
Development and Legislative Services
Planning Division Report

June 9, 2023

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

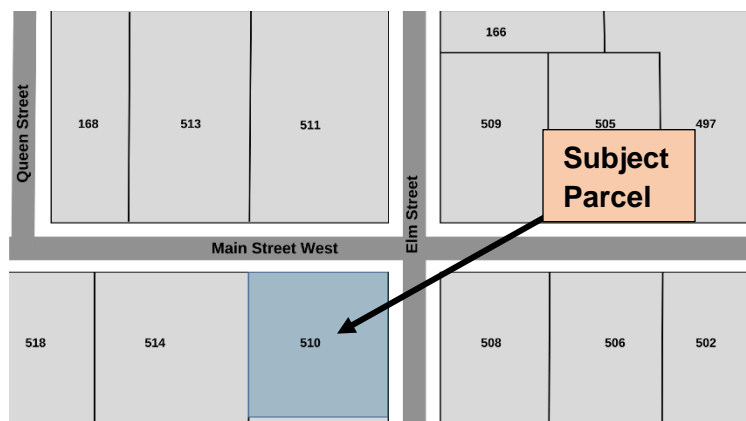
Re: Application for Minor Variance A13-23-PC
Plan 797 on Lots 111 and 112
510 Main Street West
Agent: Joseph Tomaino
Owner(s): Susan Nenadovich

Proposal:

The purpose and effect of this application is to permit a lot frontage reduction from 12 meters to 10.35 meters and a lot area reduction from 400m² to 251m². The applicant is requesting the variances to facilitate the creation of a new lot for future residential use.

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.



Official Plan:

The subject property is designated as Downtown Commercial (DC) in the City's Official Plan. Residential uses are permitted under this designation.

Zoning:

The subject property is zoned Mixed Use (MU) in accordance with Zoning By-Law 6575/30/18. Residential uses are permitted within this zone.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on May 31st, 2023, as per Section 45 (5) of the Planning Act to properties within 60m of the subject lands. As of June 9th, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 15th, 2023 to internal departments and external agencies. As of June 9th, 2023, the following comments have 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 this office prior to the start of any onsite construction/works.

Drainage Superintendent

There are no comments regarding municipal drains for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

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

Staff Response

A master lot grading plan was added as a condition of the consent application B10-23-PC.

Planning Justification Brief:

As part of a complete submission, Planning Staff required the submission of a Planning Justification Brief. The following is a summary of the brief submitted by the applicant, Joseph Tomaino

The first requested variance for Part 2, the severed parcel, is for the frontage reduction of 12 meters to 10.35 meters. The proposed lot frontage will not have any adverse impacts on the surrounding area, as similar size lots have been developed in the surrounding neighbourhood. The second requested variance for Part 2, the severed parcel, is for the lot area reduction from 400 square meters to 251.03 square meters. The proposed building envelope facilitates a lot coverage of 37%. It is Mr. Tomaino's opinion that the requested variance is minor and maintains sufficient amenity space.

The proposed variance is being requested to facilitate the redevelopment of the subject lands to accommodate the construction of a new single detached dwelling and maintain the existing 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 Mr. Tomaino's opinion that the requested variance is appropriate for the development of the land.

The proposed variances are being requested to facilitate the construction of a new residential dwelling and maintain the existing duplex dwelling on the retained lot. The reduction of lot area doesn't impact the overall amenity and landscaped area for Part 2. There is sufficient amenity and landscaped area provided on the property. No negative impacts to adjacent properties are anticipated. It is Mr. Tomaino's opinion that the requested variance would maintain the general intent and purpose of the zoning by-law.

The proposed variances facilitate the development of the creation of a residential lot 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.

Planning Staff does not object to any of the justifications provided by Mr. Tomaino.

Planning Act – Four Tests:

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

Is the application minor in nature?

The proposed application is minor in nature as the requested changes to the lot frontage and lot area appear to be suitable for the outlined building envelope on the subject property. The surrounding parcels on Main Street and Oakwood Street appear to be of similar size to the newly severed parcel. The building envelope displays that the parcel can retain sufficient amenities and landscaped space, therefore staff is satisfied that the application is minor.

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

The application is desirable for the development and use of the subject lands. The proposed variance will facilitate the development of the subject property to accommodate the construction of a future residential use and to maintain the existing duplex on the retained parcel. The surrounding parcels consist of dwellings and lots of similar nature, therefore the application is appropriate for the surrounding lands, buildings, and uses.

Is it in keeping with the general intent and purpose of the Zoning By-law?

The requested variance is in keeping with the general intent and purpose of Zoning Bylaw 6575/30/18. The proposed building envelope facilitates a lot coverage of 37%, which leaves ample space for amenities and landscaped space along the front, side, and rear yards. The lot meets the minimum setback requirements for the front yard at 6.5 meters, the rear yard at 6 meters, and the side yard at 1.2 meters. Parking space on the lot will also be sufficient, as Section 3.1.1 of the Zoning Bylaw requires only 1 parking spot per residential unit at a minimum of 2.6 meters in width. Staff are confident that the parking provisions can be met given the narrow dimensions of the lot, and without compromising the amenity space. The reduction in lot area will not negatively impact the adjacent properties, therefore staff is satisfied that the application is in keeping with the general intent and purpose of the Zoning Bylaw.

Is it in keeping with the general intent and purpose of the Official Plan?

The subject property is in keeping with the general intent and purpose of the City of Port Colborne Official Plan, as the Downtown Commercial designation permits residential uses and intensification. The proposed development and Minor Variance application appears to be consistent with the size and scale of developments in the neighbourhood and is in keeping with the character of the community. In this instance, the requested variances would maintain the general intent and purpose of the Official Plan.

Recommendation:

Given the information above, Planning Staff recommends application A13-23-PC be **granted** for the following reasons:

1. The application is minor in nature.
2. It is appropriate for the development of the site.
3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.
4. It is desirable and in compliance with the general intent and purpose of the Official Plan

Prepared by,

A handwritten signature in black ink, appearing to read 'Chris Roome', written over a horizontal line.

Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'Denise Landry', written over a horizontal line.

Denise Landry, MCIP, RPP
Chief Planner