



CITY OF  
ST. CATHARINES

Committee of Adjustment Public Hearing  
September 16, 2015  
Council Chambers, City Hall - 5:00 p.m.

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## **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

Item # 5, 68 Louisa Street, Minor Variance Application – A-72/15 – 60.81.5010  
A request has been received by staff to defer this application to the October 7, 2015 Committee of Adjustment Hearing in order to review the application as a duplex dwelling instead of a single detached dwelling.

5. Adoption of the Minutes held August 26, 2015
6. Application:
  - 1) 527 Glendale Avenue, Consent Application – B-27/15SC – 60.84.1989  
527 Glendale Avenue, Minor Variance Application – A-59/15 – 60.81.4997  
75 Oliver Lane, Minor Variance Application – A-75/15 – 60.81.5013
  - 2) 357 Ontario Street, Consent Application – B-35/15SC – 60.84.1997  
365 Ontario Street, Consent Application – B-36/15SC – 60.84.1998  
369 Ontario Street, Consent Application – B-37/15SC – 60.84.1999
  - 3) 464 Welland Avenue, Minor Variance Application – A-69/15 – 60.81.5007
  - 4) 462 Scott Street, Minor Variance Application – A-70/15 – 60.81.5008
  - 5) 39 Oliver Lane, Minor Variance Application – A-73/15 – 60.81.5011
  - 6) 88 Carlton Street, Minor Variance Application – A-74/15 – 60.81.5012

7. New Business:

- 1) Discussion on Procedural By-law

8. Adjournment

Note: Any comments received after the agenda has been posted on the City's website, unless otherwise stated, will be available by contacting the Secretary-Treasurer at [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca) or by calling 905-688-5601, Ext. 1715.



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 11, 2015

**Date of Meeting:** September 16, 2015

**Submission(s):** B-27/15SC  
A-59/15  
A-75/15

**File:** 60.84.1989  
60.81.4997  
60.81.5013

**Subject:** 527 Glendale Avenue  
75 Oliver Lane

### Proposal

Application **B-27/15SC** is made for consent to a partial discharge of mortgage and for consent to sever 2.06 hectares of land (Part 1 on the submitted sketch) to accommodate a proposed future residential development on lands known as 75 Oliver Lane. A 5.496 hectare remnant parcel with the existing single detached dwelling, garage, metal container, and concrete block building (Part 2) would be retained for continued residential use.

Application **A-59/15** is made pertaining to the City of St. Catharines By-law 2013-283 for an increase of the maximum lot area per dwelling unit from 370 m<sup>2</sup> to 5.49 ha, for Part 2.

Application **A-75/15** is made pertaining to the City of St. Catharines By-law 2013-283 for an increase of the maximum lot area per dwelling unit from 370 m<sup>2</sup> to 2.063 ha, for Part 1.

### Recommendation

That Submission **B-27/15SC** by John Robert Emmett, as outlined in the Notice of Hearing, be approved.

That Submission **A-59/15** by John Robert Emmett, as outlined in the Notice of Hearing, be approved.

That Submission **A-75/15** by John Robert Emmett, as outlined in the Notice of Hearing, be denied.

### Summary

The purpose of the applications is to enable the creation of a new lot for future development on Part 1.

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 minor variance are desirable for the appropriate use of the land (Part 1)

Staff recommends the approval of the requested consent and the requested variance for 527 Glendale Avenue. As the requested Variance for 75 Oliver Lane is not required, staff recommend that it be denied.

## **Background**

### **Planning Context**

#### **Location**

The subject property is located on the north side of Glendale Avenue, west of Welland Canals Parkway. The property is abutted by townhouses to the north, vacant land to the east and a hydro corridor west.

#### **Official Plan**

The Garden City Plan (GCP) designates the land as Medium Density Residential, which permits a variety of residential dwelling types at a density between 25 and 99 units per hectare, subject to the policies of the Garden City Plan.

#### **Zoning By-law**

The subject land is zoned Medium Density Residential (R3-H1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types. Holding Provision 1 requires that an Environmental Site Assessment be prepared and submitted to the City of St. Catharines for approval.

## **Report**

### **Consent for New Lot**

The proposed severance is to facilitate the development and the sale of the property for future residential development. It is anticipated that once the lot is created, the applicant will submitting a planning application for residential development. The design of the proposed development within the proposed lot remains subject to appropriate review through pre-consultation and appropriate applications under the Planning Act. Section 7.1(j) of the Garden City Plan requires that land configuration not detract from the potential development or re-development on adjacent properties. While the creation of the lot is not a commitment to any particular development design for the proposed lot, staff are satisfied that the proposed lot can accommodate appropriate density, public road connections and will not limit the future development of adjacent lands.

As subsequent applications will be required to develop the subject lands, staff recommend that standard conditions of development and parkland dedication or cash in lieu of parkland dedication, etc. are best addressed through those applications.

### **Variances Proposed**

Application A-59/15 is made pertaining to the City of St. Catharines By-law 2013-283 for an increase of the maximum lot area per dwelling unit from 370 m<sup>2</sup> to 5.49 ha for Part 2. This variance will permit the existing single detached dwelling to remain on the oversized lot. Staff note that as a result of the consent, the lot will be reduced in size but will still exceed the maximum established in the Zoning By-law. The subject lands are of sufficient size and shape to accommodate future development, should it ever be proposed in the future. Staff are supportive of the requested variance.

Application A-75/15 is made pertaining to the City of St. Catharines By-law 2013-283 for an increase of the maximum lot area per dwelling unit from 370 m<sup>2</sup> to 2.063 ha for Part 1. Upon review of the application staff note that the proposed lot can comply with the Private Road Development provisions of the Zoning By-law. As such, staff is supportive of the creation of the proposed lot without the need for a variance. Support for the requested variance would permit the construction of one single detached dwelling on the subject lands, which does not meet the intent or purposed of the lot area requirements of the Zoning By-law or density requirements of the Garden City Plan. As the requested variance is not required, staff recommend that it be denied.

