

Agenda

Wednesday, December 14, 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 December 13, 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:

Evan Acs, Planner
Natasha MacDonald, Planner
Madeleine Ferko, Planner
Jelena Pusara, Development Agreement Coordinator
Jayne Nahachewsky, Secretary-Treasurer

-
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- November 16, 2022**
 6. **Declarations of Interest**

7. Request for Adjournment

8. Request for Withdrawal

9. Applications

1. 12, 14 Cherry Street, Consent, B-61/22SC – 22113385
2. 12, 14 Cherry Street, Minor Variance, A-138/22 – 22113389
3. 12, 14 Cherry Street, Minor Variance, A-139/22 – 22113390
4. 4 Paxton Avenue, Minor Variance, A-142/22 – 22113487
5. 59 Parker Street, Minor Variance, A-137/22 - 22112725
6. 119 Welland Vale Road, Minor Variance, A-140/22 – 22113431
7. 189 and 189A Lockhart Drive, Consent, B- 55/22SC – 22 110518
8. 189 and 189A Lockhart Drive, Minor Variance, A-120/22 – 22 110526
9. 189 and 189A Lockhart Drive, Minor Variance, A-121/22 – 22 110527

10. New Business

As of November 28, 2022, Bill 23 has removed 3rd party appeal rights from the Committee of Adjustment process. For more information, please visit **Bill 23, More Homes Built Faster Act, 2022.**

11. Date of next meeting

Wednesday February 1, 2023 at 5.00 pm

12. Motion to Adjourn

Amanda No. 22 113385 LD
Amanda No. 22 113389 MV
Amanda No. 22 113390 MV
Submission No. B-61/22SC
Submission No. A-138/22
Submission No. A-139/22

COMMITTEE OF ADJUSTMENT COMMENTS

12, 14 CHERRY STREET

**DATE OF HEARING:
DECEMBER 14, 2022**



Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: December 2, 2022

Date of Meeting: December 14, 2022

Report Number: B-61/22SC

File: 22 113385

A-138/22

22 113389

A-139/22

22 113390

Subject: 12 – 14 Cherry Street

Recommendation

Consent

The Application **B-61/22SC**, submitted by **GH Rental Developments Inc.**, as outlined in the Notice of Hearing, be denied.

Minor Variance

That Application **A-138/22**, submitted by **GH Rental Developments Inc.** as outlined in the notice of hearing, be denied.

That Application **A-139/22**, submitted by **GH Rental Developments Inc.** as outlined in the notice of hearing, be denied.

Report

The Proposal

The applicant requests to sever a new lot to facilitate the construction of a semi-detached dwelling. There are three concurrent minor variance applications to help facilitate the construction of the proposed dwellings. The requested consent and variances are described in the tables below.

Application	Existing Parcel	Retained Parcel (Lot 1)	Severed Parcel (Lot 2)
B-61/22SC	555 m ²	260 m ² (Part 1)	261 m ² (Part 2)

Application	Zoning Provision	Required	Proposed
Lot 1 A-139/22	Minimum Lot Area	280 m ²	260 m ²
	Minimum Lot Frontage	7.5 m	7.37 m
	Maximum Floor Area (ADU)	60 m ²	65 m ²

Lot 2 A-138/22	Minimum Lot Area	280 m ²	261 m ²
	Minimum Lot Frontage	7.5 m	7.37 m
	Maximum Floor Area (ADU)	60 m ²	65 m ²

Location and Site Description

The subject site is located on the north side of Cherry Street between Trafalgar Street to the east and Salina Street to the west. The site is currently vacant. The immediate surrounding area consists of a variety of uses. On the south side of Cherry Street is a mix of low-density dwellings, including detached, semi-detached and townhouse dwellings. Along the north side of Cherry Street are a mix of uses with some commercial buildings and multi-unit residential dwellings. The north side of Cherry Street also has parking lots for commercial buildings fronting on Ontario Street. The subject property is on the periphery of the downtown core and adjacent to the Yates Street Heritage Conservation District.

The existing lot is currently vacant as the former dwelling was recently demolished.

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 site is designated as Downtown under Schedule D1 of the Garden City Plan (GCP) and is further designated as Commercial Core under Schedule E10 of the GCP. This designation is primarily intended to provide concentrations of retail and service commercial uses to accommodate local resident needs, as well as to provide significant employment opportunities. Other uses permitted may include institutional, recreation, cultural, civic, office, and residential apartment units.

Zoning By-Law (2013-283)

The subject site is zoned as Low Density Residential – Traditional Neighbourhood with Special Provision 93 (R2 – 93) in Zoning By-law 2013-283. This zone permits a range of dwelling types including detached, semi-detached, duplex, triplex, fourplex, quadraplex, townhouse, and private road developments. Special Provision 93 exempts properties in the downtown area from residential and bicycle parking requirements.

Planning Analysis

Consent

Consent application **B-61/22SC** requests to sever the subject property into two lots to construct a semi-detached dwelling. 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 severed lot 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 proposed severance is located in an area that is already substantially developed.

- 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.*

While the size, shape and configuration of the parcel is generally consistent with similar lots created for semi-detached dwellings in the R2 zone, semi-detached dwellings are not permitted in the Official Plan designation currently in place for the property. The Commercial Core designation only permits residential apartment units. Furthermore, minor variances are required for lot frontage and lot area. The Minor Variance section of this report outlines why staff are not able to support these variances.

Given that the Official Plan designation is Commercial Core, staff do not support the creation of smaller lots as they are not suitable or desirable for future commercial uses. Fragmentation of Commercial Core lots into smaller lots conducive to low-density residential development does not represent the optimum development potential of the surrounding area. Although the proposed lot may be appropriate for semi-detached dwellings, the proposed use, as well as the size, shape, and configuration of the parcel are not deemed appropriate for the site is in accordance with the Official Plan policies. Staff recommend denial for the requested consent application.

Conditions

While staff is recommending denial of the consent application, the Committee may decide to approve the application. Should the Committee approve the consent application, staff recommend using the conditions listed in Appendix A to this report.

Minor Variance

Applications A-138/22 and A-139/22 request similar variances for the new and retained lot. Variance 1 on each application requests a decrease in minimum lot area for a semi-detached dwelling unit from 280 square metres to 261 square metres in A-138/22 and 260 square metres in A-139/22. Variance 2 on both applications requests a reduction in

minimum lot frontage from 7.5 metres to 7.37 metres. Variance 3 on both applications requests an increase in maximum floor area for an accessory dwelling unit from 60 square metres to 65 square metres.

Staff find that all three variances on both A-138/22 and A-139/22 do not maintain the general intent and purpose of the Official Plan. The Official Plan designates the subject property Commercial Core. Low-density residential development, including semi-detached dwellings, are not permitted in the Commercial Core designation. That designation only permits residential in the form of apartment units. Neither the principal units, nor the accessory dwelling units, in the proposed semi-detached dwellings can be considered apartment units. Since the proposed use is not permitted in the Commercial Core designation, minor variances requested to facilitate the proposed use cannot be considered to be maintaining the general intent and purpose of the Official Plan.

Section 16.12.3 of the GCP states that the “intention and expectation that non-conforming uses shall eventually cease to exist and be replaced by uses that conform with the intent of the Plan...” Staff find that the redevelopment of the subject lands to a low-density residential use not permitted in the Commercial Core designation will not contribute to the eventual replacement of non-conforming uses. This further demonstrates that the requested minor variances do not maintain the general intent and purpose of the Official Plan. Staff recommend denial for the requested minor variance applications.

For a minor variance to be approved it must pass all four tests established in Section 45 (1) of the Planning Act. Should a variance fail one test, staff cannot recommend approval. Since all three variances under applications A-138/22 and A-139/22 do not maintain the general intent and purpose of the Official Plan, staff recommend denial of both minor variance applications.

Conclusion

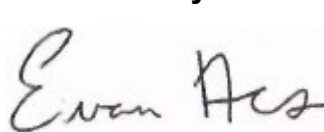
Staff are not satisfied that the consents requested through Application **B-61/22SC** is desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of approval of the applications. Additionally, staff are not satisfied that Applications **A-138/22** and **A-139/22** are in keeping with the general intent of the Official Plan. It is staff's recommendation that the requested consent and variance applications be denied.

Prepared by:



Giuseppe Ferreri
Student Planner

Submitted by:



Evan Acs, MSc, RPP
Planner I

Approved by:



