

## Development and Legislative Services

### Planning Division Report

June 9th, 2023

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

**Re: Application for Consent B05-23-PC**  
**242 and 244 Humboldt Parkway**  
**Lot 366 and Part Lot 365 on Plan 836**  
**Agent: N/A**  
**Owner(s): Grant Anger**

### Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 (see Appendix A) having a lot frontage of 7.54m and a lot area of 285m<sup>2</sup> for an existing semi-detached dwelling. Part 2 will also retain a lot frontage of 7.54m and a lot area of 285m<sup>2</sup> for an existing semi-detached dwelling. The proposed application is being requested to facilitate the severance of an existing semi-detached dwelling.

### Surrounding Land Uses and Zoning:

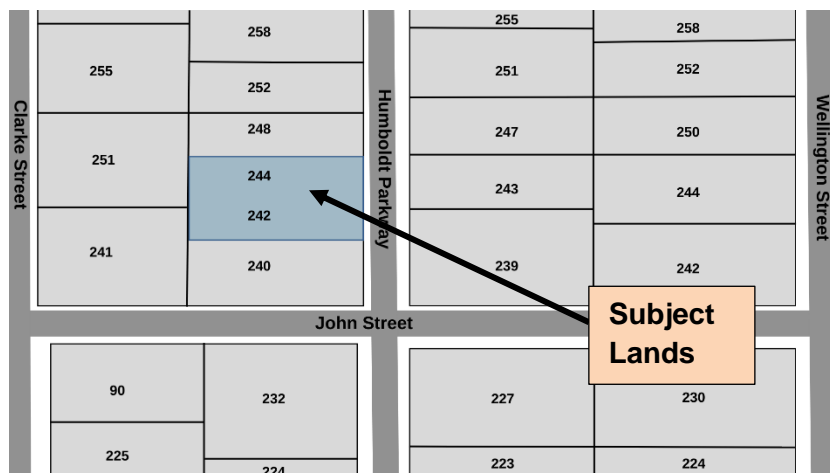
The parcels surrounding the subject lands are zoned Second Density Residential (R2) to the north, east, south, and west. The surrounding land uses consist of detached dwellings to the north, east, south, and west.

### Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

### Public Comments:

Notice was circulated on May 31<sup>st</sup>, 2023 as per Section 45 (5) of the Planning Act. As of June 9<sup>th</sup>, 2023, no comments from the public have been received.



## **Agency Comments:**

Notice was circulated on May 15<sup>th</sup>, 2023. As of June 9<sup>th</sup>, 2023, the following comments have been received.

### Drainage Superintendent

There are no comments regarding municipal drain for these applications.

### Fire Department

No objection to the proposed application.

### Engineering Technologist

A master lot grading plan is recommended to ensure that the severed parcels will drain independently and without adversely affecting adjacent property. A Municipal Consent Permit will also be required for work within the City right-of-way (construction of entrances, site servicing, etc.).

### Staff Response

Staff have added the master lot grading plan as a condition of the consent. The municipal consent permit can be applied for at a later time and does not impact the severance of the property.

## **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 are satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources as the existing dwelling has a compact form and adds to a mix of dwelling types in the area.

The subject property is located within a Delineated Built-Up Area, in accordance with the Growth Plan for the Greater Golden Horseshoe. The guiding principles of the Growth Plan provide for 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, they provide for different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe and support a range and mix of housing types.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application addresses an existing semi-detached dwelling and provides for the units to be sold separately, recognizing the diverse needs of communities. This application also supports a range and mix of housing types as the existing semi-detached dwelling is located within a neighborhood that primarily consists of detached dwellings.

The Regional Official Plan (ROP), designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Section 2.2.1 of the ROP sets out policies for managing urban growth. Section 2.2.1.1 b) and c) state that development in urban areas should support a compact built form, a mix of land uses, and a diverse range and mix of housing types, unit sizes, and densities.

Planning Staff is satisfied that the application conforms to the ROP as the proposed severance supports a range and mix of housing types, and provides for a compact built form that supports the creation of a complete community.

#### The City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City’s Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is encouraged.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. 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.

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

The subject lands are zoned Second Density Residential (R2) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 7.54m and a lot area of 285m<sup>2</sup>.

Part 2: A lot frontage of 7.54m and a lot area of 285m<sup>2</sup>.

Section 6.5 (K) of the Zoning By-law states that nothing shall prevent the splitting of any lot on which a semi-detached dwelling is erected into 2 parts divided in part by the centre line of the common or party wall separating the dwelling units, provided each lot have a minimum lot area of 0.02 hectares.

As shown on the sketch and noted above, the lot area for each parcel exceeds the minimum lot area required by the zoning by-law. Planning Staff are satisfied that the proposed consent application conforms to the requirements of the zoning by-law.

