

Committee of Adjustment Public Hearing  
Wednesday, April 1, 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 Deferral

- 1) 162 Ontario Street, Consent Application – B-33/14SC – 60.84.1961 and Minor Variance – A-75/14 – 60.81.4936.

That the deferral requested at the February 18, 2015 Hearing by staff to review comments received by 1671366 Ontario Ltd., be further extended for a maximum of 4 months to further discuss concerns staff had with parking and driveway.

5. Adoption of the Minutes held March 11, 2015

6. Application:

- 1) 10 Adelene Crescent, Consent Application – B-18/15SC – 60.84.1980  
10 Adelene Crescent, Minor Variance Application – A-25/15 - 60.81.4963  
8 Adelene Crescent, Minor Variance Application – A-26/15 – 60.81.4964
- 2) 140 Parnell Road, Minor Variance Application – A-27/15 – 60.81.4965
- \* 3) 4 Tanner Circle, Consent Application – B-19/15SC – 60.84.1981  
4 Tanner Circle, Minor Variance Application – A-28/15 – 60.81.4966  
6 Tanner Circle, Minor Variance Application – A-29/15 – 60.81.4967
- \* 4) 127 Vine Street, Minor Variance Application – A-30/15 – 60.81.4968
- \* 5) 360 St. Paul Street, Minor Variance Application – A-31/15 – 60.81.4969  
Request to Waiver MV Application Fees
- 6) 11 Richardson Court, Minor Variance Application – A-32/15 – 60.81.4970
- 7) 29 St. Helena Street, Minor Variance Application – A-33/15 – 60.81.4971

7. New Business

8. Date of next Site Tour and Public Hearing is April 22, 2015

9. Adjournment

- \* Planning Reports will be posted on Monday, March 30, 2015



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 23, 2015

**Date of Meeting:** April 1, 2015

**Submission(s):** B-18/15SC  
A-25/15  
A-26/15

**File:** 60.84.1980  
60.81.4963  
60.81.4964

**Subject:** 8 & 10 Adelene Crescent

### Recommendation

That Submission **B-18/15SC** by Michael Wakil & Marie Wakil, as outlined in the Notice of Hearing, be approved subject to the following condition:

1. Pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that Section 50(3) or 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 and Part 3 will be merged and become one parcel of land.
2. That final approval for all necessary minor variance applications be received.

That Submission **A-25/15** by Michael Wakil & Marie Wakil, as outlined in the Notice of Hearing, be approved.

And That Submission **A-26/15** by Marie Wakil, as outlined in the Notice of Hearing, be approved subject to the following condition:

1. That the existing driveway, with a maximum width of 7.7m at the point abutting Adelene Crescent and a maximum width of 10.11m abutting the garage, remains at its current dimensions.

### Summary

The purpose of these applications is for a boundary adjustment between adjacent lots (merging the rear portion of 10 Adelene Crescent with the adjacent 8 Adelene Crescent) and associated minor variances to recognize the new lot sizes resulting from the boundary adjustment; to facilitate a reduced rear yard setback on 10 Adelene Crescent;

and to recognize the existing location of the garage and driveway width on 8 Adelene crescent.

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

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

## **Background**

### **Planning Context**

#### **Location**

The subject property is located on the south side of Adelene Crescent, north of Glen Morris Drive. The property is abutted by single detached dwellings to the north, south east and west.

#### **Official Plan**

The Garden City Plan designates the land as Low Density Residential, which permits the existing 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, including the existing single detached dwellings.

## **Report**

### **Consent**

This severance is requested to allow for a boundary adjustment between 8 Adelene Crescent and 10 Adelene Crescent. Staff is supportive of the requested severance.

### **Variances for 10 Adelene Crescent**

The variances are as a result of the proposed severance.

Variance 1 requests an increase to the maximum lot area per dwelling unit. The severance brings the maximum lot area closer to conformity with the zoning by-law than what currently exists, and therefore is supportable.

Variance 2 requests a reduction to the required rear yard setback. The rear yard satisfies the by-law requirement on the easterly portion of the lot but not the westerly portion of the lot. The variance is requested so as to maintain existing gardens and features for 8 Adelene Crescent, which have historically been used for the benefit of

that property. The proposed rear yard provides adequate amenity space and the portion of the rear yard not meeting the by-law requirement is minor.

