

Agenda

Wednesday, November 16, 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:

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

Staff Liaison:

Margaret Josipovic, Acting Secretary-Treasurer
Brenda Stan, Planner
Natasha MacDonald, Planner
Madeleine Ferko, 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- October 19, 2022**
 6. **Declarations of Interest**

7. Request for further Adjournment

- a) 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 further 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. Request for Withdrawl

- a) Item #7, 89 Page Street, Consent, B-57/22SC – 22 111583 the Applicant has requested full stop and withdrawl of the application.

9. Applications

- 1. 122 Cushman Road, Minor Variance A-134/22 – 22112298
- 2. 26 Haight Street, Consent, B-59/22SC – 22112229
- 3. 145 Hartzel Road, Consent, B-60/22SC – 22112305
- 4. 145 Hartzel Road, Minor Variance, A-136/22 – 22112303
- 5. 143 Hartzel Road , Minor Variance, A-135/22 – 22112302
- 6. 260 Oakdale Avenue, Minor Variance, A-131/22 – 22112014
- 8. 17 Prestwick Avenue, Minor Variance, A-133/22 - 22112214
- 9. 7 Sequoia Avenue, Minor Variance, A-128/22 – 22110918
- 10. 112 Townline Road W, Minor Variance, A-132/22 – 22112131
- 11. 294 Vine Street, Minor Variance, A-123/22 - 22110754

10. New Business

- a) Appointment of Jayne Nahachewsky as Secretary Treasurer of Committee of Adjustment

11. Date of next meeting

Wednesday December 14, 2022 at 5.00 pm

12. Motion to Adjourn

**Amanda No. 22 112298 MV
Submission No. A-134/22**

COMMITTEE OF ADJUSTMENT COMMENTS

122 CUSHMAN ROAD

**DATE OF HEARING:
NOVEMBER 16, 2022**



CITY OF
ST. CATHARINES

Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: November 4, 2022

Date of Meeting: November 16, 2022

Report Number: A-134/22

File: 22 112298 MV

Subject: 122 Cushman Road

Recommendation

The application **A-134/22**, submitted by **TSL – Cushman Inc. c/o Effort Trust**, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the landscape strip be replaced with a 3.0 metre wide sod strip along the length of the south lot line. to be used as a sodded drainage swale that will convey limited overland flow of stormwater.
2. That the landowner obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to development or site alterations relating to the 15-metre setback from the adjacent watercourse, should future development or expansion take place.

Report

The Proposal

Application **A-134/22** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, to permit the construction of a storage facility and related office uses which is currently subject to a Site Plan application. Three variances are requested as outlined below:

- | | |
|------------|--|
| Variance 1 | A reduction of the minimum lot frontage from 60.0 metres to 57.1 metres. |
| Variance 2 | A reduction in the required parking spaces from 97 parking spaces to 83 parking spaces. |
| Variance 3 | A reduction in the landscape buffer between the edge of the parking area and the abutting lot line from 3.0 metres to 0.0 metres along the south lot line. |

Location and Site Description

The subject site is located on the east side of Cushman Road between Eastchester Avenue East and Welland Avenue. The site is currently vacant and irregular in shape with approximately 57.1 metres of frontage along Cushman Road. The site also backs onto the Welland Canals Parkway. The surrounding area consists of large parcels of land used for employment uses.

Circulation of Application

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

The Niagara Peninsula Conservation Authority (NPCA) indicates the subject property is impacted by a watercourse and associated 15 metre buffer that traverses the rear of the subject lot. As the proposed variances are minor in nature, and will not further fracture the natural feature, the NPCA has no objection to the proposed applications, but has advised that if the property owner were to undertake development or site alteration within the 15-metre watercourse buffer in the future, an NPCA Work Permit would be required. As such, this condition is included as part of the staff recommendation.

Planning Policy Context

Official Plan (Garden City Plan)

The subject site is designated Employment on Schedule D1 of the Garden City Plan (GCP) and is further designated General Employment on Schedule E3 of the GCP. Warehouse/Storage uses are permitted uses in this designation.

Zoning By-Law (2013-283)

The subject site is currently zoned General Employment E2 as shown on Schedule A16 of the Zoning By-law. The E2 zone permits a range of employment uses. The proposed storage facility and office uses are permitted in the E2 zone.

Planning Analysis

Variance 1 Lot Frontage

Zoning Bylaw 2013-283, as amended, requires a minimum lot width of 60 metres in an E2 General Employment Zone. The requested variance is to recognize the existing lot frontage of 57.1 metres. The site is irregular in shape and most of the lot width is greater than 60 metres. The proposed variance is effectively to recognize the existing lot frontage, is minor in nature, and does not create adverse impacts on the surrounding lands. The proposed site plan provides an appropriate site layout despite the site's irregular shape. The requested reduction in lot frontage is desirable and appropriate for the development of the lands as they meet the general intent of the GCP and the Zoning By-law. Staff are supportive of the requested variance.

Variance 2 Parking Spaces

The proposed development provides 83 parking spaces for the storage facility and office uses whereas the minimum parking requirement in the Zoning By-law is 97 spaces. The Garden City Plan (GCP) states that the city may consider a reduction in vehicular parking requirements where certain criteria are met. Two of these criteria are where transit is readily available and bicycle parking is provided. Transit is available on Cushman Road and 10 bicycle parking spaces are proposed to be provided. The requested variance is desirable and appropriate for the development of the lands as parking space demand for storage facilities is limited, and often is subject to short duration of stays. The requirement for 97 parking spaces is derived primarily based on other Light Industrial uses which may have different characteristics. This variance is minor in nature and there are no adverse impacts from the reduction in the number of parking spaces. Staff are supportive of the requested variance.

Variance 3 Landscape Buffer

Variance 3 requests a reduction in the landscape buffer from 3 metres to 0 metres along the south lot line. While there is a buffer provided along the south lot line, the lands are proposed to be used as a sodded drainage swale that will convey limited overland flow of stormwater. A landscape buffer is defined as an open area used exclusively for growing and maintenance of grass, trees, shrubs, and other horticultural elements and not used for any other purpose. It does not include a sodded drainage swale. The variance is minor in nature as there are no adverse or negative impacts that arise from the development. Additionally, this is an appropriate and desirable use of the lands as the buffer still provides separation from the neighbouring property. 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-134/22** is in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend approval of the Application subject to the conditions outlined in the recommendation.

Prepared by:



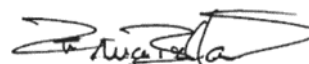
Giuseppe Ferreri
Student Planner

Submitted by:



Brenda Stan
Planner

Approved by:



Bruce Bellows
Senior Project Manager

November 8, 2022

Our File No.: PLMV202201346

BY E-MAIL ONLY

City of St. Catharines
Committee of Adjustment
50 Church St.
St. Catharines, ON
L2R 7C2

Attention: Jayne Nahachewsky, Secretary-Treasurer

Subject: Application for Minor Variance
A-134/22
122 Cushman Road

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted application and offers the following comments for your hearing.

The purpose and effect of these applications is to permit a minimum lot front frontage of 57.1 metres whereas 60.0 required (existing condition) Total of 83 parking spaces required whereas 98 spaces required based on total GFA. Notwithstanding the definition of Landscaped Buffer, the 3.0 metre wide buffer along the south lot line shall be constructed as a sodded swale.

NPCA Policy

NPCA Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies for the Administration of Ontario Regulation 155/06 and The Planning Act*. (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA's Regulation Mapping indicates the subject property is impacted by a watercourse and associated 15 metre buffer that traverses the rear of the lots. As this proposed variance are minor in nature, and will not further fracture the natural feature, the NPCA has no objection to the proposed Minor Variance. If either property owner were to undertake development or site alteration within the 15-metre watercourse buffer in the future, an NPCA Work Permit would be required.



**NIAGARA PENINSULA
CONSERVATION**
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

Conclusion:

At this time, NPCA staff have no objections to the application for Minor Variance (A-134/22) subject to the following:

1. That the landowner obtains a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to development or site alterations relating to the 15-metre setback from the watercourse, should future development or expansion take place.

I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Committee. In the event of an appeal to the Ontario Land Tribunal (OLT), please send notice of any Case Management Conference.

Yours truly,

A handwritten signature in black ink, appearing to read "Meagan Doan".

Meagan Doan
Watershed Planner
(905) 788-3135, ext. 228
mdoan@npca.ca




Memorandum

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 31, 2022
Hearing Date: November 16, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
294 Vine Street – A-123/22
7 Sequoia Avenue – A-128/22
260 Oakdale Avenue – A-131/22
112 Townline Road – A-132/22
17 Prestwick Avenue – A-133/22
122 Cushman Road – A-134/22
143 Hartzel Road – A-135/22
145 Hartzel Road – A-136/22

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 are to 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: November 1, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 16, 2022 hearing

NO.	ADDRESS	COMMENTS
A-134/22	122 Cushman Road	Be advised that a building permit is required to construct the self-storage facility.
A-135/22	143 Hartzel Road	No comment
A-136/22	145 Hartzel Road	No comment
A-131/22	260 Oakdale Avenue	Be advised that a building permit is required for the two proposed shipping containers to be located on the property.
A-133/22	17 Prestwick Avenue	Be advised that a building permit is required to convert the existing single detached dwelling into a duplex.
A-128/22	7 Sequoia Avenue	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-132/22	112 Townline Road	Be advised that a building permit is required to construct the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-123/22	224 Vine Street	Be advised that a building permit is required to construct the 83 townhouse units.

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

**Amanda No. 22 112229 LD
Submission No. B-59/22SC**

COMMITTEE OF ADJUSTMENT COMMENTS

26 HAIGHT STREET

**DATE OF HEARING:
NOVEMBER 16, 2022**



CITY OF
ST. CATHARINES

Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: November 7, 2022

Date of Meeting: November 16, 2022

Report Number: B-59/22SC

File: 22 112229

Subject: 26 Haight Street (to be known as 26A and 26B Haight Street)

Recommendation

The application **B-59/22SC**, submitted by **Ryan Rosko**, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner enter into a development agreement with the City of St. Catharines, to be registered on title to the lands now known as 26 Haight Street addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for Parts 1 and 2, once submitted, be reviewed and approved to the satisfaction of the Director of Planning and Building Services, or designate; and
 - b. That a lot grading and drainage plan, required as a condition of consent approval, be included in the development agreement, to ensure compliance as part of the review and approval of a building permit.
 - c. That the applicant install at its own expense 1.8 metre-high black vinyl chain link fencing (OPSD 972.130) along the length of the east lot line of both the severed and retained parcels, on City-owned lands.
2. That the Owner dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway Haight Street.
3. That the Owner, prior to registering the Reference Plan for the road widening in the Land Registry Office, provide the City with a copy for review and approval.
4. That the Owner pay for City crews to locate, inspect, and document the location of the sanitary lateral and water service currently being used for the existing dwelling.
5. That the Owner, if determined existing laterals or water services conflict with existing or future lot lines, 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.
6. That the Owner arrange to have a Master Grading and Servicing Plan prepared by a qualified Engineer or Ontario Land Surveyor for review and approval by City staff.

7. That the Owner demolish the existing detached dwelling. A building permit shall be obtained for the demolition and inspections completed to the satisfaction of the Chief Building Official.
8. That the applicant submit a cash payment in lieu of parkland dedication in accordance with the City's Parkland Dedication By-law No. 74-72 or 2022-173, whichever applies. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser.
9. That the Owner submit a payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
10. That the Owner provide the Secretary-Treasurer with the acknowledgement 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.
11. 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.
12. That all conditions of consent be fulfilled by November 16th, 2024.

Report

The Proposal

The applicant proposes to sever the existing lot 26 Haight Street into one 280.6 square metre new lot (Part 2) and one 352.5 square metre retained lot (Part 1). This is to facilitate the construction of one semi-detached dwelling (two semi-detached dwelling units), to be known as 26A and 26B Haight Street. The existing detached dwelling will be demolished to facilitate the proposed construction of the two-storey semi-detached dwelling. Part 3 will be dedicated to the City for a road widening along Haight Street.

There are no concurrent variance applications required to facilitate the proposal. A summary of the requested severance is outlined below.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-59/22SC	Part 2 (26B Haight Street)	280.6 m ²	Part 1 (26A Haight Street)	352.5 m ²

Location and Site Description

The subject property is located on the east side of Haight Street just north of Disher Street West. The property is located near parkland and natural areas including Clifford Creek Park directly to the east and a small watercourse that crosses through the park to the rear of the subject property. The surrounding area consists of low rise and low density residential dwellings with a mix of one and two storeys. The property currently contains a one-storey detached dwelling along with a small accessory building to the rear.

Circulation of Application

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

As noted, there is a small watercourse that crosses through the park to the rear of the lot. The Niagara Peninsula Conservation Authority (NPCA) has reviewed the proposal and offers no objection. The NPCA requested that a 15m buffer be provided from the watercourse to any dwellings or structures. The proposal provides adequate buffer to this watercourse.

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 E9. This designation permits a range of residential dwelling types, including semi-detached dwellings, at a density range of 20 to 32 units per hectare of land.

Zoning By-Law (2013-283)

The subject property is currently zoned Low Density Residential-Traditional Neighbourhood (R2) in Zoning By-law 2013-283. The R2 zones permits a range of residential dwelling types including detached, semi-detached, duplex and townhouse dwellings.

Planning Analysis

Consent

Consent Application **B-59/22SC** requests to sever one new lot from the subject property to construct two semi-detached dwelling units. The existing detached dwelling is to be demolished. Section 16.11 of the GCP sets out a number of policies that applications for lot creation 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.*

The proposal will make use of existing infrastructure. Any 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 subject lands are located within the City's built boundary and within an area that is substantially developed. The proposal includes constructing a semi-detached dwelling, which supports context-sensitive infill development and contributes to providing a range of housing types. Additionally, the proposed dwelling fits with the character of the neighbourhood and the surrounding area while also supporting residential growth.

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 proposal will result in two lots with semi-detached dwelling units that fully comply with the R2 zone. The property is currently oversized for the existing detached dwelling as the maximum lot area permitted is 465 square metres and the current lot is 662.5 square metres. This severance will bring the property into compliance with Zoning By-law 2013-283 by facilitating the construction of a semi-detached dwelling that also reflects the character of the neighbourhood. The GCP supports a density range generally between 20 to 32 units per hectare within the Low Density Residential designation. The current density of the lot is 15.8 units per hectare. The density of the proposed development is 31.6 units per hectare, thereby bringing the lot into conformity with the Official Plan. The proposed concept provides adequate buffer from the small watercourse to the rear of the property. As such, staff are satisfied that the proposed severance represents the optimum development of the site and is context-sensitive to the surrounding area.

Land Dedication

Road Widening

Haight Street is designated a Community Road in the City's Transportation Master Plan (TMP). Although the recommended right-of-way width for this road is 20.0m, following further discussions among staff it was determined that a right-of-way width of 18.0m would suffice. Its current width is 15.09m, therefore a widening of 1.46m along the frontage of the subject property is requested.

As per the Official Plan, Council is committed to achieving "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provides "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to current standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (sewer/water, hydro, gas, telecommunications, etc.).

To be consistent with road widening requirements and standards necessary to accommodate City and private utilities and complete street initiatives, staff are recommending as a condition that a road widening of 1.46m across the frontage of the subject property be dedicated to the City to obtain half of the additional requirements necessary to ultimately achieve the road allowance width of 18.0m. The Applicant is

aware of this request and have identified the road widening dedication as Part 3 on the submitted survey sketch.

Conclusion

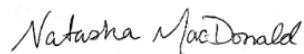
Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-59/22SC** is in keeping with the policies of the Official Plan and is appropriate for the development of the land. It is staff's recommendation that the requested consent be approved, subject to the conditions outlined in the recommendation.

Prepared by:



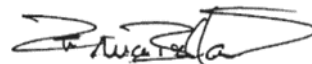
Giuseppe Ferreri
Student Planner

Submitted by:



Natasha MacDonald
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: November 1, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 16, 2022 hearing

NO.	ADDRESS	COMMENTS
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A-135/22	143 Hartzel Road	No comment
A-136/22	145 Hartzel Road	No comment
A-131/22	260 Oakdale Avenue	Be advised that a building permit is required for the two proposed shipping containers to be located on the property.
A-133/22	17 Prestwick Avenue	Be advised that a building permit is required to convert the existing single detached dwelling into a duplex.
A-128/22	7 Sequoia Avenue	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-132/22	112 Townline Road	Be advised that a building permit is required to construct the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-123/22	224 Vine Street	Be advised that a building permit is required to construct the 83 townhouse units.



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

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: November 1, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – November 16, 2022 hearing

B-59/22SC – 26 Haight Street

Comment:

- No comment

Condition:

- No comment

B-60/22SC – 143-145 Hartzel Road

Comment:

- No comment

Condition:

- 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 south on Part 2, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-57/22SC – 89 Page Street

Comment:

- A building permit is required to construct the proposed detached garage and to complete all inspections to the satisfaction of the Chief Building Official.

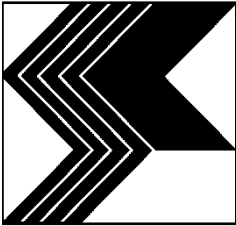
Condition:

- No comment

A handwritten signature in blue ink, appearing to read 'Lou Grossi', with a horizontal line extending to the right and a vertical line crossing it.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-59/22SC



October 28, 2022

ENGINEERING FILE 300-36

Hearing Date: November 16, 2021

Applicant: Ryan Rosko

Location: 26 Haight Street

MUNICIPAL SERVICES

Water:	150mm PVC
Sanitary:	250mm Concrete
Storm:	None
Sidewalks:	Yes
Road Allowance:	15.09m±

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

Comment(s): It is noted the Owner wishes to sever Part 1 for the construction of one semi-detached dwelling to be known as 26B Haight Street. A remnant parcel (Part 2) will be retained for the proposed construction one other semi-detached dwelling to be known as 26A Haight Street. Part 3 has been identified to be dedicated to the City as a road widening.

Roads

Haight Street is designated a Community Road as per the City’s Transportation Master Plan, with a desired right-of-way width of 20.0m along this section. Its current width is approximately 15.09m. Further internal discussions have concluded that Haight Street, although deficient, would suffice at a minimum ultimate width of 18.0m rather than the preferred 20.0m, therefore the City shall require a widening along the frontage established based on the centreline of the original road allowance to obtain half of the required amount desired to achieve an 18.0m right-of-way width. These lands shall be transferred to the City free and clear of any encumbrances to be known as Public Highway *Haight Street*. A draft reference plan shall be submitted for review and approval prior to registration in the Land Registry Office and forwarded to the City. The City shall move forward with acceptance of the land transfer by By-law.

Sidewalks

Sidewalks exist along the frontage. Damage deposits shall be required at the Building Permit stage, the costs of which to be determined based on the length of the frontage and as per the City’s current Schedule of Rates & Fees. Care shall be taken not to damage these existing services during servicing and construction of the development site, if approved.

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 do 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 does not exist on Haight Street, weeping tile drainage shall be discharged via sump pump to grade at the front or rear foundation walls of the dwellings and be identified on the proposed Master Lot Grading plan. The plan shall also ensure and identify rainwater leaders (downspouts) are directed/discharged to the front/rear of the lot only.

The Owner shall be responsible to pay the fee 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. The locations of existing laterals and the proposed laterals shall be identified on the proposed Master Lot Grading Plan. If the existing services are determined to conflict, 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. Payment to the City for new water and sanitary laterals for the new lots from the sewers and watermain to the property line shall be obtained at the building permit stage. **The City shall not authorize the installation of services prior to the lots being registered and legally created.**

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

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway *Haight Street*; 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 Grading and Servicing 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

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer, PBS

Cc:

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

Date: November 8, 2022

Subject: Committee of Adjustment Applications – November 16, 2022 Hearing

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

122 Cushman Road, Minor Variance, A-134/22 - 22112298 MV

The applicant is requesting a minor variance to reduce the width of the required landscape buffer along the southerly lot line from 3.0 metres to 0.0 metres. The landscape plans submitted with the concurrent application for site plan approval show that a 3.0 metre sod strip will be provided in this area, but it will be encumbered by a drainage swale. The sod strip, therefore, does not meet the definition of a landscape buffer under the Zoning By-law, being “an open area on a lot used exclusively for the growing and maintenance of grass, trees, shrubs and other horticultural elements...”

We note that the adjacent lands immediately south of the area in question are also designated and zoned for employment uses; there is no land use conflict in this area. Further, substantial landscaping is shown elsewhere on site that will offset the loss of landscaping in this reduced buffer, including the provision of two landscaped islands that break up the southerly row of parking spaces.

Should the minor variance for a reduction in the landscape buffer from 3.0 metres to 0.0 metres be approved, CRCS recommends that approval be conditional upon that landscape strip being replaced with a 3.0 metre wide sod strip along the length of the south lot line. Without a condition in place, this green space could be removed in its entirety.

26 Haight Street, Consent to Sever, B-59/22SC – 22 112229 LD

CRCS offers no objection to the proposed creation of one new lot to facilitate the construction of a semi-detached dwelling. To delineate the lots from the City's park to the east, and to prevent future encroachment into the park, CRCS will require that the applicant install a 1.8 metre high chain link fence along the rear lot line of both the severed and retained parcels. The applicant may wish to also install a 1.8 metre high chain link gate at the rear of each lot to allow access to the park by the dwelling occupants.

Should the application be approved, CRCS recommends the following conditions be imposed:

1. That the applicant install at its own expense 1.8 metre-high black vinyl chain link fencing (OPSD 972.130) along the length of the east lot line of both the severed and retained parcels, on City-owned lands.
2. That the applicant submit a cash payment in lieu of parkland dedication in accordance with the City's Parkland Dedication By-law No. 74-72 or 2022-173, whichever applies. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
3. That the applicant submit payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

143 - 145 Hartzel Road, Consent to Sever, B-60/22SC – 22 112305 LD

143 Hartzel Road, Minor Variance, A-135/22 – 22 112302 MV

145 Hartzel Road, Minor Variance, A-136/22 – 22 112303 MV

CRCS offers no objection to the proposed severance which will recreate two previously existing lots, nor the related minor variances. We note that there are existing site plan agreements registered against both the severed and retained parcels. During a recent site inspection, CRCS staff confirmed that some of the landscaping required pursuant to those site plan agreements has either been removed or is missing. Should the application for consent be approved, CRCS recommends the following conditions be imposed:

1. That the applicant reinstate to the satisfaction of CRCS the landscaping on both the severed and retained parcels that was required pursuant to the applicable registered site plan agreement.
2. That the applicant submit payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

260 Oakdale Avenue, A-131/22 – 22 112014 MV

The applicant is requesting permission to extend the existing legal-non conforming use on the subject lands so that two sea containers as well as outdoor storage associated with the motor vehicle repair garage can be permanently located in the rear yard. CRCS staff are concerned that, without an appropriate buffer in place, the applicant's proposal will have a negative impact on the use and enjoyment of the public golf course. Should the application to extend the legal non-conforming use be approved, CRCS staff recommend that the following conditions be imposed:

1. That a minimum 3.0 metre-wide landscape buffer be provided along the length of the rear lot line consisting of densely planted coniferous trees that will grow to a height sufficient enough to screen the rear yard from the adjacent public golf course to the satisfaction of CRCS.
2. In order to prevent any future encroachment onto public lands, the owner shall, at its own expense, remove the existing fencing along the common lot line between

the subject lands and the public golf course and replace it with a 1.8 metre-high black vinyl chain link fence (OPSD 972.130), which fencing shall be located on public property.

89 Page Street, Consent to Sever, B-57/22SC – 22 111583 LD

No objections.

17 Prestwick Avenue, Minor Variance, A-133/22 – 22 112214 MV

Comments will be provided under separate cover.

7 Sequoia Avenue, Minor Variance, A-128/22 – 22 110918 MV

No objections.

112 Townline Road, Minor Variance, A-132/22 – 22 112131 MV

No objections.

294 Vine Street, Minor Variance, A-123/22 - 22 110754 MV

Comments will be provided under separate cover.

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

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 3, 2022

Subject: Committee of Adjustment Comments (November 16, 2022, Hearing)

A-123/22 – 294 Vine Street

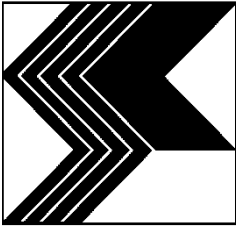
The applicant submitted plans showing the suitability of the proposed parking stall sizes with various sized vehicles. Nothing was submitted showing the suitability of the reduced distances from the garage to the street.

For full sized pick-up trucks, a 6.01 metre separation between the garage and the street was just sufficient to accommodate the vehicle. As such, we'd have concerns that any reduction from the 6.0 m separation requirement from the garage to the street wouldn't be sufficient to accommodate larger sized vehicles, resulting in the vehicle encroaching onto the street or sidewalk.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-59/22SC



October 28, 2022

ENGINEERING FILE 300-36

Hearing Date: November 16, 2021

Applicant: Ryan Rosko

Location: 26 Haight Street

MUNICIPAL SERVICES

Water:	150mm PVC
Sanitary:	250mm Concrete
Storm:	None
Sidewalks:	Yes
Road Allowance:	15.09m±

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

Comment(s): It is noted the Owner wishes to sever Part 1 for the construction of one semi-detached dwelling to be known as 26B Haight Street. A remnant parcel (Part 2) will be retained for the proposed construction one other semi-detached dwelling to be known as 26A Haight Street. Part 3 has been identified to be dedicated to the City as a road widening.

Roads

Haight Street is designated a Community Road as per the City’s Transportation Master Plan, with a desired right-of-way width of 20.0m along this section. Its current width is approximately 15.09m. Further internal discussions have concluded that Haight Street, although deficient, would suffice at a minimum ultimate width of 18.0m rather than the preferred 20.0m, therefore the City shall require a widening along the frontage established based on the centreline of the original road allowance to obtain half of the required amount desired to achieve an 18.0m right-of-way width. These lands shall be transferred to the City free and clear of any encumbrances to be known as Public Highway *Haight Street*. A draft reference plan shall be submitted for review and approval prior to registration in the Land Registry Office and forwarded to the City. The City shall move forward with acceptance of the land transfer by By-law.

Sidewalks

Sidewalks exist along the frontage. Damage deposits shall be required at the Building Permit stage, the costs of which to be determined based on the length of the frontage and as per the City’s current Schedule of Rates & Fees. Care shall be taken not to damage these existing services during servicing and construction of the development site, if approved.

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 do 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 does not exist on Haight Street, weeping tile drainage shall be discharged via sump pump to grade at the front or rear foundation walls of the dwellings and be identified on the proposed Master Lot Grading plan. The plan shall also ensure and identify rainwater leaders (downspouts) are directed/discharged to the front/rear of the lot only.

The Owner shall be responsible to pay the fee 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. The locations of existing laterals and the proposed laterals shall be identified on the proposed Master Lot Grading Plan. If the existing services are determined to conflict, 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. Payment to the City for new water and sanitary laterals for the new lots from the sewers and watermain to the property line shall be obtained at the building permit stage. **The City shall not authorize the installation of services prior to the lots being registered and legally created.**

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

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject properties, to be known as Public Highway *Haight Street*; 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 Grading and Servicing 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

Amanda No. 22 112302 MV
Amanda No. 22 112303 MV
Amanda No. 22 112305 LD

Submission No. A-135/22
Submission No. A-136/22
Submission No. A-117/22

COMMITTEE OF ADJUSTMENT COMMENTS

143-145 HARTZEL ROAD

DATE OF HEARING:
November 16, 2022



Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: November 4, 2022

Date of Meeting: November 16, 2022

Report Number: B-60/22SC

File: 22 112305 LD

A-135/22

22 112302 MV

A-136/22

22 112303 MV

Subject: 143 Hartzel Road and 145 Hartzel Road

Recommendation

Consent

The application **B-60/22SC**, submitted by **Hardale Properties Inc.**, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. Pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing buildings.
2. If determined existing laterals or water services conflict with existing or proposed 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.
3. That the applicant reinstate to the satisfaction of CRCS the landscaping on both the severed and retained parcels that was required pursuant to the applicable registered site plan agreement.
4. That the applicant submit payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
5. That the applicant 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 building facing south on Part 2, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.
6. That the Owner provide the Secretary-Treasurer with the acknowledgement 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.
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 November 16, 2024.

Minor Variance

The application **A-135/22**, submitted by **Hardale Properties Inc**, as outlined in the Notice of Hearing, be approved.

The application **A-136/22**, submitted by **Hardale Properties Inc**, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes to sever 2233.6 square metres (Parts 2 and 3) from a 10,294 square metre parcel (Part 1, 2 and 3) to recreate the previously existing lot configuration. The retained lands (Part 1), 8061 square metres in size, would continue to be used as Tim Hortons and Wendy's restaurant with a drive thru (145 Hartzel Rd.). The severed lands (Part 2 and 3) will continue to be used as a restaurant (143 Hartzel Rd.). There are concurrent minor variance applications to facilitate the continued use of the lands as outlined below:

Number	Application	Variance	Required	Proposed
1	A-135/22 and A-136/22	Minimum Landscape Buffer along a parking area	3.0 metres	0.0 metres
2	A-135/22	Interior Side Yard Setback	1.2 metres	0.0 metres

Location and Site Description

The subject sites are located on the west side of Hartzel Road between Dunvegan Road and Lonsdale Avenue. The surrounding area consists of a mix of commercial and residential uses with some institutional uses located in the extended area. To the rear of the subject lands are residential dwellings. The surrounding commercial uses consist of a variety of shops and services while the residential areas are made up of low rise and low-density dwellings with a mix of one and two storey residential units. 145 Hartzel Road currently consists of a Wendy's restaurant and a Tim Hortons restaurant with a drive-thru. 143 Hartzel Road also contains a restaurant.

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 are designated Mixed Use on Schedule D1 and Schedule E9 of the Garden City Plan (GCP). The restaurant uses are permitted within the Mixed Use designation.

Zoning By-Law (2013-283)

143 Hartzel Road is currently zoned Medium Density Mixed Use (M1) in the Zoning By-law (2013-283). Restaurant uses are permitted within the M1 Zone.

145 Hartzel Road is currently zoned Medium Density Mixed Use (M1-H1) in the Zoning By-law. Holding Provision H1 requires an Environmental Site Assessment prior to the removal of the Holding Provision. As no new development is proposed, an Environmental Site Assessment is not required at this time.

Planning Analysis

Consent

Application **B-60/22** is made for consent to sever 2,233.6 square metres of land (Parts 2 and 3) to recreate the previously existing lot configuration on the subject lands. An 8,061 square metre parcel (Part 1) will be retained. No new buildings or structures are being proposed. Section 16.11 of the GCP sets out a number of policies that applications for lot creation 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.*

The proposed severance will make use of existing infrastructure as there will be no new buildings or structures being constructed. Both existing buildings will be retained. Any required improvements to infrastructure, such as municipal streets, water, wastewater, and stormwater services, will be at the owner's expense. There are no anticipated costs for the City.

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

The proposed consent is located within the City's built boundary and within an area that is substantially developed. The severance will not result in additional or reduced density

or development. The existing uses are intended to serve the immediate neighbourhood and community population and will continue to do so.

- 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 two lots that were previously merged together. The proposed lottage pattern will not affect the provision of adequate and required parking on each of the 2 parcels of land to serve the existing restaurants on site. Given that these sites were previously operated as separate sites, and currently function as 2 separate sites, severing them would not negate optimization for future development of the surrounding area.

Apart from the reduction in the minimum required landscape buffer, all other zoning requirements for the lots are being met. Subject to the approval of the necessary minor variances, staff are supportive of the proposed consent. Staff recommend that consent application **B-60/22SC** be approved, subject to the conditions outlined in the recommendations.

Minor Variance

Minor Variance 1

The minor variance being sought to facilitate the consent application applies to both sites subject to the Consent application (143 and 145 Hartzel Road). The requested variance is for the reduction of the required landscape buffer on both sides of the proposed lot line severing the 2 parcels, from 3.0 metres to 0.0 metres. The reduction in the landscape buffer causes no adverse impact on the surrounding lands and is desirable and appropriate for the use of the lands. The site development on the lands has been in existence for the past 27 years, and the reduction of landscape buffer will not affect a change to the existing character of development on the lands. The area requested for the reduction of the landscape buffer does not abut a public road or residential area, and reflects an existing situation. Overall, the reduction of a landscaped buffer along the proposed severance lot line is minor in nature, appropriate and desirable for the existing development of the lands, and meets the general intent of the Official Plan and Zoning By-law. Staff are supportive of the requested variance.

Minor Variance 2

This minor variance being sought to facilitate the consent application applies to Application A-135/22 (143 Hartzel Road). The requested variance is for the reduction of the interior side yard setback for the existing building from 1.2 metres to 0 metres (along the south property line of 143 Hartzel Road). Staff find that this variance is minor in nature and desirable for the continued use of the lands. The reduction in the side yard setback causes no adverse impacts on the neighbouring lands or the surrounding area as this has been the configuration of the site prior to the creation of the Zoning By-law. The reduction of the side yard setback is minor in nature, appropriate and desirable for the development of the lands and meets the general intent of the Official Plan and Zoning By-law. Staff support the proposed variance.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-60/22SC** is in keeping with the policies of the Official Plan and is appropriate for the development of the land. It is staff's recommendation that the requested consent be approved, subject to the conditions outlined in the recommendation.


Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Applications **A-135/22** and **A-136/22** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend approval of the Applications.

Prepared by:



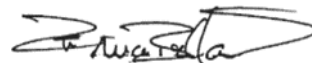
Giuseppe Ferreri
Student Planner

Submitted by:



Brenda Stan
Planner

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: November 1, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 16, 2022 hearing

NO.	ADDRESS	COMMENTS
A-134/22	122 Cushman Road	Be advised that a building permit is required to construct the self-storage facility.
A-135/22	143 Hartzel Road	No comment
A-136/22	145 Hartzel Road	No comment
A-131/22	260 Oakdale Avenue	Be advised that a building permit is required for the two proposed shipping containers to be located on the property.
A-133/22	17 Prestwick Avenue	Be advised that a building permit is required to convert the existing single detached dwelling into a duplex.
A-128/22	7 Sequoia Avenue	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-132/22	112 Townline Road	Be advised that a building permit is required to construct the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-123/22	224 Vine Street	Be advised that a building permit is required to construct the 83 townhouse units.



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

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: November 1, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – November 16, 2022 hearing

B-59/22SC – 26 Haight Street

Comment:

- No comment

Condition:

- No comment

B-60/22SC – 143-145 Hartzel Road

Comment:

- No comment

Condition:

- 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 south on Part 2, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code as applicable.

B-57/22SC – 89 Page Street

Comment:

- A building permit is required to construct the proposed detached garage and to complete all inspections to the satisfaction of the Chief Building Official.

Condition:

- No comment

A handwritten signature in blue ink, appearing to read 'Lou Grossi', with a horizontal line extending to the right and a vertical line crossing it.

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

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer, PBS

Cc:

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

Date: November 8, 2022

Subject: Committee of Adjustment Applications – November 16, 2022 Hearing

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We note that the adjacent lands immediately south of the area in question are also designated and zoned for employment uses; there is no land use conflict in this area. Further, substantial landscaping is shown elsewhere on site that will offset the loss of landscaping in this reduced buffer, including the provision of two landscaped islands that break up the southerly row of parking spaces.

Should the minor variance for a reduction in the landscape buffer from 3.0 metres to 0.0 metres be approved, CRCS recommends that approval be conditional upon that landscape strip being replaced with a 3.0 metre wide sod strip along the length of the south lot line. Without a condition in place, this green space could be removed in its entirety.

