

Revised 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 October 7, 2015
6. Application:
 - 1) 517 Scott Street, Consent Application – B-40/15SC – 60.84.2002
517 Scott Street, Minor Variance Application – A-79/15SC – 60.81.5017
517A Scott Street, Minor Variance Application – A-80/15 – 60.81.5018
 - 2) 97 Bunting Road, Consent Application – B-44/15SC – 60.84.2006
97A Bunting Road, Minor Variance Application – A-84/15 – 60.81.5022
97B Bunting Road, Minor Variance Application – A-85/15-60.81.5023
 - 3) 123 Village Road, Consent Application – B-41/15SC – 60.84.2003
123 Village Road, Minor Variance Application – A-81/15 – 60.81.5019
114 Jacobson Avenue, Consent Application – B-42/15SC – 60.84.2004
114 Jacobson Avenue, Minor Variance Application – A-82/15 – 60.81.5020
4 Oscar Avenue, Minor Variance Application – A-83/15 – 60.81.5021
 - 4) 66 St. Paul Street, Consent Application – B-43/15SC – 60.84.2005
 - 5) 152 Berryman Avenue, Consent Application – B-45/15SC – 60.81.2007
152 Berryman Avenue, Minor Variance Application – A-87/15 – 60.81.5025
156 Berryman Avenue, Minor Variance Application – A-86/15 – 60.81.5024
7. New Business:
8. Adjournment

Posted on the City's website: October 23, 2015
Reposted: October 27, 2015



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 23, 2015

Date of Report: October 23, 2015

Submission(s): B-40/15SC
A-79/15
A-80/15

File: 60.84.2002
60.81.5017
60.81.5018

Subject: 517 Scott Street
517A Scott Street

Proposal

Application **B-40/15SC** is made for consent to a partial discharge of mortgage and for consent to sever 671 m² of land (Parts 1 & 2 on the submitted sketch) creating a new lot to be known as 517A Scott Street for the purpose of constructing a semi-detached dwelling. A 559 m² remnant parcel (Parts 3 & 4) would be retained to construct a semi-detached dwelling.

Application **A-79/15** is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of the minimum required lot frontage from 11 metres to 8 metres for each dwelling unit.
2. A reduction of the minimum area per dwelling unit from 370 m² to 347 m² (Part 1) and 324 m² (Part 2).

Application **A-80/15** is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of the minimum required lot frontage per dwelling unit from 11 metres to 8 metres (Part 3) and 8.75 metres (Part 4).
2. A reduction of the minimum area per dwelling unit from 370 m² to 285 m² (Part 3) and 265 m² (Part 4).

Recommendation

That Submission **B-40/15SC** by David Wiens, 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 and Part 2) 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 building on Part 1, and shed on Part 2, and single family dwelling complete with deck on Parts 1, 2 & 3 be removed from the site. A permit to demolish the aforementioned structures 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. That the applicant dedicate an approximate 3.20 metre (10.5') road widening along the frontage of Scott Street to the satisfaction of the city.
5. That the applicant submit for review and approval, a Master Grading Control Plan which shall identify the entire development's proposed grading scheme and, to construct any servicing and grading works that may be required in order to achieve a suitable drainage outlet prior to the lots being constructed upon, to the satisfaction of the City Engineer.

That Submission **A-79/15** by David Wiens, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the driveway openings (curb cuts) each be a minimum of 3.0 metres, and that the driveways intersect the street at 90 degrees.
2. That the driveways be a maximum of 3.0 metres wide.

That Submission **A-80/15** by David Wiens, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the driveway openings (curb cuts) each be a minimum of 3.0 metres, and that the driveways intersect the street at 90 degrees.
2. That the driveways be a maximum of 3.0 metres wide.

Summary

The purpose of the applications is to facilitate the construction of two semi-detached dwellings. Future severance of each dwelling unit is anticipated once the common wall is constructed for each semi-detached dwelling.

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.

Staff recommends the approval of the requested consent and the requested variances.