### **Conclusion**

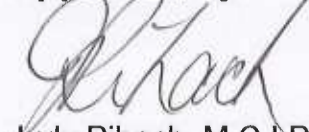
Staff is satisfied that the subject consent and variance for Part 1 is appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consent and variance A-75/15 for Part 2 be denied.

### **Submitted by:**



Jessica Button, M.C.I.P., R.P.P.  
Planner 1

### **Approved by:**



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



**Hydro One Networks Inc.**  
**Facilities & Real Estate**  
P.O. Box 4300  
Markham, Ontario L3R 5Z5  
www.HydroOne.com

**Courier:**  
185 Clegg Road  
Markham, Ontario L6G 1B7



Wednesday, September 09, 2015

via e-mail only

Elaine Munro  
Secretary-Treasurer, Committee of Adjustment  
City of St. Catharines  
P.O. Box 3012  
50 Church Street  
St. Catharines, ON L2R 7C2

Dear Ms. Munro:

**Proposed Application for Consent**  
**John Robert Emmett**  
**Part of Lot 8, Concession 9**  
**75 Oliver Lane**  
**Application No: B-27/15SC**

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Please be advised that Hydro One Networks Inc. ("Hydro One") has no objection *in principle* to the proposed severance, provided our rights on the subject / abutting property are protected and maintained.

At the Site Plan stage/building permit, lot grading and drainage plans showing existing and final grades must be submitted in triplicate to Hydro One for our review and approval.

Detailed site servicing plans showing placement of any proposed utilities and lighting systems must also be forwarded to this office for review at that time. Any placement of permanent structures, facilities or landscaping within the easement corridor will be prohibited without prior written approval.

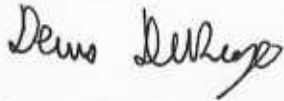
The costs of any relocations or revisions to Hydro One facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier.

I trust this is satisfactory.

Yours Truly,

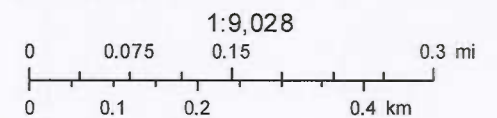
A handwritten signature in black ink, appearing to read "Dennis De Rango". The signature is fluid and cursive, with a prominent loop at the end.

Dennis De Rango  
Specialized Services Team Lead  
Real Estate Services  
Hydro One Networks Inc.  
905-946-6237

# Landscape PDF



September 8, 2015



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CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 11, 2015

**Date of Meeting:** September 16, 2015

**Submission(s):** B-35/15SC  
B-36/15SC  
B-37/15SC

**File:** 60.84.1997  
60.84.1998  
60.84.1999

**Subject:** 357 Ontario Street  
365 Ontario Street  
369 Ontario Street

### Proposal

Application **B-35/15SC** (357 Ontario Street) is made for consent to a partial discharge of mortgage and for consent to establish an easement/right-of-way, in perpetuity, over 1058.5 m<sup>2</sup> of land (Parts 2, 3 & 4 on the submitted sketch) for the benefit of the northerly abutting land known as 365 Ontario Street, and for consent to establish an easement/right-of-way, in perpetuity, over 605.5 m<sup>2</sup> of land (Parts 2 & 4 on the submitted sketch) for the benefit of the northerly lands known as 369 Ontario Street, for egress and ingress of pedestrians and vehicles. A 12,932.1 m<sup>2</sup> remnant parcel (Parts 1 – 5 on the submitted sketch) with the existing building will be retained for continued commercial use.

Application **B-36/15SC** (365 Ontario Street) is made for consent to a partial discharge of mortgage and for consent to establish an easement/right-of-way, in perpetuity, over 293.1 m<sup>2</sup> of land (Parts 6 & 9 on the submitted sketch) for the benefit of the northerly abutting land known as 369 Ontario Street, for egress and ingress of pedestrians and vehicles. A 3,239.1 m<sup>2</sup> remnant parcel (Parts 6 – 10 on the submitted sketch) with the existing building will be retained for continued commercial use.

Application **B-37/15SC** (369 Ontario Street) is made for consent to a partial discharge of mortgage and for consent to establish an easement/right-of-way, in perpetuity, over 222.1 m<sup>2</sup> of land (Part 12 on the submitted sketch) for the benefit of the southerly abutting land known as 365 Ontario Street, for egress and ingress of pedestrians and vehicles. A 3,845.5 m<sup>2</sup> remnant parcel (Parts 11 & 12 on the submitted sketch) with the existing building will be retained for continued commercial use.

### Recommendation

That Submission **B-35/15SC** by Autoplanet Realty 2 Inc., as outlined in the Notice of Hearing, be approved.



That Submission **B-36/15SC** by 1238177 Ontario Inc., as outlined in the Notice of Hearing, be approved.

That Submission **B-37/15SC** by Autoplanet Realty 2 Inc., as outlined in the Notice of Hearing, be approved.

## **Summary**

The purpose of the application is to establish easements over ingress and egress routes for pedestrian and vehicular access over three lots.

Having regard for the matters under Section 51 (24) 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 consents are desirable for the appropriate use of the land.

Staff recommends the approval of the requested consents.

## **Background**

### **Planning Context**

#### **Location**

The subject properties are located on the west side of Ontario Street, south of Scott Street. The property is surrounded by commercial uses to the east, north, and south and Twelve Mile Creek to the west.

#### **Official Plan**

The Garden City Plan (GCP) designates the easterly portion of the subject lands as Arterial Commercial, which permits a range of service commercial uses, subject to the policies of the Garden City Plan. The westerly portion of the subject lands is designated Natural Area.

#### **Zoning By-law**

The easterly portion of the subject lands is zoned Arterial Commercial (C3) pursuant to By-law 2013-283, which permits a variety of commercial uses. The westerly portion of the subject lands is zoned Conservation/Natural Area (G1) which permits trails, picnic shelters, boat ramps, and essential service infrastructure.

