

Agenda

Wednesday, October 19, 2022

Electronic Participation at 5.00 pm

Under the authority of the *Statutory Powers Procedure Act*, 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 pbs@stcatharines.ca by October 18, 2022 before 3:00 p.m. Comments submitted will be considered as public information and entered into public record.

Members:

David Ringler, Vice Chair
Kerry Leask, Member
Adam Selvig, Member
Kristen McNutt, Member

Regrets: Greg Redden, Chair

Staff Liaison:

Margaret Josipovic, Acting Secretary-Treasurer
Evan Acs, Planner
Madeleine Ferko, Planner
Natasha MacDonald, Planner
Charlotte McEwan, Planner
Jelena Pusara, Development Agreement Coordinator

-
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- September 21, 2022**
 6. **Declarations of Interest**

7. **Request for Adjournment**

- (i) Item #4, 189 and 189A Lockhart Drive, Consent and Minor Variances, B-55/22SC – 22 110518, A-120/22 – 22 110526, A-121/22 – 22 110527
City Staff have requested a deferral until the following revised materials are submitted to the satisfaction of City staff for approval: Vegetation Protection Plan, Tree Inventory Plan and Survey sketch.

8. **Applications**

1. 10 Canal Street, Consent, B-56/22SC – 22110990
2. 54 Grantham Avenue South, Minor Variance, A-124/22 – 2211086
3. 170 Highland Avenue, Minor Variance, A-127/22 – 22110894
5. 92A Louth Street, Minor Variance, A-126/22 – 22110880
6. 180 Queenston Street, Minor Variance, A-125/22 – 22110874
7. 20 Rainbow Drive, Minor Variance, A-122/22 – 22110692
8. 239 St.Paul Street West, Minor Variance, A-130/22 – 22110998

9. **New Business**

11. **Date of next meeting**

Wednesday November 16, 2022 at 5.00 pm

12. **Motion to Adjourn**

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1660
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

B-56/22SC

10 Canal Street

DATE OF HEARING:
October 19, 2022



Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: October 14, 2022

Date of Meeting: October 19, 2022

Report Number: B-56/22

File: 22 110990

Subject: 10 Canal Street

Recommendation

The application **B-56/22**, submitted by Shane Wall and Wolfgang Guembel, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner applies and receives approval for an Official Plan amendment to change the designation of Parts 1 and 2 from Neighbourhood Residential and Low Density Residential to Commercial and Community Commercial.
2. That the Owner applies and receives approval for a Zoning By-law amendment to change the zoning of Parts 1 and 2 from Low Density Residential – Traditional Neighbourhood with special provision 7 (R2-7) to Community Commercial with special provision 9 (C2-9).
3. That the Owner applies and receives approval for a Zoning By-law amendment to change the zoning of Part 3 to add a special provision to the existing Low Density Residential – Traditional Neighbourhood R2-7 zoning to recognize the lot area size for Part 3 of 838 square metres.
4. That the Owner pay the fee for City crews to locate, inspect, and document the sanitary sewer lateral and water service to the existing dwelling. If it is determined the existing sanitary lateral or water service conflicts with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property.
5. That the Owner provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
6. 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 parcels of land. Therefore, the applicant will provide the Secretary-Treasurer with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 1 and 4; and Parts 2 and 5) will be merged and each become one parcel of land.
7. That a final certification fee of \$222.20 (2022 rate) per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
8. That all conditions of consent be fulfilled by October 19, 2024.

Report

The Proposal

The Applicant proposes a consent for boundary adjustment for 79 square metres of land (Part 1 on the submitted sketch) and 91 square metres of land (Part 2) to be removed from 10 Canal Street. Part 1 of the application is to merge with Part 4 (15 Lock Street) and Part 2 is to merge with Part 5 (9 Lock Street). Part 3 will be retained and continue to be used as residential land. The purpose of this severance is to add Parts 1 and 2 to adjoining commercial properties for future development of outdoor seating areas. The requested consent is described in the table below.

Application	Severed Parcel	Severed Area	Retained parcel	Retained Area
B-56/22	Part 1, to merge with Part 4 (15 Lock Street)	79m ² (Part 1)	Part 3 (10 Canal Street)	883m ²
	Part 2, to merge with Part 5 (9 Lock Street)	91m ² (Part 2)	Part 3 (10 Canal Street)	883m ²

Location and Site Description

The subject properties are located on the north side of Canal Street between Lock Street and Gertrude Street. Part 3 of the application contains a two-storey detached dwelling that fronts on Canal Street. Parts 1 and 2 currently do not contain any buildings or structures. The surrounding area consists of primarily low-density residential to the south of the subject lands with low-rise commercial uses to the north. The site is located in the Port Dalhousie Heritage Conservation District.

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 lands, being Parts 1, 2 and 3 on the submitted sketch, are designated as Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated as Low Density Residential on Schedule E1 of the GCP.

Zoning By-Law (2013-283)

The subject lands, being Parts 1, 2 and 3 on the submitted sketch, are zoned Low Density Residential – Traditional Neighbourhood with special provision 7 (R2-7) on Schedule A7 of the Zoning By-law. Special Provision 7 limits building height to 9 metres.

Planning Analysis

Consent application **B-56/22** seeks to adjust the boundary between 10 Canal Street and 9 and 15 Lock Street. Parts 1 and 2 are to be removed from 10 Canal Street. Part 1 is to merge with 15 Lock Street and Part 2 is to merge with 9 Lock Street. The applicant is proposing that the land will be used for expanded outdoor seating areas for the existing commercial uses on 9 and 15 Lock Street. 10 Canal Street will be retained for continued residential use.

Section 16.11 of the GCP sets out a number of policies that applications for boundary adjustments are evaluated against. Relevant policies are listed below with staff comments provided.

- 3) *Consents to sever individual parcels of land, including land assembly and lot boundary adjustments will only be permitted where:*
- a) *It is clearly apparent that no development could take place which would lead to significant expense by the City for public works or which would lead to further development leading to such expenses.*

No new development is proposed under this application. For any future development, required improvements to infrastructure, such as municipal streets, water, wastewater and stormwater services will be at the owner's expense. Therefore, there are no anticipated costs for the City.

- b) *They contribute to the infilling of areas that are already substantially developed.*

The surrounding areas are substantially developed. Parts 1 and 2 are located on a hillside with limited opportunities for redevelopment. The applicant is proposing to use the areas for an expanded outdoor seating area at the base of the hill. It would be difficult to facilitate a more intensive form of development given the topography of the site.

- c) *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.*

The proposed lot fabric will result in Parts 1 and 2 being removed from a residential property and added to two commercial properties. Once merged, the applicant has indicated a modest expansion of outdoor seating areas on Part 1 and 2, but no substantial redevelopment. The retained lot with the existing detached dwelling is currently oversized and will be brought closer to complying with zoning provisions by this application. Staff find that the proposal does represent the optimum development potential for the surrounding area.

The lands being transferred (Part 1 and 2) in this application are currently designated Low Density Residential in the Official Plan and zoned Low Density Residential-Traditional Neighbourhood R2-7, but once merged, will be used in conjunction with existing commercial uses at 9 and 15 Lock Street. The properties that Part 1 and 2 will merge with (9 and 15 Lock Street) are designated Commercial (Schedule D1) and Community

Commercial (Schedule E1) in the Official Plan, and zoned Community Commercial with special provision 9 (C2-9) in the Zoning By-law. To reflect the future commercial use of Parts 1 and 2, staff recommend that as a condition of consent an official plan and zoning by-law amendment application be approved for Parts 1 and 2 to change the official plan designation of the lands to Commercial and Community Commercial and the zoning to Community Commercial (C2-9).

The proposed consent will reduce the lot area of the retained residential property (Part 3), but it will remain oversized with respect to maximum lot area requirements for a detached dwelling in the Residential (R2) zone. To recognize the oversized lot area, the zoning for Part 3 will also need to be amended to recognize the oversized lot area, and can be addressed at the same time as applications for Official Plan and Zoning By-law amendments for Part 1 and 2.

Conclusion

Having regard for matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-56/22** is in keeping with the policies of the Official Plan and will have no adverse impacts on the surrounding area or environment. It is staff's recommendation that the requested consent be approved, subject to the conditions outlined in the recommendation.

Prepared by:



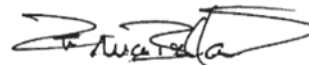
Giuseppe Ferreri
Student Planner

Submitted by:



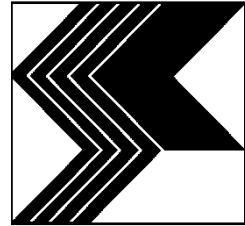
Evan Acs, MSc, RPP
Planner I

Approved by:



Bruce Bellows
Senior Project Manager

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-56/22SC



October 7th, 2022.

ENGINEERING FILE 300-36

Hearing Date: October 19th, 2022

Applicant: Wolfgang Guembel (Agent)

Location: 10 Canal Street

COMMENTS AND ENGINEERING CONDITIONS TO BE IMPOSED IF CONSENT GRANTED:

General

It is noted the Owner wishes to sever Parts 1 & 2 from Part 3 and add them to Parts 4 & 5 respectively.

Roads

Canal Street is designated as a Community Road in the City's Transportation Master Plan, with a desired right-of-way (ROW) width of 20.0m. The current width is 20.12m. Therefore, a widening is not required at this time.

Curbs and Sidewalks

Curbs exist along this section of Canal Street. Curb cuts or curb fills are not anticipated.

Sidewalks exist along the entire Canal Street frontage. If in the future, works requiring a Building Permit are required on these lands, a sidewalk damage deposit shall be obtained at that time to ensure any damage to the sidewalks due to the construction will be repaired to the satisfaction of the City.

Linear Municipal Services

Neither the capacity nor the availability of linear municipal services is an issue as this is a proposed boundary line adjustment.

The proposed boundary adjustments do not require any new municipal services. However, the owner shall pay for City crews to locate, inspect, and document the existing sanitary lateral and water service to the existing dwelling on Part 3 to confirm there will not be any conflict with new or existing property lines. Should a conflict(s) be identified, the owner shall pay all cost associated with eliminating the conflict.

If the owner requires regrading on the lots as part of a Building Permit, a Site Grading Plan will be required.

Condition(s): Prior to the finalization of the proposed consent the Owner shall:

- Pay the fee for City crews to locate, inspect, and document the sanitary sewer lateral and water service to the existing dwelling.
- If it is determined the existing sanitary lateral or water service

conflicts with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property.



Prepared by: _____
James Denham, P.Eng.
Development Engineering Technologist

Copies To: Margaret Josipovic, Planning
Evan Acs, Planning
Jelena Pusara, Planning
John Lane, Building and Development
Brad Johnston, Development Engineering
Sean Ip, Development Engineering

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services

Cc: Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: October 7, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 19, 2022 hearing

B-56/22SC – 10 Canal Street

Comment:

- No comment

Condition:

- No comment

B-55/22SC – 189 Lockhart Drive

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached garage and to complete all inspections to the satisfaction of the Chief Building Official.
- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing east on Part 1, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.



Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 28, 2022

Subject: Committee of Adjustment Comments (October 19, 2022, Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: October 11, 2022

Subject: Committee of Adjustment Applications – September 19, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

10 Canal Street, Consent, B-56/22SC – 22110990

CRCS offers no objection to the proposed boundary adjustment that will result in lands from 10 Canal Street being added to each of the adjacent properties at 9 Lock Street and 15 Lock Street. The applicant is strongly encouraged to retain the existing mature tree located on Part 1 of the survey sketch submitted with this application. Should site plan approval be required as a result of future improvements to either of the Lock Street properties, then typical landscaping requirements would be secured through that process at that time.

54 Grantham Avenue South, Minor Variance, A-124/22 – 2211086

No objection.

170 Highland Avenue, Minor Variance, A-127/22 – 22110894

CRCS offers no objection to the requested reduction in interior side yard setback to facilitate an addition to the existing detached dwelling. We would, however, recommend that the existing wood board privacy fence be retained along the length of the northerly lot line as a buffer between the proposed addition and the neighbouring rear yard.

189 Lockhart Drive, Consent, B-55/22SC – 22110518

189 Lockhart Drive, Minor Variance, A-121/22 – 22110527

189A Lockhart Drive, Minor Variance, A-120/22 – 22110526

Comments to be provided separately.

92A Louth Street, Minor Variance, A-126/22 – 22110880

No objection.

180 Queenston Street, Minor Variance, A-125/22 – 22110874

CRCS has reviewed the landscape plans submitted with the concurrent application for site plan approval in conjunction with this application for minor variance. In terms of the

requested reduction in the landscape buffer between the parking area and the west lot line, CRCS is satisfied that the proposed wood board fencing along this lot line will provide an appropriate buffer between the new development and any future development of the lands to the west (the former St. Catharines General Hospital site). Additionally, substantial landscaping is shown elsewhere on site that will offset the loss of landscaping in this reduced buffer.

20 Rainbow Drive, Minor Variance, A-122/22 – 22110692

No objection.

239 St. Paul Street West, Minor Variance, A-130/22 – 22110998

CRCS recently provided the following comments on the landscape plan submitted with the concurrent application for site plan approval.

“A landscaped island at the west end of the interior parking stalls was shown on the previous landscape plan. This has been removed, including one tree. Similarly, landscaping materials were to be provided at the southwest corner of the building, including one tree; these have also been removed. To compensate for the loss of this landscaping, additional landscaping will need to be provided along the east and west lot lines within the required landscape buffers. See additional comments below regarding the requested minor variances.

CRCS offers no objection to a reduction in the landscape buffers around the rear parking area provided:

- Plant materials are installed within the narrowed portion of the landscape buffers along both the west and east lot lines. The provision of sod alone will not achieve the intent of the landscape buffers (refer to the definition of a landscape buffer provided in the Zoning By-law).
- Landscaping that was removed from the plans, as noted above, is relocated elsewhere on site, preferably along the east and west lot lines.
- The existing trees located along the east lot line, behind the existing fence are retained. As previously advised, the topo information submitted with the application confirms that the trees are, in fact, located on the subject site. The location of the existing fence shown beside these trees is incorrect on the site plan and landscape plan, but presumably it is shown correctly on the topo information. A tree preservation and protection plan will not be required for these trees given the existing fence (which the plans indicate will remain) will provide protection for the trees during construction.”

