

Corporate Report

APPROVED ON CONSENT
GENERAL COMMITTEE
OCTOBER 29, 2012 ITEM
NUMBER 3

Report from Planning & Development Services, Implementation

Date of Report: October 15, 2012

Date of Meeting: October 29, 2012

Report Number: PDS-617-2012

File: 60.35.993

Subject: Application to Amend Zoning Area By-Law 64-270 (Zone 4) to Permit a three unit residential building at 42 Leeper Street. Owner: Karl Legault

Recommendation

That Council refer the report from Planning and Development Services, Implementation, dated October 9, 2012 regarding the proposal to amend Zoning Area By-law 64-270 (Zone 4) for lands known municipally as 42 Leeper Street, to City Council for consideration after the public meeting scheduled for November 12, 2012. FORTHWITH

Staff Recommendation

That Council approve an amendment to Zoning By-law 64-270 (Zone 4) for lands described as CP 2, Pt. Lot 1878, known municipally as 42 Leeper Street, as follows:

That the existing Second Density R2B zone be amended to permit a triplex dwelling as an additional permitted use for those lands identified on Appendix 1 of this report subject to the following special provisions:

- | | | |
|-------|--|--------------------|
| (i) | Parking spaces | 2 |
| (i) | Front yard setback | 2.0m |
| (ii) | Maximum encroachment of a verandah into front yard | 2.0m |
| (iii) | Minimum side yard setback | 2.0m |
| (iv) | Maximum driveway width | 9.0m |
| (x) | Minimum dwelling unit area | 55.0m ² |

For the purposes of this amendment only, a triplex shall be defined as a building that is divided horizontally or vertically into three separate dwelling units.

And that the City Solicitor be directed to prepare the necessary By-laws to give effect to Council's decision;

And that the Chief Building Official confirm that building permits may be issued.

And that upon expiration of the appeal period, the City Clerk be directed to forward an application to the Ontario Municipal Board for approval of the proposed zoning by-law if any appeals are received;

And further that the Clerk be directed to make the necessary notifications.
FORTHWITH.

Summary

The purpose of this application is to recognize an existing three unit residential building. No new development is proposed. Staff is recommending approval of the application.

Background

Application is made pursuant to Section 34 of the Planning Act which provides the authority to pass and amend zoning by-laws. Currently there is a three (3) unit residential building on the lands. This is not a permitted use in the zoning by-law which zones the land as Second Density Residential (R2B). This application seeks to recognize the existing development on the subject lands.

Report

Site Analysis

a) Location

The subject lands are located in the West Planning District, more specifically, on the west side of Leeper Street, between Chetwood Street and Rykert Street (see Appendix "1").

b) Existing Land Use

(i) Site:

There is a two (2) storey building on the subject lands. The site has a lot area of 863 m² (9,289 square feet) and frontage of 17.98 m (60 feet) on the west side of Leeper Street.

Neighbourhood:

North: Residential (detached dwelling and six unit apartment building)

South: Residential (detached dwelling)

East: Residential (detached dwelling)

West: Residential (detached dwelling)

c) Official Plan

At the time this application was made the former Official Plan was in effect. The former Official Plan designates the land as Neighborhood Residential, which allows all forms of residential development, subject to the policies of the plan.

The Garden City Plan (GCP) was approved by the Region of Niagara and was in full force and effect as of July 31, 2012, after this application was submitted. The policies of the GCP provide guidance in assessing this application. This plan designates the lands as Neighbourhood Residential and Schedule E7 (West Planning District) further designates the lands as Low Density Residential permitting a general density of 20-32 units per hectare. This application complies with the density requirements of the Plan.

The proposal complies with the City's Official Plan and GCP. Amendments are not required.

d) Zoning

Zoning By-law 64-270 (Zone 4) zones the subject lands as Second Density Residential (R2B) permitting single detached dwellings, semi-detached dwellings, and duplex dwellings. An amendment to the by-law is required to permit this three unit residential dwelling.

Circulation Comments

The application was circulated to all departments and agencies for their comments and requirements. No opposition to this application was raised.

Regional Development Services staff has no objection to the proposed Zoning By-law amendment from a Provincial or Regional perspective and note that the proposed amendment will facilitate residential intensification in the built up area of the City.

Public Open House

A public open house was hosted by Planning and Development Services staff on September 6, 2012. The purpose of the meeting was to present the applicant's proposal and allow an opportunity for questions to be asked and comments to be received by City staff before decisions are made. There was one member of the public in attendance. He commented that he was in support of the application and noted that the existing building on the subject lands had been used as three residential units since at least 1967.

After the open house, one additional concern was presented to staff relating to a periodic shortage of on street parking on Leeper Street.

Planning Considerations

The lands under review are zoned for residential purposes which allow single detached dwellings, semi-detached dwellings, and duplex dwellings. An amendment to the zoning by-law is required to allow the subject lands to be used for a three unit residential dwelling. The existing building is comprised of one unit on the main floor and two units on the second floor.

The surrounding area is characterized by residential uses. The immediate neighborhood has a variety of single detached dwellings, duplexes, and low rise apartment buildings.

