



CITY OF  
ST. CATHARINES

Committee of Adjustment Public Hearing  
October 7, 2015  
Council Chambers, City Hall - 5:00 p.m.

---

## **Agenda**

1. Chair to call the Hearing to Order
  2. Amendments/Additions to the Agenda
  3. Declarations of Interest
  4. Request for Withdrawal or Adjournment
  5. Adoption of the Minutes held September 16, 2015
  6. Application:
    - 1) 68 Louisa Street, Minor Variance Application – A-72/15 – 60.81.5010
    - 2) 1 Dorchester Boulevard S, Minor Variance Application – A-76/15 – 60.81.5014
    - \* 3) 177 Russell Avenue, Minor Variance Application – A-77/15 – 60.81.5015
  7. New Business:
  8. Adjournment
- \* Please note that the Planning Report will be available on Monday, October 5, 2015.

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.

Posted on the City's website:      October 6, 2015  
October 2, 2015 (Due to technical difficulties, agenda  
could not be added)



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** September 30, 2015      **Date of Meeting:** October 7, 2015

**Submission:** A-72/15      **File:** 60.81.5010

**Subject:** 68 Louisa Street

### Proposal

Application A-72/15 is made to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of the minimum interior side yard setback from 1.2 metres to 1.0 metres.
2. An increase of the maximum total lot area for accessory structures from 10% to 22%.
3. An increase of the maximum driveway size from 20% of total lot area to 37.16% of total lot area.
4. A reduction of the minimum setback from front lot line to front porch from 3.0 metres to 2.42 metres.
5. Permission to permit tandem parking.
6. A reduction of the minimum landscaped open space from 25% to 20.95%.

### Recommendation

That Variances 1, 3, 4, and 5 of Submission **A-72/15** by Paul Karkus and Catherine Karkus, as outlined in the Notice of Hearing, be approved; And

That Variances 2 and 6 of Submission **A-72/15** by Paul Karkus and Catherine Karkus, as outlined in the Notice of Hearing, be denied.

### Summary

The purpose of this application is to facilitate the construction of a lean-to, to recognize the location of the existing house and size of the existing driveway, and to permit tandem parking for an existing two-storey duplex.

Having regard for the matters under and subsection 45 (1) of the Planning Act, staff is satisfied that Variances 1, 3, 4, and 5 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. Variances 1, 3, 4, and 5 are minor in nature.

Variances 2 and 6 are not desirable for the appropriate use of the land and do not maintain the intent and purpose of the Official Plan or Zoning By-law. Variances 2 and 6 are not minor in nature.

Staff recommends granting Variances 1, 3, 4, and 5. Staff recommends denial of Variances 2 and 6.

## **Background**

Application A-72/15 was made on August 19, 2015. At the September 16, 2015 hearing, the Committee of Adjustment requested a deferral of the application in order to allow staff to review the existing principal structure as a duplex dwelling.

### **Planning Context**

#### **Location**

The subject property is located on the south side of Louisa Street. The property is abutted by detached dwellings to the north, south, and west, and mixed use commercial and residential buildings to the east.

#### **Official Plan**

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

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

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2) pursuant to By-law 2013-283, which permits a variety of residential dwelling types and structures accessory to this use, including the proposed lean-to. Accessory structures are defined as being incidental and secondary to the principal use on the same lot.

## **Report**

Variance 2 is requested to increase the total lot area permitted for accessory structures to allow for the construction of a lean-to. Variance 6 is requested to reduce the minimum landscaped open space on the lot as a result of the construction of the proposed lean-to. The general land use policies of Section 7 of the GCP state that, when evaluating proposed development, building and site context sensitive design will ensure that the lot is of adequate size for the proposal and that adequate outdoor amenity areas to accommodate use are maintained. Accessory structures are permitted within the zoning; however, Zoning By-law 2013-283 defines an accessory structure as being incidental and secondary to the principal use on the same lot.

The subject site currently supports a detached garage and a shed. The lot coverage of these existing accessory structures maximizes the coverage permitted within the zoning. The construction of the proposed lean-to would cause the coverage of accessory structures to exceed the lot coverage of the principal structure. Staff believes

that the proposed increase in coverage to increase the storage area is excessive in terms of the day to day use of the property and is unwarranted. The construction would also cause the landscaped open space area to fall below that required by the zoning. Since the lean-to is proposed to be a storage area, its construction will remove existing amenity space from the subject site. This differs from a proposal to construct a deck or gazebo, which would reduce the landscape open space while maintaining amenity space.

