



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** B-13/18SC  
B-14/18SC  
A-17/18  
A-18/18

**File:** 60.84.2156  
60.84.2157  
60.81.5304  
60.81.5305

**Subject:** 77 Hillview Road  
81 Hillview Road  
79 Hillview Road

### Recommendation

That Submission **B-13/18SC** and **B-14/18SC**, by BPR Development Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the applicant submit a payment of \$902.80 (\$451.40 per consent application) for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees;
2. Dedicate to the City gratuitously, free and clear of any encumbrances and at the Owner's expense, a 0.85 metre road widening across the entire frontage of Parts 1 to 4 as Public Highway to be known as Hillview Road;
3. Pay to the City the cash-in-lieu fee to construct a future 1.5 metre wide sidewalk across the entire frontage of the property in accordance with the City's Schedule of Rates and Fees in place at the time of clearing this condition; and
4. That final approval for the necessary minor variance applications be received.

That Submission **A-17/18**, by BPR Development Inc., as outlined in the Notice of Hearing, be approved.

That Submission **A-18/18**, by BPR Development Inc., as outlined in the Notice of Hearing, be approved.

### Summary

Having regard for the matters under section 51(24) of the Planning Act, staff is satisfied that applications **B-13/18SC** and **B-14/18SC** are desirable and compatible with the

surrounding area and will not result in adverse impacts on surrounding properties. Additionally, having regard for the matters under section 45(1) of the Planning Act, staff is of the opinion that the variances requested through applications **A-17/18** and **A-18/18** are 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, provided the conditions are approved.

Staff recommend that the requested consent and variances be approved, subject to the conditions outlined in the recommendation.

## **The Proposal**

Application **B-13/18SC** is made for consent to a partial discharge of mortgage and for consent to sever 310m<sup>2</sup> of land (Part 2 on the submitted sketch) creating a new lot to be known as 79 Hillview Road for the purpose of severing one-half of a semi-detached dwelling currently under construction. A 316m<sup>2</sup> remnant parcel with the remaining half (Part 1) of the semi-detached dwelling (Part 1) would be retained for residential use. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately.

Application **B-14/18SC** is made for consent to a partial discharge of mortgage and for consent to sever 299m<sup>2</sup> of land (Part 3 on the submitted sketch) creating a new lot to be known as 81 Hillview Road for the purpose of severing one-half of a semi-detached dwelling currently under construction. A 293m<sup>2</sup> remnant parcel (Part 4) with the remaining half of the semi-detached dwelling would be retained for residential use. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately.

Application **A-17/18** requests to vary Zoning By-law 2013-283 for a reduction of the minimum lot frontage from 7.5 metres to 7.195 metres for Part 2 in order to facilitate the concurrent consent application.

Application **A-18/18** requests to vary Zoning By-law 2013-283 for a reduction of the minimum lot frontage from 7.5 metres to 7.195 metres for Part 3 in order to facilitate the concurrent consent application.

The semi-detached dwellings are currently under construction.

## **Location and Site Description**

The subject property is located on the east side of Hillview Road, south of Galbraith Street and adjacent to Twelve Mile Creek Park to the south. It is surrounded by single detached dwellings in all directions.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP), and further designated Low Density Residential and a small portion of Natural Area, as per Schedule E7 of the GCP. The Low Density Residential permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

### *Zoning By-law (2013-283)*

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings, and private road developments. An approximately 110 square metre area of Conservation/Natural Area (G1) is located at the rear of Part 1, generally reflecting lands below the top of bank.

## **Consent Applications B-13/18SC and B-14/18SC**

Applications **B-13/18SC** and **B-14/18SC** are made for consent to sever to create 2 new lots for the purpose of severing one-half of 2 semi-detached dwellings, both of which are currently under construction (Parts 2 and 3). The remaining halves of each semi-detached dwelling (Parts 1 and 4, respectively) are to be retained for residential use. The applications would allow each unit of the semi-detached dwellings to be owned and/or sold separately.

Part F, Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of optimum development of the surrounding area.

The lots are appropriate for the use proposed as they each contain half of a semi-detached dwelling, all of which are currently under construction. The function of the dwelling units will not change and no adverse impacts on the surrounding area are anticipated. Parts 1 through 4 of the submitted sketch are slightly smaller than most of the existing lots in the surrounding area, however they still provide adequate lot size to fit a dwelling unit on each while abiding by the provisions of the zoning by-law. The proposal demonstrates development that is compatible with the existing streetscape in terms of spacing and building setback. The lot sizes will not have any notable or negative impact on the established character of the neighbourhood. The proposal is in keeping with the general intent and purpose of the Official Plan and Zoning By-law.

Staff is supportive of the proposed consent, subject to the conditions outlined in the recommendation.

The City's Development Engineering Section noted that Hillview Road is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.12m (66'). Its current width is deficient at +/- 18.4 m and would require a minimum road widening of 0.86m along the Hillview Road frontage, dedicated gratuitously, free and clear of any

encumbrances as Public Highway to be known as Hillview Avenue. Development Engineering also noted that sidewalks and curbs do not exist along this section of Hillview Road however are planned at an unknown future date. Due to the City's requirement for sidewalks with respect to Council's policy for 'walkable communities', the Owner is required to pay to the City the cash-in-lieu fee to construct a future 1.5m wide sidewalk across the frontage of the property.

Comments received from the Niagara Peninsula Conservation Authority (NPCA) advised that typically, the NPCA would require a 7.5 m setback from the top of bank for all new development. However, this setback has the potential to be reduced through Slope Stability Studies. The NPCA typically does not permit lot lines to encroach within regulated features (i.e. below the top of slope, on a valley wall). The NPCA had requested that the lot line between Parts 1 and 2 be removed from extending into the Twelve Mile Creek valley. The applicant provided an updated Slope Stability Study that supported the placement of the proposed lot line between Parts 1 and 2 to follow the NPCA approved top of slope, to the satisfaction of the NPCA. As such, the lot line was removed from the regulated valley area and the NPCA is satisfied that each lot will have sufficient room above the top of slope and outside of the required setbacks for amenity space. Staff is in support of the requested consents.

#### *Design Review Panel (DRP)*

On May 8, 2017, Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Consent applications received after September 14, 2017 to create new, vacant residential lots were required to first go before the Design Review Panel prior to submitting the complete application. The first Design Review Panel meeting took place on October 3, 2017. The subject property was granted building permits to construct a new semi-detached dwelling on September 8, 2017, therefore pre-dating the time when the Design Review Panel took effect. The subject application was therefore exempt from review by the DRP.

### **Variance Application A-17/18 and A-18/18**

Applications **A-17/18** (Part 2) and **A-18/18** (Part 3) request reductions to the minimum lot frontage from 7.5 metres to 7.195 metres in order to facilitate the concurrent consent applications **B-13/18SC** and **B-14/18SC**.

The variances requested to reduce the lot frontage are considered minor in nature, as they will not significantly impact the subject or surrounding properties. The reduced frontages do not appear to impact the provision of parking. There is adequate space available for a parking area in the front of all the proposed dwelling units, which is similar to the driveway placements on properties of the adjacent area. Given the compatibility with the streetscape, staff are satisfied that the variances are in keeping with the general intent and purpose of the Official Plan and Zoning By-law. Staff are supportive of the proposed variances.

## Conclusion

Staff are satisfied that the consents requested through applications **B-13/18SC** and **B-14/18SC** are desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the applications. Additionally, staff is satisfied that the variances **A-17/18** and **A-18/18** are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and appropriate and desirable for the use of the land. It is staff's recommendation that the requested consents and variances be approved, subject to the conditions outlined in the recommendation.

### Prepared by:



Shannon Labelle  
Student Planner

### Submitted by:



Kirstin Jensen  
Planner I

### Approved by:



Judy Pihach, MCIP, RPP  
Manager of Planning Services





CITY OF  
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## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** A-41/18

**File:** 60.81.5328

**Subject:** 198 Welland Avenue

### Recommendation

That Submission **A-41/18** by Regional Municipality of Niagara, 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 of the opinion that application **A-41/18** 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 is being maintained.

### Proposed Development

Application **A-41/18** requests the following variances to facilitate the construction of a 2-storey Regional Niagara Policy Service Facility:

1. An increase of the maximum front yard setback from 93.5 metres to 103 metres.
2. An increase of the maximum exterior side yard setback from 13.4 metres to 25 metres (south property line)
3. A reduction of the minimum landscaped open space required within parking areas with 100 or more parking spaces, from 10% of the parking area to 7% of the parking area.

### Location and Site Description

The subject property is located on the south side of Welland Avenue, north of North Street and west of Niagara Street. The property is surrounded by a strip mall, detached dwellings and commercial buildings to the north, commercial buildings, a car repair shop and detached dwellings to the south, a church, a car dealership and commercial buildings to the west, and a commercial building to the east.

### Circulation of Application

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject lands are designated Downtown as per Schedule D1 of the Garden City Plan (GCP) and further designated Mixed High Density Residential/Commercial as per Schedule E10 of the GCP. The Mixed High Density Residential/Commercial designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 60 and 198 units per hectare of land.

### *Zoning By-law (2013-283)*

The subject land is zoned High Density Mixed Use with a Holding provision (M3-H1). The M3-H1 zone permits a range of commercial, institutional and office uses, including the proposed emergency facility service use. The Holding provision (H1) requires that an Environmental Site Assessment shall be prepared and submitted to the City of St. Catharines for approval.