#### **Recommendation:**

Given the information above, Planning Staff recommends application B05-23-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 \$231 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant submits a master lot grading plan showing that both parcels will drain independently from one another and not adversely affect neighboring properties, 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,



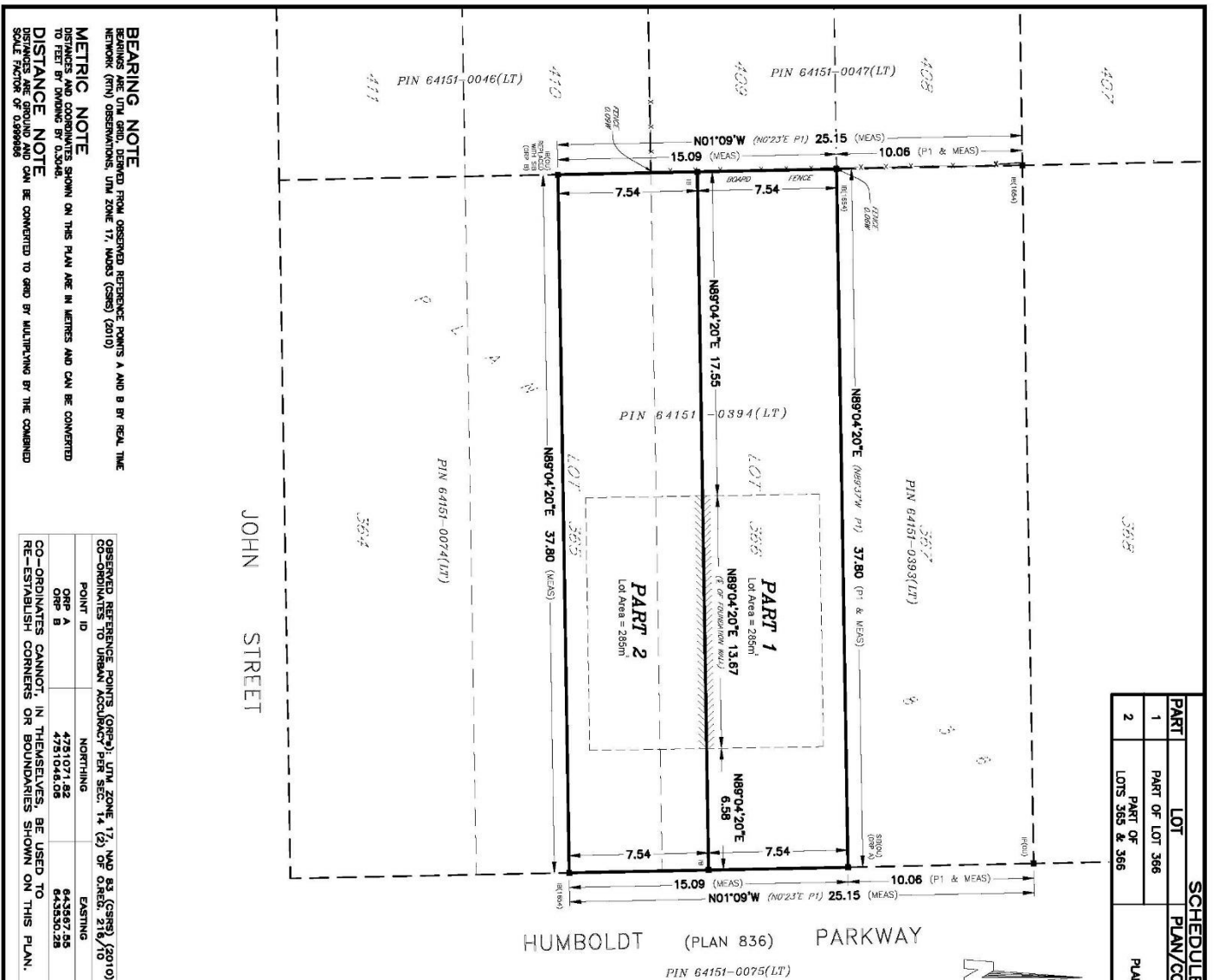
Chris Roome, BURPI  
Planner

Submitted by,



Denise Landry, MCIP, RPP  
Chief Planner

## Appendix A



SCHEDULE			
PART	LOT	PLAN/CONCESSION	PIN
1	PART OF LOT 366	PLAN 836	ALL OF PIN 64151-0394(17)
2	PART OF LOTS 365 & 366		

**PLAN 59R-17659**  
Received and deposited  
April 4<sup>th</sup>, 2023  
Kelly Cochran-mott  
Representative for the  
Land Registrar for the  
Land Titles Division of  
Niagara South (No. 59)

PLAN OF SURVEY OF  
LOT 366  
PART OF LOT 365  
PLAN 836  
IN THE  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 200

THE INTENDED PLOT SIZE OF THIS PLAN IS 430mm IN WIDTH BY 354mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:200

LEGEND	
SYMBOL	DENOTES
—	SURVEY MONUMENT FOUND
SIB	STANDARD IRON BAR
SSIB	SHORT STANDARD IRON BAR
CC	CUT CROSS
PIB	IRON PIPE BAR
MEAS	MEASURED
OU	ORIGIN UNKNOWN
N/E/W	NORTH, SOUTH, EAST, WEST
P1	REGISTERED PLAN 236

# SURVEYOR'S CERTIFICATE

1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;  
2) THE SURVEY WAS COMPLETED ON THE 18th DAY OF APRIL, 2022

MARCH 23, 2023

*cat barboza*

THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM NUMBER  
**CHAMBERS AND ASSOCIATE**  
**SURVEYING LTD**

L3C 312		www.cdbi-surveying.com	
DRAWN BY:	PMS	MISCAD:	93009-3 MS
		DWG:	93009-3 RP
		FILE No:	