

Committee of Adjustment Public Hearing  
Wednesday, February 18, 2015  
Council Chambers, City Hall - 5:00 p.m.

**Agenda**

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment
5. Adoption of the Minutes held January 28, 2015
6. Application:
  - 1) 162 Ontario Street, Consent Application – B-33/14SC – 60.84.1961  
162 Ontario Street, Minor Variance Application – A-75/14 – 60.81.4936
  - 2) 1672 Gregory Road, Consent Application – B-12/15SC – 60.84.1974  
1688 Gregory Road, Minor Variance Application – A-01/15 – 60.81.4939
  - 3) 2 Kirk Street, Consent Application – B-13/15SC – 60.84.1975
  - 4) 360 St. Paul Street, Minor Variance Application – A-14/15 – 60.81.4952
  - 5) 102 Strada Boulevard, Consent Application – B-14/15SC – 60.84.1976  
102 Strada Boulevard, Minor Variance Application – A-16/15 – 60.81.4954
  - 6) 71A Pelham Road, Consent Application – B-15/15SC – 60.84.1977  
71A Pelham Road, Consent Application – B-16/15SC – 60.84.1978  
2D Josephine Street, Minor Variance Application – A-17/15 – 60.81.4955
7. New Business
8. Date of next Site Tour and Public Hearing is March 11, 2015
9. Adjournment



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** February 9, 2015

**Date of Meeting:** February 18, 2015

**Submission(s):** B-33/14SC  
A-75/14

**File:** 60.84.1961  
60.81.4936

**Subject:** 162 Ontario Street

### Recommendation

That Submission **B-33/14SC** by Georgia Skarpathiotakis, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That prior to final consent, the Applicant submit a payment to the City for the fee for the proposed curb cut to Durksen Drive in accordance to the City's current Schedule of Rates & Fees.
2. That prior to final consent, the Applicant request that the City lift the current 0.30m (1') reserve from the Durksen Drive frontage of the remnant (Part 1) property.
3. That prior to final consent, the Applicant construct the proposed driveway and parking area on the remnant parcel (Part 1).
4. That prior to final consent, the Applicant remove the existing gravel parking area at the front of the dwelling and restore the area to the condition of grass boulevard or better, to the satisfaction of the City Engineer.
5. 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.
6. 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.

And That Submission **A-75/14** by Georgia Skarpathiotakis, as outlined in the Notice of Hearing, be approved.

## Summary

The purpose of these applications is to create a new lot, to be known as 162A Ontario Street, for the purpose of constructing a semi-detached dwelling. The remnant parcel, with a 2 ½ storey fourplex dwelling, will be retained for continued residential use.

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 variance is desirable for the appropriate use of the land and is minor in nature.

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

## Background

### Planning Context

#### Location

The subject property is located on the east side of Ontario Street, south of Welland Avenue. The property is abutted by townhouses to the north and west, the former Hotel Dieu Hospital site to the east, and a 9 unit apartment to the south.

#### Official Plan

The Garden City Plan (GCP) designates the land as Medium High Density Residential, which permits a variety of residential dwelling types, including the proposed semi-detached dwelling, at a density between 60 and 198 units per hectare, 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 2013-273, which permits a variety of residential dwellings, including the proposed semi-detached dwelling.

## 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.

The subject lands are also located within the Downtown Planning District. The Downtown land use designation is intended to attract and accommodate an eclectic mix and integration of complementary land uses and activities. It has been a longstanding objective of the City to support residential uses in the Downtown to support revitalization efforts.

Overall, Staff believe that the proposed development meets the 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 residential intensification in the Downtown 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.

### **Variance**

The application requests a reduction of the minimum lot frontage for the existing lot as a result of the proposed severance. The reduction in lot frontage of less than one metre will be consistent and compatible with the surrounding neighbourhood. As such, the proposed lot frontage would be compatible with the surrounding neighbourhood. The proposal meets all other by-law requirements, including, but not limited to, lot size and parking and amenity space requirements, and is supportable.

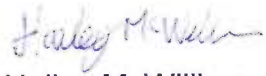
The Applicant will be responsible for constructing the proposed driveway and parking area (to be accessed from Durksen Drive), and removing the existing gravel driveway and parking area along Ontario Street. The area along Ontario Street is to be reinstated with landscaping, including the boulevard.