It is the opinion of Staff that the proposed use of the lean-to does not comply with the zoning by-law. The proposed development does not meet the intent and purpose of the GCP or Zoning By-law 2013-283. Thus, the requested variance is not minor in nature. Staff cannot support Variance 2 or Variance 6.

Variances 1 and 4 are requested to recognize the location of the existing duplex and the existing front porch, respectively. This is representative of a long-standing situation that will have no impact on streetscape or the character of the surrounding neighbourhood.

Variance 5 is requested to permit tandem parking. The variance would allow the required parking to be provided on the existing driveway. According to the information in the application, the site has functioned as a duplex for 29 years. The request to vary the parking is representative of a long-standing situation. Staff does not anticipate any adverse impacts on the streetscape or surrounding area by approval of the variance. The variance is desirable for the appropriate use and development of the land.

Variance 3 is requested to recognize the size of the existing driveway. 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 parking areas that maximize opportunities for internal landscaping and do not dominate the site physically will be provided. Although the requested increase in driveway size is not optimal, its majority is provided in the side and rear yard. Residential front yard parking is therefore minimized, and the integrity of the streetscape is preserved, and so the variance is consistent with the Parking policies of the GCP (5.4.5). Staff supports the requested variance, as it meets the intent and purpose of the GCP and Zoning By-law, and it appropriate for the use of the land.

## **Conclusion**

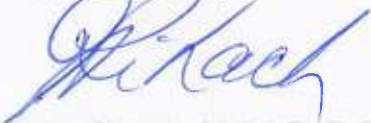
Staff cannot support Variances 2 and 6, because the increased accessory structure coverage for the storage purposes indicated by the applicant and the consequent decrease in amenity space and landscape open space does not meet the intent and purpose of the GCP or Zoning By-law. The proposed lean-to is not desirable for the appropriate use of the land. Variances 2 and 6 are not minor in nature. Notwithstanding, Staff can support Variances 1, 3, 4, and 5 because they are representative of long-standing situations, do not adversely affect the character of the surrounding neighbourhood or the streetscape, and meet the intent and purpose of the GCP and Zoning By-law. They are minor in nature. Staff recommends denying Variance 2 and Variance 6. Staff recommends approval of Variances 1, 3, 4, and 5.

**Prepared by:**

A handwritten signature in black ink, appearing to read "S. Rogers".

Sara Rogers, CPT  
Planner I

**Approved by:**

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

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





CITY OF  
ST. CATHARINES

## Technical Report

---

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

**Date of Report:** October 2, 2015

**Date of Meeting:** October 7, 2015

**Submission(s):** A-76/15

**File:** 60.81.5014  
60.48.315

**Subject:** 1 Dorchester Boulevard South

### Proposal

Application **A-76/15** is made pertaining to the City of St. Catharines By-law 64-207, as amended by By-law No. 2007-72, for an increase of the maximum driveway width from 3.0 metres to 5.49 metres for Unit 1.

### Recommendation

That Submission **A-76/15** by Cosmopolitan Homes (Niagara ) Ltd, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the maximum driveway width be limited to 3.0 metres at the front lot line and taper to a maximum of 5.49 metres as shown on Appendix 1, and Appendix 1 shall form part of the Committee's decision.
2. That the portion of the existing driveway not permitted by Condition 1 be removed and reinstated to sod, to the satisfaction of the City.
3. That the existing application to remove Part Lot Control not be granted until Condition 2 has been met.

### Summary

The purpose of the application is to permit the size of the existing driveway to span the full width of the double car garage.

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 variance, subject to the conditions outlined in the recommendation.

## **Background**

### **Planning Context**

#### **Location**

The subject property is located on the west side of Dorchester Boulevard South, north of Welland Avenue. The property is surrounded by townhouse and single detached dwellings to the north, industrial uses to the south, townhouses to the east, and a retail plaza to the west.

The existing townhouses were originally constructed as model homes. The creation of new lots by part lot control will enable each of the units to be sold individually. As individual lots, Unit 1 exceeds the maximum driveway width permitted.

#### **Official Plan**

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

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

The subject land is zoned Third Density Residential (R3) pursuant to City of St. Catharines By-law 64-207, as amended by By-law No. 2007-72, which permits townhouse units and apartment dwellings.

## **Report**

The proposed variance requests an increase of the maximum driveway width from 3.0 metres to 5.49 metres in the front yard for Unit 1. 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 recognize that the double-car garage is permitted, and that a variance to allow a driveway of the same width is desirable for the use of the land.

