



CITY OF
ST. CATHARINES

Committee of Adjustment Public Hearing
June 2, 2016
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

Item #1, 16 Greenwood Avenue, Consent Application - B-24/16SC (60.84.2044) and
Item # 2, 22 Greenwood Avenue, Consent Application – B-25/16SC (60.84.2045) &
20 Greenwood Avenue, Minor Variance Application – A-49/16 (60.81.5093).

A request has been received by the owner to defer the applications until the
next hearing (June 22, 2016) as an additional consent application is required due
to the merging of the 2 properties.

5. Adoption of the Minutes held May 11, 2016
6. Application:
 3. 23 Seapark Drive, Minor Variance Application – A-47/16 – 60.81.5091
 4. 2 Agar Drive, Minor Variance Application – A-48/16 – 60.81.5092
7. New Business:
8. Date of next Hearing: June 22, 2016
9. Adjournment

23 Seapark Drive

Departmental &
Agency Comments



Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services

Cc: B. Thiessen, Charlotte McEwan, Hailey McWilliam, Judy Pihach
Planning and Building Services

From: Mark Lepp, Building Inspector II
Planning and Building Services

Date: May 27, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 2, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
A-47/16	23 Seapark Drive	Please be advised that a building permit is required for the proposed new building. Note that spatial separations will be addressed during Building Permit review for distance to property line and between buildings on the same property..
A-48/16	2 Agar Drive	No Comment

Mark Lepp, Building Inspector II

Cc: Files, 300-010

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Munro, Elaine

Subject: RE: Update RE: Committee of Adjustment Notices and Applications for the June 2/16 CofA Hearing

From: Sullivan, Kristen

Sent: Friday, May 20, 2016 9:33 AM

To: McEwan, Charlotte <cmcewan@stcatharines.ca>; McWilliam, Hailey <hmcwilliam@stcatharines.ca>

Cc: Munro, Elaine <emunro@stcatharines.ca>

Subject: RE: Update RE: Committee of Adjustment Notices and Applications for the June 2/16 CofA Hearing

PRCS has no comments on the following applications:

- 23 Seapark
- 2 Agar

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145



Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning & Building Services

Cc: Terrence Glover, Planner II
Planning & Building Services

From: Jim Denham P.Eng., Development Engineering Technologist
Planning and Building Services

Date: May 19th, 2016
Hearing Date: June 2nd, 2016

Subject: Engineering Comments to Committee of Adjustment File No's:

A-40/16SC – 2 Agar Drive
A-47/16SC – 23 Seapark Drive

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of variance application A- 40/16SC for 2 Agar Drive.

There is a discrepancy in the drawings with regards to a City owned Trunk Watermain adjacent to the south property line of 23 Seapark Drive. We have requested a field locate to confirm that it is not on private property near the proposed new building. While we believe it to be in an easement south of 23 Seapark we would like to reserve comment until we receive confirmation.

If you have any questions or concerns regarding the above please feel free to contact me.

Regards,

Jim Denham P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 20, 2016

Subject: Committee of Adjustment
Public Hearings – June 2, 2016
File No. 305-17-01

Upon review of the applications, we have no concerns or requirements. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner
Transportation Technologist
SB/

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, May 17, 2016 2:18 PM
To: Munro, Elaine
Subject: RE: Committee of Adjustment Notices of Hearing for June 2, 2016, City of St. Catharines

Hi Elaine

1. 16 Greenwood Avenue, Consent Application - B-24/16SC – 60.84.2044 No issues or concerns
2. 22 Greenwood Avenue, Consent Application – B-25/16SC – 60.84.2045 No issues or concerns
20 Greenwood Avenue, Minor Variance Application – A-49/16 – 60.81.5093 No issues or concerns
3. 23 Seapark Drive, Minor Variance Application – A-47/16 – 60.81.5091 No issues or concerns
4. 2 Agar Drive, Minor Variance Application – A-48/16 – 60.81.5092 No issues or concerns

Thanks

DOUG CROWN

Network Planning and Design

T 289-296-6266 | C 905-401-9967

7170 McLeod Rd
Niagara Falls Ontario L2G 3H2 Canada
Doug.Crown@cogeco.com



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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

May 24, 2016

File No. MPR 3.13

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

BY EMAIL ONLY

Attn: Elaine Munro, Secretary-Treasurer

Subject: A-47/16
23 Seapark Drive, St. Catharines

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted application and offers the following for your information. The subject application has been made to permit the following:

- 1) A reduction of the minimum yard setback abutting a Green Space zone from 15 metres to 3 metres.
- 2) A reduction of the minimum width of landscape buffer abutting a Green Space zone from 7.5 metres to 3 metres.