Margaret Josipovic
Manager of Planning Services

APPENDIX A

Suggested conditions for approval of Consent B-61/22SC

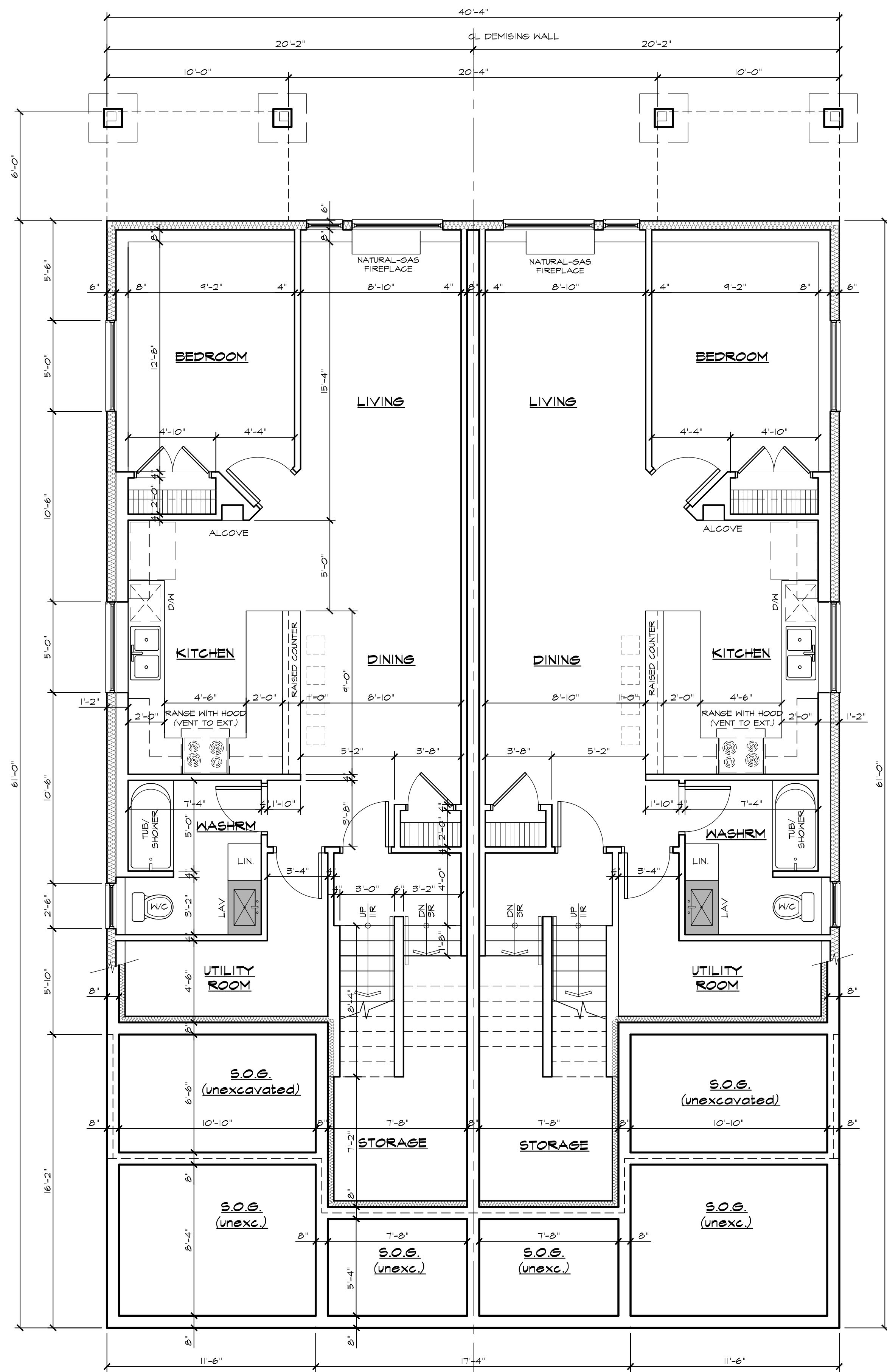
1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title of both retained and new lots addressing the following conditions:
 - a) That building permit plans, including a site plan and elevations for Parts 1 and 2, once submitted, be reviewed and approved to the satisfaction of the Director of Planning and Building Services demonstrating that:
 - i. If there are driveways, one fully compliant parking space meeting required width and depth established in section 3.7 of the Zoning By-law, be provided on each lot.
 - ii. That the front wall of each dwelling generally be in-line with the front walls of 16 and 18 Cherry Street.
 - b) The Master Grading and Servicing 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.
2. That variances 1 and 2 in Minor Variance applications A-138/22 and A-139/22 are approved.
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 dedicate to the City, free and clear of any encumbrances, the widenings across the frontage of the subject properties, to be known as Public Highway Cherry Street.
5. That the Owner pay the fee for City crews to locate, inspect, and document the sanitary sewer lateral and water service to the existing dwelling. If it is determined the existing sanitary lateral or water service conflicts with existing or future lot lines, the Owner shall complete any relocation works on private property through a Plumbing Only Permit. The Owner shall also pay the City to complete any associated relocation works required on City property.
6. That the Owner submit a Master Grading and Servicing Plan prepared by a qualified Engineer for review and approval by City staff.
7. That the Owner 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.
8. 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.
9. That the Owner provide the Secretary-Treasurer with the acknowledgment and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
10. 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.
11. That all conditions of consent be fulfilled by December 14, 2024.

Note Regarding Right-of-way Widening (conditions 2 and 3)

Cherry Street is designated a Community Roads in the City's Transportation Master Plan, with desired rights-of-way widths of 20 metres. The current width is deficient and is approximately 10 metres in width. In recognition of the difficulty in achieving a full 20 metre right-of-way in a substantially developed area, the City is willing to accept a right-of-way approximately 15 metres in width.

As per the Garden City Plan, Council is committed to achieving "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "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.

Given the City would like to remain consistent with past requirements for road widenings, including those taken for 7A, 7B and 7C Cherry Street, and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded water main and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks and meeting the Garden City Plan initiatives driven by Council, staff are recommending as a condition that a widening along the frontage of Cherry Street of 2.36 metres shall be transferred to the City free and clear of any encumbrances to be known as Public Highway Cherry Street. The Applicant is aware of this request and has identified the road widenings dedication as Part 3 on the submitted survey sketch.



BASEMENT PLAN

SCALE: 1/4" = 1'-0"

FINISHED AREA = 685 SF/SIDE

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 exempt under 2.17.5.1. of the building code

CHRISTIAN VENDITTI
NAME

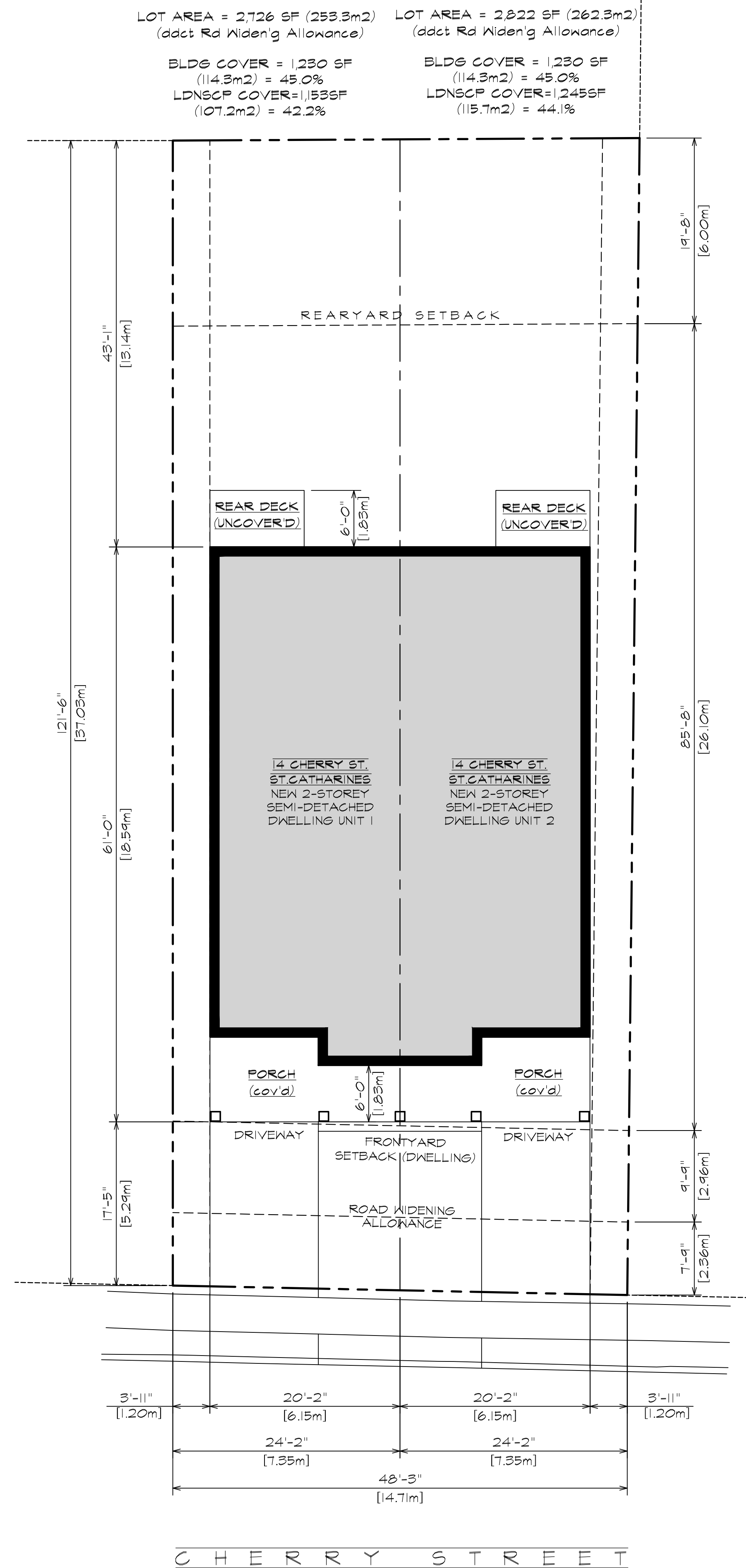
SIGNATURE
[Signature]

42354
BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1. of the building code

CORE DRAFTING SERVICES
FIRM NAME

108210
BCIN

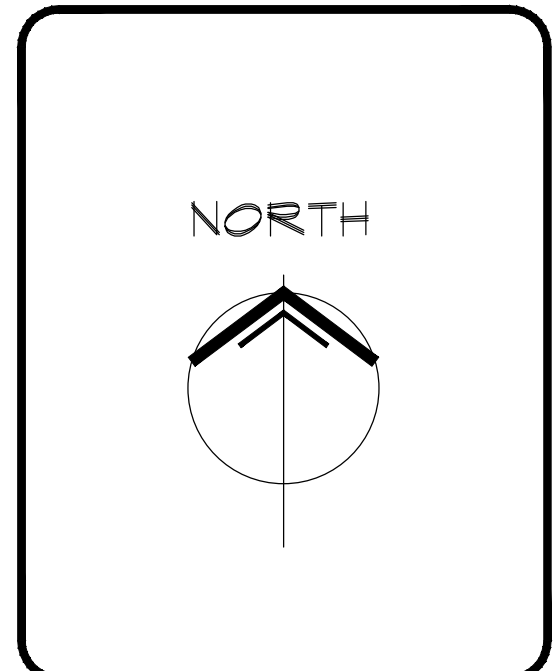


SITE PLAN

SCALE = 1/8" = 1'-0"