26 Haight Street, Consent to Sever, B-59/22SC – 22 112229 LD

CRCS offers no objection to the proposed creation of one new lot to facilitate the construction of a semi-detached dwelling. To delineate the lots from the City's park to the east, and to prevent future encroachment into the park, CRCS will require that the applicant install a 1.8 metre high chain link fence along the rear lot line of both the severed and retained parcels. The applicant may wish to also install a 1.8 metre high chain link gate at the rear of each lot to allow access to the park by the dwelling occupants.

Should the application be approved, CRCS recommends the following conditions be imposed:

1. That the applicant install at its own expense 1.8 metre-high black vinyl chain link fencing (OPSD 972.130) along the length of the east lot line of both the severed and retained parcels, on City-owned lands.
2. That the applicant submit a cash payment in lieu of parkland dedication in accordance with the City's Parkland Dedication By-law No. 74-72 or 2022-173, whichever applies. Section 53(13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser. (Condition subject to Planning and Building Services' determination that parkland dedication can, in fact, be collected for this application.)
3. That the applicant submit payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

143 - 145 Hartzel Road, Consent to Sever, B-60/22SC – 22 112305 LD

143 Hartzel Road, Minor Variance, A-135/22 – 22 112302 MV

145 Hartzel Road, Minor Variance, A-136/22 – 22 112303 MV

CRCS offers no objection to the proposed severance which will recreate two previously existing lots, nor the related minor variances. We note that there are existing site plan agreements registered against both the severed and retained parcels. During a recent site inspection, CRCS staff confirmed that some of the landscaping required pursuant to those site plan agreements has either been removed or is missing. Should the application for consent be approved, CRCS recommends the following conditions be imposed:

1. That the applicant reinstate to the satisfaction of CRCS the landscaping on both the severed and retained parcels that was required pursuant to the applicable registered site plan agreement.
2. That the applicant submit payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.

260 Oakdale Avenue, A-131/22 – 22 112014 MV

The applicant is requesting permission to extend the existing legal-non conforming use on the subject lands so that two sea containers as well as outdoor storage associated with the motor vehicle repair garage can be permanently located in the rear yard. CRCS staff are concerned that, without an appropriate buffer in place, the applicant's proposal will have a negative impact on the use and enjoyment of the public golf course. Should the application to extend the legal non-conforming use be approved, CRCS staff recommend that the following conditions be imposed:

1. That a minimum 3.0 metre-wide landscape buffer be provided along the length of the rear lot line consisting of densely planted coniferous trees that will grow to a height sufficient enough to screen the rear yard from the adjacent public golf course to the satisfaction of CRCS.
2. In order to prevent any future encroachment onto public lands, the owner shall, at its own expense, remove the existing fencing along the common lot line between

the subject lands and the public golf course and replace it with a 1.8 metre-high black vinyl chain link fence (OPSD 972.130), which fencing shall be located on public property.

89 Page Street, Consent to Sever, B-57/22SC – 22 111583 LD

No objections.

17 Prestwick Avenue, Minor Variance, A-133/22 – 22 112214 MV

Comments will be provided under separate cover.

7 Sequoia Avenue, Minor Variance, A-128/22 – 22 110918 MV

No objections.

112 Townline Road, Minor Variance, A-132/22 – 22 112131 MV

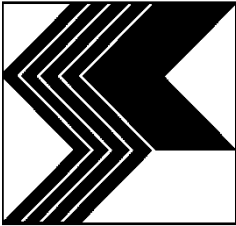
No objections.

294 Vine Street, Minor Variance, A-123/22 - 22 110754 MV

Comments will be provided under separate cover.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-60/22SC



November 3, 2022

ENGINEERING FILE 300-36

Hearing Date: November 16, 2021

Applicant: Andrew Salem
Cassels Brock & Blackwell LLP

Location: 143 & 145 Hartzel Road

MUNICIPAL SERVICES

Water:	200mm PVC
Sanitary:	200mm Clay
Storm:	750mm
Sidewalks:	Yes
Road Allowance:	26.0±

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

Comment(s): The current property PIN includes Part 1 (currently known as 145 Hartzel Road) and Parts 2 & 3 (currently known as 143 Hartzel Road). It is noted that the Owner wishes to sever Part 1 from Parts 2 & 3. The severed parcel (Part 1) will continue its existing use as restaurants and related driveways and surface parking. The remnant parcel (Parts 2 & 3) will also continue its existing use as a restaurant and related driveway and surface parking.

Roads

Hartzel Road is designated a Main Mixed-Use Corridor as per the City’s Transportation Master Plan, with a desired right-of-way width of 26.0m along this section. Its current width is sufficient, therefore the City will not require a widening as a condition of this application.

Sidewalks

Sidewalks exist along the frontage, and no further sidewalk requirements are warranted.

Engineering Services

It is understood no additional development or construction is proposed on and within these lots, and the purpose of this application is for the request to adjust the boundaries of the subject lands.

The Owner shall be responsible to pay the fee 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 proposed lot lines. If any of the existing services are determined to conflict with existing or proposed lot lines, the Owner shall be responsible to relocate the portions of these services on private property, to the appropriate municipal service mainline, through a Plumbing Only permit. The Owner shall also pay to the City the fees required to relocate any portion of those services within the municipal right-of-way.

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

- Pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing buildings; and,
- If determined existing laterals or water services conflict with existing or proposed 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:



Sean Ip
Development Engineering Technologist



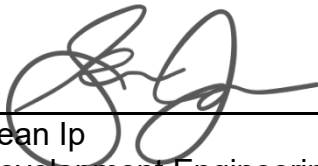
Memorandum

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 31, 2022
Hearing Date: November 16, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
294 Vine Street – A-123/22
7 Sequoia Avenue – A-128/22
260 Oakdale Avenue – A-131/22
112 Townline Road – A-132/22
17 Prestwick Avenue – A-133/22
122 Cushman Road – A-134/22
143 Hartzel Road – A-135/22
145 Hartzel Road – A-136/22

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 are to 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: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 3, 2022

Subject: Committee of Adjustment Comments (November 16, 2022, Hearing)

A-123/22 – 294 Vine Street

The applicant submitted plans showing the suitability of the proposed parking stall sizes with various sized vehicles. Nothing was submitted showing the suitability of the reduced distances from the garage to the street.

For full sized pick-up trucks, a 6.01 metre separation between the garage and the street was just sufficient to accommodate the vehicle. As such, we'd have concerns that any reduction from the 6.0 m separation requirement from the garage to the street wouldn't be sufficient to accommodate larger sized vehicles, resulting in the vehicle encroaching onto the street or sidewalk.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

**Amanda No. 22 112014 MV
Submission No. A-131/22**

COMMITTEE OF ADJUSTMENT COMMENTS

260 OAKDALE AVENUE

**DATE OF HEARING:
November 16, 2022**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 10, 2022

Date of Meeting: November 16, 2022

Report Number: A-131/22

File: 22112014

Subject: 260 Oakdale Avenue

Recommendation

That Application **A-131/22** submitted by Scott's Automotive Inc., as outlined in the Notice of Hearing, be denied.

Report

The Proposal

Application **A-131/22** is made for permission to extend the existing motor vehicle repair garage as a legal non-conforming use to permit two accessory structures and outdoor storage for the existing use. The use of a motor vehicle repair garage at the subject property has legally existed prior to the approval of the current Zoning By-law 2013-283, as amended. However, the use of outdoor storage and placement of accessory structures to be used for storage were not legally established on the property. As such, the applicant has requested to permit the extension of the legal non-conforming use.

Background

The existing motor vehicle and repair garage use was legally established prior to the passing of the current Zoning By-law in 2013. When the current owner purchased the property in 2014, two enclosed accessory structures (sea containers) were already located to the rear of the property and being used as storage for the motor vehicle related use. The exact dates of when the structures were placed on the property is unknown, however, the first structure is estimated to be placed between 2004 and 2010 and the second structure was added around 2012. Staff note that approval from the City would have been required to extend the legal non-conforming use prior to placing the two structures on the property, as the lands were zoned residential in the previous by-law as well, but this was not obtained.

In January 2016, Application **A-02/16** was submitted to the City to permit the two existing accessory structures as well as add three additional accessory structures (all enclosed

sea containers) to be used as storage for the motor vehicle repair garage. This Application to extend the legal non-conforming use to permit five accessory structures for storage was denied by the Committee of Adjustment. Staff also recommended denial of the Application as it was deemed that the request for the extension of the legal non-conforming use would not be an appropriate and desirable use of the lands nor did it meet the intent and purpose of the City's Official Plan and Zoning By-law. City policy and zoning regarding this property have not changed since this application was considered.

Location and Site Description

The subject site is located on the east side of Oakdale Avenue between Capner Street and Carson Court. As noted, the current use of an motor vehicle repair garage on the property is considered legal non-conforming. The property includes a front parking area, the automotive service building and a large yard that extends to the rear of the property. The rear yard contains additional parking spaces, two enclosed shipping containers used for storage as well as two unenclosed waste bins and other outdoor storage. The surrounding area consists primarily of residential uses with detached dwellings to the south and apartment buildings to the north. The subject site backs onto the Garden City Golf Course to the east. Additionally, on the west side of Oakdale, across from the subject site is the Merritt Trail and more natural areas.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. CRCS staff expressed concern with the proposal and that without an appropriate buffer in place, the proposal would have a negative impact on the use and enjoyment of the public golf course. Should the Committee of Adjustment approve the application, staff have provided recommended conditions to be applied. Building staff note that should the Committee approve the application, a building permit would be required to permit the existing structures.

The City received comments from the adjacent neighbour at 264 Oakdale Avenue, who expressed concerns with the storage containers given the auto-related use on the property and its associated potential hazards.

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). The site is further designated as High Density Residential on Schedule E9 of the GCP. This designation permits a range of dwelling types including triplex, quadplex, fourplex, townhouse and apartment dwellings at a density range of generally 85 units per hectare of land or greater. A motor vehicle repair garage is not permitted within the GCP residential designation, but the existing motor vehicle repair garage on site is recognized as a legal non-conforming use.

Zoning By-Law (2013-283)

The subject property is currently zoned as Medium Density Residential (R3) on Schedule A15 of the Zoning By-law (2013-283). The R3 zone permits a range of dwelling types including detached, semi-detached, duplex, triplex, townhouse and apartment buildings. The existing motor vehicle repair garage is not a permitted use, however, it existed legally prior to the passing of the current zoning by-law and is deemed legal non-conforming.

Planning Analysis

The purpose of this application is to allow an extension of a legal non-conforming use to permit two accessory structures and outdoor storage in the rear yard of the property. As noted, the current motor vehicle repair garage use is not permitted in the current Official Plan designation and zoning of the lands. The current use is considered legal non-conforming because it legally existed prior to the passing of the current Zoning By-law. However, the use of outdoor storage and placement of accessory structures to be used for storage were not legally established on the property. As such, the applicant has requested to permit the extension of the legal non-conforming use.

Section 45 (2) Other Powers in the *Planning Act* grants the Committee of Adjustment authority to permit where any land, building or structure were lawfully established on the day a Zoning By-law was passed, the enlargement or extension of a legal non-conforming use or the use of land, building or structure for a purpose that is similar to the use on the day the by-law was passed.

Consistent with the *Planning Act*, Section 16.12.4 of the GCP states that in special circumstances it may be appropriate to consider the extension of legal non-conforming uses provided that efforts are made to enhance the compatibility of the uses, such as through buffering, landscaping and parking. Staff note that the applicant has demonstrated an effort to improve the site by installing new fencing along the lot lines abutting residential uses and the golf course. However, staff note that the continued use of accessory structures and outdoor storage is not compatible to the surrounding area. Given the location of the site and its surrounding sensitive uses, the large accessory structures and unenclosed outdoor storage could result in adverse impacts to the surrounding uses as additional noise, dust, odour and other possible hazards may arise. As such, the proposal is not desirable for the neighbourhood over the long term.

Section 16.12.3 of the GCP states that it is the intention and expectation that legal non-conforming uses shall eventually cease to exist and be replaced by uses that conform with the intent of the GCP and Zoning By-law. Consistent with the 2016 staff recommendation and Committee decision, staff are not supportive of the extension of the legal non-conforming use to permit outdoor storage containers as they are not appropriate or desirable for the lands. Staff find that the requested variance to extend the legal non-conforming use does not meet the general intent of the Zoning By-law and Official Plan. Staff recommend the request to extend the legal non-conforming use be denied.

Conclusion

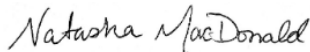
Having regard for the matters under Section 45 (2) of the *Planning Act*, staff are of the opinion that Application **A-131/22** would permit an existing situation that does not improve the site and may have adverse impacts to the surrounding sensitive uses. The extension of the legal non-conforming use is not in keeping with the policies of the Official Plan and is not considered appropriate for the use of the lands. Staff recommend denial of the Application.

Prepared by:



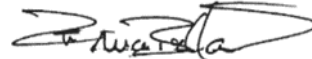
Giuseppe Ferreri
Student Planner

Submitted by:



Natasha MacDonald
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: November 1, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 16, 2022 hearing

NO.	ADDRESS	COMMENTS
A-134/22	122 Cushman Road	Be advised that a building permit is required to construct the self-storage facility.
A-135/22	143 Hartzel Road	No comment
A-136/22	145 Hartzel Road	No comment
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A-133/22	17 Prestwick Avenue	Be advised that a building permit is required to convert the existing single detached dwelling into a duplex.
A-128/22	7 Sequoia Avenue	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-132/22	112 Townline Road	Be advised that a building permit is required to construct the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-123/22	224 Vine Street	Be advised that a building permit is required to construct the 83 townhouse units.

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




Memorandum

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 31, 2022
Hearing Date: November 16, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
294 Vine Street – A-123/22
7 Sequoia Avenue – A-128/22
260 Oakdale Avenue – A-131/22
112 Townline Road – A-132/22
17 Prestwick Avenue – A-133/22
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145 Hartzel Road – A-136/22

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 are to 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: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 3, 2022

Subject: Committee of Adjustment Comments (November 16, 2022, Hearing)

A-123/22 – 294 Vine Street


The applicant submitted plans showing the suitability of the proposed parking stall sizes with various sized vehicles. Nothing was submitted showing the suitability of the reduced distances from the garage to the street.

For full sized pick-up trucks, a 6.01 metre separation between the garage and the street was just sufficient to accommodate the vehicle. As such, we'd have concerns that any reduction from the 6.0 m separation requirement from the garage to the street wouldn't be sufficient to accommodate larger sized vehicles, resulting in the vehicle encroaching onto the street or sidewalk.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

ATTENTION: Margaret Josipovic, Acting Secretary-Treasurer
City Hall, 50 Church Street
St. Catharines ON, L2R 7C2
November 07, 2022

RPT	DEALS	INFO		P.B.S.	
				REFERRED TO	INT.
REC'D →			NOV 08 2022 SCAN <input type="checkbox"/>		
FILE NO					

As a follow up to my email sent Nov.2, 2022, I wish to expand on my opposition to the shipping containers used for storage at 260 Oakdale Ave, St. Catharines.

If the business at 260 Oakdale was either a bicycle repair shop or a small appliance electrical repair shop, there would be no problem with storage as neither produce hazardous wastes.

However, the garage produces dangerous chemical wastes and hazardous tires and both are susceptible to fires and or explosions. We certainly must avoid another Hagersville.

This garage had an explosion within the garage on March 2, 2004. The concrete block wall adjacent to our driveway, blew out concrete blocks damaging condo owners' cars and parts of the building at 264 Oakdale. We had hoped that the garage might be forced to close and relocate. However, with the storage of hazardous materials in the two shipping containers, the garage now poses a danger to the entire neighbourhood, both the several multi residential buildings and individual private homes.

Furthermore, the owner of Scotty's Garage has not been a good neighbour and has flaunted his obligations to maintain a six- foot, opaque fence at the side of his property separating the two properties – 260 and 264 Oakdale Ave. The previous owner, Brent Superka, had always maintained the upkeep of this fence which his garage owned. Furthermore, it was Scotty's Garage own customers who destroyed the one section of the fence by constantly driving into it. Now that the owner has finally agreed to replace the one section of the fence, *he has agreed to pay for his own fence as long as it is built on our (264) property!* This is certainly not evidence of a good neighbour! The driveway at 264 Oakdale, had a variance from the city to allow our driveway to be 2 feet too narrow. We certainly do not need his fence on our driveway.

Sincerely, Laurretta Snejdar, Unit 102 264 Oakdale Ave.

**Amanda No. 22 112214 MV
Submission No. A-133/22**

COMMITTEE OF ADJUSTMENT COMMENTS

17 PRESTWICK AVENUE

**DATE OF HEARING:
November 16, 2022**

Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: November 4th, 2022

Date of Meeting: November 16th, 2022

Report Number: A-133/22

File: 22 112214 MV

Subject Lands: 17 Prestwick Avenue

Recommendation

That Application **A-133/22** submitted by **Edward and Valerie Valencia-Fajardo**, as outlined in the notice of hearing, be denied.

Report

The Proposal

Application **A-133/22** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variances for the conversion of a detached dwelling into a duplex dwelling.

Variance	Provision	Required	Proposed
1	Minimum Lot Area	560 m ²	436.89 m ²
2	Maximum Overall Parking Area Coverage	20%	35.8%

Background

In May 2021 an application for Minor Variance (A-38/21) was submitted that sought to reduce the minimum lot area for a duplex dwelling from 560 m² to 439.41 m² and to permit required parking to be in tandem whereas tandem parking is not permitted for a duplex dwelling. In the opinion of Staff at that time, it did not meet the intent and purpose of the City's Official Plan and the intensification was not desirable or appropriate for the use of the land. This application was denied by the Committee of Adjustment.

Location and Site Description

The subject property is located on the west side of Prestwick Avenue, west of Hartzel Road and north of Lincoln Avenue. The immediate neighbourhood is characterized by detached dwellings, and the property is surrounded by residential dwellings to the north, east and south and greenspace (Garden City Golf Course) to the west.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. Community, Recreation and Culture Services (“CRCS”) Department staff submitted comments regarding concerns over reduced amenity area and the potential impacts to neighbouring properties should Variance #2 be approved. Comments can be read in full as part of this agenda package.

Policy Context

Official Plan (Garden City Plan)

The subject lands are designated ‘Neighbourhood Residential’ on Schedule D1 of the Garden City Plan and further designated ‘Low Density Residential’ on Schedule E9. This designation permits a range of low-density housing types, including detached dwellings and duplex dwellings at a density generally ranging between 20 to 32 units per hectare.

Zoning By-Law (2013-283)

The subject site is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits a variety of low-density residential uses including detached dwellings and duplex dwellings subject to the provisions of the Zoning By-law.

Planning Analysis

The policies of the Official Plan are intended to help accommodate projected growth and provide a wide variety of housing options. Low Density Residential designated areas are intended to accommodate a general density of 20 to 32 units per hectare. The current size and dwelling condition of the subject lands create a density of 22.89 units per hectare which is within the generally permitted density range. Allowing for a reduction in the permitted lot size to facilitate the conversion of the detached dwelling to a duplex dwelling will result in an approximate density of 45.87 units per hectare which is not in keeping with the Low-Density Residential policies and the intent of the Official Plan.

The minimum lot size requirements established in the Zoning By-law is intended to provide for and ensure adequate lot sizes for different housing types to support the intended use and compatibility with adjacent properties, and appropriate functioning of the site, including parking, amenity space and adequate site drainage. To facilitate the proposed conversion to a duplex dwelling, the Applicants seek to implement the two required parking spaces through an extension of the existing driveway to a paved parking area in the rear yard of the dwelling. To facilitate this, the second variance seeks to increase the maximum permitted parking area coverage from 20% to 35.8%. This increase in parking coverage may detract from proper drainage and stormwater management and through the use of the rear yard for parking, diminishes the usability of the rear yard for outdoor amenity. Further, staff are of the opinion that this is not compatible with the rest of the neighbourhood and surrounding area, as the backyards of homes in the neighbourhood are used as outdoor amenity and recreational purposes. As mentioned previously, CRCS Staff have also expressed concerns over the potential impacts that the proposed rear yard parking will have on neighbouring properties and

their enjoyment of their backyards. CRCS Staff further make mention of a lack of a vehicle turnaround area which would further impact the use of the rear yard for amenity use. Planning Staff are in agreeance with these concerns and are of the opinion that the proposed variances are not desirable or meet the intent of the Zoning By-law.

The proposed reduction in the minimum lot area to facilitate the conversion of a detached dwelling to a duplex dwelling will result in an overall density that is significantly above the low-density residential designation. The reduction in lot area is not minor in nature and does not meet the general intent of the Zoning By-law or Official Plan. Additionally, with the proposed increase in parking surface area, there are potential issues with stormwater management and general incompatibility with neighbouring uses. The substantial increase in density by establishing a duplex is not considered to be desirable for the appropriate use of the lands. Staff recommend that the requested variances be denied.

Staff suggest that a more appropriate and desirable use of the lands is to consider the conversion of the basement to an interior accessory dwelling unit (ADU) in accordance with Section 2.2.1. of the Zoning By-law. ADUs are a permitted use in the R2 Zone, have no lot size requirements, are not calculated as part of the density, and are also limited in size and function in relation to the primary dwelling unit. Further, tandem parking is permitted to provide the required spaces for the ADU and the principal dwelling unit.

Conclusion

Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that Application for Minor Variance **A-133/22** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, nor are they desirable for the appropriate use of the lands. Staff recommend that the requested variances be denied.

Prepared by:



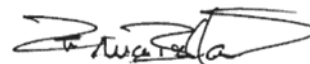
Giuseppe Ferreri
Student Planner

Submitted by:



Madeleine Ferko, B.E.S.
Planner

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: November 1, 2022
 Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 16, 2022 hearing

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NO.	ADDRESS	COMMENTS
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Lou Grossi, Dipl. T. Arch, CBCO
Building Inspector II




Memorandum

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 31, 2022
Hearing Date: November 16, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
294 Vine Street – A-123/22
7 Sequoia Avenue – A-128/22
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Prepared by:



Sean Ip
Development Engineering Technologist

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 3, 2022

Subject: Committee of Adjustment Comments (November 16, 2022, Hearing)

A-123/22 – 294 Vine Street

The applicant submitted plans showing the suitability of the proposed parking stall sizes with various sized vehicles. Nothing was submitted showing the suitability of the reduced distances from the garage to the street.

For full sized pick-up trucks, a 6.01 metre separation between the garage and the street was just sufficient to accommodate the vehicle. As such, we'd have concerns that any reduction from the 6.0 m separation requirement from the garage to the street wouldn't be sufficient to accommodate larger sized vehicles, resulting in the vehicle encroaching onto the street or sidewalk.


We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

Margaret Josipovic, Acting Secretary-Treasurer
Committee of Adjustment, City Hall

Amanda No. 22 112214MV

Submission no A-133/22

RPT	DECS	INFO		P.B.S.	REFERRED TO	INT.
DATE RECD →		NOV 10 2022		SCAN <input type="checkbox"/>		
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This letter is with regards to Application A-133/22. My wife and I are totally against any variance to the By-law 2013-283 for the purpose of converting a single detached dwelling into a duplex dwelling. The owners of 17 Prestwick have already been refused variance once already. (May 26th 2021) I don't understand how the committee entertains another application when everyone on this street signed a petition last year against converting single dwelling homes into duplexes. These investment properties are sometimes owned by out of town people; as in this case. The property wasn't maintained properly as the front lawn was cut just TWO times this summer. The renters apparently didn't care as there had to be a request to city hall to have it cut. This request was from the neighbors on this street and myself.

The present owners have spent a lot of money and time with this property and we think that in order to recoup some of that monies, a designation of "duplex" instead of "accessory dwelling" will be beneficial to them in any future plans , such as expanding bedroom(s) or the selling of the property.

Further more, we all realize the housing problems people are going through . People cant afford rent, home ownership is out of reach for a lot of people. We don't know for sure , but am guessing that the single mom with her son, who presently live in the lower level of this property couldn't afford, or have difficulty to pay a higher rent because of living in a duplex. We need less housing problems not more. Landlords expect a return on their investment and arent worried about peoples personal problems... We and ALL the people on this street don't want the street as investment properties; as per the petition sent to Elaine Munroe.


Sincerely Glenn and Lu-Anne Williams, 22 prestwick ave.

Nov 1 2022.

Re Amanda No 22112214 MV

Submission No. A-133/22

Wednesday November 16, 2022 at 5:00p.m.

RPT	DISC	INFO		P.B.S.	
				REFERRED TO	INT.
DATE REC'D →			NOV 10 2022 SCAN <input type="checkbox"/>		
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Documents Included:

- 1) Notice of Hearing Amanda No. 22112214MV Submission No. A-133/22
- 2) Notice of hearing Amanda No.21103274 Submission No. A-38/21
- 3) Revised Notice of Hearing Amanda No.21103274 Submission No.A-38/21
- 4) Survey of Lot 11 and part of lot 12 (aka as 15 Prestwick Ave)
- 5) Comments A-38/21 17 Prestwick Road
- 6) Petition May 2021
- 7) Letter submitted May 2021
- 8) Pictures of the front of the house at 17 Prestwick and on street parking
- 9) Notice of Decision (May 26 2021)

Good day.

As you are all aware of sub section 45(1) of the planning act (PA) sets out four statutory tests which must be considered by the tribunal and satisfied by the applicant, before an application for a zoning variance can succeed.

If the application fails any one of the four tests, while passing the other three, then the application must fail. These tests, being created by statute, are mandatory and accordingly all must be met.

- 1) Why is the variance minor in nature?
- 2) Why are the variances desirable for the appropriate use of the land?
- 3) Does it meet the intent and purpose of the official plan?
- 4) Does it meet the intent and purpose of the zoning bylaw?

The residents here on Prestwick Ave have been very patient, but find that this is a case of a landlord/absentee owner, that has a total disregard to the property standards or even the upkeep of this property.

The dwelling here is not well kept, and the property itself has not been looked after at all. (See Attached photos)

The railings are falling apart and the grass has been, with weeds up over three feet contributing to the rodent population and only cut twice this season.

I have to say that since the notice of public hearing went up the property has been trimmed, but only twice in the last 6 months.

Parking on this street is very limited as there is 2 triplex building, and a duplex on the street already.

The renderings posted on the current application show an existing full apartment. I would only hope that this cannot be true as it was recommended at the last hearing, an accessory dwelling would be suitable.

It has been noted that this unit was put up for rent as a three-bedroom apt, until the city came down and stepped in, and enforced the allowable accessory dwelling requirements as per the last committee of adjustment hearing, and not a multiply bedroom apt, as was advertised..

The unit was finally rented to a single mother with a small boy.

While we do not have any issues with the accessory in dwelling unit, we do have issues with this being a duplex as this will cause issues with parking on only one side of the street.

With regards to winter storm parking there is none. Our street can be inaccessible for multiple days as this is a dead-end street, with not only plows trying to get down, but the garbage trucks as well. A lot reduction, should it be approved will only undermine the integrity of the street and green space, setting a precedent that when anybody moves here that they can do the same thing

In the past we have had rentals where people were parking on front lawns and on the wrong side of the street, with no cares in the world, and I do not find this any different with a duplex, especially at holidays or "get together" when visitors do not live here.

Two years ago, when a house went up for sale, people blocked driveways, and even parked in the middle of the street and when we asked them to respect the parking it was like who cares, call a cop. When 17 Prestwick went up for sale people parked everywhere ignoring the no parking signs. This is what will happen again.

Our lots have a very limited amount of space and creating more parking will take more green space away in a community that needs more.

With regards to the Current Application Amanda No. 22 112214 MV Submission No. A-133/22....

It has been noted in the conclusion, of the comments A-38/21 prepared and submitted by Taya Devlin Planner 1 and approved by Bruce Bellows, and I quote...

"Having regard for the matters under section 45(1) of the planning act, staff are of the opinion that the Variances 1 and 2 of application A-38/21 are not in keeping with the general intent of the official Plan and Zoning By-Law, are NOT minor in nature, nor are they desirable for the appropriate use of the lands. Staff recommend that Variances 1 and 2 of the application be denied."

The entire document has been enclosed, 3 pages encompass this report, as it goes in to detail, I don't need to repeat, but better off left to read.

Also...

The City of St. Catharines Zoning By-Law December 16 2013 Section 2 General Provisions 2.2.1 Interior Accessory Unit

One interior accessory dwelling unit is permitted in any detached dwelling; semidetached unit or townhouse dwelling unit provided the following

- a) The interior accessory dwelling unit is entirely within the exterior walls of the principal dwelling unit
- b) The floor area of the interior dwelling unit shall not exceed 60m² or 40% of the dwelling unit (including the basement) excluding the attached garage, whichever is less and
- C) The lot complies with all other provisions of this By-Law.

MY SUMMARY

I have enclosed supporting documentation with regards to the proposed changes to 17 Prestwick Ave St. Catharines Ontario, from a single family detached dwelling to a duplex. As well, I will try to explain why this should not be approved as per the provisions of the current bylaws with the four tests for a minor variance.

Enclosed are some photos of the front area of this property.

The initial application was for a hearing in May of 2021, Amanda no 2110327 submission no A-38 21 was for a lot reduction from 560 to 436.86, and then revised to 439.41m² a reduction total lot size, and a minimum side yard to the lot line for an accessory structure from .0.6 meters to 0.18 meters, also a request to get permission to allow required parking to be in tandem where as tandem parking is not allowed.

The request for variances was amended after a survey of 15 Prestwick was provided and it was determined that the accessory buildings that were already encroaching on the property of 15 Prestwick, lot 11 and part of lot 12 by a few feet. After submissions of our survey, those variances were removed.

The revised notice of hearing was that the owner would remove the sheds.

It was the city's determination that in their conclusion, under section 45(1) of the planning act, staff are of the opinion that the variances in the original A38 21 are not in keeping with the general intent of the official plan and zoning bylaw, are not minor in nature nor are they appropriate use of the lands.

It can be determined, by from the previous planning department, that this application should also be denied. (Based on their conclusions)

The fact that the current dwelling, in question does not appear to have a legal interior accessory dwelling unit, but a full apartment according to the current St. Catharines By-Laws, the lot size lot is too small.

I have included the information, and comments from the previous hearing.

Reasons for the Last denial

1. The variances are not minor.
2. The variances are not desirable for the appropriate use of land, and building.
3. The intent and purpose of the official plan is not maintained.
4. The intent of the purpose of the zoning by law is not maintained.
5. The committee of adjustment considered all written and oral comments and agrees with the technical Report analysis (A-38/21 Date of Hearing May 26, 20121) and recommendation that this application does not meet the Planning Act Test a for a minor variance

I have included the package that I sent in last year (May 26 2021 hearing). It appears that this application is the same, but a different date.

I will refer to the currant by-laws specifically (City of St. Catharines Zoning By-law December 16 2013

Kevin Bland

15 Prestwick Ave

St. Catharines, ON L2P 2E5

Notice of Hearing

Amanda No. 22 112214 MV
Submission No. A-133/22

WHY ARE YOU RECEIVING THIS NOTICE?

You are receiving this notice because you own a property that is within 60 metres of a proposal to the Committee of Adjustment.

An application for **Minor Variance** has been received from **Edward Fajardo and Valerie Valencia-Fajardo** under the above noted file number and will be heard by the Committee of Adjustment for the City of St. Catharines on:

Wednesday November 16, 2022 at 5:00 p.m.

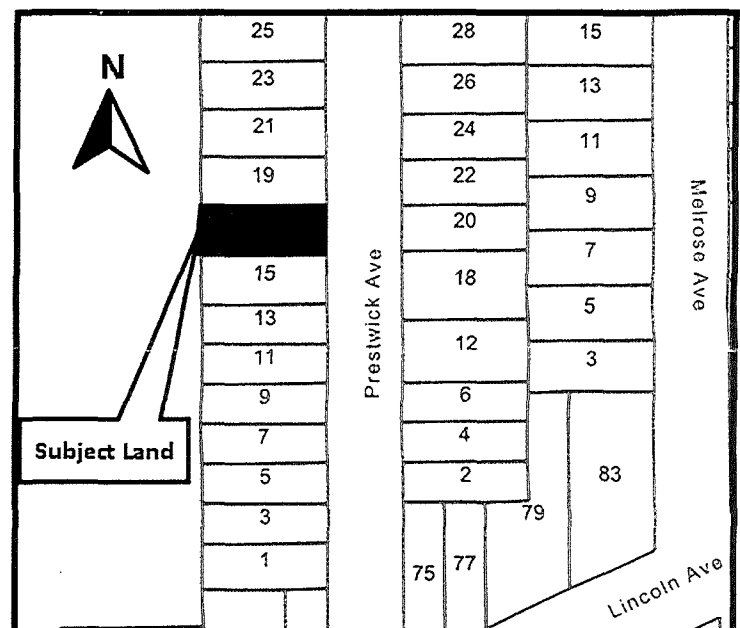
Under the authority of the Statutory Powers Procedure Act,
Committee of Adjustment Hearings are being held electronically.

Location of the Application:

17 Prestwick Avenue

PLAN 120 PT LOT 12 PT LOT 13

Located on the west side of Prestwick Avenue,
North of Lincoln Avenue



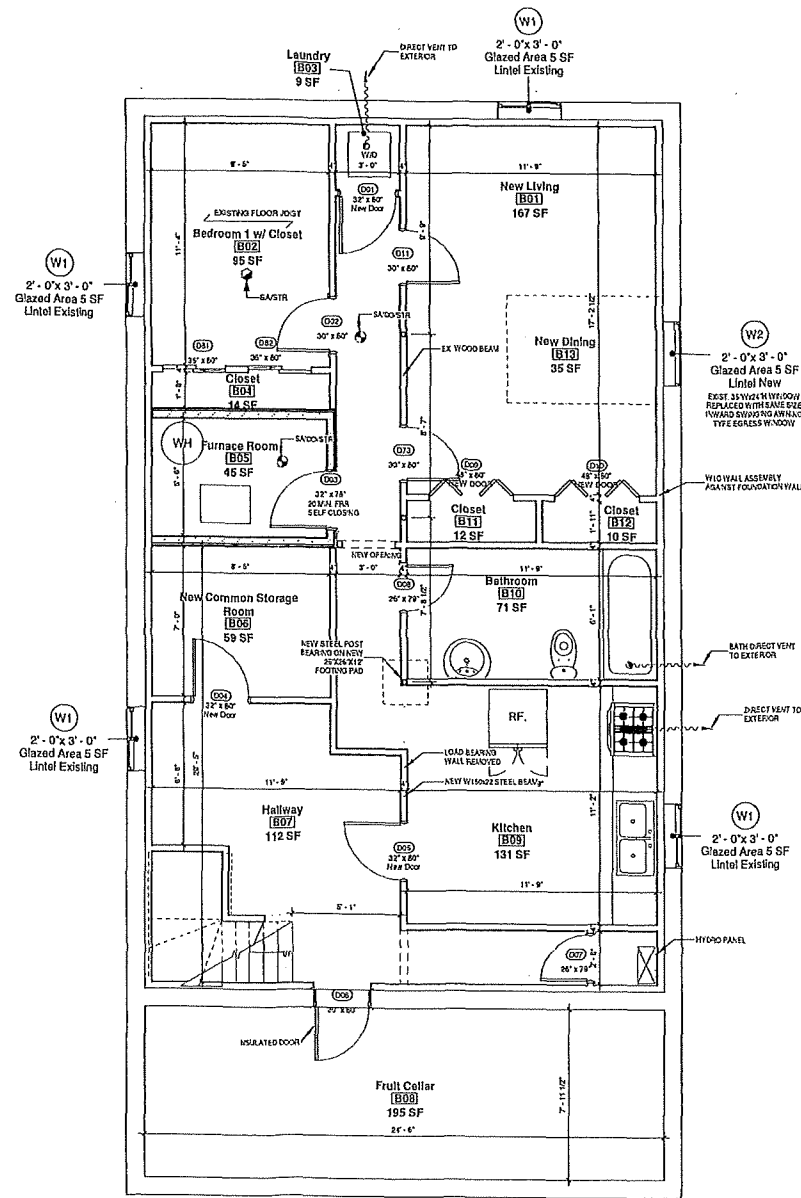
Application A-133/22 seeks relief from the City of St. Catharines By-law 2013-283, as amended, for the following variance for the proposed conversion of a single detached dwelling into a duplex dwelling.

