

Revised Agenda

Wednesday, March 31, 2021

Electronic Participation at 5.00 pm

As part of the City's commitment to safety during the COVID-19 pandemic, this meeting of the **Committee of Adjustment** will be held electronically.

This Meeting may be viewed online at www.stcatharines.ca/youtube

Public Comments: The public may submit comments regarding agenda matters by contacting emunro@stcatharines.ca by March 29, 2021 before 3:00 p.m. Comments submitted will be considered as public information and entered into public record.

Members:

Greg Redden, Chair
David Ringler, Vice Chair
Kerry Leask, Member
Robin McPherson, Member
Adam Selvig, Member

Staff Liaison:

Elaine Munro, Secretary-Treasurer
Wilrik Banda, Assistant Secretary-Treasurer
Evan Acs, Planner
Taya Devlin, Planner
Charlotte McEwan, Planner

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1. **Call meeting to order (Chair)**
 2. **Recognition of Traditional Territories**
 3. **Additions / Deletions to the Agenda**
 4. **Motion to approve the agenda**
 5. **Motion to adopt the minutes of the previous meeting**
 6. **Declarations of Interest**
 7. **Request for Adjournment**

8. **Applications**

1. 41 Ravine Road, Minor Variance, A-04/21 - 20119069
2. 401 Ontario Street, Minor Variance, A-12/21 - 21101120
3. 27 Haight Street, Minor Variance, A-17/21 – 21101307
4. 86 Newport Street, Minor Variance, A-24/21 - 21101337
5. 22 Cecil Street, Minor Variance, A-13/21 – 21101123
6. 1158-1160 Lakeshore Road West, Minor Variance, A-20/21 – 21101324
7. 4 Miami Drive, Minor Variance, A-21/21 – 21101332
8. 39 Welland Avenue, Minor Variance, A-14/21 – 21101144
9. 5 Ziraldo Road, Consent, B-05/21SC – 21101312
5 Ziraldo Road, Minor Variance, A-18/21 – 21101313
7 Ziraldo Road, Minor Variance, A-19/21 – 21101314
10. 30 Hamilton Street, Minor Variance, A-22/21 – 21101333
11. 1672 Gregory Road, Minor Variance, A-23/21 – 21101336

9. **New Business**

- i) Request for Confirmation of Minor Variance, 13A Valley, A-55/20
- j) **Date of next meeting**
Wednesday April 28, 2021 at 5.00 pm
- k) **Motion to Adjourn**



Revised Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 30, 2021

Date of Meeting: March 31, 2021

Report Number: A-14/21

File: 21101144

Subject: 39 Welland Avenue

Recommendation

That Variances 1, 2, 4 and 5 of Application **A-14/21** by Alex Joubran, Nicholas Lee and Vincenza Joubran, as outlined in the Notice of Hearing, be approved.

That Variance 3 of Application **A-14/21** be denied. Staff recommends that in lieu of the requested reductions of the minimum setback from an exterior side lot line for a platform structure above 1.2 metres in height from 3 metres to 0.9 metres, a reduction from 3 metres to 2.1 metres be approved.

Report

The Proposal

The Applicant is seeking to convert an existing detached dwelling into a triplex. Since the structure is existing, variances are required to recognize existing zoning deficiencies as well as permit an addition. The required variances are outlined in the table below.

Variance No.	Zoning Provision	Required	Proposed
1.	Minimum Exterior Side Yard Setback	3 metres	0.8 metres
2.	Minimum Setback from Exterior Lot Line to a Platform Structure over 1.2 Metres in Height	3 metres	2.1 metres
3.	Minimum Setback from Exterior Lot Line to a Platform Structure over 1.2 Metres in Height	3 metres	0.9 metres <i>Incorrectly identified as "existing" on site plan and application form.</i>
4.	Minimum Landscaped Open Space	35%	27.13%

5.	Maximum Parking Area Coverage	20%	37.24%
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Location and Site Description

The subject lands are located on the northeast corner of Welland Avenue and York Street. The neighbourhood is primarily residential with some mixed-use buildings along Welland Avenue. The subject property is currently occupied by a detached dwelling with an accessory structure.