### **Variances for 8 Adelene Crescent**

Variance 1 requests an increase in the maximum lot area per dwelling unit. The proposed new lot area, as a result of the proposed severance, is comparable to other lot areas in the surrounding neighbourhood. The lot area abutting the subject lands to the south is larger than the proposed new lot area. The variance is compatible with the lottage pattern in the neighbourhood. The increased size of the lot is proposed so as to maintain gardens and features on the abutting 10 Adelene Crescent that have been historically used by 8 Adelene Crescent. No adverse impacts are anticipated as a result of the variance.

Variance 2 and 3 are requested to recognize the existing location of the garage and the existing driveway width. Properties surrounding the subject lands have comparable front yard to garage setbacks and driveway widths as the subject lands. Normally new driveways with widths of 10.11m would not be supported, however because the driveway is existing and the subject lands meet the minimum landscaped open space requirement, staff support the variance provided that the existing size and dimensions of the existing driveway are maintained. Staff is satisfied that the variances are compatible with the surrounding area and that the character of the neighbourhood and streetscape is being maintained.

The applicant should be aware that 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 other parts, separate services must be installed to the satisfaction of the City Engineer.

## **Conclusion**

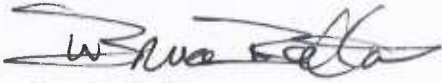
In summary, staff is satisfied that the subject consent and variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of staff that the consent and variances should be granted, subject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

### **Prepared by:**



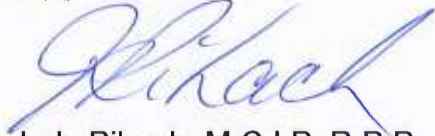
Hailey McWilliam  
Student Planner

**Submitted by:**

A handwritten signature in black ink, appearing to read "Bruce Bellows", with a horizontal line drawn through the middle of the signature.

Bruce Bellows  
Planner I

**Approved by:**

A handwritten signature in blue ink, appearing to read "Judy Pihach", with a horizontal line drawn through the middle of the signature.

Judy Pihach, M.C.I.P., R.P.P.  
Manager of Planning Services



March 25, 2015

File No. MPR 2.13 & 3.13

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

Attn: Elaine Munro, Secretary-Treasurer

Subject: A-25/15, A-26/15, & B-18/15SC  
8 and 10 Adelene Crescent, St. Catharines

---

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

A-25/15 – 10 Adelene Crescent

1. A reduction of maximum lot area per dwelling unit from 490 m<sup>2</sup> to 687.6 m<sup>2</sup>.
2. A reduction of minimum required rear yard setback from 7.5 metres to 4.66 metres at the westerly limit of the house.

A-26/15 – 8 Adelene Crescent

1. An increase of maximum lot area per dwelling from 490 m<sup>2</sup> to 1,736.2 m<sup>2</sup>.
2. A reduction of minimum required front yard setback to the garage from 7 metres to 6.1 metres.
3. An increase of the maximum driveway width from 7.5 metres to 10.11 metres.

B-18/15SC – 10 Adelene Crescent

For consent to partial discharge of mortgage and for consent to sever 502.1 m<sup>2</sup> of land (Part 2) which will be added to the westerly abutting lot (Part 3) known as 8 Adelene Crescent. A 687.6 m<sup>2</sup> remnant parcel with the existing single detached dwelling is retained. The application would result in a boundary adjustment between the two parcels.

**NPCA Regulations:**

The rear (southern) portions of the subject properties are impacted by a steep valley slope associated with Dicks Creek. In accordance with the Authority's Regulations, the Authority can regulate development up to 15 metres from the top of bank. Generally, the Authority requires that all new development and site alterations (including lot lines) be setback a minimum of 7.5 metres from the Stable Top of Slope. The consent, resulting in a boundary adjustment, proposes to relocate the rear lot line of 10 Adelene Crescent outside of the 15 metre setback from top of bank.

Our mapping indicates that this area is impacted by the Floodplain associated with Dicks Creek. The Regulated Floodplain elevation in this area is 102.25 metres. In accordance with NPCA regulations, all new development and site alterations must be located outside of the floodplain hazard (above this elevation).

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.

For this particular situation, these applications are for a boundary adjustment and minor variances for setbacks, lot area, and driveway width to recognize the existing conditions on site. There is no new development proposed by these applications.