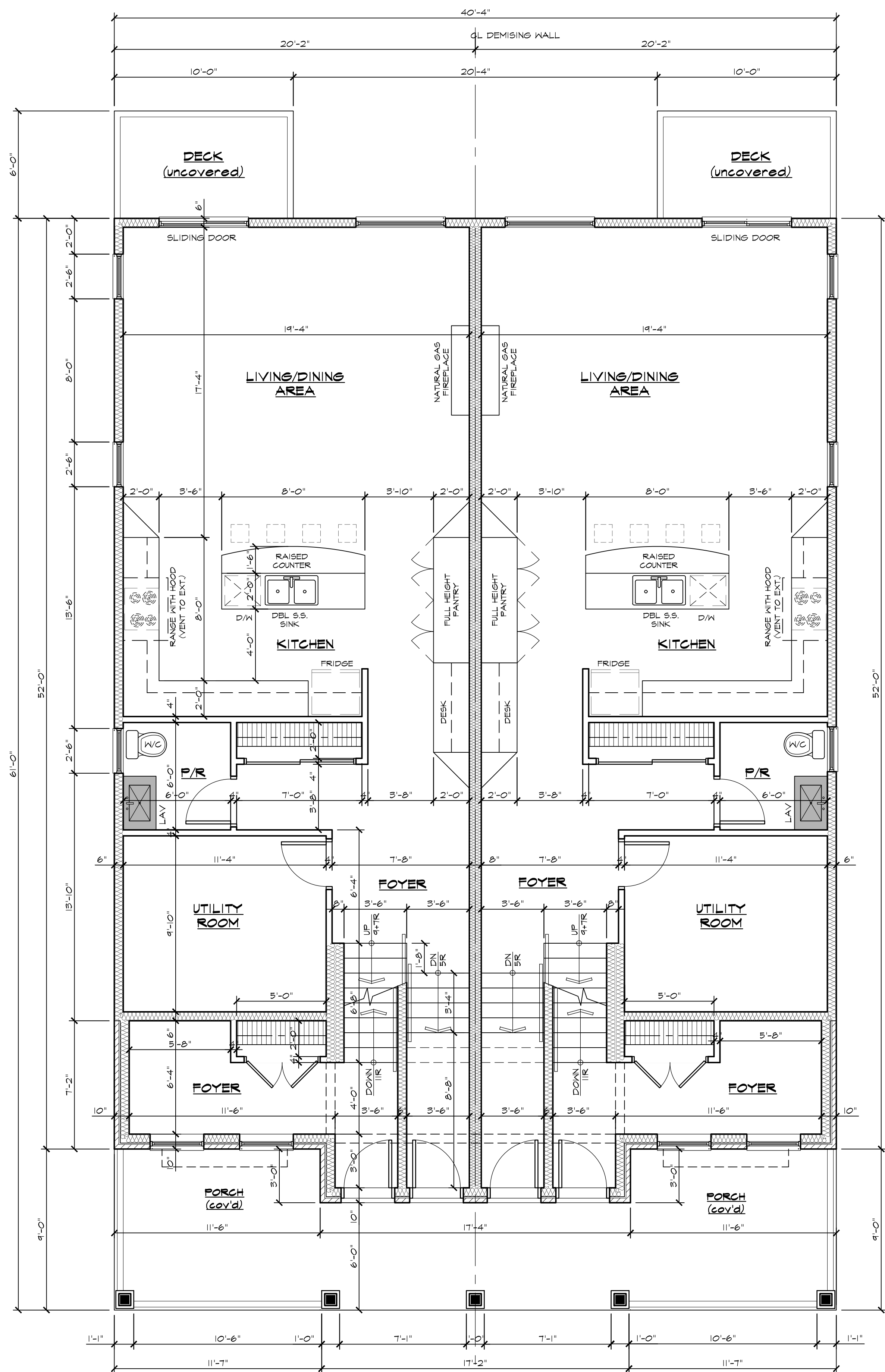
General Notes		
4	REDESIGN	AUG 12 2022
3	REVISED	JUL 11 2022
2	ISSUED FOR PERMIT	MAR 15 2022
1	ISSUED FOR REVIEW	DEC 23 2021
No.	Revision/Issue	Date

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Project Name and Address
NEW SEMI-DETACHED RESIDENCE
14 CHERRY STREET
ST. CATHARINES, ON

Dwg Title	Sheet
PLANS	A1
Date	
Scale	
AS NOTED	



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

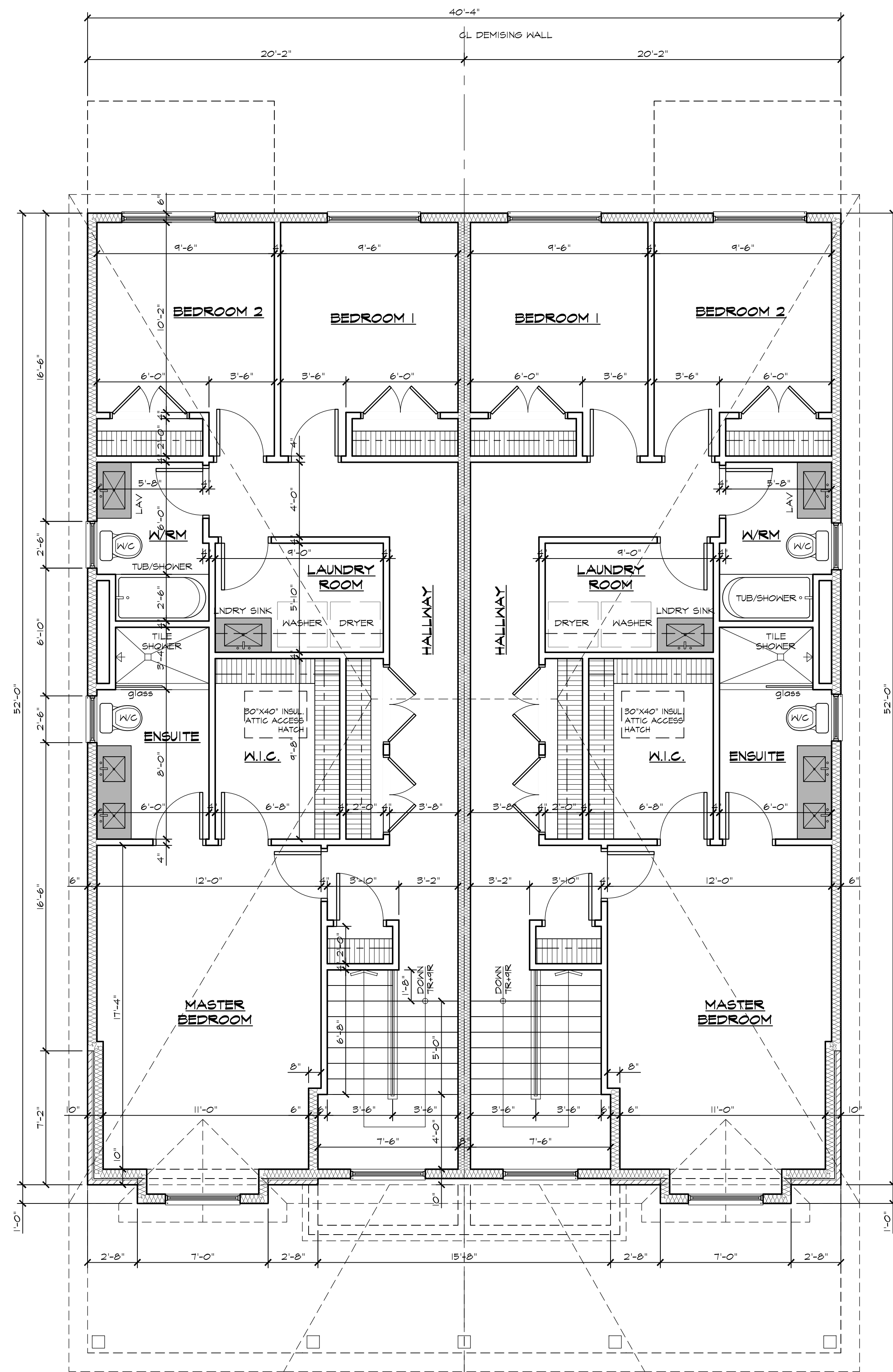
GROSS FLOOR AREA
= 1,075 SF/SIDE

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
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CHRISTIAN VENDITTI 42354
NAME SIGNATURE BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1. of the building code
CORE DRAFTING SERVICES 108210
FIRM NAME BCIN



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

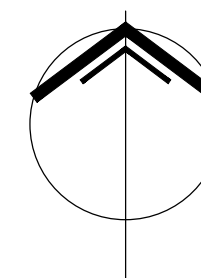
GROSS FLOOR AREA
= 1,055 SF/SIDE

General Notes

No.	Revision/Issue	Date
4	REDESIGN	AUG 12 2022
3	REVISED	JUL 11 2022
2	ISSUED FOR PERMIT	MAR 15 2022
1	ISSUED FOR REVIEW	DEC 23 2021

