

Committee of Adjustment Public Hearing  
Wednesday, April 1, 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 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**

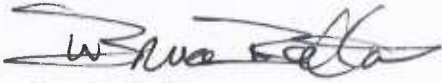
In summary, staff is satisfied that the subject consent and variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of staff that the consent and variances should be granted, subject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

### **Prepared by:**



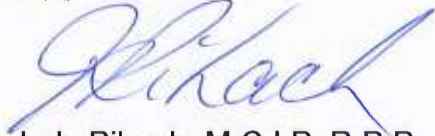
Hailey McWilliam  
Student Planner

**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

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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 Requi
  - 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

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.

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**Notes**

Consent and Minor Variances



# 8 & 10 Adelene Crescent, St. Catharines



## 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 Municipalitie
- NPCA Extended Context Area
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- Surround - Hamilton/Halton
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## Notes

Consent and Minor Variances

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## Munro, Elaine

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

FYI

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**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

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**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.

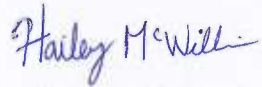
Variance 4 requests an increase of the maximum paved area for the entirety of the private road development. A 2% increase is requested. The variance is minor in nature, does not detract from the provision of appropriate amenity space and landscaped areas, and no adverse impacts are anticipated as a result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

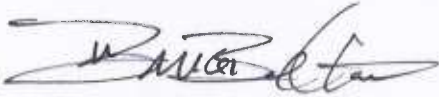


**Prepared by:**



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)**

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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.