Cash-in-lieu- of parkland dedication and boulevard tree planting is required in accordance with the City's policies.

### **Conclusion**

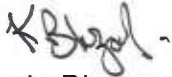
In summary, Staff is satisfied that the subject consent and variance are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consent and variance be granted, subject to the conditions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

**Prepared by:**



Hailey McWilliam  
Student Planner

**Submitted by:**



Kevin Blozowski, M.C.I.P, R.P.P.  
Planner I

**Approved by:**



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



CITY OF  
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## Technical Report

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

**Date of Report:** February 10, 2015

**Date of Meeting:** February 18, 2015

**Submission(s):** B-12/15SC  
A-01/15

**File:** 60.84.1974  
60.81.4939

**Subject:** 1672 Gregory Road

### Recommendation

That Submission **B-12/15SC** by Gerard & Jennifer Schouwenaar, as outlined in the Notice of Hearing, be approved.

And That Submission **A-01/15** by Orchard Park Growers, as outlined in the Notice of Hearing, be approved.

### Summary

The purpose of these applications is to make the required discharge of mortgage to establish a right-of-way in perpetuity to allow for access to 1688 Gregory Road and to allow the required variances necessary for the proposed addition to the existing greenhouse operations.

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 variance is desirable for the appropriate use of the land and is minor in nature.

Staff recommends the granting of the requested consent, and the requested variance.

### Background

#### Planning Context

##### Location

The subject property is located on the east side of Gregory Road, north of Third Avenue Louth. The property is abutted by single detached dwellings to the north, south and west, and agricultural land to the east.

### Greenbelt Plan

The property is subject to the policies of the Greenbelt Plan (2005), which designates the lands as Protected Countryside (Specialty Crop Area). 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.

### Official Plan

The Garden City Plan designates the land as Agriculture, which permits a full range of agriculture uses, secondary uses that are incidental and subordinate to the main agriculture operations, and existing residential dwellings, subject to the policies of the Garden City Plan.

### Zoning By-law

The subject land 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.

## Report

### Consent

This consent is requested to establish a right-of-way in perpetuity.

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 consent is consistent with the policies of the Greenbelt Plan and the Garden City Plan. Based on the sketch submitted with the application and aerial imagery the Part 1 lands have historically been used to access the greenhouse operations. This application formalizes this agreement.

Staff are supportive of the proposed right-of-way established over the existing driveway across from Gregory Road in perpetuity for access purposes for the benefit of the southerly parcel abutting lot.

### Variance

Staff note that variance 3 is made to recognize an existing situation.

Variances 1 and 2 are as a result of the proposed greenhouse addition. The proposed addition is an extension of the existing greenhouse operations. There are no sensitive land uses adjacent to the proposed addition, as the land is currently used for agricultural purposes. Staff believe that the variances are appropriate given the use of the land.

## Conclusion

The proposed severance and variance 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, M.C.I.P., R.P.P.  
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:** February 9 , 2015

**Date of Meeting:** February 18, 2015

**Submission:** B-13/15SC

**File:** 60.84.1975

**Subject:** 2 Kirk Street

### Recommendation

That Submission **B-13/15SC** by Jeremy Grigg, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. Prior to final consent, the Applicant will be responsible to submit for review and approval, a Master Grading Control Plan which shall identify the proposed grading scheme for the development and, to construct any servicing and grading works that may be required in order to achieve a suitable drainage outlet for the entire development, to the satisfaction of the City Engineer.
2. That payment of 5% of the appraised value of the new lot (Part 1) 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.
3. 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 a severance for the creation of the new lot, to be known as 4 Kirk Street, for the purpose of constructing a new single detached dwelling.

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 recommendations.

## **Background**

### **Planning Context**

#### **Location**

The subject property is located on the north side of Kirk Street, west of Pelham Road. The property is abutted by single detached dwellings to the west and north, a semi-detached dwelling to the south, and a commercial land use to the east.

#### **Official Plan**

The Garden City Plan designates the land as Low Density Residential which permits a variety of residential dwelling types, including the proposed single detached dwelling, at a density 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 the proposed single detached dwelling.

## **Report**

The purpose of the consent application is to create a new lot for the purpose of constructing a single detached dwelling. Staff note that the proposed and retained lots meet 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.

