

Committee of Adjustment Public Hearing
Thursday, June 4, 2015
Council Chambers, City Hall - 5:00 p.m.

Agenda

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment
5. Adoption of the Minutes held May 13, 2015
6. Application:

- 1) 1 Wellington Street, Minor Variance Application – A-50/14 – 60.81.4911
- 2) 66 Elderwood Drive, Minor Variance Application – A-43/15 – 60.81.4981
- 3) 56 Henley Drive, Minor Variance Application – A-44/15 – 60.81.4982

*NOTE: The Planning Report for 1 Wellington Street is not available at this time.
Please email the Secretary-Treasurer a request and the report will be forwarded to you
when available.

7. New Business
8. Date of next Public Hearing is June 24, 2015
9. Adjournment



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 29, 2015

Date of Meeting: June 4, 2015

Submission(s): A-43/15

File: 60.81.4981

Subject: 66 Elderwood Drive

Recommendation

That the variance requested in Submission A-43/15 by Gary Abrahams, for an increase in the maximum floor area of an interior accessory dwelling unit from 60 m² or 40% of the floor area of the building, excluding an attached garage, whichever is less, to 63.87 m² or 42%, be approved, subject to the following condition:

1. That the existing shed, which is currently located in the exterior side yard, be moved such that it complies with the Zoning By-law.

That the additional variance outlined in this report, but absent from the Notice of Hearing for Submission A-43/15 by Gary Abrahams, for an increase in the maximum lot area from 490m² to 510 m², be approved.

Summary

The purpose of this application is to facilitate the proposed renovation of an existing interior accessory dwelling unit that was established without a permit.

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that the variance 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 that the variance be granted.

Background

Planning Context

Location

The subject property is located on the northwest corner of Elderwood Drive and Farmington Drive. The property is surrounded on all sides by detached dwellings.

Official Plan

The Garden City Plan designates the property as Low Density Residential, permitting detached, semi-detached, duplex, triplex, fourplex, and townhouse dwellings which at a density range generally between 20 to 32 units per hectare.

Zoning By-law

The subject lands are zoned Low Density Residential - Suburban Neighbourhood (R1) pursuant to By-law 2013-283. The R1 zone permits detached, semi-detached, quadruplex, and townhouse dwellings. The General Provisions (2.2) of the Zoning By-law permits one interior accessory dwelling unit in any detached dwelling, provided that the accessory unit is entirely within the exterior walls of the principle building, that the floor area of the accessory unit does not exceed 60m² or 40% of the floor area of the building, whichever is less, and that the lot complies with all other provisions of the By-law.

Report

The purpose of this application is to facilitate the proposed renovation of an existing interior accessory dwelling unit that was established without a permit. The variance requested would permit an increase in the maximum floor area of an interior accessory dwelling unit from 60 m² or 40% of the floor area of the building, excluding the attached garage, whichever is less, to 63.87 m² or 42%.

The Garden City Plan supports a full range of housing types, forms, and opportunities to provide accessible, affordable, adequate, and appropriate housing for all socio-economic groups. The proposal meets the intent and purpose of the Official Plan and Zoning By-law. Staff are satisfied that the requested variance is minor in nature and is appropriate and desirable for the use of the land and structure.

As indicated above, interior accessory dwelling units are only permitted where the lot complies with all other provisions of the Zoning By-law. Staff note that the existing shed on the property, as identified on the sketch submitted by the applicant, does not comply with Section 2.1 of the By-law, which prohibits the location of accessory structures in the required front or exterior side yards. Staff recommends that, as a condition of approval, the applicant be required to relocate the existing shed so that it complies with the provisions of the By-law.

Further, the R1 provisions require that lot size for a detached dwelling must not exceed 490 m², while the subject property is 510 m². In order to comply with the Zoning By-law provisions relating to interior accessory dwelling units, an additional variance is necessary to recognize the existing lot area. This variance was not identified in the Notice of Hearing. As an existing condition consistent with other lots in the neighbourhood, staff are supportive of this 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 condition outlined in the recommendation.

