

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

Revised 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A written request to withdraw Minor Variance Application A-45/15 was received by the purchaser/agent as he has withdrawn the Offer to Purchase and no longer requires a minor variance.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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 19, 2015

Date of Meeting: June 24, 2015

Submission(s): B-21/15SC
A-37/15
A-48/15

File: 60.84.1983
60.81.4975
60.81.4986

Subject: 57 Lakeshore Road
61 Lakeshore Road

Recommendation

That Submission **B-21/15SC** by Grey Forest Homes Ltd., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the applicant submit to the City a payment of \$420.00 for the placement of one boulevard tree, in accordance with the 2015 Schedule of Rates and Fees.
2. That final approval for all necessary minor variance applications be received.
3. That the applicant have prepared by a qualified professional, an archaeological assessment, for review by Niagara Region Planning and Development Services Staff; and
4. That a letter of compliance from the Ministry of Tourism, Culture and Sport be submitted to Niagara Region Planning and Development Services confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

That Submission **A-37/15** by Grey Forest Homes Ltd., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That for Unit 21, the south-facing garage façade include clear glazing having a minimum combined width of 25% of the total width of that façade.
2. That for Unit 21, height be limited to 4.5 metres within 7.0 metres of Lakeshore Road.

That Submission **A-48/15** by Grey Forest Homes Ltd., as outlined in the Notice of Hearing, be approved.

Summary

The purpose of these applications is twofold: to facilitate the creation of a new lot onto which an existing detached dwelling with heritage designation will be relocated; and to facilitate a future private road development on the remnant parcel.

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 variances requested are minor in nature.

Staff recommends the granting of the requested consent and related variances, subject to the conditions outlined above.

Background

Since 2013, the applicant has undertaken a land assembly to facilitate a future private road development. The total land holdings now includes two detached dwellings, municipally known as 55 and 57 Lakeshore Road, a 0.141 hectare vacant parcel of land severed from the neighbouring church to the east (consent file B-19/13SC), and a total of 0.274 hectares of vacant land severed from the rear of 12, 16 and 18 Simpson Road further west (consent files B-01/15SC, B-02/15SC, B-03/15SC respectively). Final certificates have been issued for each of those consents.

On August 29, 2013, the applicant submitted written notice to City Council of its intention to demolish the existing two-storey "Queen Anne" style home at 57 Lakeshore Road, which home was listed on the Municipal Register of Non-Designated Heritage Properties. On November 4, 2013, City Council resolved its intention to designate the dwelling as a heritage property under Part IV of the Ontario Heritage Act. The applicant then filed with the City Clerk a Notice of Objection to the designation on December 2, 2013. Since the filing of the Notice, the applicant and the City have attended several pre-hearing conferences conducted by the Conservation Review Board, which concluded with the applicant entering into a Memorandum of Understanding (MOU) with the City on January 19, 2015.

The MOU provides that the two-storey home will be preserved and relocated onto a new lot to be created, which is the subject of this report. The MOU also provides that the applicant will have a conservation plan prepared prior to relocating the dwelling; ensure the preservation of the White Oak tree on the property; and obtain any building and heritage permits or other approvals necessary to relocate the dwelling.

A second detached dwelling, located at 55 Lakeshore Road, together with two accessory storage buildings, is proposed to be demolished.

Planning Context

Location

The subject lands are located on the north side of Lakeshore Road, east of Simpson Road. The lands are abutted by detached dwellings to the north, south, east and west. Family Church at the Shore is located to the immediate east.

Official Plan

The City's Official Plan, the Garden City Plan (GCP), designates the land as Low Density Residential, permitting a variety of residential dwelling types at a density range generally between 20 and 32 units per hectare, subject to the policies of the GCP.

The GCP also identifies the subject lands as being part of a Mixed Use Intensification Special Study Area laid out along Lakeshore Road, between Ontario Street and Geneva Street. This study has not yet been completed. The proposed townhouse development is not anticipated to compromise the goals and objectives of this study.

Zoning By-law

The subject lands are zoned Low Density Residential – Suburban Neighbourhood (R1) pursuant to By-law 2013-283. The R1 zone permits a variety of residential dwelling types, including the existing detached dwelling to be relocated and the private road development proposed.

