



CITY OF
ST. CATHARINES

Technical Report

REVISED

Report from Planning and Building Services, Planning Services

Date of Report: April 24 20, 2019

Date of Meeting: April 25, 2019

Report Number: B-12/19SC

File: 60.84.2240

Subject: 51 Christie Street

Recommendation

That Submission **B-12/19SC**, by Keven McKinnon, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. Pay the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property;
2. If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually; and,
3. The Owner pay the cash-in-lieu fee for future sidewalks along the frontage lengths of Christie Street and Bayview Drive, at the costs of which are to be determined based on the current construction price index and average City tender document pricing, at the time of payment for a total of 28.4 metres.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-12/19SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on the surrounding properties. Staff recommends that the requested consent be approved.

The Proposal

Application **B-12/19SC** is made for consent to a partial discharge of mortgage and to sever 270.3 m² of land (Part 1 on the submitted sketch) re-creating the lot known as 51 Christie Street with an existing detached dwelling. A 412.8 m² remnant parcel (Part 2) known as 72 Bayview Drive with the existing duplex dwelling would be retained for continued residential use. The Committee should be aware that this application seeks to

re-establish two previously existing lots each with an existing dwelling, which inadvertently merged. No new development is proposed.

Location and Site Description

The subject property is located on the south side of Christie Street, north of Bayview Drive. The merged property at 72 Bayview Drive is located at the northeast corner of Bayview Drive and Paxton Avenue. The surrounding area consists of primarily single detached homes, as well as a nearby park.

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 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 range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2-6). The R2-6 zone permits strictly single detached dwellings, in addition to a number of site specific zoning provisions regarding setbacks, heights, landscaping, lot coverage and outdoor privacy zones.

Report

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 application is requested to correct the inadvertent merging of the property at 51 Christie Street (Part 1) with 72 Bayview Drive (Part 2), which merged as a result of the title of the properties being under the same name of ownership.

The detached dwelling at 51 Christie Street was built in 1922. The duplex dwelling at 72 Bayview Drive was constructed in 1917, thereby predating the current R2-6 site specific zoning on the property. No new development or redevelopment is proposed. The subject properties have been separate and distinct parcels for many years. Staff is satisfied that the re-creation of these lots is appropriate and previously had been long established lots in this neighbourhood. The overall function of the residential dwellings will not change and there will be no impact on surrounding uses. The proposed lots are of similar sizes

to many of the lots in the surrounding area of the subject properties. The proposal is in keeping with the character of the neighbourhood.

The City's Development Engineering division has advised that Christie Street, Bayview Drive and Paxton Avenue are all designated as Local Roads in the City's Official Plan with desired rights-of-way widths of 20 m. Christie Street and Bayview Drive's current widths along the Applicant frontages are already 20.0m and sufficient, however Paxton Avenue is severely deficient at approximately 5.60m±. The City had previously obtained a widened portion along Paxton Avenue through Part 2, Plan 30R-1870, from its previous irregular 'lane-way' width of approximately 4.87m (16'). Although deficient, the City will not be requiring any further widenings along the Paxton Avenue frontage, nor Christie Street or Bayview Avenue.

As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrians and cycling environment". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Sidewalks do not exist along all frontages of the subject properties. In accordance with the Official Plan policies that focus on complete streets, pedestrian connections and alternative modes of transportation (including walking), a cash payment in lieu of sidewalk construction is included as a condition to the severance. This cash payment is held in a reserve fund for the specific street the payment was taken as a contribution to sidewalk construction at some point in the future. The cost is based on the current construction price index and average City tender document pricing, at the time of payment. The required amounts shall be based on frontage lengths of 12.4m (Christie Street) and 16.0m (Bayview Drive), for a total length of 28.4m. Although frontage does exist on Paxton, the current right of way provides insufficient space for a sidewalk and there is no expectation that a sufficient road widening to accommodate a future sidewalk will be available in the future, given the existing dwelling locations along Paxton Avenue. No sidewalk payment will be required for Paxton Avenue.

Given the age and history of Port Dalhousie, and previous experiences in this area with respect to the existing configurations of private services, the Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for each dwelling, to confirm they do not conflict with any existing abutting and/or future lot line. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit so as not to continue conflicts of existing services over abutting and/or future lot lines. The Owner shall also pay the City, if determined through the inspections that conflicts exist, the fees to provide

new water and sewer services to the individual property lines in order for each lot to be serviced individually.

Design Review Panel (DRP)

Consent applications received after September 14, 2017 to create new residential lots are required to first go before the Design Review Panel prior to submitting the complete application. In this instance, no new development is proposed for the new lot. The subject application was therefore exempt from review by the DRP.

Conclusion

Staff is of the opinion that application **B-12/19SC** is compatible with the surrounding area, provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is Staff's recommendation that the requested consent to sever be approved, subject to conditions.

Prepared by:


for Vincent Wen
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 22, 2019

Date of Meeting: April 25, 2019

Report Number: B-13/19SC
B-14/19SC
A-44/19
A-45/19

File: 60.84.2241
60.84.2242
60.81.5478
60.81.5479

Subject: 32 Lincoln Avenue

Recommendation

That Submissions **B-13/19SC** and **B-14/19SC**, by Jerry Della Vecchia and Nancy Della Vecchia, as outlined in the Notice of Hearing, be denied.

That Submissions **A-44/19** and **A-45/19**, by Jerry Della Vecchia and Nancy Della Vecchia, as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Applications **B-13/19SC** and **B-14/19SC** do not uphold the policies of the Official Plan and Zoning by-law. 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-44/19** and **A-45/19** are not minor in nature, not desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained. Staff recommends that the requested consents and variances be denied.

The Proposal

Application **B-13/19SC** is made for consent to sever 686.1 m² of land (Part 2 on the submitted sketch) creating a new lot to be known as 12 Waite Lane for the purpose of constructing a single detached dwelling. A 4,611.7m² remnant parcel (Parts 1 & 3) would be retained for commercial use.

