

Committee of Adjustment Public Hearing
Wednesday, April 22, 2015
Council Chambers, City Hall - 5:00 p.m.

Agenda

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment

14-16 Wood Street, Minor Variance Application, A-66/14, 60.81.4927

A request by the Owner has been received to withdraw Minor Variance Application A-66/14 for 14-16 Wood Street as it is no longer required. The application was deferred for a maximum of 6 months at the November 19, 2014 Hearing.

5. Adoption of the Minutes held on April 1, 2015
6. Application:
 - 1) 259 St. Paul Street - Consent Application – B-20/15SC – 60.84.1982
259 St. Paul Street – Minor Variance Application – A-38/15 – 60.81.4976
55 Carlisle Street – Minor Variance Application – A-34/15 – 60.81.4972
 - 2) 423 - 425 Glendale Avenue – Minor Variance Application – A-35/15 – 60.81.4973
 - 3) 36 Dundonald Street – Minor Variance Application – A-36/15 – 60.81.4974
Request to waive Minor Variance application fees.
7. New Business
8. Date of next Site Tour and Public Hearing is May 13, 2015
9. Adjournment



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 15, 2015

Date of Meeting: April 22, 2015

Submission(s): B-20/15SC
A-35/15
A-38/15

File: 60.84.1982
60.81.4972
60.81.4976

Subject: 259 St. Paul St. and 55 Carlisle St.

Recommendation

That Submission **B-20/15SC** by 1788727 Ontario Ltd., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. The applicant will be responsible for the cost of locating all sewer (storm and sanitary) and water laterals servicing the existing building on Part 1. The sewer (storm and sanitary) and water service for Part 1 must be independent and not cross any adjacent property lines. If either or both sewer and water services servicing Part 1 are identified as shared or are dependent on other properties, separate services must be installed to the satisfaction of the City Engineer, prior to the severance being granted.
2. That final approval for all necessary minor variance applications be received.

And That Submissions **A-35/15** and **A-38/15** by 1788727 Ontario Ltd, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of these applications is to divide the existing lot into two parcels; one lot for the Leonard Hotel; and the other for the existing one storey building, 55 Carlisle Street and existing parking lot. Concurrent Minor Variance applications A-34/15 and A-38/15 will recognize the existing buildings and facilitate the concurrent consent application. No new construction is proposed at this time.

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

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

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

Background

Planning Context

Location

The subject property is located on the south-west corner of St. Paul Street and Carlisle Street. The property is abutted by a range of commercial, office and residential uses, including a municipal parking lot the west, a mixed commercial-residential building to the south-west, the performing arts centre to the south-east, and mix of office, retail, and residential uses to the north.

Official Plan

Schedule D1, General Land Use Plan, of the Garden City Plan designates the land as Downtown. Schedule E10 provides addition direction for the Downtown District and designated the subject lands as Commercial Core, permitting a range of retail, service commercial, institutional, education, civic, government, office, finance, indoor recreation, creative cultural uses, hospitality, restaurants, entertainment, and residential apartment uses.

Zoning By-law

The subject land is zoned Downtown Traditional Main Street (C6) pursuant to By-law 2013-283, which permits a variety of commercial uses including the existing hotel and commercial use. Special Provision 92 exempts the site for the parking requirements of the By-law.

Report

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

Consent

The consent will allow the two existing buildings to be owned separately. As no new development is proposed at this time, no impacts are anticipated as a result of the consent application. Staff note the proposed lots meet the minimum lot requirements of Zoning By-law 2013-283 and future re-development, particularly on Part 2 would not be inhibited in the future as a result of the requested consent.

Variances

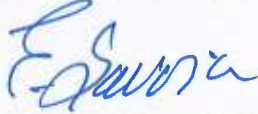
The requested variances are required to recognize the existing buildings on Parts 1 and 2. No new development is proposed at this time. As these conditions are existing, and have established compatibility with the surrounding area, staff offer no concerns or objections with respect to the requested variances.