## **Report**

The purpose of the application is to establish easements over ingress and egress routes for pedestrian and vehicular access over three lots.

The proposed easements recognize existing access routes for vehicles and pedestrians. There are no physical changes proposed on the subject lands as a result of this application.

Staff is supportive of the consents.

## **Conclusion**

Staff is satisfied that the subject consents are 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. Having regard for the matters under Section 51 (24) of the Planning Act, staff recommends the granting of the requested consents.

### **Prepared by:**



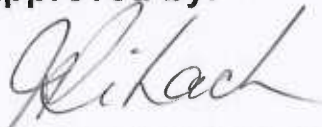
Charlotte McEwan  
Student Planner

### **Submitted by:**



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

### **Approved by:**



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

## Munro, Elaine

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**From:** NORTON Dean -OPERATIONS <dean.norton@opg.com>  
**Sent:** Thursday, September 03, 2015 12:31 PM  
**To:** Munro, Elaine  
**Subject:** RE: Committee of Adjustment Applications, September 16, 2015 Hearing, City of St. Catharines

Elaine: We have reviewed the applications and we have no issues.

Dean Norton  
Property Management Advisor  
Ontario Power Generation  
14,000 Niagara River Parkway, RR#1  
Niagara-On-The-Lake, Ontario.  
L0S 1J0  
tel: 905 357-6903  
fax: 905 357-6954  
mail to:dean.norton@opg.com

---

**From:** Munro, Elaine [mailto:[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)]  
**Sent:** Tuesday, September 01, 2015 3:00 PM  
**To:** NORTON Dean -OPERATIONS  
**Subject:** Committee of Adjustment Applications, September 16, 2015 Hearing, City of St. Catharines

Hi Dean:

Attached please find the Consent applications for easements for these 3 properties. There is an old Hydro Electric Commission easement on the back of these properties. The lands are now noted as being under OPG.

Any questions, please don't hesitate to contact me.

Thanks,

**Elaine Munro ACST**  
Committee Secretary & Planning Clerk  
**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca) **Visit:** [www.stcatharines.ca](http://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





NIAGARA PENINSULA  
CONSERVATION  
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

September 10, 2015

File No. MPR 2.13

St. Catharines  
Committee of Adjustment  
50 Church Street, P.O. Box 3012  
St. Catharines, ON L2R 7C2

Attn: Elaine Munro, Secretary-Treasurer

Subject: B-35/15SC, B-36/15SC & B-37/15SC  
357, 365, & 369 Ontario Street, St. Catharines

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

**B-35/15SC**

Application has been made to establish an easement/right of way, in perpetuity, over 1058.5 m<sup>2</sup> of land (Parts 2, 3 & 4) for the benefit of 365 Ontario Street and for consent to establish an easement/right of way, in perpetuity, over 605.5 m<sup>2</sup> of land (Parts 2 & 4) for the benefit of 369 Ontario Street, for egress and ingress of pedestrian and vehicular access. A 12,932.1 m<sup>2</sup> remnant parcel (Parts 1-5) with the existing building will be retained for continued commercial use.

**B-36/15SC**

Application has been made to establish an easement/right of way, in perpetuity, over 293.1 m<sup>2</sup> of land (Parts 6 & 9) for the benefit of 369 Ontario Street for egress and ingress of pedestrian and vehicular access. A 3,239.1 m<sup>2</sup> remnant parcel (Parts 6-10) with the existing building will be retained for continued commercial use.

**B-37/15SC**

Application has been made to establish an easement/right of way, in perpetuity, over 222.1 m<sup>2</sup> of land (Part 12) for the benefit of 365 Ontario Street for egress and ingress of pedestrian and vehicular access. A 3,845.5 m<sup>2</sup> remnant parcel (Parts 11 & 12) with the existing building will be retained for continued commercial use.

**Niagara Peninsula Conservation Authority Regulations:**

The subject properties are impacted by a steep slope associated with Lower Twelve Mile Creek which traverses the adjacent lands to the west. Authority objectives when reviewing applications and proposals on lots adjacent to steep slopes or valleys would pertain to minimizing soil erosion and sedimentation, protecting life and property from the potential for slope stability problems, and ensuring that the natural integrity of the valley slope is maintained over the long term.

In accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06), this agency regulates all development and site alterations within 15 metres of a steep slope. Generally, the Authority requires that all new development and site alterations be setback a minimum of 7.5 metres from the stable top of slope. A slope stability assessment may be required to determine the location of the stable top of slope and/or determine the most appropriate setbacks for future development and site alterations from the top of slope to ensure long term protection to the adjacent valley and property.



Provincially Significant Martindale Barnesdale Marsh Wetland Complex (PSW) is identified to the west of the properties. In accordance with the Authority's Regulations, no development is permitted within a PSW and a minimum 30 metre buffer from a PSW is required for all development and site alterations. If development is proposed within the 30 metre buffer, an Environmental Impact Study (EIS) may be required to determine if there will be any negative impact to the wetland or its ecological or hydrological functions.

This section of the Creek has been identified as Type 2 (Important) Fish Habitat by the Ministry of Natural Resources and Forestry (MNRF). A 15 metre naturally vegetated buffer measured from the bank of the watercourse is required for all new site alterations and development.

The subject applications have been made for easements/right of ways for egress and ingress of pedestrian and vehicular access to facilitate the existing uses on site. No development is being proposed as a part of these applications and the easements are located outside of the regulated features and buffers identified on site.

### **Regional Core Natural Heritage Features:**

In addition to commenting on proposals with respect to the Conservation Authority's regulations noted above, this agency has entered into a Memorandum of Understanding (MOU) with the Region of Niagara. In accordance with this MOU, the Conservation Authority has a responsibility to review and provide comments on planning applications as they relate to the Natural Environment on the Region's behalf. As such, the following comments pertain to the Core Natural Heritage System Policies within the Regional Policy Plan.