#### **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.

The rear portions of the subject properties have been identified as an Environmental Conservation Area (ECA) for a Significant Woodland on the Region of Niagara's Core Natural Heritage Mapping. In accordance with Regional Policies, 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. This can be accomplished through the completion of an Environmental Impact Study (EIS). As there is no new development proposed at this time, NPCA staff do not feel an EIS is required.

#### **Conclusion:**

NPCA and Regional Policies typically discourage new lot lines through regulated features (i.e. the adjacent valley and Significant Woodlot). However, as these applications are for a boundary adjustment and minor variances (to recognize the existing situation) and no new development is proposed, the NPCA is of the opinion that relocating the lot line will not change the situation significantly from the current conditions. The approval of these applications will not have any negative impacts to the adjacent natural features. As such, the NPCA offers no objections to the approval of these applications.

Lastly, please note that due to the identified features on the properties, any future works proposed 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

# 8 & 10 Adelene Crescent, St. Catharines



## Legend

- Regulated Floodplain Extent
  - Advisory (CWR)
  - Regulated
- Reaches Draining 125ha Requ
- Top of Slope Features
  - Stable
  - Unstable
- Top of Slope Allowance
- Road Edges 2002
- RMN Streets Labels
- RMN Assessment Parcels
- 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  
3/20/2015

## Notes

Consent and Minor Variances

0.1 0 0.03 0.1 Kilometers

This map is for illustrative purposes only. Information contained herein is not intended to constitute advice, is not a substitute for professional review or a site survey, and is subject to change without notice. The NPCA takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. THIS IS NOT A PLAN OF SURVEY.

©Niagara Region, NPCA, LIO, MPAC and Teranet



# 8 & 10 Adelene Crescent, St. Catharines



0.1 0 0.03 0.1 Kilometers

This map is for illustrative purposes only. Information contained hereon is not intended to constitute advice, is not a substitute for professional review or a site survey, and is subject to change without notice. The NPCA takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. THIS IS NOT A PLAN OF SURVEY.



## Legend

- 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: Significant Woodlands
- 2K HydroPoly
- 2K Hydrography
- Contours - 1m Region 2002
- Contours - 1m Watershed 2002
- NPCA Watershed Municipalities
- 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  
3/20/2015



## Notes

Consent and Minor Variances

## Munro, Elaine

---

**From:** Munro, Elaine  
**Sent:** Friday, March 27, 2015 11:31 AM  
**Subject:** Comments from CN for Consent & MV for 8 & 10 Adelene Crescent

FYI

---

**From:** Raymond Beshro [<mailto:Raymond.Beshro@cn.ca>]  
**Sent:** Wednesday, March 25, 2015 3:15 PM  
**To:** Munro, Elaine  
**Subject:** RE: Question on Circulation to CN for Consent & MV for 8 & 10 Adelene Crescent, St. Catharines, ON - CofA Hearing April 1-15

Hi Elaine,

Thanks for reaching out. As per my voicemail, CN has no objection or comment.

Regards,

Raymond





CITY OF  
ST. CATHARINES

## Technical Report

---

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

**Date of Report:** March 23, 2015

**Date of Meeting:** April 1, 2015

**Submission(s):** A-27/15

**File:** 60.81.4965

**Subject:** 140 Parnell Road

### Recommendation

That Submission **A-27/15** by 1473941 Ontario Limited, as outlined in the Notice of Hearing, be approved.

### Summary

A total of four variances are requested to facilitate for the construction of the proposed private road development.

Having regard for the matters under section 45 (1) of the Planning Act, staff is satisfied that the proposed variances are desirable and appropriate for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

Staff recommends granting the requested variances.

### Background

A single detached dwelling currently exists on the subject lands. Demolition permits have been obtained to allow the building to be demolished to make way for the construction of the private road development.

#### Planning Context

##### Location

The subject property is located on the south side of Parnell Road, east of Vine Street. The property is abutted by single detached dwellings to the north and west, and designated Conservation/ Natural Area (G1) lands to the south and east.

##### Official Plan

The Garden City Plan designates the land as Low Density Residential, which permits the proposed private road development 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, including the proposed private road development.

## **Report**

The proposed private road development will be comprised of 10 townhouse units.

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 is supportive of 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.