Background

Planning Context

Location

The subject property is located on the north side of Scott Street , west of Tavistock Road. The property is surrounded by residential uses to the north, south, and east, and Scottlea Presbyterian Church and Canadian Martyrs School to the west.

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 and 32 units per hectare, subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned Low Density Residential (R1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types, including the semi-detached dwelling proposed.

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 proposed severances are to facilitate the construction of two semi-detached dwellings. The area is made up of single detached and semi-detached dwellings. The proposed consent allows intensification as supported by the GCP, and maintains the character of the surrounding neighbourhood. While the proposed lots are narrower than many in the neighbourhood, the impact on the streetscape is minimal, and the proposed development is appropriate for the area. Staff are supportive of the consent.

Variances Proposed

Application A-79/15 (Parts 1 & 2)

Variance 1 requests a reduction of the minimum required lot frontage from 11 metres to 8 metres for each dwelling unit. The reduced frontage is smaller than that of surrounding lots, but provides adequate access and space to the property. The narrower lots do not significantly impact the character or otherwise affect the surrounding lands. Staff is supportive of the variance

Variance 2 requests a reduction of the minimum area per dwelling unit from 370 m² to 347 m² (Part 1) and 324 m² (Part 2). The reduced area per dwelling unit does not impact the function of the lots, and adequate amenity space is provided by setbacks which meet the Zoning provisions. Staff are supportive of the variance.

Application A-80/15 (Parts 3 & 4)

Variance 1 requests a reduction of the minimum required lot frontage per dwelling unit from 11 metres to 8 metres (Part 3) and 8.75 metres (Part 4). The reduced frontage is smaller than that of surrounding lots, but provides adequate access and space to the property. The narrower lots do not impact the character or otherwise affect the surrounding lands. Staff is supportive of the variance

Variance 2 requests a reduction of the minimum area per dwelling unit from 370 m² to 285 m² (Part 3) and 265 m² (Part 4). The reduced area per dwelling unit does not impact the function of the lots, and adequate amenity space is provided by setbacks which meet the Zoning provisions. Staff are supportive of the variance.

Conclusion

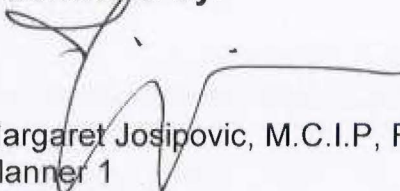
Staff is satisfied that the subject consents and variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consents and variances be approved, subject to the conditions outlined in the recommendation.

Prepared by:



Charlotte McEwan
Student Planner

Submitted by:



Margaret Josipovic, M.C.I.P., R.P.P.
Planner 1

Approved by:



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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 23, 2015

Date of Meeting: October 28, 2015

Submission(s): B-44/15SC
A-81/15
A-82/15

File: 60.84.2006
60.81.5022
60.81.5023

Subject: 97 Bunting Road
97A Bunting Road
97B Bunting Road

Proposal

Application **B-44/15SC** is made for consent to sever 325 m² of land (Part 1 on the submitted sketch) creating a new lot to be known as 97A Bunting Road. A 325 m² remnant parcel of land (Part 2) would be retained for residential use.

Application **A-84/15** (Part 1) is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

- 1) A reduction of the minimum required lot area per dwelling unit from 370 m² to 325 m².
- 2) A reduction of the minimum lot frontage from 11 metres to 9.26 metres.

Application **A-85/15** (Part 2) is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

- 1) A reduction of the minimum required lot area per dwelling unit from 370 m² to 325 m².
- 2) A reduction of the minimum lot frontage from 11 metres to 9.27 metres.

Recommendation

That Submission **B-44/15SC** by Walter Ledwez Limited, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. 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.

That Submission **A-84/15** by Walter Ledwez Limited, as outlined in the Notice of Hearing, be approved.

That Submission **A-85/15** by Walter Ledwez Limited, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of the applications is to allow each unit of a semi-detached dwelling currently under construction to be owned and/or sold separately.

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.