Prepared and Submitted by:



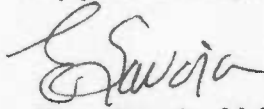
Charlotte McEwan
Planning Student

Reviewed by:



Amanda Knutson
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: Friday, May 22, 2015 12:49 PM
To: Munro, Elaine
Subject: RE: Minor Variance Application - 66 Elderwood Dr., St. Catharines - June 4/15 CofA Hearing

Hello Elaine,

Re: 66 Elderwood Dr., St. Catharines
File No. 60.81.4981
Submission No. A-43/15

After review, please be advised that the Ministry of Transportation has no objection to the proposed minor variance, and an MTO Building and Land Use permit will **not** be required because the subject property is not within the MTO's permit control area for Hwy 406. As per the MTO's Building and Land Use Policy, specifically Section 38(2), the proposed structure is **not** within 45 metres of any limit of the Controlled-Access Highway (Hwy 406) or upon or within 395 meters of the center point of a Controlled-Access Highway Intersection (Hwy 406 & Martindale Road).

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

From: Munro, Elaine [<mailto:emunro@stcatharines.ca>]
Sent: May-21-15 3:31 PM
To: Nunes, Paul (MTO)
Subject: Minor Variance Application - 66 Elderwood Dr., St. Catharines - June 4/15 CofA Hearing

Good Afternoon Mr. Nunes:

Attached please find the minor variance application for 66 Elderwood Dr. in St. Catharines, ON which will be heard at the June 4, 2015 Committee of Adjustment Hearing.

Please note that I will be forwarding you another application tomorrow for your review.

If you have any questions, please don't hesitate to contact me.

Wishing you a great afternoon/evening.

Thanks,

Elaine Munro ACST

Committee Secretary & Planning Clerk

Email: emunro@stcatharines.ca **Visit:** www.stcatharines.ca

Phone: 905.688.5601 x1715 **TTY:** 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



City of St. Catharines Confidentiality Notice

The information contained in this communication, including any attachments, may be confidential, is intended only for the use of the recipient(s) named above and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution, disclosure or copying of this communication or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system.

Click [here](#) to report this email as spam.



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 29, 2015

Date of Meeting: June 4, 2015

Submission(s): A-44/15

File: 60.81.4982

Subject: 56 Henley Drive

Recommendation

That Variance 1 for a reduction in minimum lot frontage per dwelling unit from 8.0 metres to 6.8 metres for units 2 and 3, as outlined in the Notice of Hearing for Submission **A-44/15** by Shane Webber, be approved, subject to the following condition:

1. that all garages be recessed at least 0.5 metres behind the front wall of each dwelling unit, as shown on the plan.

That Variance 2 for an increase in maximum driveway width from 50% to 56% of lot frontage, as outlined in the Notice of Hearing for Submission **A-44/15** by Shane Webber, be denied.

Summary

The purpose of this application is to facilitate the proposed construction of four townhouse dwellings.

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that Variance 1 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 is not, however, satisfied that Variance 2 maintains the intent and purpose of the Official Plan and Zoning By-law.

Staff recommends that Variance 1 be granted, subject to the condition outlined in the recommendation, and that Variance 2 be denied.

Background

Planning Context

Location

The subject property is located on the west side of the bend on Henley Drive, west of Ontario Street, and backing on to Martindale Pond. Detached dwellings are located to the north, east and south. The QEW is located further south.

Official Plan

The Garden City Plan designates the easterly portion of the property as Low Density Residential, which permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare. The westerly portion of the property is designated Natural Area, which identifies and protects the natural hazard lands associated with Martindale Pond located immediately west of the subject lands.

Zoning By-law

The easterly portion of the subject lands is zoned Low Density Residential – Suburban Neighbourhood (R1) pursuant to By-law 2013-283, which permits detached, semi-detached, quadruplex, and townhouse dwellings. The westerly portion of the property is zoned Conservation/Natural Area (G1), which permits trails, boat ramps, picnic areas and shelters, and essential operations for service infrastructure and utilities.