Provincial Policies

Residential intensification in existing mature neighbourhoods with full urban services is mandated by the Provincial Policy Statement (2005) and in the Growth Plan for the Greater Golden Horseshoe (2006). As well, it is supported by the Regional Policy Plan. The Provincial Policy Statement requires that the City provide for an appropriate range of housing types and densities to meet the requirements of current and future residents. Increased housing densities are to take advantage of existing infrastructure and public transit facilities.

Full urban services are available at this location. Further, Rykert Street is on a bus route served by St.Catharines Transit. The proposal complies with Provincial land use policies.

Regional Policy Plan

The subject lands are within the City's Urban Area defined by the Niagara Region Policy Plan (NRPP). Similar to the Province's growth objectives, the Region's Plan also promotes the efficient use of serviced land through infilling, redevelopment and increased densities, as well as the efficient use of existing infrastructure and community resources. Regional staff has confirmed that the proposed use is compatible with the NRPP.

City of St. Catharines Official Plan

Both the Official Plan and new Garden City Plan (GCP) designate these lands as Neighborhood Residential. The Garden City Plan further designates the lands as Low Density Residential permitting detached, semi-detached, duplex and ground oriented multiple attached dwellings including tri-plexes at a density range generally between 20 and 32 units per hectare (Schedule E7, West Planning District). At 33 units per hectare, the density is just slightly above the 32 unit per hectare threshold for low density residential uses. This increment is considered negligible and staff conclude the density is generally in accordance with the low density residential range. Since the building form is ground related this application complies with the general density requirements and policies of the Plan.

Zoning

The lands are zoned Second Density Residential (R2B), a zone which does not permit, as of right, a 3 unit residential building in this form. In this case, staff conclude that this use is well established in this neighbourhood, possibly dating back to the 1950's. The City has no records of building permits being issued for a third dwelling unit on this site. There is no history of land use issues relating to the additional unit within this building, other than a periodic concern regarding the shortage of on street parking on Leeper Street.

Staff recommends that the existing three unit residential building be added as a permitted use in the R2B zone, subject to site specific provisions to reflect the existing building and parking situation on the lot. In this specific application, the 3 unit residential building shall be defined as a tri-plex which is divided horizontally or vertically into three separate dwelling units.

With respect to the amount of parking that the use generates, the plan submitted with the application provides for two parking spaces. Staff is prepared to support a minimum parking requirement of 2 spaces for the three units, in this instance. The parking policies of the new Garden City Plan (Section 5.4.2) provide that the City may consider reducing or eliminating parking requirements when shared parking is possible or transit is readily available. Transit service is available on Rykert Street and the lands are in close proximity to downtown. Staff is not aware of any parking issues (eg. spillover) generated by the existing three units and the applicants have advised that due to the small size of the units, it is common for some tenants not to require a parking space. The remaining site specific provisions recommended relate to the existing building context.

Second Planning Opinion Advisory

Should Council consider not supporting the Staff Recommendation, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Municipal Board, then the planner who has provided the second opinion shall be retained for the purpose of a hearing before the Ontario Municipal Board.

In accordance with established procedures the date for the public meeting is provided in the recommendation and notices for the public meeting have been circulated.

Financial Implications

Not Applicable

Conclusion

Staff supports the proposed zoning amendment to recognize the three unit residential building which is specifically defined as a tri-plex. The proposal is consistent with the City's Official Plan policies as well as those of the Province and Region regarding intensification and efficient use of serviced urban land.

Recommended site specific provisions reflect the existing building location. There will be no impacts on neighbouring and nearby uses as a result of this application. No concerns were identified by City departments or external commenting agencies.

Notification

It is in order to notify Karl Legault.

Submitted by: Judy Pihach, MCIP, RPP, Manager, Planning Services

Prepared by: Jessica Button, Planner 1

Approved by: James N. Riddell, MPI, MCIP, RPP Director of Planning and
Development Service