## **Variance Application A-41/18**

Application **A-41/18** requests an increase in the maximum front yard setback and exterior side yard setback, as well as a reduction of the minimum landscaped open space required within parking areas with 100 or more parking spaces in order to facilitate the construction of a 2-storey Regional Niagara Police Service Facility.

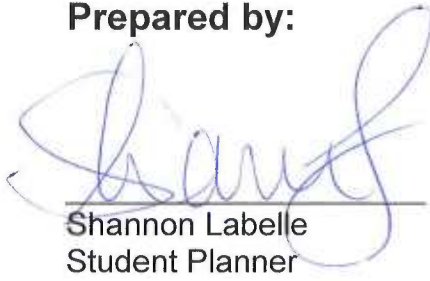
Variances 1 and 2 request an increase to the maximum front yard setback from 93.5 metres to 103 metres and an increase of the maximum exterior side yard setback from 13.5 metres to 25 metres, respectively. Relief was previously granted in 2016 (File No. A-113/16) for the maximum front yard setback and maximum exterior side yard setback, among others. Further variances are now requested due to a reduction in the floor area of the building since that time. These variances are considered minor in nature, as they will not substantially impact the surrounding properties. Therefore, the requested variances are considered desirable and appropriate for the use of the land, and are in keeping with the general intent of the Official Plan and Zoning By-law.

Variance 3 requests a reduction of the minimum landscaped open space required within parking areas with 100 or more parking spaces, from 10% to 7% of the parking area. The 3% reduction in landscaped open space is considered minor in nature. There is considerable landscaped open space provided around the perimeter of the parking area, to adequately compensate for this reduction.

## **Conclusion**

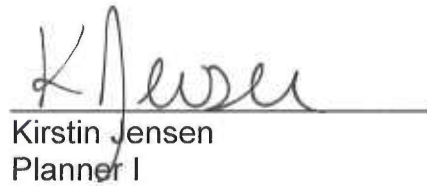
Staff are satisfied that the variances requested through Submission **A-41/18** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

**Prepared by:**



Shannon Labelle  
Student Planner

**Submitted by:**



Kirstin Jensen  
Planner I

**Approved by:**



Judy Pihach, MCIP, RPP  
Manager of Planning Services





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## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Meeting:** March 28, 2018

**Submission(s):** B-19/18SC  
A-27/18  
A-28/18

**File:** 60.84.2162  
60.81.5314  
60.81.5315

**Subject:** 30 ½ Division Street  
30 Division Street

### Recommendation

That Submission **B-19/18SC** by Frank Ray Lu and You Shi, as outlined in the Notice of Hearing, be approved, subject to the following conditions;

1. That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees;
2. That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;
3. That the applicant dedicate gratuitously to the City, and at the Owner's expense, a road widening of 2.0m in width across the entire frontage of Part 1 and Part 2, to the City. The land is to be conveyed free and clear of any mortgages, liens or encumbrances;
4. The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction meet the requirements for subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code for the east face of the building on Part 1 and the west face of the building on Part 2;
5. That the applicant reduce the front yard asphalt area of Part 2 to a maximum of 3.9 metres in width, in accordance with Section 3.9 of Zoning By-law 2013-283 for the Maximum Width of Residential Parking Area, and reinstate sod on the remainder of the front yard area, to the satisfaction of PRCS; and,
6. That approval of the necessary minor variances be received.

That Submission **A-27/18**, by Frank Ray Lu and You Shi, as outlined in the Notice of Hearing, be approved.

And that Submission **A-28/18**, by Frank Ray Lu and You Shi, as outlined in the Notice of Hearing, be approved.

## Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is satisfied that application **B-19/18SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through applications **A-27/18** and **A-28/18** are 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 recommend that the requested consent and variances be approved, subject to the conditions outlined in the recommendation.

## The Proposal

Application **B-19/18SC** is made for consent to a partial discharge of mortgage and for consent to sever 362.8m<sup>2</sup> of land (Part 1 on the submitted sketch) re-creating the lot known as 30 Division Street with an existing single detached dwelling. A 315.2m<sup>2</sup> remnant parcel with the existing single detached dwelling known as 30½ Division Street (Part 2) would be retained for continued residential use.

Applications **A-27/18** and **A-28/18** are requested to vary Zoning By-law 2013-283 for a reduction of the required parking spaces from 1 space to 0 spaces for Part 1 and Part 2 as a result of the City requesting a road widening as a condition of the proposed consent, **B-19/18SC**, to sever the lot.

No new development is proposed on Part 1 nor Part 2.

## Location and Site Description

The subject property is located on the south side of Division Street, between Riordan Street to the east and Calvin Street to the west. The property is surrounded by mostly detached dwellings in all directions, as well as a duplex directly across the street.

## Circulation of Application

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

## Planning Analysis

*Official Plan (Garden City Plan)*

The subject property is designated Downtown as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per Schedule E10 of the GCP. The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density

range generally between 25 and 99 units per hectare of land. The height of buildings in this area will generally not exceed 20 metres.

*Zoning By-law (2013-283)*

The subject land is zoned Medium Density Residential (R3). The R3 zone permits a variety of medium density residential dwelling types including detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse dwellings, private road developments, an apartment building, and a long-term care facility.

## **Consent Application B-19/18SC**

Application **B-19/18SC** is made for consent to sever 362.8m<sup>2</sup> of land (Part 1) in order to re-create the lot known as 30 Division Street containing an existing single detached dwelling. A 315.2m<sup>2</sup> remnant parcel with the existing single detached dwelling known as 30½ Division Street (Part 2) would be retained for continued residential use.

Part F, Section 16.11. 3. of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of optimum development of the surrounding area.

The consent is necessary to separate two previously existing lots, each containing a single detached dwelling, which have merged. The subject properties have been separate and distinct parcels for many years. The current owner took title to 30 Division Street in May 2016, and 30½ Division Street in September 2016, both under the same name, causing the properties to merge in title. Staff is satisfied that the parcels are appropriate for the use proposed, as each parcel will contain one of two single detached dwellings. The function of the dwellings will not change and there will be no impact on surrounding uses.

Staff is supportive of the proposed consent, subject to the conditions outlined in the recommendation.

*Design Review Panel (DRP)*

On May 8, 2017, Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Consent applications received after September 14, 2017 to create new residential lots were required to first go before the Design Review Panel prior to submitting the complete application. In this instance, the lots at 30 and 30½ Division were previously two legally separate parcels that had merged over time. No new vacant residential lot has been created by the consent. The subject application was therefore exempt from review by the DRP.

## **Variance Applications A-02/18 and A-03/18**

Applications **A-27/18** and **A-28/18** are requested for a reduction of the required parking spaces from 1 space to 0 spaces for Parts 1 and 2 as a result of the City requesting a road widening as a condition of the proposed consent, **B-19/18SC**, to sever the lot.

Both applications request a reduction of the required parking spaces for each dwelling. The requested reductions are considered minor in nature, as they will not significantly impact the subject or surrounding properties. The need for a reduction to the number of parking spaces is a result of the requested condition of a road widening of Division Street by the City's Development Engineering department for the concurrent consent application. It is noted that Division Street is designated a Local Road as per the City's Official Plan with a desired right-of-way width of 20m (65.6'). Its current road right-of-way along the frontage is deficient at +/- 11.1m.

While the City desires a 20m right-of-way, the front face of many of the existing dwellings along this section of Division Street cannot accommodate this. Therefore, a road widening of 2.0m only is all that is requested at this time. This represents approximately the same as a widening taken at houses number 23 and 25 Division Street. As a result of the road widening, neither property has a legal parking space nor are vehicles permitted to park on the existing right-of-way. As such, a reduction in the required parking for both properties is necessitated. On-street parking is available on Division Street and parking complaints are not common for the area.

Although neither property is able to provide a qualified parking space in technical terms according to the Zoning By-law, the properties can feasibly still accommodate at least one spot to park on each site. Therefore the variances are in keeping with the general intent and purpose of the Official Plan and the property complies with all other provisions of the Zoning By-law. Staff are supportive of the proposed variances.

## **Conclusion**

Staff are satisfied that the consent requested through application **B-19/18SC** is desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. Additionally, staff is satisfied that the variances requested through submissions **A-27/18** and **A-28/18** are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and appropriate and desirable for the use of the land. It is staff's recommendation that the requested consents and variances be approved, subject to the conditions outlined in the recommendation.

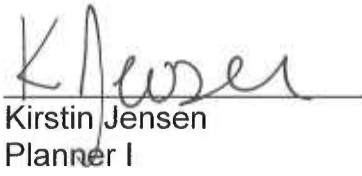
**Prepared by:**



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Shannon Labelle  
Student Planner

**Submitted by:**



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Kirstin Jensen  
Planner I

**Approved by:**



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Judy Pihach, MCIP, RPP  
Manager of Planning Services





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## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** B-20/18SC  
B-21/18SC

**File:** 60.84.2163  
60.84.2164

**Subject:** 13 Olde School Court  
15 Olde School Court

### Recommendation

That Submission **B-20/18SC** by Heather Campbell and Michael Bronzi, as outlined in the Notice of Hearing, be denied.

That Submission **B-21/18SC** by Heather Campbell and Michael Bronzi, as outlined in the Notice of Hearing, be denied.

### Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff are not satisfied that applications **B-20/18SC** and **B-21/18SC** are desirable for the appropriate use of the land and do not uphold the intent and purpose of the Official Plan.

### The Proposal

Application **B-20/18SC** is made for consent to a partial discharge of mortgage and for consent to sever 0.20m<sup>2</sup> of land (Part 2 on the submitted sketch), which will be added to the abutting northerly parcel of land known as 15 Olde School Court (Part 4). A 644m<sup>2</sup> remnant parcel (Part 1) with the existing two-storey single detached dwelling would be retained. There is a concurrent consent application **B-21/18SC**.