Variance 1 requests a reduction of the distance required from the private road to the garage of Unit 4. This variance is necessary to allow for the inclusion of the street turning radius for the private road development. Staff is satisfied that adequate separation distance and access space is being maintained between the garage and the private road, and that the variance will not affect the ability to provide adequate parking on the driveway of Unit 4. No adverse impacts are anticipated as a result of this variance. Staff support the granting of the variance.

Variance 2 requests a reduction in the distance required from the private road to the dwelling of Unit 5. The road does not function as a through road at this location on the site. As such, there will be limited traffic, as it only serves as an access road for three units in the private road development. No adverse impacts are anticipated as a result of the variance and adequate amenity space is maintained. Staff support the granting of the variance.

Variance 3 requests an increase in the maximum driveway width allowed for Unit 8. This variance is required to allow for the inclusion of a double car garage. Staff is satisfied that the variance is minor in nature and that adequate amenity space is being maintained. No adverse impacts are anticipated as a result of the variance. Staff support the granting of the variance.

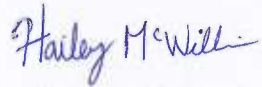
Variance 4 requests an increase of the maximum paved area for the entirety of the private road development. A 2% increase is requested. The variance is minor in nature, does not detract from the provision of appropriate amenity space and landscaped areas, and no adverse impacts are anticipated as a result of the minor increase. Staff support the granting of the variance.

## **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.

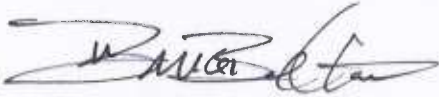


**Prepared by:**



Hailey McWilliam  
Student Planner

**Submitted by:**



Bruce Bellows  
Planner I

**Approved by:**



Judy Pihach, M.C.I.P., R.P.P.  
Manager of Planning Services



March 26, 2015

File No. MPR 3.13

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: A-27/15 140 Parnell Road, St. Catharines  
Related Site Plan **60.51.913 (14 113682 00 SP)**

---

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

1. A reduction of minimum distance from Private Road to garage for Unit 4 from 6 metres to 3 metres.
2. A reduction of minimum distance from Private Road to dwelling for Unit 5 from 3 metres to 2.3 metres.
3. An increase of maximum unit driveway width for Unit 8 from 5.3 metres (50% of unit width) to 5.8 metres to facilitate a double car garage.
4. An increase of the maximum paved area from 20% to 22%.

The subject property is located adjacent to Walker's Creek and is impacted by the fish habitat, floodplain and valley slope associated with the Creek. As such, the property is subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

The variances of the subject application are requested for the proposed construction of a private road development comprising of ten townhouse units. The NPCA has recently (February 9, 2015) reviewed the proposed ten unit townhouse development through an application for Site Plan Approval. NPCA requirements regarding the above noted regulated features impacting the property were addressed for the proposed development during the review of the Site Plan application. As such, the NPCA offers no objection to the approval of the subject application.

Due to the identified features on the property, any future works proposed on site will require NPCA approvals 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, Planner, Niagara Region