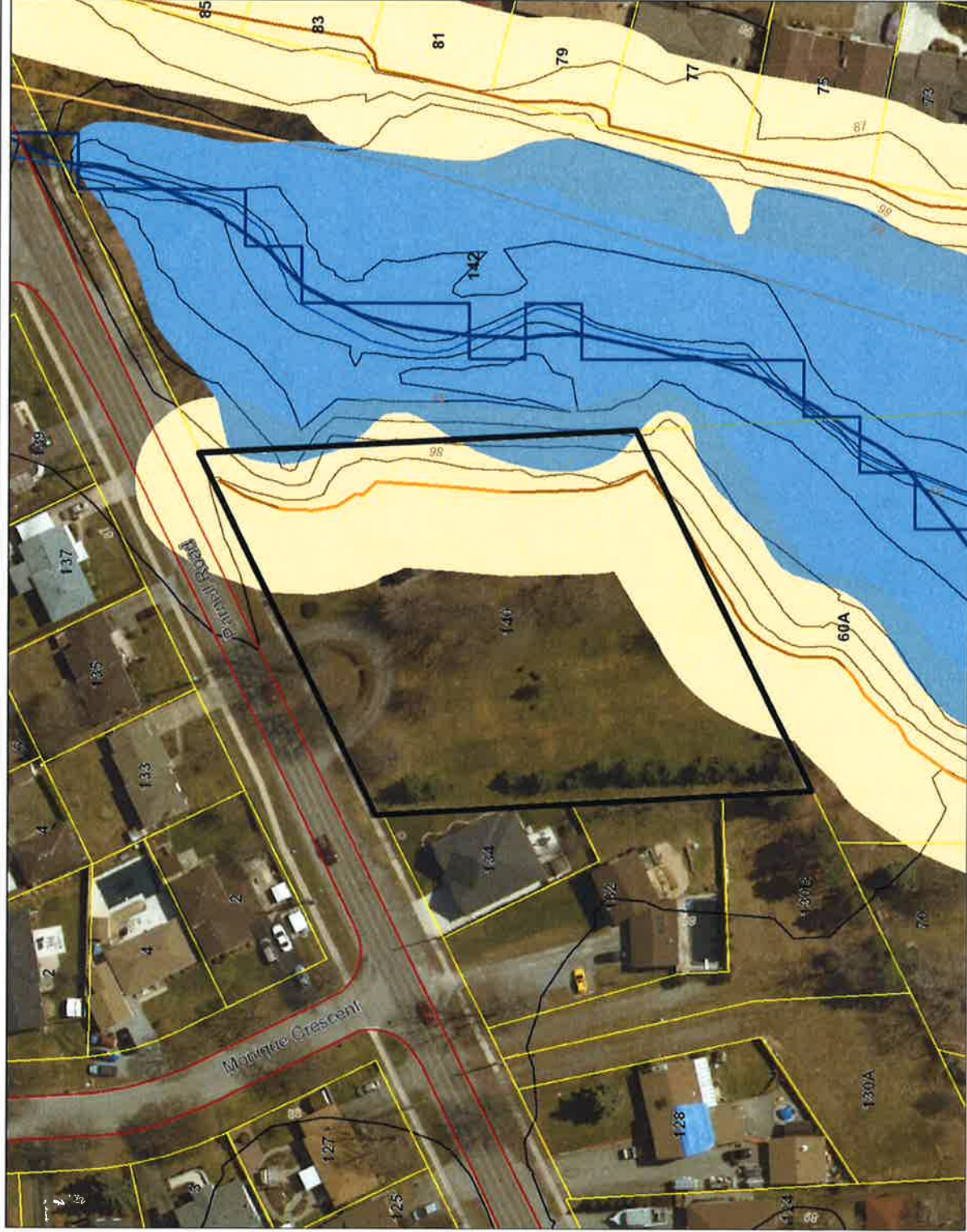
Yours truly,

Taya Devlin

Planning Approvals Analyst (ext. 262)

Cc: Pat Busnello, Planner, Niagara Region

# 140 Parnell Road, St. Catharines



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## Notes

Site Plan Application



## 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
- Fish Habitat Reaches
  - 'Critical' Type 1
  - 'Important' Type 2
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  - 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

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2/9/2015







CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 27, 2015

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

**Submission(s):** B-19/15SC  
A-28/15  
A-29/15

**File:** 60.84.1981  
60.81.4966  
60.81.4967

**Subject:** 4 & 6 Tanner Circle

### Recommendation

That Submission **B-19/15SC** by 639468 Ontario Limited, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That approval be granted for all associated variances as requested in concurrent applications A-28/15 and A-29/15.
2. That the applicant be responsible for the cost of locating the sewer (storm and sanitary) and water laterals servicing the existing building on Part 1. The sewer (storm & sanitary) and water service for Part 1 must be independent and not cross an adjacent property line. If either or both sewer and water services servicing part 1 cross onto the other parts, separate services must be installed to the satisfaction of the City Engineer.
3. That 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 the 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.

That Submission **A-28/15** by 639468 Ontario Limited, as outlined in the Notice of Hearing, be approved.

That Submission **A-29/15** by 639468 Ontario Limited, as outlined in the Notice of Hearing, be approved.

### Summary

The purpose of these applications is to facilitate the development a 12 unit private road townhouse complex. The applicant proposes to sever the rear portion of 4 Tanner



Circle (Part 2 on the sketch provided) and merge it with the adjacent property to the north, 6 Tanner Circle (Part 3 on the sketch provided) to facilitate the development of a 12 unit condominium townhouse development. The existing dwelling on 6 Tanner Circle would be demolished to make way for the proposed development. The existing dwelling at 4 Tanner Circle (Part 1 on the sketch provided) would be retained for continued single detached residential use.

Variances to the Zoning By-law requirements are required to recognize the size of the lot to be retained for 4 Tanner Circle (Part 1) and the proposed rear yard setback from the dwelling to the proposed easterly rear lot line. The Zoning By-law establishes a maximum lot size of 490 sq. m and a minimum rear yard setback of 7.5 metres. The proposed size of the lot at 4 Tanner Circle (Part 1) is 664 sq. m. and the rear yard setback is 6.1 metres.

A variance is also required for the proposed merged parcel of land at 6 Tanner Circle (Part 2 and 3 on the sketch provided) to reduce the minimum permitted density for development that is allowed in the Zoning By-law. The Zoning By-law requires a minimum density of 20 units per hectare. The proposed 12 unit townhouse development on Parts 2 and 3 on the sketch provided equates to a density of 16.44 units per hectare.

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 maintains the intent and purpose of the Garden City Plan and Zoning By-law, and supports a desirable and appropriate use of the land.

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 east side of Tanner Circle, north of Lakeshore Road. The property is abutted by single detached dwellings to the north, south, east and west. Spring Garden Creek runs along the north side of the property.

#### **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 12 unit private road townhouse development, at a density of 20 to 32 units per hectare.

## **Report**

On June 4, 2014 the Committee approved a consent to sever off a rear portion of 2 King's Grant Court to merge with 4 Tanner Circle, which now forms part of what is described as Part 2 on the sketch provided. This was a precursor to what is now being proposed to merge Part 2 and Part 3 on the sketch provided to facilitate a proposed townhouse complex. At that time of the previous consent application identified above, the applicant was proposing to develop an 18 unit townhouse complex on the subject lands.