Staff recommends the approval of the requested consent and the requested variances.

Background

Planning Context

Location

The subject property is located on the west side of Bunting Road, north of Queenston Street. The property is surrounded by single detached dwellings to the north and south, B'nai Israel Cemetery to the east and Kernahan Park Secondary School to the west.

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 and 32 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 a variety of residential dwelling types including semi-detached dwellings.

Report

Consent for New Lot

The proposed severance is to allow each unit of a semi-detached dwelling currently under construction to be owned and/or sold separately.

The Garden City Plan (GCP) encourages many forms of residential development including infill and intensification, as the City has developed outward to its growth boundaries. Staff are supportive of modest intensification in accordance with the policies of the GCP. Facilitating the sale and use of the semi-detached dwelling is in keeping with the policies of the GCP.

Variances Proposed

Application A-84/15 is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction of the minimum required lot area per dwelling unit from 370 m² to 325 m² and a reduction of the minimum lot frontage from 11 metres to 9.26 metres for Part 1.

Application A-85/15 is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction of the minimum required lot area per dwelling unit from 370 m² to 325 m² and a reduction of the minimum lot frontage from 11 metres to 9.27 metres for Part 2.

The variances requested for each of the proposed lots are very similar. The variances will permit the individual units of the semi-detached dwelling currently under construction to exist on individual lots. The Zoning By-law permits semi-detached dwellings in the R1 zone, and Staff note that there is adequate amenity space on each property and all required setbacks are maintained despite a reduced lot size and frontage. Staff are satisfied that the variances are minor in nature, that the intent of the Zoning By-law and Official Plan is maintained, and that the variances are desirable for the appropriate use of land. Staff are supportive of the requested variances for Parts 1 and 2.

Conclusion

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 be approved, subject to the conditions outlined in the recommendation, and that the variances be approved.

Prepared by:



Charlotte McEwan
Student Planner

Submitted by:



Margaret Josipovic, M.C.I.P., R.P.P.
Planner 1

Approved by:



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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 23, 2015

Date of Report: October 23, 2015

Submission(s): B-41/15SC
B-42/15SC
A-81/15
A-82/15
A-83/15

File: 60.84.2003
60.84.2004
60.81.5019
60.81.5020
60.81.5021

Subject: 123 Village Road
4 Oscar Avenue
114 Jacobson Avenue

Proposal

Application **B-41/15SC** is made for consent to a partial discharge of mortgage and for consent to sever 314 m² of land (Part 2 on the submitted sketch) which will be added to the submitting easterly parcel of land known as 114 Jacobson Avenue (Part 3). A 407 m² remnant parcel with the existing single detached dwelling (Part 1) would be retained.

Application **B-42/15SC** is made for consent to a partial discharge of mortgage and for consent to sever 86 m² of land (Part 3 on the submitted sketch) which will be added to the submitting easterly parcel of land known as 123 Village Road (Part 3). A 471 m² remnant parcel with the existing single detached dwelling with attached garage (Part 4) would be retained.

Application **A-81/15** is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of the minimum exterior side yard setback from 4 metres to 3.63 metres.
2. A reduction of the minimum rear yard setback from 7.5 metres to 6 metres.

Application **A-82/15** is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction of the minimum required rear yard setback 7.5 metres to 2.83 metres.

Application **A-83/15** is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction of the minimum required rear yard setback 7.5 metres to 5.09 metres.

Recommendation

That Submission **B-41/15SC** by Brock View Rentals Inc, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. The applicant shall pay to the City the fee for a Sanitary Lateral inspection of the existing home to determine if it does not cross the new property lot boundary. 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 for the existing home.
2. That the applicant enter into a Servicing Agreement with the City of St. Catharines to perform the above noted works.
3. That payment of 5% of the appraised value of the new lot (Part 2 and Part 3) 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.
4. That the applicant submit a payment of \$420.00 for the placement of a boulevard tree, in accordance with the City's current Schedule of Rates and Fees.
5. Pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 2 and 3) will be merged and become one parcel of land.