The Region of Niagara's Core Natural Heritage Map has identified the adjacent valley slope as an Environmental Conservation Area (ECA) due to the presence of a valley shoreline and significant woodland. The Provincially Significant Wetland has been identified as an Environmental Protection Area (EPS). In accordance with Regional Policies, development and site alterations are not permitted within an EPA and may be permitted within an ECA, or on lands adjacent to (within 50 metres) an ECA or EPA if it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands.

Regional mapping also identifies this section of the Creek as Important Fish Habitat which requires a minimum 15 metre vegetated buffer.

This section of the Creek has been identified as a Potential Natural Heritage Corridor. Proposed development should be located, designed and constructed to maintain the ecological functions of the Corridor.

The subject applications have been made for easements/right of ways for egress and ingress of pedestrian and vehicular access to facilitate the existing uses on site. No development is being proposed as a part of these applications and the NPCA is satisfied that the easements will have no significant negative impact on the core natural heritage features identified on site.

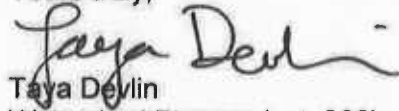
### **Conclusion:**

Based on the above, the NPCA offers no objections to the proposed easements/right of ways for egress and ingress for pedestrian and vehicular access.

Lastly, due to the features identified on the properties, any future works proposed will require NPCA review and approvals prior to the commencement of the works on site and any works proposed within a regulated feature or its buffer may require a work permit from this office, as well as further studies, 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,

A handwritten signature in cursive script, appearing to read "Taya Devlin".

Taya Devlin  
Watershed Planner (ext. 262)

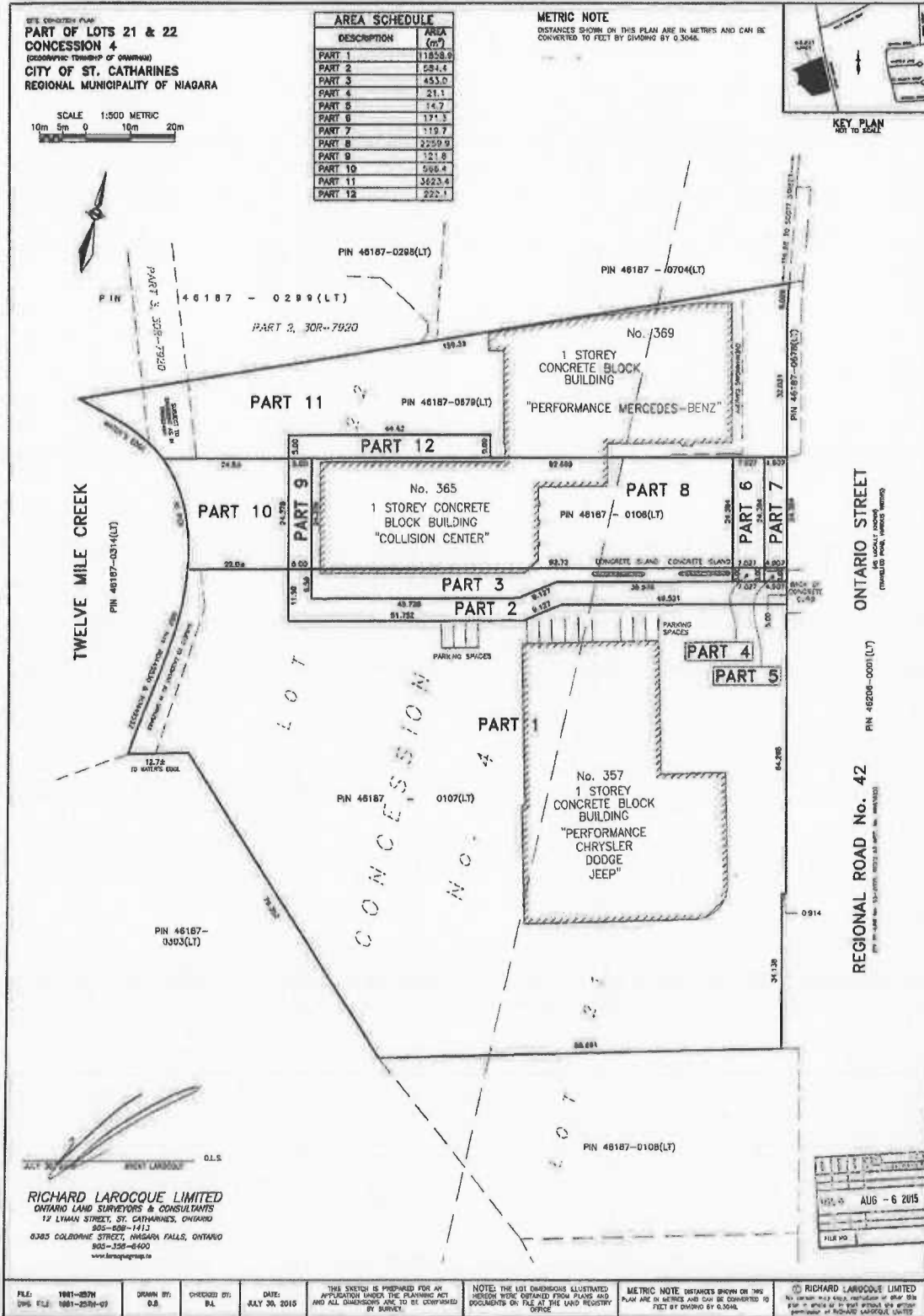
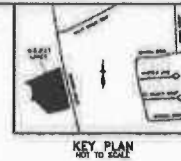
Cc: Morgan Casciani, Planner, Niagara Region