- 1) A reduction of the minimum lot area from 560 square metres to 436.89 square metres.
- 2) An increase of the maximum overall parking area coverage from 20% of the total lot area to 35.8% of the total lot area.

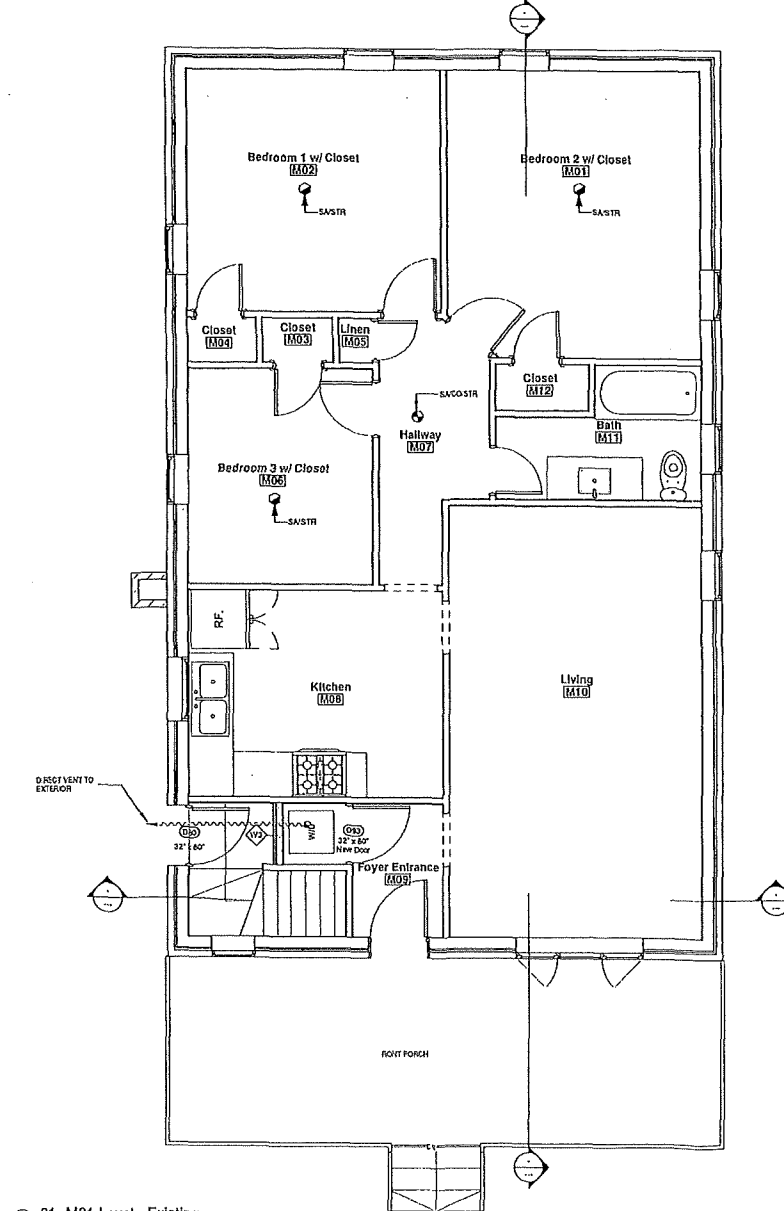
Electronic Hearing Procedures How to get involved in the Virtual Hearing

How to Submit Comments:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than by **Tuesday, November 15, 2022**
- Advance registration is required to participate in the electronic hearing by visiting the Committee of Adjustment webpage and completing the Committee of Adjustment Electronic Delegation Application Form by **Friday November 11, 2022**.
- Residents without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-688-5601 extension 1660 and leave a message with your name, phone number and the application you wish to speak to by **Friday November 11, 2022**. The Secretary-Treasurer will contact you and provide you with further details.
- All Hearings will be live-streamed on the City of St. Catharines YouTube account.



① 00- B01 Level - Existing
1/4" = 1'-0"



② 01- M01 Level - Existing
1/4" = 1'-0"

1. The Contractor shall check the drawings and verify all dimensions of the work and shall report promptly all discrepancies, errors and omissions to the Designer at least one week before starting or building construction, and shall make any necessary changes to the work including such discrepancies, errors or omissions. Should the Contractor fail to do so under these conditions, the additional expense for remedial work shall not become the responsibility of the Designer under any circumstance.
2. Read all drawings in conjunction with the General Notes and Specifications.
3. Drawings are not to be scaled.

PROPERTY PATHWAYS
OUR PATH, YOUR WAY
DESIGNED BY: RONALD DE COTEAU
Phone: (416) 710-1701
Email: ron@propertypathways.ca
Website: propertypathways.ca

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.
QUALIFICATION INFORMATION
Required under design is exempt under 2.17.5.1 of the building code.
RONALD DE COTEAU
NAME SIGNATURE RCN

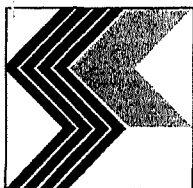
No.	Description	Date

Secondary Suite
Existing Layout
17 Prestwick Ave. St. Catharines, ON

Created By: R.D.C.
Project Number: 20220809
Date: 2022-08-11
Drawn by: M.J.
Scale: 1/4" = 1'-0"

A1.01

2022-08-08 2:15:58 PM



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

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873
Email: emunro@stcatharines.ca

Notice of Hearing

Amanda No. 21103274
Submission No. A-38/21

WHY ARE YOU RECEIVING THIS NOTICE?

You are receiving this notice because you own a property that is within 60 metres of a proposal to the Committee of Adjustment.

An application for **Minor Variance** has been received from **Edward Fajardo and Valerie Valencia-Fajardo** under the above noted file number and will be heard by the Committee of Adjustment for the City of St. Catharines on:

Wednesday May 26, 2021 at 5:00 p.m.

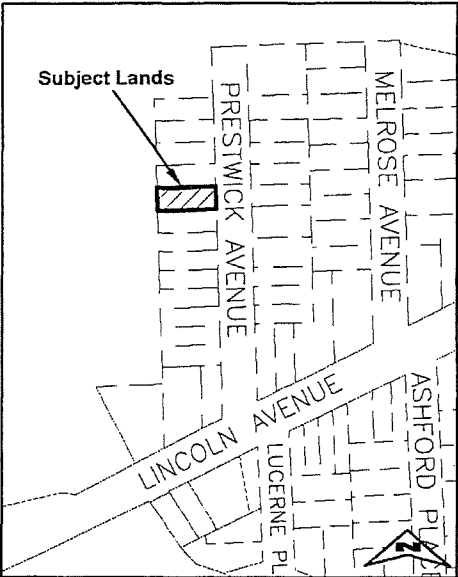
Under the authority of the *Municipal Act Emergency Management and Civil Protection Act* and the *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment Hearings to be held electronically during an Emergency through By-law 2020-49.

Location of the Application:

17 Prestwick Avenue

Part of Lots 12 and 13, Plan 120

Located on the west side of Prestwick Avenue, north of Lincoln Avenue.



Application A-38/21 seeks relief from the City of St. Catharines By-law 2013-283, as amended for the following variances for the proposed conversion of the existing detached dwelling to a duplex dwelling:

1. A reduction of the minimum lot area for a duplex dwelling from 560 m² to 436.89 m².
2. A reduction of the minimum side yard to the lot line for an accessory structure from 0.6 metres to 0.18 metres.
3. Request permission to allow required parking to be in tandem whereas tandem parking is not permitted.

Electronic Hearing Procedures

How to get involved in the Virtual Hearing

St. Catharines City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled. On April 22, 2020, City Council approved Committee of Adjustment Hearings to be held electronically during the Emergency.

How to Submit Comments:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than by **Wednesday May 19, 2021**.
- Advance registration is required to participate in the electronic hearing by visiting the Committee of Adjustment webpage and completing the Committee of Adjustment Electronic Delegation Application Form by **Friday May 21, 2021**.
- Residents without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-688-5601 extension 1715 and leave a message with your name, phone number and the application you wish to speak to by **Friday, May 21, 2021**. The Secretary-Treasurer will contact you and provide you with further details.

- All Hearings will be live-streamed on the City of St. Catharines YouTube account.
- As per Section 6(5) of the Statutory Powers Procedure Act, you may seek to have the Committee hold an oral/in-person hearing to address the application if you are able to demonstrate that holding an electronic hearing will cause you significant prejudice. If you wish to seek an oral/in-person meeting, please notify the Secretary-Treasurer by no later than the 14th day prior to the scheduled hearing. This is a public hearing for the purpose of hearing evidence in favour or against the application.
- Forward this information to those who may have an interest in the application and may not have received a copy.
- If you are the owner of any land that contains seven or more residential units, please post a copy of this notice in a location that is visible to all of the residents.
- An appeal to the Local Planning Appeal Tribunal (LPAT) may be dismissed if no written, or verbal submission were made at time of the hearing, before the Committee gives or refuses to give approval to an application.

If you have questions, wish to submit comments or request a copy of the Notice of Decision, please contact:

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2
905-688-5601 x1715
emunro@stcatharines.ca

Other applications will be heard at this hearing. The agenda, planning report and all comments will be available by 4:30 p.m. the Friday prior to the hearing at www.stcatharines.ca/en/governin/committee-of-adjustment.asp or from the Planning and Building Services Department. For additional information, contact the undersigned during normal business hours; 8:30 am to 4:30 pm Monday to Friday.

NOTE

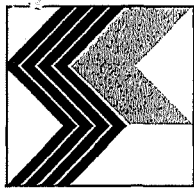
Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of St. Catharines staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.stcatharines.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Corporate Records Coordinator at 905-688-5600, Ext. 1504.

Date of Mailing: Tuesday May 04, 2021

Date of Mailing Revised Notice: Wednesday, May 12, 2021



Elaine Munro, ACST, Secretary-Treasurer



City of St. Catharines

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

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873
Email: emunro@stcatharines.ca

*Revised Notice of Hearing

Amanda No. 21103274
Submission No. A-38/21

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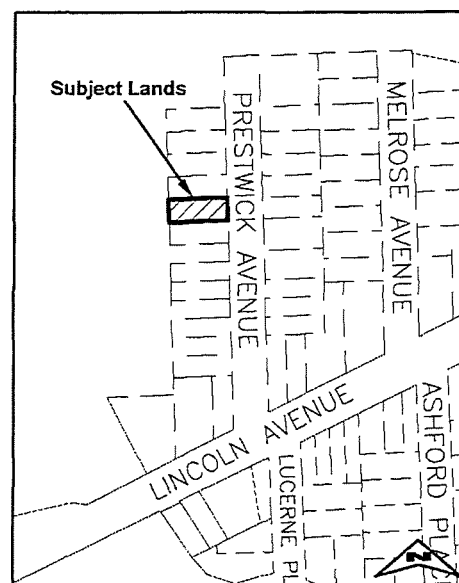
Location of the Application:

17 Prestwick Avenue

Part of Lots 12 and 13, Plan 120

Located on the west side of Prestwick Avenue,
north of Lincoln Avenue.

*Sketch and variances have been revised.



Revised Application A-38/21 seeks relief from the City of St. Catharines By-law 2013-283, as amended for the following variances for the proposed conversion of the existing detached dwelling to a duplex dwelling:

1. A reduction of the minimum lot area for a duplex dwelling from 560 m² to 436.89 439.41 m².
2. A reduction of the minimum side yard to the lot line for an accessory structure from 0.6 metres to 0.18 metres. Owner to remove shed.
3. Request permission to allow required parking to be in tandem whereas tandem parking is not permitted.

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 Committee of Adjustment, City Hall
 P.O. Box 3012, 50 Church Street
 St. Catharines, ON L2R 7C2
 905-688-5601 x1715
emunro@stcatharines.ca

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NOTE

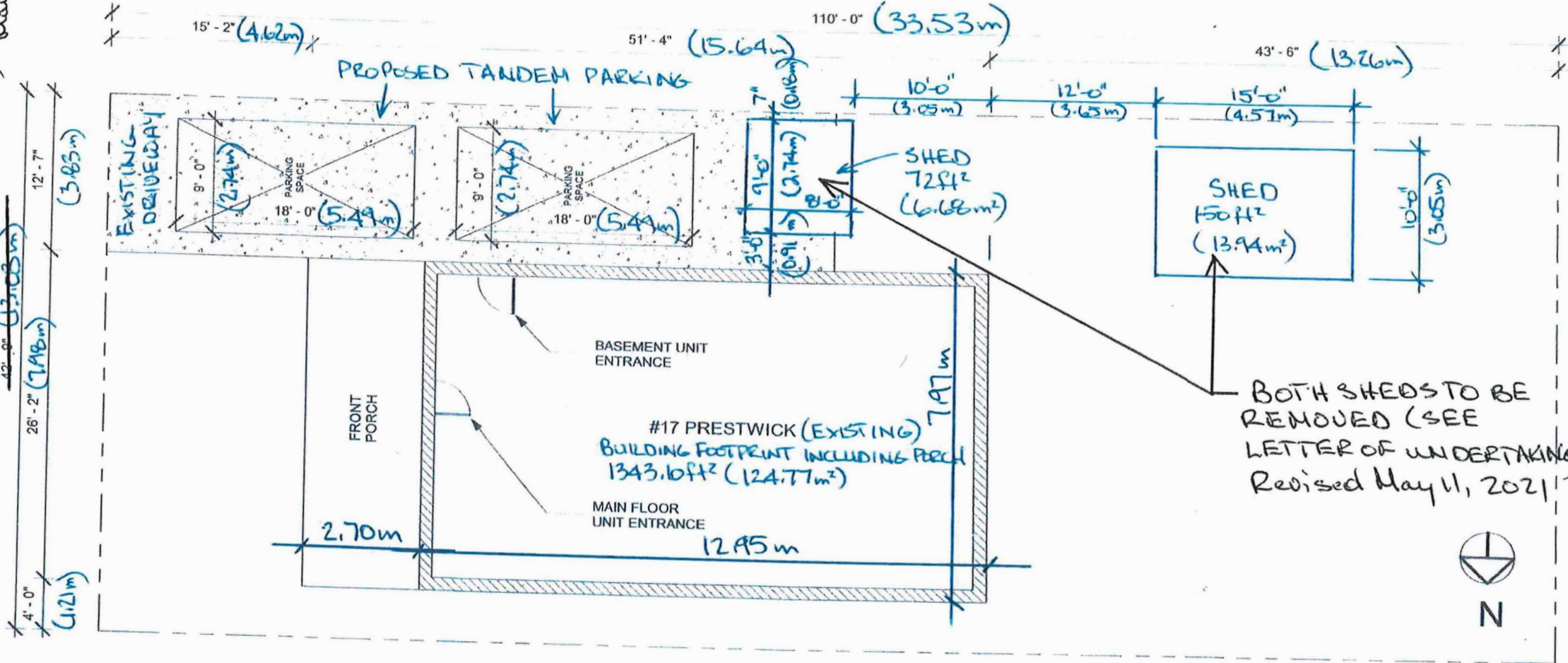
Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of St. Catharines staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.stcatharines.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Corporate Records Coordinator at 905-688-5600, Ext. 1504.

Date of Mailing: Tuesday May 04, 2021

Date of Mailing Revised Notice: Wednesday, May 12, 2021

Elaine Munro, ACST, Secretary-Treasurer

PRESTWICK 43'-0" (13.106m) Revised May 11, 2021



1 Plot Plan
1/8" = 1'-0"

Revised May 11, 2021

- Lot Area - 4,730 ft² (439.41m²)
- Lot Coverage - 1,343.10 ft² (124.77m²) - 28.39%
(INCLUDING ACCESSORY BUILDINGS)



17 Prestwick Ave. St.
Catharines, ON
L2P 2E5

PROPOSED
BASEMENT
APARTMENT

Checked by J.K.
Drawn by D.C.
Date 28/02/21

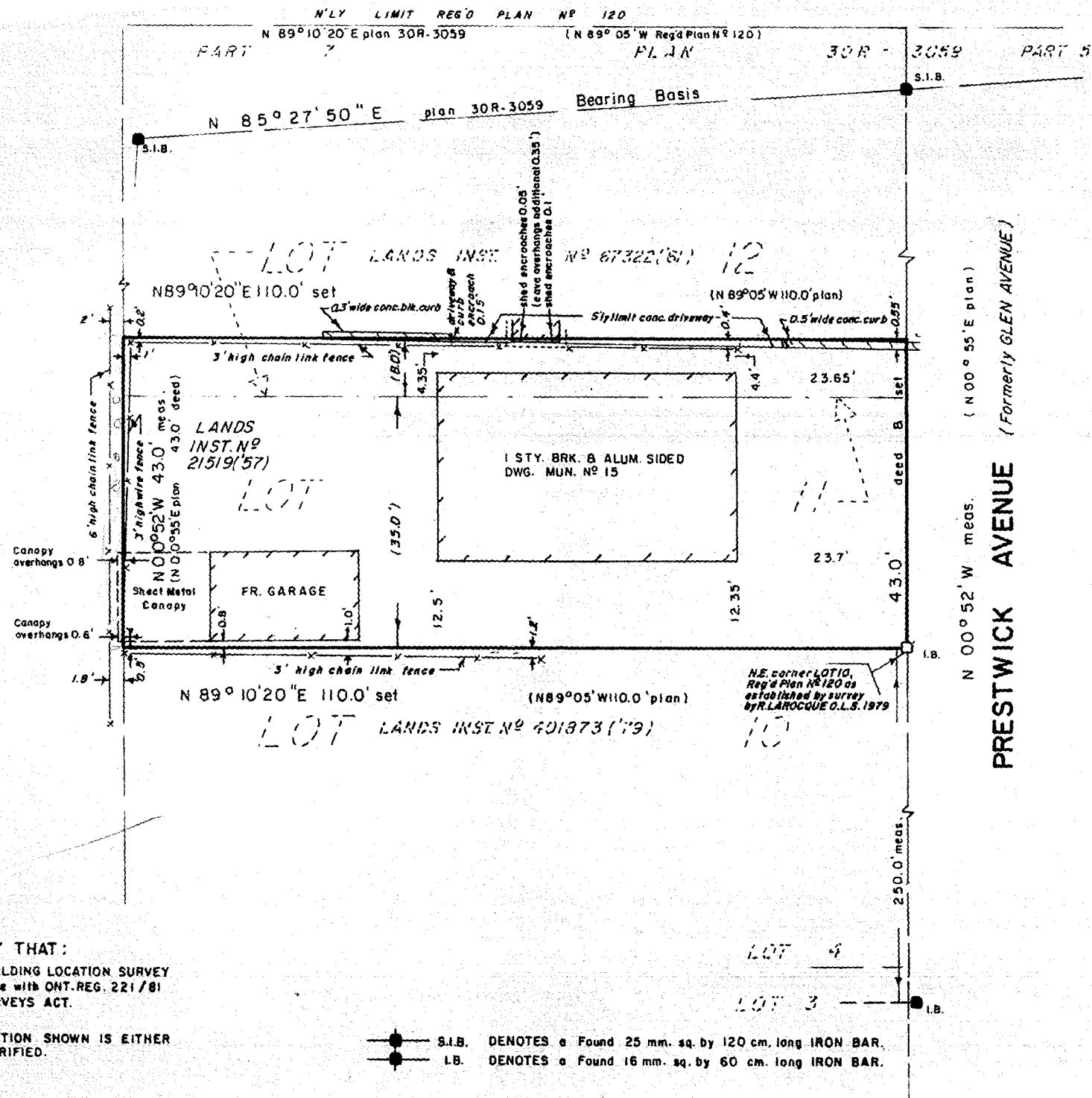
Plot Plan

No. Date

A-100

Scale
1/8" = 1'-0"

LOT 12 CONCESSION 7



BUILDING LOCATION SURVEY OF
LOT 11 AND PART OF LOT 12,
REGISTERED PLAN NO 120
 FORMERLY TOWNSHIP OF GRANTHAM, COUNTY OF LINCOLN
NOW CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA
 SCALE: 1 IN. = 20 FT.
 1983.



NOTE: THIS PLAN IS NOT VALID
 WITHOUT THE SURVEYOR'S SEAL.

Richard Larocque O.L.S.

RICHARD LAROCQUE LTD.

ONTARIO LAND SURVEYORS

ST. CATHARINES

DATE: JAN 10 1987

ONTARIO

I CERTIFY THAT:
 This is a BUILDING LOCATION SURVEY
 in accordance with ONT. REG. 221/81
 of THE SURVEYS ACT.

MONUMENTATION SHOWN IS EITHER
 SET OR VERIFIED.

—●— S.I.B. DENOTES a Found 25 mm. sq. by 120 cm. long IRON BAR.
 —●— I.B. DENOTES a Found 16 mm. sq. by 60 cm. long IRON BAR.

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

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

A-38/21

17 Prestwick Road

DATE OF HEARING:
May 26, 2021



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2021

Date of Meeting: May 26, 2021

Report Number: A-38/21

File No: 21103274

Subject: 17 Prestwick Avenue

Recommendation

That Variances 1 and 2 of Application A-38/21 by Edward Fajardo and Valerie Valencia-Fajardo, as outlined in the Notice of Hearing, be denied.

Report

The Proposal

Application A-38/21 seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variances for the conversion of a detached dwelling to a duplex dwelling:

1. A reduction of the minimum lot area for a duplex dwelling from 560 m² to 439.41 m².
2. To permit required parking to be in tandem whereas tandem parking is not permitted for a duplex dwelling.

Location and Site Description

The subject property is located on the west side of Prestwick Avenue, north of Lincoln Avenue. The immediate neighbourhood is characterized by detached dwellings, and the property is surrounded by residential dwellings to the north, east and south and greenspace (Garden City Golf Course) to the west.

Circulation of Application

This Application was circulated to all appropriate departments and agencies: No objections were received from those circulated.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 thereof. The designation allows a variety of low-density residential uses including detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density of 20 to 32 units per hectare.

A duplex on the subject property would have a density of 46 units per hectare, which is not within the target density in the Official Plan.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2) which permits a variety of low-density residential uses including detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings subject to the provisions of the Zoning By-law. The Zoning By-law also permits an interior accessory dwelling unit within a detached, semi-detached or townhouse dwelling unit.

Planning Analysis

The Applicant has proposed to convert the existing detached dwelling into a duplex and accommodate the two required parking spaces in the driveway, in tandem.

Variance 1 – Lot Area

The By-law provisions for duplex dwellings in the R2 zone require a minimum lot area of 560 m². The Applicant is proposing a reduced lot area of 439.41 m², so the existing detached dwelling on the lot can be converted to a duplex dwelling. The R2 zone is intended to provide for a variety of dwelling types at a low-density range of 20 to 32 units per hectare, as identified in the Official Plan. The proposed conversion of the existing detached dwelling to a duplex dwelling would result in a density of 45.5 units per hectare, which is not in keeping with the intent of the Official Plan nor the Zoning By-law.

The proposed reduction in minimum lot area to facilitate the duplex dwelling is not considered minor in nature, as it is not in keeping with the intent of the Official Plan. The substantial increase in density by establishing a duplex is not considered to be desirable for the appropriate use of the lands. Staff recommend that the requested reduction in lot area be denied.

Variance 2 – Tandem Parking

The By-law establishes a parking requirement of one space per unit, meaning a duplex dwelling is required to provide two parking spaces. The By-law does not permit parking in tandem for a duplex. The Applicant is proposing to accommodate the two required parking spaces in the existing driveway, in tandem. Tandem parking assists in consolidating the width of driveways and curb cuts and limiting surface parking between the face of the building and the public street, which is encouraged by the City's Official Plan. However, staff notes that tandem parking is suited to a shared parking situation, to accommodate shared parking that serves the same use/unit, or to serve an accessory use. A duplex is comprised of two independent units and having parking spaces in tandem is not in keeping with the intent of the Official Plan nor the Zoning By-law.

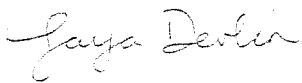
The proposed provision of parking in tandem is not considered minor in nature, as it is not in keeping with the intent of the Zoning By-law. The provision of parking in tandem presents a functional challenge for the occupants of the duplex and is not considered to be desirable for the appropriate use of the lands. Staff recommend that the request to permit parking in tandem for a duplex be denied.

Staff note that it would be more appropriate for the applicants to consider converting the basement of the existing detached dwelling to an interior accessory dwelling unit (ADU). ADUs are limited in size and scale in relation to the existing dwelling area, and although an accessory dwelling unit at this location may be smaller in size than contemplated by the applicant, ADUs are not counted in the calculation of a site's density, and since an ADU is accessory to the principal dwelling unit, providing parking in tandem is appropriate and permitted under the Zoning By-law.

Conclusion

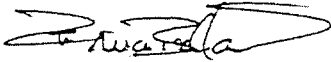
Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that Variances 1 and 2 of Application A-38/21 are not in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, nor are they desirable for the appropriate use of the lands. Staff recommend that Variances 1 and 2 of the Application be denied.

Prepared and Submitted by:



Taya Devlin
Planner I

Approved by:



Bruce Bellows
Senior Planner

I have at least one
signature from every
household (except one)
on this street. We don't
want to see houses being
converted to duplexes.

Glenn Williams

22 Prastwick Ave.
[REDACTED]

Please email me
verification upon receiving
this petition T.Y.

Petition summary and background	Converting 17 PRESTWICK AVE. from a single family dwelling to a duplex. An application has been forwarded by the new owners to seek relief from the current by-law (2013-283) regarding lot size and parking issues.
Action petitioned for	We, the undersigned, are concerned citizens who want to dismiss this application and stop any duplex conversions in the future.

Printed Name	Signature	Address	Comment	Date
Loney Williams-Dee		20 Prestwick Ave	zoom OUR CONCERNS	May 15/21
Kevin Brown		15 Prestwick	zoom OUR CONCERNS	May 15/21
Francine Harrison		15 Prestwick Ave.	Zoom our concerns	May 15/21
MARY YATES		12 Prestwick	"	May 15/21
W. RAYNARD		12 Prestwick Ave	"	May 15/21
Tyler Wills		9 Prestwick Ave	"	May 15/21
Ashley Mills		9 Prestwick Ave	"	May 15/21
Lo Brown		4 Prestwick Ave	"	May 15/21
JAN LEST		2 Prestwick	"	05/15/21
Ashley Flynn		13 Prestwick		05/15/21
Oksana Hocking		19 Prestwick		05/15/21
Janet Collins		23 Prestwick	"	5/15/21

Printed Name	Signature	Address	Comment	Date
Emily MURRAY		25 Prestwick Ave,	Don't like the idea	May 15
KATH SWITERSKI		28 PRESTWICK AVE.		May 15
TIANNA DESROCHES		28 Prestwick Ave		May 15
Alexandra FORD		30 Prestwick Ave		May 15
Nessa Ross		7 Prestwick Ave		May 15
Jim Elmschulte		3 Prestwick Ave	No Room -	May 16
NELLY BROOFT		5 Prestwick		May 15
Jamie Urias		26 Prestwick Ave	not enough parking as it is	May 15
Steve Jencles		24 Prestwick Ave		May 15
Jon BAUNTON		18 PRESTWICK AVE	- NO ROOM / NO PARKING -	May 15
Ken BAUNTON		18 prestwick Ave	- ALL SINGLE FAMILY HOMES -	May 15
Bill ORBE.		20 Prestwick	Absent Landlord no tandem parking	May 15
Caroline Donaghue		26 Prestwick Ave	- no parking	May 15
Paul Jencles		21 Prestwick Ave	- no parking	May 15
Dustin Jencles		26 Prestwick Ave	* zero parking no room, winter plowing issues	May 16
GLENN WILLIAMS		27 Prestwick Ave		May 15

From: Munro, Elaine
To: Munro, Elaine
Subject: Comments Received RE: Notice of Hearing re 17 Prestwick Ave.
Date: Wednesday, May 19, 2021 8:08:07 AM

Elaine Munro ACST
Committee Secretary and Planning Technician
Tel: 905.688.5601 x1715
Email: emunro@stcatharines.ca



From: Jeanette Frazer <>
Sent: Wednesday, May 19, 2021 7:30 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Notice of Hearing re 17 Prestwick Ave.

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.
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To Whom It May Concern

I am writing this letter to you in response to a letter I received regarding an application for a Minor Variance at 17 Prestwick Ave , (Application A-38/21). I have lived on this street for almost 65 years and it has always been a nice quiet street to live on . It is an older neighbourhood and as such the street is not very wide. Several homes have been turned into rental properties over the years and at times there are many cars parked on the street because of this. There are again now a few families with young children living in this neighbourhood. At times it can be busy on this street. Adding these 2 tandem parking spots would increase the busyness and could become a safety issue for the neighbours. People take care of their yards and this tandem parking would also take away from the appearance of the neighbourhood. I am against this tandem parking in our residential street. Is this applicant planning to run a business out of the home? This is a residential neighbourhood and should be left as such. Thank you.

Nelly Grootveld
5 Prestwick Ave.

Click [here](#) to report this email as spam.

Below you will find our comments, and additional supporting documentation with regards to the proposed changes for 17 Prestwick Ave, part of lots 12 and 13, plan 120...from a single detached dwelling to a duplex. As well, I will try to explain why this should not be approved as per the provisions of the current bylaws with regards to the 4 tests for a minor variance.

We have four predominant concerns in the context of the Application for a Minor Variance with respect to the property at 17 Prestwick Avenue.

A reduction of the minimum lot area for a duplex dwelling from 560m² to 436.89m².

Revised to:

A reduction of the minimum lot area for a duplex dwelling from 560m² to 439.41m².

The diagram dimensions of the perceived property frontage boundary have not changed, as identified by both original and revised sketches, however, the May 11, 2021 revision has inexplicably increased the sum of the total frontage width. What is the rationale for the mathematical discrepancy in increasing this total amount?

The submitted sketch of the property outline is inadequate as support for the Minor Variance application for 17 Prestwick Avenue. The entire south side of the sketch shows an assumed property line and does show encroachment on the true property line of 15 Prestwick Ave, as supported by the submitted registered building location survey of 15 Prestwick Ave which has been filed with the City of St Catharines.

The original sketch of the 17 Prestwick Avenue property indicates the location of the south side property line based on its proximity to a shed. That shed is measured to be .640m from the "property line". Despite the May 11, 2021 revision sketch, the location of the same perceived property line was used. In actuality, the wooden fence belonging to 15 Prestwick Ave, which was used to obtain this measurement, sits about .91m inside the true property line of 15 Prestwick Ave. The official land survey, dated Jan 10, 1983 specifically identifies a three foot high chain link fence placed two feet within the property boundary. The wooden fence was erected a further foot into the property as a measure of protection from a previous neighbour's guard dog. Photographic evidence has also been submitted to support the location of the posts from this original chain link fence and the "dog house". We request that a more accurate and official survey with corrected lot dimensions be provided. The initial request for a lot area reduction was already a significant change. A further reduction based on a more accurate measurements makes the reduction request even more significant.

An additional document submitted for review is a legal agreement signed in January 1983 between the previous owners of 17 Prestwick Ave, the Sandonato family and ourselves, the residents of 15 Prestwick Ave. Section 3A states that the concrete driveway, concrete curb and metal shed are owned by the Sandonatos. Section 4A clearly states that these three aforementioned items do encroach on our property. The agreement, listed under 1B, also stipulates that regardless of the error in placing these items on property which they do not own, they do not make claim to any of the encroached upon land. The remainder of the agreement indicates that the title of the property remains in our name, and any removal of items will not be replaced without our consent, which we will not provide.

The final point pertains to the request for tandem parking, whereas tandem parking is not permitted. We have also submitted a photograph of an average early morning and how street parking impacts our small residential street. Only one side of the street has permitted parking. A duplex requires one parking space to be available for each unit; the request for tandem parking would breach the parking by law requirements. With the increased intensification and redevelopment of this property, it will result in more occupants, as well as persons visiting. This leads to more vehicles on site creating problems related to street and unlicensed front yard parking causing visual impacts on adjoining yards.

How can construction or renovations have even started without a public hearing with regards to the proposed changes. Demolition, electrical, plumbing, structural (large and long steel beam put in the house) and HVAC contractors have been on the premises since mid March.

As you all are aware of Sub-section 45(l) of the Planning Act (PA) sets out four statutory tests which must be considered by the tribunal and satisfied by the applicant, before an application for zoning variance can succeed.

If the application fails any one of the four tests, while passing the other three, then the application must fail. These tests, being created by statute, are mandatory and accordingly all must be met. However, notwithstanding that if a proponent may satisfy all Four Tests, the tribunal may in its discretion still refuse relief.

- 1) Why is the variance minor in nature?
- 2) Why are the variances desirable for the appropriate use of the land?
- 3) Does it meet the intent and purpose of the Official Plan?
- 4) Does it meet the intent and purpose of the Zoning By-law?





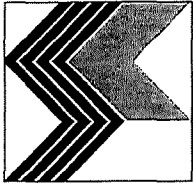












City of St. Catharines

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

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873
Email: emunro@stcatharines.ca

Notice of Decision

Submission No: A-38/21
File No: 21103274

In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13 and;
In the matter of an application for minor variance on behalf of:

Edward Fajardo and Valerie Valencia-Fajardo - 17 Prestwick Avenue

Revised Application A-38/21 seeks relief from the City of St. Catharines By-law 2013-283, as amended for the following variances for the proposed conversion of the existing detached dwelling to a duplex dwelling:

1. A reduction of the minimum lot area for a duplex dwelling from 560 m² to 439.41 m².
2. Request permission to allow required parking to be in tandem whereas tandem parking is not permitted.

Decision: Denied

The above decision is subject to the following condition(s):

The relief granted by this Committee at this hearing is specific to the application that was before the Committee on this day and is not applicable to any land, land use, building or structure other than that set out in the application that was before the Committee on this day.

Reasons:

1. The variances are not minor.
2. The variances are not desirable for the appropriate use of the land, and building.
3. The intent and purpose of the Official Plan is not maintained.
4. The intent and purpose of the zoning by-law is not maintained.
5. The Committee of Adjustment considered all the written and oral comments and agrees with the Technical Report analysis and recommendation that this application does not meet the Planning Act tests for minor variance.

Original Signed By G. Redden
Chair

Original Signed By D. Ringler
Vice Chair

Original Signed By K. Leask
Member


Original Signed By R. McPherson
Member

Original Signed by A. Selvig
Member

CERTIFICATION

I hereby certify this to be a true and certified copy of the Decision of the City of St. Catharines Committee of Adjustment and this decision was concurred by a majority of the members, who heard this application at a meeting duly held on **26th day of May, 2021**.

Date of Mailing: June 02, 2021


Elaine Munro, ACST, Secretary-Treasurer

Last date of filing an appeal to the Ontario Land Tribunal under Section 45 of the Planning Act:

June 15, 2021

**Amanda No. 22 110918 MV
Submission No. A-128/22**

COMMITTEE OF ADJUSTMENT COMMENTS

7 SEQUOIA AVENUE

**DATE OF HEARING:
November 16, 2022**

Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: November 4th, 2022

Date of Meeting: November 16th, 2022

Report Number: A-128/22

File: 22 110918 MV

Subject Lands: 7 Sequoia Avenue

Recommendation

That application **A-128/22**, submitted by **Jason Murray**, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes to create an interior Accessory Dwelling Unit (ADU) within the basement of the existing detached dwelling. One (1) variance is requested to facilitate the proposal and is outlined below.