Report

The purpose of this application is to facilitate the proposed construction of four townhouse dwellings. Variance 1 requests a reduction of minimum lot frontage per dwelling unit from 8.0 metres to 6.8 metres for units 2 and 3. A reduction in lot frontage can result in an imposing front façade, particularly when the garage is flush with the remainder of the dwelling. Staff are supportive of the reduction of minimum lot frontage per dwelling unit, provided that, as a condition of approval, all garages be recessed at least 0.5 metres behind the front wall of each dwelling unit, as shown on the plan.

Variance 2 is requested to permit an increase in maximum driveway width from 50% to 56% of lot frontage. Staff are not supportive of this increase, as the variance does not meet the intent and purpose of the Official Plan. Section 5.4.5 of the Garden City Plan provides that residential parking be controlled through zoning which minimizes expansive parking areas in favour of greening initiatives. Given the narrow lot widths proposed, driveway widths should be kept to a minimum, in line with the Official Plan policies.

Conclusion

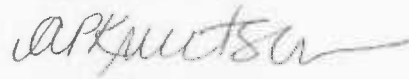
In summary, staff is satisfied that Variance 1 is appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff is not supportive of Variance 2. It is the opinion of staff that Variance 1 should be granted, subject to the condition outlined in the recommendation, and that Variance 2 should be denied.

Prepared and Submitted by:



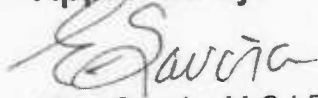
Charlotte McEwan
Planning Student

Approved by:



Amanda Knutson
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, May 25, 2015 11:19 AM
To: Munro, Elaine
Subject: RE: Minor Variance Application - 56 Henley Drive, St. Catharines

Hello Elaine,

Re: 56 Henley Drive
File No.: 60.81.4982
Submission No.: A-44/15

Further to your correspondence received May 22nd, the Ministry has reviewed the above noted application in accordance with the requirements under the Ministry's *Public Transportation and Highway Improvement Act*. We have no objection or concerns with the proposed variances.

Please advise the applicant that the Ministry of Transportation **will** require Building and Land Use Permits for the proposed townhouse development at 56 Henley Drive in St. Catharines, as the subject property is within the MTO's permit control area for the QEW. As per the MTO's Building and Land Use Policy, specifically Section 38(2), the proposed townhouse development is within 395 meters of the center point of a Controlled-Access Highway Intersection (QEW & Ontario Street). 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

From: Munro, Elaine [<mailto:emunro@stcatharines.ca>]
Sent: May-22-15 3:26 PM
To: Nunes, Paul (MTO)
Subject: Minor Variance Application - 56 Henley Drive, St. Catharines

Good Afternoon Mr. Nunes:

Attached please find the minor variance application for 56 Bayview Dr. in St. Catharines, ON

Committee of Adjustment Site Tour Agenda – June 4/15

Turn left onto James Street and right onto Wellington Street. **1 Wellington Street** on LHS.

Turn left onto Duke Street and head to Ontario Street. Go onto Hwy 406 and exit at Fourth Ave. Turn right onto Martindale, turn left at Elderwood. **66 Elderwood Drive** is on right hand corner from Farmington.

Return to Martindale. Turn left. Get onto QEW and get off at Ontario St. Turn left onto Ontario St. Turn left onto Henley Drive (2nd street) **56 Henley Drive** is on RHS at bend.

Return to City Hall.



June 1, 2015

File No. MPR 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-44/15
56 Henley Drive, St. Catharines

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

The subject application has been made for:

1. A reduction of minimum lot frontage from 8 metres to 6.8 metres for units 2 and 3.
2. An increase of the maximum driveway width from 50% to 56% of lot frontage.

Niagara Peninsula Conservation Authority Regulations:

The rear (western) portion of the subject property is impacted by a steep valley slope and Provincially Significant Wetland (PSW) associated with Martindale Pond. As such, this property would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

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.

A minimum 30 metre buffer is required from the PSW to all development and site alterations.

Martindale Pond has been identified by the Ministry of Natural Resources and Forestry (MNRF) as Type 1 (Critical) Fish Habitat. A development setback buffer of 30 metres measured from the edge of the watercourse is required for all new development.

