

Committee of Adjustment Public Hearing
Wednesday, June 24, 2015
Council Chambers, City Hall - 5:00 p.m.

Agenda

1. Secretary-Treasurer to call the Hearing to Order
2. Election of Committee Chair and Acting Chair
3. Appointment of Committee Secretary-Treasurer
4. Amendments/Additions to the Agenda
5. Declarations of Interest
6. Request for Withdrawal or Adjournment

Item # 3 - 52 Vine Street South, Minor Variance Application, A-46/15 – 60.81.4984

A written request to withdraw Minor Variance Application A-45/15 was received by the purchaser/agent as he has withdrawn the Offer to Purchase and no longer requires a minor variance. The agent will not be attending the June 24th Hearing.

7. Confirmation of the Hearing Minutes held June 4, 2015 & the Training Meeting Minutes held on June 18, 2015
8. Application:
 - * 1) 57 Lakeshore Road, Consent Application, B-21/15SC – 60.84.1983
57 Lakeshore Road, Minor Variance Application, A-37/15 – 60.81.4975
61 Lakeshore Road, Minor Variance Application, A-48/15 – 60.81.4986
 - 2) 51 Park Avenue, Consent Application, B-23/15SC – 60.84.1985
51 Park Avenue, Minor Variance Application, A-45/15 – 60.81.4983
 - 4) 425 Glendale Avenue, Minor Variance Application, A-47/15 – 60.81.4985
 - 5) 29B Vansickle Road, Minor Variance Application, A-49/15 – 60.81.4987
9. New Business
10. Date of next Public Hearing is July 16, 2015
11. Adjournment
 - * Planning Report will be available on Monday, June 23, 2015



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 15, 2015

Date of Meeting: June 24, 2015

Submission(s): B-23/15SC
A-45/15

File: 60.84.1985
60.81.4983

Subject: 51 Park Ave (43 Seymour Ave)

Recommendation

That Submission **B-23/15SC** by Kerry T. Howe, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That payment of 5% of the appraised value of the new lot (Part 1) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.
2. That the applicant submit a payment of \$420.00 for the placement of a boulevard tree, in accordance with the 2015 Schedule of Rates and Fees.
3. That the existing garage on Parts 1 and 2, be removed or relocated to the satisfaction of the Chief Building Official. A Permit to demolish the existing garage shall be obtained from the City Building Department and completed to the satisfaction of the Chief Building Official for the City of St. Catharines.
4. The Applicant shall pay to the City the fee for a Sanitary Lateral inspection of the existing home to determine it does not cross the new property lot boundary and out to Seymour Avenue. If it is determined that the existing home's sanitary lateral crosses the proposed lot boundary, the Applicant shall pay to the City the fee to provide a new lateral to Seymour Avenue for the existing home.

That Submission **A-45/15** by Kerry T. Howe, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of the applications is to enable the creation of a new lot for a single detached dwelling that will front the north side of Seymour Avenue.

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 maintains the intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans. The severance and variances are desirable for the appropriate use of the land.

Staff recommends the approval of the requested consent and the requested variances, subject to the conditions outlined in the recommendations.

Background

Planning Context

Location

The subject property is located on the corner of Park Avenue and Seymour Avenue. The property is abutted by single detached dwellings to the west, north, and east and Lion Dunc Schooley Pool and Community Park to the south.

Official Plan

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

Zoning By-law

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2) pursuant to By-law 2013-283, which permits a variety of residential dwelling types, including the proposed single detached dwelling.

Report

Section 8.2 of the GCP states that residential development, redevelopment and intensification will have regard for Part D, Section 7 of the GCP. Section 7 provides guidance on matters that shall be considered when evaluating intensification in existing neighbourhoods. It mentions that each development should be integrated compatibly with adjacent buildings, properties, and the surrounding neighbourhood, in respect to building form, setbacks, siting, and orientation. Adverse impacts on adjacent properties should be minimized in regard to access and circulation, parking, privacy, and views. Furthermore, it is stated that adequacy of lot size, access, on-site facilities, and outdoor amenity areas are to be maintained.

Consent for New Lot

The size and configuration of the proposed new lot (Part 1 on the submitted plan) allows for the construction of a dwelling that meets the requirements of the GCP. The new lot is appropriate for the use proposed, and maintains compatibility with the surrounding suburban residential neighbourhood. The severance allows infill which complies with all

provisions of the Zoning By-law. Overall, the proposed severance maintains the character of the surrounding area and is desirable for the neighbourhood.