Application **B-21/18SC** is made for consent to a partial discharge of mortgage and for consent to sever 158.2m<sup>2</sup> of land (Part 3 on the submitted sketch), which will be added to the abutting easterly parcel of land known as 13 Olde School Court (Part 4) for the purpose of having continuity of green space with this property. A 1058.5m<sup>2</sup> remnant vacant parcel (Part 4) would be retained for future residential use.

No new development is proposed.

## **Location and Site Description**

The subject property is located on the southwest end of the circle, north of Cecil Street. The subject property is surrounded by detached dwellings to the north, south, and west and a field and a school to the east.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject lands are designated Neighbourhood Residential as per Schedule D1 and Low Density Residential as per Schedule E1 of the Garden City Plan (GCP). The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density generally between 20 and 32 units per hectare.

### *Zoning By-law (2013-283)*

The subject lands are zoned Local Neighbourhood Institutional with a special provision (I1-136), in part. The I1 zone permits uses within the R1 zone as well as cultural facilities, day cares, emergency service facilities, long term care facilities, places of worship, indoor and outdoor recreational facilities, elementary and secondary schools, and social services facilities. The special provision (136) has specific regulations with regard to lot area minimum and maximums, and minimum lot frontage and front yard setback. The lands are also zoned Conservation/Natural Area (G1), in part and generally reflect the lands comprising the ravine along the westerly edge of these lands. The G1 zone allows for a boat ramp, essential operations for service infrastructure and utilities, picnic areas and shelters, and trails.

## **Consent Applications B-20/18SC and B-21/18SC**

Application **B-20/18SC** is made for consent to sever a 0.20m<sup>2</sup> of land (Part 2 on the submitted sketch) to be added to the abutting northerly lot known as 15 Olde School Court (Part 4). Application **B-21/18SC** is made for consent to sever 158.2m<sup>2</sup> of land being part of 13 Olde School Court (Part 3) and merging it with Part 1 for the purpose of having continuity of green space with this property.

The Niagara Peninsula Conservation Authority (NPCA) has advised that Parts 2, 3, and 4 are currently impacted by the regulatory floodplain for Juliana Creek. Part 1 on its own is not impacted by the floodplain hazard. The approval of these applications would therefore add a floodplain hazard to a lot that is currently not impacted by the flood hazard. The NPCA Land Use Policies and Provincial Policy Statement do not support the creation of new lots that contain a flooding hazard. Typically, the NPCA does not object to boundary adjustments of the nature requested if both existing lots already contain a portion of the flood hazard. In this instance, that is not the case.

Further, it is beneficial for a flood hazard limit to remain under as few owners as possible and not be fragmented to ensure minimal negative impacts to property as well as to ensure the flood hazard is not aggravated or impacted by development or site alterations. In addition, the currently existing lot fabric of No. 13 and 15 Olde School Court was created as part of the subdivision approval in order to ensure the floodplain hazard remained on one lot and under one owner. For these reasons, the NPCA staff are unable to support the requested severance.

Under the Memorandum of Understanding between the City and NPCA, all proponents for development, redevelopment, intensification and site alteration must comply to the natural area mapping and policies regarding the NPCA, as set out in Part D, Section 13.2 and on Schedules F2, F3, F4 and F5 of the Garden City Plan (GCP). All applications therefore may be subject to review and possible restriction of uses or additional regulation by the Province, the Region of Niagara and/or the Niagara Peninsula Conservation Authority. While the GCP outlines that development, redevelopment and site alteration may be permitted within floodplains, it must be in accordance with the Conservation Authority's policies and subject to NPCA approval.

Further, the GCP states that natural hazard lands are to be retained in a natural state, shall be maintained as a block and zoned to protect their natural features and ecological functions, and where appropriate and desirable, be dedicated to the municipality or a public agency. Neither the City nor the NPCA has indicated an intention to acquire the lands in question, however the policies explicitly dictate that these areas are to remain as a block and, as the G1 zoning on the properties follows the extent line of the natural hazard area, it would be against municipal policies to divide this land in any manner.

Staff are therefore not satisfied that the severance of these parcel would be appropriate for the use proposed. Although no development is proposed for the portion of lands in question, the resulting configuration of the lots would be in contradiction with City Official Plan policies, as well as NPCA land use policies regarding the ownership of flooding hazards and the transferring of flooding hazards onto properties that are not already affected by the flooding hazard.

#### *Design Review Panel (DRP)*

On May 8, 2017, Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Consent applications received after September 14, 2017 for the creation of a new lot are required to first go before the Design Review Panel prior to submitting the complete application. In this instance, the requested severance is for a boundary adjustment rather than the creation of a new lot, and therefore the application was exempt from review by the DRP.

## **Conclusion**

Staff are not satisfied that the consents requested through applications **B-20/18SC** and **B-21/18SC** are desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. Staff do

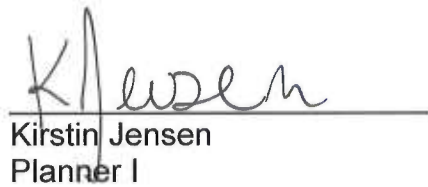
not find that the applications uphold the intent and purposes of the Official Plan or the Zoning By-law. It is staff's recommendation that the requested consents be denied.

**Prepared by:**



Shannon Labelle  
Student Planner

**Submitted by:**



Kirstin Jensen  
Planner I

**Approved by:**



Judy Pihach, MCIP, RPP  
Manager of Planning Services



CITY OF  
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## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** A-29/18

**File:** 60.81.5316

**Subject:** 1242 Fourth Avenue

### Recommendation

That Submission **A-29/18** by Niagara Health System, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. That PRCS confirm that the landscape plans submitted reviewed and approved as part of the site plan application include enhanced landscaping at select locations within the site to compensate for the reduction of landscaped open space within the parking area.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-29/18** 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 is being maintained.

### The Proposal

Application **A-29/18** is requesting to vary the Zoning By-law for a reduction of the minimum landscaped open space within a parking lot that has over 100 parking spaces from 10% to 6% of the area, and to permit additional parking for the adjacent hospital on the subject lands as a permitted use.

### Background

A previous minor variance application was approved in 2013 for the subject lands (**A-09/13**), that allowed additional parking on a temporary basis to service the hospital complex located to the east. The additional parking on the site was approved for a temporary period of 3 years. The temporary time period has now lapsed and NHS is now pursuing a site plan approval to permit a permanent parking lot. The use of the property as a parking lot needs to be approved again by the Committee since the earlier approval was only temporary.



## **Location and Site Description**

The subject property is located on the south side of Fourth Avenue, west of First Street Louth. The property is surrounded by farm land to the north and south, vacant land to the west and the St. Catharines General Hospital to the east.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject lands are designated Employment as per Schedule D1 of the Garden City Plan (GCP) and further designated Business Commercial Employment as per Schedule E6 of the GCP. The Business Commercial Employment designation is intended to provide for a range of industrial operations and industrial service uses; knowledge based employment and office uses; and a limited range of retail, service commercial, indoor recreation, entertainment, cultural and institutional and office uses to serve employment uses and also the community at large.

### *Zoning By-law (2013-283)*

The subject land is zoned Business Commercial Employment with a special provision (E1-5). The E1 zone permits adult oriented entertainment establishments, car washes, hotels/motels, light industry, gas stations, vehicle repair garages, offices, place of assembly/banquet halls, research facilities and social service facilities. The special provision (5) imparts additional zoning parameters, and guidelines with regard to accessory uses.

## **Application A-29/18**

Application **A-29/18** proposes the reduction of the of the minimum landscaped open space within a parking lot that has over 100 spaces and to permit additional parking for the adjacent hospital on the subject lands as a permitted use.

The requested reduction of the minimum landscaped open space from 10% to 6% is considered minor in nature conditional on additional landscaping being provided in certain areas to compensate for the reduction of landscaping interior to the parking lot. Site plan approval, currently in process for the proposed parking lot, includes landscaping plans to be approved by the City. The landscape plans forming part of the site plan approval should include enhanced landscaping around the perimeter of the parking lot and at various locations within the overall site, to the satisfaction of PRCS, including but not limited to, landscaping between the parking lot and new public road, additional landscaping in the north-west corner and northern border of the parking area; boulevard trees along the public street being constructed to access the parking lot, street trees along the Fourth Avenue and additional landscaping along the landscape buffer between the parking lot and the drainage course east of the parking lot. Providing additional

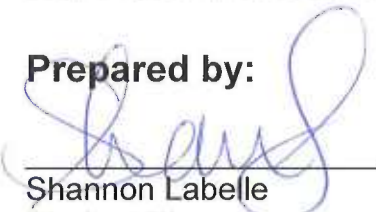
landscaping is provided on the site, staff are supportive of the variance, subject to the condition as recommended.

The Committee's approval of additional parking to serve the hospital is essentially reestablishing a permission that was already granted by the Committee, albeit on a temporary basis. This additional parking has proven to be a requirement for NHS over the past few years and is now being sought as a permanent permission. The proposed parking area is considered desirable and appropriate for the use of the land, has not triggered any land use impacts as a temporary use, and has eased parking issues for NHS since the parking on the primary site (the site east of the drainage ditch) is insufficient for its operations. The proposal fits with the general character of the surrounding area, and is in keeping with the general intent and purpose of the Official Plan.