Following staff's preliminary comments and public input on the proposed development at that time, the applicant has redesigned the site to address some of the concerns expressed. The new design has less density, with fewer units proposed (12 units), the size of the units have been enlarged, at approximately 280 square metres (3000 sq.ft.) each, and a 15 metre (50 ft.) defined development and vegetative buffer has been established to protect and preserve Spring Garden Creek. Other issues with respect to drainage, site servicing, grading and landscaping have been identified, and are to be addressed through the site plan stage of the development process.

## **Consent**

The consent supports the intensification and infill policies established in the Garden City Plan to provide for the efficient use of land in a manner that supports context sensitive development design. The new lot (Part 2 and 3 on the sketch provided) meets all of the lot area requirements of the zoning by-law requirements for private road development. The existing dwelling at 4 Tanner Circle (Part 1) would remain, being severed from the lot proposed for the townhouse development. This will lower the visual impact that the development may have on Tanner Circle, and would serve to maintain existing streetscape character.

Staff supports the granting of the consent.

## **Minor Variance 1– Rear yard setback and lot size**

The applicant is requesting a variance for the rear yard setback of the dwelling located on 4 Tanner Circle (Part 1 on the sketch provided) from 7.5 metres to 6.1 metres. The decrease is minor in nature, maintains adequate amenity space on the lot ( Part 1) and an appropriate buffer from the existing dwelling to the proposed development on the lands to the east on Part 2.

A variance is also required to recognize the new lot size for 4 Tanner Circle (Part 1) as a result of the consent application. The maximum lot area requirement of the Zoning By-law for a single detached dwelling is 490 square metres. As a result of the proposed boundary adjustment, the proposed new lot size for 4 Tanner Circle (Part 1) is 664

square metres. Lot sizes in the neighbourhood are generally oversized in relation to zoning by-law requirements. The variance would bring the lot closer to conformity with the zoning by-law regulations, maintain existing neighbourhood character, is minor in nature, and facilitates the appropriate use of the land. Staff support the granting of variances for 4 Tanner Circle (Part 1)

### **Minor Variance 2 - Density**

The applicant is requesting a density reduction from 20 units per hectare to 16.44 units per hectare to facilitate the proposed townhouse development on Part 2 and 3 on the sketch provided. The requested decrease in density is appropriate and desirable given the lot configuration and related constraints to development, and will result in context design that is sensitive to the surrounding neighbourhood.

This subject property (Part 2 and 3) is quite unique. It has an irregular shape and lot configuration, an inconsistent and varied topography, several easements running through the property in which building thereon is not permitted, and the NPCA requires a 15 metre landscape and vegetative buffer zone from Spring Garden Creek to adequately buffer and protect the Creek from any potential negative development impacts. With the combination of these constraints, meeting the density requirements established in the GCP and zoning by-law would be problematic, and likely result in a poorer design of development.

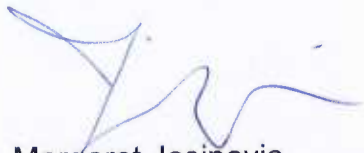
The reduction in density is in keeping with the intent and purpose of the GCP's policies to provide for integrated and context sensitive intensification and infill. Part D, Section 7.1 speaks to the multiple factors that need to be considered to support the integration of development, including adequacy of lot size, built form, scale, massing, setbacks, protection of natural heritage, minimizing adverse impacts to adjacent properties, and treatment of existing topographic and vegetative features, and landscapes.

The reduction in density supports the GCP's growth principles towards the efficient, compatible, and context sensitive integration of intensification and infill development within the established built environment. Staff support the variance for a reduction in permitted density.

## **Conclusion**

In summary, it is the opinion of staff that the proposed consent and variances are in keeping with the intent and purpose of the Garden City Plan and the zoning by-law, and will result in the appropriate and desirable use of the land. Staff support the granting of the consent and variances, subject to the conditions outlined in the Recommendation.

**Prepared by:**



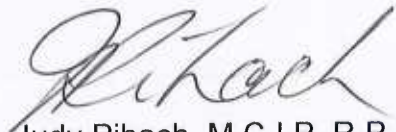
Margaret Josipovic  
Development Agreement Coordinator

**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 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-28/15, A-29/15 and B-19/15SC  
4 and 6 Tanner Circle, St. Catharines  
Related Site Plan **14 110382 000 00 SP**

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

These applications have been made to permit the conveyance of 2,869 m<sup>2</sup> of land (Part 2) to be added to the abutting westerly parcel known as 6 Tanner Circle (Part 3). A 664 m<sup>2</sup> remnant parcel (Part 1) with the existing single detached dwelling will be retained. The variances are for an increase of the maximum lot area from 490 m<sup>2</sup> to 664 m<sup>2</sup> and reduction of minimum rear yard setback from 7.5 metres to 6.1 metres at 4 Tanner Circle (A-28/15) and a reduction of the density per Ha from 20 units/Ha to 16.44 units/Ha at 6 Tanner Circle (A-29/15).