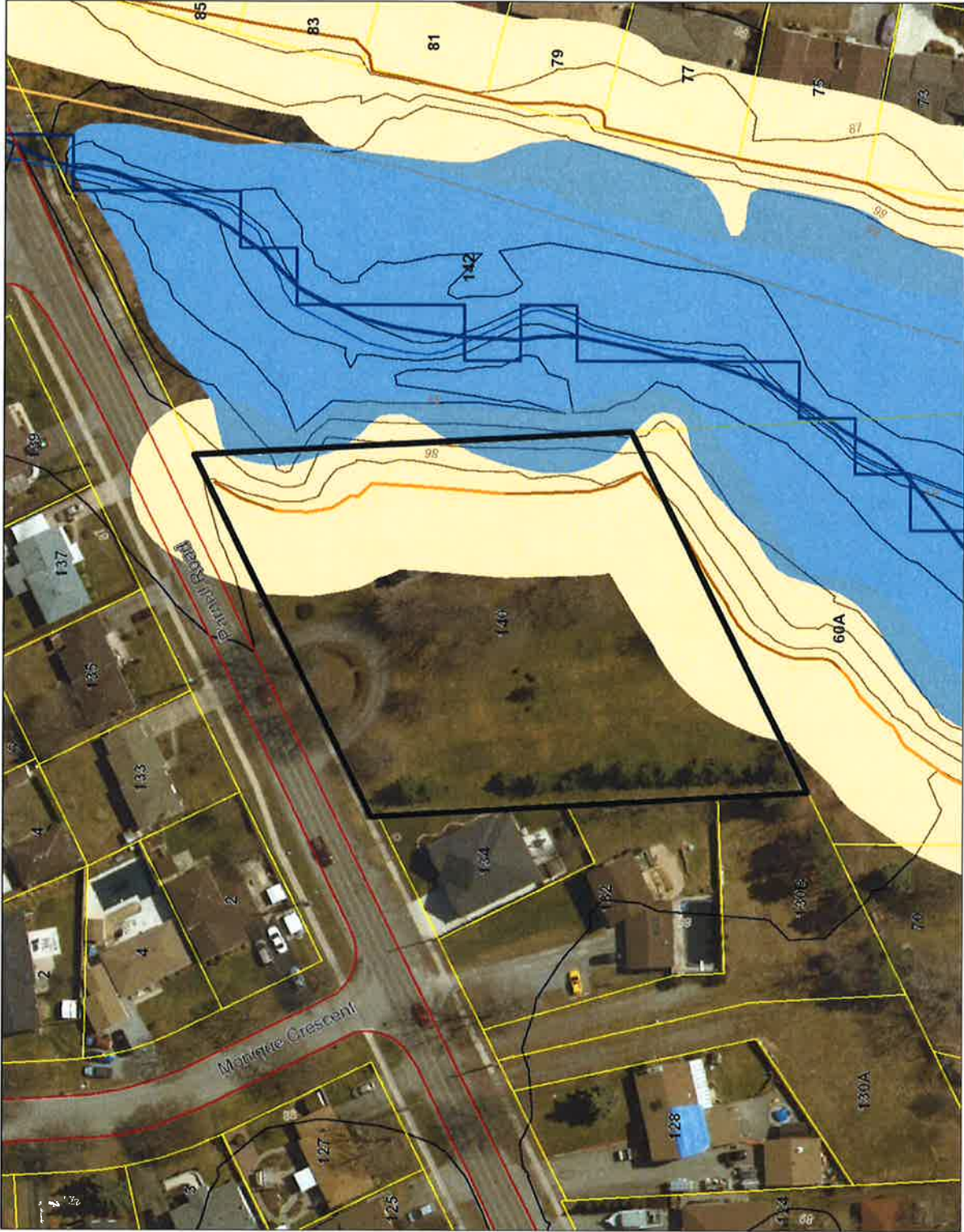
# 140 Parnell Road, St. Catharines



**Legend**  
 Regulated Floodplain Extent  
 Advisory (CWR) [light blue square]  
 Regulated [dark blue square]  
 Reaches Draining 125ha Requ [blue line]  
 Top of Slope Features  
 Stable [orange line]  
 Unstable [yellow line]  
 Top of Slope Allowance [yellow line]  
 Road Edges 2002 [black line]  
 RMN Streets Labels [yellow line]  
 RMN Assessment Parcels [yellow line]  
 Fish Habitat Reaches  
 'Critical' Type 1 [pink line]  
 'Important' Type 2 [orange line]  
 'Marginal' Type 3 [yellow line]  
 Fish Habitat Areas  
 'Critical' Type 1 [pink square]  
 'Important' Type 2 [orange square]  
 'Marginal' Type 3 [yellow square]  
 NHS - Fish Habitat [blue line]  
 2K HydroPoly [dark blue line]  
 2K Hydrography [black line]  
 Contours - 1m Region 2002 [black line]  
 Contours - 1m Watershed 2002 [black line]  
 NPCA Watershed Municipalitie [black line]  
 NPCA Extended Context Area [green line]  
 Surround [green line]  
 Norfolk, New York, Grand Island, B [brown square]  
 Lake Erie, Lake Ontario, Niagara R [blue square]

1: 1,030  
 2/9/2015

**Notes**  
Site Plan Application



This map is for illustrative purposes only. Information contained hereon is not intended to constitute advice, is not a substitute for professional review or a site survey, and is subject to change without notice. The NPCA takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. THIS IS NOT A PLAN OF SURVEY.