Variances Proposed (Retained Lot)

Variance 1 requests an increase in maximum lot area per dwelling from 465 m² to 559.3 m² (Part 2 on the submitted plan). Staff notes that the current lot has an area per dwelling of 878.9 m². The proposed severance would bring the property closer to compliance with the Zoning By-law. While the density of the remnant parcel does not meet the minimum requirements of the Garden City Plan, policy 17.10.3 supports relaxing the minimum density standard when a consent maximizes the potential development of the subject lands, and will result in compatible and context sensitive lot design and development. Staff is satisfied that the variance 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.

Variance 2 requests a reduction in minimum rear yard setback from 6 metres to 4.92 metres. The zoning by-law defines the front lot line as the shortest lot line that abuts a street. The rear lot line opposes the front. The east lot line of the subject property is currently recognized as the front lot line. However, if the severance is approved, the south lot line of Part 2 will become the front lot line. Variance 2 for a reduction in minimum rear yard setback is proposed to recognize the existing building's setback from the north lot line. This setback is currently in compliance with the zoning by-law as a side yard setback, but does not comply with the minimum rear yard setback. The intent of requiring a greater rear yard setback is to ensure adequate separation of uses and amenity space on the lot. Staff notes that this variance would recognize an existing building, and that the larger lot provides large front and exterior side yard setbacks, which provide sufficient amenity space to the dwelling. Staff are supportive of the variance.

Staff note that the existing garage that is situated on Parts 1 and 2 must be removed or relocated as a condition of approval.

Conclusion

In summary, Staff is supportive of infill development where it is shown that the proposal is respectful of the surrounding area. 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 be approved, subject to the conditions outlined in the recommendation.

Prepared by:



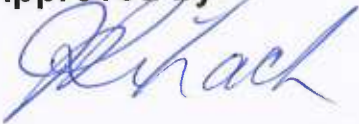
Charlotte McEwan
Student Planner

Submitted by:

A handwritten signature in blue ink, appearing to read 'J. Button'.

Jessica Button
Planner I

Approved by:

A handwritten signature in blue ink, appearing to read 'J. Pihach'.

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 15, 2015

Date of Meeting: June 24, 2015

Submission(s): A-47/15

File: 60.81.4985

Subject: 423-425 Glendale Avenue

Recommendation

That Submission **A-47/15** by Clark Machine Co Ltd, as outlined in the Notice of Hearing, be approved.

Summary

The variance is requested for the construction of a proposed building. The committee previously approved a rear yard setback of 7.7 meters. The applicant has since revised their plans.

Having regard for the matters under section 45 (1) of the Planning Act, Staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal also maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any applicable Provincial plans. The variance is desirable for the appropriate use of the land and is minor in nature.

Staff recommends the granting of the requested variance.

Background

Planning Context

Location

The subject property is located on the north side of Glendale Avenue, west of Wembly Drive. The property is abutted by Wembly Drive Park and single detached dwellings to the north, industrial uses to the south, industrial uses and single detached dwellings to the west, vacant employment land to the east, and commercial uses further east.

Official Plan

The Garden City Plan designates the land as General Employment, which permits a range of employment uses intended to serve and support the businesses and employees within the immediate employment area. Permitted uses include industrial operations, and industrial service subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned General Employment (E2) pursuant to By-law 2013-283, which permits a variety of employment uses including light and heavy industry. The Zoning By-law requires a 15m rear yard setback abutting a Green Space Zone.

Report

The variance is requested for the construction of a proposed building addition that has been revised since previous approvals were obtained. The subject lands are currently used for industry. The addition is being made to facilitate new production systems. The lot abuts a Minor Green Space (G2) to the rear. The Zoning By-law requires a 15m rear yard setback abutting a Green Space Zone. A previous variance (A-35/15) was made to allow the previously approved setback of 7.7 meters. The revised plan requires a setback of 3 meters.

This adjacent green space forms part of a hydro corridor and is identified through the Garden City Plan as a future trail location. The proposed 3 meter setback will match the 3 meter landscape buffer required by the Zoning By-law. The ground is currently gravel up to the property line, and landscaping is to be provided at the front of the lot, in accordance with the Zoning By-law. Parks, Recreation and Community Services Staff has reviewed the submission and is supportive of the variance.

Staff do not anticipate any adverse impacts on the surrounding area and offer no concerns with respect to these variances. It is the opinion of staff that the requested variance is compatible with the surrounding neighbourhood, that the variance is minor in nature and that the intent of the Zoning By-law is being maintained.

The Applicant should be aware that a permit will be required for the proposed addition.

Conclusion

In summary, Staff is satisfied that the variance is minor in nature, appropriate for the use of the land, and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the variance should be granted.