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.

The Applicant will be responsible for servicing the lands, including ensuring that lot grading and drainage meet the City's requirements. Cash-in-lieu- of parkland dedication and boulevard tree planting is required in accordance with the City's policies.

## **Conclusion**

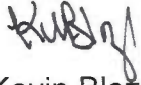
In summary, Staff is satisfied that the subject consent is appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consent application be granted, subject to the conditions set out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

**Prepared by:**



Hailey McWilliam  
Student Planner

**Submitted by:**



Kevin Blozowski, M.C.I.P, R.P.P.  
Planner I

**Approved by:**



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



## Technical Report

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

**Date of Report:** February 10, 2015

**Date of Meeting:** February 18, 2015

**Submission:** A-14/15

**File:** 60.81.4952

**Subject:** 360 St. Paul Street

### Recommendation

That Submission **A-14/15** by Brian O'Neill, Trish O'Neill, Jeremy Hardy & Cecilia Hardy, as outlined in the Notice of Hearing, be denied.

### Summary

The purpose of the application is to allow for a two storey vertical addition to the existing apartment building.

Having regard for the matters under section 45 (1) of the Planning Act, staff does not believe that the proposal is minor in nature or desirable for the appropriate use of the land, and that the intent and purpose of the Official Plan and Zoning By-law would not be maintained.

Staff recommends the denial of the requested variance.

### Background

#### Planning Context

##### Location

The subject property is located on the south side of St. Paul Street, east of Bond Street. The property is abutted by Silver Spire Church, a designated heritage building, to the east, and commercial and mixed use buildings to the north, west and south.

##### Official Plan

The Garden City Plan designates the land as Downtown, and more specifically as Mixed Medium High Density Residential/Commercial on Schedule E10, which permits a variety of residential dwellings, as well as institutional and limited commercial uses, at a density range between 60 and 198 units per hectare, subject to the policies of the Garden City Plan.

## Zoning By-law

The subject lands are zoned Downtown Traditional Main Street (C6) pursuant to By-law 2013-283, which permits a variety of commercial uses, with apartment dwelling units above, to the rear and/or below non-residential uses. Apartment buildings are permitted north of Carlisle Street, including on the subject lands. Special Provision No. 92 provides an exemption from the by-law's requirement to provide parking.

## Report

St. Paul Street, between Twelve Mile Creek and Geneva Street, is St. Catharines' traditional "main street". The street is characterized by consistent pattern of two and three storey mixed use buildings which line both sides of the street. Greater heights near the subject lands are found only on the Silver Spire Church's tower, the historic Leonard Hotel, and the Ministry of Transportation building, which is set back from the street and includes a three-storey podium along the street edge.

The Garden City Plan (GCP) provides criteria with which to evaluate development and redevelopment. The Plan also describes Urban Design Principles which will form the basis for development in St. Catharines, including "a strong sense of identity and place; compatibility of new development with established areas; and conservation of heritage buildings and structures" (Section 4.1). Section 4.5 of the GCP describes that "compatibility of development does not necessarily mean the same as or similar to existing buildings in the vicinity, but rather that new development respects and enhances the existing character and context of an area". Section 4.5 further describes that as a basis for evaluating compatibility and for achieving design excellence, development/redevelopment will be designed in a manner that reflects the Urban Design Principles and that maximizes compatibility with the surrounding area in terms of matters such as building scale, height, gradation of height, and massing, and the overall scale of the development as it relates to the surrounding area.

Section 7.1 of the GCP provides further guidance on matters that shall be considered when evaluating development in the Urban Area of St. Catharines. The GCP states that development shall be evaluated having regard for "building, site and streetscape context sensitive design to ensure integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood".

Section 11 of the GCP provides specific guidance on matters relating to Downtown St. Catharines. Section 11(d) states that "the downtown experience is reflective of the character of its streets and the quality of its public realm and built environment. Good urban design ensures that the built environment and public spaces fit together harmoniously to create a distinct sense of place". Section 11(d)(i) notes that excellence in design will be encouraged through urban design guidelines and regulations regarding building architecture and form.

