

Committee of Adjustment Public Hearing
Wednesday, March 11, 2015
Council Chambers, City Hall - 5:00 p.m.

Revised 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

- 1) 1 Wellington Street, Minor Variance Application – A-50/14 – 60.81.4911

That the deferral extended to March 11, 2015 be further extended as requested by the agent and supported by staff to allow sufficient time to facilitate efforts to reach an agreement.

5. Adoption of the Minutes held February 18, 2015

6. Application:

- 2) 8 St. Helena Street, Consent Application – B-11/15SC – 60.84.1973
8 St. Helena Street, Minor Variance Application – A-11/15 – 60.81.4949
6 St. Helena Street, Consent Application – B-17/15SC – 60.84.1979
6 St. Helena Street, Minor Variance Application – A-24/15 – 60.81.4962
24 St. Helena Street, Minor Variance Application – A-12/15 – 60.81.4950
 - 3) 2 Welch Court, Minor Variance Application – A-15/15 – 60.81.4953
 - 4) 218 Vine Street, Minor Variance Application – A-18/15 – 60.81.4956
 - 5) 97 Lake Street, Minor Variance Application – A-19/15 – 60.81.4957
 - 6) 98 Duncan Drive, Minor Variance Application – A-20/15 – 60.81.4958
 - 7) 155 King Street, Minor Variance Application – A-22/15 – 60.81.4960
68 Church Street, Minor Variance Application – A-23/15 – 60.81.4961

7. New Business

8. Date of next Site Tour and Public Hearing is April 1, 2015

9. Adjournment



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 4, 2015

Date of Meeting: March 11, 2015

Submission(s): B-11/15SC
B-17/15SC
A-11/15
A-12/15
A-24/15

File: 60.84.1973
60.84.1979
60.81.4949
60.81.4950
60.81.4962

Subject: 8 St. Helena Street
6 St. Helena Street
24 St. Helena Street

Recommendation

That Submission **B-11/15SC** by Matteson DeLuca, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That, pursuant to subsection 50 (12) of the Planning Act, it is hereby stipulated that subsection 50 (3) or subsection 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 3 will merge with Part 4 and become one parcel of land.
2. That the applicant submit a Plot Plan identifying the proposed grading of the new lot, relative to the existing grading of the new lot and abutting properties, for review and approval.
3. That the applicant submit a payment of \$420.00 for the placement of a boulevard tree, in accordance with the 2015 Schedule of Rates and Fees.
4. The existing board fence located on the eastern boundary of Part 3 of the submitted plan must be removed.
5. That the final certificate for submission **B-17/15SC** be issued concurrently.
6. That final approval for all necessary minor variance applications be received.

That Submission **B-17/15SC** by Kenneth Wirt & Jennifer Wirt, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That, pursuant to subsection 50 (12) of the Planning Act, it is hereby stipulated that subsection 50 (3) or subsection 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 3 will merge with Part 4 and become one parcel of land.
2. That the applicant submit a Plot Plan identifying the proposed grading of the new lot, relative to the existing grading of the new lot and abutting properties, for review and approval.
3. The existing shed located on Part 4 of the submitted plan must be removed to the satisfaction of the Chief Building Official.
4. That the final certificate for submission **B-11/15SC** be issued concurrently.
5. That final approval for all necessary minor variance applications be received.

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

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

And That Submission **A-24/15** by Kenneth Wirt & Jennifer Wirt, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of these applications is to facilitate a the creation of a new lot for the purpose of constructing a new single detached dwelling which will be known as 24 St. Helena Street.

Having regard for the matters under subsection 51 (24) and subsection 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 Garden City Plan and Zoning By-law are being maintained.

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

Background

Application **B-11/15SC** was initially made in December of 2014. Staff was not supportive of the proposed consent at that time because the proposed lot size and configuration was not appropriate for the use proposed and was not compatible with the surrounding neighbourhood. Staff recommended that a portion of the lands adjacent to

8 St. Helena Street be assembled with the proposed new lot in order to create a larger parcel and better meet these development requirements. At the January 28, 2015 Committee of Adjustment hearing the owner requested deferral to March 11, 2015 in order to enquire about purchasing additional lands to better develop the property.