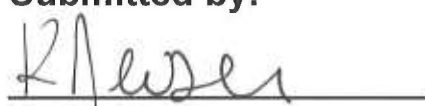
## Conclusion

Staff are satisfied that the variance requested through Submission **A-29/18** is compatible with the surrounding area and is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature and appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

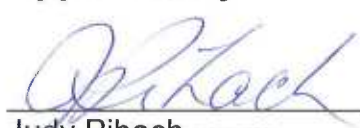
**Prepared by:**

  
Shannon Labelle  
Student Planner

**Submitted by:**

  
Kirstin Jensen  
Planner I

**Approved by:**

  
Judy Pihach, MCIP, RPP  
Manager of Planning Services



CITY OF  
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## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** B-22/18SC  
A-30/18  
A-31/18

**File:** 60.84.2165  
60.81.5317  
60.81.5318

**Subject:** 14 Woodmount Drive  
14A Woodmount Drive

### Recommendation

That Submission **B-22/18SC**, by Incoronata Carile and Shane Webber, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees;
2. That payment of 5% of the appraised value of the new lot 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 the 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;
3. The applicant pay the fee for City crews to locate the sewer and water laterals servicing the existing building. The sewer and water service must be independent and not cross an adjacent property line. If either or both sewer and water services cross onto the other parts, separate services must be installed to the satisfaction of the City Engineer;
4. The existing dwelling crossing Parts 1 and 2 is to be removed;
5. That the owner enter a Development Agreement with the City of St. Catharines, registered on title to the lands (Parts 1 and 2), to address the following conditions:
  - i. Building Permit Plans be subject to review and approval by PBS demonstrating:
    - a) That the final elevation plans reflect the following revisions:
      - i. A main roof slope not greater than 7½:12;
      - ii. An architectural emphasis on horizontal elements and simple fenestration; and,
      - iii. The principle façade material be brick, stone or stucco;

- ii. That the elevations plans for the two lots be different but compatible and shall include different colours, finishes and architectural detailing;
  - iii. That the garages on the new dwellings of both Parts 1 and 2 be set back a minimum of 1 metre beyond the corresponding wall of the dwelling unit;
  - iv. That the minimum front yard depth for the new dwellings on both Parts 1 and 2 is to be no lesser than approximately 11 metres, which is the front yard depth of the existing dwelling; and,
  - v. That additional tree planting be required to compensate for the recent removal of mature trees in the rear yard. The owner shall prepare and submit a planting plan demonstrating the location, size and species of trees to be planted. Securities for the plantings shall be required.
6. In accordance with section 69 (2) of the Planning Act (Reduction or Waiver of Fees), the standard fee for a Development Agreement be reduced from \$2457.85 (2018 fees) to \$500.00 since it would be unreasonable to require payment in accordance with the standard fee. A fee associated with the registration of the Development Agreement is still required.

That Submission **A-30/18**, by Incoronata Carile and Shane Webber, as outlined in the Notice of Hearing, be approved.

That Submission **A-31/18**, by Incoronata Carile and Shane Webber, as outlined in the Notice of Hearing, be approved.

## Summary

Having regard for the matters under section 51(24) of the Planning Act, staff is satisfied that application **B-22/18SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Additionally, having regard for the matters under section 45(1) of the Planning Act, staff is of the opinion that the variances requested through applications **A-30/18** and **A-31/18** are 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, provided the conditions are approved.

## Proposed Development

Application **B-22/18SC** is made for consent to sever 834m<sup>2</sup> of land (Part 2 on the submitted sketch) creating a new lot to be known as 14A Woodmount Drive for the purpose of constructing a single detached dwelling. An 833m<sup>2</sup> remnant parcel shall be retained for the purpose of constructing a single detached dwelling (Part 1). There are concurrent minor variance applications.

Application **A-30/18** and **A-31/18** for both the proposed and remaining parcels have lot areas greater than the maximum requirement. Variances for each lot are requested.

## **Location and Site Description**

The subject property is located on the east side of Woodmount Drive, north of St. David's road and is surrounded by detached dwellings in all directions.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E9 of the GCP. The Low Density residential permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

### *Zoning By-law (2013-283)*

The subject land is zoned Low Density Residential (R1). The R1 zone permits detached, semi-detached, quadruplex and townhouse dwellings, and private road developments.

### *Design Review Panel (DRP)*

On May 8, 2017, Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Council further directed that the City routinely require Development Agreements to be registered on title as a condition of consent applications to address conditions for future development design. Staff, in considering the feedback received from the DRP, may see fit to apply such conditions to a consent in order to implement the recommendations received.

The subject application was submitted to the DRP for review at the meeting of January 30, 2018. The DRP considered a proposal to demolish the existing single detached dwelling on the lands and to sever the lands into two equal lots for the purpose of constructing two new single detached dwellings.

The Panel raised concerns about the compatibility of the proposed building design with the prevailing character of the surrounding neighbourhood, which is predominantly characterized by homes with low slopping roofs and horizontal design focus with simple fenestration. DRP members identified concerns with verticality of proposed design approach, the size and slope of the roof structure, and the design and composition of openings. DRP encouraged the applicant to revise the elevation plans to better reflect neighbourhood character to improve compatibility.

The DRP moved to endorse support for the proposed lot creation for the purpose of constructing two single detached dwellings, subject to a number of conditions as reflected in the Recommendation.



## **Consent Application B-22/18SC**

Application **B-22/18SC** is made for consent to sever the subject land (Part 2) for the creation of a new lot to be known as 14A Woodmount Drive for the purpose of constructing a detached dwelling. An 833m<sup>2</sup> remnant parcel shall be retained for the purpose of constructing a single detached dwelling (Part 1).

Part F, Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of optimum development of the surrounding area.

The suggested lots are appropriate for the use proposed. The proposal represents infill in an area that is substantially developed. No adverse impacts on the surrounding area are anticipated as a result of the consent. The area is characterized by large lots with one storey and one and a half storey homes. While the proposed lots are slightly smaller in width and area than those adjacent, the proposed lot sizes still exceed the maximum lot area per dwelling unit for the zone. The consent facilitates the construction of new homes that will contribute positively to the quality and character of the streetscape and established pattern of development in the neighbourhood. As such, the consent is not expected to adversely impact the streetscape or the established character of the surrounding area, and represents a compatible means of infill housing within an existing residential neighbourhood.

Staff note the recent removal of mature trees in the rear yard and that new tree plantings should be included in the recommended Development Agreement.

## **Variance Applications A-30/18 and A-31/18**

Applications **A-30/18** (Part 1) and **A-31/18** (Part 2) request an increase of the maximum lot area per dwelling unit in order to facilitate the concurrent consent application **B-22/18SC**.

The variances requested to increase the maximum lot area per dwelling unit are considered minor in nature, as they will not significantly impact the subject or surrounding properties. These variances are appropriate as they will allow the proposed detached dwellings to attain a better fit with the established character in the surrounding area. The proposal is able to meet all other provisions of the Zoning By-law.

Staff are supportive of the proposed variances.

## **Conclusion**

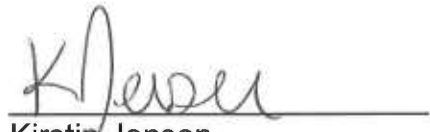
Staff are satisfied that the consent requested through application **B-22/18SC** is desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. Additionally, staff is satisfied that the variances **A-30/18** and **A-31/18** are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and appropriate and desirable for the use of the

land. It is staff's recommendation that the requested consent and variances be approved, subject to the conditions outlined in the recommendation.

**Prepared by:**

  
Shannon Labelle  
Student Planner

**Submitted by:**

  
Kirstin Jensen  
Planner I

**Approved by:**

  
Judy Pihach, MCIP, RPP  
Manager of Planning Services



## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** A-32/18

**File:** 60.81.5319

**Subject:** 8 Glenholme Drive

### Recommendation

That Submission **A-32/18** by Donna Hall and Mark Hall, as outlined in the Notice of Hearing, be approved, conditional on the end wall of the carport, abutting the lot to the east, be entirely open, and that any form of wall (half or full) not be permitted.

### Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that application **A-32/18** 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 is being maintained.

### Proposed Development

Application **A-04/18** requests to vary the City of St. Catharines Zoning By-law 2013-283 for a reduction of the minimum easterly interior side yard setback from 1.2 metres to 0.6 metres for the purpose of constructing a proposed carport.

### Location and Site Description

The subject property is located on the north side of Glenholme Drive, west of Geneva Street. The property is surrounded by detached dwellings and green space to the north and detached dwellings to the south, east and west.

### Circulation of Application

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

### Planning Analysis

*Official Plan (Garden City Plan)*

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E1 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

### *Zoning By-law (2013-283)*

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits detached, semi-detached, quadruplex, townhouse and private road developments.

## **Variance Application A-04/18**

Application **A-32/18** requests a reduction of the easterly minimum interior side yard setback in order to facilitate the construction of a proposed carport.

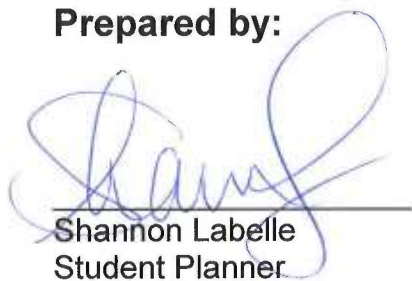
The minimum interior side yard setback is intended to ensure a considerable distance is maintained between structures on adjacent properties. Due to the dwelling on the property to the east being located on the eastern side of the neighbouring driveway, the reduction to the interior side yard to facilitate the construction of a carport will not substantially impact the adjacent property. An adequate portion of green space is maintained between the two properties. The recommended condition regarding the end wall of the carport, abutting the lot to the east, to be entirely open with no other form of wall (half or full) permitted, is necessary to ensure that the structure does not overwhelm the abutting property to the east. The interior side yard setback is intended to limit imposition on neighbouring properties. An open wall on the carport would be less intrusive to the neighbouring property and would not create a barrier in the form of a building face so close to the property line. The 0.6 metres reduction is considered minor in nature. It is considered desirable and appropriate for the use of the land, and is in keeping with the general intent and purpose of the Official Plan.