Application **B-14/19SC** is made for consent to sever 671.7 m² of land (Part 1 on the submitted sketch) creating a new lot to be known as 14 Waite Lane for the purpose of constructing a single detached dwelling. A 3,940 m² remnant parcel (Part 3) would be retained for commercial use.

Application **A-44/19** is made pertaining to City of St. Catharines By-law 2013-283, as amended for an increase of the maximum lot area per dwelling unit from 370 m² to 671 m². The variance is requested for concurrent consent **B-14/19SC** to sever a lot for the proposed construction of a single detached dwelling.

Application **A-45/19** is made pertaining to City of St. Catharines By-law 2013-283, as amended for an increase of the maximum lot area per dwelling unit from 370 m² to 686.1 m². The variance is requested for concurrent consent **B-13/19SC** to sever a lot for the proposed construction of a single detached dwelling.

Location and Site Description

The subject property is located on the south side of Lincoln Avenue, and the east side of Waite Lane, to the north of Turner Crescent. The property fronts on both Lincoln Avenue and Waite Lane, and abuts Crater Creek and an adjacent rail corridor to the east. The surrounding area consists of primarily detached and semi-detached dwellings to the west, as well as nearby commercial uses and a flea market.

The subject lands have historically been operated as a commercial garage with accessory outdoor storage. There was an associated residence, known as 30 Lincoln Avenue, which was severed from the property in 2016. Staff recognize that the existing commercial garage and accessory outdoor storage buildings predated the present zoning of the lot.

Crater Creek is a headwater tributary that is regulated by the Niagara Peninsula Conservation Authority (NPCA).

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 Medium Density Residential as per Schedule E9 of the Garden City Plan (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. Height of buildings will generally not exceed 20 metres.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential (R3-H1). The R3 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse and apartment dwellings, as well as private road developments and long-term care facilities. Holding Provision 1 provides a condition for environmental considerations, where an Environmental Site Assessment shall be prepared and submitted for approval.

Report

Section 16.11, Lot Creation policies in the Official Plan, speak directly to the creation of lots by consent only when *“the size, shape and configuration of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.”* Further, consents to sever are to contribute to the infilling of areas that are already substantially developed.

The residential lots that are proposed to be created by the consent applications (at sizes of 671.7 m² and 686.1 m², respectively) are considerably oversized compared to the *maximum* lot size of 370 m² required in the applicable R3 zone. The subject lots have a total lot area of 1357.8 m², and a total lot frontage of 44 metres. This provides enough potential lot area and frontage for 4 new lots to be created, based on the regulations for lot area and lot frontage provisions for a detached dwelling in the R3 – Medium Density Residential zone, without the need for any variances. In addition, seeing as the property is located within the Medium Density Residential designation of the Official Plan, a minimum density of at least 25 units per hectare is required. The current proposal for 2 new oversized lots results in an approximate density of 14.7 units/hectare, which is significantly deficient from 25 units per hectare minimum density limit outlined in the Official Plan. Comparatively, 4 new lots on the subject property area would result in a density of 29.5 units/hectare, which is in line and appropriate for the policies of the area.

Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design. The surrounding area is not characterized by large lots. Rather, the immediate residential vicinity contains long, narrow lots for typically semi-detached dwelling units as well as smaller single detached dwellings. The approval of these applications would result in two oversized lots which do not meet the lot creation policies of the Official Plan. Staff are of the opinion that the goals and objectives of the Official Plan regarding infill and intensification development opportunities could be achieved if the subject lot were to be severed further into 4 lots that are in compliance with the requirements of the zoning by-law.

Section 7.1(j) of the Official Plan further states that land assembly and configuration should not detract from the potential development or redevelopment of adjacent properties, or create isolated parcels which may otherwise have future development or redevelopment potential. Staff are not in support of the proposed consents, as they significantly detract from future opportunities for the development potential of the subject and surrounding lots. If the applications were approved, the result diminishes the development potential for the subject site, which could result in twice the amount of lots being provided in the subject area. Approval of the severance does not conform to the Official Plan.

The themes of infilling and intensification, more efficient use of land and infrastructure, and denser developments are routinely repeated in land use planning decisions under

the current provincial planning framework. Within this context, the creation of the two oversized lots is viewed by staff as a move which does not support the overall goals and objectives of the Official Plan, specifically relating to the creation of lots which may compromise future development options for infill development. Staff are of the view that the development potential of the subject lot is greater than if only two new lots were created.

Staff are responsible for the implementation of the City's Official Plan and Zoning By-law. The approval of these applications would result in two oversized lots which do not meet the lot creation policies of the Official Plan and significantly exceed the lot area requirements of the zoning by-law. Staff consider the goals and objectives of the Official Plan regarding infill and intensification development opportunities to be better achieved were the lot to be severed further into more lots. Staff recommend the consent and minor variance applications be denied.

Conclusion

Staff is of the opinion that Applications **B-13/19SC** and **B-14/19SC** do not uphold the policies of the Official Plan and Zoning by-law. It is staff's recommendation that the requested consents to sever be denied.

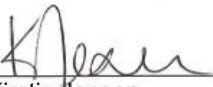
Staff is of the opinion that Applications **A-44/19** and **A-45/19** are not in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, and are not appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be denied.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 17, 2019

Date of Meeting: April 25, 2019

Report Number: B-16/19SC
A-49/19
A-50/19

File: 60.84.2244
60.81.5483
60.81.5484

Subject: 40 Elgin Street

Recommendation

That Submission **B-16/19SC**, by John D. Howard, Vassiliki Howard, Georgia Howard and John Howard, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands (Part 2), to address the following conditions:
 - a. That Building Permit plans & elevation plans be generally in accordance with the plans submitted to the Design Review Panel at the October 2nd, 2018 meeting (site plan dated April 15, 2013 by 2M Architects) and associated elevations (dated April 15, 2013 by 2M Architects), to be submitted for review and approval by the City's Urban Design Planner to ensure the following:
 - i. That the rear hedge row be preserved;
 - ii. That the driveway be limited to a single car width;
 - iii. That a larger front porch be provided; and,
 - iv. That the front façade integrates a symmetrical design.
2. That the applicant submits a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees;
3. 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', and that the appraisal be completed by a qualified appraiser;

4. That the existing shed on Part 1 be removed. A demolition permit is required if its greater than 10 m²;
5. That 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 meets the requirements for subsection 9.10.14. and 9.10.15 of the 2012 Ontario Building Code for the southeast face of the existing dwelling;
6. That the applicant pay the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property; and,
7. If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually.
8. That an individual lot grading and drainage plan be prepared by a qualified Engineer or Ontario Land Surveyor and submitted for review and approval by City Development Engineering staff, prior to final approval of the consent.