Application **A-11/15** was initially made in December of 2014. Staff was not supportive of the proposed reduction to the rear yard setback due to the significant reduction of the amenity area. At the January 28, 2015 Committee of Adjustment hearing the owner requested deferral to the March 11, 2015 Committee of Adjustment hearing in order to enquire about purchasing additional lands to better develop the property.

Application **A-12/15** was initially made in December of 2014. Staff was not supportive of the proposed reduction of lot area or to the proposed reductions to front and rear yard setbacks. The opinion of Staff was that these reductions would result in compatibility issues with the streetscape and adjoining properties. At the January 28, 2015 Committee of Adjustment hearing the owner requested deferral to the March 11, 2015 Committee of Adjustment hearing in order to enquire about purchasing additional lands to better develop the property.

Planning Context

Location

The subject properties are located at the northeasterly bend in St. Helena Street, along the south and west sides of the street. The properties are abutted by single detached dwellings to the north, south, and west, 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 including the proposed single detached dwelling, at a density between 20 and 32 units per hectare, subject to the policies of the GCP.

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 GCP encourages appropriate residential development through intensification in order to accommodate growth as there is a finite and diminishing vacant land supply within the urban area. Staff must evaluate proposed development based on the land use policies of the GCP. These policies state that each development should be integrated compatibly with adjacent buildings, properties, and the surrounding neighbourhood with respect to building form, setbacks, and siting. Adverse impacts on adjacent properties should be minimized with regard to access and circulation, parking,

and privacy. Adequacy of lot size and outdoor amenity areas to accommodate use are to be maintained. Furthermore, it is stated that land assembly will not detract from the potential development or redevelopment on adjacent properties.

Consents

The proposed consents will result in the creation of a lot that is suitable for the use proposed, and that is compatible with the suburban residential character of the surrounding neighbourhood. Further, the siting of the proposed dwelling maintains adequate separation distances to adjacent dwellings, thereby minimizing adverse impacts on adjacent properties, and provides a continuous streetscape. The increased density on the subject lands implements the GCP. Staff is satisfied that the proposal is consistent with the land use policies of the GCP and that it meets the criteria of subsection 51 (24) of the Planning Act.

Variances to Increase Maximum Lot Area

Variances for an increase in maximum lot area are requested for both remnant parcels (Part 1 and Part 2), and for the proposed new lot (Part 3 and Part 4). These variances are required as a result of the proposed severances. The surrounding lots are of similar size so the character of the neighbourhood would be maintained. The proposed lot areas would be a reduction of the existing lot areas and would therefore bring the subject lands closer to conformity with the maximum lot area requirement of the Zoning By-law (By-law 2013-283). The intent of the maximum lot area requirement is to implement the density range set by GCP land use policies. The density of the subject lands is currently below the target ranges stipulated in the GCP but the new lot sizes will bring the area closer to conformity. The variances are desirable for the appropriate use of the land.

Variances Proposed for Part 2

Two additional variances are proposed for Part 2 to recognize the location of the existing dwelling. They are required to facilitate the proposed consents. The proposed reduction in setbacks is representative of a long-standing situation and will have no impact on the surrounding area. Staff is satisfied that the proposed variances meet the intent of the GCP as they would permit an increase in density. The variances are desirable for the appropriate use of the land.

Staff is satisfied that due regard has been had for subsection 45 (1) of the Planning Act with respect to all proposed variances.

The applicant is advised that a permit is required for the proposed single detached dwelling.

As a 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 subsection 51.1 (3) of the Planning Act and Parkland Dedication By-law 74-72 as amended.

Additionally, payment for the placement of a boulevard tree on the new lot will be required.