Given a revised landscape plan has not yet been received, CRCS suggests that any approval of the related minor variance for a reduction in landscape buffer width be conditional upon the above-noted matters being addressed through the application for site plan approval.

We note that the dimensions provided for the west and south landscape buffers appear to be taken to the front of the curb, not the back of the curb, and that no dimension is provided for the east landscape buffer. These dimensions are required so that the

necessary minor variances can be confirmed. CRCS staff recommend that, should this application be approved, the approval stipulate the required minimum width of each of the three landscape buffers (i.e., the east, west, and south lot lines), in lieu of a blanket reduction to 1.6 metres.

Amanda Knutson
Community Project and Development Planner

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1660
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

A-124/22

54 Grantham Avenue South

DATE OF HEARING:
October 19, 2022



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 14th, 2022

Date of Meeting: October 19th, 2022

Report Number: A-124/22

File: 22 110861 MV

Subject: 54 Grantham Avenue South

Recommendation

That the expansion to a non-conforming use requested through Minor Variance Application **A-124/22** submitted by Caleb Gabai (“Applicant”), as outlined in the Notice of Hearing, be approved.

Summary

The purpose of this application is to facilitate the construction of an addition too, and therefore, an extension of an existing non-conforming detached dwelling.

Having regard for the matter under Section 45(2)(a)(i) of the *Planning Act, R.S.O. 1990*, staff are satisfied that the use of the lands for a detached dwelling has lawfully continued prior to passage of the by-law prohibiting such use. The proposal is in keeping with Official Plan policies regarding the extension of non-conforming uses.

Staff recommends that the extension of the non-conforming use be granted.

Background

54 Grantham Avenue South (the “subject lands”) is located on the east side of Grantham Avenue South and to the north of Eastchester Avenue. A railway spur line, operated by the Port Colborne Harbour Railway, abuts the property to the south. The surrounding neighbourhood includes industrial uses to the east and west, detached dwellings to the north and commercial uses to the south. The subject lands are currently occupied by a detached dwelling and a detached garage structure used as a commercial motor vehicle repair garage.

The Applicant proposes to construct a two-storey addition, enlarging the existing non-conforming detached dwelling and as such, a request has been submitted to facilitate the proposed extension of the existing non-conforming use.

Planning Context

Official Plan (Garden City Plan)

The Garden City Plan ("GCP") designates the subject lands as Business Commercial Employment, permitting a variety of commercial and industrial uses subject to the policies of the GCP. Residential uses are not permitted.

While residential uses are not permitted, the GCP includes policy that speaks to the extension of existing non-conforming uses which will be discussed in the Analysis section of this report.

City of St. Catharines Zoning By-law (2013-283)

The subject lands are zoned Business Commercial Employment (E1), pursuant to Zoning By-law 2013-283, permitting a variety of commercial and industrial uses. Residential uses are not a permitted use.

Analysis

Residential uses such as the existing detached dwelling are not a permitted use in the Business Commercial Employment Zone of By-law 2013-283, nor were they permitted in the previous Zoning By-law 62-86 (rescinded by 2013-283). The existing detached dwelling is therefore a non-conforming use.

Subsection 45(2)(a)(i) of the Planning Act grants the Committee of Adjustment the power to extend a non-conforming use, provided the land building or structure was lawfully permitted at time of construction, and continuously used for that purpose since the passage of the by-law prohibiting the use. Staff has found sufficient evidence to suggest that the existing detached dwelling was constructed prior to any zoning on the lands, and prior to the passage of Zoning By-law No. 62-88 in 1962, and that its residential use has continued since that time.

This dwelling is one of several existing detached dwellings along the east side of Grantham Avenue South. Expanding the dwelling will allow for the Owners of the property to continue to live onsite and operate the motor vehicle repair garage.

Part F, Section 16.12.4 of the GCP in part, states that it may be appropriate to consider the extension or enlargement of a non-conforming use, provided:

- a) The expansion or the enlargement will not jeopardize the possibility of future development/redevelopment in the vicinity that may comply more closely with the intent of this Plan.
- b) Special efforts are made to enhance the compatibility of the uses and to improve amenity and design, more particularly to buffering, landscaping, parking and active transportation and vehicle circulation.

Staff are satisfied that the proposed extension of the detached dwelling will not jeopardize the development or redevelopment potential of the surrounding properties, as it is a modest increase in the footprint and height of one existing dwelling. The proposed addition is oriented to the rear of the property. Staff believe that the expansion of the detached dwelling on the subject lands remain compatible with the surrounding land uses, as other non-conforming residential uses are existing in the immediate proximity of the subject lands. No adverse impacts are expected as a result of the proposed addition.

Conclusion

Having regard for Section 45(2)(a)(i) of the *Planning Act, R.S.O 1990*, staff are satisfied that the subject lands have continued its residential use since before the passage of the by-law prohibiting the use. With a new two-storey addition, the existing detached dwelling will continue to be compatible with surrounding uses. Staff recommend that the extension of the non-conforming use be approved.

Prepared by:



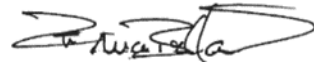
Madeleine Ferko, B.E.S.
Planner

Submitted by:



Charlotte McEwan MCIP RPP
Planner I

Approved by:



Bruce Bellows
Senior Project Manager

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services

Cc: Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: October 7, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 19, 2022 hearing

NO.	ADDRESS	COMMENTS
A-124/22	54 Grantham Ave	Be advised that a building permit is required to construct a two-storey addition to the existing dwelling in the E1 zone.
A-127/22	170 Highland Ave	Be advised that a building permit is required to re-construct the proposed single storey dwelling on the existing foundation.
A-121/22	189 Lockhart Drive	No comment
A-120/22	189A Lockhart Drive	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-126/22	92A Louth Street	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-125/22	180 Queenston Street	Be advised that a building permit is required to construct two, three-storey apartment buildings.

NO.	ADDRESS	COMMENTS
A-122/22	20 Rainbow Drive	Be advised that a building permit is required to construct an addition to the existing accessory building and include a covered patio roof.
A-130/22	239 St. Paul Street West	Be advised that a building permit is required to construct the proposed six-storey apartment building.

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 7, 2022
Hearing Date: October 19, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
189A Lockhart Drive – A-120/22
189 Lockhart Drive – A-121/22
20 Rainbow Drive – A-122/22
54 Grantham Avenue South – A-124/22
180 Queenston Street – A-125/22
92A Louth Street – A-126/22
170 Highland Avenue – A-127/22
239 St. Paul Street West – A-130/22

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:



Sean Ip
Development Engineering Technologist

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 28, 2022

Subject: Committee of Adjustment Comments (October 19, 2022, Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: October 11, 2022

Subject: Committee of Adjustment Applications – September 19, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

10 Canal Street, Consent, B-56/22SC – 22110990

CRCS offers no objection to the proposed boundary adjustment that will result in lands from 10 Canal Street being added to each of the adjacent properties at 9 Lock Street and 15 Lock Street. The applicant is strongly encouraged to retain the existing mature tree located on Part 1 of the survey sketch submitted with this application. Should site plan approval be required as a result of future improvements to either of the Lock Street properties, then typical landscaping requirements would be secured through that process at that time.

54 Grantham Avenue South, Minor Variance, A-124/22 – 2211086

No objection.

170 Highland Avenue, Minor Variance, A-127/22 – 22110894

CRCS offers no objection to the requested reduction in interior side yard setback to facilitate an addition to the existing detached dwelling. We would, however, recommend that the existing wood board privacy fence be retained along the length of the northerly lot line as a buffer between the proposed addition and the neighbouring rear yard.

189 Lockhart Drive, Consent, B-55/22SC – 22110518

189 Lockhart Drive, Minor Variance, A-121/22 – 22110527

189A Lockhart Drive, Minor Variance, A-120/22 – 22110526

Comments to be provided separately.

92A Louth Street, Minor Variance, A-126/22 – 22110880

No objection.

180 Queenston Street, Minor Variance, A-125/22 – 22110874

CRCS has reviewed the landscape plans submitted with the concurrent application for site plan approval in conjunction with this application for minor variance. In terms of the

requested reduction in the landscape buffer between the parking area and the west lot line, CRCS is satisfied that the proposed wood board fencing along this lot line will provide an appropriate buffer between the new development and any future development of the lands to the west (the former St. Catharines General Hospital site). Additionally, substantial landscaping is shown elsewhere on site that will offset the loss of landscaping in this reduced buffer.

20 Rainbow Drive, Minor Variance, A-122/22 – 22110692

No objection.

239 St. Paul Street West, Minor Variance, A-130/22 – 22110998

CRCS recently provided the following comments on the landscape plan submitted with the concurrent application for site plan approval.

“A landscaped island at the west end of the interior parking stalls was shown on the previous landscape plan. This has been removed, including one tree. Similarly, landscaping materials were to be provided at the southwest corner of the building, including one tree; these have also been removed. To compensate for the loss of this landscaping, additional landscaping will need to be provided along the east and west lot lines within the required landscape buffers. See additional comments below regarding the requested minor variances.

CRCS offers no objection to a reduction in the landscape buffers around the rear parking area provided:

- Plant materials are installed within the narrowed portion of the landscape buffers along both the west and east lot lines. The provision of sod alone will not achieve the intent of the landscape buffers (refer to the definition of a landscape buffer provided in the Zoning By-law).
- Landscaping that was removed from the plans, as noted above, is relocated elsewhere on site, preferably along the east and west lot lines.
- The existing trees located along the east lot line, behind the existing fence are retained. As previously advised, the topo information submitted with the application confirms that the trees are, in fact, located on the subject site. The location of the existing fence shown beside these trees is incorrect on the site plan and landscape plan, but presumably it is shown correctly on the topo information. A tree preservation and protection plan will not be required for these trees given the existing fence (which the plans indicate will remain) will provide protection for the trees during construction.”

Given a revised landscape plan has not yet been received, CRCS suggests that any approval of the related minor variance for a reduction in landscape buffer width be conditional upon the above-noted matters being addressed through the application for site plan approval.

We note that the dimensions provided for the west and south landscape buffers appear to be taken to the front of the curb, not the back of the curb, and that no dimension is provided for the east landscape buffer. These dimensions are required so that the

necessary minor variances can be confirmed. CRCS staff recommend that, should this application be approved, the approval stipulate the required minimum width of each of the three landscape buffers (i.e., the east, west, and south lot lines), in lieu of a blanket reduction to 1.6 metres.

Amanda Knutson
Community Project and Development Planner

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1660
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

A-127/22

170 Highland Avenue

DATE OF HEARING:
October 19, 2022



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 12th, 2022

Date of Meeting: October 19th, 2022

Report Number: A-127/22

File: 22 110894

Subject: 170 Highland Avenue

Recommendation

That Minor Variance Application **A-127/22** submitted by Nada Habib, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes to demolish and reconstruct the existing single storey detached dwelling. The existing foundation will be maintained with additions to the rear and front which will add additional area to the main floor of the dwelling but will not increase the sub-grade area. One (1) variance is required to facilitate the proposal and is outlined below.

Variance	Provision	Required	Proposed
1	Minimum Interior Side Yard	1.2 m	0.8 m

Location and Site Description

The subject property is a corner lot located on the west side of Highland Avenue and on the north side of Edgedale Road. The neighbourhood is comprised of low density residential in the form of detached dwellings. Green space and outdoor recreation areas including Burgoyne Woods and St. Catharines Golf and Country Club are located generally east in proximity to the subject lands.

The subject property is currently occupied by a single storey detached dwelling with driveway access off Edgedale Road, located via the exterior side yard. There are five (5) mature trees existing on site.

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 is further designated 'Low Density Residential' on Schedule E8. This designation permits a range of low density housing types, including detached dwellings, at a density generally ranging between 20 to 32 units per hectare.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). Detached dwellings are a permitted use within this zone.

Planning Analysis

Variance 1 – Interior Side Yard Setback

The Applicant is requesting a reduction to the minimum interior side yard setback from 1.2 metres to 0.8 metres to facilitate the reconstruction of the existing detached dwelling, which currently has an interior side yard setback of 0.8 metres. This variance will recognize an existing non-complying setback. The requested reduction is considered minor in nature.

The proposed setback reduction would facilitate the reconstruction of the existing dwelling, as it is currently in poor condition. Therefore, the redevelopment of the dwelling would improve the condition of the site. By building on the existing foundation and meeting required setbacks for the new additions, the building massing is generally in keeping with and would not compromise the character of the surrounding neighbourhood. The reduced setback is considered desirable for the appropriate use of the subject lands.

The intent of the minimum 1.2 metre setback is to ensure that a sufficient buffer is maintained between buildings on adjacent properties and to facilitate on-site drainage and access to rear yards. The requested 0.8 metre setback is already established on the subject property for a single storey detached dwelling. The reconstruction of the dwelling will not change the existing drainage, nor the existing access to the rear yard. Staff consider the intent of the Zoning By-law to be upheld.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. Adverse impacts on adjacent properties are to be minimized in regard to transition in height and privacy. The proposed side yard setback is not uncharacteristic of the area, nor is the proposed single storey detached dwelling, the form of which will match the existing dwelling. The reduced setback is not expected to negatively impact the neighbouring property to the north. Smaller windows than those that currently exist are proposed along the rear face of the proposed dwelling, which will look towards a wooden fence and side façade of the neighbouring dwelling, which does not create any privacy concerns. The proposal is in keeping with the intent of the Official Plan.

Staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate use of the lands and is in keeping with the general intent of the Official Plan and Zoning By-law.

Conclusion

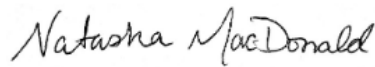
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-127/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of the Application.

Prepared by:



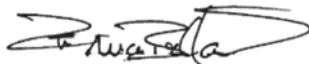
Madeleine Ferko, B.E.S.
Planner

Submitted by:



Natasha MacDonald, MPL
Planner I

Approved by:



Bruce Bellows
Senior Project Manager

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services

Cc: Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: October 7, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 19, 2022 hearing

NO.	ADDRESS	COMMENTS
A-124/22	54 Grantham Ave	Be advised that a building permit is required to construct a two-storey addition to the existing dwelling in the E1 zone.
A-127/22	170 Highland Ave	Be advised that a building permit is required to re-construct the proposed single storey dwelling on the existing foundation.
A-121/22	189 Lockhart Drive	No comment
A-120/22	189A Lockhart Drive	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-126/22	92A Louth Street	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-125/22	180 Queenston Street	Be advised that a building permit is required to construct two, three-storey apartment buildings.