Report

Through its general policies, the GCP supports the conservation of the City's heritage buildings. The GCP also supports the accommodation of growth through intensification projects and the provision of a variety of housing types. Compatible infill development that utilizes existing services and infrastructure within the City's finite urban boundary is encouraged. Staff must evaluate intensification and infill in existing neighbourhoods having regard for compatibility with adjacent buildings, properties and the surrounding neighbourhood, as it relates to building form, setbacks, siting and orientation.

Consent Application B-21/15SC

Application B-21/5SC is made for consent to sever a 400.4m² parcel (Part 1 on the submitted sketch) for the creation of a new lot onto which an existing detached dwelling with heritage designation will be relocated. The new lot will be known municipally as 61 Lakeshore Road. A 4,252.8 square metre remnant parcel (Part 2 on the submitted sketch) would be retained for a future private road development to be known municipally as 55 Lakeshore Road.

The proposed consent will result in the creation of a suitable new lot that implements, in part, the requirements of a Memorandum of Understanding (MOU) in place between the applicant and the City. As outlined above, the MOU details the applicant's obligations with respect to the preservation and relocation of an existing two-storey "Queen Ann" style dwelling with heritage designation.

The size and configuration of the proposed new lot are consistent with the suburban residential character of the surrounding neighbourhood. With the exception of the front yard setback, which is the subject of a related variance application (see below), the lot and the relocated dwelling will meet the R1 zone provisions. It is staff's opinion that the lot, substantially separated from abutting detached dwellings, will be compatible and have little to no impact on the existing neighbourhood. Rather, this new lot, together

with the future private road development on the remnant parcel, will contribute to a more continuous streetscape along this stretch of Lakeshore Road.

With respect to the remnant parcel, staff notes that a private road development is a permitted use in the R1 zone. Vacant land condominium tenure is proposed for the 21-unit private road development and the applicant has applied to the City for both condominium draft plan approval and site plan approval. Through its review of these applications, staff will work with the applicant to ensure appropriate, efficient and compatible site and building designs are achieved. Site Plan Control is the City's main tool for maximizing compatibility through site details like landscaping, fencing, grading and drainage, etc.

Staff recommends that, as a condition of consent, the applicant be required to pay for the placement of a new boulevard tree in front of the new lot to be created. Boulevard trees along the frontage of the remnant parcel will be secured through the required site plan agreement process.

Typically, as a condition of consent, the applicant is required to pay parkland dedication in an amount equal to 5% of the appraised value of the new lot, pursuant to subsection 51.1 (3) of the Planning Act and Parkland Dedication By-law 74-72 as amended. Because the new lot is proposed to accommodate an *existing* detached dwelling to be relocated from elsewhere on the subject lands, there is no *new* development. As such, staff is not recommending payment of cash-in-lieu of parkland dedication for the new parcel. With respect to the remnant parcel, cash-in-lieu of parkland dedication will be collected through the required site plan agreement process.

During pre-consultation with the applicant, Regional Development Services advised that the subject lands "demonstrate a moderate to high potential for the discovery of archaeological resources, based on Provincial screening criteria". Regional Development Services staff advises that they have no objection to the proposed consent and relocation of the existing heritage home, provided that that an Archaeological Assessment be required as a condition of the consent and, further, that a letter of compliance from the Ministry of Tourism, Culture and Sport be submitted to Niagara Region Planning and Development Services confirming that all archaeological resource concerns have met licensing and resource conservation requirements. These conditions have been included in the staff recommendation above.

The applicant is advised that, prior to the issuance of a building permit for the relocation of the heritage home, fees are payable for City crews to decommission the existing water and sanitary sewer laterals at 57 Lakeshore Road. Additional fees are payable for City crews to provide new sanitary and water laterals to the newly created lot. Fees payable shall be in accordance with the City's current Schedule of Rates and Fees at the time.

Staff is satisfied that the proposal meets the criteria for the subdivision of land set out in Section 51(24) of the Planning Act. Further, staff believes 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.

Minor Variance Application A-48/15

Application A-48/15 is made pertaining to Zoning By-law 2013-283 for a reduction in the minimum front yard setback to a dwelling from 6.0 metres to 4.5 metres. The variance is requested to facilitate the concurrent consent application, which will allow for the relocation of an existing heritage home onto a new lot to be created.