Variance	Provision	Required	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60 m ² or 40% of the floor area of the dwelling	108.6 m ² or 43%

Location and Site Description

The subject lands are located on the west side of Sequoia Avenue, generally east of Grantham Avenue and generally south of Linwell Road. The surrounding neighbourhood is primarily low-density residential consisting of detached dwellings. There are a number of institutional, community and commercial uses within proximity of the subject lands.

The subject lands contain a single storey detached dwelling with a detached garage and a shed in the rear yard. There is one (1) mature tree on the property located within the City's right of way.

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 are designated 'Neighbourhood Residential' on Schedule D1 of the Garden City Plan and further designated 'Low Density Residential' on Schedule E3. 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. An ADU within the principal dwelling is permitted.

Zoning By-Law (2013-283)

The subject lands are zoned Low Density Residential – Suburban Neighbourhood (R1). An ADU is permitted within detached dwellings subject to provisions of Section 2.2.1.

Planning Analysis

A minor variance is being sought to facilitate the conversion of the basement into an interior ADU. The Minor Variance requests an increase in the maximum interior accessory dwelling unit floor area from 60 m² or 40% to 108.6 m² or 43%. Any alterations proposed to the detached dwelling to facilitate the ADU are entirely internal as there are no exterior changes nor an increase in building mass proposed. The Zoning By-law, as amended, sets out that the maximum size of an ADU is 60 m² or 40% of the floor area of the dwelling, whichever is less. The intent of this provision is to ensure that an ADU is subordinate in terms of its size and function to the primary dwelling unit.

While the requested 108.6 m² floor area is 48.6 m² more than the permitted maximum and may seem significant, Staff are of the opinion that this request is minor in nature. The total area of the proposed ADU represents 43% of the floor area of the entire detached dwelling, which is a 3% increase of the maximum 40% requirement. The principal dwelling unit is still larger in size than the ADU, and staff are satisfied that the ADU is subordinate in size and function. In accordance with Section 2.2.1. of the Zoning By-law, the proposed ADU is entirely within the footprint of the existing detached dwelling and meets all other zoning provisions in consideration of the interior ADU, including parking. Staff are satisfied that the proposed ADU does not create any adverse impacts on the surrounding neighbourhood and is desirable for the appropriate use of the land. The ADU is subordinate to the principal ground floor unit, therefore maintaining the intent and purpose of the Zoning By-Law.

Section 2.3.3.5 (iv) of the GCP provides that new housing will be encouraged to support housing diversity for a range of life stages, incomes and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities. The proposed interior ADU contributes to the range of dwelling types within the City. Staff are of the opinion that the application maintains the intent of the Official Plan and is desirable for the appropriate use of the lands. 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-128/22** 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 this Application.

Prepared by:



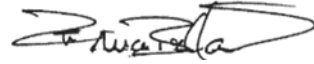
Giuseppe Ferreri
Student Planner

Submitted by:



Madeleine Ferko, B.E.S.
Planner

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: November 1, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 16, 2022 hearing

NO.	ADDRESS	COMMENTS
A-134/22	122 Cushman Road	Be advised that a building permit is required to construct the self-storage facility.
A-135/22	143 Hartzel Road	No comment
A-136/22	145 Hartzel Road	No comment
A-131/22	260 Oakdale Avenue	Be advised that a building permit is required for the two proposed shipping containers to be located on the property.
A-133/22	17 Prestwick Avenue	Be advised that a building permit is required to convert the existing single detached dwelling into a duplex.
A-128/22	7 Sequoia Avenue	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-132/22	112 Townline Road	Be advised that a building permit is required to construct the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-123/22	224 Vine Street	Be advised that a building permit is required to construct the 83 townhouse units.



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

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 3, 2022

Subject: Committee of Adjustment Comments (November 16, 2022, Hearing)

A-123/22 – 294 Vine Street

The applicant submitted plans showing the suitability of the proposed parking stall sizes with various sized vehicles. Nothing was submitted showing the suitability of the reduced distances from the garage to the street.

For full sized pick-up trucks, a 6.01 metre separation between the garage and the street was just sufficient to accommodate the vehicle. As such, we'd have concerns that any reduction from the 6.0 m separation requirement from the garage to the street wouldn't be sufficient to accommodate larger sized vehicles, resulting in the vehicle encroaching onto the street or sidewalk.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist




Memorandum

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 31, 2022
Hearing Date: November 16, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
294 Vine Street – A-123/22
7 Sequoia Avenue – A-128/22
260 Oakdale Avenue – A-131/22
112 Townline Road – A-132/22
17 Prestwick Avenue – A-133/22
122 Cushman Road – A-134/22
143 Hartzel Road – A-135/22
145 Hartzel Road – A-136/22

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 are to 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

**Amanda No. 22 112131 MV
Submission No. A-132/22**

COMMITTEE OF ADJUSTMENT COMMENTS

112 TOWNLINE ROAD W

**DATE OF HEARING:
November 16, 2022**

Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: November 4th, 2022

Date of Meeting: November 16th, 2022

Report Number: A-132/22

File: 22 112131 MV

Subject Lands: 112 Townline Road West

Recommendation

The application **A-132/22**, submitted by **2450154 Ontario Inc.**, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant proposes to create an interior Accessory Dwelling Unit (ADU) within the basement of the existing detached dwelling. One (1) variance is requested to facilitate the proposal and is outlined below.

Variance	Provision	Required	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60 m ²	66.42 m ²

Location and Site Description

112 Townline Road West (subject lands) is located on the north side of Townline Road West, east of Leeson Street, and immediately adjacent to the municipal boundary between the City of St. Catharines and the City of Thorold. The surrounding neighbourhood is primarily low-density residential consisting of detached dwellings. Townline Road West is a local road, however there are several public transit stops in proximity to the subject lands that provide connectivity to Brock University, the Pen Centre and the wider community.

The subject lands are occupied by a one-storey detached residential dwelling with a detached garage in the rear.

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 are designated 'Neighbourhood Residential' on Schedule D1 of the Garden City Plan and further designated 'Low Density Residential' on Schedule E9. 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. An ADU is permitted within the principal detached dwelling.

Zoning By-Law (2013-283)

The subject lands are zoned Low Density Residential – Suburban Neighbourhood (R1). ADUs are permitted within detached dwellings subject to provisions of Section 2.2.1.

Planning Analysis

The Applicant is requesting an increase to the maximum permitted floor area for an interior accessory dwelling unit from 60.0 m² to 66.42 m² to facilitate the conversion of the basement of the existing detached dwelling into an ADU. The Zoning By-law sets out that the maximum size of an interior ADU is 60 m² or 40% of the floor area of the dwelling unit, whichever is less. The intent of this provision is to ensure the interior accessory dwelling unit is subordinate in terms of its scale, function and relationship to the primary dwelling unit. 66.42 m² represents approximately 38.75% of the total dwelling area, is under the maximum 40% threshold, and is subordinate in size to the primary dwelling unit. Staff are of the opinion that the requested increase maintains the intent and purpose of the Zoning By-Law.

The additional 6.42 m² to create an interior ADU within the basement of the existing detached dwelling does not create any adverse impacts on the surrounding neighbourhood. Any alterations proposed to the detached dwelling to facilitate the ADU are entirely internal as there are no exterior changes nor an increase in building mass proposed. The subject lands meet all other zoning provisions in consideration of the interior ADU, including parking. Staff consider the requested increase to the maximum area of an interior accessory dwelling unit to be minor in nature and is desirable for the appropriate use of the subject lands.

Section 2.3.3.5 (iv) of the Garden City Plan provides that new housing will be encouraged to support housing diversity for a range of life stages, incomes and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities. The proposed interior accessory dwelling unit contributes to the range of dwelling types within the City, and supports the provision of affordable housing. As such, Staff are of the opinion that the application follows the intent of the Official Plan and is desirable for the appropriate use of the lands. 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-132/22** 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 this Application.

Prepared by:



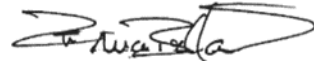
Giuseppe Ferreri
Student Planner

Submitted by:



Madeleine Ferko, B.E.S.
Planner

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: November 1, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 16, 2022 hearing

NO.	ADDRESS	COMMENTS
A-134/22	122 Cushman Road	Be advised that a building permit is required to construct the self-storage facility.
A-135/22	143 Hartzel Road	No comment
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A-133/22	17 Prestwick Avenue	Be advised that a building permit is required to convert the existing single detached dwelling into a duplex.
A-128/22	7 Sequoia Avenue	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-132/22	112 Townline Road	Be advised that a building permit is required to construct the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-123/22	224 Vine Street	Be advised that a building permit is required to construct the 83 townhouse units.

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




Memorandum

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer
From: Sean Ip, Development Engineering Technologist
CC: City Committee of Adjustment Staff Members
Date: October 31, 2022
Hearing Date: November 16, 2022
Subject: **Committee of Adjustment - Minor Variance Applications**
294 Vine Street – A-123/22
7 Sequoia Avenue – A-128/22
260 Oakdale Avenue – A-131/22
112 Townline Road – A-132/22
17 Prestwick Avenue – A-133/22
122 Cushman Road – A-134/22
143 Hartzel Road – A-135/22
145 Hartzel Road – A-136/22

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 are to 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: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 3, 2022

Subject: Committee of Adjustment Comments (November 16, 2022, Hearing)

A-123/22 – 294 Vine Street

The applicant submitted plans showing the suitability of the proposed parking stall sizes with various sized vehicles. Nothing was submitted showing the suitability of the reduced distances from the garage to the street.

For full sized pick-up trucks, a 6.01 metre separation between the garage and the street was just sufficient to accommodate the vehicle. As such, we'd have concerns that any reduction from the 6.0 m separation requirement from the garage to the street wouldn't be sufficient to accommodate larger sized vehicles, resulting in the vehicle encroaching onto the street or sidewalk.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

Nahachewsky, Jayne

From: Glenda C Friday, November 11, 2022
Sent: 12:10 PM Semple, Claire
To: Nahachewsky, Jayne
Cc: Application A-132/22
Subject:

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.

Comments for Application A-132/22
112 Townline Road West
CP 6 LOT 695

Our notice of hearing we were mailed as well as the one posted on the property states that the hearing is Wednesday, November 16 at 5:00 pm however in a reply email I received from Claire Semple she states the hearing is December 14th. Which is it? I want to make sure the comments are applied to the correct hearing.

November 9, 2022

Margaret Josipovic
Acting Secretary-Treasurer
Application A-132/22
112 Townline Road West

We understand the applicant wants to increase the maximum interior dwelling unit floor from 60 square metres to 66.42 square metres. With that increase and the proposed floor plan this obviously means the applicant intends on putting an apartment downstairs with the added Kitchen/Dining Area, Living Area, 2 Bedrooms, and Bathroom. That means that this single home will have two separate living spaces with different and various tenants on the property.

Currently, the driveway is a very narrow single driveway. With different tenants living upstairs and downstairs this driveway area will not be sufficient as the separate tenants will not want to be parking behind one another in a single driveway where they will not be able to get around each other to shuffle cars. This means that the tenants will be parking on the road.

This road is to receive a major reconstruction which means that the property will be losing the length of the driveway as well since properties will be losing their lengths. Parking is only to be on one side of the road with the new changes by The Niagara Region along with the cities of St. Catharines and Thorold. Therefore, the tenants will not be able to park on that side of the road and will be lined up along the Thorold side of the road where there is also a fire hydrant on the Thorold side. So very limited parking near the property.

This street is also a bus route and with the new changes on the street it means this road will be the new major thoroughfare from St. Davids Road continuing down to Front St. N. So a very busy road with tenants parking all over the one side of the road due to insufficient parking for the proposed tenants in this property.

We are not satisfied with the insufficient parking at this property for the proposed basement plan that is obviously bringing in another apartment and potentially more vehicles in this single dwelling. Does the owner

intend on increasing the parking area at this property to accommodate the potential new tenants that could possibly lead to 5 vehicles with the 5 bedrooms that will be available in this new proposal??

Concerned Neighbours
The Cotnam's

Note: We would also like to receive a copy of the Notice of Decision

**Amanda No. 22 110754 MV
Submission No. A-123/22**

COMMITTEE OF ADJUSTMENT COMMENTS

294 VINE STREET

**DATE OF HEARING:
November 16, 2022**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 10, 2022

Date of Meeting: November 16, 2022

Report Number: A-123/22

File: 22110754

Subject: 294 Vine Street (to be known as 292 Vine Street)

Recommendation

That Variances 1, 2 and 3 of Application **A-123/22** submitted by The Royal Canadian Legion, as outlined in the Notice of Hearing, be approved, subject to the following:

- a) That the variances be limited to the specified areas as outlined in the Notice of Decision and shown on the materials attached as Appendix 1.
- b) That landscaping shall be installed on private property between the front lot line and the first parking space accessed from Vine Street to adequately screen the adjacent row of parking from the public realm. Coniferous and deciduous materials shall be used, providing interest through all seasons and achieving a minimum height of 1.0 metre.
- c) One additional boulevard tree, selected from the City's approved Tree Planting List, shall be installed within the Vine Street road allowance, south of the main driveway access.
- d) A 1.8-metre-high wood board privacy fence will be installed along that portion of the north lot line across from Blocks A and D, and that portion of the westerly lot line across from Blocks G and H.
- e) Installation of all new retaining walls, toe walls, and wood board fencing around the perimeter of the site will be coordinated with neighbours such that these elements will not conflict with any existing fencing owned by others.
- f) Installation of all new retaining walls, toe walls, and wood board fencing around the perimeter of the site shall not compromise the width or area of required landscape buffers.
- g) That the applicant shall submit a revised site plan that demonstrates the proposed location of electrical transformers will not conflict with the landscape plan. The revised plan shall be submitted through the concurrent site plan application.
- h) That the applicant shall submit a revised site plan that demonstrates the functionality of snow storage will not conflict with the landscape plan. The revised plan shall be submitted through the concurrent site plan application.
- i) That to ensure the success of the landscape plan, a percentage of landscape securities shall be held for a longer duration. The landscape plan shall be approved through the concurrent site plan application.

That Variances 4 and 5 of Application **A-123/22** submitted by The Royal Canadian Legion, as outlined in the Notice of Hearing, be approved, subject to the following:

- a) That the variances be limited to the specified areas as outlined in the Notice of Decision and shown on the materials attached as Appendix 1.

That Variance 6 of Application **A-123/22** submitted by The Royal Canadian Legion, as outlined in the Notice of Hearing, be approved, subject to the following:

- a) That the applicant shall submit a revised landscape, site servicing, and grading and drainage plans that clearly illustrate that new trees to be planted in the rear yards of Blocks I, J, and K will not be impacted by site servicing, grading and drainage, and vice versa. The revised plans shall be submitted through the concurrent site plan application.
- b) That the applicant shall submit a revised site plan that demonstrates the proposed location of electrical transformers will not conflict with the landscape plan. The revised plan shall be submitted through the concurrent site plan application.
- c) That the applicant shall submit a revised site plan that demonstrates the functionality of snow storage will not conflict with the landscape plan. The revised plan shall be submitted through the concurrent site plan application.
- d) That the applicant shall submit a cross section plan illustrating the proposed location of utilities and trees in front of dwellings. The plan shall clearly demonstrate the proposed front yard trees will not be negatively impacted by servicing. The plan shall be submitted through the concurrent site plan application.
- e) That the applicant shall submit a revised landscape plan that avoids monoculture and provides a variety of tree and plant species throughout the site, both coniferous and deciduous. All trees, shrubs, and plant materials shall meet or exceed the City's minimum size requirements. The revised plan shall be submitted through the concurrent site plan application.
- f) The design of the common outdoor space between Blocks F and G shall include a tot lot with playground and shade structure in addition to at least one deciduous shade tree. The revised plan shall be submitted through the concurrent site plan application.
- g) Deciduous trees shall be installed along the end walls of all buildings having exposure to the adjacent private road. Where deciduous trees can not be accommodated because of limited space, coniferous and deciduous shrubs shall be used that provide interest through all seasons and achieve a minimum height of 1.0 metre.
- h) That to ensure the success of the landscape plan, a percentage of landscape securities shall be held for a longer duration. The landscape plan shall be approved through the concurrent site plan application.

That Variance 7 of Application **A-123/22** submitted by The Royal Canadian Legion, as outlined in the Notice of Hearing, be approved, subject to the following:

- a) That the variance be limited to the specified areas as outlined in the Notice of Decision and shown on the materials attached as Appendix 1.

That Variance 8 of Application **A-123/22** submitted by The Royal Canadian Legion, as outlined in the Notice of Hearing, be approved, subject to the following:

- a) That the variance be limited to the specified areas as outlined in the Notice of Decision and shown on the materials attached as Appendix 1.
- b) That the design of the back-to-back townhouse blocks maintain the proposed amenity areas as shown in Appendix 1.

That Variances 9 and 10 of Application **A-123/22** submitted by The Royal Canadian Legion, as outlined in the Notice of Hearing, be approved, subject to the following:

- a) That the variances be limited to the specified pinch points as outlined in the Notice of Decision and shown on the materials attached as Appendix 1.

That Variances 11, 12, 13, 14, 15, 16, 17 and 18 of Application **A-123/22** submitted by The Royal Canadian Legion, as outlined in the Notice of Hearing, be approved, subject to the following:

- a) That the variances be limited to the specified areas and pinch points as outlined in the Notice of Decision and shown on the materials attached as Appendix 1.
- b) Deciduous trees shall be installed along the end walls of all buildings having exposure to the adjacent private road. Where deciduous trees can not be accommodated because of limited space, coniferous and deciduous shrubs shall be used that provide interest through all seasons and achieve a minimum height of 1.0 metre.
- c) That to ensure the success of the landscape plan, a percentage of landscape securities shall be held for a longer duration. The landscape plan shall be approved through the concurrent site plan application.

That Variance 19 of Application **A-123/22** submitted by The Royal Canadian Legion, as outlined in the Notice of Hearing, be approved, subject to the following:

- a) That the variance be limited to the specified area as outlined in the Notice of Decision and shown on the materials attached as Appendix 1.

That Variances 20 and 21 of Application **A-123/22** submitted by The Royal Canadian Legion, as outlined in the Notice of Hearing, be approved, subject to the following:

- a) That the variances be limited to the specified areas as outlined in the Notice of Decision and shown on the materials attached as Appendix 1.

Report

Background

On April 28, 2022, Consent application **B-29/22SC** was approved by the Committee of Adjustment to sever 294 Vine Street. The severance was to facilitate a residential private road development on the newly created lot 292 Vine Street and future construction of a new Royal Canadian Legion facility on the retained lot 294 Vine Street.

To facilitate the proposed private road development on the new lot, there is a concurrent site plan application (File no. 22 102383 SP) to register an Agreement on title to the lands. Application **A-123/22** is required to facilitate the proposed development.

The Proposal

The applicant proposes to construct a private road development comprising of eighty-three (83) townhouse dwellings on the recently created lot 292 Vine Street. Sixty-two (62) of the townhouse dwelling units are within three-storey back-to-back townhouse blocks, divided into eight (8) blocks throughout the site (Blocks A-H as shown on the submitted sketch). The remaining twenty-one (21) townhouse dwelling units are designed as three-storey standard townhouse blocks, divided into three (3) blocks along the rear eastern lot line (Blocks I-K). The proposal includes a common amenity area centrally located between Blocks F and G. In addition to a driveway for each dwelling unit, twenty-one (21) parking spaces are provided within the site.

The variances requested to facilitate the proposal are outlined in the table below.

Variance	Provision	Required	Proposed
1	Minimum landscape buffer for a parking area with 100 or greater parking spaces along a lot line abutting a residential or institutional zone (for the I2 zone abutting to the south and the R3 zone abutting to the north and west)	4.0m	3.0m
2	Minimum landscape buffer for a parking area with 100 or greater parking spaces along a lot line abutting a residential or institutional zone (for the 6.0m wide shared driveway along the north lot line)	4.0m	0.0m
3	Minimum landscape buffer for a parking area with 100 or greater parking spaces along a lot line not abutting a public road (for the area adjacent to the community mailbox along the south lot line)	3.0m	2.0m
4	Minimum width for a standard parking space obstructed on two sides (for townhouse blocks A-H)	3.5m	3.12m
5	Minimum width for a standard parking space obstructed on two sides (for townhouse blocks I-K)	3.5m	2.9m
6	Minimum landscaped open space	35%	33%

Variance	Provision	Required	Proposed
7	Maximum building height (for Blocks A-H)	11.0m	12.25m
8	Minimum rear yard setback from rear wall of dwelling (for Blocks A-H)	7.5m	0m
9	Minimum distance from private road to attached garage (for units 17, 24 and 25)	6.0m	5.9m
10	Minimum distance from private road to attached garage (for units 48 and 49)	6.0m	5.8m
11	Minimum distance from private road to dwelling (for unit 12)	3.0m	1.2m
12	Minimum distance from private road to dwelling (for units 4, 5 and 49)	3.0m	1.5m
13	Minimum distance from private road to dwelling (for unit 25)	3.0m	1.9m
14	Minimum distance from private road to dwelling (for unit 64)	3.0m	2.1m
15	Minimum distance from private road to dwelling (for unit 48)	3.0m	2.3m
16	Minimum distance from private road to dwelling (for unit 32)	3.0m	2.4m
17	Minimum distance from private road to dwelling (for unit 64)	3.0m	2.6m
18	Minimum distance from private road to dwelling (for unit 24)	3.0m	2.8m
19	Minimum interior side yard setback from end wall to lot line not abutting an R1 or R2 zone (for townhouse block A)	3.0m	2.7m
20	Maximum unit driveway width (for the first 2.25m portion of the driveway measured from the face of the garage for townhouse blocks A-H)	50% of unit width	53.6% of unit width

Variance	Provision	Required	Proposed
21	Maximum unit driveway width (for the first 1.55m portion of the driveway measured from the face of the garage for townhouse blocks I-K)	50% of unit width	55.9% of unit width

Location and Site Description

The subject property is located on the east side of Vine Street, north of Carlton Street. The surrounding neighbourhood is comprised of residential and community institutional uses. A detached dwelling and residential private road development abut the property to the north. Laura Secord Secondary School abuts the property to the east along with a row of approximately thirty (30) mature sycamore trees. Abutting to the west is a three-storey apartment building and a commercial plaza. Saint Alfred Elementary School abuts the property to the south. The subject property was previously occupied by the Royal Canadian Legion, with a new Legion building being proposed on the retained lot 294 Vine Street.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. No objections were received. However, staff have added conditions to the application to ensure the site meets City standards. These conditions are outlined in the recommendation of this report.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E3. This designation permits a range of uses, including residential dwellings, schools, places of worship and other local public serving institutional uses, neighbourhood commercial uses, parks and open space uses.

Zoning By-law (2013-283)

The subject property is zoned Community Institutional (I2). A range of uses, including cultural facilities, places of assembly and worship, schools and medium density residential uses are permitted within this zone. Residential dwelling types including detached dwellings, semi-detached dwellings, duplexes, triplexes, townhouses and apartment buildings are permitted within this zone.

Planning Analysis

Minimum Landscape Buffer

Variances 1, 2 and 3 seek to reduce the minimum landscape buffers required for a parking area with 100 or more parking spaces. Section 3.12.1 of the Zoning By-law requires 1.25 parking spaces per dwelling unit in a private road development. The

proposal is for a private road development containing 83 townhouse dwellings, therefore the minimum number of parking spaces required onsite is 104 spaces. Section 3.13.1 of the Zoning By-law requires a 4.0m landscape buffer for a parking area with 100 or greater parking spaces for a lot line abutting a residential or institutional zone. The development proposes a 3.0m landscape buffer along the abutting institutional zone to the south, and along the abutting residential zones to the north and west. The development proposes a 0.0m landscape buffer along the abutting institutional zone to the north for the 6.0m wide shared driveway, which is intended to be used to access the future Legion building at 294 Vine Street. The Zoning By-law requires a 3.0m landscape buffer for a parking area with 100 or greater parking spaces for a lot line not abutting a public road. The development proposes a 2.0m landscape buffer pinch point along the southern lot line near Vine Street.

The intent of the provision is to ensure there is an appropriate buffer and screening between lots and the road. The intent of the provision also supports onsite drainage. Section 7.1 of the GCP states that development and redevelopment shall be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design. This includes ensuring there are adequate setbacks and screening to minimize potential adverse impacts on adjacent properties. Further, Section 4.9 of the GCP states that appropriate buffering will be provided between all uses of land where there may be a conflict.

Staff note that the standard landscape buffer requirement is 3.0m for parking areas with less than 100 spaces as it is considered an adequate size to accommodate plantings and provide a buffer between properties. Given the number of townhouse dwellings proposed with the development, the Zoning By-law requires over 100 parking spaces, however, the layout of the site functions as a residential subdivision and there is not a large parking area abutting any of the lot lines. As noted, the proposal is undergoing site plan review and staff are satisfied that this process will ensure appropriate landscaping is provided within the 3.0m buffers along the abutting institutional and residential zones. Staff also note that the variance to reduce the landscape buffer to 0.0m for the 6.0m wide shared driveway for the future Legion building is considered a technical variance as it would not be possible to provide a landscape buffer at this location. Further, staff note that the proposed 2.0m landscape buffer adjacent to the proposed community mailbox is minor as it is a specific pinch point along a lot line that will otherwise have plantings and screening for the abutting commercial use to the south. There will also be additional landscaping established during the site plan process to screen the entrance from the parking spaces off Vine Street.

Staff consider the variances to be minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law, granted that the conditions outlined in the recommendation are applied.

Minimum Parking Space Width

Variances 4 and 5 seek to reduce the minimum width for a standard parking space obstructed on two sides. Section 3.7 of the Zoning By-law requires a minimum width of

3.5m for standard parking spaces obstructed on two sides. The driveway of each townhouse dwelling unit is considered the required parking space and is obstructed on two sides for the portion of the driveway that is next to the front porch of the dwelling. The applicant proposes a driveway width of 3.12m for the sixty-two (62) back-to-back townhouse dwellings in blocks A-H and 2.99m for the twenty-one (21) standard townhouse dwellings in blocks I-K. The area of the driveway that is obstructed is limited to approximately 2.2m in length for blocks A-H and 1.5m in length for blocks I-K.

The intent of this provision is to ensure that there is adequate width within the obstructed parking space to safely accommodate and maneuver a vehicle while also providing room to open doors and access the vehicle. Section 4.3.2 of the GCP states that development/redevelopment should design parking to minimize the impact on the property, surrounding area and environment. While the spaces are proposed to be narrower than 3.5m, the width proposed is consistent with the requirement for a space that is obstructed on one side, which allows for some additional width to accommodate movement around the vehicle. As part of this application, staff requested that the applicant submit car diagrams demonstrating the functionality of the proposed parking widths for vehicles such as an SUV and full-sized pick-up truck. Transportation staff have reviewed the materials and note that although the proposed width may be challenging for residents with larger vehicles, the driveway will be able to accommodate vehicles and provide parking for the proposed units. Staff note that the obstructed area is limited to the portion of the driveway next the front porch, therefore minimizing potential restrictions when maneuvering in or out of the vehicle. Further, the submitted sketch and car diagram will be attached as an Appendix to the Notice of Decision thereby restricting the obstruction to this specific area and limit potential negative impacts to the property or surrounding area.

As such, staff consider the variances to be minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Minimum Landscaped Open Space

Variance 6 seeks to reduce the minimum landscaped open space from 35% of the total lot area to 33%. The intent of the minimum landscaped open space provision is to ensure the lot has adequate landscaping and softscapes to serve as amenity space and facilitate lot drainage. The intent of the provision is also to ensure the lot is not dominated by hard surfaces. The GCP includes policies that require and support onsite landscaping to provide amenity areas, enhance the visual appeal of development, assist in stormwater management, mitigate the effects of inclement weather, and preserve and compliment the existing natural landscape.

The proposed 2% reduction in landscaped open space on the property is considered minor in nature. The design of the proposed development provides amenity space for residents through the provision of a common amenity area between blocks F and G, private rooftop amenity areas for the back-to-back townhouse dwellings and rear yards for the standard townhouse blocks. Through the concurrent site plan approval process, staff will require that additional trees and plantings be installed to enhance landscaping

within the site, such as trees in front of dwelling units and along the eastern lot line. The site plan approval process will also ensure that the site's stormwater management and servicing is functional and does not conflict with landscaping requirements.

Staff find the proposed variance is minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law, granted that the conditions outlined in the recommendation are applied.

Maximum Building Height

Variance 7 seeks to increase the maximum building height for a townhouse dwelling from 11.0m to 12.25m for the back-to-back townhouse blocks A-H. This variance is required to permit the proposed rooftop mechanical area and service room, which also serves as access to the rooftop amenity spaces proposed for each back-to-back townhouse dwelling. The rooftop mechanical area and service room that exceeds the 11.0m maximum building height is small in size and does not equate to the entire floor as it is located at the back of the dwelling. The remainder of the back-to-back townhouse dwellings comply with the maximum building height of 11.0m.

The intent of this provision is to ensure appropriate massing and compatibility by mitigating potential negative impacts such as overlook from a development to the surrounding area. 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. As noted, only the rooftop storage loft exceeds the 11.0m maximum building height permitted in this zone. The area exceeding the maximum building height is stepped back from the private road than the rest of the dwelling, therefore the area of additional height will be offset and will not impact the streetscape. Given that the request for additional height is for back-to-back townhouse blocks, there will be no negative impacts to the rear dwellings as the rear walls for all of the units will be the same height. There are also adequate setbacks from the back-to-back townhouse blocks from adjacent properties and neighbouring uses. Staff note that the increase in height is to facilitate the provision of rooftop amenity space for each back-to-back townhouse dwelling, which is desirable. Staff are satisfied that the applicant has achieved a context sensitive design and that a compatible fit within the neighbourhood will be achieved.

Staff find the proposed variance is minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Minimum Rear Yard Setback

Variance 8 seeks to reduce the rear yard setback between rear walls from 7.5m to 0.0m for the back-to-back townhouse blocks A-H. This variance is required to address the design of the back-to-back townhouse blocks, which is unable to provide a rear yard setback between the rear walls. As such, this is considered a technical variance.

The intent of this provision is to ensure adequate amenity space is provided for each dwelling unit while providing separation between buildings and facilitating stormwater management of the site. 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. Section 8 of the GCP supports providing a range of housing opportunities, types, form and density to accommodate projected growth and provide housing choices for residents. As noted, the design of back-to-back townhouse dwellings are unable to provide a rear yard setback between the rear walls. However, the design of the townhouse dwellings provides a private rooftop amenity area for each dwelling and there is a common amenity area centrally located between blocks F and G. There are additional amenity areas located within the site that will be dedicated to landscaping and more passive uses. Prior to staff's approval of the concurrent site plan application, the applicant shall demonstrate that the proposal can accommodate drainage and landscaping requirements onsite with these reduced setbacks. Further, staff recognize that the proposed back-to-back townhouse blocks contribute to providing a range of housing types within the city.

Staff find the proposed variance is minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Minimum Distance from Private Road to Attached Garage

Variances 9 and 10 seek to reduce the minimum distance from the private road to attached garage for pinch points at units 17, 24, 25, 48, and 49. Section 5.7 of the Zoning By-law requires a minimum distance of 6.0m from the private road to the attached garage within a private road development. The development proposes a setback of 5.9m for units 17, 24 and 25 and a setback of 5.8m for units 48 and 49. The reduced setbacks of 0.1m and 0.2m are considered minor in nature.

The intent of this provision is to ensure the length of the driveway is adequate to accommodate the parking of a vehicle, and to ensure the streetscape is not dominated by garages protruding beyond the front wall of the dwelling. Staff note that the minimum length of a standard parking space in the Zoning By-law is 5.2m, therefore the proposed reduced setback of the garage to the private road complies with the length of a standard parking space. 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. As noted, the proposal requests a minor reduction of this setback for five (5) of the eighty-three (83) townhouse dwelling units that will not result in undesirable massing along the streetscape within the private road development or negative impacts to the surrounding area.

Staff find the proposed variances are minor in nature, desirable for the appropriate use of lands, and meet the general intent of the Official Plan and Zoning By-law.

Minimum Distance from Private Road to Dwelling

Variances 11 to 18 seek to reduce the minimum distance from the private road to dwelling for various locations throughout the development. Section 5.7 of the Zoning By-law requires a minimum distance of 3.0m from the private road to a dwelling within a private road development. This is measured from the outside edge of the private road, which includes the sidewalk. The applicant seeks relief for the locations listed below:

- Variance 11 requests a reduced setback of 1.2m for unit 12 (Block B) at along the end wall.
- Variance 12 requests a reduced setback of 1.5m for units 4 and 5 (Block A) along the end walls and unit 49 (Block H) at a pinch point to the internal sidewalk.
- Variance 13 requests a reduced setback of 1.9m for unit 25 (Block D) at a pinch point to the internal sidewalk.
- Variance 14 requests a reduced setback of 2.1m for unit 64 (Block E) at a pinch point to the internal sidewalk.
- Variance 15 requests a reduced setback of 2.3m for unit 48 (Block H) at a pinch point to the internal sidewalk.
- Variance 16 requests a reduced setback of 2.4m for unit 32 (Block C) at a pinch point to the internal sidewalk.
- Variance 17 requests a reduced setback of 2.6m for unit 64 (Block E) at a pinch point to the internal sidewalk.
- Variance 18 requests a reduced setback of 2.8m for unit 24 (Block D) at the front pillar of the dwelling and at a pinch point to the internal sidewalk.

The intent of this provision is to provide a separation from the private road to dwellings as well as facilitate drainage and landscaping for the overall site. 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.

As outlined above and shown on the submitted sketch, the variances request relief for yards along the end wall for townhouse blocks A and B. Staff note that the units within blocks A and B have longer front yards which provide additional area for amenity space, landscaping and drainage functions. For townhouse blocks C, D, E and H the variances are required to address pinch points to the internal sidewalk due to the curve of the private road. The proposed pinch points still allow for sod and plantings to be provided along the building façades or end walls to offset the reduced setbacks. All other setbacks from the private road to dwellings maintain or exceed the minimum 3.0m setback. By varying the specific pinch points for Variances 11 to 18, this restricts further reductions throughout the site. Staff note that the submitted sketch will be attached as an Appendix to the Notice of Decision, thereby restricting the pinch points to those outlined in this application.

As noted, prior to staff's approval of the concurrent site plan application, the applicant shall demonstrate that the proposal can accommodate drainage and landscaping requirements onsite with the proposed reduced setbacks. The subject property is of sufficient size to accommodate drainage and landscaping onsite that satisfies staff while achieving the intent of the Official Plan and Zoning By-law. Through the site plan

process, staff will ensure that adequate landscaping is provided onsite by requiring trees in front of dwellings and within landscaped open space. Staff are satisfied that any privacy impacts on the private road dwelling unit occupants that might stem from the reduced setbacks will be minimal given the nature and location of the reduced setbacks. There will not be any impacts to the surrounding area as a result of these variances.

Staff find the proposed variances are minor in nature, desirable for the appropriate use of lands, and meet the general intent of the Official Plan and Zoning By-law, granted that the conditions outlined in the recommendation are applied.

Minimum Interior Side Yard Setback

Variance 19 seeks to reduce the interior side yard setback from the end wall of townhouse block A to a lot line not abutting an R1 or R2 zone. Section 5.7 of the Zoning By-law requires a minimum interior side yard setback of 3.0m and the applicant is proposing an interior side yard setback of 2.7m for block A.