That Submission **B-42/15SC** by Brock View Rentals Inc, as outlined in the Notice of Hearing, be approved.

1. The applicant shall pay to the City the fee for a Sanitary Lateral inspection of the existing home to determine if it does not cross the new property lot boundary. 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 for the existing home.
2. That the applicant enter into a Servicing Agreement with the City of St. Catharines to perform the above noted works.
3. Pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 2 and 3) will be merged and become one parcel of land.

That Submission **A-81/15** by Brock View Rentals Inc, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. That the southerly side yard setback be a minimum of 3.5 metres.

That Submission **A-82/15** by Brock View Rentals Inc, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the interior side yard setback be a minimum of 4.14
2. That the exterior side yard setback be a minimum of 5.99 metres.
3. That the front yard setback be a minimum of 6.08 metres.

That Submission **A-83/15** by Brock View Rentals Inc, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That only a single detached dwelling be permitted.
2. That the easterly side yard setback be a minimum of 7.5 metres.
3. That the height of the dwelling be one storey only, up to a maximum of 5.0 metres.

Summary

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

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 variances are desirable for the appropriate use of the land.

Staff recommends the approval of the requested consent and the requested variances.

Background

Planning Context

Location

The subject properties are located on the south side of Oscar Avenue, between Village Road and Jacobson Avenue. The property is surrounded by single detached dwellings in all directions.

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 and 32 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 a variety of residential dwelling types.

Report

Consents to Facilitate New Lot Creation

The size and configuration of the proposed new lot (Parts 2 and 3 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 surrounding lots. Adequate amenity space is provided on the all parcels. Overall, the proposed severance maintains the character of the surrounding area and is desirable for the neighbourhood. Staff are supportive of the proposed consents.

A-81/15 Variances – 123 Village Road (Part 1)

Variance 1 requests a reduction of the minimum exterior side yard setback from 4 metres to 3.63 metres. This variance recognizes the distance of the existing building from the exterior side yard. This variance has no impact on the surrounding area, is minor in nature, and maintains the intent of the Zoning By-law and Official Plan.

Variance 2 requests a reduction of the minimum rear yard setback from 7.5 metres to 6 metres. The purpose of the rear yard setback is to provide adequate amenity space on the lot. The proposed setback maintains adequate amenity space on the property. Staff is supportive of the variance, on the condition that the southerly side yard setback and exterior side yard setback each be a minimum of 3.5 metres to maintain the amenity space.

A-82/15 Variance – 114 Jacobson Avenue (Part 4)

The variance requests a reduction of the minimum required rear yard setback 7.5 metres to 2.83 metres. The purpose of the rear yard setback is to provide adequate amenity space on the lot. The existing dwelling on the subject property has sufficiently sized yards besides the rear yard to provide the adequate amenity space. The exterior side yard has a setback of 5.99 metres where 4.0 metres is required, the interior side yard setback is 4.14 metres where 1.2 metres is required, and the front yard setback is 6.08 metres where 6.0 metres is required. All yard besides the rear yard exceed the minimum setbacks required by the Zoning By-law. Staff are supportive of the variance.

A-83/15 Variances – 4 Oscar Avenue (Parts 2 and 3)

Variance 1 requests a reduction of a reduction of the minimum required rear yard setback 7.5 metres to 5.09 metres. The purpose of the rear yard setback is to provide adequate amenity space on the lot. The large easterly side yard provides additional amenity space, making up for space not provided in the rear. Staff support the variance providing the easterly side yard is maintained at 7.5 metres, the height of the dwelling is a maximum of one storey (5.0 metres) as indicated on the sketch submitted with the application, and that only a single detached dwelling be permitted. These conditions are to ensure that the proposed dwelling is compatible with the existing neighbourhood.

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.

Conclusion

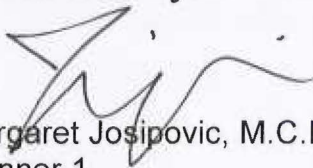
Staff is satisfied that the subject consent and variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consent and variances be approved, subject to the conditions outlined in the recommendation.