Prepared by:

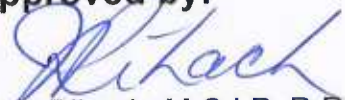


Charlotte McEwan
Student Planner

Submitted by:


Jessica Button
Planner I

Approved by:


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

VIA E-MAIL ONLY

June 18, 2015

Our File: D.17.08.MV-15-024

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

Dear Ms. Munro,

Re: Application for Minor Variance

Applicant: Clark Machine Co. Ltd

Proposal: Reduction of minimum rear yard setback abutting Green Space Zone from 7.7 metres to 3 metres.

**Location: 423-425 Glendale Avenue
City of St Catharines**

City File: 60.81.4985

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 Lindsay Earl, Senior Development Planner (ext. 3387) 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,



Rattan Seeboruth, P. Eng.
Development Approvals Technician

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c. Lindsay Earl, Senior Development 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: June 20, 2015

Date of Meeting: June 24, 2015

Submission(s): A-49/15

File: 60.81.4987

Subject: 29B Vansickle Road

Recommendation

That Variance 1-5, and 7 in Submission **A-49/15** by Centennial Construction and Contracting (Niagara) Inc, as outlined in the Notice of Hearing, be approved, and

That Variance 6 in Submission **A-49/15** by Centennial Construction and Contracting (Niagara) Inc, as outlined in the Notice of Hearing, be denied.

Summary

The variances are requested for the proposed townhouse development known as Power Glen Estates which has recently received draft plan approval. Overall, the proposed townhouses comply with intent of the zoning, however minor variances are required to address a few interior units and those units located on the bend of Francesco Crescent which proves more difficult when designing for compliance with all of the provisions of the zoning by-law.

Having regard for the matters under section 45(2) of the Planning Act, Staff is satisfied that variances 1-5, and 7 are minor in nature, meet the intent and purpose of the Garden City Plan And Zoning By-law.

Staff recommends granting variances 1-5 and 7.

Staff do not support variance 6 and recommend that it be denied.

Background

Planning Context

Location

The subject property is located on the northwest corner of Vansickle Road and Pelham Road. The property is abutted by residential uses in all directions, with vacant residential land (future single detached dwellings) to the immediate north. The property is also abutted by natural areas to the south, and the Power Glen Heritage District is further south.

Official Plan

The Garden City Plan (GCP) designates the land as Medium Density Residential, which permits a variety of residential dwelling types including townhouse dwellings, at a density of 25 to 99 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 detached, semi-detached, quadruplex and townhouse dwellings.

Report

Variances 1 and 2 are requested to address the smaller size of interior townhouse units. The lots associated with interior units do not have side yard setbacks and are therefore smaller in size. The smaller lots are able to maintain the required front and rear setbacks and landscaping requirements while also complying with the overall density for the development. Staff is supportive of these variances.

Variances 3, 4, and 5 are requested to address the front yard setbacks for those units located along the bend of Francesco Crescent. The variance is necessary due to the units' location on the curve of the road, and the need to maintain a front yard setback consistent with the proposed streetscape. At 6.3m, the garage setback is generally able to accommodate the length of a car without impeding sightlines or encroaching into a sidewalk within the boulevard. Staff is supportive of these variances.

Variance 6 is a request to increase the parking area coverage from 50% to 60% for all units. The plan submitted shows that all units currently comply with the permitted coverage of 50%, with driveways ranging in width from 3.6m to 4.8m (33%-49%). Larger lots within the subdivision can easily accommodate additional parking coverage within the permissions of the by-law. Section 5.4.5 of the Garden City Plan is supportive of zoning that controls residential parking and minimizes expansive parking areas in favour of greening initiatives. Staff have not received any justification for the increased coverage, or any plans demonstrating how the increased coverage would be provided on site. Staff are not supportive of a blanket variance for all units, and accordingly recommend denial of this variance.

Variance 7 is requested to reduce the density per hectare on Block 1 from 20 units per hectare to 19.28 units per hectare. The overall density of the development is 24.75 units per hectare, generally consistent with the Garden City Plan's Medium Density Residential designation and with the Zoning By-law. As such, staff are supportive of this request.

Conclusion

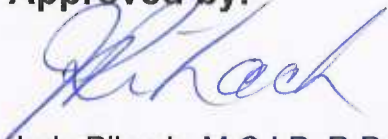
In summary, Staff is satisfied that variances 1-5 and 7 are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the variances 1-5 and 7 should be granted, and that variance 6 be denied.

Prepared and Submitted by:



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

Approved by:



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