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NORTH



Project Name and Address

NEW SEMI-DETACHED
RESIDENCE

14 CHERRY STREET
ST. CATHARINES, ON

Dwg Title

PLANS

Date

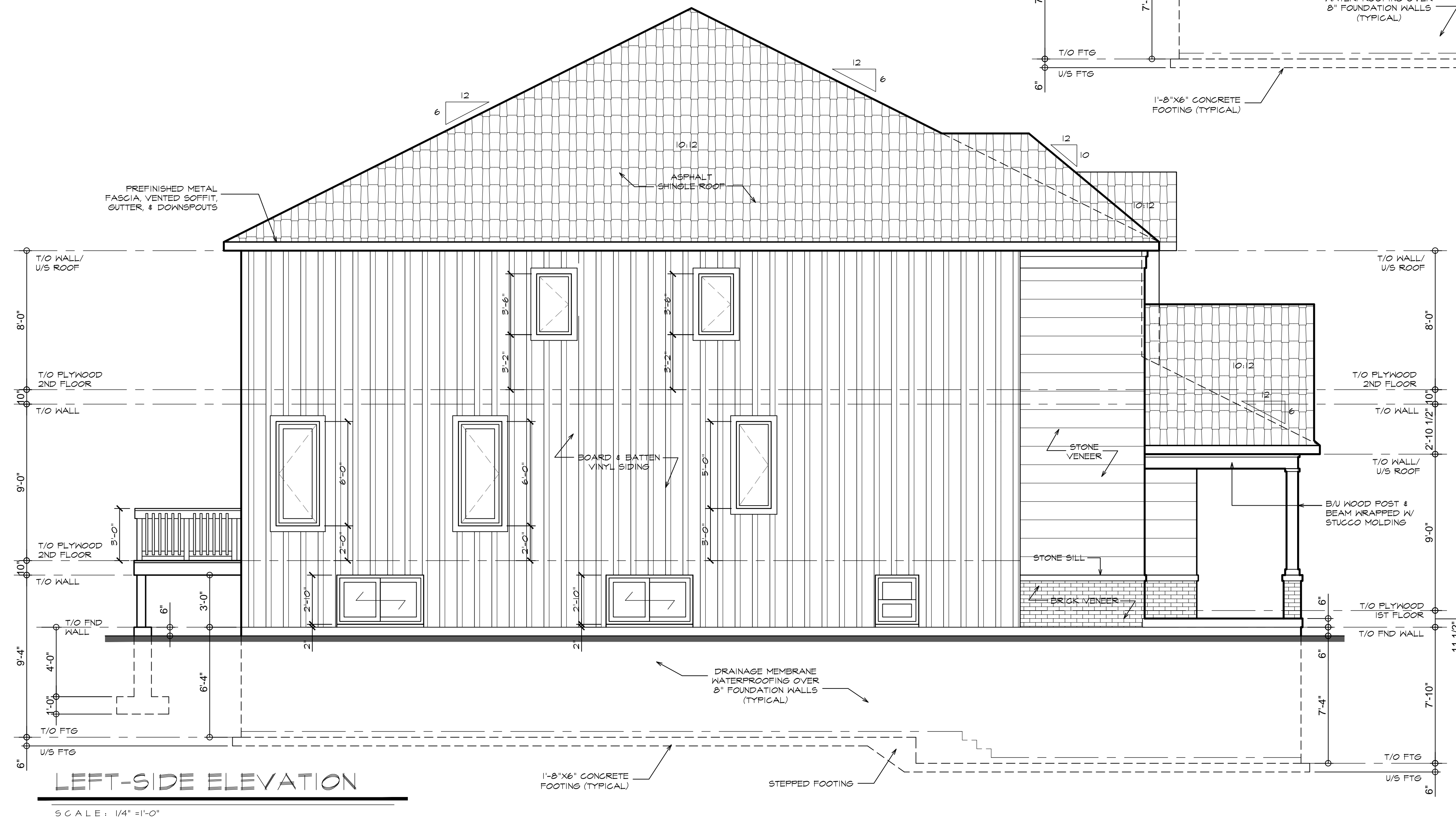
DEC 2021

Scale

AS NOTED

Sheet

A2



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
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CHRISTIAN VENDITTI
NAME

SIGNATURE
42354
BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1. of the building code

CORE DRAFTING SERVICES
FIRM NAME

108210
BCIN


General Notes		
4	REDESIGN	AUG 12 2022
3	REVISED	JUL 11 2022
2	ISSUED FOR PERMIT	MAR 15 2022
1	ISSUED FOR REVIEW	DEC 23 2021
No.	Revision/Issue	Date

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Project Name and Address
**NEW SEMI-DETACHED
RESIDENCE**
14 CHERRY STREET
ST. CATHARINES, ON

Dwg Title	Sheet
PLANS	A3
Date	DEC 2021
Scale	AS NOTED



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 exempt under 2.17.5.1. of the building code		
CHRISTIAN VENDITTI		42354
NAME	SIGNATURE	BCIN
REGISTRATION INFORMATION		
Required unless design is exempt under 2.17.4.1. of the building code		
CORE DRAFTING SERVICES	108210	BCIN
FIRM NAME		

General Notes		
4	REDESIGN	AUG 12 2022
3	REVISED	JUL 11 2022
2	ISSUED FOR PERMIT	MAR 15 2022
1	ISSUED FOR REVIEW	DEC 23 2021
No.	Revision/Issue	Date

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Project Name and Address
NEW SEMI-DETACHED RESIDENCE
14 CHERRY STREET
ST. CATHARINES, ON

Dwg Title	Sheet
PLANS	A4
Date	
Scale	



Planning Justification Brief

Severance & Minor Variance Application

**14 Cherry Street
City of St. Catharines**

On behalf of: GH Rental Developments c/o Stephen Fischer

190A Ontario Street
St. Catharines, ON L2R 5K9

2022 10 24
Project # 0440

Summary

Better Neighbourhoods Inc. has been retained by the owners of the property known locally as 14 Cherry Street to prepare this *Planning Justification Brief* together with assistance in other planning services. A *Pre-Consultation Meeting* was held on the 18th of May, 2022 outlining the *prescribed* requirements, and general feedback from staff.

The redevelopment proposed for the existing lot consists of the following:

- Creation of two (2) new lots capable of supporting a pair of semi-detached dwellings on a 277 m² lot (Part 1) & 278 m² lot (Part 2).

An existing 1-storey single detached dwelling, which was not a Part IV designated heritage property, was recently demolished with a City issued Demolition Permit. Notwithstanding, a *Heritage Impact Analysis* was prepared to evaluate the cultural heritage value or interest associated with the property. The report concluded that there was no cultural heritage value or interest and nothing to warrant Part IV designation.

The City's Official Plan, which predates the Zoning By-law, has conflicting land use requirements. The former designates the property as 'Commercial Core' with much more intense mixed-use development permissions and minimum required density levels in response to the Provincial *Urban Growth Centre* designation. While the Zoning By-law, which constitutes applicable law, restricts the permitted uses to exclusively ground-oriented residential, (I.e., single detached, semi-detached etc.), none of which are permitted by the applicable Official Plan designation.

The subject lands are located in Downtown St. Catharines, within Niagara's only *Urban Growth Centre* designated by the Provincial *Growth Plan*. The property is also located within the Yates Street Heritage District, fronting Cherry Street east of Salina Street.

The subject lands (Figure 1) previously supported a 1-storey single detached dwelling on a 555 m² lot which is surrounded by properties ranging in size and include the following uses:

- North: Private club & office commercial
- East: Parking lots
- South: Residential Garage
- West: Single detached & attached residential



Figure 1: Subject Lands – 2018 Aerial Imagery

To allow the infill project, zoning relief is needed for certain zoning provisions associated with the default R2 outlined below in red.

Regulation		Lot 1 (Semi-detached)	Lot 2 (Semi-detached)
Lot Area (min – max)	280 – 465 m ² (semi)	260 m ²	261 m ²
Lot Frontage (min)	7.5 m (semi)	7.37 m	7.37 m
Front Yard (min)	3 m (house) 6 m (garage)	7 m	7 m
Rear Yard (min)	6 m	+ 11 m	+ 11 m
Interior Side Yard (min)	1.2 m (1-storey)	1.2 m	1.2 m
Landscaped Open Space (min)	35 %	42 %	42 %
Parking Width In Front Yard (max)	7.5 m or 50 % of front lot line, whichever is less	3.5 m / 45 %	3.5 m / 45 %
Parking Coverage (max)	20 %	7 %	7 %
ADU Floor Area (max)	40 % or 60 m ² , whichever is less.	65 m ²	65 m ²

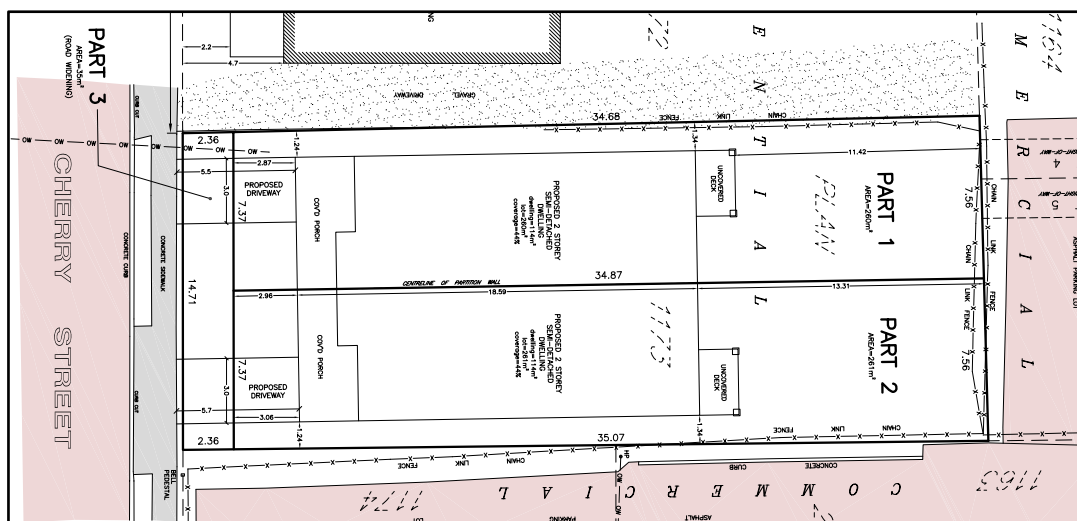


Figure 1: Proposed Consent Sketch (2022-10-03)

The subject lands are located in the most walkable neighbourhood of the City with convenient access to service & neighbourhood commercial uses, *public service facilities*, local & regional transit, parkland and institutional uses.

Four (4) Tests of *Planning Act*

The Committee of Adjustment, under Section 45 (1) of the *Act*, may grant a minor variance to the provisions of a Zoning By-law, if in their opinion, the application satisfies all (four) of the following considerations:

1. *Is it minor in nature?*
 - The primary test for whether a variance can be considered '*minor*' is one of impact, and secondly one of size.
 - The reduced lot area & frontage are minor overall as the current lot is oversized for a single detached house in that neighbourhood, maintains the existing lot depth on the block, and when divided for a semi-detached dwelling, is adequate to support its many functions.