For this particular situation, the subject variances are for minimum lot frontage and maximum driveway width. The lot frontages and driveways are located on the eastern portions of the property, outside of the regulated area associated with the valley slope, PSW and fish habitat.

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.

Regional Core Natural Heritage mapping identifies portions of the subject property as an Environmental Protection Area (EPA) associated with the PSW and Environmental Conservation Area (ECA) for a Significant Woodland and Valley Shoreline. In accordance with Policy 7.B.1.11, development is not permitted within an EPA. Development may be permitted within an ECA or adjacent to (within 50 metres) an ECA or EPA (within 120 metres) if it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage system or adjacent lands. The lot frontages and driveways are located on the eastern portions of the property, which is separated from the identified features by existing development on site. As such, the NPCA is satisfied that the subject variances will have no significant negative impact on the ECA and EPA features.

Conclusion:

Based on the above, the NPCA offers no objection to the subject variances which are to permit:


1. A reduction of minimum lot frontage from 8 metres to 6.8 metres for units 2 and 3.
2. An increase of the maximum driveway width from 50% to 56% of lot frontage.

Please note, at the Site Plan stage, the NPCA will require the submission of a Stormwater Management Report to address Quality controls to a normal standard.

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

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

Yours truly,

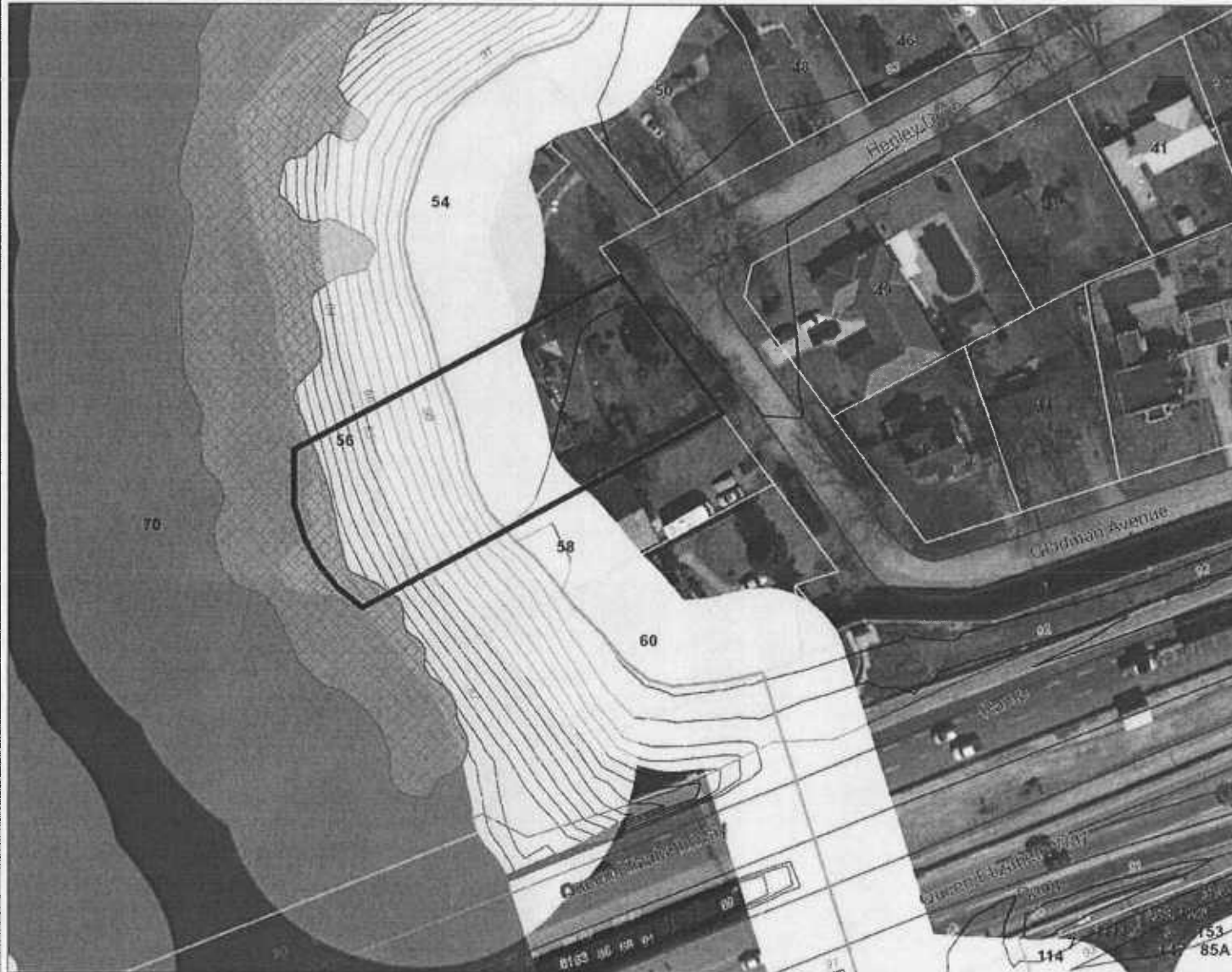
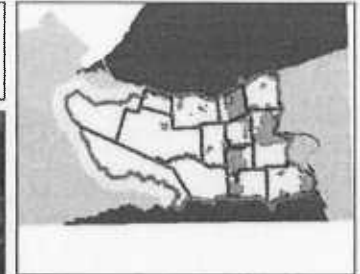