The applicant will be responsible for removing the existing board fence along the eastern boundary of Part 3 of the submitted plan. The applicant is advised that the existing shed located on Part 4 of the submitted plan must be removed to the satisfaction of the Chief Building Official. Staff notes that the shed may be relocated to Part 1 in accordance with the Zoning By-law.

The applicant is advised that the design for the grading and servicing will be completed through the Building Permit application process.

The applicant is advised that any increased drainage flows, including sump pump discharge and drainage from roof surfaces, shall be directed to a suitable outlet based on the existing topography. This includes, but is not limited to, the inclusion of side yard swales and private drainage catch basins in the design of the grading in order to ensure that existing abutting properties are not adversely affected.

The applicant is advised that they are required to supply the proposed lot with water and sanitary sewer services. The City sanitary sewer line and the water main are located east of the front lot line of the proposed lot, at approximate respective distances of twenty and fifteen metres. The cost to provide these services, as well as any grading accommodations, will be borne by the applicant.

Conclusion

Staff is satisfied that the proposed consents permit a new lot that is compatible with the surrounding neighbourhood and suitable for the proposed single detached dwelling. The proposed variances are desirable for the appropriate development of the land, meet the intent of the Official Plan and Zoning By-law, and thus are minor in nature. Due regard has been had to the criteria under subsections 51 (24) and 45 (1) of the Planning Act. Staff recommends the granting of the consents and variances, subject to the conditions outlined in the recommendation.

Prepared by:



Sara Rogers
Planning Technician

Submitted by:



Scott Ritchie
Planner I

Approved by:



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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 2, 2015

Date of Meeting: March 11, 2015

Submission(s): A-15/15

File: 60.81.4953

Subject: 2 Welch Court

Recommendation

That Submission **A-15/15** by Phillip Patrick McCarthy, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of the application is to request an increase in the size of an interior accessory dwelling unit.

Having regard for the matters under 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 variance.

Background

Planning Context

Location

The subject property is located on the south side of Welch Court, north of Queenston Street and east of Bunting Road. The property is abutted by semi-detached dwellings to the north and west, a single detached dwelling to the south, and townhouses to the east.

Official Plan

The Garden City Plan designates the land as Low Density Residential, which permits a variety of residential dwelling types 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- Traditional Neighbourhood (R2) pursuant to By-law 2013-283, which permits a variety of residential dwelling types including semi-detached dwellings.

Report

The variance is requested to permit an existing interior accessory dwelling unit to remain at its current size. The accessory dwelling unit was created in the basement level of a semi-detached dwelling and is slightly oversized.

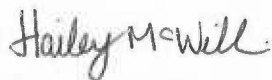
There is no indication from the street that there is an accessory dwelling unit in the semi-detached dwelling. In addition, sufficient parking is provided on the subject lands for both the principle dwelling and accessory dwelling. The requested increase in size of the accessory dwelling unit is 0.8%, or 1.4 square metres. The existing semi-detached dwelling complies with all other provisions of the Zoning By-law. No further construction is proposed. Staff do not anticipate any adverse impacts on the surrounding area and believe the requested variance is compatible with the surrounding neighbourhood. Staff is of the opinion that the variance is minor in nature and that the intent of the Zoning By-law is being maintained.

The Applicant should be aware that a permit will be required to convert the basement into an accessory dwelling unit.

Conclusion

In summary, Staff is satisfied that the variance is minor in nature, appropriate 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 variance should be granted.

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 2, 2015

Date of Meeting: March 11, 2015

Submission(s): A-18/15

File: 60.81.4956

Subject: 218 Vine Street

Recommendation

That Submission **A-18/15** by Paul Gurczenski & Raffi Atmekjian, as outlined in the Notice of Hearing, be approved subject to the following condition:

1. That the portion of the front yard between the building and the street shall be maintained as landscaped area which shall not be used for parking.

Summary

The purpose of this application is to extend a non-conforming use to include three existing apartment dwellings and to allow a storage use that is similar to or more compatible than the previous machine shop use.

