate municipal services and infrastructure.

The PPS provides broad policy direction on matters of provincial interest related to land use planning and development. The policies that directly apply to the proposed development of the subject lands include:

“1.1.1 *Healthy, livable and safe communities are sustained by:*

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate range and mix of residential (including second unites, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems , and public service facilities are or will be available to meet current and projected needs; and*
- h) *promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate”*

The development of the subject lands for residential purposes will provide another form of housing to meet the long-term needs of future residents. In addition, the form and scale of development provides a cost-effective pattern of development minimizing land consumption and servicing costs as it takes advantage of exiting services.

Section 1.1.3.1 of the PPS states:

“Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted”

The subject lands are located within the built up area of the City of Port Colborne. The proposed development contributes growth to the City of Port Colborne settlement area.

Section 1.1.3.2 of the PPS is also of particular relevance as it states:

“Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:*
 - 1. efficiently use land and resources;*
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for the unjustified and/or uneconomical expansion;*
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - 4. support active transportation;*
 - 5. are transit-supportive, where transit is planned, exists or may be developed; and*
 - 6. are freight-supportive; and*
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”*

The proposed development for residential purposes utilizes the existing municipal and regional infrastructure currently in place to service the subject lands. The proposed development provides intensification within the City of Port Colborne settlement area.

Further, with respect to housing, Section 1.4.3 of the PPS states that Planning Authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents.

Section 1.6.6.2 of the PPS outlines the preferred method of servicing for new development and states:

“Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within the settlement areas on exiting municipal sewage services and municipal water services should be promoted wherever feasible.”

The proposed development will be serviced by water and sanitary services that are currently available in close proximity to the subject lands.

Based on the above-mentioned policies, the proposed Consent and Minor Variance Applications are consistent with the policies of the PPS (2020).

The subject land is located within the Built-Up Area under the 2020 Places to Grow, for the Greater Horseshoe (Growth Plan). The proposed development provides growth within the built-up area of the City of Port Colborne, through intensification of an underutilized parcel of land. The development will make efficient use of exiting municipal water and wastewater systems.

Provincial policy requires a minimum of 40% of all new residential development occurring annually to be located within the designated “Built-up Areas as part of each municipality’s intensification target. The

proposed development contributes to the City's intensification target by providing growth within the built up area of the City.

Based on the above-mentioned policies, the proposed Applications conform to the objectives and policies in the Provincial Growth Plan.

The subject lands are within the Urban Area of the Niagara Official Plan ("NOP"). A full range of residential, commercial, and industrial uses are permitted generally within the Urban Areas, subject to the availability of adequate municipal services and infrastructure. The Niagara Official Plan promotes higher density in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The subject lands are service by full municipal services.

Based on the above-mentioned policies, the proposed Applications conform with the policies of the Niagara Official Plan ("NOP").

The City of Port Colborne Official Plan designates the subject Downtown Commercial which permits residential uses. This designation is intended to provide a mix of uses.

The City of Port Colborne Official provides direction on growth, land use and development on more of a localized scale. The policies that directly apply to the proposed development of the subject lands include:

Section 2: Our Vision: Port Colborne in 2031

2.1 Vision Statement

The Vision for the City of Port Colborne, which will be implemented through the Official Plan, shall:

- b) Provide the opportunity for a mix of residential accommodations in Port Colborne which can accommodate households with diverse social and economic characteristics, needs and issues and desires;*

2.2 Growth Management Strategy

The City of Port Colborne's Growth Management shall:

- c) Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.*
- d) Support infill and intensification, subject to the applicable polies, in the following designations*
 - i) Urban Residential*

2.3 Strategic Directions

2.3.1 Enhancing Quality of Life

The City will promote a compact urban form, a balanced mix of housing types and land uses, efficient and cost effective infrastructure and transportation, and good urban design for neighbourhoods and business areas by:

- a) Promoting residential intensification in the urban area with a flexible approach that encourages a mix of housing types and densities appropriate to location*

The Official Plan for the City of Port Colborne also contains policies related to infill intensification within existing residential areas. Section 2.4.3 of the Official Plan encourages infill development throughout the City's Built-Up Area. The proposal also addresses the criteria contained within this Section as follows:

2.4.3 Intensification and Infill

- a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.*

2.4.3.1 Intensification Target

- a) The municipality will plan to achieve an intensification of 15%*
- b) Intensification will be measured on an annual basis and will include all new housing units created within the Built-up area*

The proposed development for residential purposes utilizes the existing municipal and regional infrastructure currently in place to service the subject lands. The subject lands are an underutilized land parcel of land within the settlement area. The proposed development provides intensification within the City of Port Colborne settlement area.

It is my opinion that the proposed development supports the policy objectives of the City of Port Colborne's Official Plan.