Conclusion

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

**Prepared and
Submitted by:**

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

Approved by:

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

Munro, Elaine

From: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>
Sent: Monday, April 13, 2015 9:50 AM
To: Munro, Elaine
Cc: Rudra, Malvika (MTO); Singh, Christian (MTO)
Subject: RE: 259 St. Paul Street (B-20/15SC)

Hello Ms. Munro,

RE: 259 St. Paul Street, St. Catharines
B-20/15SC
File No. 60.84.1982
Submission No. B-20/15SC

After review, please be advised that the Ministry of Transportation has no objections to the severance application B-20/15SC and minor variance applications A-34/15 and A-38/15, for the land (Part 1 on the submitted sketch) containing the existing 6-storey hotel, commercial and apartment building (Leonard Hotel) creating a new lot to be known as 259 St. Paul Street. Please inform the applicants that the subject properties though are within MTO's permit control area, so any changes will require Building and Land Use Permits. Information regarding the application process, forms and the policy can be found at the link:

<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>

Please do not hesitate to contact me if you have any further questions.

Respectfully,

Paul Nunes
Corridor Management Officer
Ministry of Transportation
1201 Wilson Ave., 7th Floor
Toronto, ON., M3M 1J8
Tel: (416) 235 5559
Email: Paul.Nunes@ontario.ca



Ontario

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CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 15, 2015

Date of Meeting: April 22, 2015

Submission(s): A-35/15

File: 60.81.4973

Subject: 423-425 Glendale Avenue

Recommendation

That Variances 1-3 in Submission **A-35/15** by Clark Machine Co Ltd., as outlined in the Notice of Hearing, be approved.

Summary

The purpose of this application is to facilitate the expansion of the new driveway and parking area to accommodate the proposed new building addition and to recognize the location of the existing industrial building.

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.

Background

Planning Context

Location

The subject property is located on the north side of Glendale Avenue, west of Wembly Drive. The property is abutted by industrial uses to the west and south, with vacant industrial land to the east and a hydro corridor and municipal parkland to the north.

Official Plan

The Schedule D1 of the Garden City Plan designates the land as Employment. Schedule E9 of the Garden City Plan further designates the lands as General Employment. This designation permits a full range of industrial operations.

Zoning By-law

The subject land is zoned General Commercial (E2) pursuant to By-law 2013-283, which permits both light and heavy industrial uses.

Report

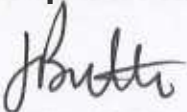
The purpose of this application is to facilitate the expansion of the new driveway and parking area to accommodate the proposed new building addition and to recognize the location of the existing industrial building. Variance 1 is requested for a reduction in the landscape buffer between the edge of a parking area and an interior lot line along the east side of the property from 3.0m to 0m. This reduction will facilitate access to the site once the new addition is constructed. This area is not currently landscaped and is comprised of a gravel yard and overgrown yard space. Staff note that the zoning by-law additionally requires a 3.0 landscape strip along the front of the property, which the applicant is proposing to maintain. As the adjacent vacant property is zoned for compatible employment uses, no impacts are anticipated as a result of this variance.

Variance 2 and 3 are requested for a reduction in the minimum yard abutting a Green Space zone from 15 meters to 7.7 meters and a reduction in the minimum width of a landscape buffer abutting a Green Space zone from 7.5m to 3m. This adjacent greenspace forms part of a hydro corridor and is identified through the Garden City Plan as a future trail location. Staff offer no concerns with respect to these variances as they reflect the current site conditions and will not negatively impact the current or future use of the greenspace.

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 and Submitted by:



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

Approved by:



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

VIA E-MAIL ONLY

April 15, 2015

Our File: MV-15-016

Elaine Munro, ACST
Secretary-Treasurer
Committee of Adjustment
City of St. Catharines
50 Church Street, ON L2R7C2

Dear Ms. Munro,

Re. Application for Minor Variance

Applicant: Clark Machine Co. Ltd

Proposal: (1) A reduction of the landscape buffer along east side of property line not abutting a public road from 3 metres to 0 metres.

(2) A reduction of the minimum yard abutting Green Space Zone from 15 metres to 7.7 metres.

(3) A reduction of the minimum width of landscape buffer abutting Green Space Zone from 7.5 metres to 3 metres.

