



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** October 25, 2019

**Date of Meeting:** October 30, 2019

**Report Number:** B-40/19SC  
A-128/19  
A-129/19

**File:** 60.84.2267  
60.81.5562  
60.81.5563

**Subject:** 97 Queen Street and 99 Queen Street

## Recommendation

### Consent

#### Application B-40/19SC

That Application **B-40/19SC** by James Brown and Kim Brown, as outlined in the Notice of Hearing be approved, subject to the following conditions:

1. That final approval of the concurrent Applications for Minor Variance be received by the Committee of Adjustment.
2. That the Owner provide the Secretary-Treasurer of the Committee of Adjustment with the acknowledgement and direction for conveyance of Part 2, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
3. That pursuant to Section 50(12) of *The Planning Act*, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the Applicant will provide the Secretary-Treasurer of the Committee of Adjustment with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 1 and 2) will be merged and become one parcel of land.
4. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$210.80 payable to the Treasurer, City of St. Catharines.
5. That the Owner shall pay the fee for City crews to locate, trace, inspect and document the location of the existing sewer and water laterals for the existing dwelling.
6. That the Owner shall complete any relocations of the existing sanitary lateral and/or water service on private property deemed through the above inspection to cross existing or future property lines.
7. That the Owner shall pay the city to relocate any portion of the existing water service and/or sanitary lateral on City property to eliminate services crossing existing or future property lines, as deemed necessary through the above inspection.
8. That all conditions of consent be fulfilled by October 30, 2020.

## Minor Variance

### Applications A-128/19 and A-129/19

That Applications A-128/19 and A-129/19 by James Brown and Kim Brown, as outlined in the Notice of Hearing, be approved.

## Report

### The Proposal

The Applicant proposes a boundary adjustment to facilitate the provision of a functional driveway wholly within the limits of (and for use by) 97 Queen Street. Accordingly, Application B-40/19SC is made for consent to partial discharge of mortgage and consent to convey a 38.7 square metre portion of land (Part 2 on the submitted sketch) from 99 Queen Street (Parts 2, 3, and 4) to 97 Queen Street (Part 1). An easement in perpetuity (Part 4) is proposed in favor of 97 Queen Street to allow access to the existing detached garage at the rear of the lot. Finally, Parts 3 and 4 will be retained for the continued residential use of 99 Queen Street. No new development is proposed.

There are concurrent Applications for Minor Variance, A-128/19 and A-129/19, which seek relief from the provisions of the City of St. Catharines Zoning By-law 2013-283, as detailed in the chart below.

Application A-128/19 97 Queen Street (Parts 1 and 2)	Variance 1	An increase in the Maximum Lot Area for a Detached Dwelling in the R2 zone from 465 m <sup>2</sup> to 565.7 m <sup>2</sup> .
	Variance 2	An increase in Overall Parking Area Coverage from 20% to 22.3% of total lot area.
Application A-129/19 99 Queen Street (Parts 3 and 4)	Variance 1	An increase in the Maximum Lot Area for a Detached Dwelling in the R2 zone from 465 m <sup>2</sup> to 526.7 m <sup>2</sup> .

### Location and Site Description

The subject property is located on the southwest side of Queen street, south of Welland Avenue, and within the Queen Street Heritage Conservation District. The property is primarily surrounded by detached dwellings.

### Circulation of Application

This Application was circulated to all appropriate departments and agencies: no objections were received.

### Planning Policy Context

#### Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E10 thereof. 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 meters.

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

The subject properties are zoned Low Density Residential – Traditional Neighbourhood (R2) pursuant to Zoning By-law 2013-283. The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings, as well as private road developments.

## **Planning Analysis**

### **Consent**

Section 16.11.3 of the GCP states that lot boundary adjustments may be considered, provided they contribute to appropriate infill, there is no development that would lead to significant expense to the City for public works, and that the size, shape and configuration of the parcel is appropriate for the use proposed.

The proposed lot sizes are in keeping with the general character of the Queen Street neighbourhood, where lots vary in size and shape. No new development is proposed and therefore no impact will result from the proposed boundary adjustment. The consent will create an independent driveway for 97 Queen Street that fits wholly within the boundaries of that lot, where historically sufficient space for vehicular access and parking was not provided. Staff are satisfied that the proposed boundary adjustment is appropriate and desirable for the continued use of the detached dwellings at 97 and 99 Queen Street. Staff are supportive of the proposed consent, subject to the conditions outlined in the recommendation.

