

Committee of Adjustment Public Hearing  
Wednesday, January 28, 2015  
Council Chambers, City Hall - 5:00 p.m.

**REVISED AGENDA**

Note:

Planning Reports will be attached to the agenda and posted on the City of St. Catharine's Website: [www.stcatharines.ca](http://www.stcatharines.ca) then Govern In/ By-laws, Agendas and Minutes/ Associations, Boards & Committees/ Committee of Adjustment/ Agendas/ 2015/ 01 28 15). Hard copies of the agenda and planning reports will be available at the Committee of Adjustment Hearing.

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda –

Amendment to Agenda: Request for deferral by owner for 8 St. Helena St.

3. Declarations of Interest
4. Request for Withdrawal or Adjournment

Item # 2 - 1 Wellington Street, Minor Variance Application - A-50/14 - 60.81.4911

That the deferral extended to January 28, 2015 be further extended to March 11, 2015 as requested by the agent and supported by staff to allow sufficient time to complete discussions on the matter.

Item # 6 - 8 St. Helena Street, Consent & Minor Variance Application - B-11/15SC - 60.84.1973; A-11/15 - 60.81.4949 and 24 St. Helena Street, Minor Variance Application - A-12/15 - 60.81.4950

Request of deferral by owner to the March 11, 2015 Hearing in order to inquire about purchasing additional lands in order to reduce the onerousness of the variances required and better develop this property.

5. Adoption of the Minutes held January 7, 2015
6. Application:
  - 1) 1731 St. Paul Street, Consent Application - B-14/13SC - 60.84.1895  
2239 Seventh Street, Minor Variance Application - A-42/13 - 60.81.4785
  - 3) 36 Kent Street, Consent Application - B-06/15SC - 60.84.1968
  - 4) 14 Wedsworth Street, Consent Application - B-07/15SC - 60.84.1969  
14 Wedsworth Street, Consent Application - B-08/15SC - 60.84.1970

- 10C Wedsworth Street, Consent Application - B-09/15SC - 60.84.1971
- 12 Wedsworth Street, Minor Variance Application - A-08/15 - 60.81.4946
- 12 Wedsworth Street, Minor Variance Application - A-13/15 - 60.81.4951
- 5) 45 Woodbine Avenue, Consent Application - B-10/15SC - 60.84.1972
- 45 Woodbine Avenue, Minor Variance Application - A-10/15 - 60.81.4948

7. New Business

8. Date of next Site Tour and Public Hearing is February 18, 2015

9. Adjournment



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## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** January 19, 2015

**Date of Meeting:** January 28, 2015

**Submission(s):** B-14/13SC  
A-42/13

**File:** 60.84.1895  
60.81.4785

**Subject:** 1731 St. Paul Street West (2239 Seventh Street Louth)

### Recommendation

That Submission **B-14/13SC** by Aloyzia and Ernest Atalick, as outlined in the Notice of Hearing, be approved subject to the following condition:

1. That final approval be granted for all necessary minor variances.

And That Submission **A-42/13** by Aloyzia and Ernest Atalick, as outlined in the Notice of Hearing, be approved.

### Summary

The purpose of the applications is to enable a boundary adjustment between 1731 St. Paul Street West and 2239 Seventh Street Louth. Staff believes that the proposal is, as revised, an appropriate use of the lands.

Having regard for the matters under Section 51 (24) and section 45 (1) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal also maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any applicable provincial plans. The proposed variance and consent are desirable for the appropriate use of the land and are minor in nature.

Staff recommends the approval of the requested consent and variance.

### Background

Application **B-14/13SC** was initially made in April of 2013. Staff were supportive of the proposed boundary adjustment in principal, however a revised sketch was requested to illustrate a new boundary line that would eliminate fragmentation of the natural features on the property. At the June 5, 2013 Committee of Adjustment hearing the applicant requested adjournment for 6 months. This application was before the Committee of

Adjustment on December 10, 2014 and was deferred pending receipt of a revised sketch showing the proposed easement for access (Part 3) relocated to the area of the existing gravel driveway.