SITE CONVEYANCE PLAN  
**PART OF LOTS 21 & 22  
 CONCESSION 4**  
 (Geographic Township of Niagara)  
**CITY OF ST. CATHARINES**  
**REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1:500 METRIC  
 10m 5m 0 10m 20m

AREA SCHEDULE	
DESCRIPTION	AREA (sq)
PART 1	11858.8
PART 2	284.4
PART 3	453.0
PART 4	21.1
PART 5	14.7
PART 6	171.3
PART 7	119.7
PART 8	2259.9
PART 9	121.8
PART 10	566.4
PART 11	3623.4
PART 12	222.1

**METRIC NOTE**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
 CONVERTED TO FEET BY DIVIDING BY 0.3048.



**RICHARD LAROUCHE LIMITED**  
 ONTARIO LAND SURVEYORS & CONSULTANTS  
 12 LYMAN STREET, ST. CATHARINES, ONTARIO  
 905-358-1413  
 8385 COLBORNE STREET, NIAGARA FALLS, ONTARIO  
 905-358-6400  
 www.larouchesurveyors.ca

FILE: 1881-257N	DRAWN BY: O.B.	CHECKED BY: B.L.	DATE: JULY 30, 2015	THIS SKETCH IS PREPARED FOR AN APPLICATION UNDER THE PLANNING ACT AND ALL DIMENSIONS ARE TO BE CONFIRMED BY SURVEY.	NOTE: THE LOT DIMENSIONS ILLUSTRATED HEREON WERE OBTAINED FROM PLANS AND DOCUMENTS ON FILE AT THE LAND REGISTRY OFFICE.	METRIC NOTE: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.	<b>RICHARD LAROUCHE LIMITED</b> No. 1881-257N, Registration of Plan 1881-257N, is hereby registered as a plan under the Planning Act, 1990, S.O. 1990, c. 3, s. 27(1) without the approval of Richard Larouche Limited.
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## 357, 365 & 369 Ontario Street, St. Catharines





### Legend

#### Regulated Floodplain Extent

-  Advisory (CWR)
-  Regulated



#### Reaches Draining 125ha Requir

#### Top of Slope Features

-  Stable
-  Unstable

#### Top of Slope Allowance




#### OWES WETLANDS

-  Non-Provincially Significant Wetland
-  Provincially Significant Wetland

#### Regulation Wetlands

#### Wetland Allowance

#### RMN Streets

-  Provincial
-  Regional
-  Municipal Other

#### RMN Assessment Parcels

#### 2K HydroPoly

#### 2K Hydrography



#### Contours - 1m Region 2002

#### Contours - 1m Watershed 2002

#### NPCA Watershed Municipalitie

#### NPCA Extended Context Area

#### Surround

-  Norfolk; New York; Grand Island; B
-  Lake Erie; Lake Ontario; Niagara R

#### Surround - Hamilton/Halton

#### 2010 Niagara Air Photos

1: 2,060

9/10/2015



### Notes

Consent Applications B35/15SC, B36/15SC & B37/15SC

0.1 0 0.05 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.



## 357, 365 & 369 Ontario Street, St. Catharines



### Legend

#### RMN Streets

- Provincial
- Regional
- Municipal Other

#### RMN Assessment Parcels

#### Fish Habitat Reaches

- 'Critical' Type 1
- 'Important' Type 2
- 'Marginal' Type 3

#### Fish Habitat Areas

- 'Critical' Type 1
- 'Important' Type 2
- 'Marginal' Type 3

#### ECA: Valley Shoreline Buffer

#### ECA: Significant Woodlands

#### 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

1:2,060

9/10/2015



### Notes

Consent Applications B35/15SC, B36/15SC & B37/15SC

0.1 0 0.05 0.1 Kilometers

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CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 11, 2015

**Date of Meeting:** September 16, 2015

**Submission(s):** A-69/15

**File:** 60.81.5007

**Subject:** 464 Welland Avenue

### Proposal

Application **A-69/15** is made pertaining to the City of St. Catharines By-law 2014-283 for an increase of the maximum office use from 40% GFLA for a 'non-commercial use' to 100% GFLA (gross leasable floor area) for Phases 1 and 2.

### Recommendation

That Submission **A-52/15** by 247623 Ontario Inc, as outlined in the Notice of Hearing, be approved.

### Summary

The purpose of the application is to permit 100% of the total GFLA on site for office uses for an ultrasound and x-ray facility (Phase 1) and the future construction of an addition for a Health and Wellness Centre (Phase 2).

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

Staff recommends the approval of the requested variance.

### Background

#### Planning Context

##### Location

The subject property is located on the corner of Welland Avenue and Export Avenue. The property is surrounded by commercial uses in all directions.

##### Official Plan

The Garden City Plan (GCP) designates the land as Community Commercial, which permits a variety of commercial uses, as well as institutional, civic, cultural, indoor recreation, entertainment and residential uses. Limited office space is also permitted.



### **Zoning By-law**

The subject land is zoned Community Commercial (C2) pursuant to By-law 2013-283, which permits a variety of commercial uses. The Zoning By-law also permits some non-commercial uses, including office space, at a maximum of 40% GFLA.

## **Report**

The variance is requested to permit office use for the renovations to the existing building for an ultrasound and x-ray facility (Phase 1) and the future construction of an addition for a Health and Wellness Centre (Phase 2).

Section 9.2.2 of the GCP covers the Community Commercial Official Plan designation. It states that Community Commercial Centres are to be spatially dispersed throughout the Urban Area, and are primarily intended to provide concentrations of commercial facilities to support day to day and weekly shopping and service needs for the surrounding community. Section 9.2.2 b) iii) indicates that within Community Commercial Centres non retail/service commercial uses should be limited in size and scale to protect the primary function of the Centre for the provision of shopping and service commercial facilities.

Medical facilities and services functionally serve neighbourhoods and therefore meet the intent of the Community Commercial policies of the Garden City Plan. However, by definition in the Zoning By-law, medical offices and services are defined as “office uses” and are thereby subject to the maximum of 40% GFLA for office uses.