NO.	ADDRESS	COMMENTS
A-122/22	20 Rainbow Drive	Be advised that a building permit is required to construct an addition to the existing accessory building and include a covered patio roof.
A-130/22	239 St. Paul Street West	Be advised that a building permit is required to construct the proposed six-storey apartment building.

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 7, 2022
Hearing Date: October 19, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
189A Lockhart Drive – A-120/22
189 Lockhart Drive – A-121/22
20 Rainbow Drive – A-122/22
54 Grantham Avenue South – A-124/22
180 Queenston Street – A-125/22
92A Louth Street – A-126/22
170 Highland Avenue – A-127/22
239 St. Paul Street West – A-130/22

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:



Sean Ip
Development Engineering Technologist

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 28, 2022

Subject: Committee of Adjustment Comments (October 19, 2022, Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

October 4, 2022

City of St. Catharines
City Hall
50 Church St
P.O. Box 3012
St. Catharine's, ON
L2R 7C2

Attention: Jelena Pusara

File# 22 110894

Re: 170 Highland Ave

In response to your correspondence dated September 27, 2022, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing overhead secondary service from rear lot is in conflict with proposed new addition. Contact ICI group for new service locations options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.

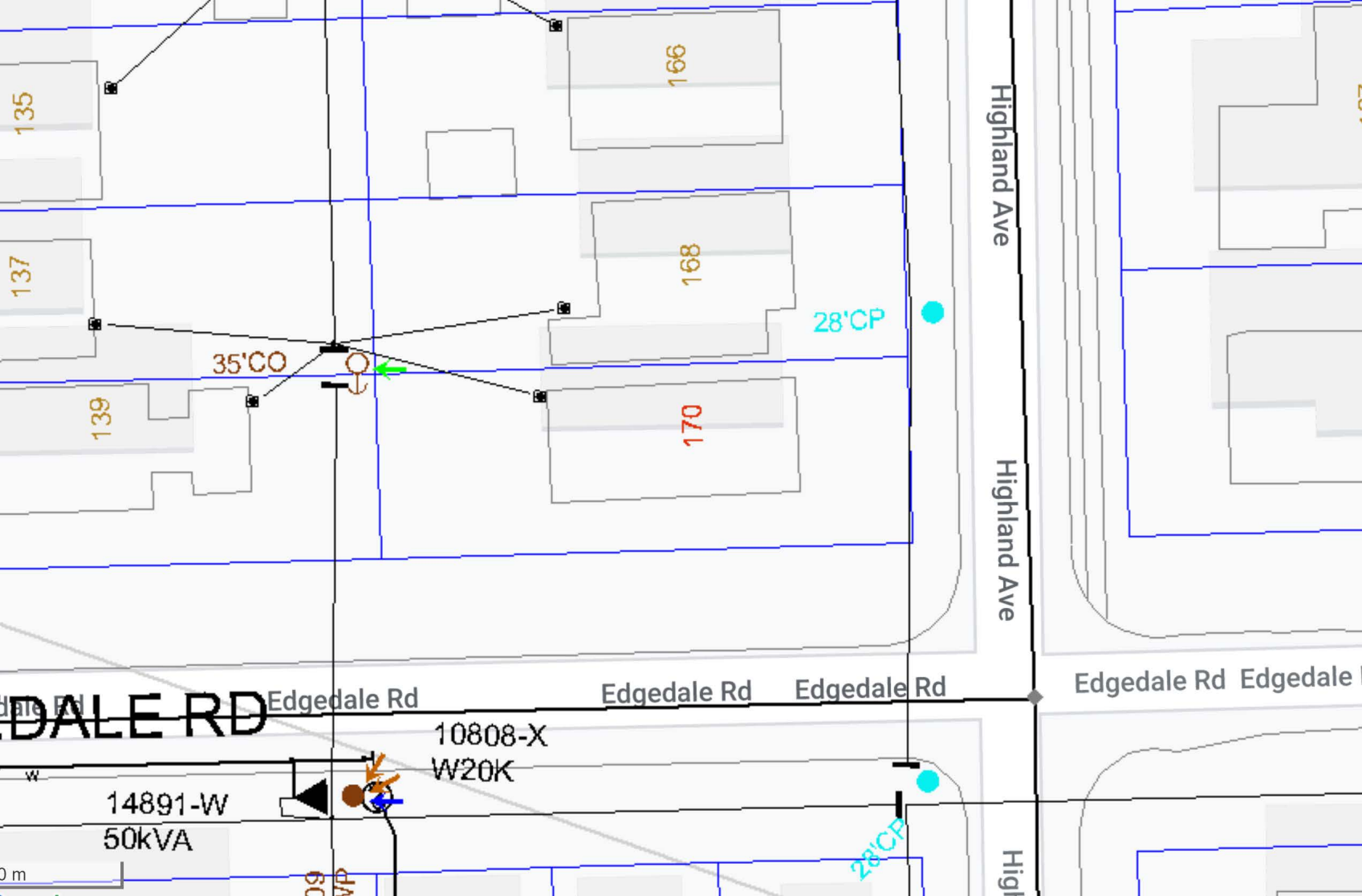
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: October 11, 2022

Subject: Committee of Adjustment Applications – September 19, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

10 Canal Street, Consent, B-56/22SC – 22110990

CRCS offers no objection to the proposed boundary adjustment that will result in lands from 10 Canal Street being added to each of the adjacent properties at 9 Lock Street and 15 Lock Street. The applicant is strongly encouraged to retain the existing mature tree located on Part 1 of the survey sketch submitted with this application. Should site plan approval be required as a result of future improvements to either of the Lock Street properties, then typical landscaping requirements would be secured through that process at that time.

54 Grantham Avenue South, Minor Variance, A-124/22 – 2211086

No objection.

170 Highland Avenue, Minor Variance, A-127/22 – 22110894

CRCS offers no objection to the requested reduction in interior side yard setback to facilitate an addition to the existing detached dwelling. We would, however, recommend that the existing wood board privacy fence be retained along the length of the northerly lot line as a buffer between the proposed addition and the neighbouring rear yard.

189 Lockhart Drive, Consent, B-55/22SC – 22110518

189 Lockhart Drive, Minor Variance, A-121/22 – 22110527

189A Lockhart Drive, Minor Variance, A-120/22 – 22110526

Comments to be provided separately.

92A Louth Street, Minor Variance, A-126/22 – 22110880

No objection.

180 Queenston Street, Minor Variance, A-125/22 – 22110874

CRCS has reviewed the landscape plans submitted with the concurrent application for site plan approval in conjunction with this application for minor variance. In terms of the

requested reduction in the landscape buffer between the parking area and the west lot line, CRCS is satisfied that the proposed wood board fencing along this lot line will provide an appropriate buffer between the new development and any future development of the lands to the west (the former St. Catharines General Hospital site). Additionally, substantial landscaping is shown elsewhere on site that will offset the loss of landscaping in this reduced buffer.

20 Rainbow Drive, Minor Variance, A-122/22 – 22110692

No objection.

239 St. Paul Street West, Minor Variance, A-130/22 – 22110998

CRCS recently provided the following comments on the landscape plan submitted with the concurrent application for site plan approval.

“A landscaped island at the west end of the interior parking stalls was shown on the previous landscape plan. This has been removed, including one tree. Similarly, landscaping materials were to be provided at the southwest corner of the building, including one tree; these have also been removed. To compensate for the loss of this landscaping, additional landscaping will need to be provided along the east and west lot lines within the required landscape buffers. See additional comments below regarding the requested minor variances.

CRCS offers no objection to a reduction in the landscape buffers around the rear parking area provided:

- Plant materials are installed within the narrowed portion of the landscape buffers along both the west and east lot lines. The provision of sod alone will not achieve the intent of the landscape buffers (refer to the definition of a landscape buffer provided in the Zoning By-law).
- Landscaping that was removed from the plans, as noted above, is relocated elsewhere on site, preferably along the east and west lot lines.
- The existing trees located along the east lot line, behind the existing fence are retained. As previously advised, the topo information submitted with the application confirms that the trees are, in fact, located on the subject site. The location of the existing fence shown beside these trees is incorrect on the site plan and landscape plan, but presumably it is shown correctly on the topo information. A tree preservation and protection plan will not be required for these trees given the existing fence (which the plans indicate will remain) will provide protection for the trees during construction.”

Given a revised landscape plan has not yet been received, CRCS suggests that any approval of the related minor variance for a reduction in landscape buffer width be conditional upon the above-noted matters being addressed through the application for site plan approval.

We note that the dimensions provided for the west and south landscape buffers appear to be taken to the front of the curb, not the back of the curb, and that no dimension is provided for the east landscape buffer. These dimensions are required so that the

necessary minor variances can be confirmed. CRCS staff recommend that, should this application be approved, the approval stipulate the required minimum width of each of the three landscape buffers (i.e., the east, west, and south lot lines), in lieu of a blanket reduction to 1.6 metres.

Amanda Knutson
Community Project and Development Planner

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1660
TTY: 905-688-4889
Fax: 905-688-5873

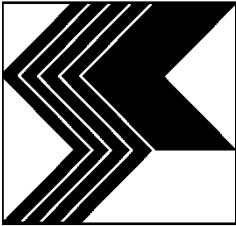
COMMENTS

B-55/22SC/A-120/22/A-121/22

189 Lockhart Drive

DATE OF HEARING:
October 19, 2022

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-55/22SC



October 7, 2022

ENGINEERING FILE 300-36

Hearing Date: October 19, 2022

Applicant: Lockview Ventures Inc.

Location: 189 Lockhart Drive

<u>MUNICIPAL SERVICES</u>	<u>Lockhart Road</u>	<u>Marsdale Drive</u>
Water:	200mm PVC	200mm PVC
Sanitary:	200mm	250mm
Storm:	525mm	250mm
Sidewalks:	No	No
Road Allowance:	20.0m	20.0m

GENERAL COMMENTS AND ENGINEERING CONDITIONS TO BE IMPOSED IF
CONSENT GRANTED:

Comment(s): It is noted the Owner wishes to sever Part 2 for the construction of a two-storey detached dwelling to be known as 189A Lockhart Drive. Part 1 would be retained for continued residential use.

Roads

Lockhart Drive and Marsdale Drive are designated Community Roads as per the City’s Transportation Master Plan, with desired rights-of-way widths of 20.0m. Their current widths are sufficient along these sections and the City shall not be requiring widening dedications as conditions this application.

Sidewalks

Sidewalks do not exist along both property frontages. The City’s Transportation Master Plan requires sidewalks on both sides of Community Streets. The Owner shall pay to the City the estimated cost of a future 1.5m wide sidewalk across both the Lockhart Drive and Marsdale Drive frontages of the entire property as a condition of severance. The surveyor’s sketch provided with the application indicates the frontages are 47.941m and 38.882m, respectively. Based on prices received for recent City contracts for sidewalk works including the design, construction, inspection, and administration, the all-inclusive unit price for sidewalks is \$200/m² (2022). The amount to be paid shall be the total frontage lengths x the current rate at the time of payment.

Engineering Services

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. The owner must retain at their cost, a qualified Engineer, or Ontario Land Surveyor to prepare a Master Lot Grading and Drainage plan for the proposed lot. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the consent. City staff will review the plan to ensure that the drainage scheme of the existing, and proposed future lots convey drainage to a suitable outlet(s), while at the same time not adversely affect abutting properties.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer **exists** on Lockhart Drive, weeping tile drainage shall be discharged via sump pump to a dedicated storm sewer lateral through the front foundation wall only. The house designs shall ensure rainwater leaders (downspouts) and sump pumps are directed and discharged accordingly.

The Owner shall be responsible to pay the fees for City crews to locate, trace, inspect and document the water and sewer service laterals for the existing dwelling, to confirm they do not conflict with any existing or future lot lines. If any of the existing services are determined to conflict with existing or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit. The Owner shall also pay the City to relocate any portion of those services on public property. The Owner must also pay the City to install a water service, storm, and sanitary lateral for the new lot from the City sewers and watermain to the property line, through the Building Permit process. Payment for the services for the newly created lots shall be obtained at the building permit stage. **The City shall not authorize the installation of services to new lots prior to the lots being registered and legally created through the severance application.**

Condition(s): Prior to the finalization of the proposed consent the Owner shall:

- Pay to the City the cash-in-lieu amounts for future sidewalks along both Lockhart Drive and Marsdale Drive; and
- Pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling; and
- If determined existing laterals or water services conflict with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property; and
- Arrange to have a Master Lot Grading and Drainage plan prepared by a qualified Engineer or Ontario Land Surveyor for review and approval by City staff



Prepared by:

Brad Johnston, C.E.T.
Development Engineering Technologist

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services
Cc: Wilrik Banda
Planning and Building Services
From: Lou Grossi, Building Inspector II
Planning and Building Services
Date: October 7, 2022
Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 19, 2022 hearing

B-56/22SC – 10 Canal Street

Comment:

- No comment

Condition:

- No comment

B-55/22SC – 189 Lockhart Drive

Comment:

- No comment

Condition:

- A building permit is required to demolish the existing detached garage and to complete all inspections to the satisfaction of the Chief Building Official.
- That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing east on Part 1, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.



Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 7, 2022
Hearing Date: October 19, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
189A Lockhart Drive – A-120/22
189 Lockhart Drive – A-121/22
20 Rainbow Drive – A-122/22
54 Grantham Avenue South – A-124/22
180 Queenston Street – A-125/22
92A Louth Street – A-126/22
170 Highland Avenue – A-127/22
239 St. Paul Street West – A-130/22

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:



Sean Ip
Development Engineering Technologist

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 28, 2022

Subject: Committee of Adjustment Comments (October 19, 2022, Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

To: Jelena Pusara, Development Agreement Coordinator, PBS

Cc: Natasha MacDonald, Planner I, PBS
Lawrence Martineau, Urban Forestry Technician, CRCS

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: October 14, 2022

Subject: Applications for Consent to Sever and Minor Variance
189 Lockhart Drive – October 19, 2022 Hearing

189 Lockhart Drive, Consent , B-55/22SC – 22110518
189 Lockhart Drive, Minor Variance, A-121/22 – 22110527
189A Lockhart Drive, Minor Variance, A-120/22 – 22110526

There are several existing mature trees located on and surrounding this property, nine of which are owned by the City and located within the road allowances of Lockhart Drive and Marsdale Drive. As identified through the pre-submission consultation stage, CRCS staff are concerned that the new driveway, site servicing, and reduced front yard setback for the proposed dwelling (Part 2) may impact negatively existing trees along the Lockhart Drive frontage.

As required by staff, the applicant has submitted a Vegetation Protection Plan and Addendum, both prepared by Pineridge Tree Service, and dated June 23, 2022 and September 27, 2022, respectively (the VPP). City staff from the Forestry Section have reviewed the VPP and conducted a site visit. Based on the information provided, CRCS is not satisfied that the size, location, and configuration of the proposed driveway, nor the necessary site servicing, can be accommodated without negatively impacting adjacent trees.

CRCS recommends that the Applications for Consent to Sever and Minor Variance be deferred pending the receipt of additional information from the Applicant and consulting arborist, failing which CRCS staff are unable to provide a positive recommendation.

1. The Tree Inventory Plan attached to the VPP will need to be updated to:
 - a) show how the new driveway can be accommodated outside of the minimum tree protection zones for the adjacent City-owned trees (tree nos. 1, 3, 4, 21, and 22);
 - b) show how the new driveway will ideally be accommodated outside of the minimum tree protection zones for the adjacent privately-owned trees (tree nos. 2 and 22), recognizing that the City does not have a private tree by-law to require the owner to preserve those trees;
 - i. if these privately-owned trees cannot be accommodated, then the VPP and Inventory will need to be updated to reflect this;

- c) provide the dimensions (length, width, radii) of the proposed driveway;
 - d) indicate the proposed finish of the driveway (i.e., concrete, asphalt, gravel, or other material);
 - e) provide dimensions to clearly indicate the distance between the edges of the proposed driveway and the adjacent trees to be preserved (we note that the driveway will likely need to be narrowed in width to a single lane in order to avoid the minimum tree protection zones);
 - f) show the location and material of the existing driveway off of Lockhart Drive;
 - g) show the accurate location of City tree nos. 5 and 23 (currently shown on private property).
2. The VPP will need to be revised to:
- a) accurately identify the species of trees along the Lockhart Drive frontage (Forestry staff identified the location of several Swamp White Oak, while these have been misidentified in the VPP as Red Oak and White Oak);
 - b) discuss the potential impacts of the use and storage of construction materials containing lyme (e.g. concrete) on soil pH and how these impacts will be mitigated (oak species are known to be impacted by changes in soil pH);
 - c) discuss the potential impacts of the finish of the proposed driveway (i.e. hard surface, versus gravel, versus paving stone);
 - d) update the tree inventory table to indicate that the Serviceberry is a privately-owned tree (shown on the sketch as privately-owned, but City-owned in the table);
 - e) discuss how excavation for the new driveway and site services can be accommodated within the Critical Root Zone of adjacent trees, if any encroachment into those zones is expected (i.e. provide alternatives to traditional machine excavation).
3. The Survey Sketch will need to be revised to show the updated location, configuration, and size of the proposed driveway.

Amanda Knutson
Community Project and Development Planner
Community, Recreation and Culture Services

From: dave faust

Sent: Friday, October 14, 2022 4:00 PM

To: PBS, Website Information Mailbox <pbs@stcatharines.ca>

Subject: 189 Lockhart Dr. Submissions Submissions # A-120/22 and B-55/22SC

CAUTION: This email originated from outside of City of St. Catharines email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

I am writing to submit the following comments with regards to the above mentioned submissions at 189 Lockhart Dr.

I am a direct neighbour and am opposed to these applications for the following reasons:

1- Character and context of the neighbourhood:

I (and several other neighbours) chose to live in this neighbourhood, at least in part, because it has a beautiful spacious feel as all buildings are set back nicely from the road, preserving an excellent visual ratio of green area to buildings. Allowing the construction of buildings which don't respect the established minimum setback (not to mention putting multiple buildings on a single property) will have a significant and negative impact on this.

2- Drainage/water management/soil shift:

As this neighbourhood receives a large quantity of rainwater from the nearby escarpment, and

due to the fact that the ground is dense clay on rock, drainage and water management are issues that many people have concerns over. Have there been any studies done to gauge the effects an additional dwelling will have on the surrounding properties? If so, could they please be made available to the public? And, if not, why is this not part of an environmental impact assessment?

3- Incomplete information has been provided to the neighbourhood, the signage on the property at 189 shows an incomplete/incorrect map of the proposed changes to the property, I believe that this hearing should be rescheduled until such a time that the neighbours have been fully informed.

4- Trees.

Allowing these proposals will result in the likely loss of trees from the property, these trees are not only beautiful but feed the deer that we all love to see wandering in every fall to feed on their acorns. Lose the trees and we lose the deer (at least as far as seeing them is concerned).

Rules and bylaws are put in place for a reason, to protect neighbourhoods. These established rules are for the benefit of every single person in the community and allowing builders to get around them will hurt the us all, potentially for years to come.

Thank you

October 14, 2022

Margaret Josipovic, Acting Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
City of St. Catharines, ON L2R 7C2
Telephone 905-688-5601 Ext. 1660
Email: pbs@stcatharines.ca

Dear Ms. Josipovic,

RE: Lockview Ventures – Applications for Consent and Variance
Consent Application B-55/22SC;
Minor Variance Applications A-120/22; A-121/22

We are writing to you, as abutting neighbours at 191 Lockhart Drive to the east, to offer conditional support to Lockview Ventures' applications being considered by the Committee of Adjustment on October 19, 2022 for 189 Lockhart Drive.

This support is based on the most recent site plan and elevations we received as of October 11 from Planner Greg Hynde.

Certainly, we would prefer that 189 Lockhart remain a single dwelling. However, if a severance is to occur, we feel that the following list of factors represent an acceptable compromise solution in having the Average Front Yard Set-Back 6m from the lot line as opposed to the average of 11.51m. The important point is that the average set-back calculation has started the conversation on this lot, as it does with all other lots across the City when it is applied, from where the streetscape currently is and the impact of the proposal on those streetscapes — and not from some arbitrary set-back value that does not take the individual streetscape into account.

What we have is a pinch point of 6 m at the corner closest to 191 Lockhart. The angles of the original lot lines at 189 Lockhart along Lockhart (in particular) and Marsdale meeting in a sharp point have always made the lot a challenging one. For example, the front southeastern corner of the retained existing dwelling (as marked on the site plan) is 9.93m from the lot line so it is actually closer than the average. Based on my rough calculation, the adjacent corner of the new 2 storey garage/driveway is actually very close to the range allowed for the average (+/- .75m).

These are the important factors in our decision:

1. **The proposal retains the existing dwelling.** This has long been a key point for the abutting neighbours, those on Marsdale and Lockhart and the neighbourhood as a whole. This property and dwelling is a key part of the fabric of this neighbourhood. As per the letter submitted by Architect Luigi (Lou) Marcantonio in 2016 regarding the former proposal involving this property, and quoted here again with his permission, *“This neighbourhood was designed in the 1950’s . . . The drainage in the area is poor, the soil condition atrocious yet it has become the neighbourhood the planners envisioned. The architecture mostly followed a 1950’s version of arts and crafts cottage style with low slope large overhand roofs, Long Norman brick and stone,*

large picture windows with many of the home designers of the time paying homage to Frank Lloyd Wright. Although the homes are different, they fit together because of the mid-century style. Within this neighbourhood, there are a few classic and award-winning mid-century homes, including the “glass box” on Wood-Dale. The homes are not large or extravagant but were spread out with the opportunity for trees, small wooded areas, interesting green spaces between homes and big lawns. This home [189 Lockhart] . . . was an award-winning mid-century home designed and built by local builder Gordon Stewart.”

The property, long-neglected by previous owners and now restored with some different materials such as stucco, still retains the architectural features and lines of the original.

2. **The proposal involves two lots**, one at 525 m² for the proposed new two storey and another at 984 m² for the retained original building (not the earlier previous 2016 proposal for three lots rejected as an overdevelopment). Based on the Technical Report of the previous 2016 submission B-42/16SC and B-43/16SC regarding lot size *“Staff acknowledge that intensification in the form of infill is necessary if the City is to accommodate projected growth within the Urban Area. However, intensification must be balanced so as not to compromise the character of an established neighbourhood, or result in incompatible design of development and adverse effects on adjacent properties including vegetation. Staff have undertaken a cursory review of the existing lottage pattern in the neighbourhood, extending east and west of the subject lot for a distance of approximately 350 metres, north for a distance of approximately 200 metres, and to the south on Leawood Court and Camelot Court. The average lot size in this area is approximately 1200 m², and the average lot frontage approximately 24 metres.”* Based on this, the proposed lot sizes, and orientations, enhance the fit with other lots both on Marsdale and on Lockhart. The unusually shaped new lot increases the lot size and allows a shorter, broader new building, avoiding a narrow tower look.
3. **The retained dwelling is now oriented onto Marsdale.** This allows the new driveway to be as far away from the busy intersection of Lockhart and Marsdale as possible while still minimizing the impact on the abutting 109 Marsdale.
4. **The new proposed two storey is oriented onto Lockhart.** This allows the existing driveway entrance off Lockhart to be utilized to minimize the impact on Lockhart traffic patterns and protect the line of City trees there.
5. **The proposed height of less than is 6.94 m, well below the maximum 10m, approximates any other two storey in the neighbourhood.** This, in combination with the one storey transition in the roof at the southwestern corner (over the garage), avoids dominating the existing retained dwelling. With the slightly larger than required side yard set-backs and the roof pitch/roof lines and other aspects common to other homes in the area, this reduced height also avoids any massing that would dominate the streetscape.
6. **We believe that the trees in this neighbourhood are a critical part of its long-standing character and must be protected.** Based on the Technical Report of the previous 2016 submission B-42/16SC and B-43/16SC regarding preservation of trees, staff stated *“Many lots in the immediate area feature large, mature trees that enhance the character of the established residential neighbourhood and create a distinctive streetscape. The subject lot is no exception,*

with many mature trees existing on site and along the adjacent boulevard, most specifically along Lockhart Drive.

In the opinion of Staff, the existing tree canopy on the subject lot and adjacent boulevard are defining landscape and streetscape features in the neighbourhood. The proposed removal of trees [in 2016] on the subject lands, and the potential impacts to boulevard trees, would compromise the character of the neighbourhood and would not uphold the values set out in the GCP as they relate to compatibility of new development and preservation of natural heritage.”

The Vegetation Protection Plan preserves as many of the existing trees as possible on the existing 189 Lockhart and City properties, as well as on abutting properties. Based on the Plan, the vast majority of trees are judged to at least be in fair to good condition. Given our last few years of drought, that’s about all we can expect I think.

7. **In particular, the placement of the new two storey back in the range of the existing garage with a deep 12.82 m rear yard not only minimizes overlook into the abutting properties but allows the preservation the root systems of a very large red oak in that area** that shades all three of the abutting properties, along with a wide variety of boundary plantings and cedars. This would not be possible with the standard 7.5 m rear yard set-back.

In summary, it is our feeling that the reduced average front yard set-back is an acceptable trade-off for restoring the existing home and achieving two large lots; orientation of each onto Marsdale and Lockhart respectively; the reduced height of the proposed new 2 storey; expanded rear yard; driveway design using existing entrance onto Lockhart; proposed roof lines; minimal impact on Marsdale through new driveway entrance well removed from the corner intersection; new parking pad/car port that allows light into 109 Marsdale; and minimal variances overall.

That being said, we also have a set of Conditions for Support as discussed with the Planner/Developer to ensure the eventual end result meets our understanding of the proposal:

1. **That the site plan we now have will be adjusted** to reflect the true dimensions of the already poured parking pad for the retained dwelling and that fact it is far closer to the lot line with 109 Marsdale than the 4.37 m shown. Preserve as much light as possible flowing into the side windows along the property line for the abutting 109 Marsdale. Optimally, this would be with a parking pad only but a well-designed carport on the pad would also suffice. In addition, **that a proper drainage plan be put in place to ensure water drains away 109 Marsdale from the new parking pad and driveway.**
2. **That the Vegetation Protection Plan recommendations** as to preservation, removal, protection, repair, deep root fertilization and future inspections **will be implemented — and expanded to include:**
 - a. The line of cedars on the wrought iron fence along the property line between 109 Marsdale and 189 Lockhart. These serve as an important privacy screen between the lining room windows along the side wall of 109 Marsdale and the new parking pad/carport.

- b. While the Basswood and Ash at the back corner on 191 Lockhart are included in the Vegetation Protection Plan, the cedar in the bed between the Basswood and the existing garage must also be included. This will be a critical screen (as with the Basswood) for the new right-hand elevation of the two storey proposed. In addition, the line of cedars along the straight wire fence section to the rear right-hand side of 189 Lockhart on 191 Lockhart must also be protected.
3. Through the final development agreement, ensure that the overall final design fits the character and context of the neighbourhood, assuming the use of compatible materials and colours (that blend with the palette common to the neighbourhood). **We would request our participation in the preparation of the final site plan/design and the resulting development agreement registered on title.**

As per the relevant sections of the Garden City Plan, we fully expect the design and materials to satisfy, and be adjusted if necessary to meet, the following example sections of the Plan:

- a. [Page 10] Housing Types 2.3.3.5 iii) All types of new housing will be provided in a manner not to compromise, but to accentuate and enhance the character, structure, function and accessibility of established residential neighbourhoods.
 - b. 4.3. Built Form . . .that new development respects and enhances the existing character and context of an area [in terms of] use of materials, textures, and colours.
4. While we understand that a Grading Plan will be prepared by a P.Eng. as a condition of consent, **we wish to be consulted and ensure the drainage grading, landscaping, or buffering for the proposed development plan** considers existing topography where the back yard at 191 Lockhart is the low point and considering how the area of the new house/driveway reduces the area of land to absorb water. We have recently had to rebuild the garage foundation at 191 Lockhart at great expense (13 helical piers and rebuilding the foundation walls) based on plans created by a P.Eng. including new swales to direct the water from 189, and Lockhart Drive in general, away from the area to the backyard. In no small part, the problems were caused by the unrestrained drainage from 189 Lockhart that still continues to this day as everything on that side of the existing now noticeably drains into 191 Lockhart. **At worst, it cannot increase and we would hope a better solution can be found. This plan must also address any concerns along the boundary with 109 Marsdale as outlined earlier.**
5. That the Right-hand Side elevation, as supplied with the Elevations document, be adjusted to reflect the **requested articulation of the southeastern corner/windows, roof design and right-hand elevation wall** to a logical point based on the interior floor plans. As per Section 4.3. Built Form in the Garden City Plan. Part j) *The overall scale of the development as it relates to the surrounding area. In this regard, factors contributing to compatibility include avoiding long unbroken expanses of walls, and massing; creating relief in walls; the use of varied colours, textures, types, qualities and patterns of finish materials; roofline articulation.* This is particularly important in this instance with the structure being closer to the road at the southeastern corner than the average.