0.1 0 0.03 0.1 Kilometers

©Niagara Region, NPCA, LIO, MPAC and Teranet





CITY OF  
ST. CATHARINES

## Technical Report

---

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

**Date of Report:** March 23, 2015

**Date of Meeting:** April 1, 2015

**Submission(s):** A-32/15

**File:** 60.81.4970

**Subject:** 11 Richardson Court

### Recommendation

That Submission **A-32/15** by Gail Winning & Michael Slaven, as outlined in the Notice of Hearing, be approved.

### Summary

The variances requested are to recognize the existing basement walkout and existing garage.

Staff is satisfied that the variances are desirable and appropriate for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

Staff recommends the granting of the requested variances.

### Background

#### Planning Context

##### Location

The subject property is located on the west side of Richardson Court, north of Videll Crescent North. The property is abutted by single detached dwellings to the north and south, semi-detached dwellings to the west and a vacant lot to the east.

##### Official Plan

The Garden City Plan designates the land as Low Density Residential, which permits the existing detached dwelling 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, including the existing single detached dwelling.



## Report

Variance 1 is required to recognize an existing situation. The variance requests a reduction of the minimum front yard setback to the garage. The garages on the abutting properties have similar setbacks as the subject lands, therefore the variance is compatible with the surrounding neighbourhood and the streetscape. As no adverse impacts are expected as a result of this variance, staff supports granting of the requested variance.

Variance 2 is required to recognize an existing situation. The variance requests an increase to the maximum exterior stairs encroachment into the rear yard. The exterior stairs are required to access the dwelling's basement walkout. The encroachment will not impact the properties abutting the subject lands and will not negate the provision of amenity space on the lot. Staff support granting of the variance.

## Conclusion

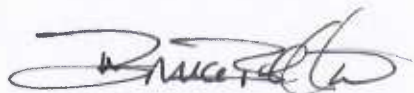
In summary, staff is satisfied that the variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of staff that the variances be granted.

### Prepared by:



Hailey McWilliam  
Student Planner

### Submitted by:



Bruce Bellows  
Planner I

### Approved by:



Judy Pihach, M.C.I.P., R.P.P.  
Manager of Planning Services



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 25, 2015

**Date of Meeting:** April 1, 2015

**Submission(s):** A-33/15

**File:** 60.81.4971

**Subject:** 29 St. Helena Street

### Recommendation

That Variances 1-4 in Submission **A-33/15** Kenneth Ltd., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the applicant enter into a development agreement under Section 45 of the Planning Act to ensure adequate access to the site, and require a minimum of 8 and a maximum of 15 bedrooms per unit.
2. That the dwellings be limited in height to one storey, not exceeding 4.0 metres.

And the Committee approve an additional Variance to permit a reduction in the required landscape strip adjacent to a parking area from 3.0m to 2.0m along the east lot line, as indicated in the submitted sketch.

### Summary

The purpose of this application is to facilitate the construction of a proposed private road development with 2 detached dwellings for special needs housing.

Having regard for the matters under Section 45 (1) of the Planning Act, Staff is satisfied that the proposal is minor in nature, 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.

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

### Background

#### Planning Context

##### Location

The subject property is located on the east side of St. Helena Street, north of Meadowvale Drive. The property is abutted by a 61 unit, four storey apartment building

to the north, single detached dwellings to the south, a 130 unit, eleven storey apartment building to the east, and single detached dwellings to the west.

#### Official Plan

The Garden City Plan designates the land as Medium Density Residential, which permits private road development at a density of generally 25 to 99 units per hectare, subject to the policies of the Garden City Plan.

Section 7.9 of the Garden City Plan permits Special Needs Housing in any zone or residence in the municipality, subject to the provision of adequate amenities and service, and in accordance with the applicable dwelling type and regulatory permissions established in the Zoning By-law.

#### Zoning By-law

The subject land is zoned Medium Density Residential – Medium Density Residential (R3) pursuant to By-law 2013-283, which permits a variety of residential dwelling types, including the proposed private road development at a density of 25-99 units per hectare. Institutional uses are also permitted within the R3 zone.

Section 2.18 of the Zoning By-law permits Special Needs Housing in all dwelling types, subject to the provisions of the By-law. Special Needs Housing is defined by the By-law as ‘any housing, including dedicated facilities in whole or in part, that is used by people who have specific needs beyond economic needs including, but not limited to, needs such as mobility requirements or support functions required for daily living.’ The number of bedrooms or residents residing in a dwelling unit is not regulated by the Zoning By-law.