Including but not limited to, landscaped open space for stormwater management, rear yard amenity area for private leisure, and off-street parking for private vehicles.

- The reduced lot area would have been negligible had it not been for an unnecessary road widening requested by City staff. Despite Cherry Street not meeting modern conventional right-of-way width standards, it has accommodated essential underground infrastructure necessary for modern urban development, dual sidewalks, and modest boulevards for many decades.
- The proposed variances will support more compact infill on an underutilized existing lot and provide more housing.

2. *Is it desirable for the development or use of the land?*

- The proposed variances will allow the severance to occur, which would double the housing supply on the subject lands and help reduce excess land consumption.
- No attached garages are proposed which will reduce unsightly garage-controlled architecture upon the streetscape.
- The proposed variances will direct growth to promote efficient utilization of existing municipal infrastructure in a neighbourhood well suited for increased housing supply.

There are no obvious adverse impacts expected and the development is in keeping with the broader goals for intensification and infill of the region.

3. *Does it maintain the general intent & purpose of the Official Plan?*

- Yes, refer to the detailed Official Plan analyses below.

4. *Does it maintain the general intent & purpose of the Zoning By-law?*

- The intent of the minimum lot frontage & area regulations in the Zoning By-law are to ensure among other things, that practical lot geometry will occur throughout the City and functional design measures including storm water runoff, rear yard amenity areas, and off-street parking are managed.
- The variances maintain the general purpose and intent of the Zoning By-law because the above-noted provisions are all being accommodated. An overall *Lot Grading & Drainage Plan* will be required as a condition of severance approval and prior to building permit issuance ensuring no adverse drainage impacts are created.
- Reducing the lot frontage & lot area will not introduce conflict with the permitted uses and character of the surrounding buildings as they cannot impact the architectural design in any consequential way given the minor deviation sought and their application in this context. The Zoning By-law unfortunately lacks regulatory control to enforce a certain streetscape edge or gradation because it does not include provisions for a *Maximum Front Yard Setback* to the dwelling. Therefore, the proposed variances will be compatible to the extent permitted, outlined, and intended by the Zoning By-law regulations and accommodate new housing units Downtown.

Official Plan, City of St. Catharines (2010)

The local Official Plan provides a strong policy basis for progressive growth management that reflects the unique challenges associated with infill development pressures and the need to balance those against culturally significant issues such as social challenges associated with the lack of housing supply, expensive real estate prices, transportation issues, climate change & heritage preservation.

The subject lands are located in the Yates Street Heritage District and are designated *Urban Growth Centre, Downtown & Commercial Core*. Development within the Urban Growth Centre is required to achieve a minimum density of 150 people and/or jobs per hectare.

Planning staff have advised that despite the current Zoning By-law permitting semi-detached dwellings, (subject to certain provisions), the Official Plan's *Commercial Core* designation does not permit low density residential uses.

It is unfortunate to note that despite the Official Plan pre-dating the Zoning By-law by only a few years, the City has still thrusted and maintained non-conforming zoning upon the subject lands. Zoning which fundamentally cannot support the Provincial designated *Urban Growth Centre* goals, cannot achieve the 'desired' commercial or mixed-use nature outlined by the local policy framework without requiring an onerous Zoning By-law Amendment, and which in effect only supports a conventional suburban built form and alignment which is not in keeping with the historic streetscape of the Yates Street Heritage District. The inconsistency of the Official Plan schedule and Zoning schedule may be a result of a mapping oversight, especially considering the pre-existing residential land use.

It is also unfortunate that the City's municipal road widening requirement is necessary, especially in a designated heritage district which adversely impacts the historic neighbourhood streetscape and character. In essence, City staff are requiring new dwellings to be recessed deeper into the lot which creates a 'gap', or misalignment of relatively consistent building form along the northern street edge, save for the parking lot further east. Specifically, the front building setbacks and parking depths must be measured from the new *street line* required by the Engineering staff's road widening standard. Providing the minimum stall depth of 5.2 m in front of the house forces the house deeper into the lot, alongside the recalibrated default front yard building setback. This makes the feasibility of maintaining a relatively consistent street edge building alignment nearly impossible and is not in keeping with the *Yates Street Heritage District* character in our opinion. However, this is the City's regulatory framework and thus is being generally adhered to as it was intended while still granting reasonable development entitlement to the owner.

Policy 11.1 (Downtown) – states that the precise location, range, and scale of uses permitted may be further defined or modified in the Downtown District Plan (Part E, Section 15.6) and through the implementing Zoning By-law.

Policy 11 (Downtown) – states that the City's Urban Growth Centre is intended to attract and accommodate the highest concentration, density, range and mix of land uses including transit supportive residential development.

Policy 11.2.6 (Commercial Core) – states permitted uses within this designation include various commercial uses, institutional, indoor recreation, creative and cultural uses, hospitality, restaurants, entertainment, and residential apartment units.

Policy 16.2 (Zoning) – states that the Zoning By-law shall be used to implement the policies of the Plan by regulating the use of land, buildings, or structures in accordance with the Planning Act, and may be more restrictive than the provisions of the Plan. By-laws will establish land use zones which will permit the type of development specified in the Plan.

Despite the current zoning being adopted after the current Official Plan's original adoption, the R2 zoning is inconsistent with the *Commercial Core* land use designation policy framework set forth by the City. Unfortunately, this inconsistency has the effect of significantly freezing the development permissions of the owner, despite the existing house being evaluated and omitted from the heritage registry in the 1990s.

Part D – Land Use Policies

Policy 7.1 (Development) – states that redevelopment shall be evaluated having regard for, among other things:
c) *Building, site, streetscape, and neighbourhood context sensitive design to ensure:*

- i. *Integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties, and the surrounding neighbourhood.*
 - The overall building form, scale, and height are generally compatible in nature with the immediate neighbourhood and the proposed *Site Plan* otherwise complies with the zoning regulations.
 - ii. *Adverse impacts on adjacent lands are minimized regarding grading, drainage, location, access, parking, transition in height, privacy, views, and vistas.*
 - An engineered *Lot Grading & Drainage Plan* would be required by the City as a condition of approval to ensure grading & drainage concerns are addressed post-construction.
 - There are no prospective privacy or shadow concerns given the site design.
 - iv. *Adequate and appropriate lot size, shape and configuration, access, and outdoor amenity areas;*
 - The proposed lot sizes are ample to accommodate the proposed semi-detached dwellings. The shape and configuration are entirely practical and maintain the existing block's lot depth, private rear yard amenity area, spatial separation, and access.
 - v. *Provision of parking areas that do not dominate the site physically or visually and maximize opportunities for perimeter and internal landscaping.*
 - The front-loaded parking arrangement only yields a parking coverage of 7 %, per lot, well within the zoning maximum.
- d) *The preservation, conservation, enhancement and integration of cultural heritage features, and identities.*
- The proposed building *Elevation Plans* exhibit more historical design features based on traditional architectural principles in respect of the Yates Street Heritage District. These include but aren't limited to a comprehensive brick foundation skirt wrapping around every wall, horizontally & vertically aligned windows, prominent front entries, and a relatively simple roof design.

Overall, we are of the opinion the requested zoning relief & severance broadly conforms to the City's Official Plan and represents good land use planning in a Downtown heritage district.

Conclusion

In our opinion, the proposed zoning relief satisfies the four (4) tests under section 45 of the *Planning Act*, are good for the community, and mitigate the potential for adverse impacts to the streetscape by not providing garage-controlled architecture. The development conforms with the local Official Plan and will introduce modest new housing supply Downtown and facilitate an architectural design that respects the late - 1800's character of the Yates Street Heritage District. Overall, the proposed consent & zoning relief represents good land use planning and would enable additional, safe, and more attainable rental housing supply to join the neighbourhood through future accessory dwelling units.

Submitted By:



Dan Romanko MCIP, RPP, CNU-A
Urban Designer – Partner

Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Monday, December 5, 2022 1:09 PM
To: Nahachewsky, Jayne
Cc: Semple, Claire; Pusara, Jelena
Subject: RE: Circulation Packages for December 14th Hearing

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Good afternoon Jayne,

Our office has no comments/objections on all applications listed below based on information provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com



*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>
Sent: Friday, November 25, 2022 3:55 PM
To: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>
Cc: Semple, Claire <csemple@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>
Subject: Circulation Packages for December 14th Hearing

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Good Afternoon,

The notices, applications and sketches for the December 14th hearing can be found at the links below.

Please forward your comments to me by **Tuesday, December 6th, 2022.**

12 – 14 Cherry St. St. Catharines

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=zAeFNvAZxITrf1c9B63FRQeQuAleQuAl>

59 Parker Street

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=5IA5H3sezPEy6zsSU0PnCKvYuQeQuAleQuAl>

4 Paxton Avenue

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=EhvKerQaTx2CopnZXkv13QeQuAleQuAl>

119 Welland Vale Road

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=peHz1KjAM3pFU5tSMi8uqgeQuAleQuAl>

Thank you,
Jayne Nahachewsky

Jayne Nahachewsky

Committee of Adjustment Secretary-Treasurer

Email: jnahachewsky@stcatharines.ca

Tel: 905.688.5601 x1715 TTY: 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2

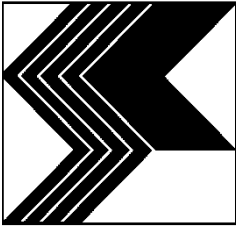


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REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-61/22SC



November 25, 2022

ENGINEERING FILE 300-36

Hearing Date: December 14, 2022
Applicant: GH Rental Developments Inc.
Location: 14 Cherry Street

MUNICIPAL SERVICES

Water:	150mm PVC
Sanitary:	250mm Clay
Storm:	375mm Concrete
Sidewalks:	Yes
Road Allowance:	10.06m± (33')

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

Comment(s): It is noted the Owner wishes to sever Part 1 and retain Part 2, both for future 2-storey semi-detached dwellings. Part 3 has been identified to be dedicated to the City as a road widening.