## **Conclusion**

Staff are satisfied that the variance requested through Submission **A-32/18** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

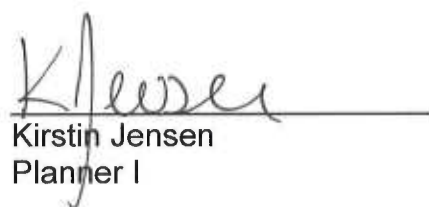


**Prepared by:**



Shannon Labelle  
Student Planner

**Submitted by:**



Kirstin Jensen  
Planner I

**Approved by:**



Judy Pinach, MCIP, RPP  
Manager of Planning Services



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## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Meeting:** March 28, 2018

**Submission(s):** B-23/18SC  
A-33/18  
A-34/18

**File:** 60.84.2166  
60.81.5320  
60.81.5321

**Subject:** 9 Bellevue Terrace  
11 Bellevue Terrace

### Recommendation

That Submission **B-23/18SC** by 1962963 Ontario Inc., as outlined in the Notice of Hearing, be approved, subject to the following conditions;

1. That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees; and
2. That the applicant construct a sidewalk from the south limit of the existing sidewalk in front of Part 1 to the south limit of the driveway for Part 2.

That Submission **A-33/18**, by 1962963 Ontario Inc., as outlined in the Notice of Hearing, be approved.

And that Submission **A-34/18**, by 1962963 Ontario Inc., as outlined in the Notice of Hearing, be approved.

### Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is satisfied that application **B-23/18SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through applications **A-33/18** and **A-34/18** are 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 recommend that the requested consent and variances be approved, subject to the conditions outlined in the recommendation.

## **Proposed Development**

Application **B-23/18SC** is made for consent to a partial discharge of mortgage and for consent to sever 233m<sup>2</sup> of land (Part 2 on the submitted sketch) creating a new lot to be known as 11 Bellevue Terrace for the purpose of severing one-half of a semi-detached dwelling currently under construction. A 237m<sup>2</sup> remnant parcel with the remaining half (Part 1) of the semi-detached dwelling and an interior accessory dwelling unit would be retained for residential use. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately. There are concurrent minor variance applications **A-33/18** & **A-34/18**.

Applications **A-33/18** and **A-34/18** for both the proposed and remaining parcels have lot areas less than the minimum requirement. Variances for each lot are requested.

## **Location and Site Description**

The subject property is located on the northeast side of Bellevue Terrace, South of St. Paul Crescent and is surrounded by detached dwellings in all directions.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E7 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

### *Zoning By-law (2013-283)*

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits a variety of low density residential dwelling types including detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse dwellings, and private road developments.

## **Consent Application B-23/18SC**

Application **B-23/18SC** is made for consent to sever a 233m<sup>2</sup> of land (Part 2 on the submitted sketch) creating a new lot to be known as 11 Bellevue for the purpose of severing one half of a semi-detached dwelling currently under construction. A 237m<sup>2</sup> remnant parcel with the remaining half (Part 1) of the semi-detached dwelling would be retained for residential use.

Part F, Section 16.11. 3. of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the

size and shape of the parcel is appropriate for the use proposed and in terms of optimum development of the surrounding area.

Staff is satisfied that the parcels are appropriate for the use proposed, as they will each contain half of a semi-detached dwelling. The function of the dwelling units will not change and no impact is expected on surrounding uses.

Staff is supportive of the proposed consent, subject to the conditions outlined in the recommendation.

#### *Design Review Panel (DRP)*

On May 8, 2017, Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Consent applications received after September 14, 2017 to create new, vacant residential lots were required to first go before the Design Review Panel prior to submitting the complete application. The first Design Review Panel meeting took place on October 3, 2017. The subject property was granted building permits to construct a new semi-detached dwelling on August 9, 2017, therefore pre-dating the time when the Design Review Panel took effect. The subject application was therefore exempt from review by the DRP.

### **Variance Applications A-33/18 and A-34/18**

Application **A-33/18** (Part 1) requests a decrease in the lot area per dwelling unit from 280m<sup>2</sup> to 237m<sup>2</sup>. Application **A-34/18** (Part 2) is requesting a reduction of the lot area per dwelling unit of 280m<sup>2</sup> to 233m<sup>2</sup>.

The subject property was granted a building permit in August, 2017 to construct a semi-detached dwelling with a single basement accessory dwelling unit in one half of the semi (3 dwelling unit's total). The existing lot (prior to severance) is undersized in lot area for a semi-detached dwelling, however the zoning by-law permits for a building permit to be issued for a semi-detached dwelling on an existing lot of record that may be undersized in lot area or frontage as long as the use is permitted within the zone for that property and provided that all other provisions in this By-law are met. As a result of the proposed consent, the lots will no longer be existing lots of record which triggers the need for the variances to lot area. The requested variances are a function of the concurrent consent application to legally sever the lot. Both variances request a reduction of the lot area per dwelling unit. The requested reductions will not significantly impact the subject or surrounding properties. The consent allows the currently under construction dwelling units to be owned and sold separately. The variances are in keeping with the general intent and purpose of the Official Plan and the property complies with all other provisions of the Zoning By-law. Staff are supportive of the proposed variances.

### **Conclusion**

Staff are satisfied that the consent requested through application **B-23/18SC** is desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. Additionally, staff is satisfied that

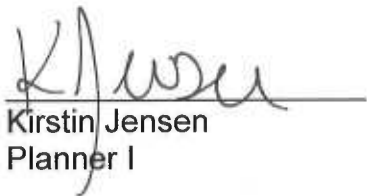
the variances requested through submissions **A-33/18** and **A-34/18** are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and appropriate and desirable for the use of the land. It is staff's recommendation that the requested consents and variances be approved, subject to the condition outlined in the recommendation.

**Prepared by:**



Shannon Labelle  
Student Planner

**Submitted by:**



Kirstin Jensen  
Planner I

**Approved by:**



Judy Pihach, MCIP, RPP  
Manager of Planning Services





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## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** B-24/18SC  
A-35/18

**File:** 60.84.2167  
60.81.5322

**Subject:** 166 Dalhousie Avenue  
168 Dalhousie Avenue

### Recommendation

That Submission **B-24/18SC** by Randal Hart and Grace Hart, as outlined in the Notice of Hearing, be approved.

That Submission **A-35/18** by Randal Hart and Grace Hart, as outlined in the Notice of Hearing, be approved.

### Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is satisfied that application **B-24/18SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-35/18** 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 is being maintained.

Staff recommend that the requested consent and variances be approved.

### The Proposal

Application **B-24/18SC** is made for consent to sever 268m<sup>2</sup> of land (Part 2 on the submitted sketch), which will be added to the abutting southwestern parcel of land known as 168 Dalhousie Avenue (Part 3). The lands at the rear of 166 Dalhousie (Part 2), which include the pool house and work shop and are separated by a fence from Part 1, have been used for years as part of 168 Dalhousie Avenue. A 465m<sup>2</sup> remnant parcel (Part 1) with the existing one-storey single detached dwelling would be retained for continued residential use. There is a concurrent minor variance application.

Application **A-35/18** request to vary the Zoning By-law 2013-283 for an increase of the maximum lot area per dwelling unit from 465m<sup>2</sup> to 1495m<sup>2</sup> for Parts 2 and 3 in order to facilitate the concurrent consent application.

No new development is proposed.

## **Location and Site Description**

The subject property is located on the northwest side of Dalhousie Avenue, east of Johnston Street and is surrounded by detached dwellings in all directions.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject lands are designated Neighbourhood Residential as per Schedule D1 and Low Density Residential as per Schedule E7 of the Garden City Plan (GCP). The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density generally between 20 and 32 units per hectare.

The subject lands also fall within a designated Heritage Conservation District – the Port Dalhousie Heritage District, as per Schedule B of the GCP.

### *Zoning By-law (2013-283)*

The subject land is zoned Low Density Residential – Traditional Neighbourhood with a special provision (R2-7). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse dwellings and private road developments. The special provision (7) limits the height of the buildings in this area so to not exceed 9m.

## **Consent Application B-24/18SC**

Application **B-24/18SC** is made for consent to sever an existing 268m<sup>2</sup> parcel of land (Part 2), which would be added to the abutting southwestern parcel of land known as 168 Dalhousie Avenue (Part 3). A 465m<sup>2</sup> remnant parcel (Part 1) with the existing detached dwelling would be retained for continued residential use.

Part F, Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of optimum development of the surrounding area.

The suggested lots are appropriate for the use proposed as they each contain an existing detached dwelling. The function of the dwelling units will not change and no adverse impacts on the surrounding area are anticipated. There are no physical changes proposed, thereby the consent is not expected to adversely impact the streetscape or the established character of the surrounding area. The consent will also have no impact on the area as a designated heritage district.

Staff are supportive of the proposed consent.

*Design Review Panel (DRP)*

On May 8, 2017, Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Consent applications received after September 14, 2017 for the creation of a new lot are required to first go before the Design Review Panel prior to submitting the complete application. In this instance, the requested severance is for a boundary adjustment rather than the creation of a new lot, and therefore the application was exempt from review by the DRP.