The subject lands are part of a broader Community Commercial Centre made up of 7 properties, which provide a range of commercial and non-commercial uses. Allowing the medical practice will not significantly impact the Community Commercial Centre’s primary function for provision of retail and service commercial facilities. Retail and service commercial uses maintain a significant percentage of uses in the broader commercial node. Staff are supportive of the variance, as it permits a community service to be established, is minor in nature, and does not detract from the primary uses of the zone.

## **Conclusion**

In summary, Staff is satisfied that the subject 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. It is the opinion of Staff that the variance be approved.

### **Prepared by:**

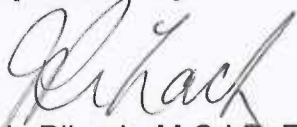
Charlotte McEwan  
Student Planner

**Submitted by:**



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

**Approved by:**



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





CITY OF  
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## Technical Report

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

**Date of Report:** September 11, 2015

**Date of Meeting:** September 16, 2015

**Submission(s):** A-70/15

**File:** 60.81.5008

**Subject:** 462 Scott Street

### Proposal

Application **A-70/15** is made pertaining to the City of St. Catharines By-law 2014-283 to permit an office and the existing 6 parking spaces.

### Recommendation

That Submission **A-70/15** by Glen Curnock & Heloise Ferraro, as outlined in the Notice of Hearing, be denied.

### Summary

The purpose of the application is to vary the permissions of a previously granted approval for an office use with a maximum of 4 parking spaces.

Having regard for the matters under Section 45(2)(a)(ii) of the Planning Act, staff is not satisfied that the proposed parking area is compatible with the surrounding area. Staff is not supportive of the proposed parking area.

Staff recommends that the application be denied.

### Background

#### Planning Context

##### Location

The subject property is located on the south side of Scott Street, west of Grantham Avenue. The property is surrounded by apartment dwelling units and single detached dwellings to the north, single detached dwellings to the south, east, and west.

##### Official Plan

The Garden City Plan (GCP) designates the land as Low Density Residential (R1), which permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, and townhouse dwellings at a density range of 20-32 units per hectare.

## **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.

## **Previous Applications**

In November of 2013, application for the extension of a non-conforming use A-115/13 was made to permit the existing office. The application was approved, with the following conditions:

1. That the maximum driveway and parking area width shall be 12.0 metres with a maximum of four (4) parking spaces.
2. That that landscaping be re-instated in the front yard, except for the maximum parking area defined by condition 1, in accordance with the attached sketch, to be revised to reflect 4 parking spaces to the satisfaction of Planning and Development Services, and shall form part of the Committee's decision.

## **Report**

The variance requests permission for an office use, and to retain all 6 existing parking spaces on the property.

Section 16.12.4 of the Garden City Plan (GCP) states that in special circumstances, it may be appropriate to consider the extension or enlargement of non-conforming uses provided:

- a) The expansion or enlargement will not jeopardize the possibility of future development/redevelopment in their vicinity that may comply more closely with the intent of this plan
- b) Special efforts are made to enhance the compatibility of the uses and to improve the amenity and design, more particularly buffering, landscaping, parking and active transportation and vehicular circulation.
- c) The expansion or enlargement is directed to areas outside natural heritage and natural hazard lands.

Section 4.5.2 a) of the Garden City Plan (GCP) states that development/redevelopment will locate parking to minimize impact on the property, surrounding area, and the environment by consolidating and minimizing the width of driveways and curb cuts.

Section 42(2) of the Planning Act permits the extension/expansion of a non-conforming use where the use is similar or more compatible than the previous use. In light of Section 16.12.4 of the GCP, it is the opinion of staff that the reduction in parking area and increase in landscaping will enhance the compatibility of the use with the surrounding area.

The applicant was previously granted approval to permit an office use with the conditions at there be a maximum of 4 parking spaces to a maximum of 12 metres in

total and that the landscaping be re-instated in the front yard. The intent of this condition was to improve the compatibility between the non-conforming commercial use and the surrounding residential uses. The surrounding residential uses are permitted a maximum parking area width of 50% of the lot frontage, or 7.5 metres, whichever is less. The previously recommended 4 parking spaces, at a maximum total width of 12 metres, would be approximately 66% of the lot frontage. This exceeds the zoning requirements of neighbouring properties in the R1 Zone, yet it is more compatible with surrounding properties than the existing parking area.

The applicant is reapplying in order to remove the condition requiring a maximum of 4 parking spaces, aiming to retain the 6 existing spaces. The resulting oversized driveway provides inadequate space for boulevard landscaping.

The proposed use of office space is intended to accommodate an architectural design office. Based on the nature of the use, it is anticipated that this use would have lower client turnover than the previous barber shop, reducing traffic and parking impacts. Staff previously recommended that in order to ensure the office generates limited traffic to the site, the parking on site be reduced to be more in keeping with a residential context.

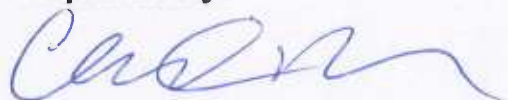
The surrounding neighbourhood is made up of a majority of residential dwellings with landscaped front yards. In order to enhance compatibility with the residential character of the neighbourhood and to reduce the impact of parking dominating the front yard, additional landscaping remains a requirement of staff.

Staff maintains its position from the previous applications, and remains supportive of the office use. Staff is not supportive of the existing parking and lack of landscaping, and, in accordance with Sections 16.12.4 b) and 4.5.2 a) of the GCP, staff support the previous condition that the asphalt be removed within the front yard and reinstated as landscaping.

## **Conclusion**

In summary, having regard for the matters under Section 45(2)(a)(ii) of the Planning Act, Staff is not satisfied that the existing driveway is compatible with the surrounding area. It is the opinion of Staff that the application be denied.