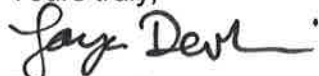
The subject properties are located adjacent to Spring Garden Creek and is impacted by the floodplain associated with the Creek. As such, the properties are subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

The variances of the subject application are requested for the proposed construction of a future townhouse condominium development. The NPCA has recently (November 6, 2014) reviewed the proposed 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, Senior Development Planner, Niagara Region

# 4 Tanner Circle, 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.

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## Legend

- Regulated Floodplain Extent
  - Advisory (CWR)
  - Regulated
- Reaches Draining 125ha Requ
- Road Edges 2002
- RMN Streets Labels
- RMN Assessment Parcels
- Fish Habitat Reaches
- Fish Habitat Areas
  - 'Critical' Type 1
  - 'Important' Type 2
  - 'Marginal' Type 3
- NHS - Fish Habitat
  - 'Critical' Type 1
  - 'Important' Type 2
  - 'Marginal' Type 3
- 2K HydroPoly
- 2K Hydrography
- Contours - 1m Region 2002
- Contours - 1m Watershed 2002
- NPCA Watershed Municipality
- 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

10/23/2014



## Notes

Site Plan Approval

## **Munro, Elaine**

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**To:** Seeboruth, Rattan  
**Subject:** RE: CofA Application - 4 & 6 Tanner Circle

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**From:** Seeboruth, Rattan [<mailto:Rattan.Seeboruth@niagararegion.ca>]  
**Sent:** Thursday, March 19, 2015 2:52 PM  
**To:** Munro, Elaine  
**Cc:** Busnello, Pat  
**Subject:** RE: CofA Application - 4 & 6 Tanner Circle

Hi Elaine,

The Region has no comments concerning this consent application.  
We will be sending our comments for any future site plan application.

Thank you and have a great day.

**Rattan Seeboruth, P.Eng.**

Development Approvals Technician  
Planning and Development Services, Niagara Region  
Phone: (905) 685- 4225 ext. 3264 Toll-free 1-800-263-7215





CITY OF  
ST. CATHARINES

## Technical Report

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

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

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

**Submission(s):** A-30/15

**File:** 60.81.4968

**Subject:** 127 Vine Street South

### Recommendation

That Submission **A-30/15** by 2113065 Ontario Inc., as outlined in the Notice of Hearing, be approved.

### Summary

The application requests an extension of a legal non-conforming use to recognize a building addition that was constructed to enlarge the existing machine shop plant.

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, upon approval of the Committee of Adjustment.

Staff recommends the granting of the requested extension of the legal non-conforming use.

### Background

#### Planning Context

##### Location

The subject property is located on the west side of Vine Street South, south of Welland Avenue. The property is abutted by residential uses to the north and south, commercial uses to the west and industrial uses to the east.

##### Official Plan

The Garden City Plan designates the land as Mixed Use, which permits a variety of commercial and residential uses.

##### Zoning By-law

The subject land is zoned Medium Density Mixed Use (M1-H1) pursuant to By-law 2013-283, which permits a variety of residential and commercial uses, however does not permit the current machine shop plant. The machine shop, except for a small



addition (39 sq.m.) which is the subject of this application, legally existed prior to December 16, 2013, the date of the adoption of the City's Zoning By-law 2013-283, and is accordingly a permitted use.

## **Report**

Permission is requested to extend the non-conforming use by permitting an addition to the machine shop plant. The existing use is non-conforming because it is not permitted in the current Medium Density Mixed Use (M1) zone. According to the applicant, the machine shop plant has existed on the subject lands since 1944. Although the current use is not permitted by the zoning by-law, staff is satisfied that the use is legal non-conforming, and that the building addition is appropriate given the subject lands' history and existing use of the property.

The building addition is small, representing approximately 4% of the total building gross floor area on the property, is located to the interior of the property, and should not have any adverse land use impacts on adjacent properties or the surrounding area.