Having regard for the matters under section 45 (2) of the Planning Act, Staff is satisfied that the building, on the day By-Law 2013-283 was passed, was lawfully used for a purpose that is now prohibited by the by-law, and therefore under section 45 (2), the enlargement or extension of the use may be permitted, as may the conversion to a similar use.

Staff recommends granting the requested variance subject to the conditions outlined in the Recommendation.

Background

On October 6, 1971, the City of St. Catharines entered into an agreement with the property owners of 218 Vine Street to amend Zoning By-Law 66-165. On this date, By-Law 71-215 was passed to amend By-Law 66-165 to permit the use of a building located on the subject lands for the purpose of a machine tools sales and service business. The lands were zoned as a Neighbourhood Commercial Zone (C3) which permitted the machine tools sales and service business, but the by-law amendment also required that the residential buildings located on the subject lands be retained for residential use in keeping with the Second Density Residential Zone (R2C) provisions which were in effect at the time.

Planning Context

Location

The subject property is located on the east side of Vine Street, north of Niagara Street. The property is abutted by residential uses to the north, south, east and west.

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 of 20 to 32 units per hectare, subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned Local Convenience Commercial (C1) pursuant to By-law 2013-283, which permits apartment dwelling units only when above, to the rear or below non-residential uses.

Report

Permission to permit existing apartment dwelling units to remain as constructed and to allow for a use that is similar to the non-conforming machine tools sales and service business, is requested. According to the Applicant, the residential and commercial uses have existed for over 40 years. The existing storage and residential uses are non-conforming because they are not permitted in the current C1 zone. The additional dwelling units are in the existing buildings, sufficient parking is provided and the residential character of the front yard is maintained.

Permission is also requested to permit the addition of a use that is similar to the machine tools sales and service business. The building that previously housed the business is proposed to be used as a personal storage facility and business storage for the owner's window and door company. The proposed use is not permitted by the current zoning by-law, however, Staff believe that the use is more desirable given the subject lands' residential surroundings, and would have less of an impact on the surrounding neighbourhood than the machine tools sales and service business, and therefore is supportable.

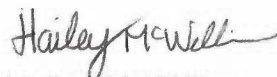
Section 16.12 of the GCP provides guidance on matters related to non-conforming uses. Section 16.12.4 states that it may be appropriate to consider the extension or enlargement of non-conforming uses provided that the expansion or enlargement will not jeopardize the possibility of future development/redevelopment in their vicinity that may comply more closely with the intent of the plan. As no further additions are proposed as a result of this minor variance, Staff do not anticipate any adverse impacts on the surrounding area. To ensure that the compatibility is maintained along Vine Street, Staff recommend a condition which will require the owner to maintain the existing landscaped area along the front yard and will prevent conversion of this area to parking.

The Applicant should be aware that a building permit will be required for the units that have been constructed and the owner may be required to make alterations to the apartment units in order to comply with the Fire and Building Code.

Conclusion

In summary, Staff is satisfied that the building was used lawfully on the day By-Law 2013-283 was passed, and therefore the enlargement and conversion of the uses may be permitted. It is the opinion of Staff that the variance should be granted.

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 2, 2015

Date of Meeting: March 11, 2015

Submission(s): A-19/15

File: 60.81.4957

Subject: 97 Lake Street

Recommendation

That Submission **A-19/15** by Sasa Bijelac, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of this application is to permit the conversion of a mixed-use commercial/residential building to a triplex.

Having regard for the matters under 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 granting the requested variances.

Background

Planning Context

Location

The subject property is located on the west side of Lake Street, north of Elizabeth Street. The property is abutted by commercial uses to the north, east and south, and residential uses to the west.

Official Plan

The Garden City Plan designates the land as Mixed Use, which permits a range of medium and higher density housing, subject to the policies of the Garden City Plan.

Zoning By-law

The subject lands are zoned Medium Density Mixed Use (M1) pursuant to By-law 2013-283, which permits a variety of commercial and residential uses, including the proposed triplex.