Application **A-42/13** was initially made in April of 2013. Staff supported a reduction in minimum lot area in principal, however the applicant was requested to revise the proposed boundary lines to ensure the entirety of those lands, which are designated Natural Area in the Garden City Plan, would remain under one ownership, thereby eliminating fragmentation of a natural area or feature or key hydrological feature. At the June 5, 2013 Committee of Adjustment hearing the applicant requested adjournment for 6 months.

## **Planning Context**

### **Location**

The subject property is located on the north side of St. Paul Street West and west of Seventh Street Louth. The property is surrounded by agricultural lands to the north, Fifteen Mile Creek to the west, and residential and agricultural uses to both the east and south.

### **Green Belt Plan**

The property is subject to the policies of the Greenbelt Plan (2005), which designates the lands as Protected Countryside (Specialty Crop Area and Natural Heritage System). The Specialty Crop designation permits normal farm practices and a full range of agricultural and related uses, subject to the policies of the Greenbelt Plan. The Natural Heritage System identifies areas of sensitive and/or significant natural features and functions, which must be "managed as a connected and integrated natural heritage system" (Section 4.6.2.c.).

### **Official Plan**

The Garden City Plan designates the easterly portion of the property as Agriculture, which permits the existing detached dwelling as well as a full range of agricultural uses, subject to the policies of the Plan. The westerly portion of the property is designated Natural Area, which identifies and protects the natural hazard lands associated with Fifteen Mile Creek running along the west side of Parts 4 & 5. The Agriculture designation permits a range of uses, including one detached dwelling per property.

### **Zoning By-law**

The easterly portion of the subject lands is zoned Agriculture (A1) pursuant to By-law 2013-283, which permits detached dwellings, agricultural farms, and buildings and structures accessory to those principal uses. The westerly portion of the property is zoned Conservation/Natural Area (G1), which permits trails, boat ramps, picnic areas and shelters, and essential operations for service infrastructure and utilities.

# Report

## Consent

This severance is requested to allow for a boundary adjustment between two properties, 1731 St. Paul Street West and 2239 Seventh Street Louth. Staff are supportive of the requested severance, as revised.

The Greenbelt Plan (2005) permits "minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in specialty crop or prime agricultural areas and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature" (4.6.2. c.). The Garden City Plan also permits minor boundary adjustments and easements in agricultural areas provided no new lot is created for a residential dwelling and there is no increased fragmentation of a natural area or feature or key hydrologic feature (Section 14.2, subsection 12.3).

The proposed boundary adjustment is consistent with the policies of the Greenbelt Plan and the Garden City Plan. The proposed lot lines, as illustrated on the submitted sketch, show that all of the natural heritage and hydrologic features are to be accommodated on one parcel (Parts 4 and Part 5), eliminating fragmentation of the features.

This severance facilitates the transfer of ownership of an existing vineyard between adjacent landowners. No new development is proposed through this application. Long-established land uses will continue and will comply with the Official Plan and Zoning By-law policies. It is noted that a minor variance will be necessary to address the minimum lot area requirements for the northerly parcel (Parts 4, 5 & 6).

Staff are also supportive of the revised proposed easement established over the existing gravel drive off of St. Paul Street West in perpetuity for access for farming purposes (Part 3) for the benefit of the northerly parcel known as 2239 Seventh Street Louth (Parts 4, 5 & 6).

Staff has no objection to the establishment of an easement in perpetuity for access to the natural area associated with Fifteen Mile Creek (Part 4) for the benefit of the southerly parcel known as 1731 St. Paul Street West (Parts 1, 2 & 3). No adverse impacts on existing land uses are anticipated.

## Variance

This variance requests a reduction in minimum lot area. The purpose of the 16.2 hectare minimum lot area requirement is to ensure that the lands are utilized for agricultural purposes. The majority of the subject lands comprise a vineyard and most of the remaining lands comprise a natural area. A detached dwelling occupies the remainder of the lands. No new development is proposed through this application, instead long-established land uses will continue. Staff is satisfied that the intent and purpose of the Official Plan and Zoning By-law policies will be maintained.

## Conclusion

The proposed severances and variances, as revised, reflect the applicable provincial and municipal land use policies and requirements. It is the opinion of Staff that the consent and variance applications be granted.