That Submissions **A-49/19** and **A-50/19**, by John D. Howard, Vassiliki Howard, Georgia Howard and John Howard, 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 of the opinion that Application **B-16/19SC** is compatible with the surrounding area and will not result in adverse impacts on the 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-49/19** and **A-50/19** 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 recommends that the requested consent and variances be approved.

The Proposal

Application **B-16/19SC** is made for consent to a partial discharge of mortgage and consent to sever 281.7 m² of land (Part 1 on the submitted sketch) to be known as 38 Elgin Street, for the proposed construction of a single detached dwelling. A 285.7 m² remnant parcel (Part 2) with the existing single detached dwelling would be retained for continued residential use.

Application **A-49/19** is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for a reduction of the minimum lot area per dwelling unit from 300 m² to 285.7 m², and Application **A-50/19** requests a reduction of the minimum lot area per dwelling unit from 300 m² to 281.7 m². Both applications are to facilitate consent Application **B-16/19SC**.

Location and Site Description

The subject property is located on the north side of Elgin Street, to the south of Bayview Drive and to the north of Dalhousie Avenue. The surrounding area consists of primarily detached dwellings.

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 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 range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

The subject property is also located within the Port Dalhousie Heritage District as per Schedule B of the GCP.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2-7). The R2-7 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings and private road development. Special Provision 7 restricts the maximum height of any dwelling to 9 metres.

Report

Consent

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 the optimum development of the surrounding area.

The consent application is requesting to sever the eastern portion of the lot at 40 Elgin Street (Part 2 on the submitted sketch) for the purposes of constructing a single detached dwelling to be known as 38 Elgin Street (Part 1). Nearby lots adjacent to and across from 40 Elgin Street are of similar shape and size to the newly created Part 1, and the surrounding neighbourhood has a number of properties that vary in both shape and size. While the size of both the severed and remnant parcels of land are slightly deficient of the minimum lot area provision of the Zoning By-law, all other provisions of the Zoning By-law in terms of setbacks are satisfied. The proposed lots will not negatively impact the established character of the neighbourhood. The proposal is an example of good infill development in an established residential area.

Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design. Staff recommend approval of the requested consent.

The severance and proposed development for 40 Elgin Street maintain the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area and the character of the neighbourhood. Staff recommend approval of the consent.

Design Review Panel (DRP)

Council directed the establishment of the Design Review Panel (DRP) to provide design recommendations 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 may recommend conditions of consent approval including a Development Agreement, to implement the advice of the DRP and other City and agency considerations.

The proposed consent was submitted to the DRP for review at the meeting of October 2, 2018. The Panel considered a proposal to sever the side yard of an existing home on Elgin Street, within the Port Dalhousie Heritage District, to facilitate the construction of a new detached dwelling. Michael Miryneck appeared on behalf of the owner and advised that the submitted plans are intended only as a demonstration and do not necessarily reflect the intentions of the owner. Plans are intended to demonstrate the "reasonableness" of the proposed lot fabric.

The DRP expressed concern that the proposed designs do not reflect a real development and requested that the ultimate proposal return to the DRP for review if/when changes are proposed, however this is not within DRP jurisdiction. DRP members did identify that the proposed plans appeared to fit within Port Dalhousie and are consistent with typical approaches for driveways and garages in the area. The DRP noted that the submitted plans did demonstrate capacity for fit within the proposed new lot. The members requested that the existing hedge along the rear property line be retained. The DRP also encouraged the provision of an enlarged front porch to serve as usable outdoor space and requested the provision of a minimum 1.2 metre side yards.

It was moved by the Design Review Panel that the DRP support the proposed lot creation; that the DRP supports the design of the new building, as proposed; and that if plans for the new house design change in any significant way, that the proposal be sent back to the DRP for further review. The DRP also moved that the development on the new lot should be subject to the following conditions: the preservation of the rear hedge row; that the driveway be limited to a single car width; and that the applicant provide the required side yards per zoning by-law. The DRP encouraged the applicant to place the building

closer to the street, between the setbacks of the two neighbouring homes; to provide a larger front porch; and to provide a larger rear yard. The applicant is demonstrating greater than required front and rear yard setbacks and as such, staff do not consider these suggestions to be enforceable conditions. Staff are however in favour of the DRP request for an enlarged front porch to improve the front façade and streetscape. The applicant has demonstrated an effort to comply with the requests of the DRP through the application submitted to the Committee of Adjustment.

Heritage planning staff have advised that the front façade of the dwelling should integrate a symmetrical design. In addition, the applicant is encouraged to use traditional cedar shakes rather than a synthetic style as per the Port Dalhousie Heritage Conservation District Guidelines.

Building staff have advised that a building permit is required for the proposed single detached dwelling on Part 1. Further, a condition is requested that the shed on Part 1 must be demolished prior to finalization of the consent, as a result of the creation of a new parcel of vacant land which cannot have an accessory structure existing on the property without a primary structure.

The City's Development Engineering Services department have noted that Elgin Street is designated a Local road as per the City's Official Plan, with a desired right-of-way width of 20.12 metres. Its current width is sufficient, being that of 20.12 metres; therefore, the City shall not be requesting any further dedications of land for road widening purposes.