## **Conclusion**

In summary, Staff is satisfied that the use of the property is legal non-conforming, the building addition is a minor extension of the existing use, and should have no adverse impacts on surrounding properties. Staff supports the approval of an extension of the legal non-conforming use on the property to permit the building addition.

### **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:** A-31/15

**File:** 60.81.4952

**Subject:** 360 St. Paul Street

### Recommendation

That variances 1 and 2 in Submission **A-33/15** by Brian O'Neill, Trish O'Neill, Jeremy Hardy & Cecilia Hardy, as outlined in the Notice of Hearing, be approved.

That variance 3, as outlined in the Notice of Hearing, be denied and that the following be approved:

1. That the maximum building height shall be 12.5 metres at the street edge, and that dormers, having a maximum combined width of 6.5 metres, and windows with a minimum combined width of 5.0 metres, shall be permitted to exceed the 12.5 metre height limit at the street edge, up to 15.0 metres in height from grade; and
2. That each floor below 12.5 metres in height shall have street-facing window openings with a minimum combined width of 5.0 metres.

### 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 is of the opinion 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 would be maintained. Staff recommends approval of the requested variances, with conditions.

### Background

A previous application for minor variance (A-14/15) for the purpose of constructing a two-storey addition was considered by the Committee at their meeting of February 18, 2015. This application was denied by the Committee.

#### 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.

The Garden City Plan (GCP) provides criteria with which to evaluate development and redevelopment. 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 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 and states that "excellence in design will be encouraged through urban design guidelines and regulations regarding building architecture and form" (11.d). The Council-approved 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 should be between two and three storeys in height along St. Paul Street, with any upper floors (above the third storey) setback and terraced. The Guidelines also describe appropriate design details for this area, including materials, massing, storefronts 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 addition would result in a building that appears to be approximately three storeys along the street edge, with the ground floor partly below grade and the fifth floor primarily contained within a sloped roof structure. While taller than typical buildings in the surrounding area, the proposed addition reflects a building form that is generally in keeping with the intended three-storey height limit envisioned for this area. The proposed addition would be approximately 12.1 metres tall along the street edge, with a roof that then slopes back at a 45-degree angle. A large roof dormer would project beyond the 12.1 metre height for a portion of the building.

In order to improve compatibility and maintain the purpose and intent of the Official Plan through implementation of the Downtown Urban Design Guidelines, it is recommended that the proposed addition be subject to additional design requirements. The Downtown Urban Design Guidelines describe that upper floor windows should be organized with a consistent rhythm that reflects the major ground floor openings. The new windows on the upper floors will need to be enlarged to match the width of the lower floor openings, and occupy at least 5.0 metres of the façade width. It is also recommended that the width of the dormer be limited to a maximum width of 6.5 metres, which would also reflect the width of the existing windows on the lower floors. This approach should diminish the impact of the increased height, improving compatibility with the established streetscape.


Variances are also requested to permit a reduction in the minimum building facade width from 90% of the frontage to 82.8% and a reduction in the proportion of ground floor openings from 60% surface area to 48%. Both of these variances recognize an existing condition and Staff have no concerns.

The applicant should be aware that a building permit is required for the proposed addition. Staff also note that the proposed design includes several windows on the side of the building that are located on, or very close to, the property line. The applicant will need to satisfy the City's Chief Building Official that the proposed building meets the requirements of the Building Code with respect to unprotected openings.

## **Conclusion**

It is the opinion of Staff that the proposed height increase and variances to recognize the existing façade width and proportion of ground floor openings are relatively minor, are desirable for the appropriate development of the lands, and maintain the general intent of the Official Plan and the Zoning By-law. It is the opinion of Staff that the variances should be approved, as outlined in the recommendation.

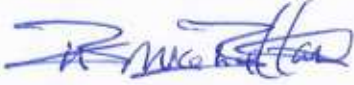
**Prepared by:**





Scott Ritchie  
Urban Design Planner

**Submitted by:**



Bruce Bellows  
Planner I (Policy)

**Approved by:**



Judy Pihach  
Manager, Planning Services



CITY OF  
ST. CATHARINES

## Technical Report

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**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

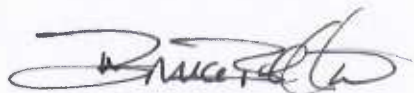
In summary, staff is satisfied that the variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of staff that the variances be granted.

### 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**

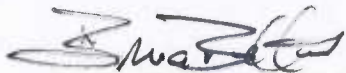
In summary, Staff is satisfied that the variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the variances should be granted, subject to the conditions outlined in the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