Prepared by:



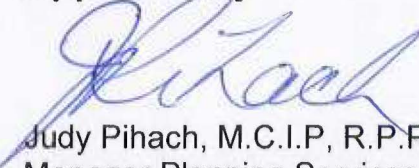
Charlotte McEwan
Student Planner

Submitted by:



Margaret Josipovic, M.C.I.P., R.P.P.
Planner 1

Approved by:



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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 23, 2015

Date of Meeting: October 28, 2015

Submission(s): B-43/15SC

File: 60.84.2005

Subject: 66 St. Paul Street
74 St. Paul Street

Proposal

Application **B-43/15SC** is made for consent to a partial discharge of mortgage and for consent to establish a right-of-way, in perpetuity, over 18.5 m² of land (Part 2 on the submitted sketch) for the benefit of the northerly abutting lot known as 74 St. Paul Street (Part 1), for access purposes. A 729.5 m² remnant parcel (Parts 2 and 3) with the existing commercial/residential building would be retained.

Recommendation

That Submission **B-43/15SC** by Robert Gregory Kelly, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of the applications is to provide rear access to the property known as 74 St. Paul Street.

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.

Staff recommends the approval of the requested consent.

Background

Planning Context

Location

The subject property is located on the east side of St. Paul Street backing onto Ice Dogs Way, north of Westchester Avenue. The property is surrounded by commercial/residential buildings to the north, south, and west, and the Meridian Centre to the East.

Official Plan

The Garden City Plan (GCP) designates the land as Commercial Core, which permits retail and service commercial uses, institutional, office, entertainment, indoor recreation, and residential apartment uses, subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned Downtown Traditional Main Street (C6-92) pursuant to By-law 2013-283, which permits a variety of uses including office, recreation, retail, service commercial, and apartment dwelling units. Special Provision 92 exempts the property from the applicable parking requirements.

Report

The purpose of the applications is to provide rear access to the property known as 74 St. Paul Street.

The property identified as Part 1 fronts onto St. Paul Street. Providing rear access to Part 1 is important for the lot, since no vehicular access is provided from St. Paul Street. Access from to Ice Dogs Way directly from the property known as 74 St. Paul Street was not granted as part of the review and approval of the Meridian Centre, which included the review of existing access points to St. Paul Street properties from Ice Dogs Way. This easement formally recognizes a long standing existing access, and meets the City requirement to not increase access points to Ice Dogs Way. The easement allows the property to maintain access through the rear without creating a new access onto the road. Staff are supportive of the consent.

Conclusion

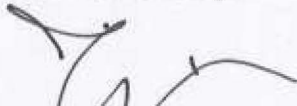
Staff is satisfied that the subject easement is appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that application B-43/15SC be approved.

Prepared by:



Charlotte McEwan
Student Planner

Submitted by:



Margaret Josipovic, M.C.I.P., R.P.P.
Planner 1

Approved by:



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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 23, 2015

Date of Meeting: October 28, 2015

Submission(s): B-45/15SC
A-86/15
A-87/15

File: 60.84.2007
60.81.5024
60.81.5025

Subject: 152 Berryman Avenue
156 Berryman Avenue

Proposal

Application **B-45/15SC** is made for consent to a partial discharge of mortgage and for consent to sever 1.214 hectares of land (Parts 2 & 3 on the submitted sketch) which will be added to the abutting westerly parcel of land known as 156 Berryman Avenue (Part 4), subject to an easement, in perpetuity, over 389 m² of land (Part 3) for purposes of repairing, reconstructing, cleaning, maintaining, inspecting and using the storm sewers in, over and under the lands to the benefit of the abutting southerly lot (Part 1). A 5.020 hectare remnant parcel (Part 1) would be retained for industrial use.

Application **A-86/15** is made pertaining to the City of St. Catharines By-law 2013-283 for the following (for Parts 2, 3 & 4):

1. A reduction of the minimum front yard setback from 12 metres to 3.03 metres.
2. A reduction of the minimum width of landscape buffer along street frontage from 3 metres to 0 metres.