6. That the “covered deck” on the Site Plan of Oct 11 be a. **wooden deck** as discussed and that **it be roofed as shown on the Elevations** (i.e., no second floor deck which would impact the discussion of overlook).
7. That **any new fence along the lot line between 191 Lockhart and the new two storey end at or before the southeastern corner of the building** and that this **new fence match the design of the fence across the back of 191 Lockhart** to avoid having multiple fence designs surrounding 191 Lockhart.

We will be attending the hearing before the Committee on Zoom on October 19, 2022. Could you please ensure that we receive a notice of the Committee’s decision.

Yours truly,

Eric and Linda Jones
191 Lockhart Drive

From: Shael Gwartz

Sent: Friday, October 14, 2022 2:21 PM

To: PBS, Website Information Mailbox <pbs@stcatharines.ca>

Cc: _____

Subject: Application for Severance, Variance - 189 Lockhart Drive

CAUTION: This email originated from outside of City of St. Catharines email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**Margaret Josipovic, Acting Secretary-Treasurer
Committee of Adjustment**

I would like to submit the following comments to the Committee of Adjustment as part of its review of application B-55/22SC for Severance and application A-121/22 for Variance to 189 Lockhart Drive in St. Catharines.

Having lived at 95 Marsdale Drive for the past 22 years, I wanted to express my disagreement with the requested severance. Fundamentally, I have a concern about any application for severance that divides a well established, treed, large corner lot like 189 Lockhart into smaller lots, only for the purpose of adding an additional house to the neighbourhood. The Marsdale neighbourhood is well established and not in any need of another house. While I understand the City's desire for intensification and infilling, the creation of an additional lot on this property for the primary benefit of a developer yielding a higher return on their investment is not in keeping with the principles and spirit of intensification or infilling.

I am very supportive of intensification and infilling, in the right location, where there are vacant lots or land in need of repurposing. Such locations would include the old GM lands on Ontario Street or the old St. Catharines General Hospital land on Queenston Street. A good example of successful infilling is the new housing development in Old Glenridge that includes the repurposed Glenridge School. A well established community, like the Marsdale neighbourhood, with virtually no vacant lots, is not such a location.

The property in question has been unchanged for many decades, and is consistent with other corner lots and houses in the Marsdale neighbourhood. To introduce a smaller lot with a house that will be uncharacteristically close to the current house on 189 Lockhart, is not in keeping with the high majority of properties in the neighbourhood.

Should the severance/variance be approved, I see many stakeholders will have to live with significant compromises as follows:

- The owner of 191 Lockhart will now have a new house much closer to their property line than it has in the past
- The owner of 109 Marsdale will now have a new parking pad closer to their home (which has already been built), and an additional property adjacent to their back yard
- Those walking and driving along Lockhart will now see an additional house closer to the road allowance than any other along Lockhart (and I would suggest, all of the Marsdale neighbourhood), which will have significantly changed the visual nature of our community
- The community will have compromised the overall essence of the neighbourhood by having an additional house wedged in-between two existing houses.
- Assuming that the existing house on 189 Lockhart is put up for sale after the renovations are completed, the potential new owner, as well as whomever purchases the new house on the severed lot, will likely feel that they had to compromise on the side setback and visual impairment that the other adjacent house creates.

It seems to me that the only one that does not have to compromise is the developer. Should the severance/variance be approved, and once they are finished renovating the existing house and constructing the new house on the severed lot, they will no longer have any involvement in this issue, and will likely be making a significant profit during the process. Their community interest will end, but the community will be left with the potential for similar situations in the future.

While I appreciate that the Committee wants to establish a compromise between the interests of the community and the developer, I feel that the interests of the community should be prioritized over those of the developer. We live in this community and will continue to do so well after the developer has completed this project and moved on to another.

The developer took on risk by purchasing and subsequently renovating the existing property (I suspect for resale), as well as the risk that a severance may not be granted. The potential investment already made by the developer, and the potential profit gained by the severance, is irrelevant and should not influence the decision on the severance itself. The gains of the developer should be not more important than the immediate and long term losses to the adjacent homeowners and the Marsdale community now and into the future.

It seems like the developer has the upper hand, which is just not right, nor fair. Any developer proposals should bring significant benefit to the community (like in the Old Glenridge development). In this case, there does not appear to be any benefit to our community as a result of this proposal.

I suspect that if this proposal is approved, it will likely set a precedent for other developers to consider similar actions on other properties in our neighbourhood with the potential to permanently change the essence of our community forever. This application could just be the 'tip of the iceberg'.

In order to protect our community, I request that the Committee of Adjustment deny the request for Severance and Variance.

Respectfully submitted,

Shael Gwartz
95 Marsdale Drive

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1660
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

A-126/22

92 Louth Street

DATE OF HEARING:
October 19, 2022



Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: October 14, 2022

Date of Meeting: October 19, 2022

Report Number: A-126/22

File: 22 110880 MV

Subject: 92A Louth Street

Recommendation

That Application **A-126/22** submitted by 1000016545 Ontario Ltd. as outlined in the notice of hearing, be approved.

Report

The Proposal

Application **A-126/22** proposes a single-detached two-storey dwelling that is approximately 1500ft². The proposed dwelling includes an accessory dwelling unit accessed through a covered side entrance. The requested variances outlined in the table below are required to facilitate the proposal:

Variance	Provision	Required	Proposed
1	Interior side yard setback for a dwelling greater than 7 metres in height	2 metres	1.5 metres
2	Maximum encroachment of exterior stairs into a required side yard	1.2 metres	1.3 metres

Location and Site Description

The subject lands are located on the east side of Louth Street between Pelham Road and Rykert Street and are currently vacant. The surrounding area consists primarily of detached residential dwellings. West Park is directly east of the property.

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 as Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated as Low Density Residential on Schedule E7. This designation permits detached dwellings.

Zoning By-Law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). This zone permits detached dwellings, and an accessory dwelling unit thereto..

Planning Analysis

Variance 1 requests a reduction of the interior side yard setback for a dwelling greater than 7 metres in height from 2 metres to 1.5 metres on the north side of the dwelling. The 0.5 metre reduction is considered minor in nature. The intent of the side yard setback is, in part, to mitigate overlook and privacy impacts, and provide sufficient space for access and drainage. It is the opinion of staff that the 0.5 metre reduction will not negatively impact neighbouring uses in terms of privacy or overlook. The reduction is considered to be in keeping with the intent of the Official Plan and Zoning By-law. Adequate drainage is attainable despite the reduction, and rear yard access is maintained in the 1.5 metre setback. The R1 zone has wider setback requirements for dwellings over 7 metres in height in order to ensure that the low-density character is maintained. The proposed reduction will not impact the existing streetscape, nor will it compromise the overall low-density character of the neighbourhood. The reduction is considered appropriate for the use of this property.

Variance 2 requests an increase in the permitted encroachment of the exterior basement stair into the side yard from 1.2 metres to 1.3 metres on the south side of the dwelling. The requested increase would permit the stairs to encroach an additional 10 centimetres into the side yard of the dwelling. The 0.1 metre increase is considered minor in nature, will not have any adverse impacts on adjacent properties, and does not compromise the intent of the Official Plan or Zoning By-law. Staff are supportive of the requested variance.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-126/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application.

Prepared by:



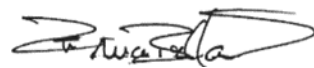
Giuseppe Ferreri
Student Planner

Submitted by:



Charlotte McEwan MCIP RPP
Planner I

Approved by:



Bruce Bellows
Senior Project Manager



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 7, 2022
Hearing Date: October 19, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
189A Lockhart Drive – A-120/22
189 Lockhart Drive – A-121/22
20 Rainbow Drive – A-122/22
54 Grantham Avenue South – A-124/22
180 Queenston Street – A-125/22
92A Louth Street – A-126/22
170 Highland Avenue – A-127/22
239 St. Paul Street West – A-130/22

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:



Sean Ip
Development Engineering Technologist

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services

Cc: Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: October 7, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 19, 2022 hearing

NO.	ADDRESS	COMMENTS
A-124/22	54 Grantham Ave	Be advised that a building permit is required to construct a two-storey addition to the existing dwelling in the E1 zone.
A-127/22	170 Highland Ave	Be advised that a building permit is required to re-construct the proposed single storey dwelling on the existing foundation.
A-121/22	189 Lockhart Drive	No comment
A-120/22	189A Lockhart Drive	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-126/22	92A Louth Street	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-125/22	180 Queenston Street	Be advised that a building permit is required to construct two, three-storey apartment buildings.

NO.	ADDRESS	COMMENTS
A-122/22	20 Rainbow Drive	Be advised that a building permit is required to construct an addition to the existing accessory building and include a covered patio roof.
A-130/22	239 St. Paul Street West	Be advised that a building permit is required to construct the proposed six-storey apartment building.

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 28, 2022

Subject: Committee of Adjustment Comments (October 19, 2022, Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: October 11, 2022

Subject: Committee of Adjustment Applications – September 19, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

10 Canal Street, Consent, B-56/22SC – 22110990

CRCS offers no objection to the proposed boundary adjustment that will result in lands from 10 Canal Street being added to each of the adjacent properties at 9 Lock Street and 15 Lock Street. The applicant is strongly encouraged to retain the existing mature tree located on Part 1 of the survey sketch submitted with this application. Should site plan approval be required as a result of future improvements to either of the Lock Street properties, then typical landscaping requirements would be secured through that process at that time.

54 Grantham Avenue South, Minor Variance, A-124/22 – 2211086

No objection.

170 Highland Avenue, Minor Variance, A-127/22 – 22110894

CRCS offers no objection to the requested reduction in interior side yard setback to facilitate an addition to the existing detached dwelling. We would, however, recommend that the existing wood board privacy fence be retained along the length of the northerly lot line as a buffer between the proposed addition and the neighbouring rear yard.

189 Lockhart Drive, Consent, B-55/22SC – 22110518

189 Lockhart Drive, Minor Variance, A-121/22 – 22110527

189A Lockhart Drive, Minor Variance, A-120/22 – 22110526

Comments to be provided separately.

92A Louth Street, Minor Variance, A-126/22 – 22110880

No objection.

180 Queenston Street, Minor Variance, A-125/22 – 22110874

CRCS has reviewed the landscape plans submitted with the concurrent application for site plan approval in conjunction with this application for minor variance. In terms of the

requested reduction in the landscape buffer between the parking area and the west lot line, CRCS is satisfied that the proposed wood board fencing along this lot line will provide an appropriate buffer between the new development and any future development of the lands to the west (the former St. Catharines General Hospital site). Additionally, substantial landscaping is shown elsewhere on site that will offset the loss of landscaping in this reduced buffer.

20 Rainbow Drive, Minor Variance, A-122/22 – 22110692

No objection.

239 St. Paul Street West, Minor Variance, A-130/22 – 22110998

CRCS recently provided the following comments on the landscape plan submitted with the concurrent application for site plan approval.

“A landscaped island at the west end of the interior parking stalls was shown on the previous landscape plan. This has been removed, including one tree. Similarly, landscaping materials were to be provided at the southwest corner of the building, including one tree; these have also been removed. To compensate for the loss of this landscaping, additional landscaping will need to be provided along the east and west lot lines within the required landscape buffers. See additional comments below regarding the requested minor variances.

CRCS offers no objection to a reduction in the landscape buffers around the rear parking area provided:

- Plant materials are installed within the narrowed portion of the landscape buffers along both the west and east lot lines. The provision of sod alone will not achieve the intent of the landscape buffers (refer to the definition of a landscape buffer provided in the Zoning By-law).
- Landscaping that was removed from the plans, as noted above, is relocated elsewhere on site, preferably along the east and west lot lines.
- The existing trees located along the east lot line, behind the existing fence are retained. As previously advised, the topo information submitted with the application confirms that the trees are, in fact, located on the subject site. The location of the existing fence shown beside these trees is incorrect on the site plan and landscape plan, but presumably it is shown correctly on the topo information. A tree preservation and protection plan will not be required for these trees given the existing fence (which the plans indicate will remain) will provide protection for the trees during construction.”

Given a revised landscape plan has not yet been received, CRCS suggests that any approval of the related minor variance for a reduction in landscape buffer width be conditional upon the above-noted matters being addressed through the application for site plan approval.

We note that the dimensions provided for the west and south landscape buffers appear to be taken to the front of the curb, not the back of the curb, and that no dimension is provided for the east landscape buffer. These dimensions are required so that the

necessary minor variances can be confirmed. CRCS staff recommend that, should this application be approved, the approval stipulate the required minimum width of each of the three landscape buffers (i.e., the east, west, and south lot lines), in lieu of a blanket reduction to 1.6 metres.

Amanda Knutson
Community Project and Development Planner

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1660
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COMMENTS

A-125/22

180 Queenston Street

DATE OF HEARING:
October 19, 2022



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 14, 2022

Date of Meeting: October 19, 2022

Report Number: A-125/22

File: 22 110874

Subject: 180 Queenston Street

Recommendation

That Minor Variance Application A-125/22, submitted by MHBC Planning Inc. on behalf of Kindred Works, be approved.