The intent of this provision is to ensure adequate amenity space is provided for each dwelling unit while providing separation between buildings and facilitating stormwater management of the site. 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. Staff note that this variance requests a reduced setback of 0.3m for a pinch point at block A and that all other interior side yard setbacks comply with the 3.0m minimum setback. As noted, prior to staff's approval of the concurrent site plan application, the applicant shall demonstrate that the proposal can accommodate drainage and landscaping requirements onsite with the proposed reduced setbacks.

Staff find the proposed variance is minor in nature, desirable for the appropriate use of lands, and meets the general intent of the Official Plan and Zoning By-law.

Maximum Driveway Width

Variances 20 and 21 seek to increase the maximum driveway width of 50% of the unit width. Section 5.7 of the Zoning By-law permits a maximum driveway width of 50% of the unit width for dwellings within a private road development. The applicant proposes a maximum driveway width of 53.6% of the unit width for the first 2.25m portion of the driveway measured from the face of the garage for townhouse blocks A-H. The applicant also proposes a maximum driveway width of 55.9% of the unit width for the first 1.55m portion of the driveway measured from the face of the garage for townhouse blocks I-K.

The intent of this provision is to ensure driveways of dwellings do not dominate the streetscape and to ensure adequate landscaping is provided along the private road for aesthetic and stormwater management purposes. Section 4.3.2 of the GCP states that development/redevelopment should design parking to minimize the impact on the property, surrounding area, and environment. This can be achieved by limiting the area of the driveway width that exceeds 50% of the unit width as well as install tree plantings

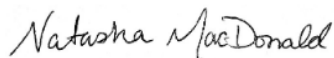
for most dwellings, as proposed. Staff note that the area of the driveway that exceeds 50% of the unit width will facilitate the screening of utility elements so that they are not visible from the road. Staff also note that the remainder of the driveway width shall comply with the Zoning By-law as staff would not be supportive of a driveway width exceeding 50% of the unit width for the entirety of the driveway. By limiting the area of the driveway that can exceed 50% of the unit width to 2.25m in length for blocks A-H and 1.55m in length for blocks I-K, this will not disrupt the streetscape and upholds the intent of the Official Plan and Zoning By-law. Staff note that the submitted car diagram will be attached as an Appendix to the Notice of Decision, thereby restricting the area of the driveway permitted to exceed 50% of the unit width.

Staff find the proposed variances are minor in nature, desirable for the appropriate use of lands, and meet the general intent of the Official Plan and Zoning By-law, granted that the conditions outlined in the recommendation are applied.

Conclusion

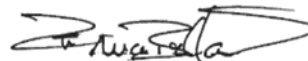
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-123/22** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate use of the lands. Staff recommend approval of the Application, subject to the conditions outlined in the recommendation.

Prepared and Submitted by:

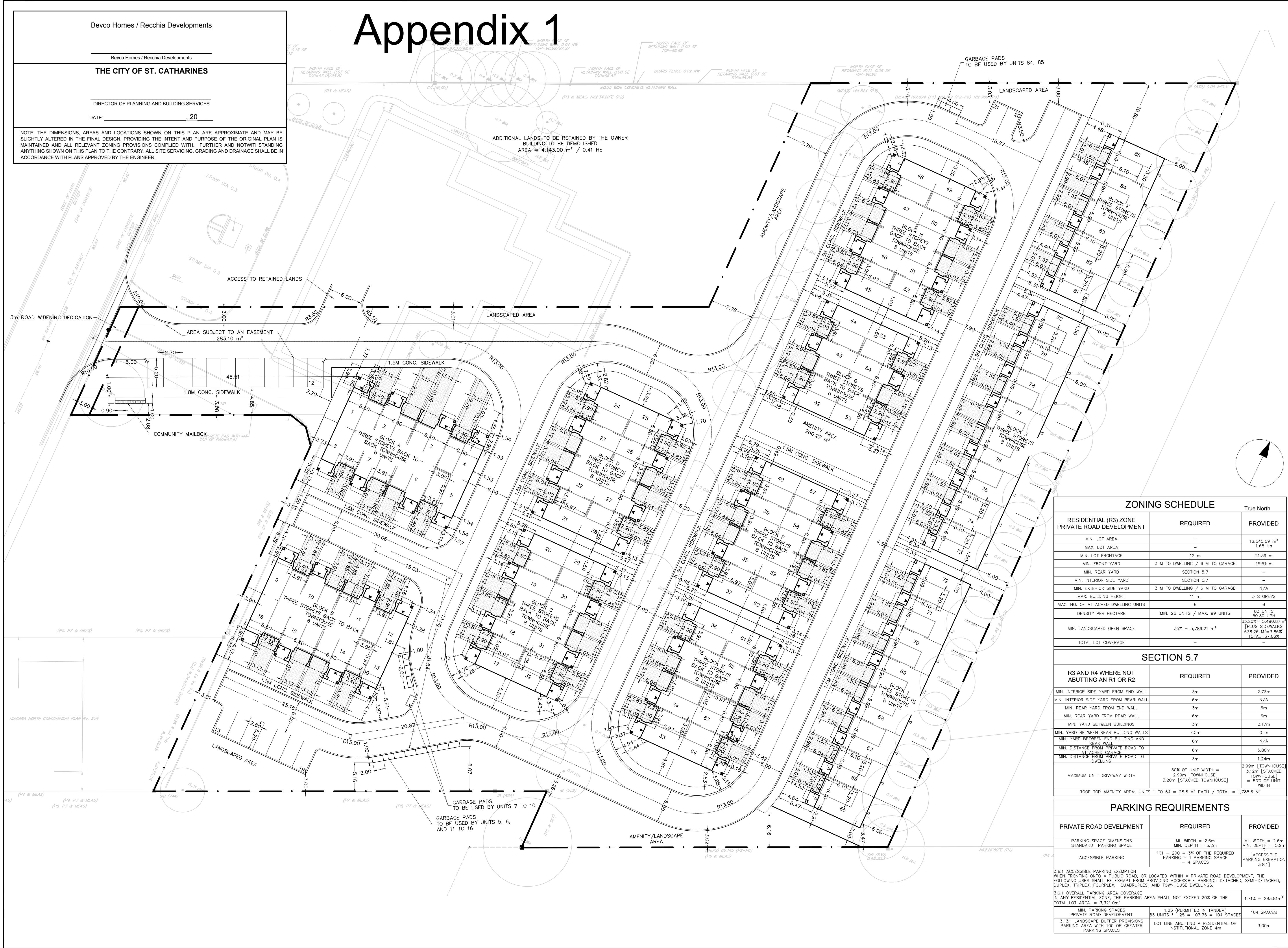


Natasha MacDonald
Planner I

Approved by:



Bruce Bellows
Senior Project Manager



Bevco Homes / Recchia Developments

Bevco Homes / Recchia Developments

THE CITY OF ST. CATHARINES

DIRECTOR OF PLANNING AND BUILDING SERVICES

DATE: .20

NOTE: THE DIMENSIONS, AREAS AND LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED IN THE FINAL DESIGN, PROVIDING THE INTENT AND PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH. FURTHER AND NOTWITHSTANDING ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL SITE SERVICING, GRADING AND DRAINAGE SHALL BE IN ACCORDANCE WITH PLANS APPROVED BY THE ENGINEER.

Appendix 1

ADDITIONAL LANDS TO BE RETAINED BY THE OWNER
BUILDING TO BE DEMOLISHED
AREA = 4,143.00 m² / 0.41 Ha

ZONING SCHEDULE

RESIDENTIAL (R3) ZONE PRIVATE ROAD DEVELOPMENT	REQUIRED	True North
		PROVIDED
MIN. LOT AREA	—	16,540.59 m ²
MAX. LOT AREA	—	1.65 Ha
MIN. LOT FRONTAGE	12 m	21.39 m
MIN. FRONT YARD	3 M TO DWELLING / 6 M TO GARAGE	45.51 m
MIN. REAR YARD	SECTION 5.7	—
MIN. INTERIOR SIDE YARD	SECTION 5.7	—
MIN. EXTERIOR SIDE YARD	3 M TO DWELLING / 6 M TO GARAGE	N/A
MAX. BUILDING HEIGHT	11 m	3 STOREYS
MAX. NO. OF ATTACHED DWELLING UNITS	8	8
DENSITY PER HECTARE	MIN. 25 UNITS / MAX. 99 UNITS	83 UNITS 50.35 UPH
MIN. LANDSCAPED OPEN SPACE	35% = 5,789.21 m ²	33.20% = 5,490.87m ² [PLUS SIDEWALKS 638.26 M ² = 3.86%] TOTAL = 37.06%
TOTAL LOT COVERAGE	—	—

SECTION 5.7

R3 AND R4 WHERE NOT ABUTTING AN R1 OR R2	REQUIRED	PROVIDED
MIN. INTERIOR SIDE YARD FROM END WALL	3m	2.73m
MIN. INTERIOR SIDE YARD FROM REAR WALL	6m	N/A
MIN. REAR YARD FROM END WALL	3m	6m
MIN. REAR YARD FROM REAR WALL	6m	6m
MIN. YARD BETWEEN BUILDINGS	3m	3.17m
MIN. YARD BETWEEN REAR BUILDING WALLS	7.5m	0 m
MIN. YARD BETWEEN END BUILDING AND REAR WALL	6m	N/A
MIN. DISTANCE FROM PRIVATE ROAD TO ATTACHED DWELLING	6m	5.80m
MIN. DISTANCE FROM PRIVATE ROAD TO DWELLING	3m	1.24m
MAXIMUM UNIT DRIVEWAY WIDTH	50% OF UNIT WIDTH = 2.99m [TOWNHOUSE] 3.20m [STACKED TOWNHOUSE] = 50% OF UNIT WIDTH	2.99m [TOWNHOUSE] 3.12m [STACKED TOWNHOUSE] = 50% OF UNIT WIDTH
ROOF TOP AMENITY AREA: UNITS 1 TO 64 = 28.8 M ² EACH / TOTAL = 1,785.6 M ²		

PARKING REQUIREMENTS

PRIVATE ROAD DEVELOPMENT	REQUIRED	PROVIDED
PARKING SPACE DIMENSIONS STANDARD PARKING SPACE	M. WIDTH = 2.6m MIN. DEPTH = 5.2m	M. WIDTH = 2.6m MIN. DEPTH = 5.2m
ACCESSIBLE PARKING	101 - 200 = 3% OF THE REQUIRED PARKING + 1 PARKING SPACE = 4 SPACES	[ACCESSIBLE PARKING EXEMPTION 3.8.1]
5.8.1 ACCESSIBLE PARKING EXEMPTION WHEN FRONTING ONTO A PUBLIC ROAD, OR LOCATED WITHIN A PRIVATE ROAD DEVELOPMENT, THE FOLLOWING USES SHALL BE EXEMPT FROM PROVIDING ACCESSIBLE PARKING: DETACHED, SEMI-DETACHED, DUPLEX, TRIPLEX, FOURPLEX, QUADRUPLICES, AND TOWNHOUSE DWELLINGS.		
5.9.1 OVERALL PARKING AREA COVERAGE IN ANY RESIDENTIAL ZONE, THE PARKING AREA SHALL NOT EXCEED 20% OF THE TOTAL LOT AREA = 3,321.0m ²		1.71% = 283.81m ²
MIN. PARKING SPACES PRIVATE ROAD DEVELOPMENT	1.25 (PERMITTED IN TANDEM) 83 UNITS * 1.25 = 103.75 = 104 SPACES	104 SPACES
3.1.3.1 LANDSCAPE BUFFER PROVISIONS PARKING AREA WITH 100 OR GREATER PARKING SPACES	LOT LINE ABUTTING A RESIDENTIAL OR INSTITUTIONAL ZONE 4m	3.00m

CLIENT
BEVCO HOMES

Cedar Grove Court, Ancaster, ON L9G 4W5

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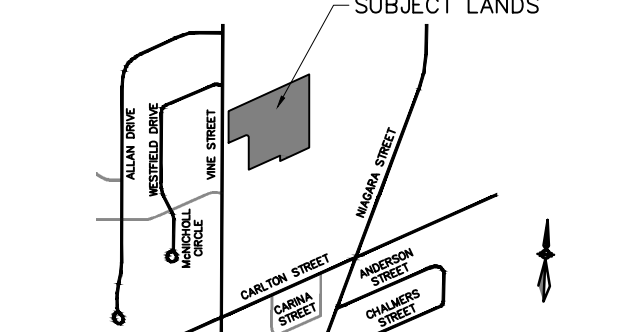
This drawing has been prepared solely for the intended use, thus any reproduction or distribution for any purpose other than that authorized by IBI Group is prohibited. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to IBI Group for general conformance before proceeding with fabrication.

IBI Group Professional Services (Canada) Inc.
is a member of the IBI Group of companies

ISSUES

No.	DESCRIPTION	DATE
1	SITE PLAN SUBMISSION	2022-03-10
2	SITE PLAN RESUBMISSION	2022-08-12
3	SITE PLAN RESUBMISSION	2022-08-12
4	MINOR VARIANCE RESUBMISSION	2022-08-12

KIT PLAN



NOTES:

- LEGAL BOUNDARY AND TOPOGRAPHIC INFORMATION OBTAINED FROM J.D. BARNES LIMITED DRAWING NUMBER 21-16-316-00, DATED JANUARY 11, 2022.
- BUILDING FOOTPRINTS OBTAINED FROM CAPPONI LACROIX DESIGN GROUP LTD. DRAWING NUMBER B1, DATED DECEMBER 2021.
- TYPICAL GARAGE DIMENSIONS:
BLOCKS A TO H, CORNER UNITS: 5.97 x 3.05 M
BLOCKS A TO H, INTERIOR UNITS: 5.97 x 3.05 M
BLOCKS I TO K, CORNER UNITS: 6.10 x 3.20 M
BLOCKS I TO K, INTERIOR UNITS: 6.10 x 3.20 M

IBI GROUP
Suite 200 - 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

PROJECT

PROPOSED RESIDENTIAL
DEVELOPMENT

294 VINE ST., ST. CATHARINES

PROJECT NO:

136671

DRAWN BY:

M. ROJAS

CHECKED BY:

T. TUCKER & M. CROUGH

PROJECT MGR:

M. CROUGH

APPROVED BY:

M. CROUGH

SHEET TITLE

SITE PLAN

SHEET NUMBER

SP1.0

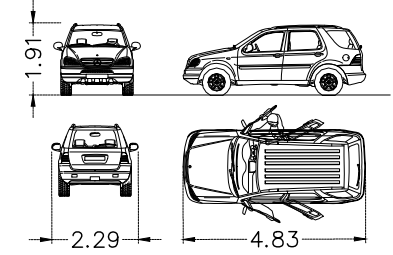
ISSUE

1


Appendix 1



MERCEDES GL – SUV



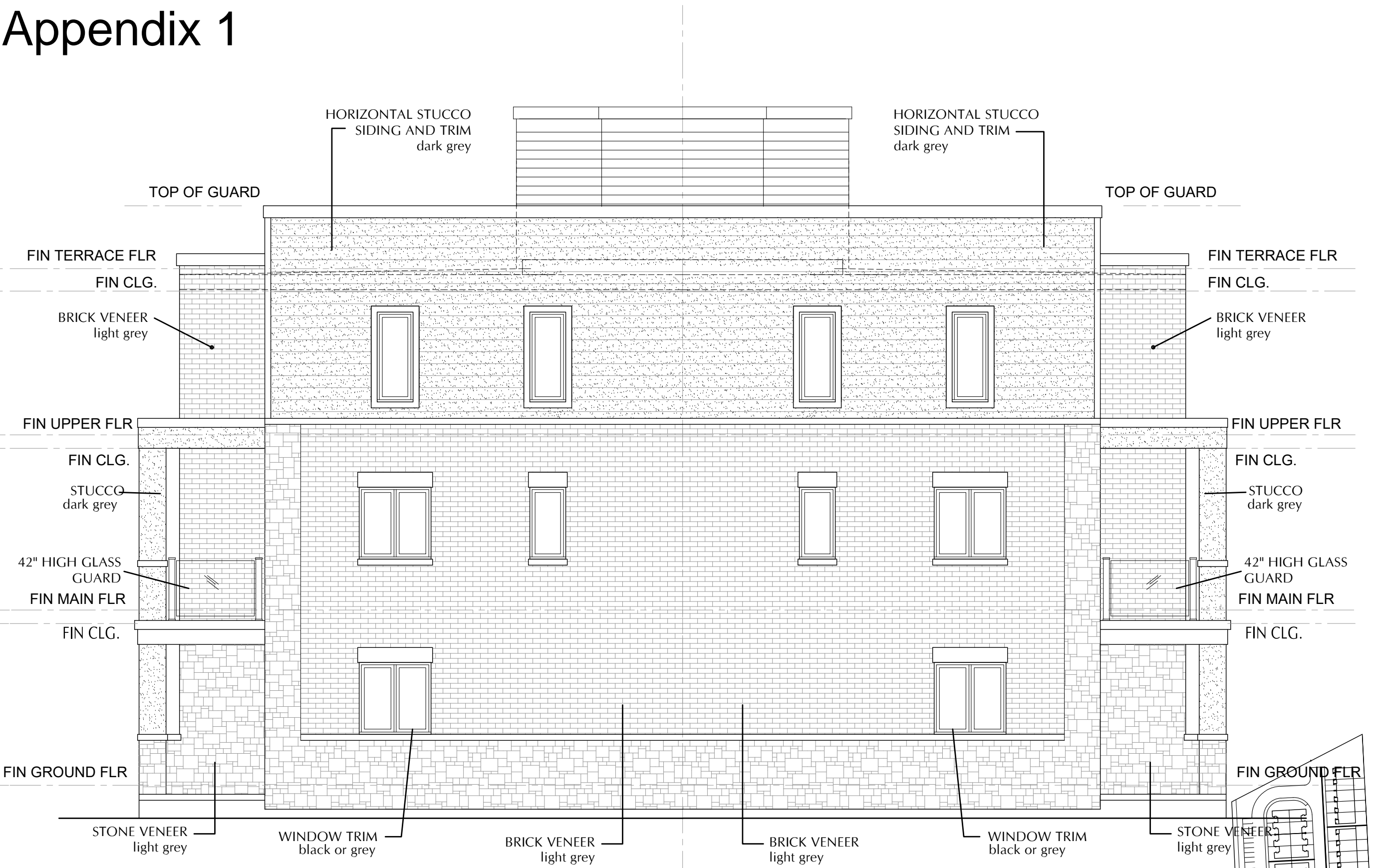
AREAS		
	TOWNHOUSE	STACKED TOWNHOUSE
GARAGE	19.52 M ²	18.20 M ²
DRIVEWAY	18.54 M ²	19.23 M ²

CLIENT	PROJECT NAME 294 VINE ST. DEVELOPMENT 294 VINE ST., ST. CATHARINES, ON.		 IBI GROUP Suite 200 - 360 James Street North Hamilton ON L8L 1H5 Canada tel 905 546 1010 fax 905 546 1011 ibigroup.com			
	SCALE: 1:200	DATE: 2022-11-02		FIGURE NAME CONCEPT PLAN DRIVEWAY - GARAGE STUDY MERCEDES GL - SUV	FIGURE NO. C1	REVISION 1
	PROJECT ENG: M. CROUGH	DRAWN BY: M. ROJAS				
	CHECKED BY: M. CROUGH	APPROVED BY: M. CROUGH				
	PROJECT NO: 136671					

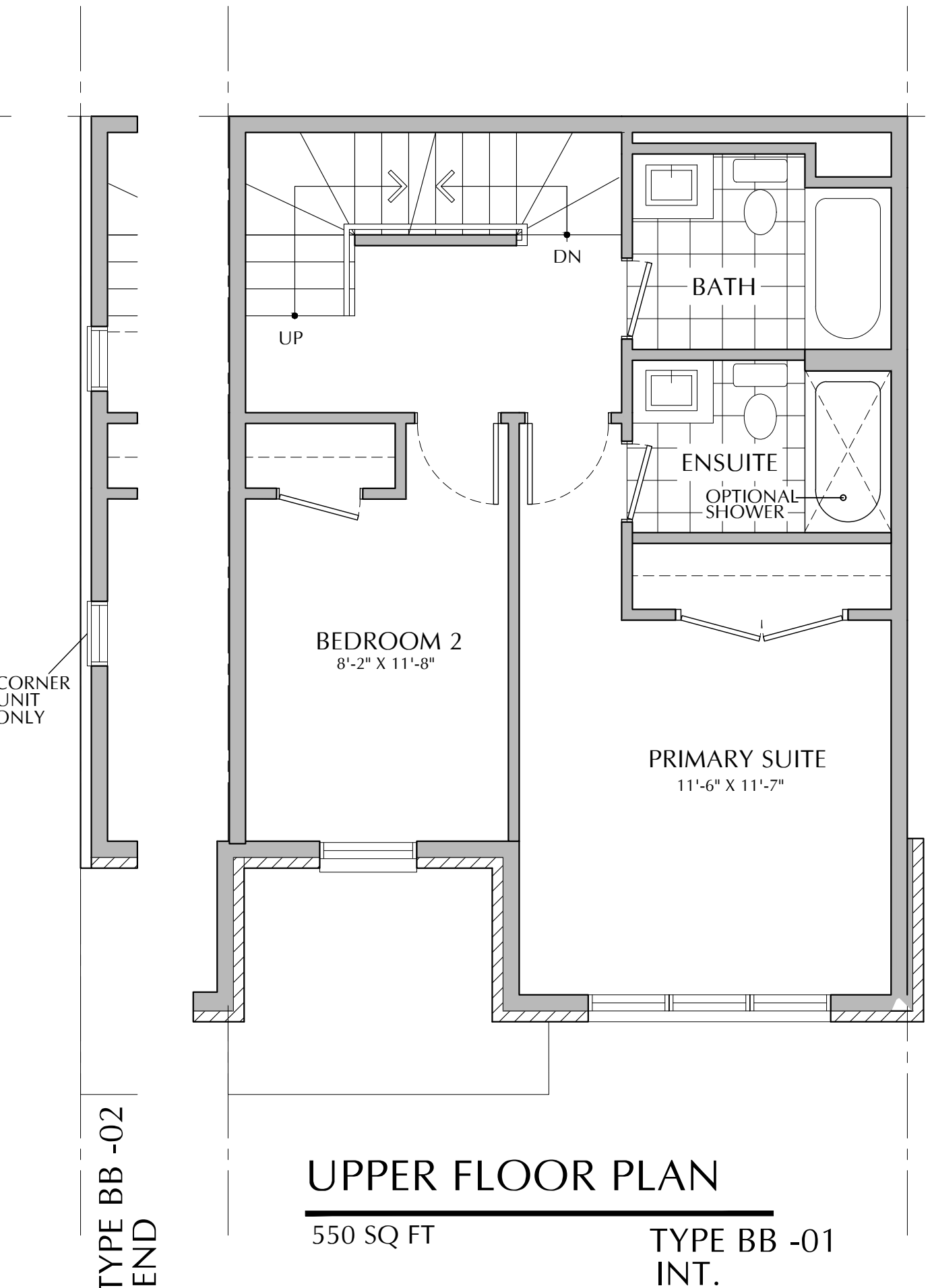
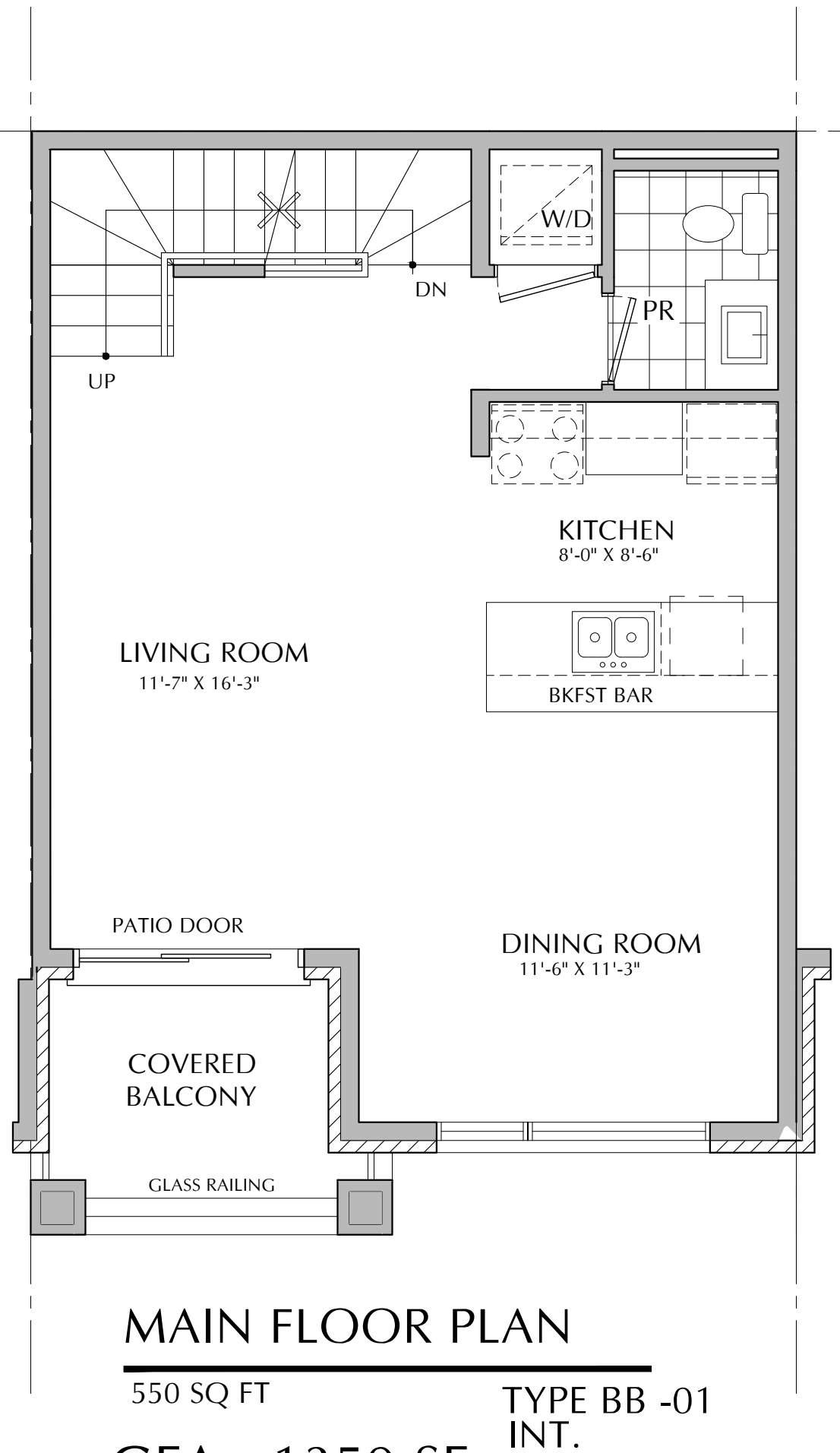
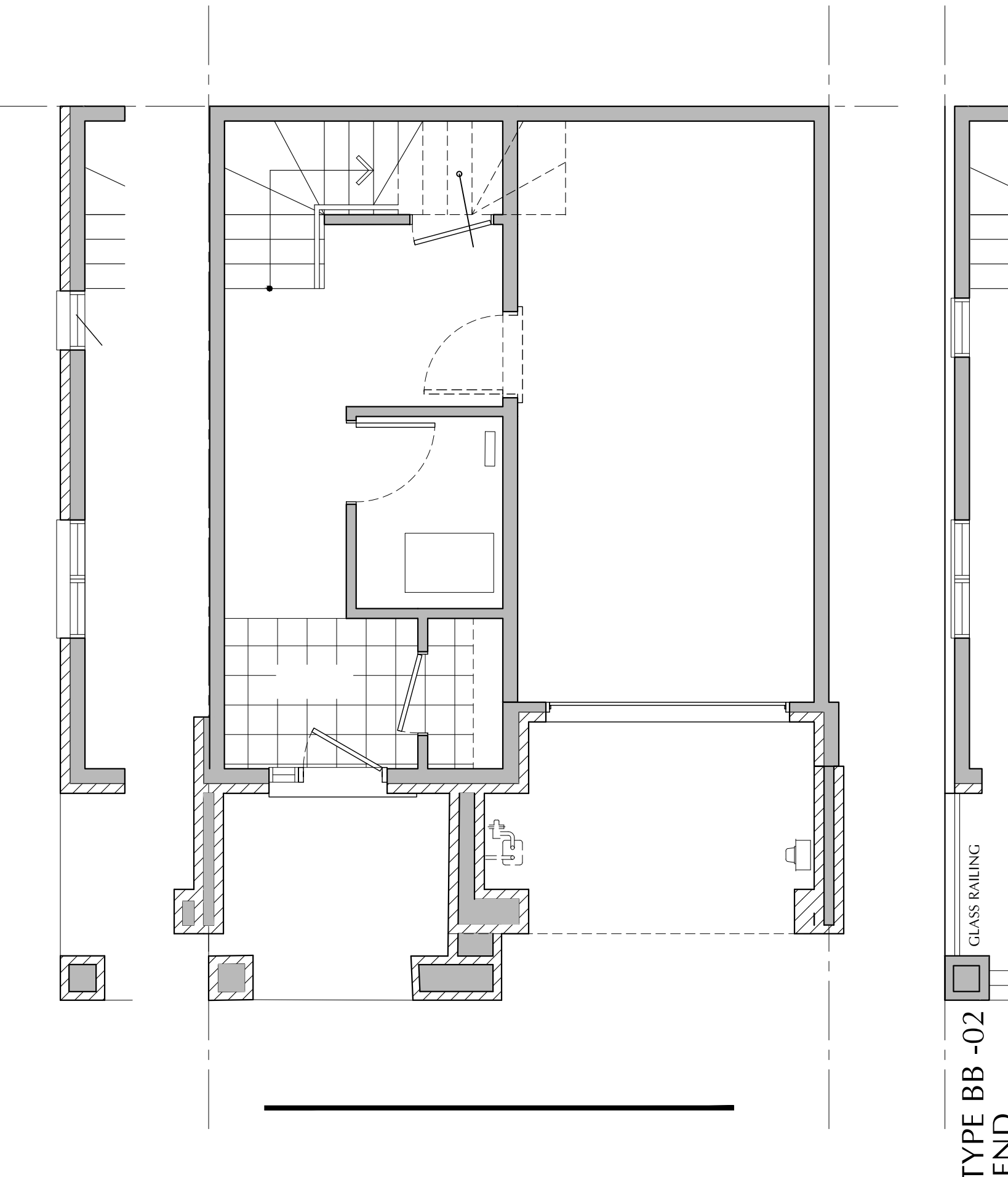
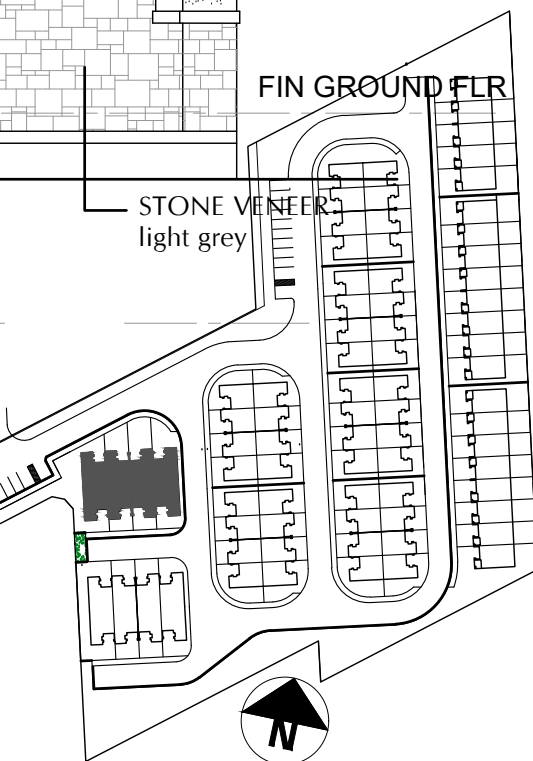
Appendix 1



BB-01 UNIT 3
BB-01 UNIT 2
BB-02 UNIT 1
BLOCK SKYVIEW A 3/16"=1'-0"



BB-02 corner UNIT 1
BB-02 corner UNIT 8
BLOCK SKYVIEW A 3/16"=1'-0"



MAIN FLOOR PLAN
550 SQ FT
GFA= 1350 SF
TYPE BB -01 INT.

UPPER FLOOR PLAN
550 SQ FT
TYPE BB -01 INT.

ROOF TOP PLAN
550 SQ FT
TYPE BB -01 INT.