### Prepared by:



Hailey McWilliam  
Student Planner

### Submitted by:



Kevin Blozowski  
Planner I

### Approved by:



Ellen Savoia, M.C.I.P., R.P.P.  
Planner II



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## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** January 19, 2015

**Date of Meeting:** January 28, 2015

**Submission(s):** B-06/15SC

**File:** 60.84.1968

**Subject:** 36 Kent Street

### Recommendation

That Submission **B-06/15SC** by Silvergate Developments Inc. & Mancini Developments Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions.

1. That the applicant submit a payment of \$412.00 for the placement of a boulevard tree, in accordance with the 2014 Schedule of Rates and Fees.

### Summary

The purpose of this application is to enable the severance of a semi-detached dwelling as an existing lot. Staff believes that the proposal is an appropriate use of the lands.

Having regard for the matters under Section 51 (24) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal also maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any applicable provincial plans.

Staff recommends the granting of the requested consent, subject to the conditions outlined in the recommendation.

### Background

The subject lot (Parts 1 & 2) was created by consent in 2013.

The purpose of this application is to allow each unit of the semi-detached dwelling currently under construction to be owned and/or sold separately.

## **Planning Context**

### **Location**

The subject property is located on the north side of Kent Street, east of Pelham Road. The property is abutted by a concrete block building to the west, a semi-detached dwelling to the north, a single detached dwelling to the east, and a vacant lot to the south.

### **Official Plan**

The Garden City Plan designates the land as Low Density Residential, which permits a variety of residential dwelling types, including semi-detached dwellings, at a density range generally between 20 to 32 units per hectare, subject to the policies of the Garden City Plan.

### **Zoning By-law**

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2) pursuant to By-law 2013-283, which permits a variety of residential dwelling types, including semi-detached dwellings.

## **Report**

The purpose of the consent application is to allow for the separate ownership and sale of each unit in the semi-detached dwelling currently under construction. Staff consider the severance to be appropriate for the development and use of the land and note that the dwellings comply with the provisions of the Zoning By-law. As no further construction is proposed as a result of this severance, Staff do not anticipate any adverse impacts on the surrounding area and believe the requested severance is compatible with the surrounding neighbourhood.

The Garden City Plan (GCP) encourages many forms of residential development including infill and intensification, as the City has developed outward to its growth boundaries. Staff are supportive of modest intensification in accordance with the policies of the GCP. This form of development also promotes the intent of provincial planning documents such as the Places to Grow: Growth Plan for the Greater Golden Horseshoe Plan and the Provincial Policy Statement (PPS) 2014.

## **Conclusion**

In summary, Staff is satisfied that the subject consent is appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consent application be granted, subject to the conditions set out in the Recommendation of this report.



**Prepared by:**



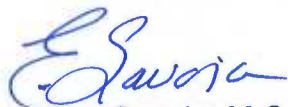
Hailey McWilliam  
Student Planner

**Submitted by:**



Kevin Blozowski  
Planner I

**Approved by:**



Ellen Savoia, M.C.I.P., R.P.P.  
Planner II



CITY OF  
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## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** January 20, 2015

**Date of Meeting:** January 28, 2015

**Submission(s):** B-07/15SC  
B-08/15SC  
B-09/15SC  
A-08/15  
A-13/15

**File:** 60.84.1969  
60.84.1970  
60.84.1971  
60.81.4946  
60.81.4951

**Subject:** 14 Wedsworth Street

### Recommendation

That Submission **B-07/15SC** by Richard Dekorte & Amy Marie Dekorte, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That, pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that Section 50(3) or Section 50(5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that Part 5 will merge with Part 7 and become one parcel of land.

That Submission **B-08/15SC** by Richard Dekorte & Amy Marie Dekorte, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. The applicant will be responsible for the cost of locating the sewer and water laterals servicing the existing building on Part 1. The sewer and water service for Part 1 must be independent and not cross an adjacent property line. If either or both sewer and water services servicing part 1 cross onto the other parts, separate services must be installed to the satisfaction of the City Engineer.
2. That a road widening dedication of approximately 2.0 metres across the frontage of CP 6 PT lot 239 along Wedsworth Street to be conveyed gratuitously to the City of St. Catharines in order to establish a road allowance having a nominal perpendicular width of 20 metres centred on the original road allowance. A preliminary copy of the Plan of Survey must be provided to the City of St. Catharines for approval prior to filing in the Land Registry Office.