## **Variance Applications A-35/18**

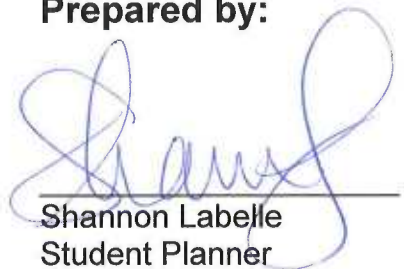
Application **A-35/18** (Part 2 and Part 3) requests an increase of the maximum lot area per dwelling unit from 465m<sup>2</sup> to 1495m<sup>2</sup> in order to facilitate the concurrent consent application.

The variance is considered minor in nature, as it will not significantly impact the subject or surrounding properties. There are no physical changes proposed and the variance is in keeping with the general intent and purpose of the Official Plan. Parts 2 and 3 comply with all other provisions of the Zoning By-law.

## **Conclusion**

Staff are satisfied that the consent requested through application **B-24/18SC** is desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. Additionally, staff are satisfied that the variance requested through submission **A-35/18** is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and appropriate and desirable for the use of the land. Staff recommend that the requested consent and variance be approved.

**Prepared by:**



Shannon Labelle  
Student Planner

**Submitted by:**



Kirstin Jensen  
Planner 1

**Approved by:**



Judy Pihach, MCIP, RPP  
Manager of Planning Services



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** A-37/18

**File:** 60.81.5324

**Subject:** 128 George Street

### Recommendation

That Submission **A-37/18** by Julia Nemcko and Tyler Sipos, as outlined in the Notice of Hearing, be approved, conditional on the proposed addition being restricted in height to no greater than one storey.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-37/18** 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 is being maintained.

### Proposed Development

Application **A-37/18** is requesting to vary the Zoning By-law for a reduction of the minimum northerly interior side yard setback from 1.2 metres to 0.9 metres and for a reduction of the minimum rear yard setback from 7.5 metres to 6.37 metres for the purpose of constructing a proposed 1 storey addition at the back of the existing 2 storey dwelling.

### Location and Site Description

The subject property is located on the east side of George Street, and north of Stuart Avenue, and is surrounded by detached dwellings in all directions.

### Circulation of Application

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

### Planning Analysis

*Official Plan (Garden City Plan)*

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E4 of the GCP. The Low Density Residential designation permits detached, semi-



detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density generally between 20 and 32 units per hectare.

#### *Zoning By-law (2013-283)*

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits detached, semi-detached, quadruplex, and townhouse dwellings, and private road developments.

### **Application A-37/18**

Application **A-37/18** proposes the reduction of the northerly interior side yard setback and a reduction of the rear yard setback in order to facilitate a proposed one storey addition to the existing dwelling.

The reductions are considered minor in nature, as they will not substantially impact the subject or surrounding properties. The requests are considered desirable and appropriate for the use of the land, as it will allow the construction of a one storey addition attached to the existing dwelling. The variance to the interior side yard will permit the addition to be built in line with the interior side yard setback that was established by the existing dwelling on the property. The intent of the minimum rear yard setback is to ensure adequate amenity space is provided on the property. The variance to the rear yard will have minimal impact on the amount of available amenity space on the site and is acceptable. The neighbourhood is characterized by one and a half and two-storey dwellings with small side yard setbacks. The proposal fits with the general character of the surrounding neighbourhood, and is in keeping with the general intent and purpose of the Official Plan.

### **Conclusion**

Staff are satisfied that the variance requested through Submission **A-37/18** is compatible with the surrounding area and is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature and appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

**Prepared by:**

  
Shannon Labelle  
Student Planner

**Submitted by:**

  
Kirstin Jensen  
Planner I

**Approved by:**

  
Judy Pinach, MCIP, RPP  
Manager of Planning Services



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** B-25/18SC

**File:** 60.84.2168

**Subject:** 77 Lakeport Road

### Recommendation

That Submission **B-25/18SC** by Susan Flight, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the owner/developer dedicates a road widening to the Regional Municipality of Niagara along the frontage of Regional Road 87 (Lakeport Road), varying from 4.2 metres at the east end of the subject property, to 2.45 metres at the west end, to the satisfaction of the Niagara Region;
2. That the owner/developer submit a letter of undertaking stating that the owner/developer agree to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development, to be submitted, reviewed and approved by the Niagara Region;
3. That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the City's 2018 Schedule of Rates and Fees;
4. That payment of 5% of the appraised value of the new lot (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 purposed of determining the amount of the 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;
5. That the applicant pay the fee for City crews to locate the sewer and water laterals servicing the existing building. The sewer and water service must be independent and not cross an adjacent property line. If either or both sewer and water services cross onto the other parts, separate services must be installed to the satisfaction of the City Engineer;
6. The existing dwelling, detached garage and shed on Parts 1 and 2 are to be removed. Note that each separate structure greater than 10 square metres in

building area will require a demolition permit and the work shall be completed to the satisfaction of the Chief Building Official;

7. That the owner enter a Development Agreement with the City of St. Catharines, registered on title to the lands (Parts 1 and 2), to address the following conditions:
  - i. Building Permit Plans be subject to review and approval by PBS demonstrating:
    - i. That the final elevation plans reflect a stylistic approach including horizontal design elements, a variety of materials, and a roof slope not greater than 8:12, similar to the drawing submitted to the Design Review Panel as Appendix and to be included as Appendix 1 to the Development Agreement;
    - ii. That the elevations plans for the two lots shall include different colours, finishes and architectural detailing;
    - iii. That any portion of the proposed dwelling on Part 1 directly adjacent to the second floor side window of 75 Lakeport Road be setback at least approximately 8 metres so as not to obstruct the window of the existing home at 75 Lakeport Road; and,
    - iv. That the existing trees along the rear property line be retained, and that a security may be required as part of the Development Agreement.
8. In accordance with section 69 (2) of the Planning Act (Reduction or Waiver of Fees), the standard fee for a Development Agreement be reduced from \$2457.85 (2018 fees) to \$500.00 since it would be unreasonable to require payment in accordance with the standard fee. A fee associated with the registration of the Development Agreement is still required.

## Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that application **B-25/18SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Staff recommend that the application be approved, subject to the condition outlined in the recommendation.

## Proposed Development

Application **B-25/18SC** is made for consent to sever 416m<sup>2</sup> of land (Part 2 on the submitted sketch) creating a new lot to be known as 77A Lakeport Road for the purpose of constructing a detached dwelling. A 428m<sup>2</sup> remnant parcel shall be retained for the purpose of constructing a single detached dwelling (Part 1).

## Location and Site Description

The subject property is located on the east side of Lakeport Road, north of Lakeshore Road East and is surrounded by detached dwellings in all directions.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per schedule E1 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

### *Zoning By-law (2013-283)*

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse and private road developments.

### *Design Review Panel (DRP)*

On May 8, 2017, Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Council further directed that the City routinely require Development Agreements to be registered on title as a condition of consent applications to address conditions for future development design. Staff, in considering the feedback received from the DRP, may see fit to apply such conditions to a consent in order to implement the recommendations received.

The subject application was submitted to the DRP for review at the meeting of January 30, 2018. The DRP considered a proposal to demolish the existing single detached dwelling on the lands and to sever the lands into two equal lots for the purpose of constructing two new single detached dwellings.

The Panel had no concerns with the proposed lot creation or preliminary house design provided by the applicant, provided that the design of the dwellings on each lot be varied. The DRP also recommended that the driveway depth be increased and the dwelling setback sufficiently from the street so as not to obstruct the upper side window of the adjacent home. The DRP also requested that the existing trees to the rear of the property be retained. The DRP moved to endorse the proposed lot creation for the purpose of constructing two single detached dwellings, subject to a number of conditions identified by the DRP and to be reflected in a development agreement.

The submitted application to the Committee of Adjustment did not reflect the recommendations of the DRP, particularly in regards to increasing the depth of the driveways and ensuring the dwelling is setback considerably from the street. In consideration of Council's direction to routinely require Development Agreements as a condition of approval, it is staff's opinion that such an agreement is necessary to ensure



that the conditions set forth by the DRP regarding the design, setbacks, elevations and trees on the site are adhered to prior to issuance of a building permit. Should the application be approved, a Development Agreement should be registered on title in order to address conditions for future development design of the site and this will ensure plans submitted at the building stage are in accordance with the architectural details and building elevations supported by the DRP.

The Committee should be aware that they have the authority under the Planning Act to waive fees where it would be unreasonable to charge the standard fee. A Development Agreement as a condition of consent, to ensure the new lot develops generally in accordance with the architectural plans submitted with the application, and in accordance with the recommendations of the DRP, provides the applicable law necessary to bind the architectural plans submitted with this application to the issuance of a building permit. The Development Agreement fee, as approved in the Tariff of Fees approved by Council for 2018, a fee of \$2,457.85, is considered unreasonable and excessive in this context. Accordingly, staff is recommending the Committee reduce the Development Agreement fee to \$500.00 to better reflect the costs of processing a Development Agreement as a condition of this application.

### **Consent Application B-25/18SC**

Application **B-25/18SC** is made for consent to sever 416m<sup>2</sup> of land, creating a new lot for the purpose of constructing a detached dwelling. A 428m<sup>2</sup> remnant parcel shall be retained for the purpose of constructing a detached dwelling.

Part F, Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed in terms of optimum development of the surrounding area.