Sidewalks exist along the frontage of the subject property. The Owner shall be aware that through the Building permit process, sidewalk damage deposits will be required for the new dwelling construction.

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. An individual lot grading and drainage plan must be prepared by a qualified Engineer or Ontario Land Surveyor. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the Consent. City staff will review the proposed grading plan to ensure that the drainage scheme of the modified existing, and proposed future lots convey drainage to a suitable outlet, while at the same time will not adversely affect abutting properties.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a piped storm sewer are available. Since a storm sewer does not exist at this location on Elgin Street, the sump pump will be permitted to discharge to grade provided the discharge is directed towards the front of the lot. The location and direction of discharge shall be shown on the lot grading and drainage plan. Rain water leaders (downspouts) shall also be directed/discharged to the front of the proposed dwelling, and in accordance with the applicable By-law. These too must be identified on the approved grading plan.

Given the age and history of Port Dalhousie, and previous experiences in this area with respect to the existing configurations of private services, the Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for the existing dwelling, to confirm they do not conflict with any existing abutting and/or future lot line. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit so as not to allow conflicts to exist.

Variances

Applications A-49/19 (Part 2) and A-50/19 (Part 1)

Zoning By-law 2013-283 requires a minimum lot area for a detached dwelling of 300 m². The minimum lot area requirement of the By-law is meant to ensure that a building envelope can fit comfortably on a property while still providing adequate amenity space, meeting setback requirements, and ensuring a dwelling will not overwhelm the lot or neighbouring properties. Application **A-49/19** requests a reduction of the minimum lot area per dwelling unit from 300 m² to 285.7 m² and Application **A-50/19** requests a reduction from 300 m² to 281.7 m². The applicant has demonstrated that a detached dwelling can fit suitably on both the new and remnant lots, albeit undersized, while abiding by all other required zoning provisions, and the reduction will not significantly detract from the available amenity space of the property. From a streetscape perspective, reductions of 14.3 m² and 18.3 m² per lot, respectively, is not visually discernable and will not have adverse impacts on the subject or remnant parcel, or neighbouring properties. Staff is of the opinion that approval of the variances will have no measurable impacts to the streetscape or surrounding area. Staff recommend the requested variances for Applications **A-49/19** and **A-50/19** be approved.

Conclusion

Staff is of the opinion that Applications **B-16/19SC** is compatible with the neighbourhood, the provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consent to sever be approved with the conditions outlined in the recommendation.

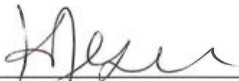
Staff is of the opinion that Applications **A-49/19** and **A-50/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 21, 2019

Date of Meeting: April 25, 2019

Report Number: B-17/19SC
A-53/19
A-54/19

File: 60.84.2245
60.81.5487
60.81.5488

Subject: 18 Howard Avenue

Recommendation

That Submission **B-17/19SC**, by Brayston Guhl, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the applicant submits a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 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' and that the appraisal be completed by a qualified appraiser;
3. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands (Part 2), to address the following conditions:
 - a. That Building Permit plans & elevation plans be generally in accordance with the plans submitted to the Design Review Panel at the April 2nd, 2019 meeting (formerly site plan dated March 12, 2019, but since revised and dated April 3, 2019, by Matthews, Cameron, Heywood – Kerry T. Howe Surveying Ltd.) and associated elevations (no date or designer), to be submitted for review and approval by the City's Urban Design Planner to ensure the following:
 - i. That a variety of materials as well as overall higher end treatment in terms of materials and façade design be implemented; and,
 - ii. That the dwelling be a side split design, with a softened, low-profile roof slope;

4. That the existing shed on Part 2 be removed and a demolition permit be required if greater than 10 m² in area;
5. That 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 meets the requirements for subsection 9.10.14. and 9.10.15 of the 2012 Ontario Building Code for the east face of the existing dwelling;
6. Pay the cash-in-lieu fee for future sidewalks along the frontage length of Florence Street, the costs to be determined based on the construction price index and average City tender document pricing, at the time of payment for a total of 43.9m;
7. That an individual lot grading and drainage plan be prepared by a qualified Engineer or Ontario Land Surveyor and submitted for review and approval by City Development Engineering staff; and,
8. Enter into a Servicing Agreement with the City of St. Catharines, to extend the sanitary sewer on Florence Street, and include the following:
 - a. The Owner shall be responsible for obtaining all required approvals from other authorities including the Regional Municipality of Niagara and the M.O.E.,
 - b. The Owner shall hire an Engineer who shall design all of the works covered by the Servicing Agreement, prepare a plan & profile drawing and specifications for the said works, submit all plans and documents to the City for approval, prepare applications for submission to all other approval agencies, supervise and inspect the construction of the works, including the setting and checking of all lines and grades, etc. prior to, during and after construction,
 - c. The Owner shall pay all City costs associated the improvements, including among other things the cost of City inspection of the works,
 - d. The Owner shall be required to deposit securities with the City, in a form acceptable to the City Treasurer, to ensure compliance with the terms of the Agreement,
 - e. The Owner shall have his Engineer provide as-constructed servicing and grading drawings as well as lateral cards for all proposed works,
 - f. The Owner shall ensure the Servicing Agreement is executed and registered on Title of the subject lands to the satisfaction of the City.

That Submissions **A-53/19** (Part 1), by Brayston Guhl, as outlined in the Notice of Hearing, be approved; and,

That Submissions **A-54/19** (Part 2), by Brayston Guhl, be approved for a rear yard depth of a minimum 6 metres, rather than 5.0 metres as outlined in the Notice of Hearing.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-17/19SC** is compatible with the surrounding area and will not result in adverse impacts on the 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-53/19** and **A-54/19** 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 recommends that the requested consent and variances be approved.