In order to uphold the intent and purpose of the Official Plan and implementing Zoning By-law, Staff recommends that the driveway be limited to a maximum width of 3.0 metres at the front lot line, tapering to a maximum of 5.49 metres at a point 6.63 metres along the northerly lot line. Appendix 1 illustrates the staff recommendation. This recommendation is consistent with GCP policies in that it allows increased landscaping and greening opportunity on the lot, and mitigates the negative effect of an expansive parking area on the streetscape (Section 5.4.5). The variance is minor in nature, and is in keeping with the intent of the Official Plan and Zoning By-law. It is desirable for the use of land. Staff is supportive of the variance, subject to the conditions outlined in the recommendation.

The conditions recommended by staff are to i) ensure a clear understanding of where the driveway is permitted by attaching Appendix 1 of this report to the decision; ii) to

ensure the area not permitted as driveway is reinstated to sod and iii) to ensure that part lot control is not removed (ie the lot not created) until such time as the area to be reinstated to sod is completed to the satisfaction of the City ( fulfillment of Condition 2) .

## **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, subject to the conditions outlined in the recommendation.

### **Prepared by:**



Charlotte McEwan  
Student Planner

### **Submitted by:**



Sara Rogers  
Planner 1

### **Approved by:**



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





## Munro, Elaine

---

**From:** Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>  
**Sent:** Friday, September 25, 2015 10:08 AM  
**To:** Munro, Elaine  
**Subject:** RE: Minor Variance - 177 Russell Avenue, St. Catharines, ON

Hi Elaine,

Re: 177 Russell Avenue, St. Catharines, ON  
File No. 60.81.5015  
Submission No. A-77/15

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

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

Respectfully,

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



Ontario

---

**From:** Munro, Elaine [mailto:[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)]  
**Sent:** September-23-15 3:31 PM  
**To:** Nunes, Paul (MTO)  
**Subject:** Minor Variance - 177 Russell Avenue, St. Catharines, ON

Hi Mr. Nunes:

From our mapping, I couldn't determine if this minor variance application was within the MTO commenting buffer so I thought I'd err on the side of caution and email it to you.

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



CITY OF  
ST. CATHARINES

## Technical Report

---

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

**Date of Report:** October 2, 2015

**Date of Report:** October 2, 2015

**Submission(s):** A-77/15

**File:** 60.81.5015

**Subject:** 177 Russell Avenue

### Proposal

Application **A-77/15** is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction of required parking spaces (1.25 x 17) from 21 spaces to 17 spaces.

### Recommendation

That Submission **A-77/15** by Limitless Management and Services Ltd, as outlined in the Notice of Hearing, be deferred until such time as a site plan application is submitted and received by City staff.

### Summary

The variance is requested to facilitate the proposed private road development consisting of 17 townhouse dwellings.

Having regard for the matters under Section 45 (1) of the Planning Act, staff is not satisfied that the proposal is desirable for the appropriate use of the land. Staff believes that the application is premature to determine whether the intent and purpose of the Official Plan and Zoning By-law are being maintained. The variance, as proposed, may not be desirable for the appropriate use of the land, depending on the outcome of the circulation of a site plan application.

Staff recommends deferral of the application for minor variance.

### Background

The applicant had a Pre-Consultation with the Development Committee on April 23, 2015 to discuss the proposed private road development. Comments from the meeting were provided to the applicant subsequently.

### Planning Context

Location

The subject property is located on the north side of Russell Avenue, west of Geneva Street. The property is surrounded by single detached dwellings in all directions, and apartment dwellings 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 the proposed 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) pursuant to By-law 2013-283, which permits a range of residential uses including townhouse units and private road developments.

### **Report**

The proposed variance requests a reduction in required parking spaces from 21 to 17. The zoning by-law generally requires 1.25 parking spaces for each unit. 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.

It is the opinion of staff that the application for minor variance is premature, in that there were several issues brought forward through the Pre-Consultation process that should be addressed through the submission of a Site Plan application. Staff cannot review this request for a reduction in parking independent of the details that would be submitted as part of a site plan application. The site plan approval process could trigger additional changes that may have an impact on this variance request.

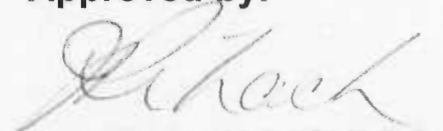
### **Conclusion**

In summary, Staff is unable to recommend approval at this time. The proposal cannot be adequately evaluated to determine whether the intent and purpose of the Official Plan and Zoning By-law are being maintained, or whether it is desirable for the appropriate use of the land. Staff recommends deferral of the application, until such a time as a site plan application is submitted and received by City staff.

#### **Submitted by:**

Sara Rogers  
Planner 1

#### **Approved by:**



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