Taya Devlin

Planning Approvals Analyst (ext. 262)

Cc: Pat Busnello, Senior Development Planner, Niagara Region

56 Henley Drive, St. Catharines



Legend

- Top of Slope Features**
 - Stable
 - Unstable
- Top of Slope Allowance**
- OWES WETLANDS**
 - Non-Provincially Significant Wetland
 - Provincially Significant Wetland
- Regulation Wetlands**
- Wetland Allowance**
- Road Edges 2002**
- RMN Streets Labels**
- RMN Assessment Parcels**
- 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
 7/29/2014



Notes

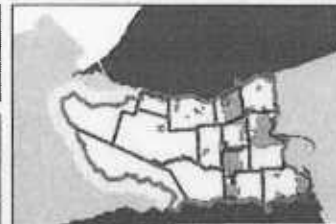
Pre-Consultation: Proposed Severance and Townhouses

0.1 0 0.03 0.1 Kilometers

©Niagara Region, NPCA, LIO, MPAC and Teranet

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.

56 Henley Drive, St. Catharines



Legend

- Road Edges 2002
- RMN Streets Labels
- RMN Assessment Parcels
- NHS - Fish Habitat
- EPA: Provincially Significant V
- ECA: Valley Shoreline Buffer
- ECA: Significant Woodlands
- 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

7/29/2014



Notes

Pre-Consultation: Proposed Severance and Townhouses

0.1 0 0.03 0.1 Kilometers

©Niagara Region, NPCA, LIO, MPAC and Teranet

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.



CITY OF
ST. CATHARINES

Committee of Adjustment Public Hearing
Wednesday, May 13, 2015
Council Chambers, City Hall - 5:00 p.m.

MINUTES

Attendance: Mike Sullivan, Chair
Bob Crawford, Vice Chair
Terri Otway, Member
Greg Redden, Member
Carol Disher, Member

Staff Liaison: Margaret Josipovic, Planner
Elaine Munro, Secretary-Treasurer

1. Chair Sullivan, called the hearing to order at 5:00 p.m.
2. Amendments/Additions to the Agenda:
Addition of New Business Item – Request for Confirmation of Correction for Minor Variance A-69/14.
3. Declarations of Interest:
4. Request for Withdrawal or Adjournment:
5. Adoption of the Minutes

It was then moved by: Member Disher,

That the minutes of the public hearing held April 22nd, 2015 be amended to state that Vice Chair Crawford called the meeting to order, copies have been distributed to all members, be accepted.