### **Minor Variance**

#### **Application A-128/19 and Application A-129/19 – Variance 1**

Zoning By-law 2013-283 restricts the maximum lot area for a detached dwelling in the R2 zone to 465 square metres. This requirement is intended to implement the City's residential intensification and density targets, while also respecting the character of the established neighbourhood.

The Applicant is requesting an increase in the maximum 465 square metre lot area for a detached dwelling to 565.7 square metres for 97 Queen Street (Parts 1 and 2) and to 526.7 square metres for 99 Queen Street (Parts 3 and 4). The requested variances are minor in nature as they would have no adverse impacts on the surrounding area; they are desirable because they establish a sufficiently sized driveway for 97 Queen Street that previously did not exist; and they bring 99 Queen Street closer to conformity with the maximum lot area provisions of the zoning bylaw. Staff are of the opinion that Variance 1 of Application A-128/19 and Variance 1 of Application A-129/19 are in keeping with the general intent of the Zoning By-law and Official Plan and are recommending that the variances be approved.

#### **Application A-128/19 - Variance 2**

Zoning By-law 2013-283 restricts the size of a parking area in any residential zone to a maximum of 20% of the total lot area. The provision is intended to ensure adequate amenity space is maintained, to protect the lot and streetscape from being overwhelmed by large expanses of asphalt, and to ensure sufficient pervious areas are maintained to facilitate stormwater management.

The Applicant is requesting an increase in the maximum parking area coverage from 20% to 22.3% for 97 Queen Street that will result from the proposed boundary adjustment. No new parking coverage is proposed; these contiguous driveways represents a long-standing condition. Staff are satisfied that there will be no new impact on the streetscape, the lot, or the neighbourhood as a result of the minor variance being approved. The variance is desirable for the appropriate use of the land as it will establish a functional driveway wholly within the boundaries of 97 Queen Street. Staff are of the opinion that Variance 2 of Application **A-128/19** is in keeping with the general intent of the Official Plan and Zoning By-law and are recommending that the variance be approved.

## Conclusion

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Application **B-40/19SC** is compatible with the neighbourhood, consistent with the provisions of the Zoning By-law, and will have no adverse impacts on the surrounding area or environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.


Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that the variances requested through Applications **A-128/19** and **A-129/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the land.

Prepared by:



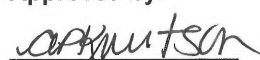
Sydney DiTomaso  
Student Planner

Submitted by:



Taze Crooks  
Planner I

Approved by:



Amanda Knutson  
Planner II



## Technical Report

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

**Date of Report:** October 25, 2019

**Date of Meeting:** October 30, 2019

**Report Number:** B-41/19SC  
A-133/19  
A-134/19

**File:** 60.84.2268  
60.81.5567  
60.81.5568

**Subject:** 86 Park Avenue and 39 Grove Avenue

## Recommendation

### Consent

That submission **B-41/19SC** by ABCD Properties Inc., 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, to be registered on title to the lands, addressing the following conditions:
  - a. That the Development Agreement address the building permit plans, including elevation plans for 39 Grove Avenue, which shall be submitted to the City's Urban Design Planner to satisfy the following matters:
    - i. That a front porch be provided, having a minimum width of 3.5m;
    - ii. That no platform structure greater than 0.6 metres in height above grade be permitted in the rear yard;
    - iii. That the ground level finished floor height be limited in height to 1.1 metres;
    - iv. That the east side wall of the dwelling be improved to include windows;
    - v. That the existing wood fence along the Grove Avenue frontage of 86 Park Avenue be removed;
    - vi. That the dwelling not exceed a height of 1.5 storeys or 7.5 metres;
    - vii. That any second-storey openings on the rear (north) wall of the dwelling be limited to transom windows.
  - b. That the Development Agreement provide for the establishment of an appropriate Tree Protection Zone as it relates to the existing boulevard tree along Grove Avenue, which Tree Protection Zone is to be maintained throughout construction, including site servicing.
  - c. That a grading plan be prepared by a qualified Ontario Land Surveyor or engineer to demonstrate that runoff from Parts 1 & 2 on the submitted sketch can be conveyed to a suitable outlet without impacting abutting properties to the satisfaction of Development Section staff;
2. That the Owner submits a payment for the placement of one 60mm boulevard tree, in accordance with the City's current 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 parkland dedication. The appraisal shall be completed by a qualified appraiser, in accordance with Section 53 (13) of *The Planning Act*, R.S.O. 1990 as amended, which 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'.
4. That final approval of the concurrent minor variance applications be received by the Committee of Adjustment.
5. That the Owner pays the fee for City crews to locate, trace, inspect and document the location of the sewer and water laterals for the existing dwelling.
6. That the Owner completes, on private property, any relocation of a sanitary lateral and/or water service that might be necessary to ensure no service crosses an existing or future lot line, as identified through the above-noted inspection.
7. That the Owner pays the City to complete, on public property, the relocation of any portion of a sanitary lateral and/or water service that might be necessary to ensure no service crosses an existing or future lot line, as identified through the above-noted inspection.
8. That the Owner provides the Secretary-Treasurer with the acknowledgement and direction for conveyance of Part 2, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
9. That the Owner submits to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$210.80 payable to the Treasurer, City of St. Catharines.
10. That all conditions of consent shall be fulfilled by October 30, 2020.