The proposed lot represents infill in an area that is substantially developed. The lots are appropriate in size for the construction of two new detached dwellings, and no impacts on the surrounding area are anticipated. The lots are of similar size and width as the adjacent lots to the north and south, and slightly smaller than those to the east and west. The proposal is in keeping with the established character of the streetscape. Both the new and remnant parcels conform to the provisions of the Zoning By-law.

### **Conclusion**

Staff are satisfied that the consent requested through application **B-25/18SC** is desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. Staff recommend that the application be approved, subject to the conditions outlined in the recommendation.

**Prepared by:**

A handwritten signature in cursive script, appearing to read 'Shannon', written over a horizontal line.

Shannon Labelle  
Student Planner

**Submitted by:**

A handwritten signature in cursive script, appearing to read 'Kirstin', written over a horizontal line.

Kirstin Jensen  
Planner I

**Approved by:**

A handwritten signature in cursive script, appearing to read 'Judy Pihach', written over a horizontal line.

Judy Pihach, MCIP, RPP  
Manager of Planning Services



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**85174MS**

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## Modern Northwest House Plan

**Plan 85174MS**

**2,312**  
HEATED S.F.

**3**  
BEDS

**3**  
BATHS

**2**  
FLOORS

**1**  
CAR GARAGE

### About this Plan

- Wide eaves give this modern Northwest house plan the feel of a Prairie style house.
- Only 26' wide, the home is ideal for narrow lots.
- Three side windows brighten the long foyer hall that leads back to the main living area of the home.
- A delightful open great room area combines the cooking, eating and living areas.
- On the upper floor, a loft and second floor laundry room serve the three large bedrooms.

### Floor Plan

<https://www.architecturaldesigns.com/house-plans/85174>



CITY OF  
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## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** A-36/18

**File:** 60.81.5323

**Subject:** 1 Abbot Street

### Recommendation

That Submission **A-36/18** by Abbott St Holdings Inc. and OBG Properties, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That a permit to demolish the existing structures be obtained from the City Building Department and be completed to the satisfaction of the Chief Building Official for the City of St. Catharines;
2. That PBS confirm that the required site plan approval has included the following matters:
  - i. That a minimum 7.5 metre landscape open space along the north and east lot line be heavily landscaped to screen the use; and,
  - ii. That the elevation plans for any structures adjacent to Abbott Street demonstrate compatibility with the surrounding residential building character, including compatible materials, scale, roof design, and architectural detailing.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-36/18** 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 is being maintained.

### Proposed Development

Application **A-36/18** is requesting permission to allow mini-storage, limited outdoor storage and a manager's office as permitted uses on the property.

Under Section 45(2)(a)(ii) of the Planning Act, the owner states that the mini-storage, outdoor storage and manager's office uses are more compatible with the uses permitted by the current Zoning By-law than the existing industrial uses on the property. The current Zoning By-law 2013-283 does not permit mini-storage, storage or manager's office in the R3-H1 zone.



## **Location and Site Description**

The subject property is located on the north side of Abbot Street, east of Oakdale Avenue. The subject property is surrounded by a field to the north and east, detached dwellings to the south and an auto centre to the west.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per Schedule E9 of the GCP. The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land.

### *Zoning By-law (2013-283)*

The subject land is zoned Medium Density Residential with a holding provision (R3-H1). The R3 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings, private road developments, apartment buildings and long-term care facilities. The holding provision (H1) requires an Environmental Site Assessment shall be prepared and submitted to the City of St. Catharines for approval.

## **Application A-36/18**

Application **A-36/18** requests permission for approval to permit a use that is either similar to the existing, non-conforming use on the property or a use more compatible with the uses permitted by the current Zoning By-law than the existing use on the site.

Staff consider the proposed uses of mini storage, outdoor storage, and a manager's office to be a better fit with the residential land use permissions of the site and surrounding area than the currently existing non-conforming industrial uses on the property. The current industrial use on the site is not compatible with the newly developed residential to the south of the property, nor is it in keeping with the intent of the zoning by-law in terms of the desired future development of the surrounding neighbourhood. The proposal for a mini-storage facility will mitigate the noisy, obnoxious use currently occupying the site that has become incompatible with the intended use for the area. The current property does not have a site plan, and as such there has been no manner for which to regulate site design. The proposed development will be subject to site plan approval, and this will allow for PBS to ensure the site is designed in a manner that enhances the lands, allows for minimal outdoor storage, and ensures regulation of the site layout, building elevations, grading and drainage, and landscaping buffers, to establish a level of compatibility with the residential uses of the surrounding area.



This variance is considered minor in nature and will not substantially impact the subject or surrounding properties. It is considered desirable and appropriate for the use of the land as it will allow the City to approve a use which is more compatible with the intent of the zoning for the site and area. The proposal fits with the general character of the surrounding neighbourhood, and is in keeping with the general intent and purpose of the Official Plan.


## Conclusion

Staff are satisfied that the variance requested through Submission **A-36/18** is compatible with the surrounding area and is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature and appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved, subject to the conditions outlined in the recommendation.

### Prepared by:

  
Shannon Labelle  
Student Planner

### Submitted by:

  
Kirstin Jensen  
Planner I

### Approved by:

  
Judy Pinach, MCIP, RPP  
Manager of Planning Services



CITY OF  
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## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** A-38/18

**File:** 60.81.5325

**Subject:** 1 North Street

### Recommendation

That submission **A-38/18** by Curtis Thompson, as outlined in the Notice of Hearing, be approved, provided that the reduction to the minimum setback from the exterior side lot line for a 2<sup>nd</sup> storey balcony be approved at 1.3 metres, rather than the requested 0 metres.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is satisfied that the variances requested, as amended, through application **A-38/18** are minor in nature, desirable for the appropriate use of the land and are in keeping with the intent and purpose of the Official Plan and Zoning By-law.

### Proposed Development

Application **A-38/18** is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of the minimum setback from exterior side lot line for a 2<sup>nd</sup> storey balcony over 2 metres above grade from 3 metres to 0 metres.
2. A reduction of the minimum lot area per dwelling unit from 300m<sup>2</sup> to 271m<sup>2</sup>.
3. A reduction of the minimum lot frontage from 16 metres to 10.06 metres.

The variance is requested for the proposed conversion of a single detached dwelling to a triplex.

### Location and Site Description

The subject property is located on the northeast corner of North Street and Court Street. The property is surrounded by detached dwellings to the north, and a mix of detached dwellings and commercial buildings to the south, east and west.

### Circulation of Application

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The lands are designated Downtown as per Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Medium High Density Residential/Commercial as per Schedule E10 of the GCP. The Mixed Medium High Density Residential/Commercial designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 60 and 198 units per hectare of land.

### *Zoning By-law (2013-283)*

The subject lands are zoned Medium/High Density Mixed Use with a Special Provision (M2-93). The M2-93 zone permits animal care establishments, apartment dwellings/buildings, cultural facilities, day cares, detached, duplex, fourplex, quadruplex, and triplex dwellings, emergency service facilities, hospitals, hotels/motels and long term care facilities with a special provision that allows a downtown residential parking exemption.

## **Application A-38/18**

Application **A-38/18** requests a reduction in the minimum setback from the exterior side lot line for a 2<sup>nd</sup> storey balcony over 1.2 metres above grade from 3 metres to 0 metres, a reduction in minimum lot area and a reduction of the minimum lot frontage for the purpose of converting a detached dwelling to a triplex.

Part D, Section 7.1 c) i) of the GCP states that development and redevelopment shall be evaluated having regard for the integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood.

The requested reduction in the minimum setback from the exterior side lot line for a 2<sup>nd</sup> storey balcony over 1.2 metres above grade from 3 metres to 0 metres is not considered minor in nature and is expected to have adverse impacts on the subject property and adjacent right-of-way. The City's Development Engineering Section noted that the existing right-of-way width of Court Street is +/-12 metres. The desired right-of-way width is 20 metres. Permitting a 0 metre set back as requested would eliminate any opportunity for a right-of-way widening. It has been recommended that the variance request related to the set back on Court Street be denied. With respect to the potential for a road widening to be taken along Court Street at any point in time in the future, it is not appropriate to permit the 2<sup>nd</sup> floor balcony to encroach into the exterior side yard right up to the property line. However, recognizing that other buildings along Court Street also have minimal setbacks from their respective property lines, staff would be in support of a reduction in the minimum setback from the exterior side lot line for a 2<sup>nd</sup> storey balcony from 3 metres to 1.3 metres, in line with the existing building on the property.

The adjacent properties to the north and south (across North Street) are both essentially built right up to the property line on Court Street. The provision of the zoning by-law regarding the average building line states that, on a corner lot, the minimum exterior side

yard for a dwelling may be reduced to the average of the established front and/or exterior side yard of the immediate abutting lot and the lot across the road on the same side of the road. As a result of this provision, the proposed dwelling unit did not require a variance to the exterior side yard setback. Staff recommend the dwelling to be set back further to allow for the balcony to maintain the 1.3 metre setback. Ample amenity space can still be provided on the site. The reduction in the setback to 1.3 metres from the property line on Court Street for the 2<sup>nd</sup> storey balcony will be visibly undetectable as it will be in line with neighbouring structures and the required setback to the dwelling is maintained.

The reduction in minimum lot area from 300m<sup>2</sup> to 271m<sup>2</sup> and the reduction of the minimum lot frontage from 16 metres to 10.06 metres are considered minor in nature as they reflect the existing lot that predates the current Zoning By-law. The requested variances are desirable and appropriate for the use of the land and would facilitate the conversion of an existing detached dwelling to a triplex. The property is close to the downtown area, where multi-unit dwellings are common and anticipated. The property is located within the parking exemption area, allowing for more developable and amenity space on the lot to facilitate a triplex dwelling. The application supports the City's policies regarding infill and intensification, and is in keeping with the general intent and purpose of the Official Plan and Zoning By-law.