### **Prepared by:**



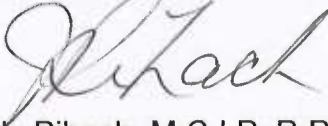
Charlotte McEwan  
Student Planner

**Submitted by:**



Jessica Button  
Planner I

**Approved by:**



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





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## Technical Report

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

**Date of Report:** September 11, 2015      **Date of Meeting:** September 16, 2015

**Submission(s):** A-73/15      **File:** 60.81.5011

**Subject:** 39 Oliver Lane

### Proposal

Application **A-73/15** is made pertaining to the City of St. Catharines By-law 2014-283 for the following:

1. That tandem parking (1 space in the garage and one space in the driveway) be considered two spaces per dwelling unit.
2. A reduction of minimum required distance between rear walls from 12 metres to 11.55 metres.
3. A reduction of minimum dwelling width from 6.6 metres to 6.0 metres for Units 6-10.
4. A reduction of minimum dwelling width from 6.6 metres to 6.45 metres for Units 11-24.
5. A reduction of minimum distance from a Private Road to dwelling from 3 metres to 1.69 metres (Unit 10)
6. A reduction of maximum unit garage width (interior dimensions) when obstructed on 2 sides from 3.5 metres to 3.0 metres.

### Recommendation

That Submission **A-73/15** by 247623 Ontario Inc, as outlined in the Notice of Hearing, be approved subject to the following conditions;

1. That Variances 1 and 6 be conditional on a minimum of 5 visitor parking spaces.
2. That Variance 5 be limited to the area between the proposed dwelling and the visitor parking identified on the sketch submitted with the application, which shall form part of the Committee's decision.
3. That Variance 4 apply to units 1-5 and 11-24.

### Summary

The purpose of the application is to facilitate the proposed 24 unit townhouse development, a private road development

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

Staff recommends the approval of the requested variances, subject to the conditions outlined in recommendation.

## **Background**

### **Planning Context**

#### **Location**

The subject property is located on the southwest side of Oliver Lane, south of Rockwood Avenue. The property is surrounded by single detached dwellings to the north, vacant lands to the south, and townhouses to the east, a hydro corridor to the west, and single detached dwellings further to the west.

#### **Official Plan**

The Garden City Plan (GCP) designates the land as Medium Density Residential, which permits a variety of housing types including townhouse dwellings at a density range of generally 25-99 units per hectare.

#### **Zoning By-law**

The subject land is zoned Medium Density Residential (R3-62) pursuant to By-law 2013-283, which permits a range of residential uses including townhouse units and private road developments. Special provision 62 requires a minimum of 20 units and includes a number of site specific provisions including separation between units, width of a dwelling unit, parking, and garage width.

## **Report**

The subject lands were subject to a site specific Zoning By-law amendment prior to the approval of the current Zoning By-law. The provisions of the site specific amendment were carried forward into the new Zoning By-law. In this regard, the majority of the requested variances will bring the zoning requirements of the subject land into alignment with the zoning requirements for Private Road Development for the rest of the municipality. The proposed development is a Private Road Development.

Variance 1 requests that tandem parking (1 space in the garage and one space in the driveway) be considered two spaces per dwelling unit. Variance 6 requests a reduction of maximum unit garage width (interior dimensions) when obstructed on 2 sides from 3.5 metres to 3.0 metres. Together, Variances 1 and 6 will permit the proposal to provide the required 2 parking spaces for each unit. Staff note that the zoning by-law generally requires 1.25 parking spaces for each unit on a private road development, and the requirement for 2 spaces is found in the site specific zoning. It is the intent of the zoning that a minimum of 1 space be provided for each unit and that 0.25 spaces per

unit be provided as visitor parking. As the applicant is proposing 2 spaces in tandem, as well as 5 visitor parking spaces, staff are satisfied that sufficient resident and visitor parking is provided on site. Staff are supportive of the requested variance, subject to the provision of 5 visitor parking spaces, as proposed in the submission.

Variance 2 requests that a reduction of minimum required distance between rear walls from 12 metres to 11.55 metres. This requested variance represents a pinch point between units 11 and 6. The reduction is necessary to ensure that units 11 to 15 are properly aligned to provide a continuous streetscape along Oliver Lane. The reduced building separation and amenity space in minor in nature, staff are supportive of the request variance.

Variances 3 and 4 request reduction of minimum dwelling width. This requirement originates from site specific zoning by-law amendment which pre-dates the current Zoning By-law. No such requirement is found in the current Zoning By-law. The proposed reduction will assist the applicant in increasing density with the proposed development while balancing needs for landscaping. Staff are supportive of the requested variance and note that variance 4 should additionally apply to units 1-5.

Variance 5 requests a reduction of minimum distance from a Private Road to dwelling from 3 metres to 1.69 metres for Unit 10. Staff note that Visitor Parking Spaces are considered to be part of the private road. The requested variance represents a pinch point and will facilitate an additional visitor parking space. In order to ensure sufficient space for landscaping, staff recommend that the reduction be limited to the area identified on the site plan.

## Conclusion

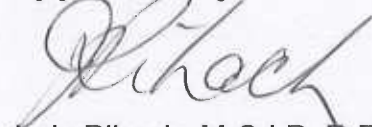
In summary, Staff is satisfied that the subject variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the variances be approved.

### Submitted by:



Jessica Button  
Planner 1

### Approved by:



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





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## Technical Report

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

**Date of Report:** September 9, 2015

**Date of Meeting:** September 16, 2015

**Submission(s):** A-74/15

**File:** 60.81.5012

**Subject:** 88 Carlton Street

### Proposal

Application A-74/15 is made to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of lot area per dwelling unit from 420 m<sup>2</sup> (140 m<sup>2</sup> x 3) to 276 m<sup>2</sup>.
2. A reduction of minimum lot frontage from 16 metres to 10.06 metres.
3. A reduction of the minimum interior side yard setback from 1.2 metres to 1.067 metres.
4. A reduction of minimum setback from front lot line to porch from 3.0 metres to 2.74 metres.
5. A reduction of parking spaces from 3 parking spaces to 2 parking spaces.
6. Request to permit tandem parking on the existing driveway.