### **Variance - A-133/19**

That submission **A-133/19** by ABCD Properties Inc., as outlined in the Notice of Hearing, be approved.

### **Variance - A-134/19**

That Variance 1 of submission **A-134/19** by ABCD Properties Inc., as outlined in the Notice of Hearing, be approved.

That Variances 2 and 3 of submission **A-134/19** by ABCD Properties Inc., as outlined in the Notice of Hearing, be denied. Staff recommend that in lieu of the requested reduction of the required 5.38 metre front yard setback to 3.0 metres, a reduction to 4.0 metres be approved. Further, staff recommend that in lieu of the requested reduction of the required 3.0 metre front yard setback for a platform structure to 1.0 metre, a reduction to 2.0 metres be approved.

Lastly, to facilitate the reductions recommended by staff for Variances 2 and 3 above, the detached dwelling must be pushed further north by 0.82 metres, thereby reducing the rear yard. As such staff recommend that a fourth variance be approved to reduce the required 6.0 metre rear yard setback to 5.18 metres.

## Report

### The Proposal

The Applicant proposes to create a new lot, to be known municipally as 39 Grove Avenue, for the purposes of constructing a detached dwelling. Accordingly, Submission **B-41/19SC** seeks consent to a partial discharge of mortgage and consent to sever 273 square metres of land, illustrated as Part 2 on the submitted sketch. Part 1 would be retained for continued residential use of the existing detached dwelling at 86 Park Street. Concurrent Applications for minor variance, **A-133/19** and **A-134/19**, seek relief from the City's Zoning By-law 2013-283 through the following variances:

<b>Application for Minor Variance</b>	Application <b>A-133/19</b> 86 Park Avenue (Part 1)	<b>Variance 1</b>	A reduction of the minimum rear yard setback for a detached dwelling from 6.0 metres to 4.0 metres.
	Application <b>A-134/19</b> 39 Grove Avenue (Part 2)	<b>Variance 1</b>	A reduction of the minimum lot area for a detached dwelling from 300 square metre to 273 square metre.
		<b>Variance 2</b>	A reduction of the minimum front yard setback from 5.38 metres (average) to 3.0 metres.
		<b>Variance 3</b>	A reduction of the minimum 3.0 metre setback from the front lot line to a platform structure (porch) that is 1.1 metres in height above grade to 1.0 metres.

### Location and Site Description

The subject property is located on the east side of Park Avenue, north of Grove Avenue. The property is primarily surrounded by one-storey detached dwellings.

### Circulation of Application

This Application was circulated to all appropriate departments and agencies: no objections were received.

### Planning Policy Context

#### Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 thereof. 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 meters.



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

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2) pursuant to Zoning By-law 2013-283. The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings, as well as private road developments.

## **Planning Analysis**

### **Consent**

#### **Application B-41/19SC**

Section 16.11.3 of the City's Official Plan, the Garden City Plan (GCP), directs that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed; where the size and shape of the parcel is appropriate for the use proposed; and where the proposal results in the optimum development of the surrounding area. Provincial land use plans, as well as the City's Official Plan, promote opportunities for intensification and redevelopment where it can be appropriately accommodated. If done well, infill and intensification can improve existing neighbourhoods by bringing with it new life and vibrancy. The GCP supports a balanced approach to infill and intensification to ensure appropriate building, site, and streetscape design.