## Conclusion

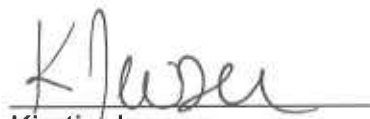
Staff are satisfied that the variances requested by application **A-38/18** are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved.

### Prepared by:



Shannon Labelle  
Student Planner

### Submitted by:



Kirstin Jensen  
Planner I

**Approved by:**

  
**Judy Pihach**, MCIP, RPP  
Manager of Planning Services



CITY OF  
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## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** B-26/18SC  
B-27/18SC  
A-39/18

**File:** 60.84.2169  
60.84.2170  
60.81.5326

**Subject:** 4 Lloyd Street  
2B Lloyd Street

### Recommendation

That Submissions **B-26/18SC** and **B-27/18SC** by 2494551 Ontario Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund for Part 1, in accordance with the 2018 Schedule of Rates and Fees;
2. That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund for Part 2, in accordance with the 2018 Schedule of Rates and Fees; and,
3. Dedicate gratuitously and at the Owner's expense, a road widening of 2.0 metres in width across the entire frontage of Part 1 and Part 2, to the City. The land is to be conveyed free and clear of any mortgages, liens or encumbrances.

That Submissions **A-39/18** by 2494551 Ontario Inc., as outlined in the Notice of Hearing, each be approved.

### Summary

Having regard for the matters under Section 51 (24) of the Planning Act, staff is satisfied that applications **B-26/18SC** and **B-27/18SC** are desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Additionally, having regard for the matter under Section 45 (1) of the Planning Act, staff is of the opinion that application **A-39/18** 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 is being maintained.



## **Proposed Development**

Application **B-26/18SC** is made for consent to a partial discharge of mortgage and for consent to sever 342.28m<sup>2</sup> of land (Part 1 on the submitted sketch) creating a new lot to be known as 2C Lloyd Street for the purpose of severing a unit of the 3-unit townhouse currently under construction. A 623.45m<sup>2</sup> remnant parcel with the remaining units (Parts 2 and 3) of the townhouse would be retained for residential use. The application would allow each unit of the 3-unit townhouse to be owned and/or sold separately. There is a concurrent consent application and minor variance application.

Application **B-27/18SC** is made for consent to a partial discharge of mortgage and for consent to sever 281.08m<sup>2</sup> of land (Part 2 on the submitted sketch) creating a new lot to be known as 2B Lloyd Street for the purpose of severing a unit of the 3-unit townhouse currently under construction. A 342.28m<sup>2</sup> remnant parcel with the remaining unit (Part 3) of the townhouse would be retained for residential use. The application would allow each unit of the 3-unit townhouse to be owned and/or sold separately.

Application **A-39/18** is requesting to vary the Zoning By-law 2013-283 for a reduction of the minimum lot frontage from 6m to 5.85m for Part 2. The variance is to facilitate the concurrent consent applications **B-26/18SC** and **B-27/18SC**.

## **Location and Site Description**

The subject property is located on the southwest side of Lloyd Street, south of St. Paul Street west. The subject property is surrounded by commercial plazas to the north, a Niagara Restaurant Supply to the east and detached dwellings to the south and west.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E7 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density generally between 20 and 32 units per hectare.

### *Zoning By-law (2013-283)*

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse and private road development.

## **Consent Application B-26/18SC**

Applications **B-26/18SC** and **B-27/18SC** are made for consent to partial discharges of mortgage and for consents to sever a 342.28m<sup>2</sup> of land (Part 1) and a 281.08m<sup>2</sup> of land (Part 2), to create two new lots to be known as 2B and 2C Lloyd Street for the purposes

of severing two units from the 3-unit townhouse currently under construction. A 342.28m<sup>2</sup> remnant parcel with the remaining unit (Part 3) of the townhouse would be retained for residential use.

The Committee should be aware that this application predates the direction by Council on February 12, 2018, directing that lots for individual townhouse units be created prior to the issuance of a building permit.

The GCP contains a number of policies with respect to evaluating development, redevelopment and lot creation within residential neighborhoods. Part F, Section 16.11.3 of the GCP states that consent to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of optimum development of the surrounding area.

The consents would allow each unit of the 3-unit townhouse to be owned and/or sold separately. Staff are satisfied that the parcels are appropriate for the use proposed. No impact is expected on the surrounding area and it is in keeping with the established character of the surrounding neighbourhood. Aside from a request to lessen the frontage of the center property (Part 2), all other applicable zoning provisions are met. The resulting density of the development is 31 units per hectare which is in keeping with the intent of the Official Plan.

Staff recommend that the consents be approved, subject to the conditions outlined in the recommendation.

#### *Design Review Panel (DRP)*

On May 8, 2017, Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Consent applications received after September 14, 2017 to create new, vacant residential lots were required to first go before the Design Review Panel prior to submitting the complete application. The first Design Review Panel meeting took place on October 3, 2017. The subject property was granted building permits to construct a three-unit townhouse on August 31, 2017, therefore pre-dating the time when the Design Review Panel took effect. The subject application was therefore exempt from review by the DRP.

### **Variance Applications A-39/18**

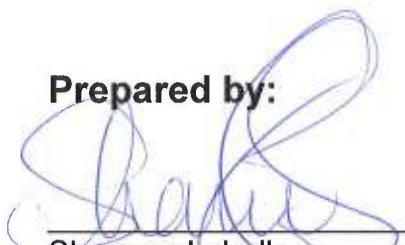
Application **A-39/18** requests a reduction in the minimum lot frontage.

The requested reduction in lot frontage from 6 metres to 5.85 metres is considered minor in nature. There will be no notable impact on the streetscape. The variance facilitates the concurrent consent application. Average frontages in the vicinity range from approximately 5 metres to 15 metres. The proposed frontage is in keeping with the character of the area, and does not compromise the proposed development. It is considered desirable and appropriate for the use of the land and is in keeping with the general intent and purpose of the Official Plan and Zoning By-law.

## Conclusion

Staff are satisfied that the consents requested through applications **B-26/18SC** and **B-27/18SC** are desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. Additionally, staff are satisfied that the variances requested through Submission **A-39/18** is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature and appropriate and desirable for the use of the land. It is staff's recommendation that the requested consents and variances be approved, subject to the conditions outlined in the recommendation.

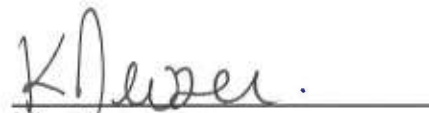
**Prepared by:**



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Shannon Labelle  
Student Planner

**Submitted by:**



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Kirstin Jensen  
Planner I

**Approved by:**



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Judy Pihach, MCIP, RPP  
Manager of Planning Services



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 21, 2018

**Date of Hearing:** March 28, 2018

**Submission(s):** A-40/18

**File:** 60.81.5327

**Subject:** 85 Haynes Avenue

### Recommendation

That Submission **A-40/18** by Ruobing Huang and Tian Ming Dong, 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 of the opinion that application **A-40/18** 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 is being maintained.

### The Proposal

Application **A-40/18** is made to allow the building to be used as a church. Under Section 45(2)(a)(ii) of the Planning Act, the agent states that a Place of Worship (Church) is a similar use to a Place of Assembly (private club, hall & dance & fitness club) which was not permitted in the previous Zoning By-law but approved through Minor Variance Application A-74/08. The current Zoning By-law 2013-283 does not permit a church in the R2 zone.

No new development is proposed, simply a change of use.

### Background

Permission was previously granted by the Committee in 2008 (File A-74/08) to allow for the extension of a non-conforming use by way of a private club (hall & dance & fitness club), as the private club-hall use was there prior to the passing of past Zoning By-law 62-86. Historically, the building was used as a Slovakian Hall and more presently a Korean Assembly Hall. The request to change the use to a use similar to the non-conforming use is required to permit the building to be used as a place of worship.

### Location and Site Description

The subject property is located on east side of Haynes Avenue, south of Welland Avenue. The property is surrounded by detached dwellings and a car wash to the north, and detached dwellings to the south, east and west.



## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per schedule E5 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

### *Zoning By-law (2013-283)*

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse and private road developments.

## **Application A-40/18**

Application **A-40/18** is requesting the Committee to grant approval for a place of worship as being similar to the current legal non-conforming use (private club (hall & dance & fitness club)).

Staff is of the opinion that a place of worship, in this context, is a legitimate similar use to the historic use of this site. The historic use has achieved a measure of compatibility with the surrounding neighbourhood, and no impacts on the area are anticipated should a place of worship be approved. The variance is considered minor in nature and is desirable and appropriate for the use of the land. It conforms to the general intent and purpose of the Official Plan and Zoning By-law.

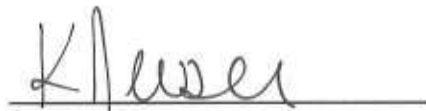
## **Conclusion**

Staff are satisfied that the variance requested through application **A-40/18** is desirable and compatible with the surrounding area. Staff recommend that the application be approved.

**Prepared by:**

  
Shannon Labelle  
Student Planner

**Submitted by:**

  
Kirstin Jensen  
Planner I

**Approved by:**

  
Judy Pihach, MCIP, RPP  
Manager of Planning Services