Report

Staff note that all requested minor variances are to recognize an existing situation and to facilitate the conversion of a commercial unit to residential space. No construction is proposed. The application requests a reduction of the minimum lot area, frontage, and front yard, rear yard, and interior side yard setbacks for the existing building, as well as a reduction in the minimum parking spaces required.

While the frontage and front yard, rear yard, and interior side yard setbacks would be deficient for a typical new triplex, the existing structure has formed part of the established streetscape for many years and is similar in scale to many surrounding buildings. As such, the proposed variances would retain compatibility with the surrounding neighbourhood. In this context the variances are appropriate.

Although on-site parking is deficient, the subject lands are located on a transit route, with on-street parking and leasable parking spaces in close proximity. The use of the building for residential purposes rather than commercial also typically represents a decrease in the demand for parking.

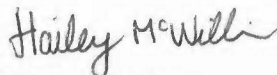
As no construction or site alterations are proposed, Staff do not anticipate any adverse impacts on the surrounding area and believe the proposed conversion is compatible with the surrounding neighbourhood. Staff believe the variances are minor in nature and that the intent of the Zoning By-law is being maintained.

The Applicant should be aware that a permit will be required to convert the existing commercial building into a residential triplex.

Conclusion

In summary, Staff is satisfied that the 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 variances should be granted.

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 2, 2015

Date of Meeting: March 11, 2015

Submission(s): A-20/15

File: 60.81.4958

Subject: 98 Duncan Drive

Recommendation

That Submission **A-20/15** by Timothy Cotton & Erin Cotton, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of this application is to request that the non-conforming use be extended to permit an addition to the existing single detached dwelling.

Having regard for the matters under section 45 (2) of the Planning Act, Staff is satisfied that the building, on the day By-Law 2013-283 was passed, was lawfully used for a purpose prohibited by the by-law, and therefore under section 45 (2) a (i), the enlargement or extension of the building may be permitted. The proposal is an appropriate use of the land and 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 granting the requested variance.

Background

Planning Context

Location

The subject property is located on the east side of Duncan Drive, south of Parnell Road. The property is abutted by single detached dwellings to the north, south and west and natural open space to the east.

Official Plan

The Garden City Plan designates the land as both Low Density Residential, which permits a variety of residential dwelling types at a density of 20 to 32 units per hectare, and Natural Area, subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned both Low Density Residential (R1), which permits a variety of residential dwelling types, and Conservation/Natural Area (G1), which does not permit residential dwellings, pursuant to By-law 2013-283.

Report

The variance is requested to permit an extension of a legal non-conforming use further into the G1 (Green Space) zone by permitting an addition to the existing single detached dwelling, which upon construction, will be partially situated in both zones. The use is non-conforming because the existing single detached dwelling encroaches into the Green Space zone and was constructed prior to the passage of Zoning By-Law 2013-283.

Section 16.12 of the GCP provides guidance on matters related to non-conforming uses. Section 16.12 4 states that it may be appropriate to consider the extension or enlargement of non-conforming uses provided that the expansion or enlargement will not jeopardize the possibility of future development/redevelopment in their vicinity that may comply more closely with the intent of the plan, and that the expansion and enlargement be directed to areas outside natural hazard lands.

The existing dwelling and yard space and the proposed addition encroach into a floodplain, which the GCP considers a natural hazard land. However, the Niagara Peninsula Conservation Authority (NPCA) granted a permit to fill the floodplain on the subject lands, which will remove the area of the addition from the floodplain, and as such remove concern with expansion in areas of natural hazard lands. Thus, after the floodplain is filled, the expansion of the non-conforming use will be permitted by the GCP. Staff believe that the G1 lands will not be negatively impacted by the proposed addition.

Overall, Staff believe that the application meets these requirements of the GCP, and therefore can be supported.

Conclusion

In summary, Staff is satisfied that the building was used lawfully on the day that By-Law 2013-283 was passed, and that the enlargement of the use may be permitted. It is the opinion of Staff that the variance should be granted.