Application **A-87/15** is made pertaining to the City of St. Catharines By-law 2013-283 (for Part 1).

Recommendation

That Submission **B-45/15SC** by 1712127 Ontario Inc, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the applicant submit an existing servicing plan which identifies the existing services on the properties. If existing services cross proposed lot lines that the applicant decommission those services and construct new services within the newly configured lot or, alternatively;
2. That the applicant submit to the City for review and approval the required easement documents registered on title to the properties, if applicable maintenance is required for these services crossing proposed future lot lines.

3. That the parking in front of the building on Part 4, and within the Berryman Avenue boulevard, be removed and replaced with sod or similar landscaping material, subject to review and approval by the City.
4. That the curb cuts for the existing parking area along Berryman Avenue be removed and the curb replaced to the satisfaction of the City.

That Variance 1 of Submission **A-86/15** by 2019562 Ontario Inc, as outlined in the Notice of Hearing, be approved, and that Variance 2 be denied.

That Submission **A-87/15** by 1712127 Ontario Inc, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of the applications is to facilitate a boundary adjustment between two parcels of land.

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, except for the reduction in the front landscape strip for Parts 2, 3, and 4.

Background

Planning Context

Location

The subject property is located on the east side of Berryman Avenue, south of Welland Avenue. The property is surrounded by single detached dwellings to the north, vacant land to the east, and industrial uses to the south and west.

Official Plan

The Garden City Plan (GCP) designates the land as General Employment, which permits a range of industrial operations and industrial service uses employment and business, as well as limited retail, commercial, recreation and office uses, 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 uses including retail, service commercial, and a range of industrial uses.

Report

Consent for New Lot

The proposed severance is to facilitate a boundary adjustment between two parcels of land. No new development is proposed at this time. The proposed boundary adjustment will not affect the surrounding lands, and no new use is proposed. Staff is supportive of the consent, on the condition that existing parking in front of the building on Part 4 is removed and reinstated with landscaping material, as outlined in the recommendation.

Variances Proposed

Variance 1 of Application **A-86/15** is made for a reduction of the minimum front yard setback from 12 metres to 3.03 metres. The variance is requested to recognize the location of the existing building on Part 4 of the submitted sketch. Staff are satisfied that the requested variance is minor in nature, maintains the intent of the Official Plan and Zoning By-law, and does not impact the surrounding areas.

Variance 2 of Application **A-86/15** is made for a reduction of the minimum width of landscape buffer along street frontage from 3 metres to 0 metres. The variance is requested to recognize the location of an existing parking area on Part 1 of the submitted sketch. Staff are not satisfied that a reduced landscape buffer is appropriate for the character of the street. The existing parking area is not a desirable use of the land and a landscape buffer would be in keeping with urban design policies, and the intent of the Zoning By-law and Official Plan. Staff recommends that the parking area be removed and reinstated with landscaping materials.

Application **A-87/15** is made for a reduction of the minimum required lot frontage from 60 metres to 50 metres for Part 1. This recognizes an existing condition. Staff are satisfied that the requested variance is minor in nature, maintains the intent of the Official Plan and Zoning By-law, and does not impact the surrounding areas.

Staff note that the applicant must submit a servicing plan to the City for review and approval.

Conclusion

Staff is satisfied that the subject consent and Variance 1 of Application A-86/15 and the variance requested in Application A-87/15 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 Variance 2 of Application A-86/15 be denied, and that the consent and Variance 1 of Application A-86/15 and Application A-87/15, be approved, subject to the conditions outlined in the recommendation.

Prepared by:



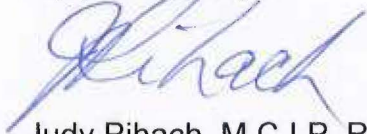
Charlotte McEwan

Student Planner
Submitted by:



Margaret Josipovic, M.C.I.P., R.P.P.
Planner 1

Approved by:



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