5. SIGHT LINE ASSESSMENT

The sightline analysis approach is to verify if the proposed driveway use will be safe for the new driveway user. The westbound driveway entrance movement was reviewed to ensure an entering vehicle has adequate sight distance to an eastbound vehicle. As shown (Appendix 2), a westbound vehicle stopped for an entering entrance movement can see the vehicle at the stopping distance from the turning vehicle location. The exit driveway entrance movement shows the eastbound vehicle has adequate stopping distance for an exiting vehicle.

6. CURRENT ZONING

The subject lands are zoned Mixed Use (MU) Zone as per Zoning By-law 6575/30/18. The MU Zone permits single detached and duplex dwelling units.

7. MINOR VARIANCE APPLICATIONS

The owner is proposing the construction of a single detached dwelling on Part 2 and retain the existing residential duplex dwelling on Part 1 as per the attached severance sketch (Appendix 1). In order to facilitate the development, as per Comprehensive Zoning Bylaw 6575/30/18 the following variances from the MU zone provisions are being requested for Parts 1 and 2 as follows.

Section 21 MU Provisions	Required	Part 1-Existing Duplex Dwelling	Part 2-Single Detached
21.4 (a) – Lot Frontage Detached Dwelling	12 metres	n/a	10.35 metres*
21.4 (c) Lot Area- Detached Dwelling	400 sq.metres	n/a	251.41 sq. metres*
21.4 (d) Front Yard Setback	6.5 metres	n/a	6.5 metres
21.4 (e) Interior Yard Setback	1 metre	n/a	1.2 metres
21.4 (g) Rear Yard	6 metres	n/a	6 metres
21.4 (h)	50 percent	n/a	37.28 percent
21.6 (a) Lot Frontage- Duplex Dwelling	18 metres	20.13 metres	n/a
21.6 (b) Lot Area	500 sq metres	489.03 sq metres*	n/a
21.6 (c) Front Yard	6.4 metres	7.4 metres	n/a
21.6 (d) Interior Side Yard	1.2 metres	1.2 metres	n/a
21.6 (e) Corner Side Yard	3 metres	7.27 metres	n/a
21.6 (f) Rear Yard	6 metres	2.04 metres*	n/a
21.6 (g) Lot Coverage	50 percent	25.2%	n/a

***Denotes regulations that do not comply**

The Committee of Adjustment will need to be satisfied that the applications meets the four test prescribed by Section 45 (1) of the Planning Act.

Four Tests as Prescribed by Section 45 (1) of the Planning Act

Variance No. 1 (Part 1) Lot Frontage Reduction from 12 metres to 10.35 metres

1. Is the variance minor from the provisions of the By-law?

The requested variance No. 1 for Part 2, the severed parcel is for the frontage reduction of 12 metres to 10.35 metres. The proposed lot frontage will not have any adverse impacts to the surrounding area. Similar size lots have been developed in the surrounding area.

2. Is the variance appropriate for the development of the land?

The proposed variance is requested to facilitate the redevelopment of the subject lands to accommodate the construction of new single detached dwelling and maintain the exiting duplex dwelling on the retained parcel.

It is my opinion that the requested variance is appropriate for the development of the land.

3. Is the general intent and purpose of the Zoning By-law maintained?

The requested variance is to recognize the lot frontage reduction. The reduction of the lot frontage doesn't impact the surrounding properties.

It is my opinion the requested variance would maintain the general intent and purpose of the zoning by-law.

4. Is the general intent and purpose of the Official Plan maintained?

The proposed variance is to facilitate the development of a residential lot and is compatible with the adjacent properties. The proposed new dwelling and existing duplex dwelling are consistent with the scale of development in the neighbourhood and is in keeping with the character of the neighbourhood. Therefore, the requested variance would maintain the general intent and purpose of the Official Plan.

Minor Variance # 2 (Part 2) Reduction of Lot Area from 400 sq metres to 251.41 sq metres

1. Is the variances minor from the provisions of the By-law?

The requested variance No. 2 for Part 2, the severed parcel is for the lot area reduction from 400 sq metres to 251.03 sq metres. The proposed reduction in lot area will not have any adverse impacts to the surrounding area. The proposed building envelope facilitates a lot coverage of 37%. It is my opinion that the requested variance is minor and maintains sufficient amenity space.

2. Is the variances appropriate for the development of the land?

The proposed variance is being requested to facilitate the redevelopment of the subject lands to accommodate the construction of new single detached dwelling and maintain the exiting duplex dwelling on the retained parcel. The proposed variance is appropriate for the development of the property. The reduced lot area for Part 2 will not impact adjacent properties.

It is my opinion that the requested variance is appropriate for the development of the land.