Roads

Cherry 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 deficient; therefore, the City shall require a widening along the frontage in accordance with a similar widening obtained previously on Cherry Street of 2.36m. These lands shall be transferred to the City free and clear of any encumbrances to be known as Public Highway *Cherry 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 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 exist on Cherry Street, weeping tile drainage shall be discharged via sump pump and connected to a storm lateral, through the front foundation walls of the dwellings only, 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 lots.

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 *Cherry 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 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

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

Date: December 6, 2022

Subject: Committee of Adjustment Applications – December 14, 2022 Hearing

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

14 Cherry Street, Consent to Sever, B-61/22SC – 22 113385 LD

12 Cherry Street, Minor Variance, A-138/22 – 22 113389 MV

14 Cherry Street, Minor Variance, A-139/22 – 22 113390 MV

CRCS offers no objection to the proposed severance which will facilitate the construction of a semi-detached dwelling, nor the related minor variances. Should the application for consent be approved, CRCS recommends the following conditions be imposed:

1. 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.)
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.

59 Parker Street, Minor Variance, A-137/22 – 22 112725 MV

No objection.

4 Paxton Avenue, Minor Variance, A-142/22 – 22 113487 MV

No objection.

119 Welland Vale Road, Minor Variance, A-140/22 – 22 113431 MV

No objection.

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



Memorandum

To: Jayne Nahachewsky,
Committee of Adjustment Secretary-Treasurer

From: Sean Ip, *Development Engineering Technologist*

CC: City Committee of Adjustment Staff Members

Date: November 28, 2022

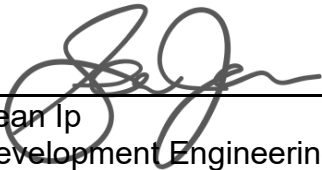
Hearing Date: December 14, 2022

Subject: **Committee of Adjustment - Minor Variance Applications**
59 Parker Street – A-137/22
14 Cherry Street – A-138 & A-139/22
119 Welland Vale Road – A-140/22
4 Paxton Avenue – A-142/22

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 30, 2022

Subject: Committee of Adjustment Comments (December 14, 2022, Hearing)

A-139/22 – 12/14 Cherry Street

There doesn't appear to be sufficient space for the proposed parking spaces once the road widening is applied. As such, neither site will have legal parking, unless the road widening can't put them out of compliance. If it doesn't satisfy the by-law, would a variance to reduce the parking from 1 space to 0 spaces be needed?

A-142/22 – 4 Paxton Avenue

As per our comments from preconsultation, the plan doesn't appear to adequately show the extent of the tree in the parking area. As such, there doesn't appear to be sufficient space to provide any parking that meets the Zoning By-law requirements. The distance from the fence to the property line is approximately 6.2 metres and it appears that the limit of the tree is greater than 1 metre away from the fence.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

Nahachewsky, Jayne

From: Grabowski, David
Sent: Thursday, December 8, 2022 12:40 PM
To: Nahachewsky, Jayne
Cc: MacGregor, Tyler
Subject: RE: December 14, 2022 Hearing

Hi Jayne

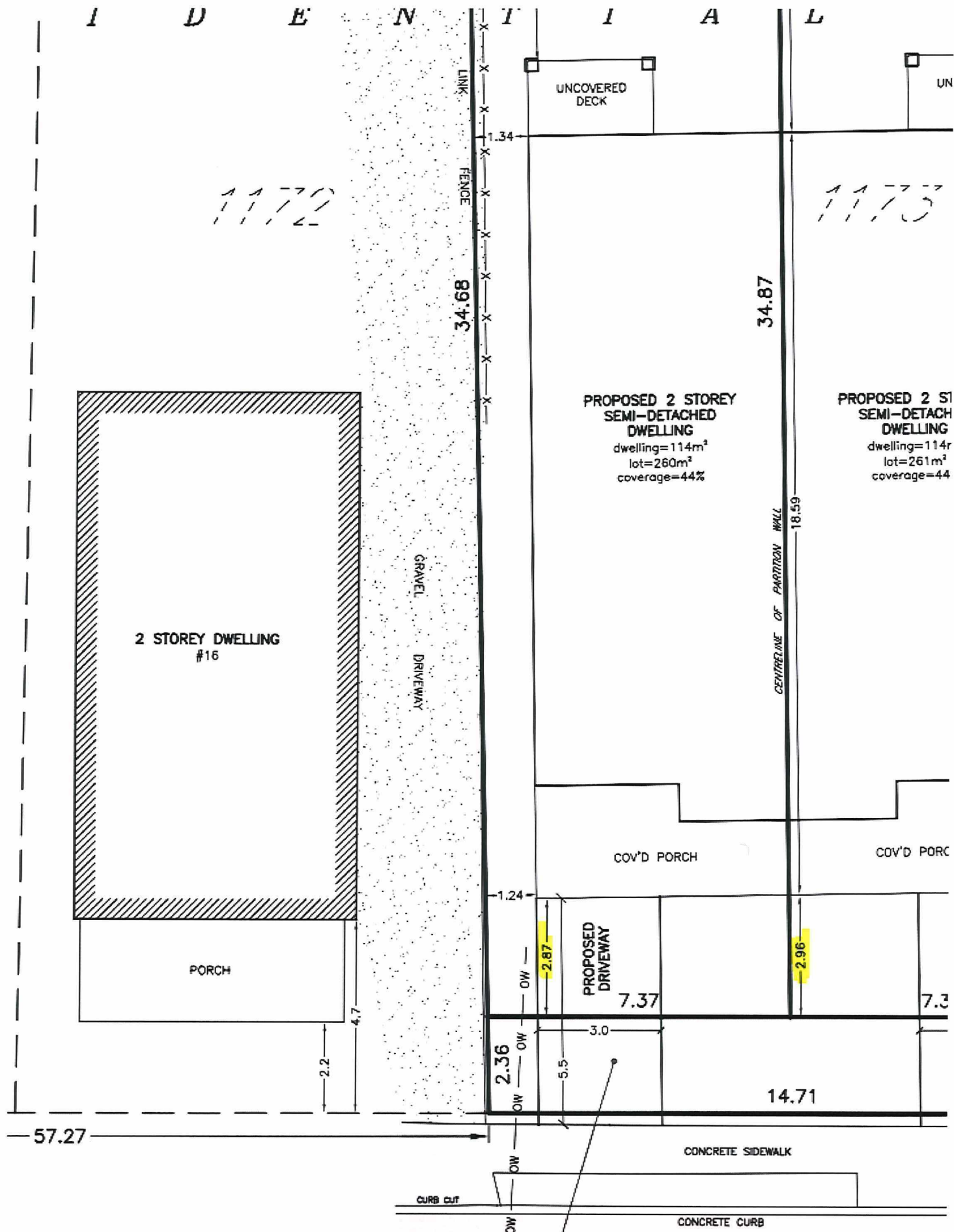
14 Cherry St – Due to the road widening, the proposed front porch shows a 2.87m setback from the front property line, where as 3m is required.

12 Cherry St – Due to the road widening, the proposed front porch shows a 2.96m setback from the front property line, where as 3m is required.

All other applications comply

Thanks

I D E N T I F I C A T I O N



**Amanda No. 22 113487 MV
Submission No. A-142/22**

COMMITTEE OF ADJUSTMENT

COMMENTS

4 PAXTON AVENUE

**DATE OF HEARING:
DECEMBER 14, 2022**



Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: December 2nd, 2022

Date of Meeting: December 14th, 2022

Report Number: A-142/22

File: 22 113487 MV

Subject Lands: 4 Paxton Avenue

Recommendation

That Application **A-142/22**, submitted by **Jennifer Poon** and **Juan Camacho** as outlined in the notice of hearing, be approved.

Report

The Proposal

The Applicants seek relief from the City of St. Catharines Zoning By-law 2013-283, as amended, to facilitate the proposed use of the principal unit of the existing detached dwelling as a short-term rental. One (1) variance is required to facilitate the proposal and is outlined below.

Variance	Provision	Required	Proposed
1	One parking space per bedroom for a short-term rental	2 spaces	1 space

Location and Site Description

4 Paxton Avenue is located on the east side of Paxton Avenue and north of Bayview Drive. The surrounding neighbourhood is primarily low-density residential consisting of detached dwellings. Paxton Avenue is a local road; however, the subject lands are in proximity to public transit stops and are within walking or cycling distance to the commercial and beach area of Port Dalhousie. The subject lands contain a 1.5 storey detached dwelling with an interior Accessory Dwelling Unit existing in the upper floor of the dwelling. The short-term rental is proposed to be within the principal dwelling unit.

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 ("GCP") and are further designated 'Low Density Residential' on Schedule E1. The Low-Density residential designation permits various low density dwelling forms including detached dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres. The subject lands are within the Port Dalhousie Heritage Conservation District.

Zoning By-Law No. 2013-283

The subject lands are zoned 'Low Density Residential – Traditional Neighbourhood Zone' (R2-6) on Schedule A6 of the Zoning By-law. The R2 Zone permits a range of dwelling types including detached dwellings on smaller lotting patterns typically found within older neighbourhoods. Special Provision 6 prescribes requirements for Outdoor Privacy Areas and specific lot conditions for detached dwellings.

Amending By-law No. 2020-181

In order to acquire a license to permit short-term rentals, a dwelling is required to meet all By-laws and policies. Amending By-law 2020-181 requires that short-term rentals are to provide a minimum of one parking space per bedroom that is intended to be rented. As the main floor of the detached dwelling has two bedrooms, a minimum of two parking spaces are required for the short-term rental.

Planning Analysis

The Applicants are requesting relief from the total 3 required parking spaces to 2. The Zoning By-law requires one space for the interior ADU and one parking space per bedroom for the two-bedroom dwelling unit (within the principal unit) intended to be utilized as the short-term rental for a total of three required spaces. The subject lands currently provide two sufficiently sized parking spaces in the exterior side yard of the property. It should be noted that this meets the minimum spaces required for the primary use of the subject lands which is a detached dwelling with an accessory apartment unit. The Applicants informed Staff that when they purchased the property, a parking space was not included in the existing tenancy lease for the ADU as the current long-time tenant does not drive. The tenant would therefore not be utilizing the parking space which would provide an additional space if the users of the short-term rental require it. The use of the principal unit in the detached dwelling as a short-term rental is considered a desirable use for the property as it contributes to economic activity and tourism in the City. Given the negligible impact expected from a parking reduction of this magnitude in this location, the requested variance is considered minor and is appropriate for the desirable use of the lands.