Report

The Proposal

The Applicant proposes to redevelop the rear portion of the property municipally known as 180 Queenston Street ("subject lands"). The existing Westminster United Church building fronting on Queenston Street is to be retained while the rear gymnasium addition is to be demolished. The church building will continue to be used as a Place of Worship and will include programmed community space for parishioners, existing neighbourhood residents and future residents of the proposed development. Thirty-nine apartment units in two three-storey "stacked townhouse" style apartment buildings along an interior road are proposed on the rear portion of the property. Thirty parking spaces are proposed for use by the Church and 26 residential parking spaces are proposed, for a total of 55 parking spaces including three accessible parking spaces. The property will be accessed by one vehicular access point on Valleyview Drive. An application for Site Plan Approval was submitted for the proposed development and is currently undergoing the Site Plan Approval process.

To facilitate this development, Minor Variance Application A-125/22 seeks relief from the City of St. Catharines Zoning By-law No. 2013-283, as amended. The variances listed below are requested to facilitate the proposal.

Variance	Provision	Required	Proposed
1	Minimum Rear Yard Setback	9.8m	3.8m
2	Minimum Interior Side Yard Setback	4.9m	3.4m
3	Minimum Landscape Buffer Abutting a Public Road	3.0m	2.8m

4	Minimum Landscape Buffer Abutting a Residential Zone	3.0m	0.6m
5	Minimum Parking Rate for Apartment Units	1.25 spaces per unit	0.65 spaces per unit

Location and Site Description

The subject lands are a through lot located on the south side of Queenston Street and on the north side of Valleyview Road. The surrounding neighbourhood is primarily low density residential with some local commercial uses and medium-density residential buildings on the north side of Queenston Street. To the west, the property is neighboured by the former St. Catharines General Hospital lands which are intended to be redeveloped for future medium-to-high density residential. The subject lands are located in close proximity to Richard Pierpoint Park and the Merritt Trail. Queenston Street, an arterial road, is regularly serviced by public transportation.

The subject lands are currently occupied by the Westminster United Church, with a one-storey gymnasium at the rear of the building which is proposed to be removed. The rear of the property is currently vacant and is utilized as a parking lot for the use of the church.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. There were no objections to the proposal and requested variances received.

Planning Policy Context

Official Plan (Garden City Plan)

The subject lands are designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and are further designated Medium Density Residential on Schedule E5. Apartment buildings are a permitted use this designation. Policy 15.2.2 b) of the GCP permits institutional uses fronting Queenston Street in the Medium Density Residential designation.

Zoning By-law (2013-283)

The subject lands are zoned Community Institutional (I2) with special provision 82 (I2-82). The I2 zone permits a number of institutional uses including a place of assembly, a place of worship and also allows uses permitted in the Medium Density Residential (R3) Zone, and which includes apartment buildings. As such, apartment buildings are permitted in the I2 zone. In addition, special provision 82 also permits ground floor retail, service commercial, and offices uses in conjunction with residential uses on lots fronting onto Queenston Street. Maximum building height, as well as minimum and maximum front yard setbacks from Queenston Street are also modified in this special provision.

Planning Analysis

Variances 1 & 2 – Building Setbacks

Variance 1 requests a reduction of the minimum rear yard setback requirement from 9.8 metres to 3.8 metres. Variance 2 requests a reduction of the minimum interior side yard setback from 4.9 metres to 3.4 metres. The intent of the rear and interior side yard setbacks is to provide adequate separation between high and low profile uses, to allow for access around buildings, to ensure adequate amenity space is provided in the rear yards, and to avoid negative impacts on surrounding properties.

The subject lands have frontage on both Queenston Street and Valleyview Drive. Per the Zoning By-law, Valleyview Drive is defined as the rear lot line, and as such, the technical rear yard setback is to this street line. As the apartment buildings are proposed to be developed on the rear portion of the lot, they have been designed to address the frontage on Valleyview Drive. The rear yard setback is typically required to be equal to the height of the building to allow for amenity space and to avoid impact on adjacent parcels of land to the rear. The reduced rear yard setback of 3.8 metres is requested. Through the concurrent Site Plan Approval application, a reduction in rear yard setback is required to dedicate a 1.38 metre right-of-way widening along Valleyview Drive. As the rear of the property abuts a public road, this reduction does not create any privacy concerns as there are no buildings to the rear. Therefore, the requested reduction is considered minor and desirable for the appropriate use of the lands.

The reduced interior side yard setback from 4.9 metres to 3.4 metres is requested to allow for pinch points between the 'north walkup' building identified on the sketch and the easterly and northerly interior lot lines. The reduction is considered minor as it still allows for access around the building for maintenance and does not create any privacy concerns as there are no habitable buildings in proximity to these interior lot lines.

Section 7.1 (c) of the Garden City Plan states that development and redevelopment shall be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design to ensure the integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood. The proposed setbacks allow the buildings to address and activate the Valleyview Drive streetscape, which at present is underdeveloped. Staff are supportive of the proposed setback reductions as it will improve the character along this public road and will meet the required right-of-way widening dedication. The building height will not overwhelm the public realm nor negatively impact neighbouring properties at the proposed setbacks. Therefore, the proposed variances are in keeping within the intent of the Official Plan and Zoning By-law.

Variances 3 – Landscape Buffer Abutting a Public Road

Variance 3 requests a reduction in the required minimum landscape buffer for a parking area with more than 20 spaces but fewer than 100 spaces abutting a public road from 3.0 metres to 2.8 metres along a small section of the the south property line fronting Valleyview Drive. The intent of this provision is to ensure that public streetscapes and the public realm are not overwhelmed by paving and to create a pedestrian friendly environment. The GCP supports urban design that ensures expansive paved parking

areas are minimized through greening and landscaping initiatives, so that streetscape integrity, adequate drainage and pedestrian safety are maintained.

The parking area that is proposed to be abutting the public road (southwest corner of site) is minimal in comparison to what is existing, and as such, is an improvement of current conditions. The remainder of the property line along Valleyview Drive is proposed to be landscaped and programmed as outdoor amenity space for future tenants. The proposed reduction will have a negligible impact on the amount and quality of landscaping that is proposed to be provided along Valleyview Drive. The intent of the GCP and Zoning By-law is to adequately separate and screen the street from parking areas. The reduced landscape buffer helps to accommodate an appropriate number of parking spaces without compromising the streetscape, which is considered desirable for the development of the subject lands. Staff are supportive of Variance 3.

Variance 4 – Landscape Buffer Abutting a Residential Zone

Variance 4 requests a reduction in the required landscape buffer abutting a residential zone from 3.0 metres to 0.6 metres along the westerly property line.

Section 7.1 c) v) of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site, streetscape, and neighbourhood context sensitive design to ensure the provision of parking areas that do not dominate the site physically or visually and maximize opportunities for internal and perimeter landscaping. The intent of the minimum required landscape buffer in the Zoning By-law is in part to provide a transition to more sensitive adjacent uses, ensure compatibility of parking areas with more sensitive uses and to ensure expansive paving is paired with landscaping to visually reduce the impact of parking of neighbouring uses.

The reduction in minimum required landscape buffer is proposed along the westerly property line, which is the location of the former St. Catharines General Hospital Lands. This parcel is currently vacant and will be undergoing development for a mixed-use medium density redevelopment. The portion of lands that shares the property line with the subject lands and is the subject of Variance 4, is also intended to be developed for a parking area. As such, the proposed reduction in landscape buffer abutting this lot line will not create any negative impacts onto a more sensitive use as none will exist.

The reduction of 3.0 metres to 0.6 metres along the westerly property line is proposed for almost the entirety of this lot line to the rear of the Place of Worship building, and adjacent to 19 parking spaces. Although vegetation will be limited along this portion of the lot line, there will be significant improvement of the overall site condition through the proposed redevelopment as current site conditions provide expansive paving with little landscaping provision. The proposal is an improvement to the existing conditions on site and the variances are considered minor in nature. The layout of the parking area on site is proposed to maximize landscaping along the lot line to the south and internally to the proposed buildings and Place of Worship. A privacy fence along the west property lot line is also proposed to mitigate any further negative impacts such as vehicle headlights and taillights onto the neighbouring lot.

Variance 5 – Parking Rate

Variance 5 requests a reduction in required residential parking spaces from 49 spaces at a rate of 1.25 spaces per unit to 26 spaces at a rate of 0.65 spaces per unit.

Section 5.4(2) of the GCP outlines a number of situations in which the City may consider the reduction or the elimination of vehicular parking requirements. These include situations where transit is readily available, where transit facilities are provided, where bicycle parking and facilities, or community facilities are provided. The intent of the minimum parking requirements in the Zoning By-law are, in part, to accommodate all parking for residents and visitors on site and to not overburden the surrounding neighbourhood.

The subject lands are located along several immediate public transit routes, including routes 311, 318 and 418 along Queenston Street, and are also in proximity to transit routes along Welland Avenue to the north and Oakdale Avenue and Westchester Avenue to the south. Public transit service is available to residents seven days a week, including evening service. The property is within a 10-minute walking radius to a mix of commercial and community uses, and the Downtown. In addition, the applicant proposes to provide 10 bicycle-parking spaces onsite, which will be ensured through the Site Plan Agreement, and Queenston Street has bicycle lanes and is part of the Region's cycling network.

Section 7.8 (iii) of the GCP speaks to considering alternative requirements for residential development when affordable housing is being proposed. Reducing parking requirements lends to making a site more affordable as more units can be located on a site with reduced parking. The parking reduction also recognizes that not all future tenants will own vehicles. Visitor parking can be accommodated in the 30 parking spaces that are being reserved for the Place of Worship use. When the Place of Worship is using its allotted parking, visitor parking can be accommodated on local streets.

The reduction from 49 spaces to 26 spaces for the proposed residential use on site is considered minor in nature. The proposed development is intended to provide a mix of affordable and at-market rental affordable units, which typically have lower parking demands. Future residents will be made aware of parking availability and alternative transportation options available. No unreasonable spillover is anticipated as a result of the reduction. The reduction facilitates the development of an underutilized parcel of land in an area designated for medium density development. Overall, it is considered desirable for the appropriate use of the land.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-125/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the application.

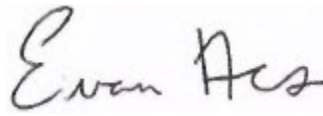
Prepared by:

Submitted by:

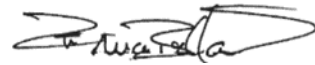
Approved by:

A handwritten signature in black ink that reads "Madeleine Ferko". The script is cursive and fluid.

Madeleine Ferko, B.E.S.
Planner

A handwritten signature in black ink that reads "Evan Acs". The script is cursive and fluid.

Evan Acs, MSC, RPP
Planner I

A handwritten signature in black ink that reads "Bruce Bellows". The script is cursive and fluid.

Bruce Bellows
Senior Project Manager

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
 Planning and Building Services
 Cc: Wilrik Banda
 Planning and Building Services
 From: Lou Grossi, Building Inspector II
 Planning and Building Services
 Date: October 7, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 19, 2022 hearing

NO.	ADDRESS	COMMENTS
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A-127/22	170 Highland Ave	Be advised that a building permit is required to re-construct the proposed single storey dwelling on the existing foundation.
A-121/22	189 Lockhart Drive	No comment
A-120/22	189A Lockhart Drive	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-126/22	92A Louth Street	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-125/22	180 Queenston Street	Be advised that a building permit is required to construct two, three-storey apartment buildings.

NO.	ADDRESS	COMMENTS
A-122/22	20 Rainbow Drive	Be advised that a building permit is required to construct an addition to the existing accessory building and include a covered patio roof.
A-130/22	239 St. Paul Street West	Be advised that a building permit is required to construct the proposed six-storey apartment building.

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 7, 2022
Hearing Date: October 19, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
189A Lockhart Drive – A-120/22
189 Lockhart Drive – A-121/22
20 Rainbow Drive – A-122/22
54 Grantham Avenue South – A-124/22
180 Queenston Street – A-125/22
92A Louth Street – A-126/22
170 Highland Avenue – A-127/22
239 St. Paul Street West – A-130/22

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:



Sean Ip
Development Engineering Technologist

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 28, 2022

Subject: Committee of Adjustment Comments (October 19, 2022, Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

May 19, 2022

City of St. Catharines
City Hall
50 Church St
P.O. Box 3012
St. Catharine's, ON
L2R 7C2

Attention: Evan Acs

File# 22 104147 SP

Re: 180 Queenston St

In response to your correspondence dated May 11, 2022, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.

- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

The following are questions I would like addressed:

1. Who are the apartments (condo) primarily targeting? For example: Seniors, low income, church members p or families?
2. Who is the owner of the Development?
3. Who will be doing the construction?
4. How long will construction take place to finish?
5. Where will the church members park?
6. What will the church do with the building behind the church?
7. Are these free hold?
8. Will there be a superintendant living in the apartments?
9. How many bedrooms in the apartment (condo)?
10. What steps have been taken to address sewers and fire department access?
11. Is there allotment for green space?

Thank you in advance

Karen Chudzik concerns 23 Eastchester

Submission A-125/22

I have the following concerns:

1. Are services available - water, sewage, gas, hydro and storm. Have studies been done,
2. What type of housing - senior, mid or low income, single parents, etc.
3. Why is there no entrance from Queenston St just from small streets - Vally View from Eastchester, this will increase traffic on these roads, has a study been done
4. Same as number 3 but what streets would construction traffic use to access the site.

Heavy trucks on Eastchester would be a hazard to the residents of the street as we saw with old hospital site traffic.

Robert Lambert

29 Eastchester Ave

From: James Barron

Sent: Thursday, September 29, 2022 3:26 PM

To: PBS, Website Information Mailbox <pbs@stcatharines.ca>

Subject: Proposal for 180 Queenston st

CAUTION: This email originated from outside of City of St. Catharines email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I received a notification of a request for a variance in the mail today, as I live at 20 Eastchester Ave, and will be affected by the requests.

I have a comment and a concern for the variances that are being asked for.

The variance I have a comment about is variance number 5.

"A reduction of the minimum parking rate for an apartment building from 1.25 parking spaces per unit to 0.65 parking spaces per unit."