Prepared by:



Hailey McWilliam
Student Planner

Submitted by:

A handwritten signature in black ink, appearing to read "Scott Ritchie", with a long horizontal flourish extending to the right.

Scott Ritchie
Urban Design Planner

Approved by:

A handwritten signature in blue ink, appearing to read "Ellen Savoia", with a stylized, cursive script.

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



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

March 6, 2015

File No. MPR 3.13

City of St. Catharines
Committee of Adjustment
50 Church Street, P.O. Box 3012
St. Catharines, ON L2R 7C2

BY EMAIL ONLY

Attn: Elaine Munro, Secretary-Treasurer

Subject: A20/15
98 Duncan Drive, St. Catharines

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted application and offers the following for your information.

This application has been made to extend a non-conforming use in the G1 zone by permitting an addition to the existing single detached dwelling.

NPCA Regulations:

The subject property is adjacent to Spring Garden Creek and therefore impacted by the floodplain associated with the Creek. As such, this parcel is subject to the current Floodplain Management Policies of the Authority. These policies prohibit the placement of new structural development or site alterations within riverine floodplain areas. The Regulatory Floodplain elevation for this section of the Creek is 87.12 metres. All new structures and site alterations must take place above this elevation to be located outside of the floodplain.

In accordance with Policy 3.21.2, fill not exceeding 25 cubic metres may be placed within the limit of the Regulatory Floodplain without a permit provided it will not result in any blockage or impediment to flood flow. The NPCA has reviewed and approved an application for the placement of 1.45 cubic metres of fill within the Regulatory Floodplain. The placement of the fill ensures the proposed addition will be located above the 87.12 metre elevation of the floodplain.

This section of the Creek has been identified by the Ministry of Natural Resources and Forestry (MNRF) as Type 2 (Important) Fish Habitat. A development setback buffer of 15 metres measured from the edge of the watercourse is required for all new development. The proposed addition is located more than 15 metres from the Creek.

Niagara Region Natural Heritage Comments:

In addition to commenting on proposals with respect to the Conservation Authority's regulations noted above, this agency has entered into a Memorandum of Understanding (MOU) with the Region of Niagara. In accordance with this MOU, the Conservation Authority has a responsibility to review and provide comments on Planning Applications as they relate to the Natural Environment on the Region's behalf. As such, the following comments pertain to the Core Natural Heritage System Policies within the Regional Policy Plan.

A portion of the subject property has been identified as an Environmental Conservation Area (ECA) for Valley Shoreline on the Region of Niagara's Core Natural Heritage Mapping. In accordance with Regional Policy 7.B.1.11, development and site alterations may be permitted within an ECA, or on lands adjacent to

(i.e. within 50 metres) an ECA if it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands. The proposed addition is located adjacent to the identified ECA and there is existing development between the Valley Shoreline feature and the proposed project.

Regional mapping also identifies this section of the Creek as Important Fish Habitat. Any works or site alterations proposed within 15 metres of this watercourse may trigger an Environmental Impact Study (EIS).

Upon review of the project as proposed, the NPCA is satisfied that there will be no significant negative impact on the Core Natural Heritage System and an EIS will not be required.

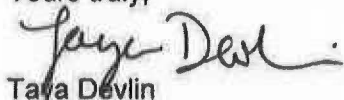
Conclusion:

Based on the above, the NPCA offers no objections to the approval of this application to extend a non-conforming use in the G1 zone by permitting an addition to the existing single detached dwelling.

Lastly, please note that due to the identified features on the property, any future works proposed on site will require NPCA review prior to the commencement of the works on site and may require further studies and a work permit from this office in accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06)".

I trust the above will be of assistance to you. Please do not hesitate to call should you have further questions in this matter.