The proposed lot size of 273 square metres is in keeping with the general character of the surrounding neighbourhood, where lots vary in size and shape. The newly created lot (Part 2), though deficient in lot area by 27.0 square metres, represents an opportunity for infill development in an area that is already substantially developed, with access to existing municipal services and infrastructure. Staff are satisfied that the new lot can accommodate a building footprint, rear yard amenity area, and parking. Further, staff is satisfied that the proposed remnant lot size and configuration are appropriate for the continued use of the existing residential building at 86 Park Avenue. Staff are supportive of the proposed consent, subject to the conditions outlined in the recommendation herein.

### **Minor Variance**

#### **Application A-133/19 - Variance 1**

Zoning By-law 2013-283 requires a setback of 6.0 metres from a rear lot line to a dwelling. The intent of the rear yard setback is to ensure adequate amenity space is provided on a property, to maintain adequate separation distance and buffering between neighbouring properties, to minimize overlook and privacy impacts, and to provide sufficient space for property maintenance and stormwater management.

Variance 1 requests a reduction of the minimum rear yard setback from 6.0 metres to 4.0 metres to facilitate the proposed severance. There is an existing detached garage located in the rear yard of the neighbouring property to the north at 88 Park Avenue. Given the location of this garage provides a buffer between the rear yards, staff are satisfied that a reduced rear yard at 86 Park Avenue will have little to no impact on the existing home at 86 Park Avenue. Further, sufficient space will be maintained behind the dwelling at 86 Park Avenue for amenity area, stormwater management, and maintenance. Staff are of the opinion that the requested variance is minor in nature, is desirable for the appropriate



use of the lands and is in keeping with the intent of the Official Plan and Zoning By-law. Staff are recommending approval, accordingly.

#### **Application A-134/19 - Variance 1**

Zoning By-law 2013-283 establishes a minimum lot area of 300 square metres for a detached dwelling. The intent of the minimum lot area provision is to ensure that a building envelope can comfortably fit within the boundaries of the property, while ensuring that adequate space is maintained for outdoor amenity areas, landscaping, parking, and stormwater management. The minimum lot area provisions also ensure a generally consistent lot fabric and built form within the neighbourhood.

The Applicant is requesting a reduction of the minimum lot area from 300 square metres to 273 square metres to facilitate the proposed severance. While staff are satisfied that the proposed lot size can accommodate the proposed building footprint, detached garage, outdoor amenity areas and parking, staff are concerned that the scale of the proposed two-storey building on the reduced lot will overwhelm the surrounding homes; the vast majority of homes in this neighbourhood are one or one-and-a-half-storey homes. It is staff's opinion that the proposed two-storey home on the proposed undersized lot will be oversized for this context and not in keeping with the surrounding character of the neighbourhood. Accordingly, staff are recommending that the height of the proposed dwelling be limited to 7.5 metres to improve fit and compatibility of form. Subject to this condition, staff are of the opinion that the requested variance is minor in nature, is desirable for the appropriate use of the lands and is in keeping with the intent of the Official Plan and Zoning By-law.

#### **Application A-134/19 - Variance 2**

Zoning By-law 2013-283 establishes a minimum 3.0 metre front yard setback to the front wall of a detached dwelling. The provision is intended to prevent built form from overwhelming the streetscape; to maintain the character of the neighbourhood and streetscape; and to ensure that adequate front yard amenity and parking areas can be accommodated.

The Applicant requests a reduction of the required front yard setback to the dwelling from 5.38 metres (being the average front yard setback of the two adjacent dwellings at 86 Park Avenue and 43 Grove Avenue) to 3.0 metres. The completed Application states that the proposed building, "provides a compatible development meeting the intent and purpose of the zoning by-law and official plan." Staff find that this is not the case; a two-storey dwelling setback 3.0 metres from the front lot line will overwhelm the streetscape and will be inconsistent with the established street character. This impact is worsened by the reduced setback of the proposed porch. Further, a 3.0 metre front yard is not consistent with the established front yards along Grove Avenue; these range in depth from 7.0 metres to 8.0 metres. Staff are not satisfied that the proposed variance is minor in nature, nor desirable, nor in keeping with the intent of the Official Plan and Zoning By-law.