### Recommendation

That Submission **A-74/15** by Leap Properties Ltd., as outlined in the Notice of Hearing, be approved.

### Summary

The purpose of this application is to facilitate the conversion of the existing duplex into a triplex dwelling.

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

Staff recommends granting the requested variances.

### Background

#### Planning Context



### Location

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

### Official Plan

The Garden City Plan (GCP) designates the land as Medium Density Residential, which permits a variety of residential uses, including the proposed triplex, at a density range generally between 25 and 99 units per hectare, subject to the policies of the GCP.

### Zoning By-law

The subject land is zoned Medium Density Residential (R3) pursuant to By-law 2013-283, which permits a variety of residential uses including the proposed triplex.

## Report

The proposed variances are requested to permit the conversion of the existing duplex to a triplex on the subject property. The property was purchased in May, 2015 by the current owner and contained three units at that time, according to the information that accompanied the application.

The general land use policies in Section 7.1 of the GCP state that, when evaluating proposed development, site context sensitive design will ensure that adequate outdoor amenity areas to accommodate use are maintained. Further, parking areas that maximize opportunities for internal landscaping and do not dominate the site physically will be provided. It is the intent and purpose of the Residential Use Designations to provide a full range of housing opportunities, and density to help accommodate projected growth. Further, the Residential Land Use Designations should support a wide variety and choice of housing accommodation that will provide affordable and appropriate housing for all socio-economic groups, as expressed in Section 8 of the GCP.

The transportation policies of Section 5 of the GCP contain criteria to evaluate the reduction of vehicular parking requirements and include that transit is readily available, and that land beyond minimum requirements is dedicated for greening and landscape initiatives. In addition, it must be demonstrated that the reduced parking will not result in unacceptable levels of spill-over parking in adjacent areas. The purpose of these criteria is to balance the needs of the travelling public with the goal of promoting other modes of transportation.

## Variances 1 and 2

A reduction of the minimum lot frontage and the minimum lot area per dwelling unit is requested to permit a triplex on the subject property. Without variances, this lot configuration could only support a single dwelling.

Three modest-sized apartment units are proposed, each with a floor area of 79.8 square metres. The proposed increase in density would help to accommodate projected

growth. Staff believes that this lot, being located in close proximity to transit, service commercial facilities at Carlton St. and Lake St. to the east, and commercial services along Ontario St. to the west, is a good candidate to meet the purpose of providing affordable and appropriate housing for all socio-economic groups. These variances are desirable for the appropriate use of the land.

### **Variances 3 and 4**

Variances to reduce the minimum interior side yard setback to the dwelling and the minimum setback from the front lot line to the porch are requested to recognize the location of the existing dwelling and porch, which is a long-standing situation that will have no impact on streetscape or the character of the surrounding neighbourhood.

### **Variances 5 and 6**

Variance 5 is requested to permit a reduction of the required parking from 3 spaces to 2 spaces. Variance 6 is requested to permit tandem parking in the existing driveway. The proposed variances would allow the parking to be confined to the existing driveway.

The subject property has been functioning as a triplex to the time of this application, according to the applicant. The property is located on a Regional Arterial road, where overnight parking is prohibited. Daytime parking is permitted on one side of the street. Notwithstanding, the City has not received complaints about spill-over parking on side streets in the vicinity of the subject lands.

Transit is readily available in this location. Several bus routes run along Carlton Street, with bus stops a short distance away (less than 50 metres). As well, there are many amenities within walking distance of the property, including the Fairview Mall less than 2 kilometres away with grocery stores, restaurants, medical offices, and other service and retail commercial outlets. The proposed variances balance the needs of the travelling public by promoting multi-modal transportation.

The proposed variances would permit the rear yard to be used as an amenity area. Without these variances for parking, the rear yard would be physically dominated by parking area. The hard surface parking area would cover approximately 50% of the total lot area, greatly exceeding the maximum 20% permitted within the zoning. Staff believes the requested parking variances are desirable in order to permit a site that is not dominated by hard surface parking area.

Staff is satisfied that approval of these variances, as outlined in the recommendation, will result in the development of three dwelling units with adequate outdoor amenity space, provides a balance between vehicular needs and other modes of transportation, and that the reduction in parking will not negatively impact adjacent properties or the surrounding neighbourhood.

Staff is satisfied that the intent and purpose of the Zoning By-law and GCP will be maintained. The streetscape will not be affected by approval of these variances. The character of the surrounding neighbourhood, with its variety of housing types, will be

maintained. Staff does not anticipate any negative impacts on the surrounding area. The proposal is desirable for the appropriate use of the land. The variances are minor in nature. Staff supports approval of this application, as outlined in the recommendation.

The existing exterior stairs will have to be removed at the permit stage to ensure that the parking spaces are functional and not encumbered by any overhanging projections.

## **Conclusion**

Staff is satisfied that the proposed variances are desirable for the appropriate use and development of the land. The proposal helps to provide a full range of housing opportunities, and promotes a balance of transportation modes. The property will not be physically dominated by parking areas, and outdoor amenity space is maintained. Staff cannot foresee negative impacts to the surrounding neighbourhood. Staff is satisfied the intent and purpose of the Official Plan and Zoning By-law are maintained. The variances are minor in nature. Staff recommends granting the requested variances.

### **Prepared by:**



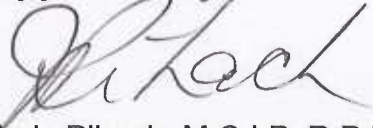
Sara Rogers  
Planner I

### **Submitted by:**



Jessica Button  
Planner I

### **Approved by:**



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