3. That payment of 5% of the appraised value of the new lot (Part 2) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.
4. That the applicant submit a payment of \$412.00 for the placement of a boulevard tree, in accordance with the 2014 Schedule of Rates and Fees.
5. That Submission B-08/15SC be registered preceding the registry of Submission B-07/15SC.
6. That final approval for all necessary minor variance applications be received.

That Submission **B-09/15SC** by Silvergate Developments Inc. & Mancini Developments Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That, pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that Section 50(3) or Section 50(5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that Part 6 will merge with Part 2 and become one parcel of land.
2. That Submission B-09/15SC be registered preceding the registry of Submission B-08/15SC and Submission B-07/15SC.

That Submission **A-08/15** by Richard Dekorte & Amy Marie Dekorte, as outlined in the Notice of Hearing, be approved.

And That Submission **A-13/15** by Richard Dekorte & Amy Marie Dekorte, as outlined in the Notice of Hearing, be approved.

## Summary

The purpose of the applications is to make the necessary discharges of mortgages, lot severances, boundary changes and associated minor variances to the zoning by-law to accommodate the creation of a new lot at 12 Wedsworth Avenue for the purpose of constructing a semi-detached dwelling.

Having regard for the matters under Section 51 (24) and section 45 (1) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal also maintains the intent and purpose of the Provincial Policy

Statement and does not conflict with any applicable provincial plans. The variances are desirable for the appropriate use of the land and are minor in nature.

Staff recommends the granting of the requested consents, and the requested variances subject to the conditions outlined in the Recommendation.

## **Background**

### **Planning Context**

#### **Location**

The subject property is located on the south side of Wedsworth Street, west of Merritt Street. The property is abutted by townhouses to the west, CNR lands and railway to the north, and single detached dwellings, semi-detached dwellings, and triplexes to the east and south.

#### **Official Plan**

The Garden City Plan designates the land as High Density Residential, which permits a mix of residential dwellings at a density of 85 units per hectare of land or greater, subject to the policies of the Garden City Plan.

#### **Zoning By-law**

The subject land is zoned Medium Density Residential (R3) pursuant to By-law 2013-283, which permits a variety of dwelling types, including the proposed semi-detached dwelling at a density of up to 99 units per hectare.

## **Report**

Section 8.2 of the GCP states that residential development, redevelopment and intensification will have regard for Part D, Section 7 of the GCP. Section 7 provides guidance on matters that shall be considered when evaluating intensification in existing neighbourhoods. It mentions that each development should be integrated compatibly with adjacent buildings, properties, and the surrounding neighbourhood, in respect to building form, scale, setbacks, siting, and orientation. Additionally, adverse impacts on adjacent properties should be minimized in regard to design of service utilities and areas, access and circulation, parking, and views. Furthermore, it is stated that adequacy of access, on-site facilities, and outdoor amenity areas to accommodate use are to be maintained.

Overall, Staff believe that the proposed development meets the requirements of the GCP, and therefore is recommended for approval.

## **Consents**

The Garden City Plan (GCP) encourages many forms of residential development including infill and intensification, as the City has developed outward to its growth boundaries. Staff are supportive of modest intensification in accordance with the policies of the GCP. This form of development also promotes the intent of planning documents such as the Places to Grow: Growth Plan for the Greater Golden Horseshoe Plan and the Provincial Policy Statement (PPS) 2014.

The proposed consents will result in the creation of a lot that is consistent with the mixed residential character of the surrounding area. The reductions proposed for the lot area will increase the density on the subject lands as set out by the GCP, while maintaining adequate parking and amenity area.

## **Variances Proposed for Part 1 (Existing Apartment)**

Proposed variances 2, 3 and 6 are to recognize the existing 2 storey, six unit apartment building. Variances 1, 4, and 5 are as a result of the proposed severances. While the frontage and side yard setback would be deficient for a typical new apartment building, the existing structure has the appearance of being a mid-sized semi-detached dwelling and has been a part of this neighbourhood for at least 50 years according to the application. It is of similar scale to surrounding houses and adequate parking is maintained. In this context the variances are appropriate. Variance 5 is supported by the GCP, as the policy encourages increases in residential density, and permits densities of 85 units per hectare of land or greater. The increase in density implements the GCP.