The Proposal

Application **B-17/19SC** is made for consent to sever 400 m² of land (Part 2 on the submitted sketch) to create a lot to be known as 1A Florence Street for the proposed construction of a single detached dwelling. A 403.5 m² remnant parcel with the existing single detached dwelling would be maintained for continued residential use.

Application **A-53/19** is made pertaining to City of St. Catharines Zoning By-law 2013-283 for reduction of the minimum rear yard setback from 7.5 metres to 5.98 metres for the existing single detached dwelling on Part 1. The variance is requested to facilitate a concurrent consent application **B-17/19SC**.

Application **A-54/19** is made pertaining to City of St. Catharines Zoning By-law 2013-283 for a reduction of the rear yard setback from 7.5 metres to 5 metres on Part 2. The variance is requested for the proposed construction of a single detached dwelling. There is a concurrent consent application **B-17/19SC**.

Location and Site Description

The subject property is located at the northeast corner of Howard Avenue and Florence Street, and to the west of Jefferson Drive. The surrounding area consists of primarily detached dwellings.

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 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 range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

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

Report

Application B-17/19SC

Consent

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 the optimum development of the surrounding area.

The consent application is requesting to sever the rear portion of the lot at 18 Howard Avenue (Part 2 on the submitted sketch), for the purpose of constructing a new single detached dwelling to be known as 1A Florence Street (Part 1). Parts 1 and 2 on the submitted sketch will be slightly smaller than most of the existing lots in the surrounding area, however, the proposed lots meet almost all provisions of the zoning by-law for the R1 zone, with the exception of the rear yard depths which are only slightly reduced yet maintaining sufficient rear yard and front yard amenity spaces for the existing and proposed dwellings. The consent is appropriate for the optimum development of the land and the proposed severed and retained lots are of a sufficient size to support the existing and proposed detached dwellings.

The proposed lots will not negatively impact the established character of the neighbourhood. The proposal is an example of good infill development in an established residential area. Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design. Staff recommend approval of the requested consent. The severance and proposed development for 18 Howard Avenue maintain the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area and the character of the neighbourhood. Staff recommend approval of the consent.

Design Review Panel (DRP)

Council directed the establishment of the Design Review Panel (DRP) to provide design recommendations 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 may recommend conditions of consent approval including a Development Agreement, to implement the advice of the DRP and other City and agency considerations.

The proposed consent was originally submitted to the DRP for review at the meeting of February 26, 2019, to create a new lot for the purpose of constructing a new two-storey

detached dwelling on the subject lands and the existing dwelling to be retained on the remnant parcel. The DRP had no concerns with the proposed severance but had some concerns with the proposed design and height of the dwelling. To ensure a more suitable design that would achieve compatibility with the neighbouring properties, the DRP suggested two options – Option A, to reduce height in favour of a one and a half storey or side split or raised bungalow, with the main goal being to improve articulation at the street by including dormers, use of stone or brick siding, and a broken up front façade. Option B was to relocate the proposed dwelling further to the east of the site, reducing the rear yard to approximately 2 metres and reducing height to a storey and a half to allow the two activity areas of the subject and remnant parcels to abut each other.

Based on the discussion and various design opportunities available for the property, the DRP decided that a redesign and resubmission of the design was necessary to provide a definitive recommendation.

A new applicant submitted a proposal for a side split bungalow on the subject property. The applicant advised the Panel that both options from the previous meeting were considered, however in their opinion, Option A would ultimately achieve a better fit with the streetscape and result in less variances. The Panel requested that good materials be used for the exterior in order to keep the quality up as well as the inclusion of suitable glazing materials. It was moved by the Panel that the DRP recommend approval and leave the plan as revised.

Building staff have advised that a building permit is required for the proposed single detached dwelling.

The City's Development Engineering Services department noted that Florence Street is designated as a Local Road in the Garden City Plan (The City's Official Plan) with a desired right-of-way width of 20 metres. Its current width across the frontage of the subject property is 20.12 metres. Therefore, no road widening is required at this time.

Sidewalks do not exist along the frontage of the subject property at this time. However, as per the Garden City Plan, Council wishes to achieve Complete Streets and "Walkable" Communities. In addition to accommodating vehicles, the roadways shall provide a "safe, functional and attractive pedestrian and cycling environment." Section 5.2.1 indicates sidewalks should be provided on both sides of all streets. Section 5.3 indicates "All existing roads will be brought up to meet current general standards now required for roads." However, it is recognized that due to the expense, this may not be achieved for many years.

As a condition of consent and, since existing links to other sections of sidewalk do not yet exist, the City requires the Owner to make a cash contribution for the construction of a future sidewalk rather than construct the sidewalk at this time. The cash contribution will be based on the average City tender construction pricing, at the time of payment. The current rate is \$194.45 per square meter. The required total amount shall be based on a 1.5-metre-wide sidewalk along the total property length of 43.90 metres. Therefore, the total estimated cost of the Owner's share, if paid now, is \$12,804.53.

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. An individual lot grading and drainage plan must be prepared by a qualified Engineer or Ontario Land Surveyor. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the Consent. City staff will review the proposed grading plan to ensure that the drainage scheme of the modified existing, and proposed future lots, convey drainage to a suitable outlet, while at the same time not adversely affecting abutting properties.

Sump pump flows are typically discharged to grade, when no opportunities exist to connect to a piped storm sewer. Since a storm sewer does not exist at this location on Florence Street, the sump pump will be permitted to discharge to grade provided the discharge is directed towards the front lot line. The location and direction of discharge shall be shown on the lot grading and drainage plan.

Roof Water Leaders (Downspouts) shall also be direct to, and be discharged at, the front of the proposed dwelling. These too must be shown on the approved grading plan.

Since the sanitary lateral and the water service connection for the existing house both appear to be connected to the City's main lines on Howard, there is no need to confirm their locations for potential conflicts.