By moving the existing home eastward and closer to the street, its visibility and prominence along the bend at this section of Lakeshore Road will be increased. A reduced front yard setback from 6.0 metres to 4.5 metres will further increase this visibility and prominence. Staff would note that the proposed setback is not out of character with what exists along Lakeshore Road today. The existing dwelling at 55 Lakeshore Road, for example, is setback approximately 4.0 metres from the municipal right-of-way.

In accordance with the terms of the MOU, the applicant has agreed to preserve the mature White Oak tree that exists on the subject lands. To that end, the applicant has submitted a Tree Inventory and Preservation Plan, the recommendations of which will be implemented through the heritage and building permits necessary for the relocation of the existing home to 61 Lakeshore Road. The variance requested for a reduced front yard setback, along with adequate tree protection zones and measures, will assist in the White Oak's preservation.

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 variance requested is minor in nature.

Minor Variance Application A-37/15

Application A-48/15 is made to facilitate the concurrent consent application, which will allow for the development of a 21-unit vacant land condominium. It is noted that the subject lands, which are the product of a land assembly, are irregular in shape, making it more difficult to design the private road development in accordance with the provisions of Zoning By-law 2013-283, while also maintaining a minimum density of 20 units per hectare.

Variance 1 requests an increase in the maximum number of attached dwelling units from 4 units to 5 units (Units 13 to 17). The intent of this zoning provision is to ensure that the massing of new townhouse blocks is less imposing on the public realm, and more compatible with existing lower density residential uses, like detached dwellings. In this case, a block of 5 townhouse dwellings is proposed at the rear of the subject lands, well back from the public realm, being Lakeshore Road. The block will back onto two existing detached dwellings with frontage on October Drive, both of which have

substantial rear yard setbacks. This existing situation helps to mitigate impacts of the new development. Additionally, the applicant will be required to install fencing and landscape buffering between Units 13 to 17 through the required site plan agreement process.

Variance 2 requests a decrease in the minimum front yard setback to the garage of Unit 21 from 7.0 metres to 5.0 metres. Again, staff would note that the proposed setback is not out of character with what exists along Lakeshore Road today. Similar to the requested variance for 61 Lakeshore Road, a reduced front yard setback will help to further separate the proposed dwelling from the existing White Oak tree to the northeast. The reduced setback, together with adequate tree protection zones and measures implemented through the site plan agreement process, will assist in the White Oak's preservation.

In order to ensure that the new dwelling will appropriately relate to Lakeshore Road, staff recommends that the south-facing garage façade include clear glazing having a minimum combined width of 25% of the total width of this façade. Further, to ensure that the garage does not diminish or overshadow the neighbouring heritage home, staff recommends that height be limited to 4.5 metres within 7.0 metres of Lakeshore Road for this dwelling.

Variance 3 also relates to Unit 21 and requests a reduction in the minimum interior side yard (easterly) from a rear wall from 6.0 metres to 3.51 metres. The intent of the requirement is to ensure that adequate amenity space and separation from abutting properties are maintained. The applicant has submitted a site plan which shows ample amenity space at the north side of Unit 21, meeting the purpose and intent of the Zoning By-law. Further, the applicant is proposing a 2.62 metre westerly side yard setback for the abutting heritage home, greater than the 1.2 metres required. Staff is satisfied that there will be sufficient separation between Unit 21 and the neighbouring heritage home.

Lastly, Variance 4 requests a reduction in the minimum distance from a private road to a dwelling, Unit 5, from 3.0 metres to 2.8 metres. The applicant's site plan shows two visitor parking spaces being provided along the west side of the private road, just east of Unit 5. Staff notes that the 2.8 metre setback is actually taken to these two parking spaces and that Unit 5 would actually be setback 5.4 metres from the travelled portion of the private road. Staff is satisfied that there will be sufficient separation between Unit 5 and the private road. Further, through the site plan agreement process, the applicant will be required to provide landscaping in this area to screen the visitor parking spaces from the rear yard of Unit 5.

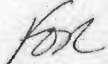
Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The variances requested are minor in nature.