Removing the number of parking spots for an apartment will create problems with overflow parking throughout the neighbourhood.

Our side streets are full enough with the folks that live in this neighbourhood, and during the winter the snow creates additional problems with finding parking due to the build up of snow.

Additionally, how will visitors to the apartment buildings park? With limited space, we will definitely see overflow parking on Valley view Rd, and possibly even on Eastchester.

Variance number 5 should not be approved.

James Barron

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1660
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

A-122/22

20 Rainbow Drive

DATE OF HEARING:
October 19, 2022



Technical Report

And Report Planning and Building Services, Planning Services
from

Date of Report: October 14, 2022

Date of Meeting: October 19, 2022

Report Number: A-122/22

File: 2210692

Subject: 20 Rainbow Drive

Recommendation

That Minor Variance Application **A-122/22** submitted by Bradly Salter and Kerry Salter, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes to construct an extension to an existing detached garage and which will include a covered patio. The variances listed below are requested to facilitate the proposal.

Variance	Provision	Required	Proposed
1	Maximum Lot Coverage for an Accessory Structure	10%	17%
2	Rear lot line setback for a platform structure between 0.15 metres and 0.6 metres in height	1.8m	0.76m
3	Interior side lot line setback for a platform structure between 0.15 metres and 0.6 metres in height	1.2m	0.81m

Location and Site Description

The subject property is a corner lot located on the west side of Rainbow Drive and on the north side of Malibu Crescent. The surrounding neighbourhood is comprised of low density residential in the form of detached dwellings. Lockview Park and Lockview Public School are located north in proximity to the subject lands.

The subject property is currently occupied by a single storey detached dwelling, a detached garage and an above ground pool. The above-ground pool is proposed to be removed.

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 is further designated Low Density Residential on Schedule E3. This designation permits buildings and structures accessory to a detached dwelling.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Detached dwellings with accessory buildings and structures are permitted in this zone.

Planning Analysis

Variance 1

The Applicant is requesting an increase to the maximum lot coverage for an accessory building or structure from 10% to 17% (51.1 square metres to 86.8 square metres) to accommodate a proposed extension to the existing detached garage and to add a covered platform structure. Approval of the variance will facilitate a 54.64 square metre accessory building located in the rear yard. The variance is considered minor in nature.

The current zoning provisions permit an accessory building or structure to occupy no more than 10% of a lot. The intent of the maximum 10% accessory structure coverage provision is, in part, to ensure that accessory structures are subordinate to the primary use of the lot, and to avoid overcrowding of a property with building and structural massing. The existing and proposed accessory structure do not detract from the primary residential use nor negatively impact the character of the lot. The proposed accessory building addition is in the rear yard and meets required height provisions for an accessory structure. The increased lot coverage facilitates the construction of an accessory building that is contextually appropriate in a low-density neighbourhood. Therefore, staff are of the opinion that the increase in accessory lot coverage to 17% is considered appropriate for the development of the subject lands and meets the general intent of the Official Plan and Zoning By-law.

Variances 2 and 3

A portion of the proposed accessory building extension is a covered patio built on a concrete slab 0.15 metre slab above grade. By-law 2013-283 defines any raised level surface that is 0.15 metres or more above grade as a platform structure. The By-law establishes a 1.8 metre minimum setback from the rear lot line and a 1.2 metre minimum setback from the interior side lot line for platform structures that are between 0.15 metres and 0.6 metres in height.

The applicant is seeking relief from the City's by-law to permit the covered patio portion of the proposed garage to be constructed closer to the rear and side lot lines. The proposed setbacks for the platform structure are 0.76 metres from the rear lot line and 0.81 metres from the side lot line. Approval of the variance will permit the covered patio portion of the garage extension to be constructed closer to the rear and side lot lines than otherwise permitted. The variances are considered minor in nature.

The provision is intended to ensure the platform structure does not overwhelm the yard and to maintain a degree of separation from neighbouring properties, thereby mitigating safety, privacy, and overlook concerns. The proposed platform structure is a concrete slab 0.154 metres above grade with a roof over top. The platform structure will function as amenity space for the dwelling, as well as a covered outdoor storage area. The platform structure will be constructed in line with the westerly setback of the existing garage on site, and there is an existing wood panelled fence along the rear and side lot line that obstructs the view of the platform structure from neighbouring properties, mitigating any potential adverse impacts on privacy to the neighbouring lot.

Staff find these variances to be desirable for the appropriate use of the lands, and meet the general intent of the Official Plan and Zoning By-law. Staff recommend that Variances 2 and 3 be approved.

Conclusion

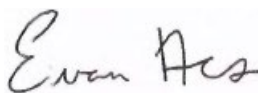
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-122/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of the Application.

Prepared by:



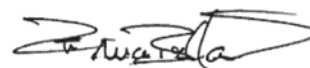
Madeleine Ferko, B.E.S.
Planner

Submitted by:



Evan Acs, MSc, RPP
Planner I

Approved by:



Bruce Bellows
Senior Project Manager

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services

Cc: Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: October 7, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 19, 2022 hearing

NO.	ADDRESS	COMMENTS
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A-121/22	189 Lockhart Drive	No comment
A-120/22	189A Lockhart Drive	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-126/22	92A Louth Street	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
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NO.	ADDRESS	COMMENTS
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A-130/22	239 St. Paul Street West	Be advised that a building permit is required to construct the proposed six-storey apartment building.

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 7, 2022
Hearing Date: October 19, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
189A Lockhart Drive – A-120/22
189 Lockhart Drive – A-121/22
20 Rainbow Drive – A-122/22
54 Grantham Avenue South – A-124/22
180 Queenston Street – A-125/22
92A Louth Street – A-126/22
170 Highland Avenue – A-127/22
239 St. Paul Street West – A-130/22

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:



Sean Ip
Development Engineering Technologist

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 28, 2022

Subject: Committee of Adjustment Comments (October 19, 2022, Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: October 11, 2022

Subject: Committee of Adjustment Applications – September 19, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

10 Canal Street, Consent, B-56/22SC – 22110990

CRCS offers no objection to the proposed boundary adjustment that will result in lands from 10 Canal Street being added to each of the adjacent properties at 9 Lock Street and 15 Lock Street. The applicant is strongly encouraged to retain the existing mature tree located on Part 1 of the survey sketch submitted with this application. Should site plan approval be required as a result of future improvements to either of the Lock Street properties, then typical landscaping requirements would be secured through that process at that time.

54 Grantham Avenue South, Minor Variance, A-124/22 – 2211086

No objection.

170 Highland Avenue, Minor Variance, A-127/22 – 22110894

CRCS offers no objection to the requested reduction in interior side yard setback to facilitate an addition to the existing detached dwelling. We would, however, recommend that the existing wood board privacy fence be retained along the length of the northerly lot line as a buffer between the proposed addition and the neighbouring rear yard.

189 Lockhart Drive, Consent, B-55/22SC – 22110518

189 Lockhart Drive, Minor Variance, A-121/22 – 22110527

189A Lockhart Drive, Minor Variance, A-120/22 – 22110526

Comments to be provided separately.

92A Louth Street, Minor Variance, A-126/22 – 22110880

No objection.

180 Queenston Street, Minor Variance, A-125/22 – 22110874

CRCS has reviewed the landscape plans submitted with the concurrent application for site plan approval in conjunction with this application for minor variance. In terms of the

requested reduction in the landscape buffer between the parking area and the west lot line, CRCS is satisfied that the proposed wood board fencing along this lot line will provide an appropriate buffer between the new development and any future development of the lands to the west (the former St. Catharines General Hospital site). Additionally, substantial landscaping is shown elsewhere on site that will offset the loss of landscaping in this reduced buffer.

20 Rainbow Drive, Minor Variance, A-122/22 – 22110692

No objection.

239 St. Paul Street West, Minor Variance, A-130/22 – 22110998

CRCS recently provided the following comments on the landscape plan submitted with the concurrent application for site plan approval.

“A landscaped island at the west end of the interior parking stalls was shown on the previous landscape plan. This has been removed, including one tree. Similarly, landscaping materials were to be provided at the southwest corner of the building, including one tree; these have also been removed. To compensate for the loss of this landscaping, additional landscaping will need to be provided along the east and west lot lines within the required landscape buffers. See additional comments below regarding the requested minor variances.

CRCS offers no objection to a reduction in the landscape buffers around the rear parking area provided:

- Plant materials are installed within the narrowed portion of the landscape buffers along both the west and east lot lines. The provision of sod alone will not achieve the intent of the landscape buffers (refer to the definition of a landscape buffer provided in the Zoning By-law).
- Landscaping that was removed from the plans, as noted above, is relocated elsewhere on site, preferably along the east and west lot lines.
- The existing trees located along the east lot line, behind the existing fence are retained. As previously advised, the topo information submitted with the application confirms that the trees are, in fact, located on the subject site. The location of the existing fence shown beside these trees is incorrect on the site plan and landscape plan, but presumably it is shown correctly on the topo information. A tree preservation and protection plan will not be required for these trees given the existing fence (which the plans indicate will remain) will provide protection for the trees during construction.”

Given a revised landscape plan has not yet been received, CRCS suggests that any approval of the related minor variance for a reduction in landscape buffer width be conditional upon the above-noted matters being addressed through the application for site plan approval.

We note that the dimensions provided for the west and south landscape buffers appear to be taken to the front of the curb, not the back of the curb, and that no dimension is provided for the east landscape buffer. These dimensions are required so that the

necessary minor variances can be confirmed. CRCS staff recommend that, should this application be approved, the approval stipulate the required minimum width of each of the three landscape buffers (i.e., the east, west, and south lot lines), in lieu of a blanket reduction to 1.6 metres.

Amanda Knutson
Community Project and Development Planner

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1660
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

A-130/22

239 St. Paul Street West

DATE OF HEARING:

October 19, 2022

MEMORANDUM

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services

Cc: Wilrik Banda
Planning and Building Services

From: Lou Grossi, Building Inspector II
Planning and Building Services

Date: October 7, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 19, 2022 hearing

NO.	ADDRESS	COMMENTS
A-124/22	54 Grantham Ave	Be advised that a building permit is required to construct a two-storey addition to the existing dwelling in the E1 zone.
A-127/22	170 Highland Ave	Be advised that a building permit is required to re-construct the proposed single storey dwelling on the existing foundation.
A-121/22	189 Lockhart Drive	No comment
A-120/22	189A Lockhart Drive	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-126/22	92A Louth Street	Be advised that a building permit is required to construct the proposed detached two-storey dwelling.
A-125/22	180 Queenston Street	Be advised that a building permit is required to construct two, three-storey apartment buildings.

NO.	ADDRESS	COMMENTS
A-122/22	20 Rainbow Drive	Be advised that a building permit is required to construct an addition to the existing accessory building and include a covered patio roof.
A-130/22	239 St. Paul Street West	Be advised that a building permit is required to construct the proposed six-storey apartment building.

Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II



Memorandum

To: Jelena Pusara, Development Agreement Coordinator
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 7, 2022
Hearing Date: October 19, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
189A Lockhart Drive – A-120/22
189 Lockhart Drive – A-121/22
20 Rainbow Drive – A-122/22
54 Grantham Avenue South – A-124/22
180 Queenston Street – A-125/22
92A Louth Street – A-126/22
170 Highland Avenue – A-127/22
239 St. Paul Street West – A-130/22

Development Engineering have no comments or objections to the above noted applications, subject to the following;

- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent properties; and,
- All applicants be advised that a Grading Plan, prepared by a Professional Engineer or Ontario Land Surveyor, may be required as part of the submission for a building permit application for those sites required to obtain a building permit, but not subject to concurrent severance applications.

Prepared by:



Sean Ip
Development Engineering Technologist

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 28, 2022

Subject: Committee of Adjustment Comments (October 19, 2022, Hearing)

Upon review of the applications, we have no concerns or requirements.

Steve Bittner
Transportation Technologist

January 14, 2022

City of St. Catharines
City Hall
50 Church St
P.O. Box 3012
St. Catharine's, ON
L2R 7C2

Attention: Scott Ritchie

Re: 239 St. Paul St

In response to your correspondence dated January 10, 2022, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

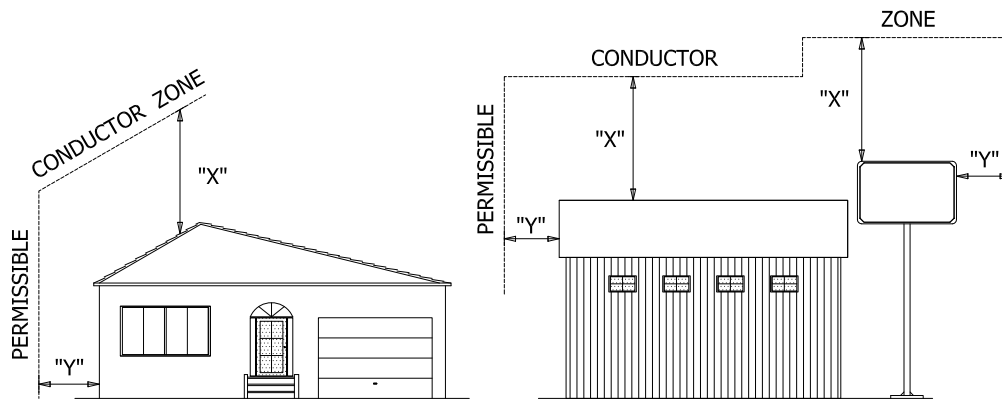
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.

To: Jelena Pusara, Development Agreement Coordinator, PBS
Claire Semple, Community Improvement Plan Coordinator, PBS

Cc:

From: Amanda Knutson, Community Project & Development Planner, CRCS

Date: October 11, 2022

Subject: Committee of Adjustment Applications – September 19, 2022 Hearing

CRCS staff have reviewed the above-noted applications and offer the following comments.

10 Canal Street, Consent, B-56/22SC – 22110990

CRCS offers no objection to the proposed boundary adjustment that will result in lands from 10 Canal Street being added to each of the adjacent properties at 9 Lock Street and 15 Lock Street. The applicant is strongly encouraged to retain the existing mature tree located on Part 1 of the survey sketch submitted with this application. Should site plan approval be required as a result of future improvements to either of the Lock Street properties, then typical landscaping requirements would be secured through that process at that time.