A new sanitary lateral and water service will be required to service the new lot. As indicated above there is no existing sanitary sewer across the frontage of the proposed lot. In order to provide a sanitary outlet for the new lot the existing sanitary sewer on Florence Street must be extended approximately 18 metres. In order to complete the installation of these services the applicant will be required to enter into a Servicing Agreement in which they will be required to hire a qualified engineer to design and oversee the construction of the sanitary sewer extension, as well as the individual sanitary sewer lateral and water service connections to the new lot. The Servicing Agreement will also require the Owner to provide applicable securities to the City to ensure the work is completed to the satisfaction of the City Engineer.

The terms of the Servicing Agreement shall include, but not be limited to, the following:

- The Owner shall be responsible for obtaining all required approvals from other authorities including the Regional Municipality of Niagara and the M.O.E.,
- The Owner shall hire an Engineer who shall design all of the works covered by the Servicing Agreement, prepare a plan & profile drawing and specifications for the said works, submit all plans and documents to the City for approval, prepare applications for submission to all other approval agencies, supervise and inspect the construction of the works, including the setting and checking of all lines and grades, etc. prior to, during and after construction,
- The Owner shall pay all City costs associated the improvements, including among other things the cost of City inspection of the works,

- The Owner shall be required to deposit securities with the City, in a form acceptable to the City Treasurer, to ensure compliance with the terms of the Agreement,
- The Owner shall have his Engineer provide as-constructed servicing and grading drawings as well as lateral cards for all proposed works; and
- The Owner shall ensure the Servicing Agreement is executed and registered on Title of the subject lands to the satisfaction of the City.

Variances

Applications A-53/19 (Part 1) and A-54/19 (Part 2)

The Zoning By-law requires a minimum rear yard setback for a detached dwelling of 7.5 metres. The intent of the rear yard setback is to ensure sufficient rear yard amenity space can be provided on a site, and prevent the overwhelming of property by a dwelling to ensure the privacy of neighboring properties. The variance for Application **A-53/19** requests a reduction of the minimum rear yard setback per dwelling unit from 7.5 metres to 5.98 metres and the variance for Application **A-54/19** requests a reduction from 7.5 metres to 5 metres. The need for the reductions to the rear yards of both parcels are a result of accommodating the location of the existing dwelling on the remnant parcel while ensuring that both parcels could meet the required minimum lot area provisions of the zoning by-law and satisfy as many other zoning provisions as possible. Staff are supportive of the reductions to the required rear yard depths, however, staff are of the opinion that the building envelope on Part 2 has the opportunity to move forward toward the front property line to be able to provide slightly more rear yard amenity space. Staff recommend that Part 2 provide a rear yard of a minimum of 6 metres.

Building staff have advised for Application **A-54/19** that a building permit is required for the proposed single detached dwelling, and for Applications **A-53/19** and **A-54/19**, that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.

Staff is of the opinion that approval of the variances will have no measurable impacts to the provision of adequate amenity space or impact the surrounding area. Staff recommend the requested variances for Applications **A-53/19** and **A-54/19** be approved, albeit to a minimum of 6 metres for **A-54/19**.

Conclusion

Staff is of the opinion that Application **B-17/19SC** is compatible with the neighbourhood, the provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consent to sever be approved, with the conditions outlined in the recommendation.

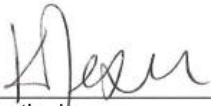
Staff is of the opinion that Applications **A-53/19** and **A-54/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved, but that **A-54/19** be approved at a minimum of 6 meters in rear yard depth.

Prepared by:



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Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: April 22, 2019

Date of Meeting: April 25, 2019

Report Number: B-18/19SC
A-55/19
A-56/19

File: 60.84.2246
60.81.5489
60.81.5490

Subject: 43 Lloyd Street

Recommendation

That Submission **B-18/19SC**, by 2556067 Ontario Inc., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the applicant submits a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 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,' and that the appraisal be completed by a qualified appraiser;
3. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands (Parts 1 and 2), to address the following conditions:
 - a. That Building Permit plans & elevation plans be generally in accordance with the plans submitted to the Design Review Panel at the April 2nd, 2019 meeting (formerly site plan dated February 12, 2019, but since revised and dated March 27, 2019, by Matthews, Cameron, Heywood – Kerry T. Howe Surveying Ltd.) and associated elevations (no date or designer), to be submitted for review and approval by the City's Urban Design Planner to ensure the following:
 - i. That the driveways for Parts 1 and 2 be no greater than 3.09 metres in width;
 - ii. That the garage façades be enhanced with heavy framing, lighting on the wall above the garage door, darkening of the garage door colour, and more glazing; and,

- iii. That overall higher end treatment in terms of materials and façade design be implemented, and the wrapping of stone around the sides of the dwelling units;
4. That the existing dwelling on the property is to be removed. A demolition permit is required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.
5. That the applicant pays the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property;
6. If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually;
7. Arrange to have an individual lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the Consent;
8. Dedicate to the City, free and clear of any encumbrances, 0.86 metres along the frontage of the subject property, to be known as Public Highway Lloyd Street; and,
9. Provide the City a draft reference plan indicating the proposed 0.86 metre widening, for review and approval, prior to registration of the plan in the Land Registry Office.

That Submissions **A-55/19** and **A-56/19** (Variances 1, 3 and 4), by 2556067 Ontario Inc., as outlined in the Notice of Hearing, be approved; and,

That Submissions **A-55/19** and **A-56/19** (Variance 2), by 2556067 Ontario Inc., as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-18/19SC** is compatible with the surrounding area and will not result in adverse impacts on the surrounding properties. Staff recommends approval of the consent to sever.

Further, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that Variances 1, 3 and 4 requested through Applications **A-55/19** and **A-56/19** 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 recommends approval of these variances.

Staff is of the opinion that variance 2 of Applications **A-55/19** and **A-56/19** are not minor in nature, not desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained. Staff recommend that these variances be denied.