While staff do not recommend approval of the proposed 3.0 metre front yard, as outlined in the Notice of Hearing, staff would be supportive of a reduction of the minimum front yard to 4.0 metres. A 4.0 metre setback would provide greater separation

between the proposed two-storey dwelling and the public realm and would result in a staggering of built form along the streetscape (i.e. 2.93 metre setback to 86 Park Street; 4.0 metre setback to the proposed dwelling; approximate 9.0 metre setback to the proposed detached garage; 9.33 metre setback to 43 Grove Avenue).

### **Application A-134/19 - Variance 3**

Zoning By-law 2013-283 establishes a minimum 3.0 metre setback to a platform structure that is less than 1.2 metres in height above grade. As with the minimum front yard provision outlined in Variance 2 above, this provision is intended to ensure the platform structure does not overwhelm the street; to maintain a degree of separation from the road allowance for the safety of dwelling occupants; and to ensure sufficient space for landscaping, amenity areas, and stormwater management is maintained.

The Applicant is requesting a reduction of the minimum 3.0 metre front yard setback to a platform structure so that the proposed front porch, which is 1.1 metres in height above grade, may be located 1.0 metre from the lot line along Grove Avenue). Staff are supportive of the provision of front porches, since they provide desirable architectural interest and amenity space. However, staff are not supportive of the proposed 1.04 metre setback. The covered porch would encroach too closely to the municipal sidewalk, overwhelming the property, the streetscape, and subsequently leaving minimal separation between the private and public realms. Further, the Applicant's proposal does not accommodate a landing at the bottom of the porch stairs; a landing should be provided on private property. Staff are not satisfied that the proposed variance is minor in nature, nor desirable, nor in keeping with the intent of the Official Plan and Zoning By-law.

While staff do not recommend approval of the proposed 1.0 metre front yard setback for the platform structure, as outlined in the Notice of Hearing, staff would be supportive of a 2.0 metre setback, which is more in keeping with the setbacks of the existing home and detached garage, thereby better maintaining the character of the streetscape. A 2.0 metre setback would provide additional separation from the public realm, sufficient space for a landing on private property, and will ensure a separation of at least 3.0 metres between the porch and the sidewalk.

### **Application A-134/19 – Recommended Additional Variance**

As a result of the staff recommendations outlined in Variances 2 and 3 above, a fourth variance will be necessary to reduce the required rear yard setback from 6.0 metres to 5.18 metres. Staff are satisfied that a rear yard setback of 5.18 metres provides for sufficient amenity space. To help mitigate impacts on the neighbouring property at 88 Park Avenue that might result from the reduced yard, staff are recommending that platform structures be prohibited in the rear yard and that second-storey openings on the rear wall of the building be limited to transom-style windows. A reduced building height, as recommended by staff (Variance 1), will further mitigate impacts.

## **Conclusion**

Having regard for the matters under Section 53 of *The Planning Act*, staff are of the opinion that Application **B-41/19SC** is compatible with the neighbourhood, consistent with

the provisions of the Zoning By-law, and will have no adverse impacts on the surrounding area and environment, subject to conditions outlined in the recommendation. Staff are recommending approval of the Application.

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Variance 1 requested through Application **A-133/19** and Variance 1 requested through Application **A-134/19** are both in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the land. Staff are recommending approval of the variances, subject to the conditions outlined in the recommendation.

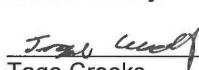
Staff are of the opinion that Variances 2 and 3 requested through Application **A-134/19** are not in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, and are not desirable for the appropriate use of the land. However, staff are satisfied that a reduction of the required front yard from 5.38 metres to 4.0 metres; reduction of the required front yard setback to a platform structure (porch) that is 1.1 metres in height above grade from 3.0 metres to 2.0 metres; and the staff-recommended reduction of the required rear yard from 6.0 metres to 5.18 metres each meet the four tests, subject to the conditions outlined in the recommendation.

**Prepared by:**



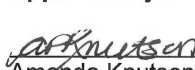
Sydney DiTomaso  
Student Planner

**Submitted by:**



Tage Crooks  
Planner I

**Approved by:**



Amanda Knutson  
Planner II