The intent of the parking requirements of the By-law for short-term rentals are to ensure sufficient parking is available relative to the number of guests that can potentially stay in one rental unit. As previously mentioned, there will be two parking spaces available for

the use of guests of the short-term rental and on-street parking is available in the area. As such, Staff are satisfied that there are sufficient options to accommodate parking and that there would be little or no impact on the neighbourhood. Staff are of the opinion that the requested reduction maintains the intent of the Zoning By-law.

Section 5.4.2 of the Garden City Plan states that the City may consider the reduction or elimination of vehicular parking requirements where transit is readily available, and where reduced vehicular parking will not aggravate the existing parking supply, nor result in unacceptable levels of spill-over parking in adjacent areas. The subject lands are within walking distance (approximately 200 metres) to bus stops along Bayview Drive (Routes 301 and 401) and are also within walking and cycling distance to the commercial and beach area of Port Dalhousie. The reduction of one parking space is not expected to impact the parking supply in the area, nor cause unacceptable spillover parking. Staff are of the opinion that the requested parking reduction maintains the intent of the Official Plan.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-142/22** 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 this Application.

Prepared by:



Giuseppe Ferreri
Student Planner

Submitted by:



Madeleine Ferko, B.E.S.
Planner

Approved by:



Margaret Josipovic
Manager, Planning Services

MINOR VARIACE SKETCH



MORPHO-SYNTHESIS Inc.
299 Humberline Drive
Etobicoke, Ont, Canada
M9W 5T6

P. 647.402.4369
juan@morphosis.ca

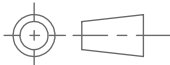
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REVISIONS		
NO.	REVISION DESCRIPTION	DATE
1	-	-
2	Issued for Approval	Oct. 10, 2008

CLIENT
4 PAXTON AVE.

PROJECT
St. Catharines House

NOTES



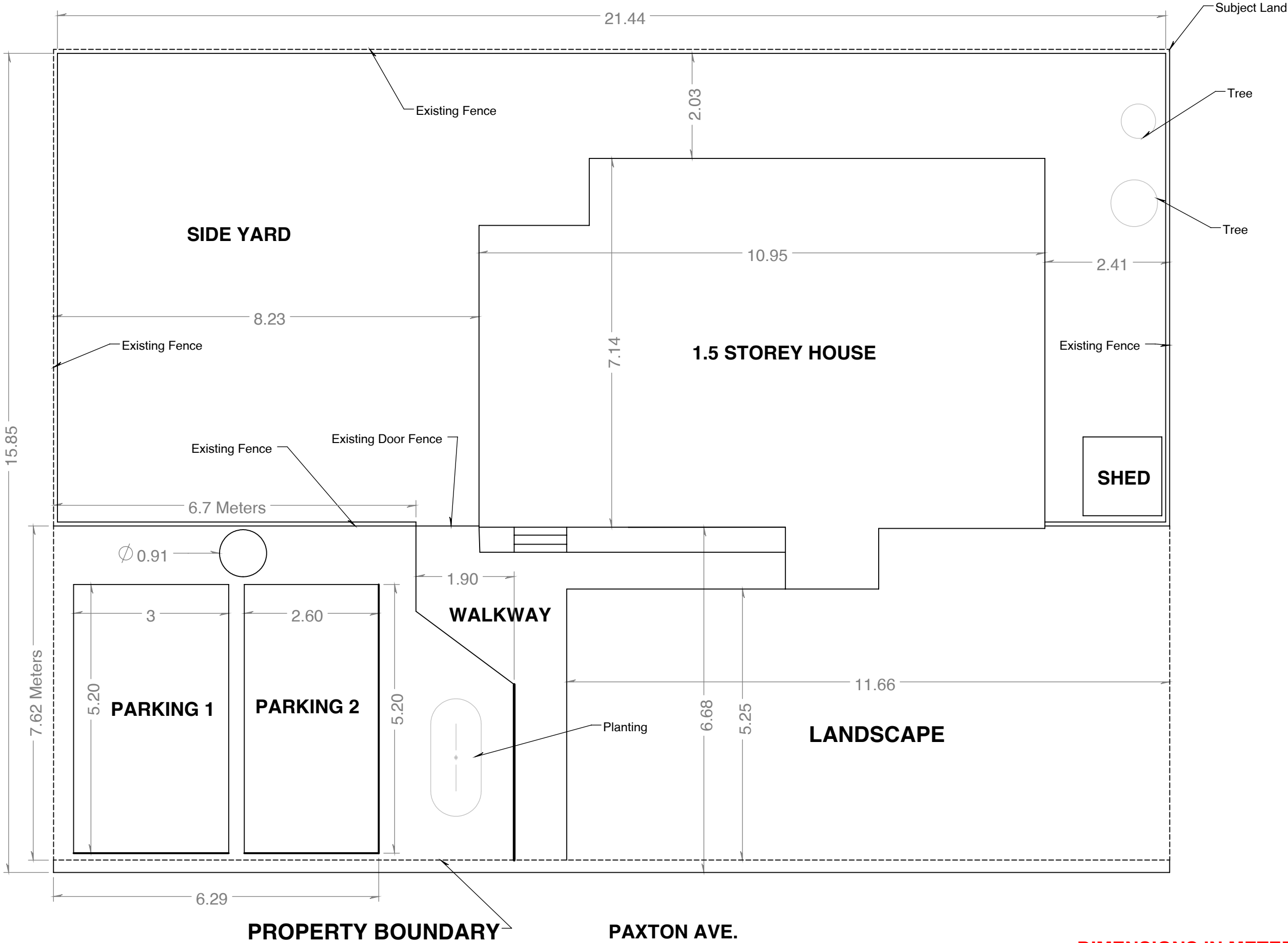
DRAWING TITLE
MINOR VARIANCE SKETCH

DRAWN BY J. Camacho	CHECKED BY
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SCALE 1:192	DIMENSION Imperial
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PROJECT NO. 91022	STARTING DATE 03/23/22
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DRAWING NO. 91022-1	PAGE 9	OF 9	REV NO. A
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DIMENSIONS IN METERS



Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Monday, December 5, 2022 1:09 PM
To: Nahachewsky, Jayne
Cc: Semple, Claire; Pusara, Jelena
Subject: RE: Circulation Packages for December 14th Hearing

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Good afternoon Jayne,

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Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com



*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>
Sent: Friday, November 25, 2022 3:55 PM
To: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>
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59 Parker Street

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4 Paxton Avenue

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119 Welland Vale Road

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=peHz1KjAM3pFU5tSMi8uqgeQuAleQuAl>

Thank you,
Jayne Nahachewsky

Jayne Nahachewsky

Committee of Adjustment Secretary-Treasurer

Email: jnahachewsky@stcatharines.ca

Tel: 905.688.5601 x1715 TTY: 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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

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

Date: December 6, 2022

Subject: Committee of Adjustment Applications – December 14, 2022 Hearing

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

14 Cherry Street, Consent to Sever, B-61/22SC – 22 113385 LD

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14 Cherry Street, Minor Variance, A-139/22 – 22 113390 MV

CRCS offers no objection to the proposed severance which will facilitate the construction of a semi-detached dwelling, nor the related minor variances. Should the application for consent be approved, CRCS recommends the following conditions be imposed:

1. 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.)
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.

59 Parker Street, Minor Variance, A-137/22 – 22 112725 MV

No objection.

4 Paxton Avenue, Minor Variance, A-142/22 – 22 113487 MV

No objection.

119 Welland Vale Road, Minor Variance, A-140/22 – 22 113431 MV

No objection.

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



Memorandum

To: Jayne Nahachewsky,
Committee of Adjustment Secretary-Treasurer

From: Sean Ip, *Development Engineering Technologist*

CC: City Committee of Adjustment Staff Members

Date: November 28, 2022

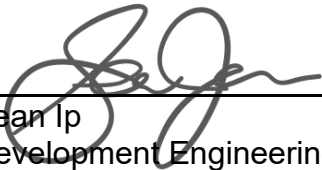
Hearing Date: December 14, 2022

Subject: **Committee of Adjustment - Minor Variance Applications**
59 Parker Street – A-137/22
14 Cherry Street – A-138 & A-139/22
119 Welland Vale Road – A-140/22
4 Paxton Avenue – A-142/22

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 30, 2022

Subject: Committee of Adjustment Comments (December 14, 2022, Hearing)

A-139/22 – 12/14 Cherry Street

There doesn't appear to be sufficient space for the proposed parking spaces once the road widening is applied. As such, neither site will have legal parking, unless the road widening can't put them out of compliance. If it doesn't satisfy the by-law, would a variance to reduce the parking from 1 space to 0 spaces be needed?

A-142/22 – 4 Paxton Avenue

As per our comments from preconsultation, the plan doesn't appear to adequately show the extent of the tree in the parking area. As such, there doesn't appear to be sufficient space to provide any parking that meets the Zoning By-law requirements. The distance from the fence to the property line is approximately 6.2 metres and it appears that the limit of the tree is greater than 1 metre away from the fence.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

Nahachewsky, Jayne

From: Grabowski, David
Sent: Thursday, December 8, 2022 12:40 PM
To: Nahachewsky, Jayne
Cc: MacGregor, Tyler
Subject: RE: December 14, 2022 Hearing

Hi Jayne

14 Cherry St – Due to the road widening, the proposed front porch shows a 2.87m setback from the front property line, where as 3m is required.

12 Cherry St – Due to the road widening, the proposed front porch shows a 2.96m setback from the front property line, where as 3m is required.