Location: 423-425 Glendale Avenue

City of St Catharines

City File: 60.81.4973

Niagara Region Development Services Division has completed a review of information circulated for the above-noted minor variances and has no objection to the approval of this application. Development Services staff provides the following comments regarding Regional interests to be addressed through the minor variance or at the site plan stage.

Regional Permit Requirements

An Entrance Permit(s) will be required for any proposed entranceways from Glendale Avenue. Prior to any construction taking place within a Regional Road Allowance, a Regional Construction Encroachment and/or Entrance Permit must be obtained from the Permits Section of the Transportation Services Division, Public Works Department.

In summary Regional Development Services staff has no objection to the approval of this application. Please contact me (ext. 3264) or Pat Busnello, Senior Development Planner (ext. 3379) if you have any questions or wish to discuss these comments.

Please forward a copy of the Committee's decision for our records.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Seeboruth", with a horizontal line underneath the name.

Rattan Seeboruth, P. Eng.
Development Approvals Technician

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c. Pat Busnello, MCIP, RPP, Senior planner, Development Services Division
Mark Slade, Permits, Municipal Law Enforcement Officer, Transportation Systems



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 15, 2015

Date of Meeting: April 22, 2015

Submission(s): A-36/15

File: 60.81.4974

Subject: 36 Dundonald Street

Recommendation

That Submission **A-36/15** by Steven Huisman and Jennifer Huisman, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of this application is to reduce the required front yard setback to the garage for a proposed single detached dwelling with an attached garage.

Having regard for the matters under subsection 45 (1) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The variance is desirable for the appropriate use of the land and is minor in nature.

Staff recommends granting the requested variance.

Background

On January 7, 2015, applications **B-04/15SC**, **A-07/15**, and **A-05/15** were considered by the Committee of Adjustment to facilitate the creation of a new lot, which is the subject of this application. Application **A-05/15**, variances for the subject lot, was approved in part. The minimum required front yard setback to the dwelling and the minimum required rear yard setback were reduced. Staff did not support the requested variance to reduce the minimum required front yard setback to the garage to 5.2 metres because the variance would not uphold urban design and streetscape principles. Further, the resulting reduction in driveway length would cause a vehicle parked in the driveway to overhang onto the adjacent right of way.

Planning Context

Location

The subject property is located on the west side of Dundonald Street. The property is abutted by single detached dwellings to the north, south and west, and semi-detached dwellings to the east.

Official Plan

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

Zoning By-law

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

Report

The proposed variance is for a reduction of the minimum required front yard setback to the garage. The general land use policies in Section 7 of the GCP focus on site and streetscape context sensitive design, to ensure that building form and setbacks are compatible with adjacent buildings and the surrounding neighbourhood. This proposed reduction of the front yard setback to the garage maintains the streetscape and character of the surrounding neighbourhood. The requested variance conforms to the policies of the GCP.

The purpose of this zoning requirement is to ensure that a garage is recessed behind the street facing façade of the dwelling, and to prevent overhang of vehicles parked in the driveway onto the adjacent sidewalk or public right of way. This promotes a streetscape in which garages are not the dominant feature, and ensures the public right of way is not blocked.

The proposed variance will permit the garage to be located 1.3 metres further from the street than the dwelling. The proposed reduction would result in a driveway length that would accommodate the length of most vehicles while maintaining good urban design principles and an appropriate streetscape. Approval of this application would maintain the intent of the zoning provisions.

The requested variance is desirable for the appropriate development of the land for a single detached dwelling with an attached garage.

Staff is satisfied that due regard has been had for subsection 45 (1) of the Planning Act.

Please be advised a permit is required for the proposed single detached dwelling.

Conclusion

Staff is satisfied that the proposed variance permits a building envelope that is compatible with the surrounding neighbourhood and suitable for the proposed single detached dwelling. The resulting streetscape will reflect the City's urban design principles. The proposal is desirable for the appropriate development of the land, meets

the intent of the Official Plan and Zoning By-law, and thus is minor in nature. Due regard has been had to the criteria under subsection 45 (1) of the Planning Act. It is the opinion of Staff that the variance should be granted.

Prepared by:



Sara Rogers, Planning Technician

Submitted by:

Planner†

Approved by:



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