BACK TO BACK PLANS

1/4"=1'-0"

JAN 27 2022

7	
6	
5	
4	
3	JULY 18/22 FOR SPA
2	FEB 15/22 FOR SPA
1	DEC/21 FOR REVIEW

Client:
BEVCO HOMES

Project Location:
LEGACY
ST CATHARINES ONTARIO

SKYVIEW A
UNITS 1 THRU 8

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Qualification information
Required unless design is exempt under Div C.3.2.5.1 of the bldg code

John Capponi
Name: Signature: 23522 BCIN

Registration information
Required unless design is exempt under Div C.3.2.5.1 of the bldg code
Capponi Lacroix Design Group Ltd. 28804 BCIN



37 DONLEA DRIVE, HAMILTON, ON, L8T 1K5
T 905 520 1428 email: jcapponi@cldesigngroup.ca

Drawing No.:
B1

Scale:
NOTED

Drawn by:
JMC

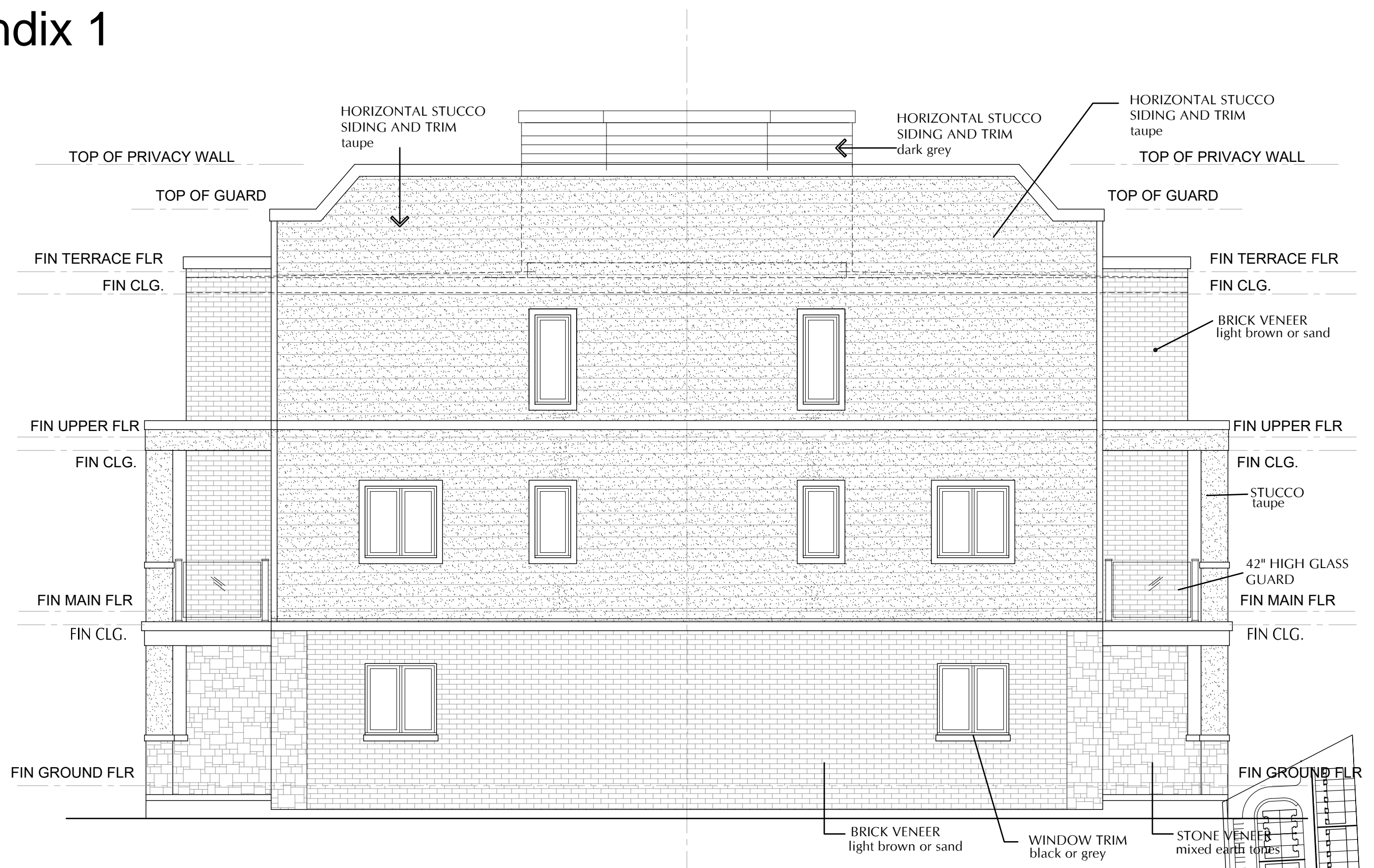
Date:
DEC/21

Project No.:
2121

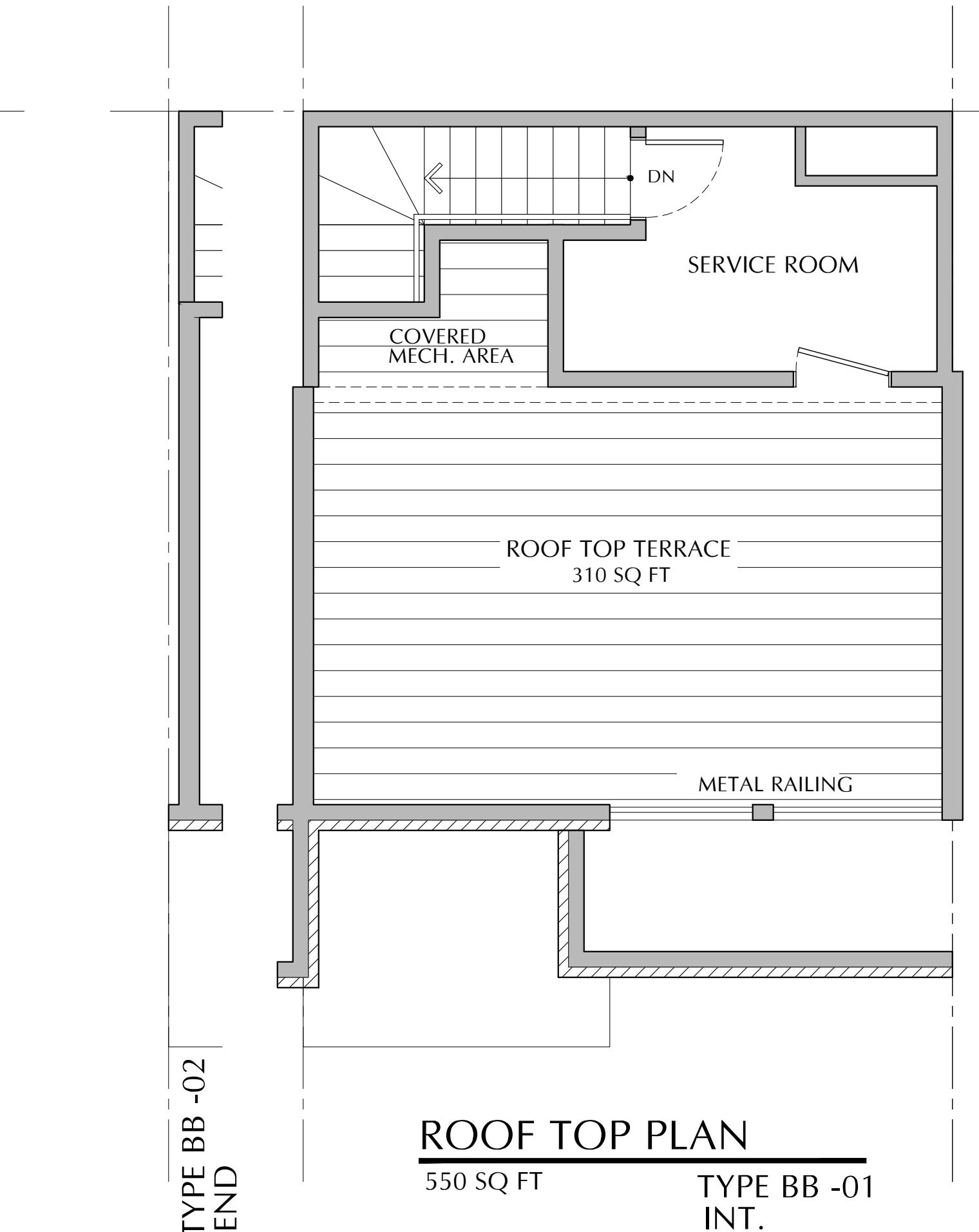
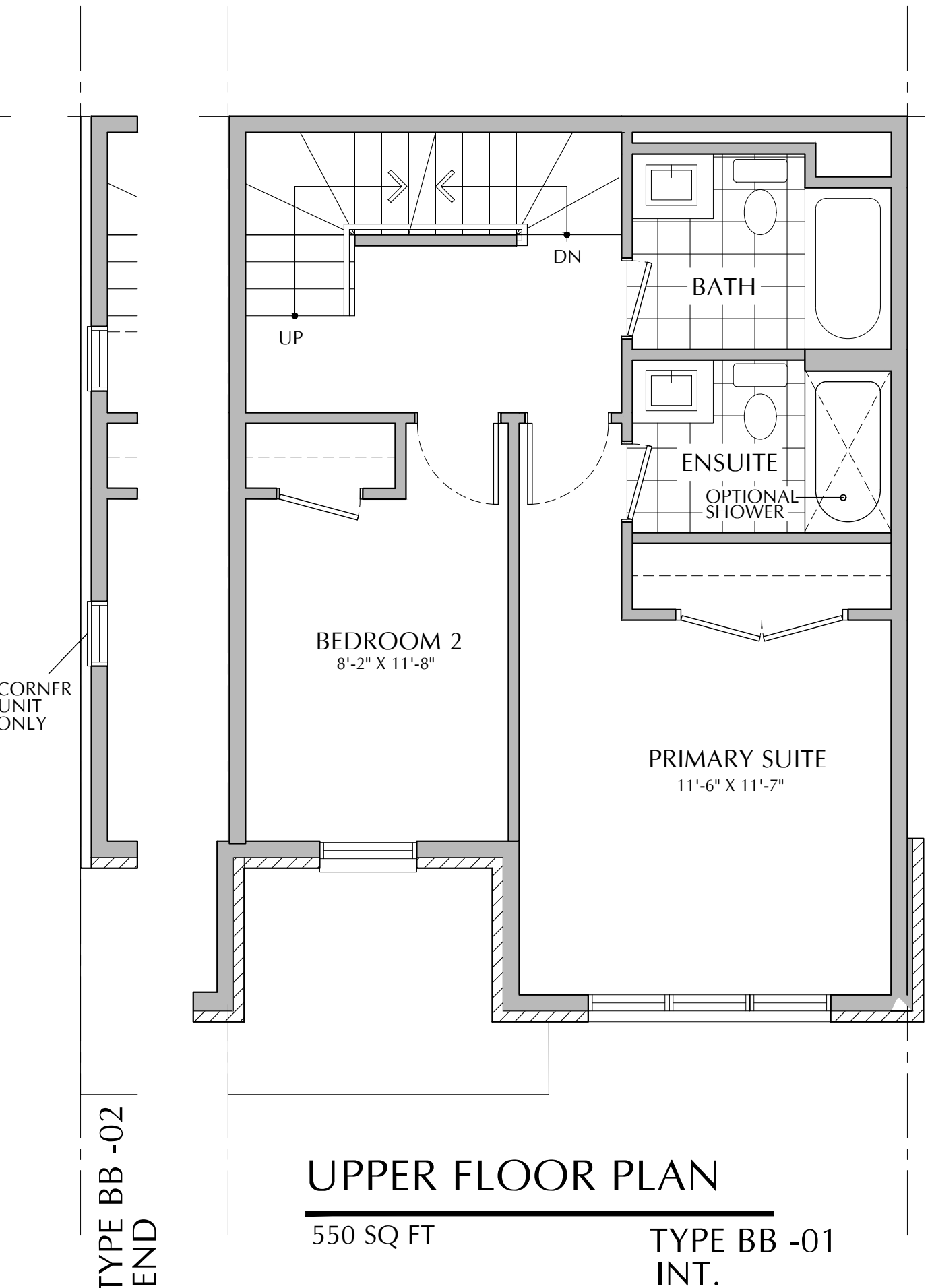
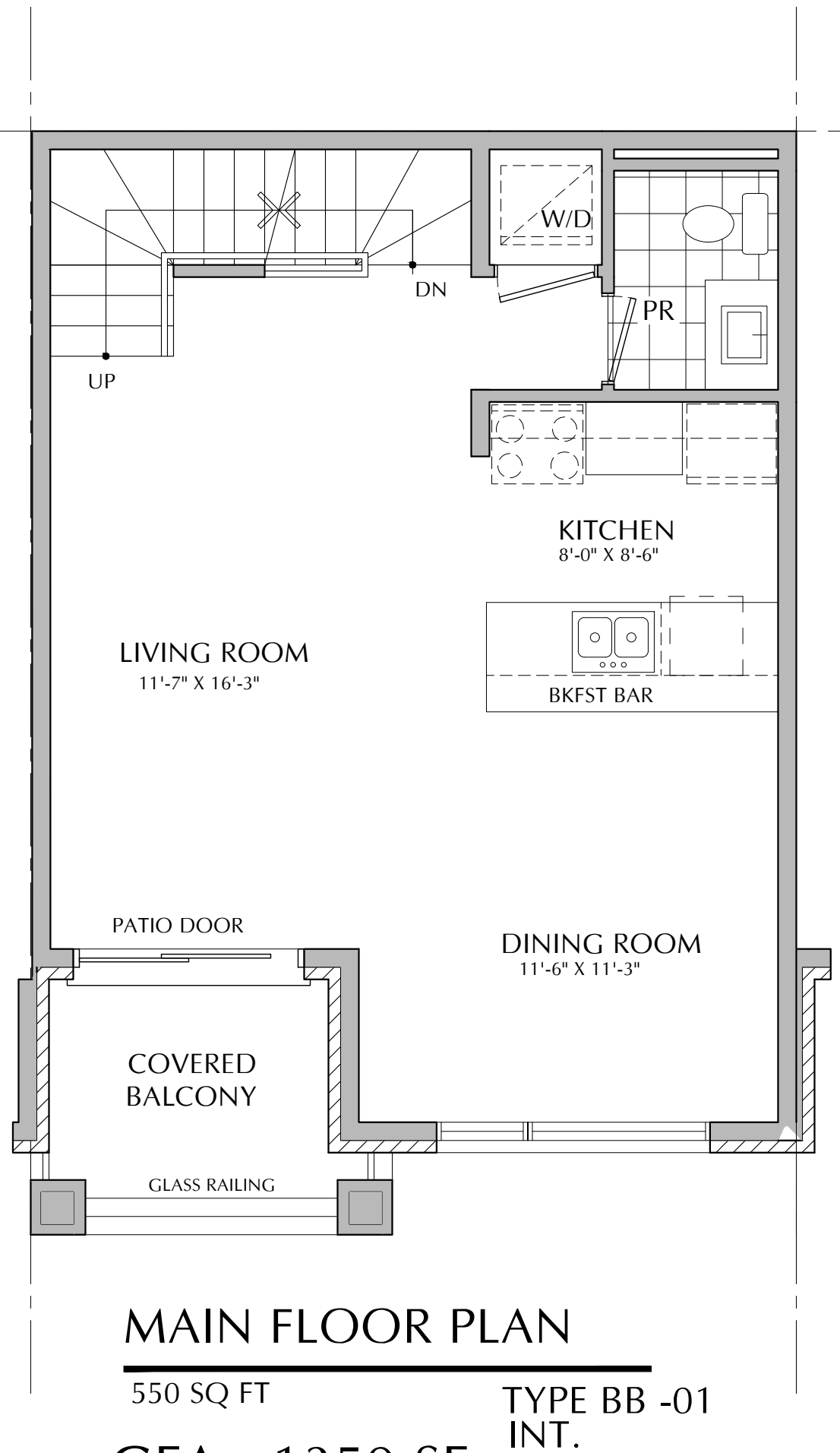
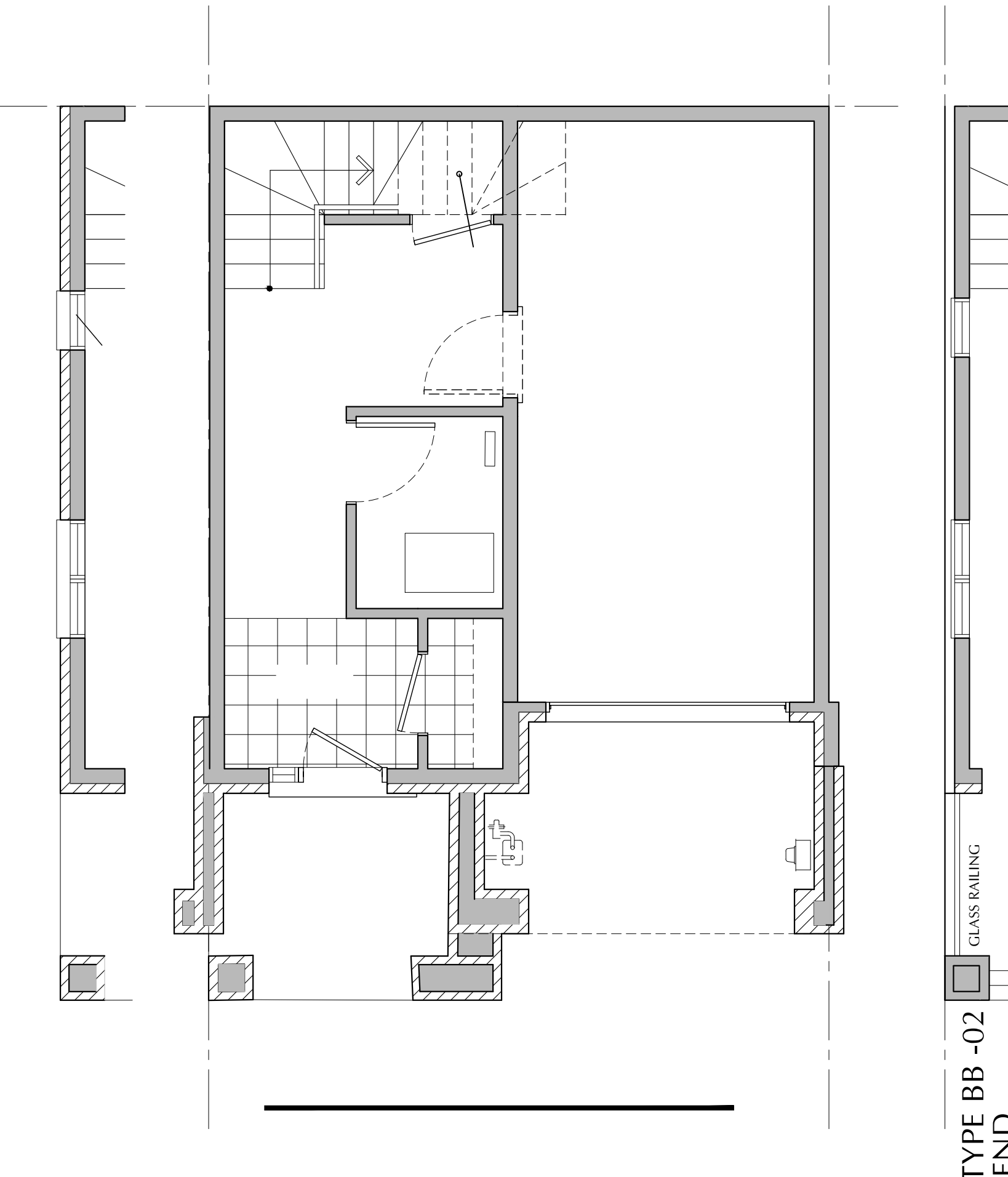
Appendix 1



BB-01 UNIT 11
BB-01 UNIT 10
BLOCK SKYVIEW B 3/16"=1'-0"



BB-02 end UNIT 9
BB-02 end UNIT 16
BLOCK SKYVIEW B 3/16"=1'-0"



MAIN FLOOR PLAN
550 SQ FT
GFA= 1350 SF
TYPE BB -01 INT.

UPPER FLOOR PLAN
550 SQ FT
TYPE BB -01 INT.

ROOF TOP PLAN
550 SQ FT
TYPE BB -01 INT.

BACK TO BACK PLANS

1/4"=1'-0"

JAN 27 2022

7	
6	
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4	
3	JULY18/22 FOR SPA
2	FEB 15/22 FOR SPA
1	DEC/21 FOR REVIEW

Client: **BEVCO HOMES**

Project Location:
LEGACY
ST CATHARINES ONTARIO

SKYVIEW B
UNITS 9 THRU 16

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Qualification information
Required unless design is exempt under Div C.3.2.5.1 of the bldg code

John Capponi
Name: Signature: 23522 BCIN

Registration information
Required unless design is exempt under Div C.3.2.5.1 of the bldg code
Capponi Lacroix Design Group Ltd.
Name: 28804 BCIN

CLAPPONI LACROIX
DESIGN GROUP LTD.
www.claddesigngroup.ca

37 DONLEA DRIVE, HAMILTON, ON, L8T 1K5
T 905 520 1428 email: jcapponi@claddesigngroup.ca

Drawing No.: **B1**

Scale: **NOTED**

Drawn by: **JMC**

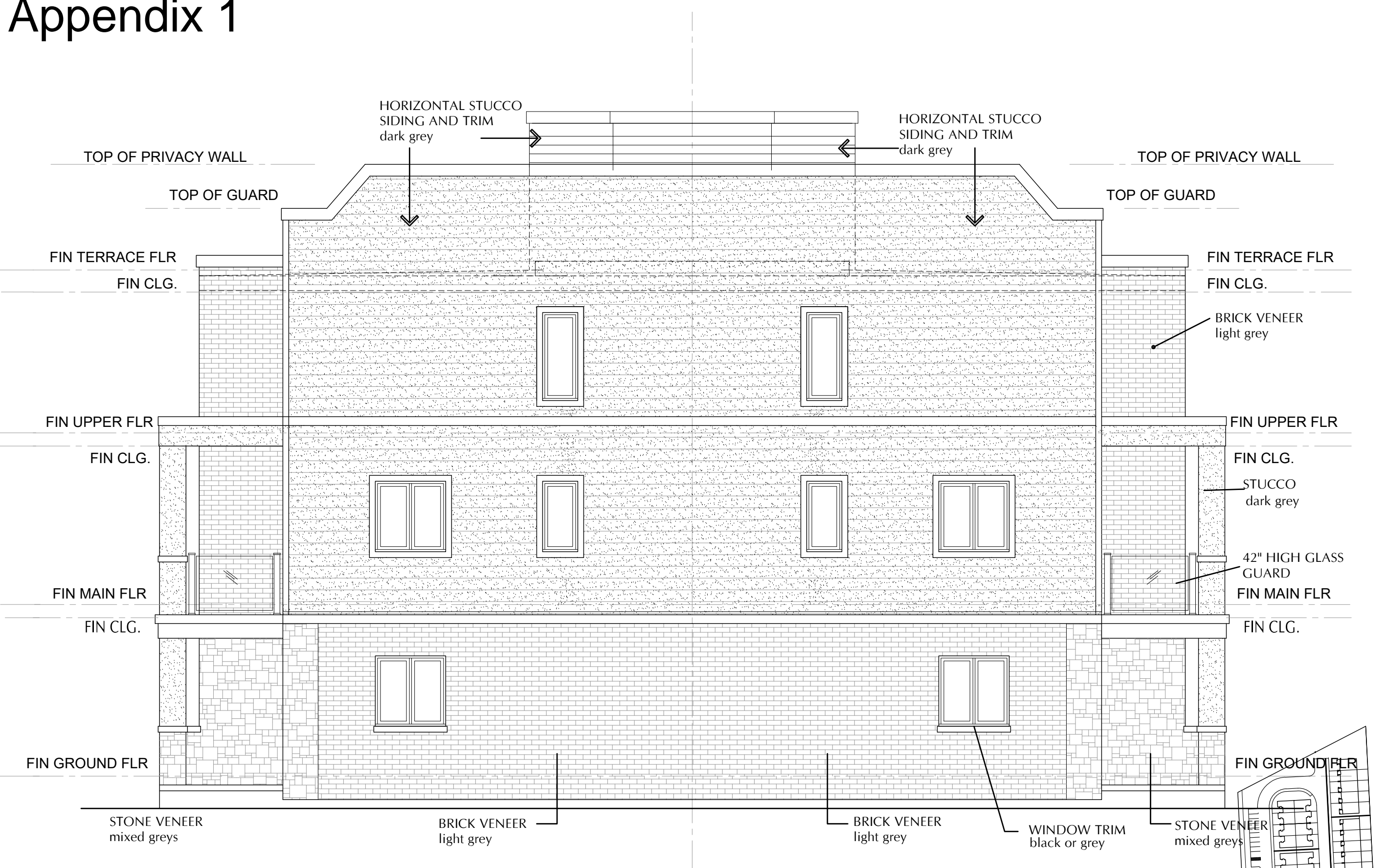
Date: **DEC/21**

Project No.: **2121**

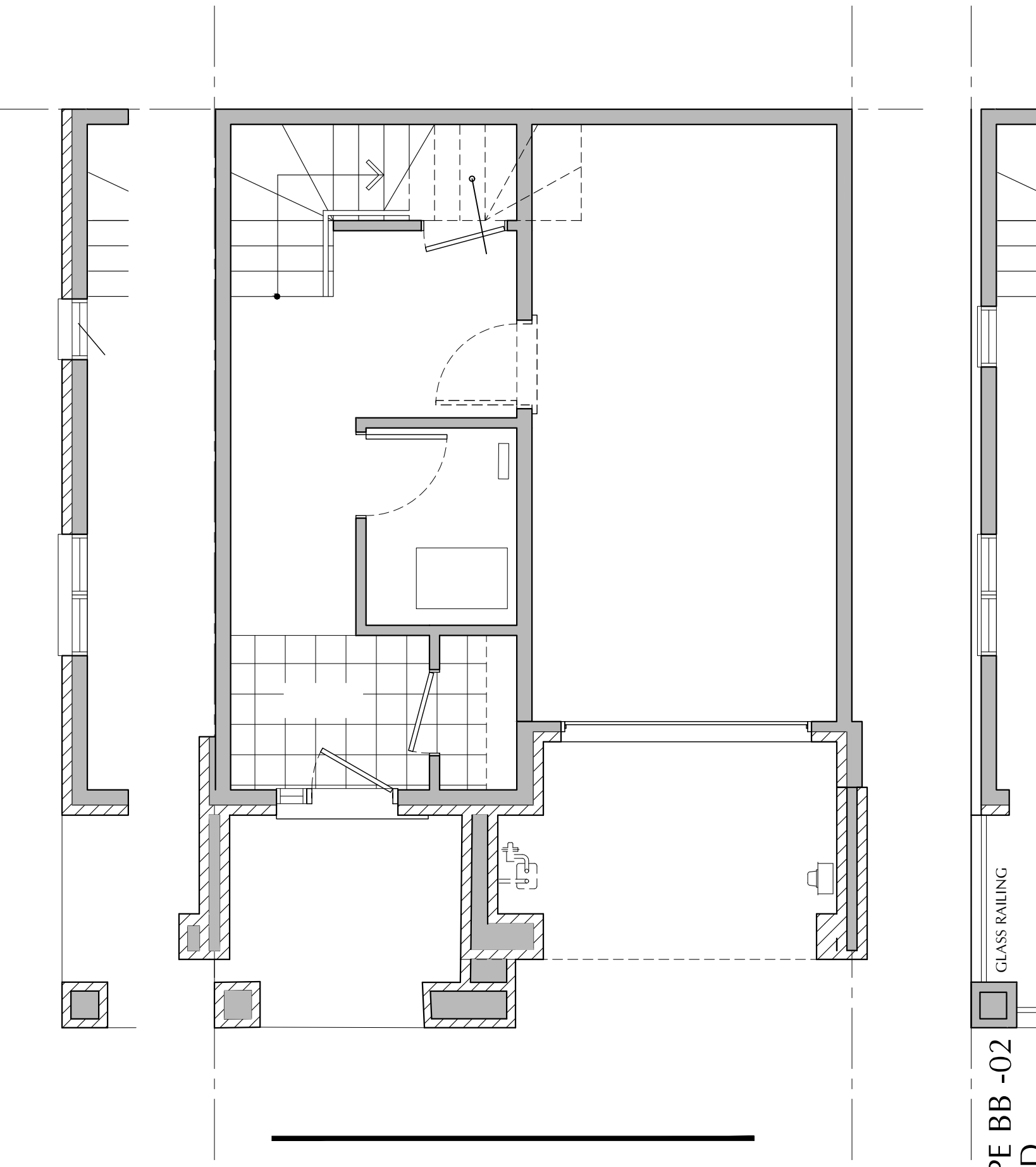
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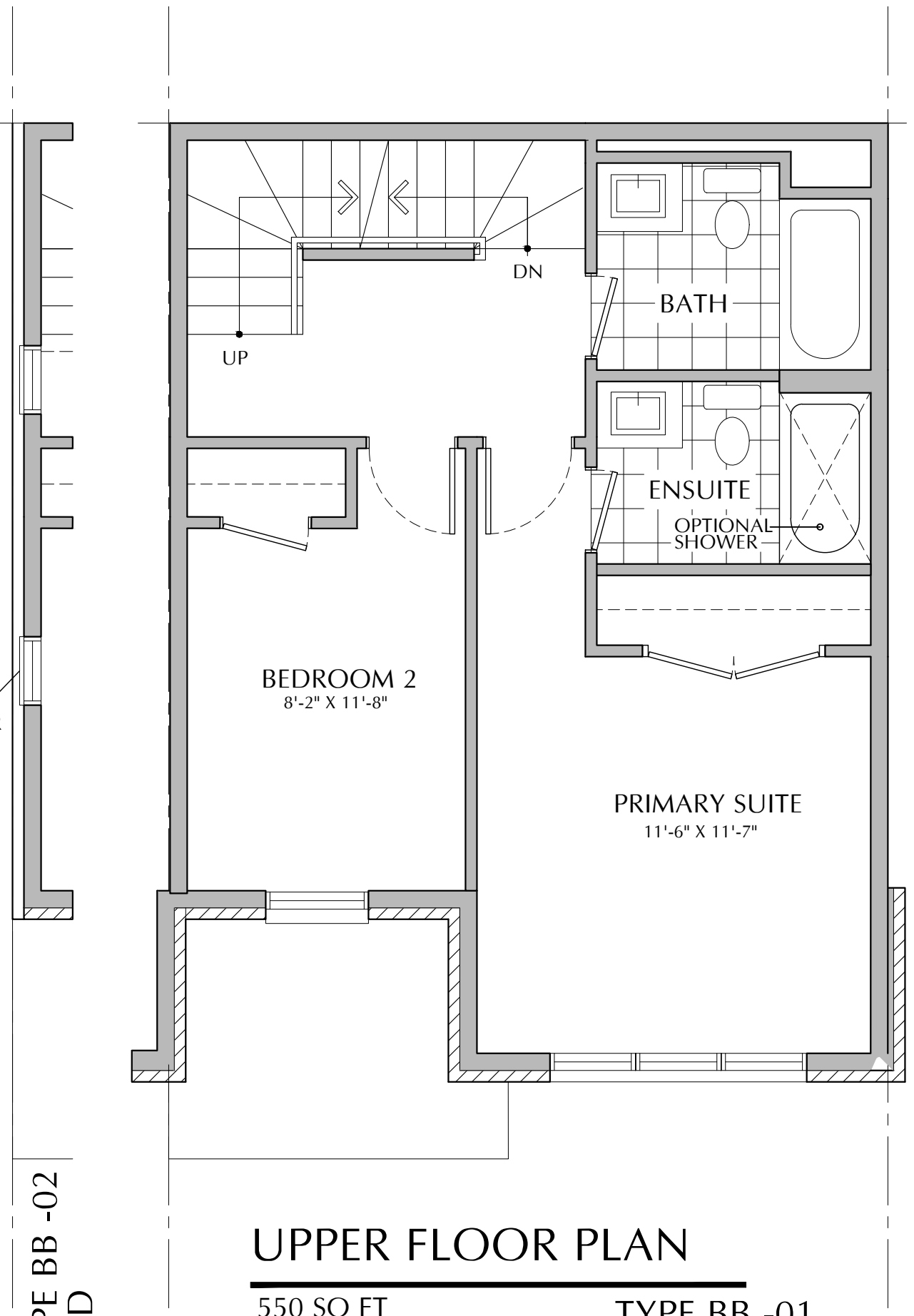
BB-01 UNIT 31
BB-01 UNIT 30
BLOCK SKYVIEW C
3/16"=1'-0"



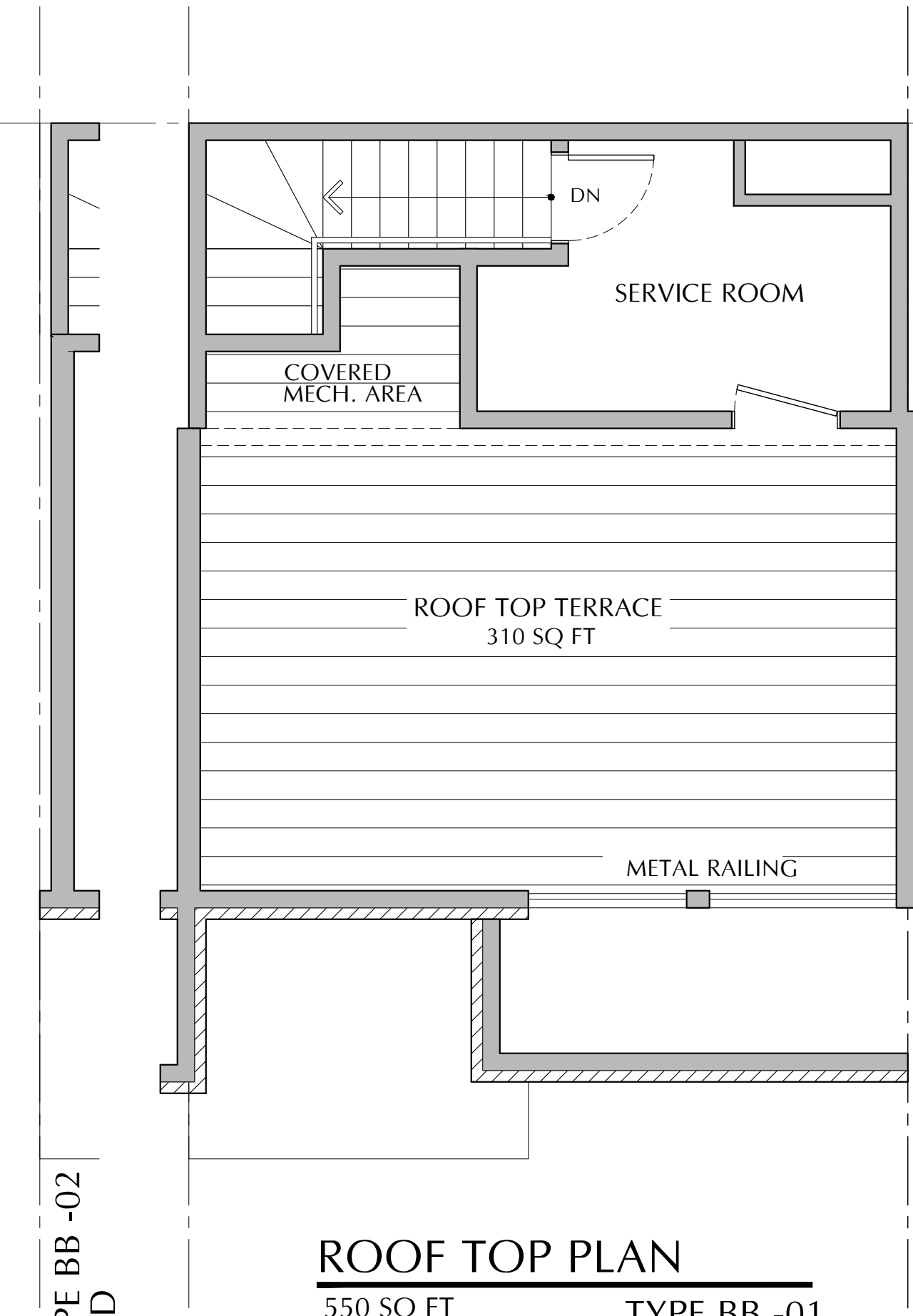
BB-02 end UNIT 29
BB-02 end UNIT 20
BLOCK SKYVIEW C
3/16"=1'-0"



TYPE BB -02
END
MAIN FLOOR PLAN
550 SQ FT
GFA= 1350 SF
TYPE BB -01 INT.



TYPE BB -02
END
UPPER FLOOR PLAN
550 SQ FT
TYPE BB -01 INT.



TYPE BB -02
END
ROOF TOP PLAN
550 SQ FT
TYPE BB -01 INT.