Yours truly,



Taya Devlin

Planning Approvals Analyst (ext. 262)

Cc: Pat Busnello, Senior Development Planner, Niagara Region
Ellen Savoia, Planner II, City of St. Catharines
Scott Richie, Urban Design Planner, City of St. Catharines
Bruce Bellows, Planner I, City of St. Catharines

98 Duncan Drive, St. Catharines



Legend

- Regulated Floodplain Extent**
 - Advisory (CWR)
 - Regulated
- Reaches Draining 125ha Requ
- Road Edges 2002
- RMN Streets Labels
- RMN Assessment Parcels
- Fish Habitat Reaches**
 - 'Critical' Type 1
 - 'Important' Type 2
 - 'Marginal' Type 3
- Fish Habitat Areas**
 - 'Critical' Type 1
 - 'Important' Type 2
 - 'Marginal' Type 3
- NHS - Fish Habitat
- ECA: Valley Shoreline Buffer
- 2K HydroPoly
- 2K Hydrography
- Contours - 1m Region 2002
- Contours - 1m Watershed 2002
- NPCA Watershed Municipalitie
- NPCA Extended Context Area
- Surround**
 - Norfolk; New York; Grand Island; B
 - Lake Erie; Lake Ontario; Niagara R
 - Surround - Hamilton/Halton
- 2010 Niagara Air Photos

1: 1,030
3/6/2015



0.1 0 0.03 0.1 Kilometers

Notes

Minor Variance



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 2, 2015

Date of Meeting: March 11, 2015

Submission(s): A-22/15

File: 60.81.4960

Subject: 155 King Street

Recommendation

That Submission **A-22/15** by the Regional Municipality of Niagara, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of the application is to facilitate the construction of a new Provincial Offences Court facility.

Having regard for the matters under 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 granting the requested variances.

Background

The Region is creating a new lot, 1,778 square metres in size, to be located at the corner of King and Carlisle Streets, for the purpose of constructing a new Provincial Offences Court facility. The remnant lands, not subject to this application, will continue to house the Niagara Regional Police Service's (NRPS) District 1 detachment.

Planning Context

Location

The subject property is located on the north corner of the King Street and Carlisle Street intersection. The property is surrounded by the NRPS facility to the northwest, residential and commercial uses to the north and northeast, the Ministry of Transportation office tower to the southeast, the Carlisle Street Parking Garage and parking lots to the south, and commercial buildings to the southwest.

Official Plan

The Garden City Plan designates the land as Mixed Medium High Density Residential/Commercial, which permits a variety of residential uses at a density of 60 to 198 units per hectare, as well as institutional and commercial uses, subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned Medium-High Density Mixed Use (M2) pursuant to By-law 2013-283, which permits office uses provided they do not exceed 1440 m² of gross leasable floor area. The courthouse is considered an office use for the purpose of the by-law. Special Provision No. 92 provides an exemption from the by-law's requirement to provide parking.

Report

Variance 1 is requested to recognize the length of the new lot's frontage along King Street, which, upon lot creation, will become the front yard. Staff are of the opinion that this variance is appropriate for this use as key civic facilities throughout the downtown are generally located on larger, prominent sites. Examples in close proximity include the St. Catharines Public Library, the NRPS detachment, and the Ministry of Transportation building, each of which have larger lot frontages and form part of a civic precinct.

Variances 2 and 4 are requested to decrease the minimum setbacks of the front yard and exterior side yard. The reduction is requested to recognize the building setbacks after the conveyance of the 3.1 metre road widening along King Street and Carlisle Street. The proposed setbacks will be generally consistent with the setbacks of existing buildings along both King Street and Carlisle Street and are considered appropriate in order to maintain the established street wall and downtown character.

Variance 3 is requested to permit the proposed underground garage ramp, which forms part of the structure, to run adjacent to the rear property line. Above grade, the building is set back 3.6 metres from the rear yard at its closest point. This setback is considered appropriate and no adverse impacts on the neighbouring NRPS site are anticipated.