CARRIED

6. Applications:

Item No. 1

Applications for Consent and Minor Variances
50 and 52 Bayview Drive

Owner: Bradford Tessman (50 Bayview Drive)

Owner: Janine Hutchinson (52 Bayveiw Drive)

Agent: Joseph C McCallum

File Nos. 60.84.1984 (B-22/15SC), 60.81.4977 (A-39/15) and 60.81.4978 (A-40/15)

-2-

Elaine Munro, Secretary-Treasurer read all correspondence received.

Mr. McCallum, agent and Mr. Tessman, owner were present and had no further comments.

Mr. John Morrison and Mr. John Spanton came forward to speak on the matter. They did not have any concern with the consent however had several questions and concerns with the Right-of-Way (Lot 68), the house being built on Lot 12, the location of the embankment and the loss of their view of the lake.

It was then moved by: Member Otway,

That application B-22/15SC be approved as outlined in the Notice of Hearing subject to the conditions outlined in the Technical Planning report. The consent application is desirable for the appropriate use of the land, has regard to Section 51(24) of the Planning Act, conforms to the policies of the City's Official Plan and Zoning By-law and maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any applicable provincial plans.

CARRIED

And then moved by: Member Otway,

That application A-39/15 be approved as outlined in the Notice of Hearing. The variance is minor in nature, desirable for the appropriate use of the land and meets the intent and purpose of the City's Official Plan and Zoning By-law.

CARRIED

And then moved by: Member Otway,

That application A-40/15 be approved as outlined in the Notice of Hearing. The variances are minor in nature, desirable for the appropriate use of the land and meets the intent and purpose of the City's Official Plan and Zoning By-law.

CARRIED

The Chair advised that the applications were approved as stated.

Item No. 2

Application for Minor Variance

210 Martindale Road

Owner: 1834431 Ontario Inc.

Agent: J. Vida, Upper Canada Consultants

File No. 60.81.4980 (A-42/15)

-3-

Elaine Munro, Secretary-Treasurer read all correspondence received.

Ms. Vida, agent was present and had no further comments.

No members of the public came forward to speak on the matter.

It was then moved by: Member Redden,

That application A-42/15 be approved as outlined in the Notice of Hearing. The variances are minor in nature, are desirable for the appropriate use of the land and meets the intent and purpose of the City's Official Plan and Zoning By-law.

CARRIED

The Chair advised that the application was approved as stated.

4. New Business:

Application for Minor Variance
5 Richelieu Drive
Owners: John and Patricia Wiens
Submission No: A-69/14
File No. 60.81.4930

Background

On October 8, 2014, the Committee of Adjustment approved the request for a minor variance, application A-69/14, for a reduction of required minimum front yard setback from 7 metres to 0.92 metres for the lands at 5 Richelieu Drive for the proposed construction of an attached garage.

The owners have submitted a building permit and in reviewing the permit and the approved minor variance decision for application A-69/14, it was discovered that an error was made on the conversion of the applicant's request for a reduction of the required minimum front yard setback of 3 feet from 7.5 metres.

The variance should have been to 0.9144 metres instead of 0.92 metres.

Recommendation

The Committee is now requested to confirm a correction of the minor variance, as shown in the plan submitted with the application, in order to permit the construction of the proposed attached garage. This variance reflects the intent of the Committee's original decision, is minor in nature, is desirable for the appropriate development of the lands and meets the intent and purpose of the City's Official Plan and zoning by-law.

It was then moved by: Member Disher,

That the Committee confirm a correction to the conversion from 0.92 metres to 0.9144 metres. This variance reflects the intent of the Committee's original decision, is minor in nature, is desirable for the appropriate development of the lands and meets the intent and purpose of the City's Official Plan and zoning by-law.

CARRIED

The Chair advised that the correction to the decision be confirmed as stated.

5. Date of next Site Tour and Public Hearing

The Secretary-Treasurer advised the Committee that the next hearing of the Committee will be on June 4, 2015 and that there will be a site tour.

9. Adjournment

That the Committee of Adjustment hearing be adjourned at 6:03 p.m.

Chair Sullivan

Elaine Munro, Secretary-Treasurer