## **Variances Proposed for Part 2 (Proposed Semi-Detached Dwelling)**

Both variances request a reduction of the minimum lot area per dwelling unit. The westerly abutting properties, which are townhouses located at 10 Wedsworth Avenue, have similar lot areas to the proposed variances, and therefore the proposed lot area per dwelling unit would be compatible with the surrounding neighbourhood. The proposal meets all other by-law requirements, including, but not limited to, parking and amenity space requirements, and therefore is supportable.

Wedsworth Avenue has a substandard road allowance. The City requests that an approximately 2 metre road widening along Wedsworth Avenue be taken to achieve a 20.0 metre width.

The applicant is advised that the spatial separation requirements of the Ontario Building Code may increase the required distance between the existing apartment building and the proposed building. There are additional wall construction requirements when a wall is built 1.2m or less from the property line in accordance with the current Ontario Building Code. The applicant shall satisfy the Chief Building Official for the City that these requirements are being met.

The applicant is advised that they are required to supply the proposed lot with water and sanitary sewer services. The cost for these services will be borne by the applicant.

The applicant will be required to submit a lot grading plan for the proposed lot prepared by a registered Ontario Land Surveyor as part of the Building Permit application process.

The applicant will be responsible to ensure the required clearance from any utilities or appurtenances within the City's boulevard are maintained as part of the development and will be responsible for any relocation costs.

As an additional condition of consent, the applicant will be required to pay parkland dedication in an amount equal to 5% of the appraised value of the new lot, pursuant to Section 51.1(3) of the Planning Act and Parkland Dedication By-law 74-72 as amended. Additionally, it is the City's policy that payment for placement of a boulevard tree on the new lot also be submitted as a condition of consent.

## Conclusion

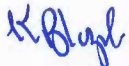
In summary, Staff is satisfied that the subject consents and variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consents and variances be granted, subject to the conditions outlined in the Recommendation.

### Prepared by:



Hailey McWilliam  
Student Planner

### Submitted by:



Kevin Blozowski  
Planner I

### Approved by:



Ellen Savoia, M.C.I.P., R.P.P.  
Planner II





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## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** January 19, 2015

**Date of Meeting:** January 28, 2015

**Submission(s):** B-10/15SC  
A-10/15

**File:** 60.84.1972  
60.81.4948

**Subject:** 45 Woodbine Avenue

### Recommendation

That Submission **B-10/15SC** by Antje Wirth, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. The applicant will be responsible for the cost of locating the sewer and water laterals servicing the existing building on Part 1. The sewer and water service for Part 1 must be independent and not cross an adjacent property line. If either or both sewer and water services servicing Part 1 cross onto the other parts, separate services must be installed to the satisfaction of the City Engineer.
2. That the applicant submit a payment of \$412.00 for the placement of a boulevard tree, in accordance with the 2014 Schedule of Rates and Fees.
3. That the applicant remove the existing driveway and carport on Part 1 and the existing chain link fence and vinyl shed on Part 2.
4. That final approval for all necessary minor variance applications be received.

And That Submission **A-10/15** by Antje Wirth, as outlined in the Notice of Hearing, be approved.

### Summary

The purpose of these applications is to enable a severance for the creation of a new lot, to be known as 45A Woodbine Avenue for the purpose of constructing a new single detached dwelling.

Having regard for the matters under Section 51 (24) and section 45 (1) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal also maintains the intent and purpose of the Provincial Policy

Statement and does not conflict with any applicable provincial plans. The variances are desirable for the appropriate use of the land and are minor in nature.

Staff recommends the granting of the requested consent and variance subject to the conditions outlined in the Recommendation of this report.

## **Background**

### **Planning Context**

#### **Location**

The subject property is located on the north side of Woodbine Avenue. The property is abutted by single detached dwellings to the north and south, Nickerson Avenue to the east, and City owned open space zoned Minor Green Space (G2) to the west.