Variance 5 is requested to allow the building to be located on the corner of the intersection. The reduced sight triangle request is partly a function of road widenings, as well as a desire to site the building in a manner that is prominent and in keeping with the established character of Downtown. It is the opinion of Staff that adequate sight lines will be maintained at the intersection, thereby maintaining the intent of the by-law provision.

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" and "compatibility of new development with established areas" (Section 4.1). 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.

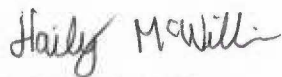
Further, Section 11 provides specific guidance on matters relating to Downtown St. Catharines, describing that "the downtown experience is reflective of the character of its streets and the quality of its public realm and built environment. Good urban design ensures that the built environment and public 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 lands are also subject to the City's Downtown Urban Design Guidelines which direct that buildings should be used to fully frame the street edge to create cohesive, enclosed, street corridors, with a minimum building height of 2.0 metres. It is the opinion of Staff that the proposed variances are consistent with the policies of both the Official Plan and the Downtown Urban Design Guidelines.

Conclusion


In summary, Staff is satisfied that the 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 variances should be granted.

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 2, 2015

Date of Meeting: March 11, 2015

Submission(s): A-23/15

File: 60.81.4961

Subject: 68 Church Street

Recommendation

That Submission **A-23/15** by the Regional Municipality of Niagara, as outlined in the Notice of Hearing, be approved, subject to the following:

1. That variances 3-7 shall apply only to an emergency service facility.

Summary

The purpose of this application is to recognize the current building location and site layout of the Niagara Regional Police Service's District 1 detachment on a new smaller lot.

Having regard for the matters under 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 granting the requested variances subject to the condition outlined in the Recommendation.

Background

The Region is creating a new lot, 1,778 square metres in size, to be located at the corner of King and Carlisle Streets, for the purpose of constructing a new Provincial Offences Court facility. The remnant lands, subject to this application, will continue to house the Niagara Regional Police Service's (NRPS) District 1 detachment. No construction is proposed on the subject lands at this time.

Planning Context

Location

The subject property is located on the east corner of the Church Street and Carlisle Street intersection. The property is surrounded by the St. Catharines Public Library

Central Branch to the southwest, an apartment building to the northeast, St. George's Anglican Church to the northwest, and a mix of commercial and residential buildings to the southeast.

Official Plan

The Garden City Plan designates the land as Mixed Medium High Density Residential/Commercial, which permits a variety of residential uses at a density of 60 to 198 units per hectare, as well as institutional and commercial uses, subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned Medium-High Density Mixed Use (M2) pursuant to By-law 2013-283, which permits emergency service facilities. Special Provision No. 92 provides an exemption from the by-law's requirement to provide parking.

Report

Staff note that all variances are requested to recognize the existing NRPS facility, within a new smaller lot. A portion of the subject lands which was previously used for parking will be redeveloped for a new Provincial Offences Court facility. No construction is proposed on the NRPS lands at this time. Variances 3 through 7 would recognize the existing development pattern on the site. It is anticipated that this NRPS detachment will be replaced by a new facility in the next few years, but there are no known long-term plans for this property. Any redevelopment scenarios that may arise on this site will need to meet current zoning standards. Approval of the variances related to yards and landscape strips will be limited the existing use of the lands as an emergency service facility.

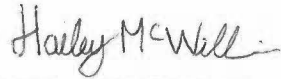
Variance 1 requests an increase of the maximum permitted lot area and variance 2 requests an increase in maximum permitted frontage (Academy Street). While the lot is still slightly oversized, the reduced lot area brings it closer to by-law conformity. Staff is of the opinion that variances 1 and 2 are appropriate in order to recognize the reduced lot area and the existing frontage along Academy Street.

Staff do not anticipate any adverse impacts on the surrounding area as a result of these variances and believe the requested variances are compatible with the surrounding neighbourhood. Staff are of the opinion that the variances are minor in nature and that the intent of the Zoning By-law is being maintained.

Conclusion

In summary, Staff is satisfied that the 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 variances should be granted, as outlined in the Recommendation.

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