3. Is the general intent and purpose of the Zoning By-law maintained?

The proposed variances are being requested to facilitate the construction of a new residential dwelling and maintaining the existing duplex dwelling on the retained lot. The reduction of lot area doesn't impact the overall amenity/landscaped area for Part 2. Sufficient amenity/landscaped area is provided.

No negative impacts to adjacent properties are anticipated.

It is my opinion the requested variance would maintain the general intent and purpose of the zoning by-law.

4. Is the general intent and purpose of the Official Plan maintained?

The proposed variances to facilitate the development of the creation of a residential that is compatible with the adjacent properties. The proposed new dwelling and existing duplex dwelling are consistent with the scale of development in the neighbourhood and is in keeping with the character of the neighbourhood. Therefore, the requested variance would maintain the general intent and purpose of the Official Plan.

Minor Variance # 3 (Part 1) Reduction of Lot Area from 500 sq metres to 489.03 sq metres

1. Is the variances minor from the provisions of the By-law

The requested variance for Part 2 is for the minor reduction of lot area from 500 sq m to 489.03 sq m. The relief being sought would not result in any negative impacts to adjacent properties.

2. Is the variances appropriate for the development of the land?

The requested variance is desirable for the development of the land and facilitates the creation of new lot of record. The subject retained lot has a lot coverage of only 25% and provides sufficient amenity/landscaped area for the subject lot that contains the duplex dwelling.

3. Is the general intent and purpose of the Zoning By-law maintained?

The proposed variance of the reduction of lot area is being requested to facilitate the creation of a residential lot. No negative impacts to adjacent properties are anticipated.

It is my opinion the requested variances would maintain the general intent and purpose of the zoning by-law.

4. Is the general intent and purpose of the Official Plan maintained?

The proposed variances to facilitate the development of a single detached dwellings is compatible with the adjacent properties. The proposed new dwelling will be consistent with the scale of development in the neighbourhood and is in keeping with the character of the neighbourhood. Therefore, the requested variances would maintain the general intent and purpose of the Official Plan.

Minor Variance # 4 (Part 1) Rear Yard Reduction from 6 metres to 2.04 metres

1. Is the variance minor from the provisions of the By-law?

The requested variance No. 4 for Part 1, the retained parcel with the existing residential duplex dwelling is for the rear yard setback. The requested variance is of a technical nature to recognize the change of the lot frontage line from Main Street West to Oakwood Street. The driveway access will remain on Oakwood and while this will be in the “technical rear yard”, operationally it will be the side yard. The proposed reduction of the rear yard requirement will not have any adverse impacts to the surrounding area.

2. Is the variances appropriate for the development of the land?

The requested variance is desirable for the development of the land and facilitates the creation of new lot of record.

3. Is the general intent and purpose of the Zoning By-law maintained?

The proposed variance of the rear yard setback is being requested to facilitate the creation of new residential lot. No negative impacts to adjacent properties are anticipated.

It is my opinion the requested variances would maintain the general intent and purpose of the zoning by-law.

4. Is the general intent and purpose of the Official Plan maintained?

The proposed variances to facilitate the creation of a residential lot that is compatible with the adjacent properties. The proposed new dwelling will be consistent with the scale of development in the neighbourhood and is in keeping with the character of the neighbourhood. Therefore, the requested variances would maintain the general intent and purpose of the Official Plan.

8. PLANNING ANALYSIS AND CONCLUSIONS

As discussed in the above sections, the proposed development is consistent with the objectives and intent of the Provincial Policy Statement (2020), 2020 Places to Grow, for the Greater Horseshoe (Growth Plan), Niagara Official Plan and the City of Port Colborne Official Plan. The proposed development is a form of residential intensification promoted by the Province and will aid the City of Port Colborne in achieving its intensification target for the Built-Up Area. The proposed development provides infill development within the built-up area and takes advantage of the existing infrastructure while providing a density and compact built-form that is land efficient and contributes to the growth of the area.

The lot coverages for the retained and severed parcels are 37 % and 25 %, providing sufficient amenity and landscaped areas for each of the respective lots.

The proposed variances meet the prescribed four tests set out in the Planning Act.

The proposed built-form and use is compatible with adjacent properties and surrounding neighbourhood.

Given the above, it is my opinion that the development proposal represents good planning.

A handwritten signature in black ink that reads "Joseph M. Tomaino". The signature is written in a cursive style with a large, stylized 'J' and 'M'.

Joseph M. Tomaino MCIP, RPP

APPENDIX 1
Severence Sketch

APPENDIX 2

Sight Line Assessment Drawing

APPENDIX 3

Photos of Surrounding New Builds







APPENDIX 4
Proposed Dwelling

Modern 3-Bed Cottage with Upstairs Laundry



1,074
Heated S.F.



3
Beds



2.5
Baths



2
Floors



1
Car Garage

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APPENDIX 5

Record of Pre-Submission Consultation