Conclusion

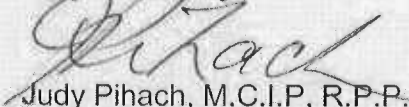
In summary, staff is supportive of the proposed infill development, which implements, in part, the requirements of the Memorandum of Understanding in place for the heritage home. The new lot and proposed private road development are compatible with existing detached homes in the area. Staff is satisfied 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 variances requested are minor in nature. It is the opinion of staff that the consent and variances should be approved, subject to the conditions outlined in the recommendation.

Prepared and submitted by:



 Amanda Knutson
Planner I

Approved by:



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



June 15, 2015

City of St. Catharines
City Hall
50 Church St
P.O. Box 3012
St. Catharine's Ontario
L2R 7C2

Attention: Elaine Munro

File# 60.81.4975

Re: 57 Lakeshore Rd

In response to your correspondence(s) dated June 9, 2015, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-521-4907.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- In order for Horizon Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Horizon Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-10, Overhead System
 - C22.3 No. 7- 10 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Eric Rolfe at 905-522-6611 ext 5308 in our Engineering Design Department.

Sincerely,



Scott Beaudrie
Supervisor, Engineering Design

VIA E-MAIL ONLY

June 18, 2015

Our File D.06.08.CS-15-038, MV-15-026

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

Dear Ms. Munro,

Regional and Provincial Comments
Consent Application B-21/15SC
Minor Variance Application A-18/15
Applicant: Grey Forest Homes Ltd
Location: 57 and 61 Lakeshore Road
City of St. Catharines

A pre-consultation meeting regarding the proposed applications was held on February 26, 2015 at the City of St Catharines with the owner, NPCA, City staff and Regional staff. Regional Development Services staff has reviewed the information circulated for the above-noted consent application which proposes to sever 400.4 m2 of land to create a new lot to be known as 61 Lakeshore Road for the purpose of relocating an existing designated heritage home from 57 Lakeshore Road. The proposed minor variance will allow a reduction of minimum front yard setback from 6 metres to 4.5 metres. The following Provincial and regional comments are offered to assist the City in considering these applications.

TECHNICAL REVIEW

Regional Permit Requirements

The applicant should be made aware that prior to any construction taking place for any driveways 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.

Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any future site plan/development agreements for this development should include a clause requiring the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Trees

Please be aware that if there is any requirement for trees to be removed or planted within the Regional right-

of-way, the Regional Tree Crew will review and approve the species and confirm the planting location.

Archaeology

Regional Development Services staff has reviewed the information circulated for the above-noted applications. During the pre-consultation meeting Regional staff identified that the subject lands demonstrate a moderate to high potential for the discovery of archaeological resources based on Provincial screening criteria. In this regard, Regional staff requested that an Archaeological Assessment be completed.

Therefore, Regional staff has no objection to the proposed consent and relocation of the existing designated Heritage home provided: i) that an Archaeological Assessment be required as a condition of the consent and; ii) that a letter of compliance from the Ministry of Tourism, Culture and Sport be submitted to the Niagara Region Planning and Development Services confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Conclusion

In conclusion, staff would offer no objection from a Provincial or Regional perspective to the consent application provided the requirement for the Archaeological Assessment as identified above is included as a condition of consent. Further, staff offer no objection to the concurrent minor variance 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 send notice of the Committee's decision on these applications.

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 Section, Public Works



June 15, 2015

City of St. Catharines
City Hall
50 Church St
P.O. Box 3012
St. Catharine's Ontario
L2R 7C2

Attention: Elaine Munro

File# 60.81.4986 & 60.84.1983

Re: 57 & 61 Lakeshore Rd

In response to your correspondence(s) dated June 9, 2015, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-10, Overhead System
 - C22.3 No. 7- 10 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Eric Rolfe at 905-522-6611 ext 5308 in our Engineering Design Department.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Beaudrie".

Scott Beaudrie
Supervisor, Engineering Design

VIA E-MAIL ONLY

June 18, 2015

Our File: MV-15-025

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: Grey Forest Homes Ltd
Location: 57 Lakeshore Road
City of St Catharines
City File: 60.81.4975

Niagara Region Development Services Division has completed a review of information circulated for the above-noted minor variances to permit an increase in maximum number of attached dwellings from 4 to 5 units, an increase in minimum front yard setback and reduction of interior side yard and reduction of minimum distance from the private road to Unit 5 and has no objection to the approval of this application. Development Services staff provides the following comments for information regarding Regional and Provincial interests.