#### **Official Plan**

The Garden City Plan designates the land as Low Density Residential, which permits a variety of residential dwelling types at a density between 20 to 32 units per hectare, subject to the policies of the Garden City Plan, including the proposed single detached dwelling.

#### **Zoning By-law**

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types, including the proposed single detached dwelling.

## **Report**

The applicant has provided a detailed report in support of the proposal for the consideration of the committee.

Section 8.2 of the GCP states that residential development, redevelopment and intensification will have regard for Part D, Section 7 of the GCP. Section 7 provides guidance on matters that shall be considered when evaluating intensification in existing neighbourhoods. It mentions that each development should be integrated compatibly with adjacent buildings, properties, and the surrounding neighbourhood, in respect to building form, setbacks, siting, and orientation. Additionally, adverse impacts on adjacent properties should be minimized in regard to access and circulation, parking, privacy, and views. Furthermore, it is stated that adequacy of lot size, access, on-site facilities, and outdoor amenity areas are to be maintained.

Overall, Staff believe that the proposed development meets these requirements of the GCP, and therefore is recommended for approval.

### **Consent**

The Garden City Plan (GCP) encourages many forms of residential development including infill and intensification, as the City has developed outward to its growth boundaries. Staff are supportive of modest intensification in accordance with the



policies of the GCP. This form of development also promotes the intent of planning documents such as the Places to Grow: Growth Plan for the Greater Golden Horseshoe Plan and the Provincial Policy Statement (PPS) 2014.

Staff note that the proposed new lot meets the lot area and lot frontage requirements of Zoning By-law 2013-283. No variances are required to create this lot, which will provide adequate amenity space, parking and separation distance to adjacent lands. It is noted that the proposed lot line between Part 1 and 2 has been drawn to preserve a mature tree on the north side of the lands.

### **Variance**

The requested variances are required for the existing single detached dwelling located on Part 1.

Variance 1 is as a result of the proposed severance. The existing single detached dwelling abuts two public roads: Woodbine Avenue and Nickerson Avenue. On severance, the rear yard will function as a side yard to Part 2. Adequate amenity space will be provided on the existing wood deck, which will function as a rear yard, with approximately 5.8 metres to the property to the north from the existing dwelling.

Staff also note that variances 2 through 4 are made regarding an existing, at grade, deck. This deck will continue to provide amenity space for the existing single detached dwelling located on Part 1. There are no privacy concerns, as the deck is at grade. There should not be any overlook issues in respect to the property located to the north of Part 1.

The City's Forestry Staff inspected the site and have no concerns with respect to the mature tree immediately west of Part 2 on the City owned lands.

The applicant should be aware that they will be required to submit a lot grading plan for the purposed lot prepared by a registered Ontario Land Surveyor as part of the Building Permit Application process.

The applicant should also be aware that, if approved, they will be required to supply the proposed lot with water and sanitary sewer services. The cost for these services will be borne by the applicant, and are laid out in the "Schedule of Rates and Fees" and may be modified from time to time. These fees will be calculated during the Building Permit review process and shall be paid prior to the issuance of the building permit.

It is the City's policy that payment for placement of a boulevard tree on the new lot also be submitted as a condition of consent.

Additionally, the costs associated with the removal of the existing driveway and carport on Part 1, and the chain link fence and shed on Part 2 will be the borne by the applicant.

## Conclusion


In summary, Staff is satisfied that the subject consent and variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consent and variance be granted, subject to the conditions outlined in the Recommendation.

### Prepared by:



Hailey McWilliam  
Student Planner

### Submitted by:



Kevin Blozowski  
Planner I

### Approved by:



Ellen Savoia, M.C.I.P., R.P.P.  
Planner II



CITY OF  
ST. CATHARINES

## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** January 19, 2015

**Date of Meeting:** January 28, 2015

**Submission(s):** B-11/15SC  
A-11/15  
A-12/15

**File:** 60.84.1973  
60.81.4949  
60.81.4950

**Subject:** 8 St. Helena Street

### Recommendation

That Submission **B-11/15SC** by Matteson DeLuca, as outlined in the Notice of Hearing, be denied.

That Submission **A-11/15** by Matteson DeLuca, as outlined in the Notice of Hearing, be denied.