The City's Downtown Urban Design Guidelines identify the subject lands as being within the eastern "Urban Village" section of St. Paul Street (Section 4.2). The Guidelines direct that buildings be between two and three storeys in height along St. Paul Street,

with any upper floors setback. The Guidelines also describe appropriate design details for this area including materials, storefront design and windows.

The distinct and traditional character of St. Paul Street is also recognized in the City's zoning by-law. The Downtown Traditional Main Street (C6) zone which applies to these lands includes a maximum building height of 11 metres (three-storeys) and permits additional height only where the taller portion of the building is set back from the street. The purpose and intent of this provision is to maintain the established traditional "main street" scale and character of St. Paul Street.

The proposed two storey addition would result in a building that is approximately twice the height of typical surrounding buildings. The proposed building design and additional height would be substantially out of character with the surrounding neighbourhood and would be incompatible with its surrounding built environment. The additional height may also diminish the significance of the neighbouring Silver Spire Church as a landmark within the streetscape. While minor increases in height may be appropriate in instances where the building has been designed compatibly and in accordance with Downtown Urban Design Guidelines, the addition, as proposed, does not meet these criteria.

## Conclusion

It is the opinion of Staff that the proposed height increase is not minor, is not desirable for the appropriate development of the lands, and does not maintain the intent of the Official Plan or the Zoning By-law. The additional variances for façade width and ground level openings apply only to the existing building and are not required independent of the vertical addition. It is the opinion of Staff that the variances should be denied.

### Prepared by:



Hailey McWilliam  
Student Planner

### Submitted by:



Scott Ritchie  
Urban Design Planner

### Approved by:



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





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## Technical Report

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

**Date of Report:** February 9, 2015

**Date of Meeting:** February 18, 2015

**Submission(s):** B-14/15SC  
A-16/15

**File:** 60.84.1976  
60.81.4954

**Subject:** 102 Strada Boulevard

### Recommendation

That Submission **B-14/15SC** by Daniel Vizza & Jody Vizza, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Applicant remove or relocate the existing shed located on Part 2 to the satisfaction of the Chief Building Official.
2. 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 2 will merge with Part 3 and become one parcel of land.

And That Submission **A-16/15** by Daniel Vizza & Jody Vizza, as outlined in the Notice of Hearing, be approved.

### Summary

The purpose of these applications is to make the necessary discharge of mortgage, boundary adjustment and associated minor variances to the zoning by-law to accommodate the addition of Part 2 lands onto Part 3 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 variance is desirable for the appropriate use of the land and is minor in nature.

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

## Background

The following is a history of the planning applications to the property known as 188 Rykert Street:

- In 2009, a permit was issued to demolish an existing single detached dwelling.
- On August 27, 2014, applications B-23/14SC, B-24/14SC, and B-25/14SC were considered by the Committee of Adjustment for partial discharge and consent of mortgages to sever parcels of land to be known as 184 Rykert Street and 186 Rykert Street, and to establish a right-of-way for 186 Rykert Street. The 3,200m<sup>2</sup> remnant parcel of vacant land (Part 3) retained is for a future private road development. All applications were approved subject to conditions and have not yet been granted final approval.

### Planning Context

#### Location

The subject property is located on the south side of Strada Boulevard, east of Vansickle Road. The property is abutted by single detached dwellings to the north, east, west, and south.

#### Official Plan

The Garden City Plan designates the land as Low Density Residential, which permits a variety of residential dwellings, including single detached dwellings at a density of 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 – Suburban Neighbourhood (R1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types.

## Report

### Consent

The requested consent facilitates the transfer of Part 2 lands from 102 Strada Boulevard (Part 1) to 188 Rykert Street (Part 3). The previous and the current consent applications have been made to allow for a future private road development. Formal application has not yet been made for the development of the lands. At such time that the development is further along in the process, a formal pre-consultation meeting with the City would be prudent.

### Variance

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

Staff note that the variances 1 and 2 recognize an existing situation. The application requests a reduction of the minimum lot frontage for the existing lot and a reduction of the minimum front yard setback to the garage. The lots in the immediate surrounding



area have similar lot frontages and front yard setbacks to the garage as those found on Part 1. As such, the proposed variances would be compatible with the surrounding neighbourhood. The proposal meets all other by-law requirements.