Regional Permit Requirements

The applicant should be made aware that prior to any construction taking place for any driveways 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.

Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any future site plan/development agreements for this development should include a clause requiring the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Trees

Please be aware that if there is any requirement for trees to be removed or planted within the Regional right-of-way, the Regional Tree Crew will review and approve the species and confirm the planting location

Conclusion

In conclusion, staff would offer no objection from a Provincial or Regional perspective to the minor variance 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 send notice of the Committee's decision on these applications.

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 Section, Public Works



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:



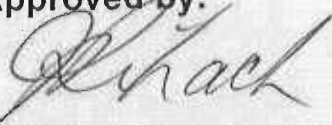
Charlotte McEwan
Student Planner

Submitted by:



Jessica Button
Planner I

Approved by:



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



June 15, 2015

City of St. Catharines
City Hall
50 Church St
P.O. Box 3012
St. Catharines Ontario
L2R 7C2

Attention: Elaine Munro

File# 60.84.1985

Re: 51 Park Ave

In response to your correspondence(s) dated June 9, 2015, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-10, Overhead System

- C22.3 No. 7- 10 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Eric Rolfe at 905-522-6611 ext 5308 in our Engineering Design Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie", written in a cursive style.

Scott Beaudrie
Supervisor, Engineering Design



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.

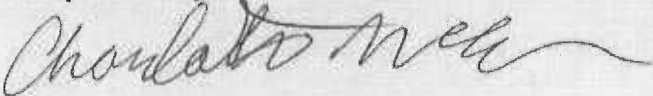
Staff do not anticipate any adverse impacts on the surrounding area and offer no concerns with respect to these variances. It is the opinion of staff that the requested variance is compatible with the surrounding neighbourhood, that the variance is minor in nature and that the intent of the Zoning By-law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



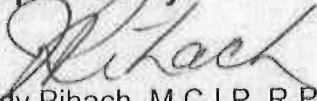
Charlotte McEwan
Student Planner

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.

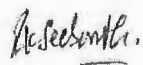
Regional Permit Requirements

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,

A handwritten signature in cursive script, appearing to read "R. Seeboruth".

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

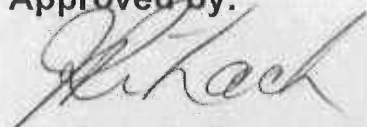
In summary, Staff is satisfied that variances 1-5 and 7 are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the variances 1-5 and 7 should be granted, and that variance 6 be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



June 15, 2015

City of St. Catharines
City Hall
50 Church St
P.O. Box 3012
St. Catharine's Ontario
L2R 7C2

Attention: Elaine Munro

File# 60.81.4987

Re: 29B Vansickle Rd

In response to your correspondence(s) dated June 9, 2015, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-521-4907.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- In order for Horizon Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Horizon Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)

- Electrical Safety Code Rule 75-312
- Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards)
- CAN/CSA-C22.3 No. 1-10, Overhead System
- C22.3 No. 7- 10 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Eric Rolfe at 905-522-6611 ext 5308 in our Engineering Design Department.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott Beaudrie", written in a cursive style.

Scott Beaudrie
Supervisor, Engineering Design

VIA E-MAIL ONLY

June 19, 2015

Our File: D.17.08.MV-15-027

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

Dear Ms. Munro,

Application for Minor Variance

Applicant: Centennial Construction and Contracting (Niagara) Inc.

Location: 29B Vansickle Road, City of St Catharines

City File: 60.81.4987

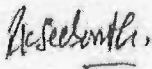
Niagara Region Development Services Division has completed a review of information circulated for the minor variances for a reduction of, minimum lot area, minimum front yard setback, density per hectare for Block 1 from 20 units/ha to 19.28 units/ha and an increase of maximum parking area coverage from 50% to 60% for all units.

Staff notes previous comments with respect to Draft Plan of Subdivision Approval SD-16-008, dated March 13th 2015. Regional Concerns were included as part of draft plan approval comments and therefore there are no objections to the approval of this minor variance 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