The Proposal

Application **B-18/19SC** is made for consent to sever 296.3 m² of land (Parts 1 & 2 on the submitted sketch) to be known as 43B Lloyd Street, for the proposed construction of one half of a semi-detached dwelling subject to an easement in perpetuity, over 1.10 m² of land (Part 2) for eaves, gutters and walls to benefit the northerly abutting lands known as 43A Lloyd Street (Parts 3 & 4). A 296.22 m² remnant parcel (Parts 3 & 4) would be retained for the other half of the proposed semi-detached dwelling, subject to an easement in perpetuity over 1.10 m² of land (Part 4) for eaves, gutters and walls to benefit the southerly abutting lands known as 43B Lloyd Street with the other half of the proposed semi-detached dwelling.

Application **A-55/19** (Part 1 & 2) is made pertaining to the City of St. Catharines Zoning By-law 2013-283, for the following:

- 1) A reduction of the minimum lot frontage from 7.5 metres to 6.17 metres
- 2) A variance of Section 5.4.1(f) of the By-law to allow for the front wall of the dwelling to be recessed behind the garage.
- 3) To permit an increase of the maximum encroachment into a required yard for eaves and gutters from 0.15 metres from the lot line to 0 metres.
- 4) A reduction of the interior side yard setback from the dwelling to the lot line (where the dwelling protrudes from the common wall) from 1.2 metres to 0 metres.

The variances are requested for the proposed construction of a semi-detached dwelling.

Application **A-56/19** (Part 3 & 4) is made pertaining to the City of St. Catharines Zoning By-law 2013-283, for the following:

- 1) A reduction of the minimum lot frontage from 7.5 metres to 6.17 metres
- 2) A variance of Section 5.4.1 (f) of the By-law to allow for the front wall of the dwelling to be recessed behind the garage.
- 3) To permit an increase of the maximum encroachment into a required yard for eaves and gutters from 0.15 metres from the lot line to 0 metres.
- 4) A reduction of the interior side yard setback from the dwelling to the lot line (where the dwelling protrudes from the common wall) from 1.2 metres to 0 metres.

The variances are requested for the proposed construction of a semi-detached dwelling.

Location and Site Description

The subject property is located on the east side of Lloyd Street, to the north of Rykert Street and to the south of Chetwood Street. The surrounding area consists of primarily detached dwellings and semi-detached dwellings, as well as a nearby apartment dwelling complex to the south.

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 E6/7 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 range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

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

Report

Application B-18/19SC

Consent

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 the optimum development of the surrounding area.

The proposed lots are appropriate for the anticipated uses, as they will each contain a semi-detached dwelling unit. The proposed parcels are slightly smaller in size than nearby lots in the immediate vicinity; however, consents of a similar nature for semi-detached and townhouse uses are becoming increasingly more common in this neighbourhood and as such, the new dwellings are expected to achieve a measure of compatibility with the surrounding area. There are nearby lots to the north that are similar in width and lot area. The proposed lots will maintain a consistent lot depth with adjacent properties and provide sufficient front and rear yard amenity space for the dwelling units. The consent is appropriate for the optimum development of the land and the proposed severed and retained lots are of a sufficient size to support the proposed semi-detached dwelling units.

The City's Official Plan has identified priority areas for intensification. These areas have been established to attract a significant portion of population growth. The subject property is located directly adjacent to an identified intensification area. The subject lands are located in a transit supportive environment with a number of transit stops within a 5-minute walk of the proposal. The subject property is located in an appropriate area to accommodate infill development of this nature.

The application demonstrates a severance that is compatible with the existing conditions in the surrounding area in terms of lot size, use, and proposed development. The proposed lots will not negatively impact the established character of the neighbourhood. The proposal is an example of good infill development in an established residential area. Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design. Staff recommend approval of the requested consent. The severance and proposed development for 43 Lloyd Street maintain the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area and the character of the neighbourhood. Staff recommend approval of the consent, subject to conditions.

Design Review Panel (DRP)

Council directed the establishment of the Design Review Panel (DRP) to provide design recommendations 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 may recommend conditions of consent approval including a Development Agreement, to implement the advice of the DRP and other City and agency considerations.

The proposed consent was submitted to the DRP for review at the meeting of February 26, 2019. The Panel considered a proposal to demolish the existing single family dwelling for the purpose of constructing a new two-storey semi-detached dwelling on the subject lot, finished with vinyl siding and stone on the front façade.

The DRP acknowledged that variances would be required on both lots for lot frontage, the protrusion of garages beyond the front façade of the dwelling, and the encroachment of eaves/gutters into required side yards. The applicant advised he intended to produce a design and style similar to the surrounding neighbourhood, using design inspirations from recent new builds on Merigold Street and Lloyd Street, to achieve compatibility.

The DRP was generally supportive of the proposed severance and house design, but recommended that a higher end treatment be used on the outside of the units. The DRP advised they would like to see the garage doors improved with heavy framing, more glazing, and the use of a darker colour so as to reduce the prominence of the doors. It was also recommended that the stone on the front façade be wrapped around the side of the units to achieve a stone skirt on both sides. In terms of the variance required for the garages to protrude beyond the front facades of the dwelling units, the DRP was generally supportive of the design as it is similar in style to other dwellings in the area, however suggested moving the covered porch forward slightly to be in front of the garage doors, to be more in line with the intent of the zoning by-law.

Finally, the DRP recommended including light features on the front façade over the garage, perhaps using down lighting, a panel above the garage frame, or another method to break the wall up, and broad framing around the door, all of which might help to provide visual interest and to minimize the impact of the garage.

It was moved that the DRP supports the proposed lot creation, subject to the following design criteria for the new dwellings:

- a) That the garage façades be enhanced with heavy framing, lighting on the wall above garage door, darkening of the garage door, and more glazing; and,
- b) Overall higher end treatment in terms of materials and façade design be implemented, and wrapping of stone around the sides of dwelling units.

Building staff have advised that a building permit is required for the proposed semi-detached dwelling. In addition, the existing dwelling is to be removed, and a demolition permit is required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

The City's Development Engineering Services department noted that Lloyd Street is designated a Local road per the City's Official plan with a desired right-of-way width of 20.0 metres. Its current width is deficient at 18.28 metres, therefore, the City shall request a 0.86 metre road widening be dedicated to the City free and clear of any encumbrances to be known as Public Highway Lloyd Street.