BACK TO BACK PLANS

1/4"=1'-0"

JAN 27 2022



7	
6	
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3	JULY18/22 FOR SPA
2	FEB 15/22 FOR SPA
1	DEC/21 FOR REVIEW

Client:
BEVCO HOMES

Project Location:
LEGACY
ST CATHARINES ONTARIO

SKYVIEW C
UNITS 17-20, 29-32

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Qualification information
Required unless design is exempt under Div C.3.2.5.1 of the bldg code

John Capponi 23522
Name: Signature: BCIN

Registration information
Required unless design is exempt under Div C.3.2.5.1 of the bldg code
Capponi Lacroix Design Group Ltd. 28804
Name: BCIN



37 DONLEA DRIVE, HAMILTON, ON, L8T 1K5
T 905 520 1428 email: jcapponi@cldesigngroup.ca

Drawing No.:
B1

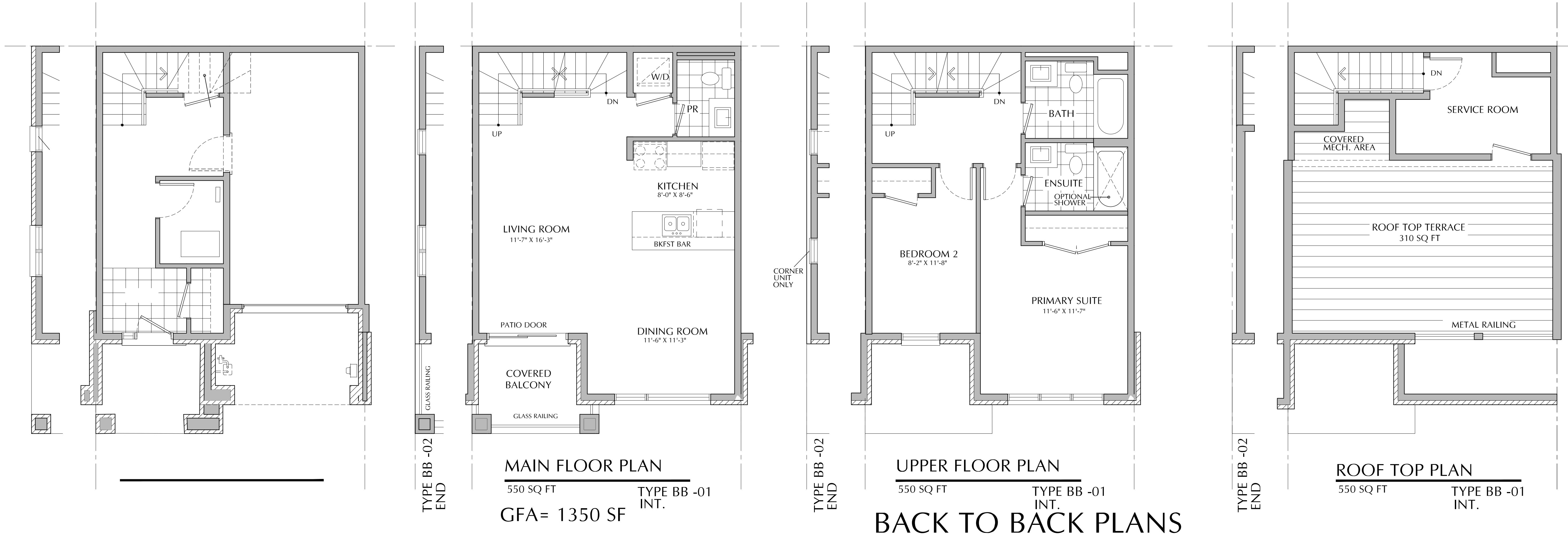
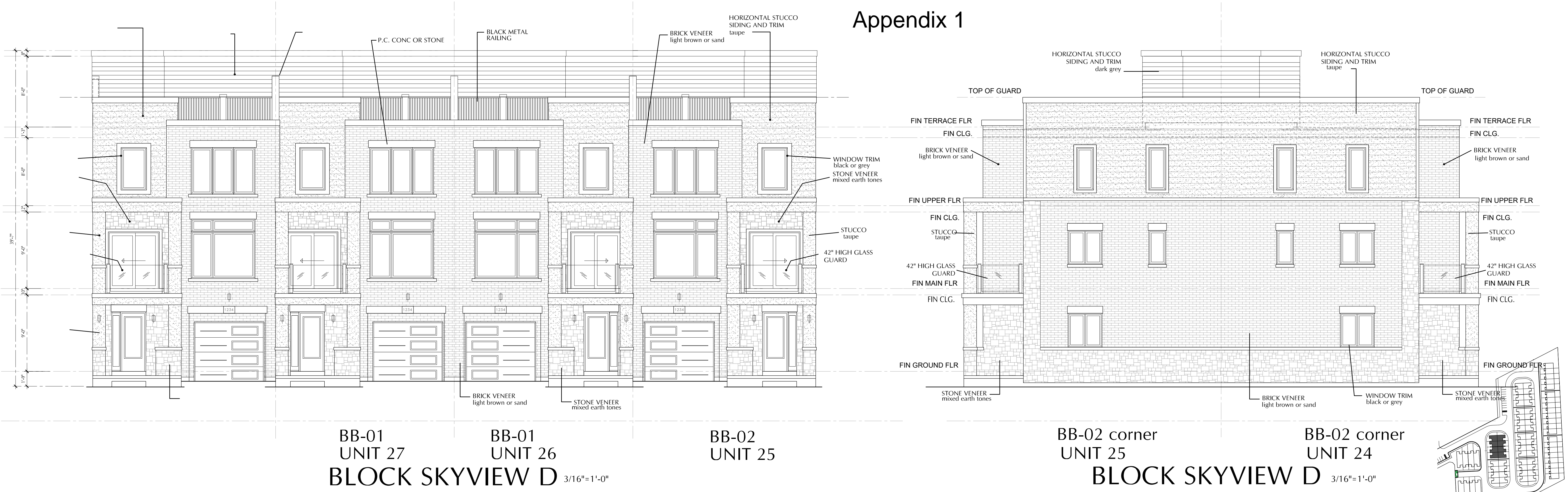
Scale:
NOTED

Drawn by:
JMC

Date:
DEC/21

Project No.:
2121

Appendix 1



1/4"=1'-0"

JAN 27 2022

7	
6	
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3	JULY18/22 FOR SPA
2	FEB 15/22 FOR SPA
1	DEC/21 FOR REVIEW

Client: **BEVCO HOMES**

Project Location: **LEGACY ST CATHARINES ONTARIO**

SKYVIEW D UNITS 21 THRU 28

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Qualification information
Required unless design is exempt under Div C.3.2.5.1 of the bldg code

John Capponi Signature 23522 BCIN

Registration information
Required unless design is exempt under Div C.3.2.5.1 of the bldg code
Capponi Lacroix Design Group Ltd. 28804 BCIN

Capponi Lacroix Design Group Ltd.
www.clsgroup.ca

37 DONLEA DRIVE, HAMILTON, ON, L8T 1K5
T 905 520 1428 email: jcapponi@clsgroup.ca

Drawing No.: **B1**

Scale: **NOTED**

Drawn by: **JMC**

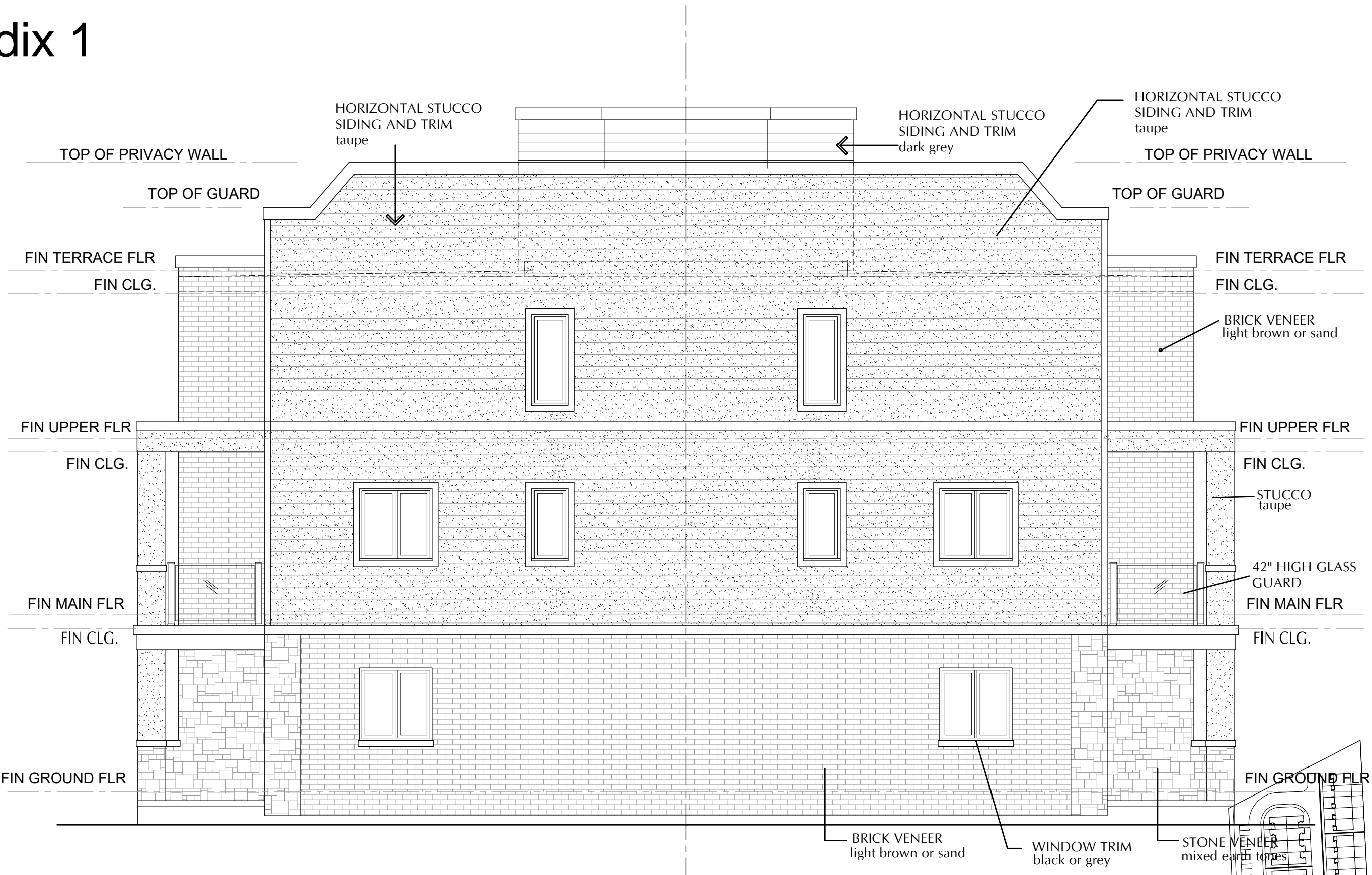
Date: **DEC/21**

Project No.: **2121**

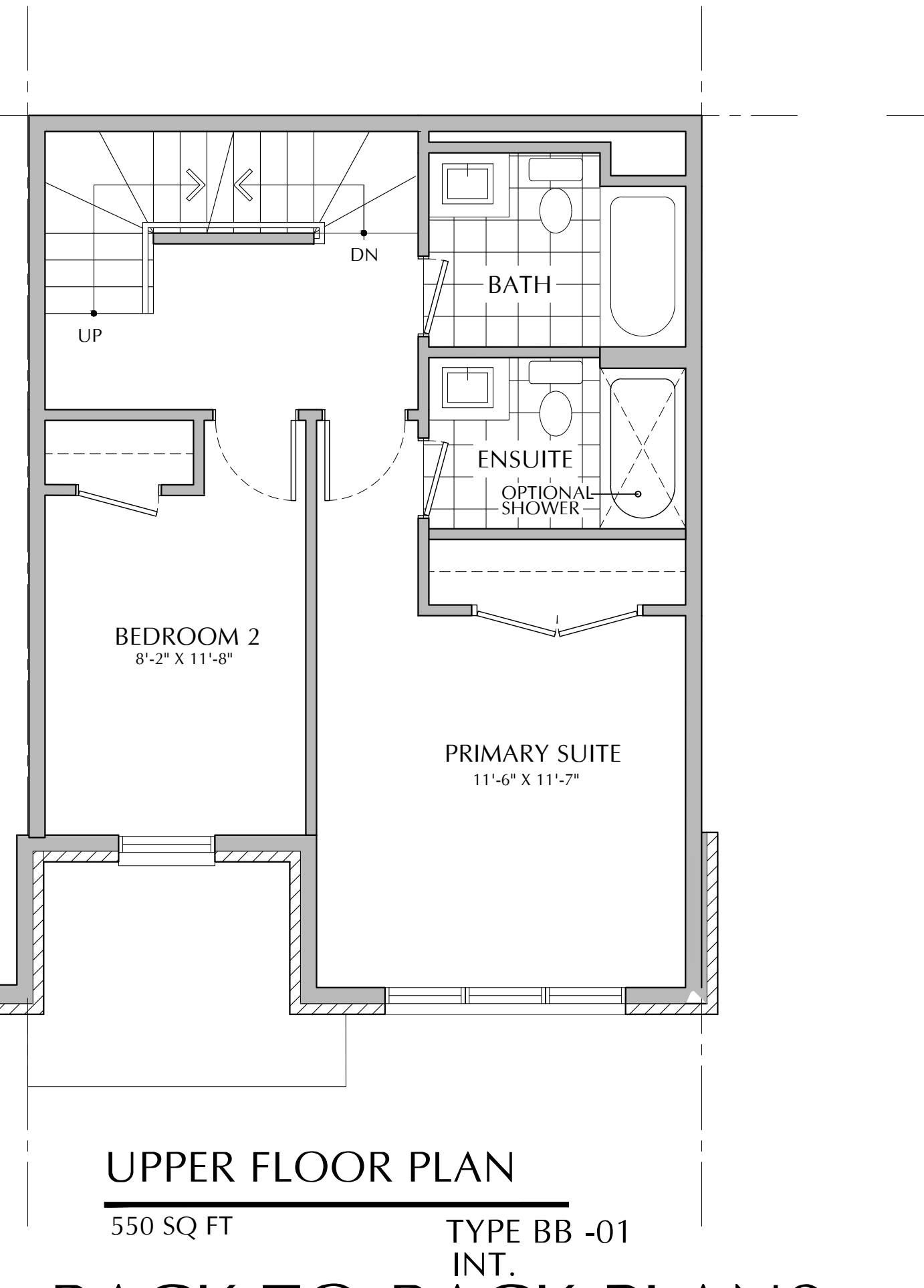
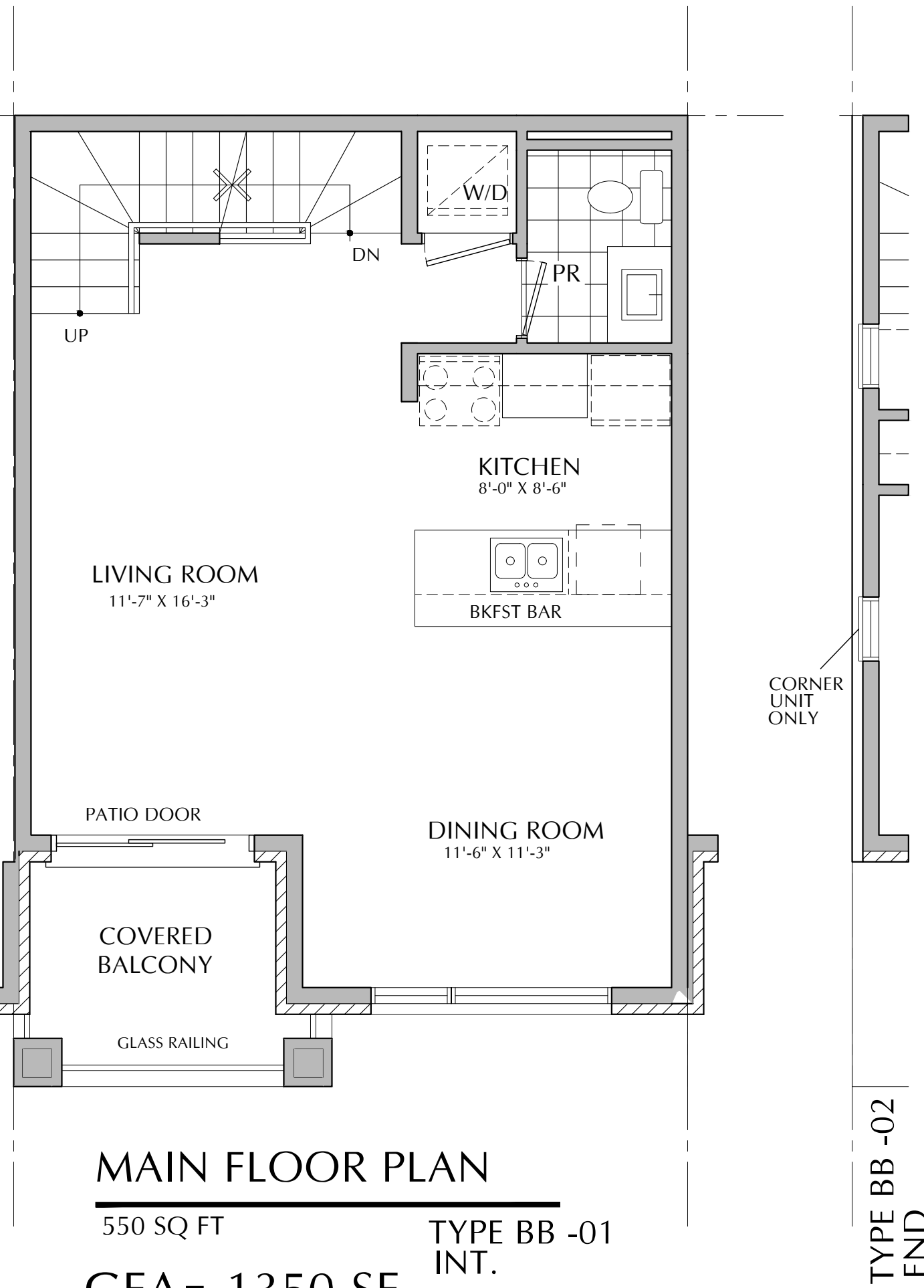
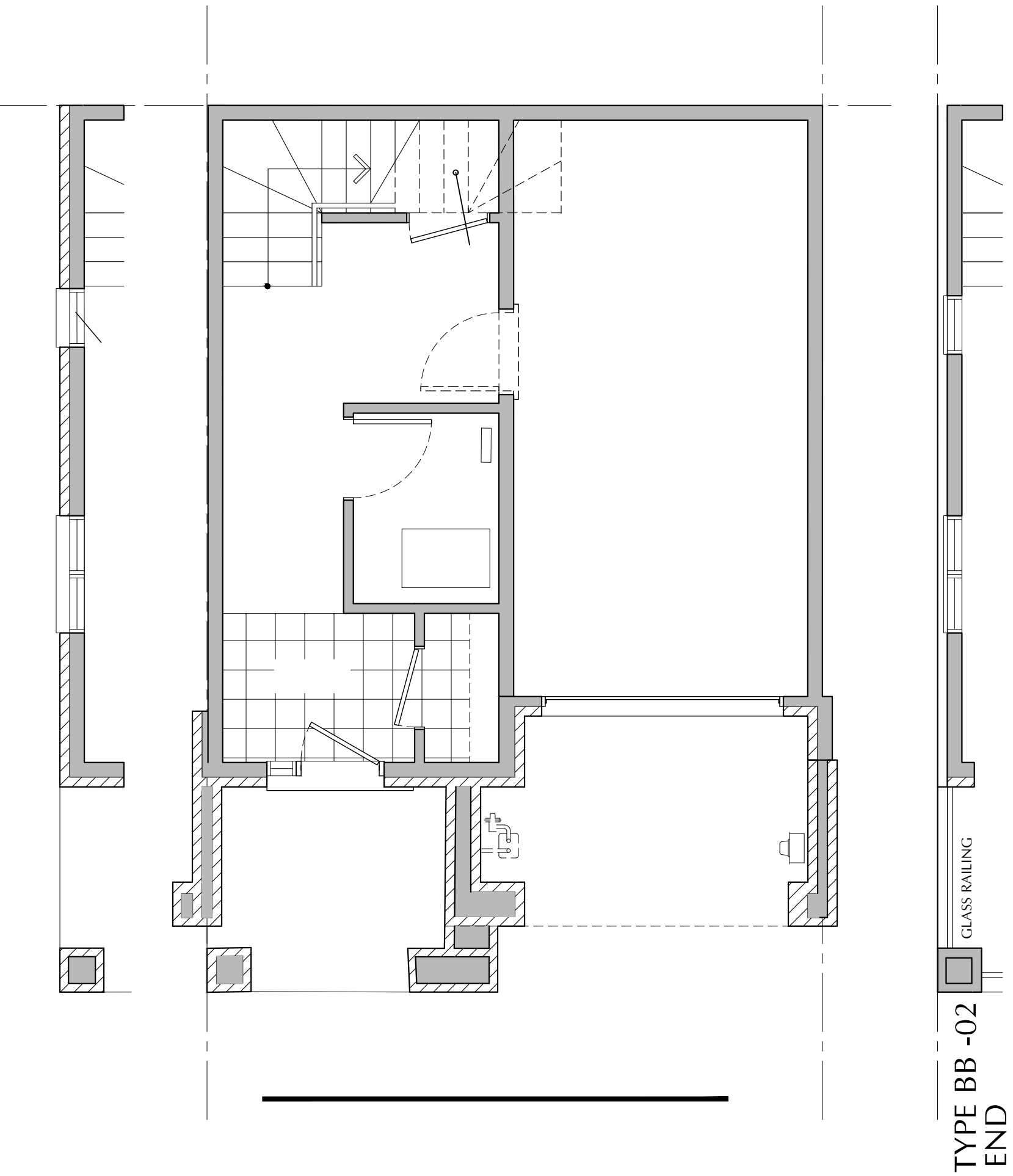
Appendix 1



BB-01
UNIT 63
BB-01
UNIT 62
BB-02
UNIT 61
BLOCK SKYVIEW E 3/16"=1'-0"



BB-02 end
UNIT 61
BB-02 end
UNIT 36
BLOCK SKYVIEW E 3/16"=1'-0"



MAIN FLOOR PLAN
550 SQ FT
GFA= 1350 SF
TYPE BB -01
INT.

UPPER FLOOR PLAN
550 SQ FT
TYPE BB -01
INT.

ROOF TOP PLAN
550 SQ FT
TYPE BB -01
INT.

BACK TO BACK PLANS

1/4"=1'-0"

JAN 27 2022

7	
6	
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3	JULY18/22 FOR SPA
2	FEB 15/22 FOR SPA
1	DEC/21 FOR REVIEW

Client:
BEVCO HOMES

Project Location:
LEGACY
ST CATHARINES ONTARIO

SKYVIEW E
UNITS 33-36, 61-64

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Qualification information
Required unless design is exempt under Div.C.3.2.5.1 of the bldg code

John Capponi
Name: Signature: 23522 BCIN

Registration information
Required unless design is exempt under Div.C.3.2.5.1 of the bldg code
Capponi Lacroix Design Group Ltd. 28804 BCIN



37 DONLEA DRIVE, HAMILTON, ON, L8T 1K5
T 905 520 1428 email: jcapponi@cldesigngroup.ca

Drawing No.:
B1

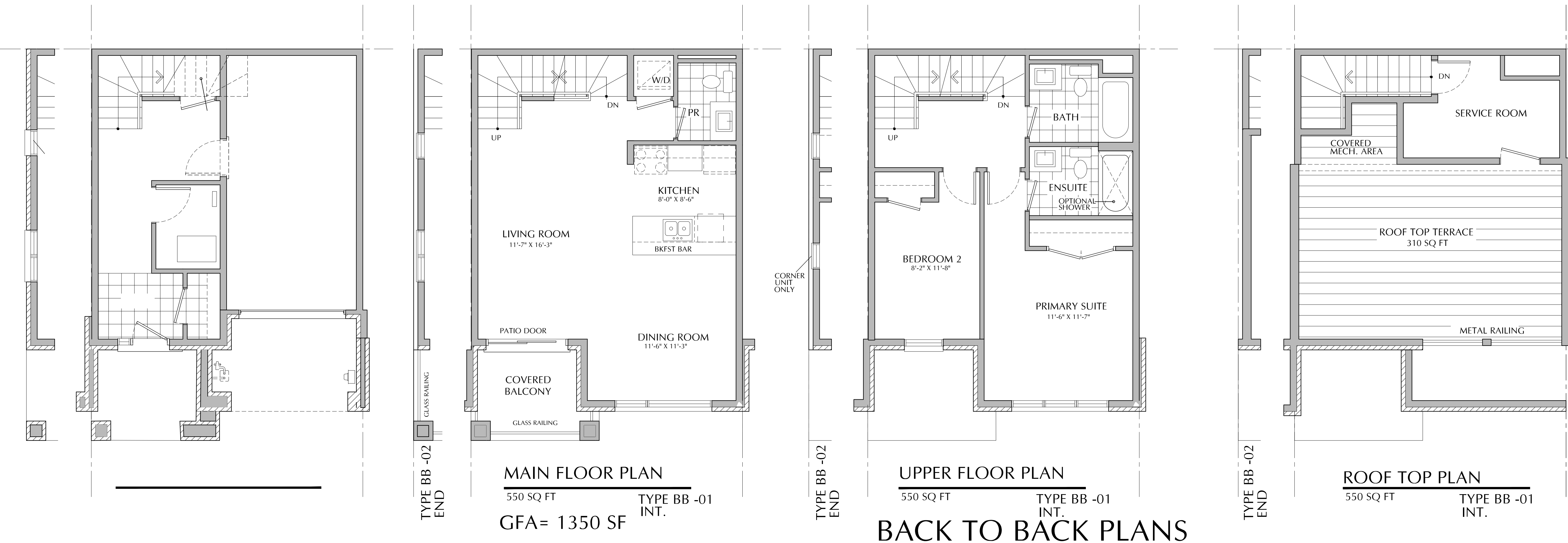
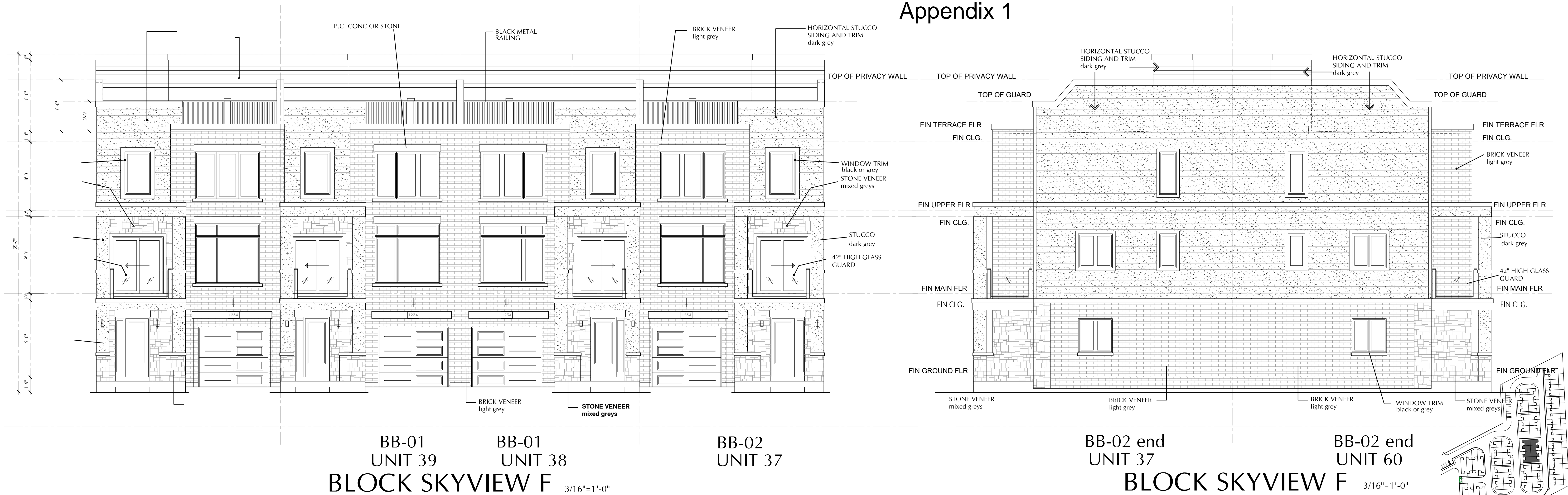
Scale:
NOTED

Drawn by:
JMC

Date:
DEC/21

Project No.:
2121

Appendix 1



1/4"=1'-0"

JAN 27 2022

7	
6	
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3	JULY18/22 FOR SPA
2	FEB 15/22 FOR SPA
1	DEC/21 FOR REVIEW

Client:
BEVCO HOMES

Project Location:
LEGACY
ST CATHARINES ONTARIO

SKYVIEW F
UNITS 37-40,57-60

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Qualification information
Required unless design is exempt under Div.C.3.2.5.1 of the bldg code

John Capponi
Name: 23522
Signature: BCIN

Registration information
Required unless design is exempt under Div.C.3.2.5.1 of the bldg code
Capponi Lacroix Design Group Ltd.
Name: 28804
BCIN

CAPPONI LACROIX
DESIGN GROUP LTD.
www.cldesigngroup.ca

37 DONLEA DRIVE, HAMILTON, ON, L8T 1K5
T 905 520 1428 email: jcapponi@cldesigngroup.ca

Drawing No.:

Scale:
NOTED

Drawn by:
JMC

Date:
DEC/21

Project No.:

2121

Appendix 1

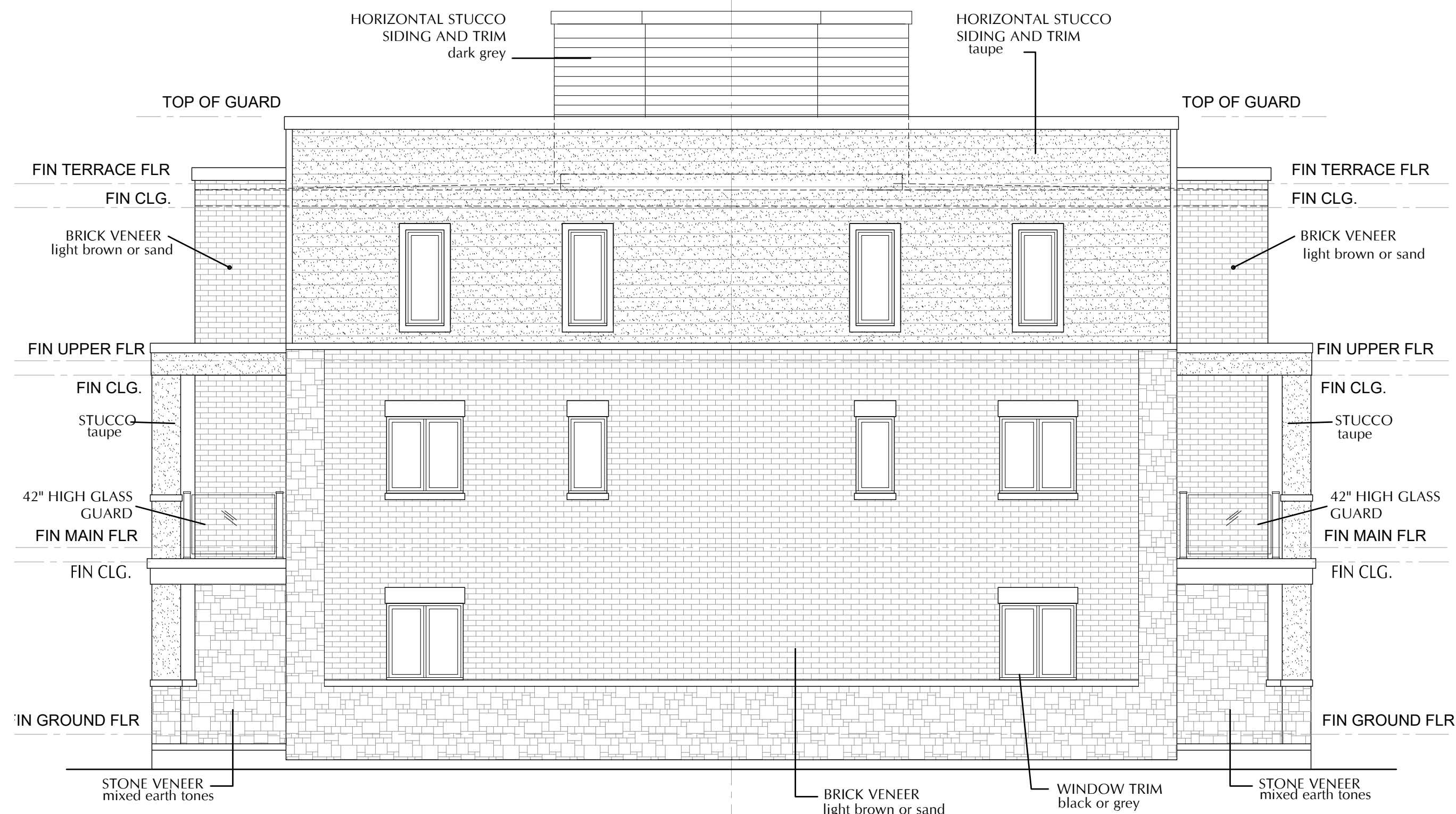


BB-02
UNIT 44

BB-01
UNIT 43

BB-02
UNIT 42

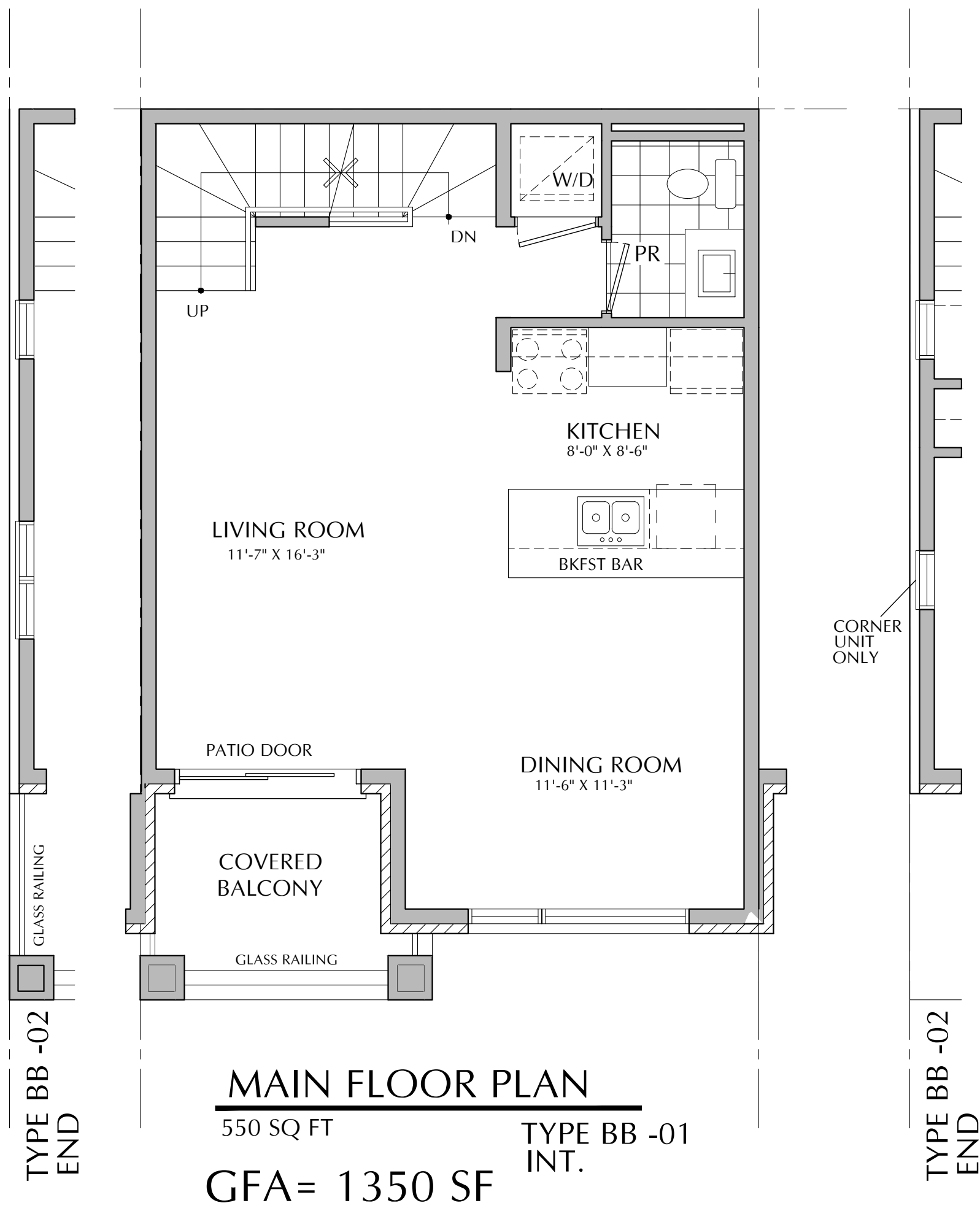
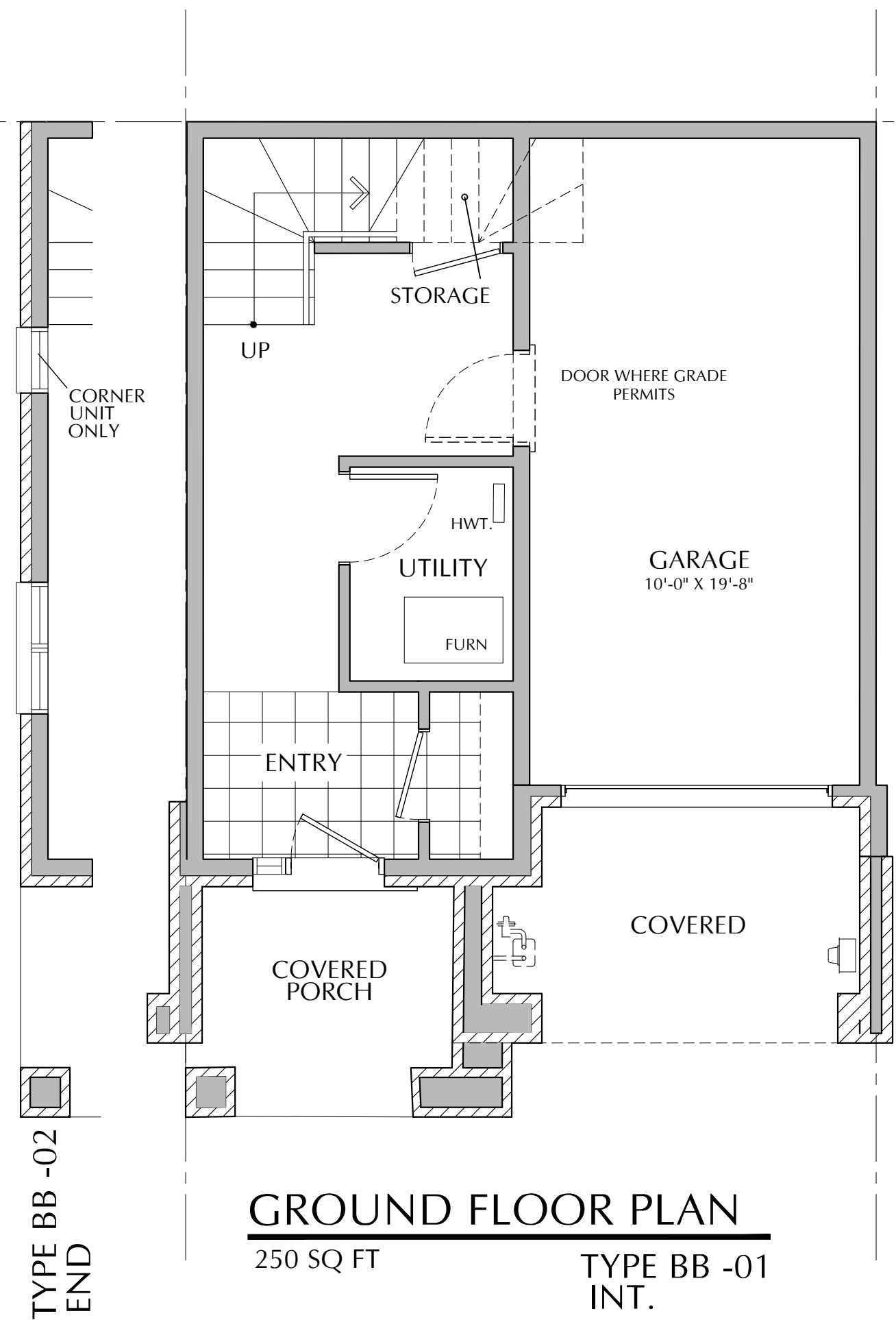
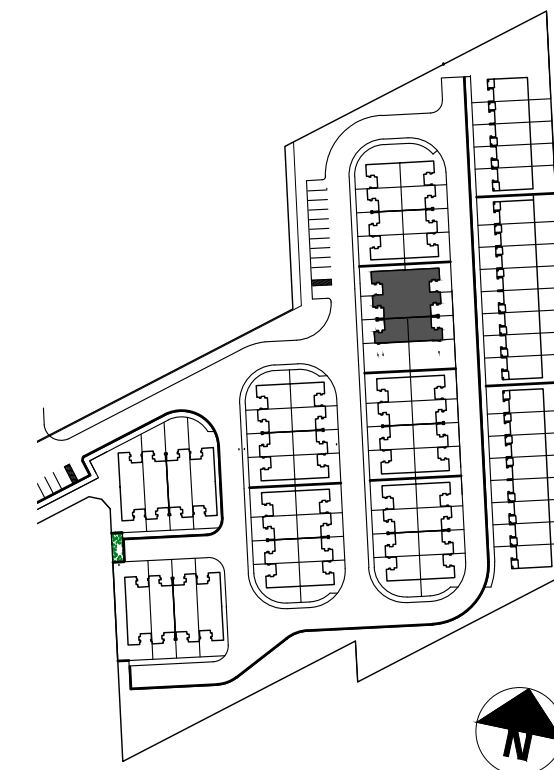
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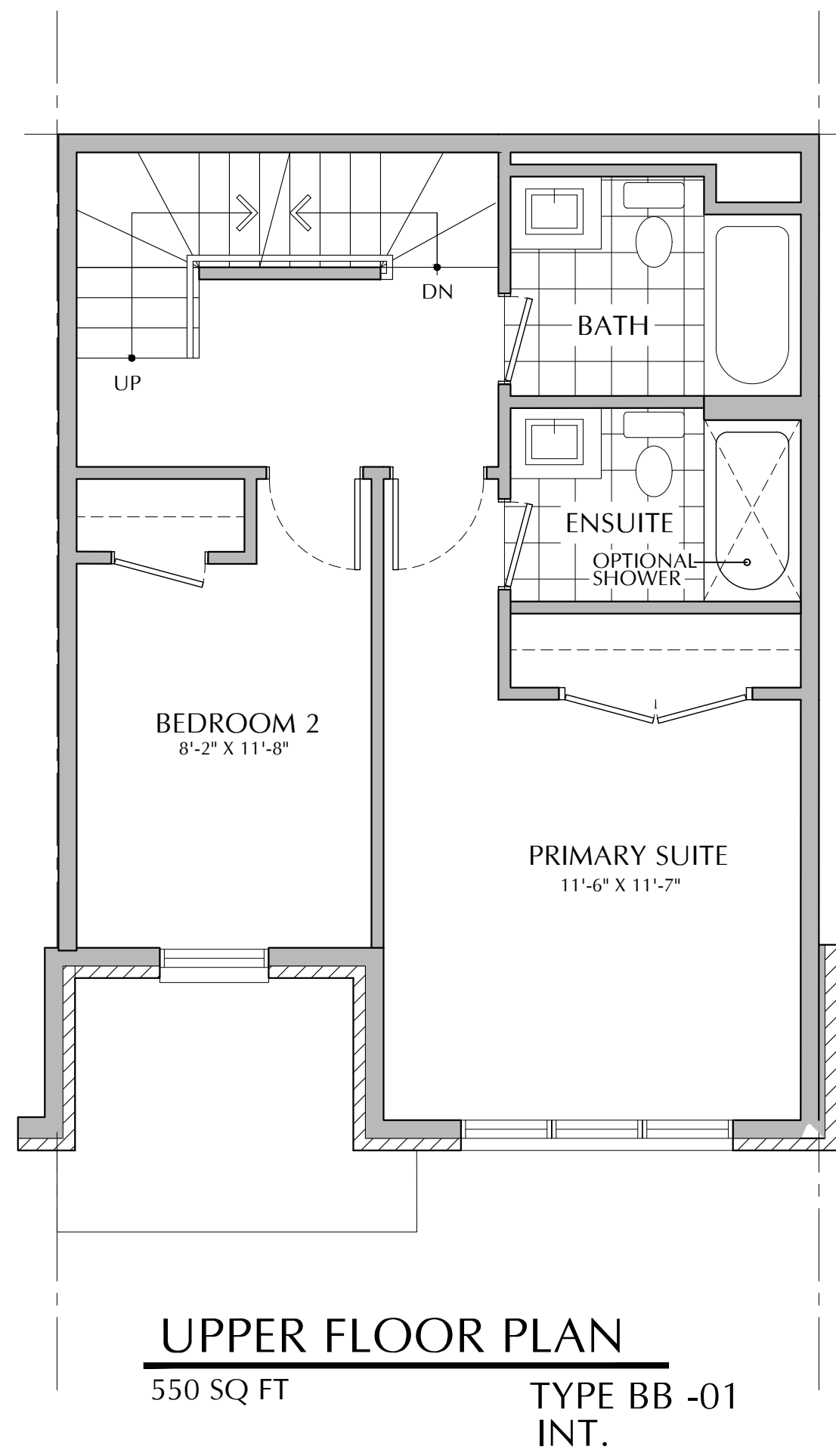
BB-02 corner
UNIT 42

BB-02 corner
UNIT 55

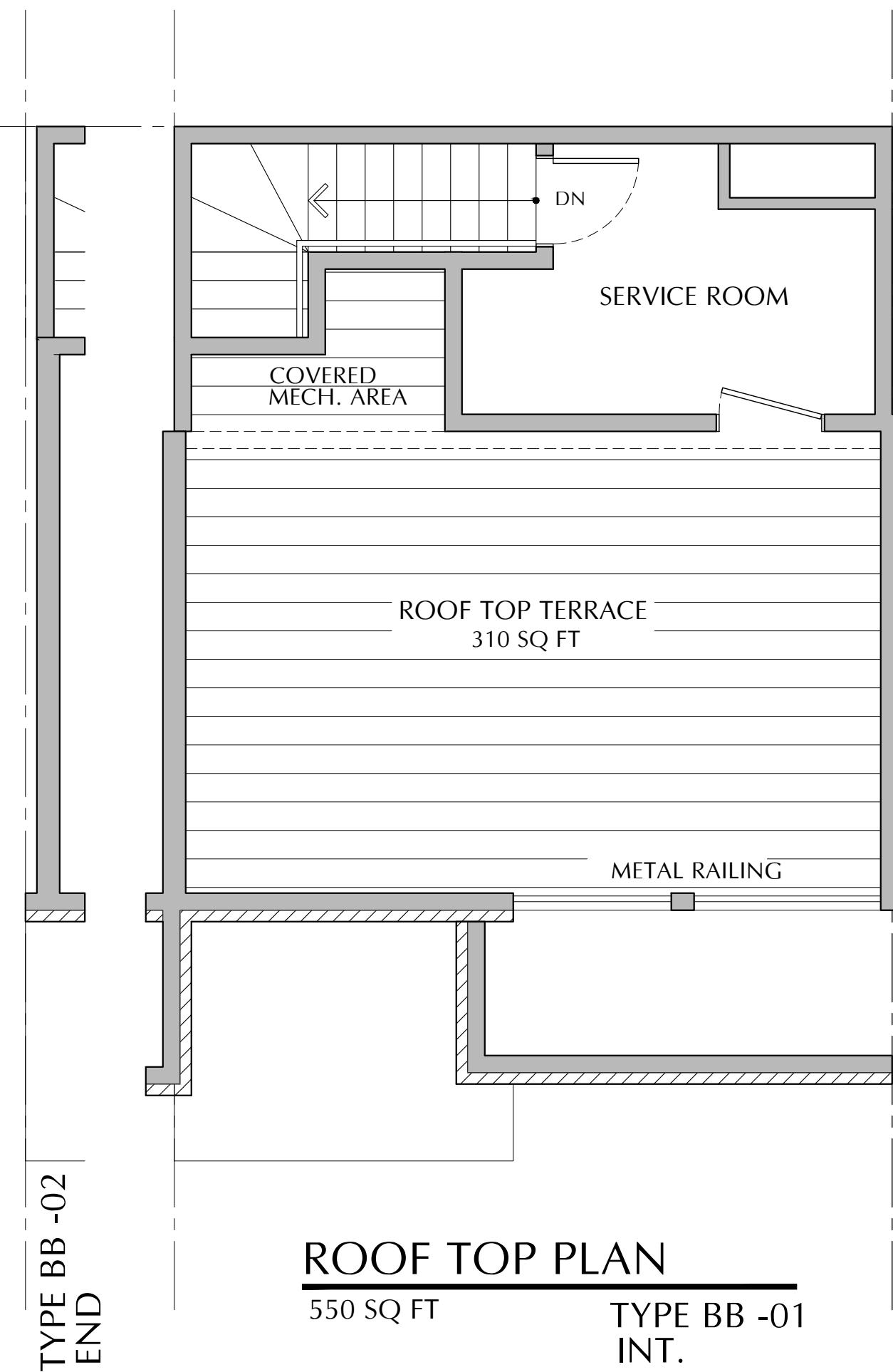
BLOCK SKYVIEW G 3/16"=1'-0"



GFA= 1350 SF



BACK TO BACK PLANS
1/4"=1'-0"



7		
6		
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4		
3	JULY18/22	FOR SPA
2	FEB 15/22	FOR SPA
1	DEC/21	FOR REVIEW
Client: BEVCO HOMES		
Project Location: LEGACY ST CATHARINES ONTARIO		
SKYVIEW G UNITS 42-44,53-55		
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.		
Qualification information Required unless design is exempt under Div.C.3.2.5.1 of the bldg code		
John Capponi 23522 Name: Signature: BCIN		
Registration information Required unless design is exempt under Div.C.3.2.5.1 of the bldg code		
Capponi Lacroix Design Group Ltd. 28804 Name: BCIN		
CLAPPONI LACROIX DESIGN GROUP LTD. www.claddesigngroup.ca		
37 DONLEA DRIVE, HAMILTON, ON, L8T 1K5 T 905 520 1428 email: jcapponi@claddesigngroup.ca		
Drawing No.: B1		Scale: NOTED
Drawn by: JMC		Date: DEC/21
Project No.: 2121		

JAN 27 2022

Appendix 1



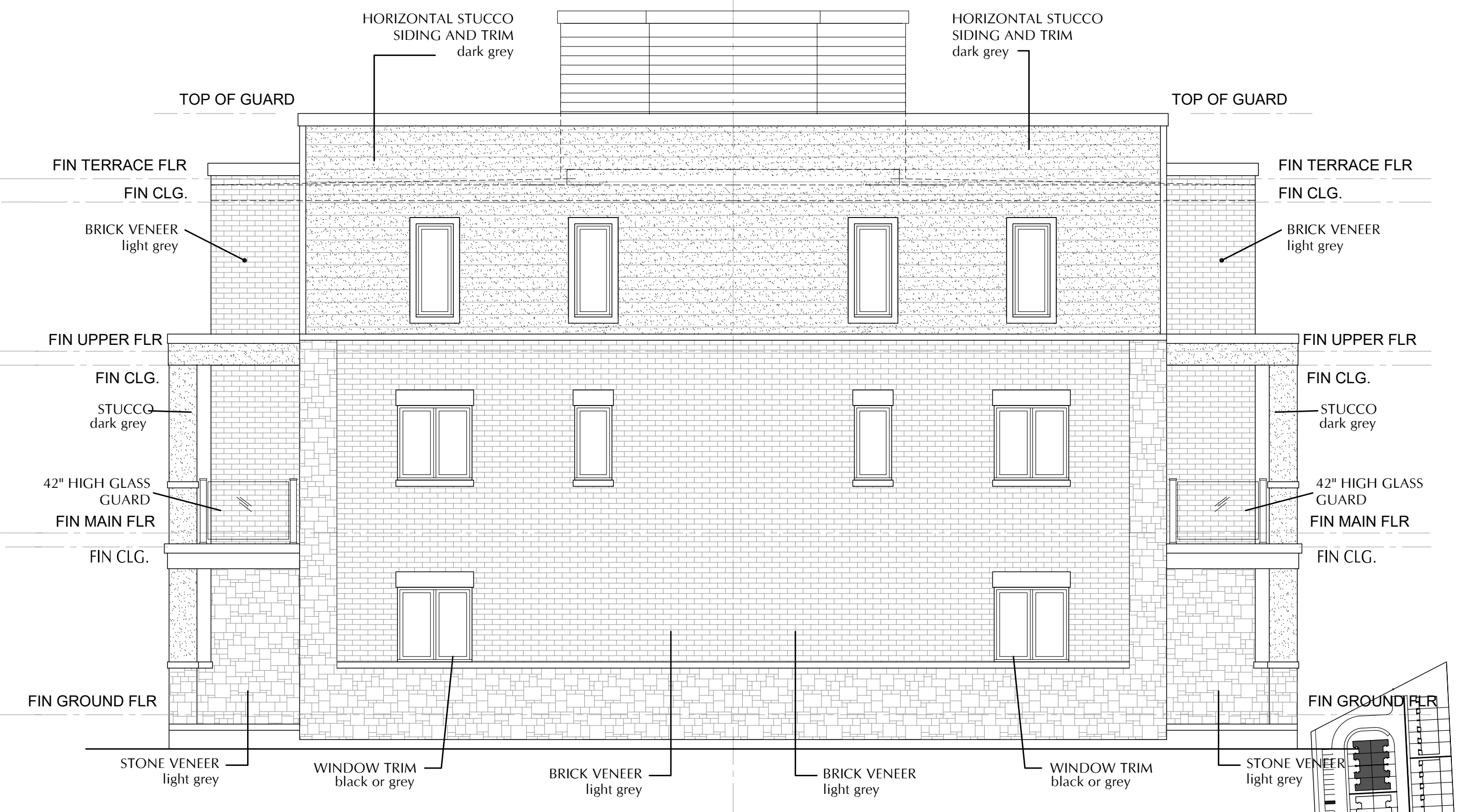
BB-02
UNIT 52

BB-01
UNIT 51

BB-01
UNIT 50

BB-02
UNIT 49

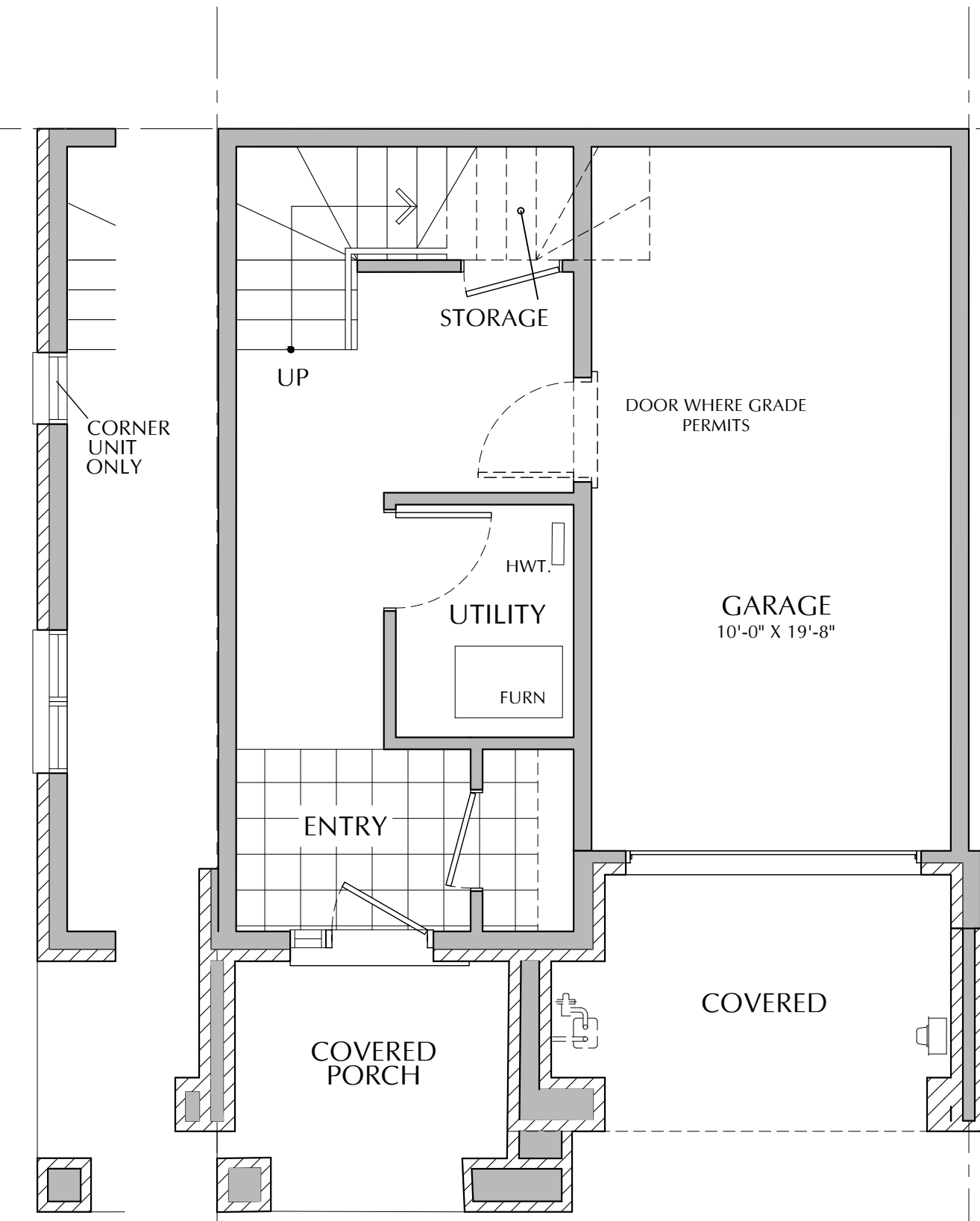
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3/16"=1'-0"



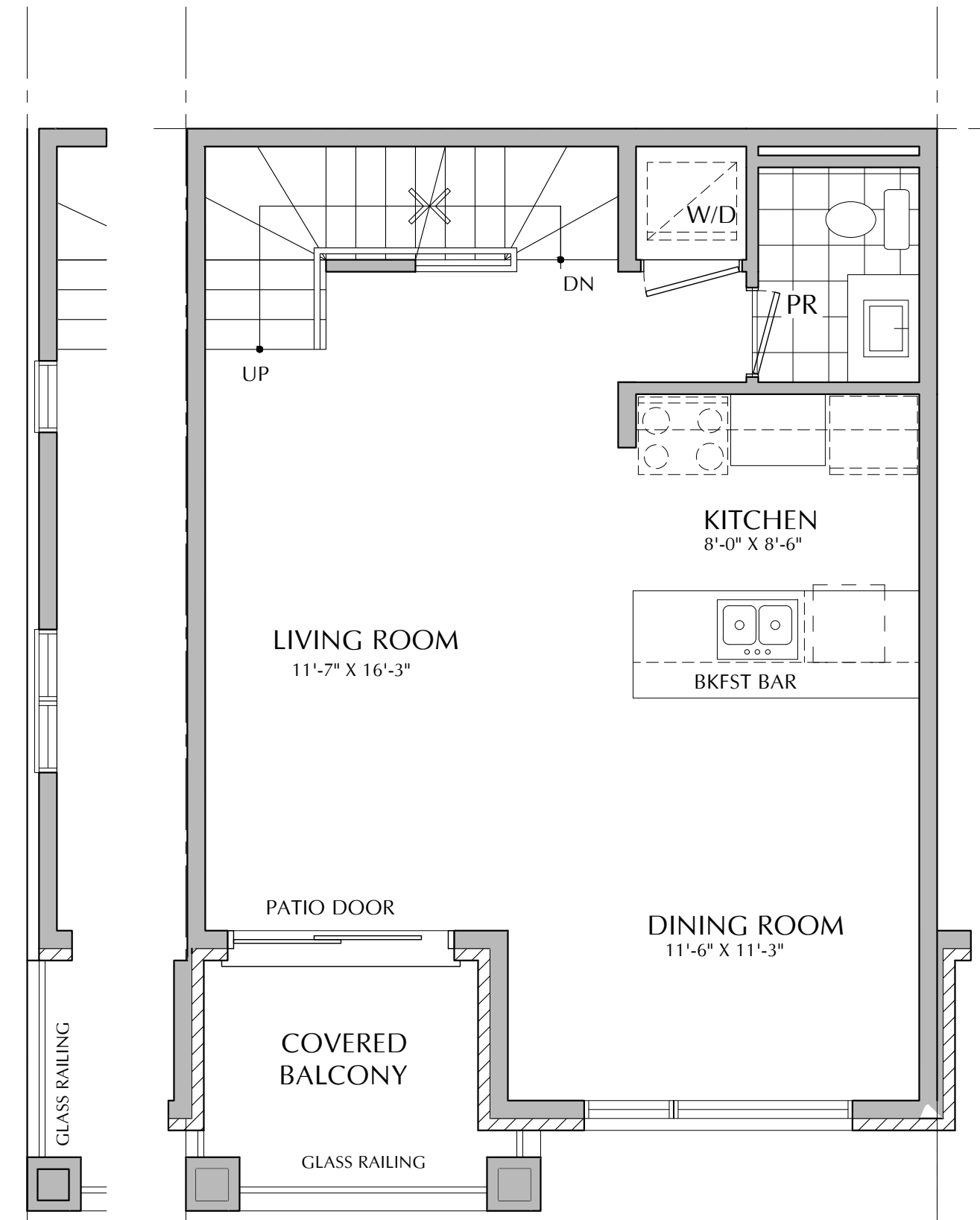
BB-02 corner
UNIT 49

BB-02 corner
UNIT 48

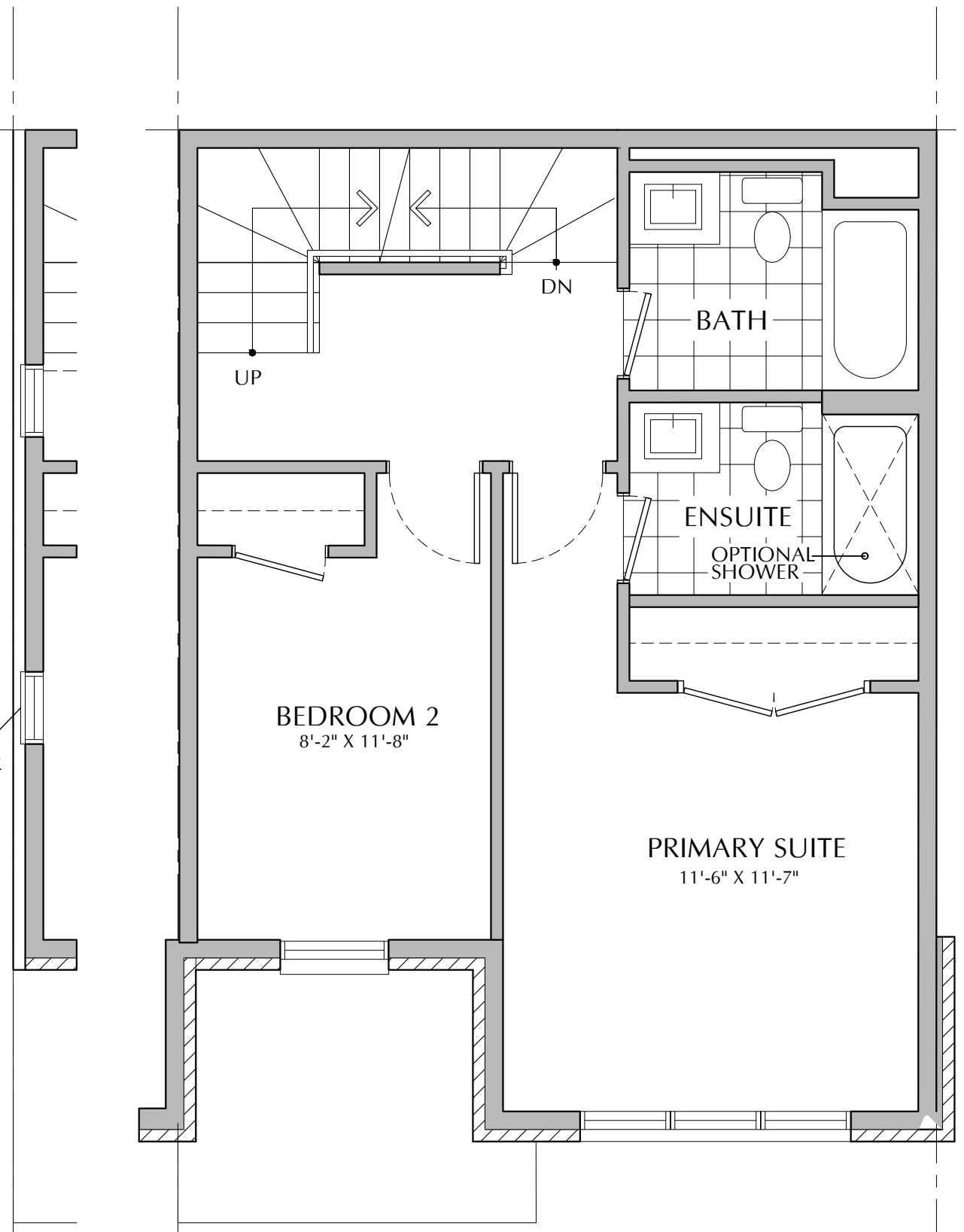
BLOCK SKYVIEW H
3/16"=1'-0"



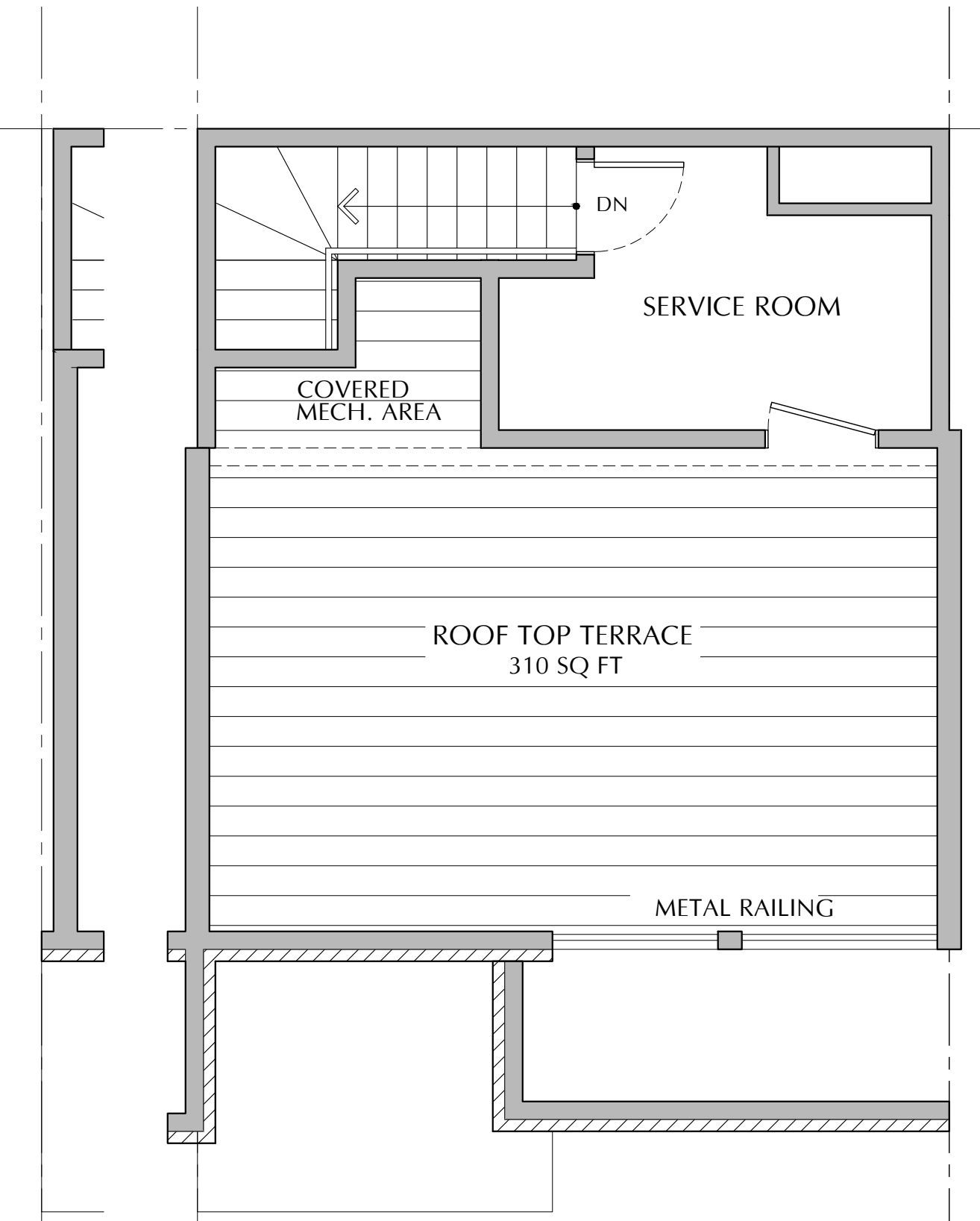
GROUND FLOOR PLAN
250 SQ FT
TYPE BB -01
INT.



MAIN FLOOR PLAN
550 SQ FT
TYPE BB -01
INT.
GFA= 1350 SF



UPPER FLOOR PLAN
550 SQ FT
TYPE BB -01
INT.



ROOF TOP PLAN
550 SQ FT
TYPE BB -01
INT.

BACK TO BACK PLANS
1/4"=1'-0"

JAN 27 2022

7	
6	
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4	
3	JULY18/22 FOR SPA
2	FEB 15/22 FOR SPA
1	DEC/21 FOR REVIEW

Client:
BEVCO HOMES

Project Location:
LEGACY
ST CATHARINES ONTARIO

SKYVIEW H
UNITS 45 THRU 52

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Qualification information
Required unless design is exempt under Div.C.3.2.5.1 of the bldg code

John Capponi Signature 23522 BCIN

Registration information
Required unless design is exempt under Div.C.3.2.5.1 of the bldg code
Capponi Lacroix Design Group Ltd. 28804 BCIN



37 DONLEA DRIVE, HAMILTON, ON, L8T 1K5
T 905 520 1428 email: jcapponi@clsgroup.ca

Drawing No.:
B1

Scale:
NOTED
Drawn by:
JMC
Date:
DEC/21

Project No.:
2121

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: November 1, 2022

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 16, 2022 hearing

NO.	ADDRESS	COMMENTS
A-134/22	122 Cushman Road	Be advised that a building permit is required to construct the self-storage facility.
A-135/22	143 Hartzel Road	No comment
A-136/22	145 Hartzel Road	No comment
A-131/22	260 Oakdale Avenue	Be advised that a building permit is required for the two proposed shipping containers to be located on the property.
A-133/22	17 Prestwick Avenue	Be advised that a building permit is required to convert the existing single detached dwelling into a duplex.
A-128/22	7 Sequoia Avenue	Be advised that a building permit is required to construct the proposed accessory dwelling unit.
A-132/22	112 Townline Road	Be advised that a building permit is required to construct the proposed accessory dwelling unit.

NO.	ADDRESS	COMMENTS
A-123/22	224 Vine Street	Be advised that a building permit is required to construct the 83 townhouse units.



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

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 3, 2022

Subject: Committee of Adjustment Comments (November 16, 2022, Hearing)

A-123/22 – 294 Vine Street

The applicant submitted plans showing the suitability of the proposed parking stall sizes with various sized vehicles. Nothing was submitted showing the suitability of the reduced distances from the garage to the street.

For full sized pick-up trucks, a 6.01 metre separation between the garage and the street was just sufficient to accommodate the vehicle. As such, we'd have concerns that any reduction from the 6.0 m separation requirement from the garage to the street wouldn't be sufficient to accommodate larger sized vehicles, resulting in the vehicle encroaching onto the street or sidewalk.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist