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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

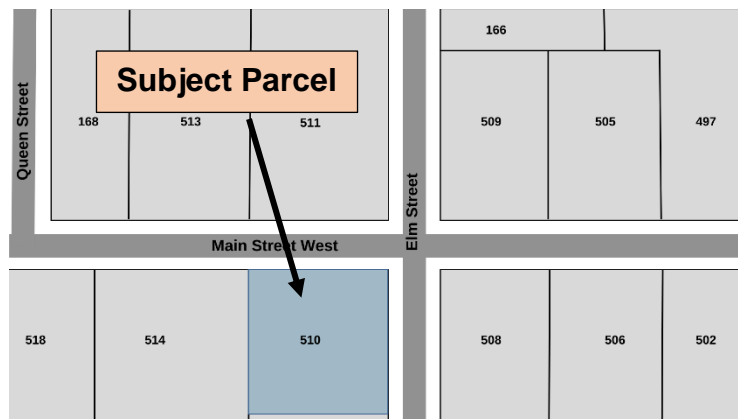
**Re: Application for Consent B10-23-PC  
Plan 797 on Lots 111 and 112  
510 Main Street West  
Agent: Joseph Tomaino  
Owner(s): Susan Nenadovich**

**Proposal:**

The purpose and effect of this application is to permit the conveyance of Part 2 (see Appendix A) having a lot frontage of 10.35m along Main Street West and a total lot area of 251.41m<sup>2</sup> to construct a single detached dwelling for future residential use. Part 1, the retained lot, will have a lot frontage of 20.13m and a total lot area of 489.03m<sup>2</sup>, and contains an existing residential duplex dwelling.

**Surrounding Land Uses and Zoning:**

The subject property is located within a Mixed-Use Zone (MU). The parcels surrounding the subject lands are zoned Mixed-Use to the north, east, and west and Second Density Residential (R2) to the south. The surrounding uses consist of detached dwellings to the north, south, east, and west.



**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.

Ministry of Transportation Ontario

The subject site appears to be located within the MTO Permit Control Area for Highway 140 and as a result, the applicant should be made aware that an MTO Building and Land Use Permit will be required from the MTO prior to the start of any onsite construction/works.

Drainage Superintendent

There are no concerns regarding municipal drains for this application.

Fire Department

Port Colborne Fire has no objection to the proposed application.

Engineering Technologist

A master lot grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting the adjacent properties. A municipal consent permit is also required for site servicing connections to existing City-owned infrastructure. Finally, Main Street West is a regional road and therefore will require regional permits to work within the public right of way.

Staff Response

Planning Staff will add the master lot grading plan as a condition of the consent. The municipal consent will be required at a later date.

## Niagara Region

Regional Planning Staff offers no objection to the proposed application.

The parcel has frontage along Regional Road #3 (West Main Street). A 6x6m daylight triangle is required at the corner of West Main Street and Oakwood Street. Regional staff would ask that the daylight triangle be shown on future development plans.

Prior to any construction, a Regional Construction, Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department (See full comments for link).

The Region had requested that a sightline assessment be completed with the application. One was submitted and reviewed by the Region however, it did not provide the required assessment. The Region will still require a sight line assessment to be completed and has recommended it as a condition of consent.

Services for the new residential lot are to be from the existing 200mm local sanitary sewer and 150mm water main located on Main Street West. Please note that any work/cuts in the Main Street West right-of-way will require a Regional Construction permit and will have to be restored to meet regional standards. The proposed residential lots are eligible to receive regional curbside waste and recycling. (See full comments for more details).

## Staff Response

Planning Staff will add the sightline assessment as a condition of consent. Regional Staff have indicated that the Sightline Assessment should be based on speed and measured from the driveway to the required distance on the road, rather than measuring the distance required to the middle of the road

## **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 creating 2 lots each having frontage on a public

road, and will promote growth from the development of a new residential dwelling on the severed lot.

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 and infrastructure along Main Street, and supports the achievement of complete communities by providing 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 severance will enable future intensification by providing buildable lots within the built-up area and makes efficient use of the existing services along Main Street.

#### City of Port Colborne Official Plan

The subject property is designated as Downtown Commercial in the City’s Official Plan. The Downtown Commercial designation does not provide lot creation policies, residential uses are a permitted use in the designation and the lot creation policies are provided in the Zoning By-law.

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 lots created will have frontage on a public road.

Section 3.2.4 also provides the conditions for collecting Cash-in-Lieu of Parkland Dedication. Staff has established that parkland dedication fees are required to be collected before a building permit can be issued, and as such, Staff will include a condition that the applicant signs the City’s Memorandum of Understanding, stating that they are aware of the requirements for the collection of parkland dedication as set out in by-law number 4748/130/05.

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

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

Part 1: A lot frontage of 20.13m and a lot area of 489.03m<sup>2</sup>

Part 2: A lot frontage of 10.35m and a lot area of 251.41m<sup>2</sup>.

The lot creation requirements of the MU zone for detached dwellings require 12m of frontage and 400m<sup>2</sup> of lot area, while the requirements in the MU zone for a duplex dwelling require 18m of frontage and a minimum lot area of 500m<sup>2</sup>.

As noted in the statistics above, as well as on the sketch attached as Appendix A, both parcels do not meet all of the requirements for the uses under the MU Zone. The applicant has subsequently applied for minor variances to address these deficiencies under applications A12-23-PC and A13-23-PC.

Staff will require a condition of this application that the Minor Variance applications are granted.

#### Planning Justification Brief

Planning Staff had requested a Planning Justification Brief to be submitted with the application. Below is a summary of the brief, submitted by the agent, Joseph Tomaino.

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 existing services. The proposed development will be serviced by water and sanitary services that are currently available near the subject lands. The proposed consent application is consistent with the policies of the *Provincial Policy Statement (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 existing municipal water and wastewater systems. The proposed development contributes to the City's intensification target by providing growth within the built-up area of the city. Based on this information, the proposed application conforms to the objectives and policies in the *Provincial Growth Plan*.

The subject lands are within the Urban Area of the *Niagara Official Plan* ("NOP") and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suits the needs of a variety of households and

income groups in Niagara. Based on this, the proposed application conforms with the policies of the NOP.

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 parcel of land within the settlement area. The proposed development provides intensification within the City of Port Colborne settlement area.

It is the opinion of Mr. Tomaino that the proposed development supports the policy objectives of *The City of Port Colborne's Official Plan*.

The sightline analysis approach is to verify if the proposed driveway will be safe for the new driveway user. The westbound driveway entrance movement was reviewed to ensure an entering vehicle has adequate sight distance from an eastbound vehicle. 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 an adequate stopping distance for an exiting vehicle.

Based on the analysis provided by Mr. Tomaino, Planning Staff does not object to any of the justifications put forward.

### **Recommendation:**

Given the information above, Planning Staff recommends application B10-23-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 the applicant provides a revised sight line assessment to the Region of Niagara for review and approval to determine the location of the driveway for the new lot.
5. That the applicant signs the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.

6. That minor variance application A12-23-PC and A13-23-PC be granted.
7. 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