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 Medium Density Residential on Schedule E4. Triplex dwellings are permitted in this designation.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential – (R3). Triplex dwellings are permitted in this zone.

Planning Analysis

Variances 1 and 5

The requested variances for reduction in the exterior side yard setback from 3 metres to 0.8 metres and the increase in the maximum parking area coverage from 20 percent to 37.24 percent, are made to recognize existing zoning deficiencies on this lot. Staff do not foresee any new land-use conflicts arising from their continuation and note that the impact on neighbouring properties is minimal. Therefore, staff find these variances to be minor in nature, desirable for the appropriate use of the lands, and meet the general intent of the Official Plan and Zoning By-law.

Variance 2

The Applicants propose to construct a new deck with staircase on the front of the existing dwelling. This deck will serve as an entrance to the dwelling unit on the second storey of the dwelling. The proposed deck complies with all zoning requirements except for the provision for the setback of a platform structure over 1.2 metres in height from the exterior lot line. The Applicants are proposing a setback of 2.1 metres whereas 3 metres is required. Staff finds this request to be minor in nature.

The proposed deck will be situated further from the exterior lot line than most other parts of the western side of the existing dwelling. As such, no new impacts on neighbouring

properties or the public realm are anticipated. Staff find the proposed deck to be desirable for the appropriate use of the lands.

Variance 3

The Applicants proposed to construct a new deck with staircase on the rear of the existing dwelling. The deck is proposed to cover an existing single-storey portion of the building. Staff does have some concern about the proximity of the platform structure to the sidewalk at the proposed 0.9 metre setback. With the sidewalk on York Street being tight with the lot line, a 0.9 metre setback would give the second storey deck a looming presence over the sidewalk. This is not a condition found elsewhere on York Street or the surrounding area. As such, staff believe that a 0.9 metre setback is not desirable for the appropriate use of the lands.

Staff would be agreeable to a reduction similar to that requested for the front deck. Therefore, staff recommend Variance 3 be approved with a setback of 2.1 metres for the reasons that Variance 2 is supported.

Variance 4

The lot is currently deficient in the minimum landscape open space requirement of 35% lot area for triplex dwellings. The proposed deck on the front of dwelling will further reduce the minimum landscape open space to 27.13 percent of lot area.

Properties on Welland Avenue and York Street around the subject property have similar, if not greater, reductions to the minimum landscaped open space to accommodate rear-yard parking areas. The proposed reduction is in keeping with neighbouring properties. Landscaped open space for this lot is concentrated in the front and exterior side yards, minimizing the impact on the streetscaping. In the opinion of staff, the request is minor in nature and desirable for the appropriate use of the lands.

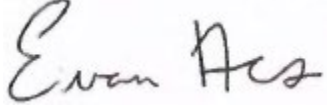
With various platform structures proposed for the building, and a landscaped area in the front yard, outdoor amenity space for the tenants is provided. No concerns about site drainage have been raised by the City's development engineering staff as a result of the reduction of landscaped open space. As discussed above, the landscaped open space retained on the lot is located in the front and exterior side yards, lessening the impact on neighbouring properties. The driveway along the eastern lot line is used by the neighbouring property to access rear yard parking. The rear yard has an existing accessory building, which minimizes the impact of less landscaping on the rear neighbour. Given these mitigating circumstances, and with similar reductions found on other lots in the area, it is staff's opinion that the reduction in the minimum landscaped open space meets the general intent of the Official Plan and Zoning By-law.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Variances 1, 2, 4 and 5 of Application **A-14/21** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of these Variances. Staff find

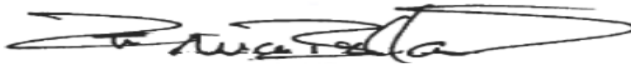
that Variance 3 is not desirable for the appropriate use of the lands and recommend this Variance be denied. Staff recommend approval of Variance 3 at a setback of 2.1 metres, as outlined in the recommendation.

Prepared and Submitted by:

Handwritten signature of Evan Acs in black ink.

Evan Acs
Planner I

Approved by:

Handwritten signature of Bruce Bellows in black ink.

Bruce Bellows
Senior Planner