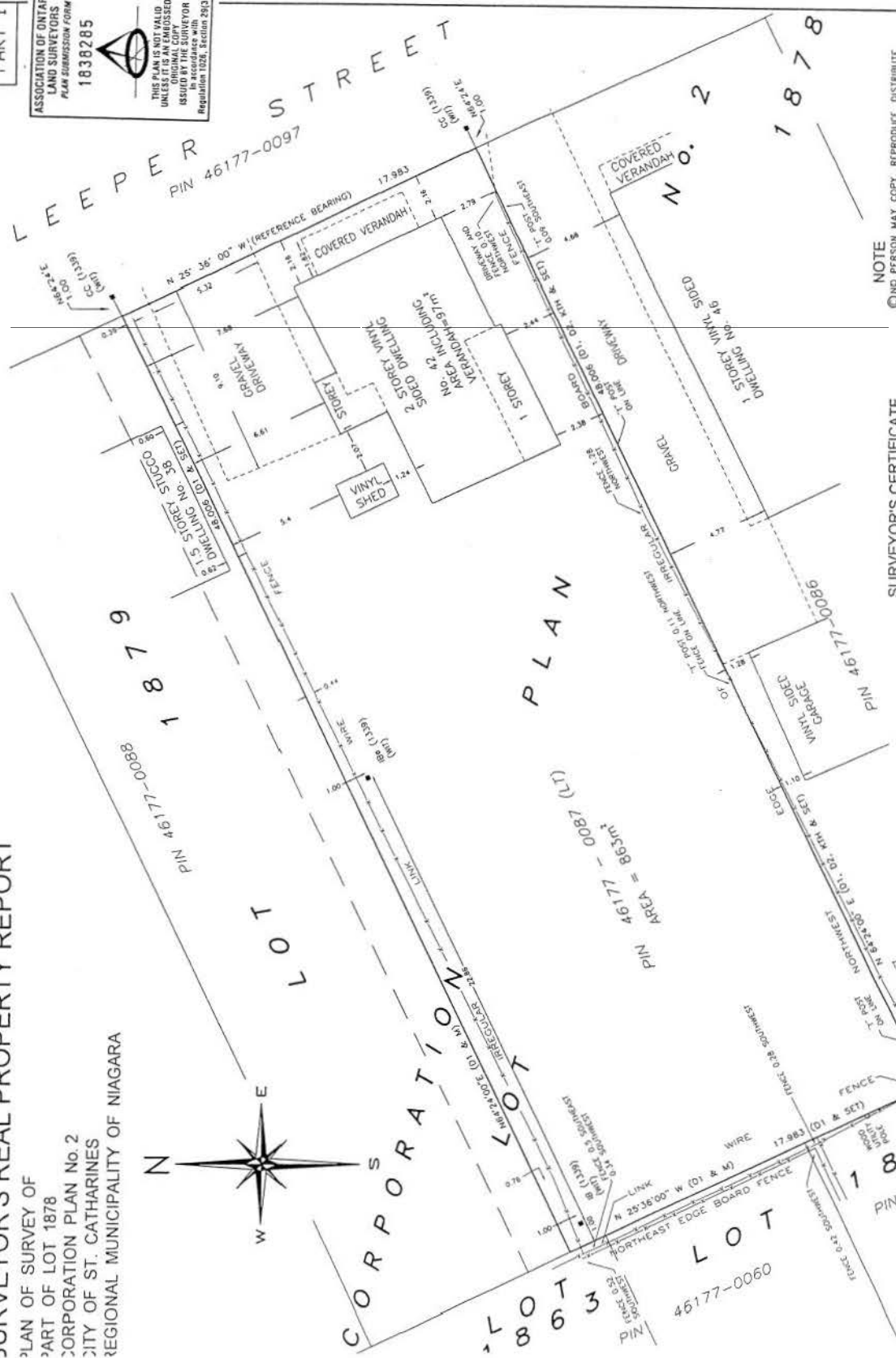
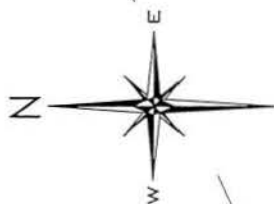
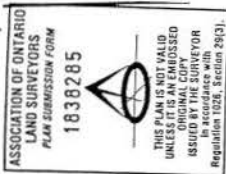


SUBJECT LANDS KNOWN AS
 42 LEEPER STREET
 FILE: 60.35.993

SURVEYOR'S REAL PROPERTY REPORT

PLAN OF SURVEY OF
PART OF LOT 1878
CORPORATION PLAN No. 2
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

PART 1



NOTE

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF WILLIAM A. MASCOE SURVEYING LTD.

PART 2 OF THE SURVEYOR'S REAL PROPERTY REPORT IS CONTAINED IN A LETTER DATED JUNE 29, 2012 AND MUST BE READ IN CONJUNCTION WITH THIS PLAN. THIS REPORT WAS PREPARED FOR PAT LEGAULT AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR THE FUTURE USE BY OTHER PARTIES.

**WILLIAM A. MASCOE
SURVEYING LTD.**
49 EASTCHESTER, AV.
ST. CATHARINES, ONTARIO

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYOR'S ACT, THE SURVEYOR'S REGULATION AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 29TH DAY OF JUNE, 2012.

DATE: JUNE 29, 2012

WILLIAM A. MASCOE
ONTARIO LAND SURVEYOR

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHWESTERLY LIMIT OF LEEPER STREET, AS SHOWN ON CORPORATION PLAN No. 2, HAVING A BEARING OF N 25° 36' 00" W.

LEGEND

- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- DENOTES SURVEY MONUMENT SET
- DENOTES SURVEY MONUMENT FOUND
- 1359 DENOTES W. A. MASCOE, O.L.S.
- KTH DENOTES KERRY T. HOWE SURVEYING LTD. 1986 SURVEY.
- N DENOTES MEASURED
- AS IN R0606347 DENOTES PIN 46177-0087, AS IN R0606347
- D2 DENOTES PIN 46177-0086, AS IN R0606347
- CC DENOTES CUT CROSS
- WIT DENOTES WITNESS

CAUTION

THIS PLAN IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL.

METRIC NOTE

DIMENSIONS SHOWN ON THIS PLAN ARE METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048