## Report

The purpose of this application is to facilitate the construction of a proposed private road development with 2 detached dwellings for special needs housing. Variance 1 is requested to reduce the minimum lot frontage from 12 metres to 6.1 metres. The subject lands are a remnant parcel of a 1998 severance application which created 9 lots for single detached dwellings fronting on St. Helena Street. At the time, the lot was left as a block for future development, and has since remained vacant. Both Fire Services and the Development Division of Planning and Building Services have confirmed that adequate access and services can be provided through this frontage, provided that the access is constructed as proposed, with the inclusion of the lay-by. In order to ensure that the access is constructed and maintained as proposed, staff recommend that, as a condition of the reduced frontage, the applicant enter into a Development Agreement with the City. Fire Services has additionally noted that through the Building Permit, both units will need to be sprinklered.

Variance 2 is requested to decrease the minimum required density from 25 units per hectare to 10 units per hectare. Section 8 of the Garden City Plan provides for a full range of housing opportunities, types, and forms to support a wide variety of

accommodation to provide accessible, affordable, adequate, and appropriate housing for all socio-economic groups. The density provisions of the Zoning By-law are reflective of the Garden City Plan's requirement of 25-99 units per hectare for the Medium Density Residential designation. In both instances, density is calculated based on dwelling units, and not bedrooms or residents.

The applicant's submission proposes that the use and model of care proposed involves ten residents per dwelling unit, with a total of 20 residents on the property, and as such the By-law density calculations are not accurately representative of the proposed use. Staff note that in this alternative dwelling type, a total of 20 residents over the lot area of 0.19 hectares results in a density of 105 people per hectare. As the applicant is proposing an alternative model of housing, an examination of people per unit will more accurately reflect the intensity of the use proposed. Density targets in the Garden City Plan are determined based on an assumption of 2.5 people per unit. A factor of 2.5 people per unit, at the average density of the Medium Density Residential designation, on the subject lands, yields a total of 29 people, or 15 people per unit. To maintain an appropriate scale on the site while simultaneously achieving the density objectives of the Garden City Plan, staff recommend a minimum of 8 bedrooms per unit and a maximum of 15 beds per unit. In light of the existing constraints on site and the intensity of the proposed alternative form of housing, staff are supportive of the reduction in density, conditional on a minimum of 8 and maximum of 15 bedrooms per dwelling unit.

Variance 3 is requested to increase the paving coverage from 20% to 26%. Given the long access to the buildable area, and the desire of the applicant to provide sufficient parking for the intensity of the use proposed, staff are supportive of the increased paving coverage. The parking area is largely hidden behind existing development along St. Helena Street and will facilitate a total of 12 parking spaces. As such, staff are supportive of the proposed increase in paving coverage. While this development will not be subject to Site Plan Approval, the Development Division of Planning and Building Services has advised that a stormwater management report, site servicing drawing, and grading plans will need to be submitted as part of the building permit process.

Variance 4 is requested to reduce the interior side yard setback from a rear wall from 6.0m to 5.0m. The intent of this setback is to provide amenity space for residents and to provide a separation between adjacent uses. The applicant has advised that the reduction will facilitate wheelchair ramps and landscaping in front on the proposed building. Additionally, residents of the proposed use will mostly participate in passive use of the outdoor area. In this regard, staff are supportive of the reduction. In order to limit overlook on adjacent uses, staff recommend that the reduced setback be conditional on the building be limited to 4 metres as measured to the midpoint of the roof, not exceeding, one storey in height, as proposed in the application.

Staff note that a bump out in the parking area along the east lot line protrudes slightly into the required 3.0m landscape strip adjacent to a parking area. In order to facilitate



adequate access to the adjacent parking spaces, staff recommend that this be included as an additional variance.

## **Conclusion**

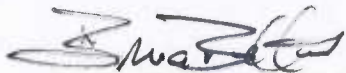
In summary, Staff is satisfied that the variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the variances should be granted, subject to the conditions outlined in the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

### **Prepared by:**




Jessica Button, M.C.I.P, R.P.P.  
Planner I

### **Submitted by:**



Bruce Bellows, M.C.I.P, R.P.P.  
Planner I

### **Approved by:**



Judy Pihach, M.C.I.P, R.P.P.  
Manager, Planning Services