The variances are requested for the proposed construction of a building for a new tenant.

Niagara Peninsula Conservation Authority Regulations:

NPCA mapping identifies a regulated tributary to the south of the subject property. NPCA staff have reviewed the mapping and are satisfied that this section of the watercourse is a constructed drainage channel and not a naturalized channel. In addition, the subject property is currently paved to the edge of the property line. The subject application has been made to facilitate construction of a building which will not extend any closer to the drainage channel than the existing limit of paving.

Niagara Region Core Natural Heritage Comments:

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 Official Plan.

Regional Core Natural Heritage mapping also identifies the drainage channel as a regulated watercourse. The subject application has been made to facilitate construction of a building which will not extend any closer to the drainage channel than the existing limit of paving. As such, the NPCA is satisfied there will be no significant negative impact to the identified features as a result of the subject application.

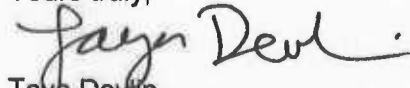
Conclusion:

Based on the above, the NPCA offers no objection to the subject application which has been made for a reduction in setback and landscape buffer abutting a Green Space zone to facilitate the constructing of a building for a new tenant.

Lastly, please note that due to the identified features on the property, any future works proposed will require NPCA review prior to the commencement of the works on site and may require further studies and a work permit from this office 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 black ink, appearing to read "Taya Devlin". The signature is fluid and cursive, with a long horizontal stroke at the end.













Taya Devlin

Watershed Planner (ext. 262)

Cc: Andrew Fetter, Development Approvals Technician, Niagara Region
Connie Mancuso, Program Assistant, Niagara Region



Legend

-  Campsites
-  Contours 2010 (1m)
-  NIAGARA NATURAL ENVIRO
INFORMATION SCREENING
-  NPCA APPROXIMATE REGULATORY
- Ontario Road Network**
 -  Major Highways
 -  Arterial Roads
 -  Local Roads
-  Assessment Parcels
-  AIRPORTS
- SWOOP_2015**
 -  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

Notes

101.5 0 50.77 101.5 Meters

NAD_1983_UTM_Zone_17N

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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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 25, 2016

Date of Meeting: June 2, 2016

Submission(s): A-47/16

File: 60.81.5091

Subject: 23 Seapark Drive

Recommendation

That Submission **A-47/16** by 1578968 Ontario Ltd., as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that variance A-47/16 is minor in nature, 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.

Staff recommends that the requested variance be approved.

Report

Proposed Development

The purpose of the Minor Variance application is to allow the construction of a new building on the industrial site.

Application **A-47/16** is requesting a variance from the following requirements of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the minimum yard setback abutting a Green Space zone from 15 metres to 3 metres.
- 2) A reduction of the minimum width of landscape buffer abutting a Green Space zone from 7.5 metres to 3 metres.

Location and Site Description

The subject property is located on the west side of Seapark Drive. The property is surrounded by general employment lands to the north, south, east and west. The property abuts a drainage ditch to the immediate south that is designated Green Space.

Circulation of Application

The application was circulated to all appropriate departments and agencies and no objections were received.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated as General Employment as per Schedule E3 of the Garden City Plan. This designation permits a variety of commercial and industrial uses including the proposed addition to the existing industrial use.

Zoning By-law (2013-283)

The subject land is zoned General Employment (E2). The E2 zone permits a variety of commercial and industrial uses, including the expansion to the existing industrial uses located on the subject lands.


Both variances are requesting a reduction to the minimum yard setback and landscape buffer abutting a Green Space zone as required by the Zoning By-law. The Green Space abutting the property to the south is a drainage ditch and is not considered to be a significant natural feature. Staff is of the opinion that the proposed 3 metre landscape buffer will provide adequate separation distance between the existing drainage ditch and the proposed building.

Additionally, the location of the proposed building allows for adequate parking and ingress and egress routes between the buildings on the subject lands. The proposed building is to be located farther back from the street than the existing building. No adverse impacts are anticipated as a result of the siting of the building. Staff are of the opinion that the requested variances are minor, that the proposal is compatible with the industrial area, and that the intent of the Official Plan and Zoning By-law are being maintained.

Conclusion

Staff is satisfied that the variances requested through application A-47/16 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved, as the application represents good planning.

Prepared by:



Hailey McWilliam
Student Planner

Submitted by:



Charlotte McEwan
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

2 Agar Drive

Departmental &
Agency Comments

Munro, Elaine

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Sent: Tuesday, May 17, 2016 2:18 PM
To: Munro, Elaine
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Thanks

DOUG CROWN

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Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning & Building Services

Cc: Terrence Glover, Planner II
Planning & Building Services

From: Jim Denham P.Eng., Development Engineering Technologist
Planning and Building Services

Date: May 19th, 2016
Hearing Date: June 2nd, 2016

Subject: Engineering Comments to Committee of Adjustment File No's:

A-40/16SC – 2 Agar Drive
A-47/16SC – 23 Seapark Drive

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of variance application A- 40/16SC for 2 Agar Drive.

There is a discrepancy in the drawings with regards to a City owned Trunk Watermain adjacent to the south property line of 23 Seapark Drive. We have requested a field locate to confirm that it is not on private property near the proposed new building. While we believe it to be in an easement south of 23 Seapark we would like to reserve comment until we receive confirmation.

If you have any questions or concerns regarding the above please feel free to contact me.

Regards,

Jim Denham P.Eng.
Development Engineering Technologist



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To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services

Cc: B. Thiessen, Charlotte McEwan, Hailey McWilliam, Judy Pihach
Planning and Building Services

From: Mark Lepp, Building Inspector II
Planning and Building Services

Date: May 27, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 2, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
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A-48/16	2 Agar Drive	No Comment

Mark Lepp, Building Inspector II

Cc: Files, 300-010

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Munro, Elaine

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Subject: RE: Update RE: Committee of Adjustment Notices and Applications for the June 2/16 CofA Hearing

PRCS has no comments on the following applications:

- 23 Seapark
- 2 Agar

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 20, 2016

Subject: Committee of Adjustment
Public Hearings – June 2, 2016
File No. 305-17-01

Upon review of the applications, we have no concerns or requirements. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner
Transportation Technologist
SB/



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 25, 2016

Date of Meeting: June 2, 2016

Submission(s): A-48/16

File: 60.81.5092

Subject: 2 Agar Drive

Recommendation

That Submission **A-48/16** by Michael Chmielewski & Marcia Chmielewski, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. That the deck be a maximum height of 0.81 metres and a maximum size of 2.4 metres by 3.0 metres as outlined in the sketch submitted with the application dated June 16, 2016 and revised August 18, 2016.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that variance A-48/16 is minor in nature, 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.

Staff recommends that the requested variance be approved, subject to the condition outlined in the recommendation.

Report

Proposed Development

The purpose of this Minor Variance application is to allow the height of the existing deck to remain at 0.76 metres above grade.

Application **A-48/16** is requesting a variance from the following requirements of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the required minimum setback from the rear lot line to the platform structure, that is between 0.6 metres to 1.2 metres above grade, from 3 metres to 2.75 metres.

Location and Site Description

The subject property is located on the north side of Agar drive, west of Grantham Avenue. The property is surrounded by single detached dwellings to the north, south, east and west.

Circulation of Application

The application was circulated to all appropriate departments and agencies and no objections were received.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated as Neighbourhood - Low Density Residential as per Schedule E3 of the Garden City Plan. This designation permits a variety of low density 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 (2013-283)

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits a variety of low density residential dwelling types as well as platform structures accessory to the residential use.

A previous application for this property, Submission A-40/14, was considered by the Committee at a hearing on June 4, 2014. The application requested variances for a reduction in the minimum front yard setback to the dwelling and garage and a reduction in the minimum rear yard setback, to allow for the construction of a single detached dwelling. The Committee granted the requested variances, but imposed the following conditions:

1. That the maximum building height be limited to one storey.
2. That a raised deck not be permitted in the rear yard.

At that time, Staff recommended that the construction of a platform structure be prohibited due to the small size of the lot and the potential impacts the structure would have on the privacy of the abutting neighbours. Since that approval, a small platform structure has been constructed that is 0.81 metres above grade (as confirmed by the owner. Given the small size and location that minimizes overlook to abutting yards, staff consider it to be appropriate for the lot. Provided the platform structure is no larger than indicated on the plans submitted with the application (2.4 metres by 3.0 metres), and no taller than the existing height of 0.81 metres, staff are prepared to recommend approval of the variance.


In staff's opinion, minimal adverse impacts are anticipated as a result of the existing structure. Furthermore, staff are of the opinion that adequate privacy and amenity space will be maintained due to the mitigation measures the owner has taken. It is staff's

opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

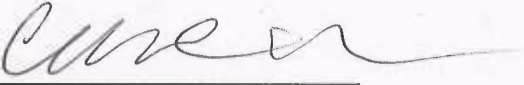
Conclusion

Staff is satisfied that the variance requested through application A-48/16 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved, as the application represents good planning.

Prepared by:


Hailey McWilliam
Student Planner

Submitted by:


Charlotte McEwan
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services