And That Submission **A-12/15** by Matteson DeLuca, as outlined in the Notice of Hearing, be denied.

### Summary

The purpose of the applications is to enable the creation of a new lot for a single detached dwelling that will front the west side of St. Helena Street.

Having regard for the matters under Section 51 (24) and section 45 (1) of the Planning Act, staff is not satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal does not maintain the intent and purpose of the Provincial Policy Statement and conflicts with applicable provincial plans. The severance and variances are not desirable for the appropriate use of the land.

Staff recommends the denial of the requested consent and the requested variances.

### Background

#### Planning Context

##### Location

The subject property is located on the south side of St. Helena Street along the north east bend. The property is abutted by single detached dwellings to the west, north, and

south, and Meadowgreen Manor Retirement Apartments and single detached dwellings to the east.

#### **Official Plan**

The Garden City Plan (GCP) designates the land as Low Density Residential, which permits a variety of residential dwelling types at a density between 20 to 32 units per hectare, subject to the policies of the Garden City Plan, including the proposed single detached dwelling.

#### **Zoning By-law**

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types, including the proposed single detached dwelling.

## **Report**

Multiple variances are proposed in order to enable the development to proceed. Taken together, Staff believe that these variances will result in an over development of the lands.

Section 8.2 of the GCP states that residential development, redevelopment and intensification will have regard for Part D, Section 7 of the GCP. Section 7 provides guidance on matters that shall be considered when evaluating intensification in existing neighbourhoods. It mentions that each development should be integrated compatibly with adjacent buildings, properties, and the surrounding neighbourhood, in respect to building form, setbacks, siting, and orientation. Additionally, adverse impacts on adjacent properties should be minimized in regard to access and circulation, parking, privacy, and views. Furthermore, it is stated that adequacy of lot size, access, on-site facilities, and outdoor amenity areas are to be maintained.

Overall, Staff believe that the proposed development does not meet these requirements of the GCP, and therefore cannot be supported.

#### **Consent for New Lot**

The size and configuration of the proposed new lot does not allow for the construction of a dwelling that meets the requirements of the GCP. The new lot is not appropriate for the use proposed, and does not maintain compatibility with the surrounding suburban residential neighbourhood. The proposed separation distances between Parts 1 and 2 and to adjoining lands will create incompatibility issues.

#### **Variances Proposed for Part 1 (Retained Lot)**

With respect to the variances for Part 1, Staff acknowledge that variances 2 and 3 are required to recognize an existing situation, however, variance 1 significantly reduces the amount of amenity space available to the existing lot, and therefore cannot be supported. Since the severance is contingent on the approval of all variances, variances 2 and 3 are not being recommended for approval.

### **Variances Proposed for Part 2 (New Lot)**

Multiple variances, specifically to lot area, and front and rear yards setbacks, are proposed in order to enable the development to proceed. Staff believe that the reduction of the front and rear yard setbacks will result in compatibility issues with the streetscape and adjoining properties, are not desirable for the appropriate use of the land, and are not minor in nature. On review, as stated, the proposed variances for Part 2 would result in an over development of the lands.

The new Zoning By-law (By-law 2013-283) implements the policies of the GCP, striking a balance between flexibility and certainty: 'flexibility' to support innovative and alternative design, a greater mix and integration of uses, and optimum development and redevelopment opportunities promoting the City's open for business approach; and, 'certainty' in establishing regulations respecting the character of St. Catharines' diverse neighbourhoods, and promoting enhanced streetscape character, site compatibility, and context sensitive urban design. In terms of consistency, it is the belief of Staff that the requested development does not conform to the GCP, and the granting of the applications would not be upholding the GCP's goals and objectives towards ensuring certainty in maintaining the character of existing neighbourhoods

As an option to the applicant, Staff believe that the addition of a portion of the lands adjacent to 8 St. Helena Street could address the concerns outlined in this report. This may allow for development without the need for minor variances.

### **Conclusion**

In summary, the City has a new Official Plan and Zoning By-law. These planning documents represent the public interest, supported by an extensive public consultation process. Staff is supportive of infill development where it is shown that the proposal is respectful of the surrounding area. Staff is not satisfied that the subject consent and variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consent and variances be denied.

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