Sidewalks exist along the frontage of the subject property. The Owner shall be aware that through the Building permit process, sidewalk damage deposits will be required for the new dwelling construction.

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. An individual lot grading and drainage plan must be prepared by a qualified Engineer or Ontario Land Surveyor. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the Consent. City staff will review the proposed grading plan to ensure that the drainage scheme of the modified existing, and proposed future lots convey drainage to a suitable outlet, while at the same time will not adversely affect abutting properties.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a piped storm sewer are available. Since a storm sewer does not exist at this location on Lloyd Street, the sump pump will be permitted to discharge to grade provided the discharge is directed towards the front of the lot. The location and direction of discharge shall be shown on the lot grading and drainage plan. Rain water leaders (downspouts) shall also be directed/discharged to the front of the proposed dwelling, and in accordance with the applicable By-law. These too must be identified on the approved grading plan.

The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for the existing dwelling, to confirm they do not conflict with any existing abutting and/or future lot lines. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner

shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit so as not to allow conflicts to exist. The Owner shall pay the City the fees to install new water and sanitary sewer services for the new lot from the City sewer main and water main to the front property line through the building permit process.

Variances

*Variance 1 Applications **A-55/19 (Parts 1 & 2)** and **A-56/19 (Parts 3 & 4)***

Zoning By-law 2013-283 requires a minimum lot frontage of 7.5 metres. The minimum lot frontage provision is intended to ensure a property provides enough width to properly accommodate a building footprint with sufficient outdoor amenity space, while also conforming to various setback requirements. Variance 1 for Applications **A-55/19** and **A-56/19** request a reduction of the minimum lot frontage from 7.5 metres to 6.17 metres to facilitate the construction of a semi-detached dwelling unit on both Parts 1 and 2. The applicant has demonstrated that a semi-detached dwelling can fit appropriately on the lot while complying with all other zoning provisions. The reduced lot frontage will be visually indiscernible. Variance 1 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

*Variance 2 Applications **A-55/19 (Parts 1 & 2)** and **A-56/19 (Parts 3 & 4)***

The Zoning By-Law requires that attached garages be flush with or recessed beyond the front façade of their respective dwelling unit. Variance 2 of Applications **A-55/19** and **A-56/19** requests to extend the attached garages, for both units, past the front façade of the dwelling units. It is in the opinion of staff that approving these variances will negatively impact the streetscape. From an urban design perspective, allowing for a garage to project beyond the front façade of the dwelling unit creates a negative impact on the streetscape, and garages should not be the dominant feature within the composition of a dwelling nor the dominant feature along the streetscape. Rather, their visual impact on the streetscape should be minimized in favour of front doors and windows. In the opinion of staff, extending the attached garages past the front of the dwelling units does not represent good urban design and does not support continuity of streetscape along the road, where garages are generally flush or setback from the roadway. Staff recommend that variance 2 for Applications **A-55/19** and **A-56/19**, be denied.

*Variance 3 Applications **A-55/19 (Parts 1 & 2)** and **A-56/19 (Parts 3 & 4)***

The Zoning By-law permits the encroachment of gutters and/or eaves into a required yard to a maximum of 0.15 metres from the lot line. This provision exists to avoid conflicts regarding storm water runoff and to ensure that drainage is directed onto its respective lot. Variance 3 of Applications **A-55/19** and **A-56/19** are requesting to vary the zoning by-law for an increase of the maximum encroachment for eaves and gutters into a required yard from 0.15 metres to 0 metres. As a result of the subject property being developed into a staggered semi-detached dwelling, the resultant design is that the eaves of the units (shown as Parts 2 and 4 on the submitted sketch) extend past what is permitted in by zoning and into the adjacent yards. With the construction design of staggered semis becoming more prevalent in the City, the eaves encroachment variance is likely to be requested more frequently. The requested variances are minor in nature and required in

order to facilitate the optimum development of the site. Staff recommend approval of the requested variances.

*Variance 4 Applications **A-55/19 (Parts 1 & 2)** and **A-56/19 (Parts 3 & 4)***

The Zoning By-law requires a setback from the dwelling to the interior side lot line of 1.2 metres. This is to ensure adequate separation distances and rear yard access space can be provided. Variance 4 for Applications **A-55/19** and **A-56/19** are requesting to reduce the side yard setback from the dwelling to the interior side lot line from 1.2 metres to 0 metres. As the lot is proposed for a staggered semi-detached dwelling, there are certain design aspects that have to be considered, including the location of the common separation wall that sits on the property line separating the two units. The staggered design of the units results in a portion of each unit protruding further past the common wall of the adjacent unit. As such, the dwelling will protrude past the common walls of the adjacent unit which results in the need for the variance to a 0 metre setback for these platform structures. Approving these requests will not have any impact on rear yard access, as there is adequate access space provided along the opposite property lines. The requests are minor in nature, and will not have any foreseeable adverse impacts. Staff recommend approval of the requested variances.

The applicant should be aware that because the driveway and parking areas for the respective units have not been identified on the submitted site plan, that the driveways for Parts 1 and 2 are to be no greater than 3.09 metres in width, in order to be in compliance with the requirements of the zoning by-law in regards to maximum widths of parking areas.

Building staff have advised that for Applications **A-55/19** and **A-56/19** that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.

Conclusion

Staff is of the opinion that Applications **B-18/19SC** is compatible with the neighbourhood, the provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consent to sever be approved with the conditions outlined in the recommendation.

Staff is of the opinion that variances 1, 3 and 4 of Applications **A-55/19** and **A-56/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. Staff recommends approval of these variances.

Staff is of the opinion that variance 2 of Applications **A-55/19** and **A-56/19** are not minor in nature, not desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained. Staff recommend that these variances be denied.

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