54 Grantham Avenue South, Minor Variance, A-124/22 – 2211086

No objection.

170 Highland Avenue, Minor Variance, A-127/22 – 22110894

CRCS offers no objection to the requested reduction in interior side yard setback to facilitate an addition to the existing detached dwelling. We would, however, recommend that the existing wood board privacy fence be retained along the length of the northerly lot line as a buffer between the proposed addition and the neighbouring rear yard.

189 Lockhart Drive, Consent , B-55/22SC – 22110518

189 Lockhart Drive, Minor Variance, A-121/22 – 22110527

189A Lockhart Drive, Minor Variance, A-120/22 – 22110526

Comments to be provided separately.

92A Louth Street, Minor Variance, A-126/22 – 22110880

No objection.

180 Queenston Street, Minor Variance, A-125/22 – 22110874

CRCS has reviewed the landscape plans submitted with the concurrent application for site plan approval in conjunction with this application for minor variance. In terms of the

requested reduction in the landscape buffer between the parking area and the west lot line, CRCS is satisfied that the proposed wood board fencing along this lot line will provide an appropriate buffer between the new development and any future development of the lands to the west (the former St. Catharines General Hospital site). Additionally, substantial landscaping is shown elsewhere on site that will offset the loss of landscaping in this reduced buffer.

20 Rainbow Drive, Minor Variance, A-122/22 – 22110692

No objection.

239 St. Paul Street West, Minor Variance, A-130/22 – 22110998

CRCS recently provided the following comments on the landscape plan submitted with the concurrent application for site plan approval.

“A landscaped island at the west end of the interior parking stalls was shown on the previous landscape plan. This has been removed, including one tree. Similarly, landscaping materials were to be provided at the southwest corner of the building, including one tree; these have also been removed. To compensate for the loss of this landscaping, additional landscaping will need to be provided along the east and west lot lines within the required landscape buffers. See additional comments below regarding the requested minor variances.

CRCS offers no objection to a reduction in the landscape buffers around the rear parking area provided:

- Plant materials are installed within the narrowed portion of the landscape buffers along both the west and east lot lines. The provision of sod alone will not achieve the intent of the landscape buffers (refer to the definition of a landscape buffer provided in the Zoning By-law).
- Landscaping that was removed from the plans, as noted above, is relocated elsewhere on site, preferably along the east and west lot lines.
- The existing trees located along the east lot line, behind the existing fence are retained. As previously advised, the topo information submitted with the application confirms that the trees are, in fact, located on the subject site. The location of the existing fence shown beside these trees is incorrect on the site plan and landscape plan, but presumably it is shown correctly on the topo information. A tree preservation and protection plan will not be required for these trees given the existing fence (which the plans indicate will remain) will provide protection for the trees during construction.”

Given a revised landscape plan has not yet been received, CRCS suggests that any approval of the related minor variance for a reduction in landscape buffer width be conditional upon the above-noted matters being addressed through the application for site plan approval.

We note that the dimensions provided for the west and south landscape buffers appear to be taken to the front of the curb, not the back of the curb, and that no dimension is provided for the east landscape buffer. These dimensions are required so that the

necessary minor variances can be confirmed. CRCS staff recommend that, should this application be approved, the approval stipulate the required minimum width of each of the three landscape buffers (i.e., the east, west, and south lot lines), in lieu of a blanket reduction to 1.6 metres.

Amanda Knutson
Community Project and Development Planner



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 14, 2022

Date of Meeting: October 19th, 2022

Report Number: A-130/22

File: 22 110998 MV

Subject: 239 St. Paul Street West

Recommendation

That Minor Variance Application (**A-130/22**), submitted by Urban & Environmental Management Inc. ("Agent"), be approved subject to the following conditions:

1. That the minimum landscape buffer width be further reduced to 1.45 metres; and
2. That the reduced minimum landscape buffer width be limited to the east and west side yards; and
3. That the reduced width landscape buffers shall include the following:
 - i. A mix of plant materials, in addition to sod;
 - ii. Retention of the existing trees located along the east property boundary; and
 - iii. Retention or replacement of the existing fence along the east property boundary.

THE PROPOSAL

The Applicant proposes to redevelop the property municipally known as 239 St. Paul Street West ("subject lands") with a six-storey, forty (40) unit apartment building to be supported by fifty (50) parking spaces including two (2) accessible parking spaces and nine (9) bicycle parking spaces. The property will be accessed by one (1) vehicular access point on St. Paul Street West.

To facilitate this development, Minor Variance Application **A-130/22** seeks relief from the City of St. Catharines Zoning By-law No. 2013-283, as amended. The variances below are requested to facilitate the proposal.

Variance	Provision	Required	Proposed
1	Minimum Lot Area per Dwelling Unit	100 m ²	84.75 m ²
2	Maximum Building Height	20 m	24 m

3	Minimum Landscape Buffer Not Abutting a Public Road for a Parking Area with More Than 20 Spaces and Less Than 100 Spaces	3 m	1.6 m
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LOCATION AND SITE DESCRIPTION

The subject lands are rectangular in shape with an approximate total lot area of 3,390 square metres (0.339 hectares) located on the south side of St. Paul Street West. The surrounding neighbourhood is made up of a number of uses including low density residential and commercial along the south side of St. Paul Street West and commercial, employment and green space uses on the north side of St. Paul Street West. The subject lands are located in close proximity to the Seymour-Hannah Sports and Entertainment Complex, Kiwanis Field, the St. Catharines GO Station, and a number of neighbourhood and community commercial uses. St. Paul Street West, a Regional Arterial Road, and nearby Louth Street, an Arterial Road, are consistently serviced by public transportation.

The subject lands are currently utilized as a used car dealership. A Record of Site Condition for the property has been received as part of the Site Plan Approval process.

CIRCULATION OF APPLICATION

This Application was circulated to all appropriate departments and agencies. There were no objections to the proposal and requested variances received. Comments from CRCS have been reflected in the staff recommendation.

PLANNING POLICY CONTEXT

Official Plan (Garden City Plan)

The subject lands are designated 'Mixed Use' on Schedule D1 of the Garden City Plan and are further designated 'Mixed Use 1' on the GO Transit Station Secondary Plan (GTSSP) Schedule E6/7.

Apartment buildings are permitted as a standalone use in both designations. Mixed use designated areas are planned to accommodate a minimum development density equivalent to 100 people and jobs per hectare with a maximum building height of 22 metres. The density of the proposed apartment building is approximately 117 units per hectare with a proposed height of 24 metres, which will be further explored in the Planning Analysis section.

Zoning By-law (2013-283)

The subject lands are zoned Medium Density Mixed Use (M1) Zone in the City of St. Catharines Zoning By-law No. 2013-283. Apartment buildings are a permitted use in this zone.

SITE PLAN APPROVAL

An application for Site Plan Approval was submitted for the proposed development and is currently under review. The applicant will be required to enter into a site plan agreement with the City that will be registered on title and will require future development to implement the approved drawings.

PLANNING ANALYSIS

Variance 1 – Minimum Lot Area Per Dwelling Unit

The Zoning By-law requires a minimum lot area of 100 m² per unit for apartment buildings. The intent of this provision is to ensure that a building footprint can fit comfortably within the property boundary while also ensuring sufficient space for parking, landscaping, outdoor amenity areas, and stormwater management is provided. This provision also allows for density targets as set by the Official Plan to be achieved.

The Applicant is requesting to reduce the minimum lot area from 100 m² to 84.75 m² per dwelling unit, representing an increase in residential density. The reduction is requested to accommodate forty (40) residential units in an apartment building. The proposal for forty (40) residential units in an apartment building represents an overall density of approximately 117 units per hectare, generally aligning with the applicable Official Plan density targets. This density can be easily supported due to the location along multiple transit lines, proximity to future higher order transportation systems and a mix of uses that support the daily and weekly needs of the immediate neighbourhood and wider community.

The proposed development demonstrates that while a reduction in minimum lot area per dwelling unit is requested, parking requirements are sufficiently met. At a required parking rate of 1.25 parking spaces per unit, the proposed development meets these requirements through providing the fifty (50) required spaces. The proposed development demonstrates that adequate landscaped open space can be provided on the lot as the proposal meets the required 20% minimum landscaped coverage with 26.4% landscaped open space proposed. Additionally, outdoor amenity area for potential future residents is proposed to be provided through private balconies and a shared rooftop patio. The requested reduction is considered minor in nature.

Staff are satisfied that the proposed minimum lot area per dwelling unit can accommodate the building footprint of the apartment building and associated parking, landscaping and drainage, therefore maintaining the intent of the bylaw. Staff are satisfied that the scale of the proposed building on the reduced lot will not overwhelm the surrounding streetscape as the lands along the same block and along St. Paul Street West towards downtown are anticipated for future medium mixed-use redevelopment. This infill proposal will contribute to the range of housing forms in the City, which is in keeping with the objectives of the Official Plan. The requested minimum reduction in lot area is minor in nature and required in order to facilitate the optimum development of the site.

Staff recommend approval of Variance 1.

Variance 2 – Maximum Building Height

The Applicant is proposed an increase to the building height from 20 metres to 24 metres. The actual height of the building provided per submitted plans is 23 metres, however staff are supportive with a 1 metre increase in height to accommodate minor increase that may be required as building plans are refined and finalized, including adjustments to the planned rooftop structures. The increase of 4 metres does not create an additional habitable storey for additional residential units, but rather reflects building design and the inclusion of structures on the building roof for the proposed rooftop patio. Approval of the variance will allow construction of the proposed apartment building and associated common amenity area. Staff further note that the proposed seventh floor is limited to a small rooftop amenity room and is not a full residential floor.

The intent of the maximum building height requirement is to ensure appropriate building massing, limiting visual impact, privacy concerns, and shadowing on neighbouring properties. Staff note that the southerly rear yard to the common lot line shared low-density dwellings to the is 33.61 metres. A required rear yard for an apartment building in the M1 Zone is equal to the height of the building, which in this case would be the proposed 23 metres. With the rear yard being greater than the total height of the building, staff find that appropriate design measures have been taken to lessen the impact of increased height. As the proposed building will be built to address the northerly lot line along St. Paul Street West, any neighbouring low-density properties located to the rear of the building will be minimally if at all impacted by shadowing from the proposed building.

This increased setback reduces potential loss of privacy caused by an increase in height, as well as lessens the impact of shadows cast by the building. The increased rear yard setback also provides increased privacy screening and an appropriate transition in building heights between the proposed apartment building and existing detached dwellings. Staff considered the increase in height to be minor and the intent of the Zoning By-law to be upheld.

Section 7.1 of the GCP states that development and redevelopment shall be evaluated for having regard for context sensitive design to ensure the integration of compatible building form, scale, height, and setbacks to adjacent buildings and the surrounding neighbourhood. As stated above, the impacts on adjacent dwellings to the south of the property from an increase in building height are mitigated by site layout and design. Further, Section 15.3.4. v) of the GCP states that buildings will generally not exceed the heights illustrated by Schedule E6/7-A (Building Heights) which indicates a general height of 22 metres (6-storeys) for the subject lands. However, as the height increase in metres to accommodate additional amenity structures on the proposed rooftop patio and not a full, habitable storey, maintaining an effective building height of 6-storeys. This, coupled with mitigative design features and more than adequate rear yard setback, the requested variance is in keeping with the general intent of the Official Plan.

Staff recommend the approval of Variance 2.

Variance 3 – Minimum Landscape Buffer Along a Lot Line Not Abutting a Public Road for a Parking Area With More Than 20 Spaces and Less Than 100 Spaces

Variance 3 requests a reduction in the required landscape buffer not abutting a public road zone from 3.0 metres to 1.60 metres along the westerly and easterly lot lines. Approval of the requested variance would permit the parking lot to be constructed as designed and will meet both parking and landscaping requirements. Staff note that the landscape buffer width was incorrectly dimensioned on the submitted plans and the actual landscape buffer width would be approximately 1.45 metres when measured to the back of curb. This change is reflected in the staff recommendation.

The reduction of 3.0 metres to 1.45 metres along the westerly property line is proposed for the parking area and driveway of the proposed apartment. This area is located adjacent to another driveway and does not serve to buffer any sensitive interface. The proposed landscape buffer widths, while reduced, do represent an improvement over existing the condition. To help offset the reduced width, more intensive landscape plantings should be provided, as reflected in the Recommendation.

A similar landscape buffer with reduction is also required along the east property boundary next to the proposed rear parking area. This area currently contains a row of mature trees and staff are satisfied that the reduced landscape buffer width is appropriate provided that those existing trees will be retained to provide an appropriate screening function.

The intent of minimum landscape buffer requirements is to provide opportunities for greening and to reduce visual impact, noise and privacy concerns between parking areas and neighbouring properties. While a will be provided. The requested reduction is along the easterly and westerly lot lines which are shared with properties also zoned Medium Density Mixed Use (M1), and as such, the need for buffering between uses is reduced. Staff consider the intent of the Zoning By-law to be upheld.

Section 7.1 c) v) of the GCP states that development and redevelopment be evaluated having regard for neighbourhood context sensitive design to ensure the integration of proposed buildings and features, including parking areas, are compatible with adjacent buildings and the surrounding neighbourhood. As stated throughout this report, the proposal has a high degree of context sensitive design. The reduced landscape buffer is located in an area on site that will have minimal impact on the integration of the apartment building into the surrounding urban landscape. The proposed variances are in keeping with the intent of the Official Plan.

The requested variance is considered minor in nature and appropriate, subject to the conditions outlined in the Recommendation. Staff recommend approval of Variance 3.

CONCLUSION

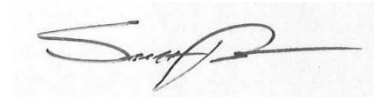
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-130/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the application, as detailed in the Recommendation.

Prepared and Submitted by:

A handwritten signature in black ink, reading "Madeleine Ferko". The signature is written in a cursive, flowing style.

Madeleine Ferko, B.E.S.
Planner

Approved by:

A handwritten signature in black ink, reading "Scott Ritchie". The signature is written in a cursive, flowing style.

Scott Ritchie, MCIP RPP
Senior Planner