The applicant should be aware that the existing shed on Part 2 must be removed or relocated to the satisfaction of the Chief Building Official. A permit to demolish the existing shed shall be obtained from the City and completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

## **Conclusion**

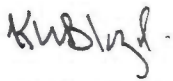
In summary, Staff is satisfied that the subject consent and variance are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consent and variance be granted, subject to the conditions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

### **Prepared by:**



Hailey McWilliam  
Student Planner

### **Submitted by:**



Kevin Blozowski, M.C.I.P, R.P.P.  
Planner I

### **Approved by:**



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



CITY OF  
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## Technical Report

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

**Date of Report:** February 9, 2015

**Date of Meeting:** February 18, 2015

**Submission(s):** B-15/15SC  
B-16/15SC  
A-17/15

**File:** 60.84.1977  
60.84.1978  
60.81.4955

**Subject:** 71A Pelham Road

### Recommendation

That Submission **B-15/15SC** by Hee-Jung Kim & Jung Tae Kim, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. Prior to final consent, the Applicant shall submit for review and approval, a Master Grading Control Plan which shall identify the proposed grading scheme for the development and, to construct any servicing and grading works that may be required in order to achieve a suitable drainage outlet for the entire development, to the satisfaction of the City Engineer
2. Prior to final consent the Applicant shall dedicate road widening dedications of 0.85m along the frontages of Rykert Street and Josephine Street and 2.25m along the frontage of Pelham Road to the City of St. Catharines.
3. That payment of 5% of the appraised value of the new lot (Part 3) 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 remove the existing link wire fence located within the Rykert Street right-of-way.
5. 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.

That Submission **B-16/15SC** by Hee-Jung Kim & Jung Tae Kim, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. Prior to final consent, the Applicant shall submit for review and approval, a Master Grading Control Plan which shall identify the proposed grading scheme for the development and, to construct any servicing and grading works that may be required in order to achieve a suitable drainage outlet for the entire development, to the satisfaction of the City Engineer
2. Prior to final consent the Applicant shall dedicate road widening dedications of 0.85m along the frontages of Rykert Street and Josephine Street and 2.25m along the frontage of Pelham Road to the City of St. Catharines.
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-15/15SC be finalized prior to the issuance of the final certificate for Submission B-16/15SC.

And That Submission **A-17/15** by Hee-Jung Kim & Jung Tae Kim, as outlined in the Notice of Hearing, be approved.

## Summary

The purpose of these applications is to make the required lot severances and associated minor variances to the zoning by-law to accommodate the creation of two new lots. Specifically, 2C Josephine Street for the purpose of constructing a single detached dwelling and 2D Josephine Street 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 variance is desirable for the appropriate use of the land and is minor in nature.

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

# Background

## Planning Context

### Location

The subject property is located on the east side of Pelham Road, north of Josephine Street and south of Rykert Street. The property is surrounded by a triplex to the north, single detached dwellings to the east and west, and a mixed commercial residential building to the south.

### Official Plan

The Garden City Plan designates the land as Low Density Residential, which permits a variety of residential dwellings including the proposed single and semi-detached dwellings, 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 dwellings including the proposed single and semi-detached dwellings.

## 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.

The proposed residential dwelling units provide the opportunity to intensify an underutilized parcel of land along Pelham Road and strengthen the streetscape.

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

## Consents

The 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 lots that are consistent with the mixed residential character of the surrounding area. The increased density on the subject lands is consistent with the GCP, while maintaining adequate parking and amenity area.

### **Variance**

The application requests a reduction of the minimum lot area per dwelling unit. There are lots in the immediate surrounding area that are of similar or less size than the semi-detached dwellings. As such, 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 is supportable.

Road widening dedications will be required along the Rykert Street, Josephine Street, and Pelham Road frontages.

Staff note that the removal of the existing link wire fence within the Rykert Street right-of-way is the responsibility of the Applicant.

The Applicant will be responsible for servicing the lands, including ensuring that lot grading and drainage meet the City's requirements. Cash-in-lieu- of parkland dedication and boulevard tree planting is required in accordance with the City's policies. The Applicant should be advised that staff will request payment for an additional boulevard tree through any future severance applications for Part 3.

### **Conclusion**

In summary, Staff is satisfied that the subject consents and variance 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 variance be granted, subject to the conditions outlined in the Recommendation.

### **Prepared by:**



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