All other applications comply

Thanks

**Amanda No. 22 113431 MV
Submission No. A-140/22**

COMMITTEE OF ADJUSTMENT COMMENTS

119 WELLAND VALE ROAD

**DATE OF HEARING:
DECEMBER 14, 2022**



Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: December 7, 2022

Date of Meeting: December 14, 2022

Report Number: A-140/22

File: 22 113431

Subject: 119 Welland Vale Road

Recommendation

That Application **A-140/22**, submitted by **Taryan Real Estate Corporation**, as outlined in the Notice of Hearing, be approved.

Report

Background

In June 2021, Applications **B-14/22SC** and **B-15/22SC** were approved to sever the subject lands into what is known today as 115, 117 and 119 Welland Vale Road. Accompanying the applications for consent included minor variance Applications **A-44/21**, **A-45/21**, and **A-46/21** to reduce the minimum lot frontage, minimum front yard setback to garage and minimum front yard setback for a platform structure for the three lots. These applications were approved. However, the construction of the detached dwelling at 119 Welland Vale Road was not built in compliance with the variance granted to permit a reduced front yard setback to garage of 6.96 metres. The constructed front yard setback to the garage is 6.7 metres and as such requires an additional variance.

The Proposal

The Application seeks relief from Zoning By-law 2013-283, as amended, to bring the constructed dwelling into compliance by reducing the minimum front yard setback to the garage from 7.0 metres to 6.7 metres. No new buildings or structures are proposed, and the existing detached dwelling will remain.

Location and Site Description

The subject property is located on the south-west side of Welland Vale Road. To the east of the subject property are detached dwellings. A private road development with townhouses is located to the south of the subject property. On the opposite side of Welland Vale Road is passive recreational lands and the 12 Mile Creek. The property contains a detached dwelling.

Circulation of Application

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

Comment from a nearby neighbour expressed concern regarding the height of the dwelling at 117 Welland Vale Road. Staff note that the Zoning By-law measures height from the grade of the principal entrance to the midpoint of the roof. The building heights of 115, 117 and 119 Welland Vale Road comply with zoning.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated as Neighbourhood Residential under Schedule D1 of the Garden City Plan (GCP) and is further designated as Low Density Residential under Schedule E6 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land.

Zoning By-Law (2013-283)

The subject property is zoned R1 (Low Density Residential – Suburban Neighbourhood) under Schedule A13 of the Zoning By-law. The zone permits a range of dwelling types including detached, semi-detached, quadruplex and townhouse dwellings, as well as private road developments containing the listed dwelling types.

Planning Analysis

The Applicant is requesting relief from Zoning By-law 2013-283, as amended, for a reduction in the front yard setback to a garage from 7.0 metres to 6.7 metres to permit the location of the existing dwelling and bring it into compliance.

The intent of the provision to provide a greater front yard setback from a garage than the front of the dwelling is to ensure the streetscape is not dominated by garages while providing adequate setback for parking in a driveway and safely maneuvering in and out of the property. The proposed reduction from 7.0 metres to 6.7 metres is considered minor in nature, desirable for the appropriate use of the lands and achieves the intent of the zoning provision. This dwelling is designed in a way where the garage will not dominate the façade and the streetscape. The front wall of the dwelling is closer to the lot line than the garage. Additionally, given the location of the property along the curved portion of Welland Vale Road and the topography, this reduced setback will not interfere with any activity along the street.

Section 4.3 of the GCP describes the arrangement of buildings and their relationship to each other, and to the natural environment. It plays a large role in defining the character of an area. New development in St. Catharines will primarily be by way of intensification and redevelopment, and urban design will have a significant impact on how the new

development will fit within established areas. Section 4.3.1 describes that redevelopment will be designed in a manner that reflects the principles established in Part C, Section 4.2 of this Plan and that supports and maximizes compatibility with the surrounding area in terms of the following matters including: the placement, number, type and proportion of doors, windows and other features including garages, porches, and other platform structures. Given that the overall design of the dwelling meets these characteristics, including garage setbacks in relation to the main wall, and taking into consideration the curvature and natural features of Welland Vale Road, the variance meets these criteria.

Staff consider this variance to be minor in nature, desirable for the appropriate development of the subject lands, and meets the intent of the official plan and zoning by-law.

Conclusion

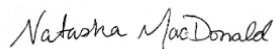
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Application **A-140/22** is in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend approval of the Application.

Prepared by:



Giuseppe Ferreri
Student Planner

Submitted by:

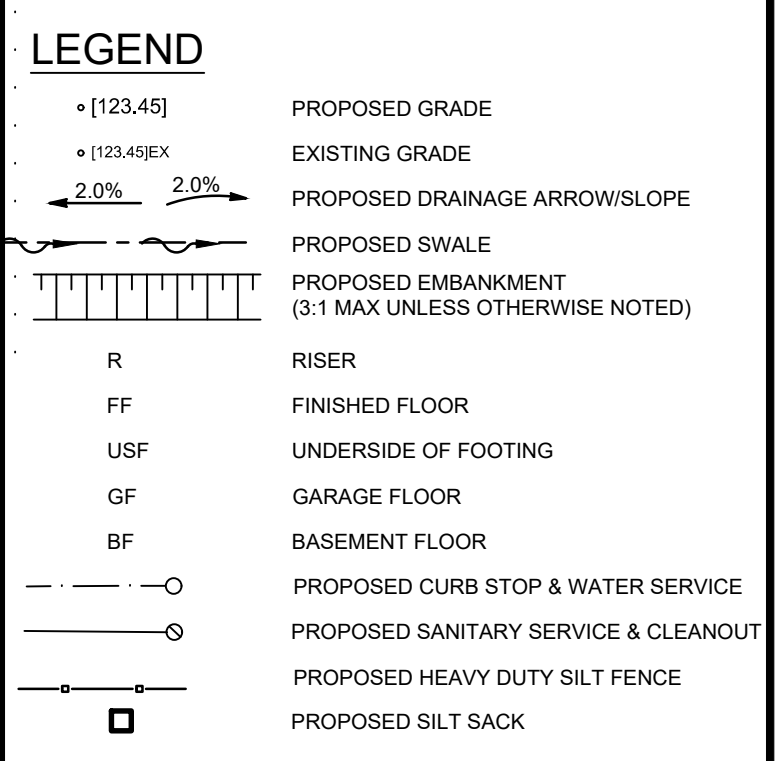
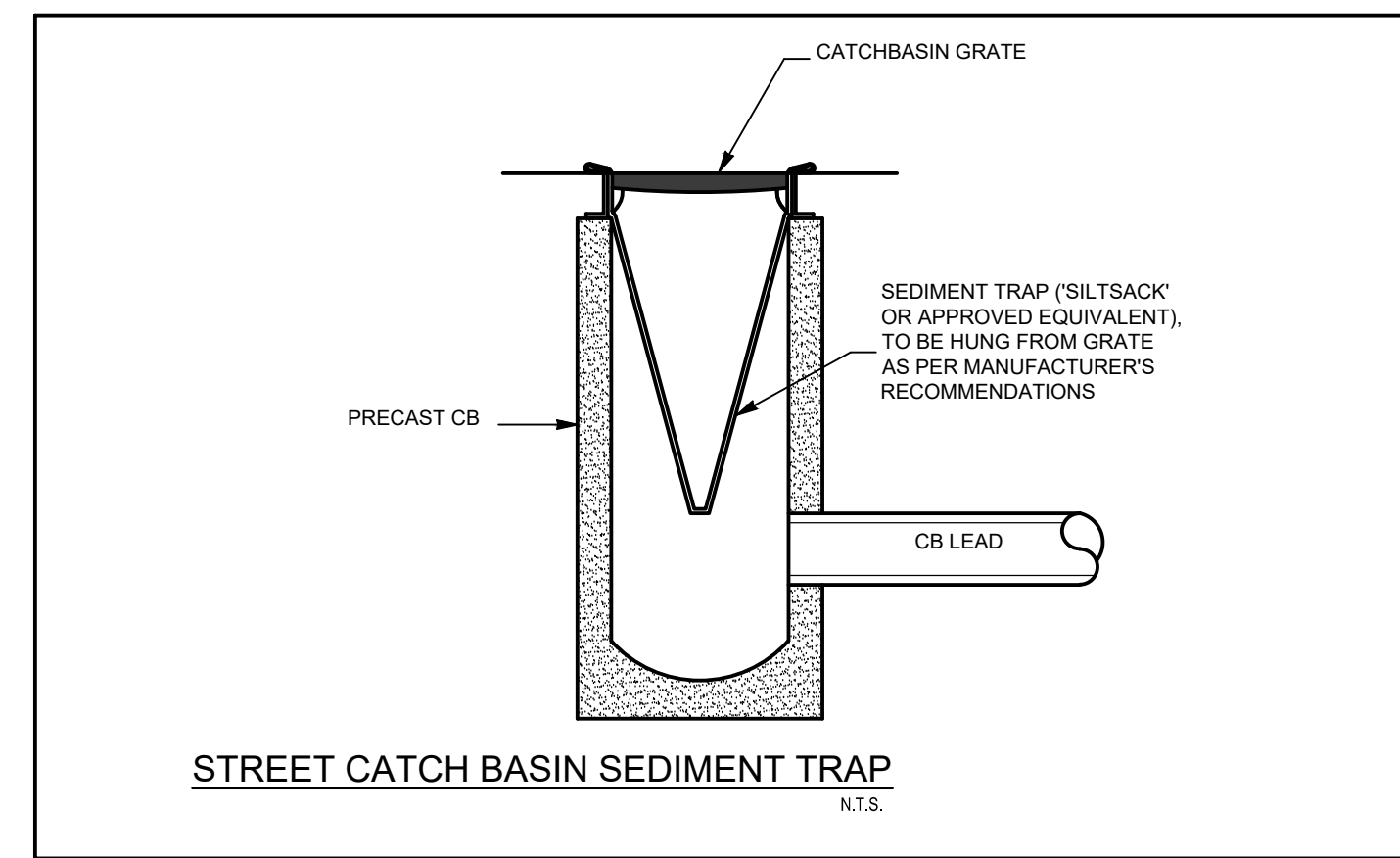
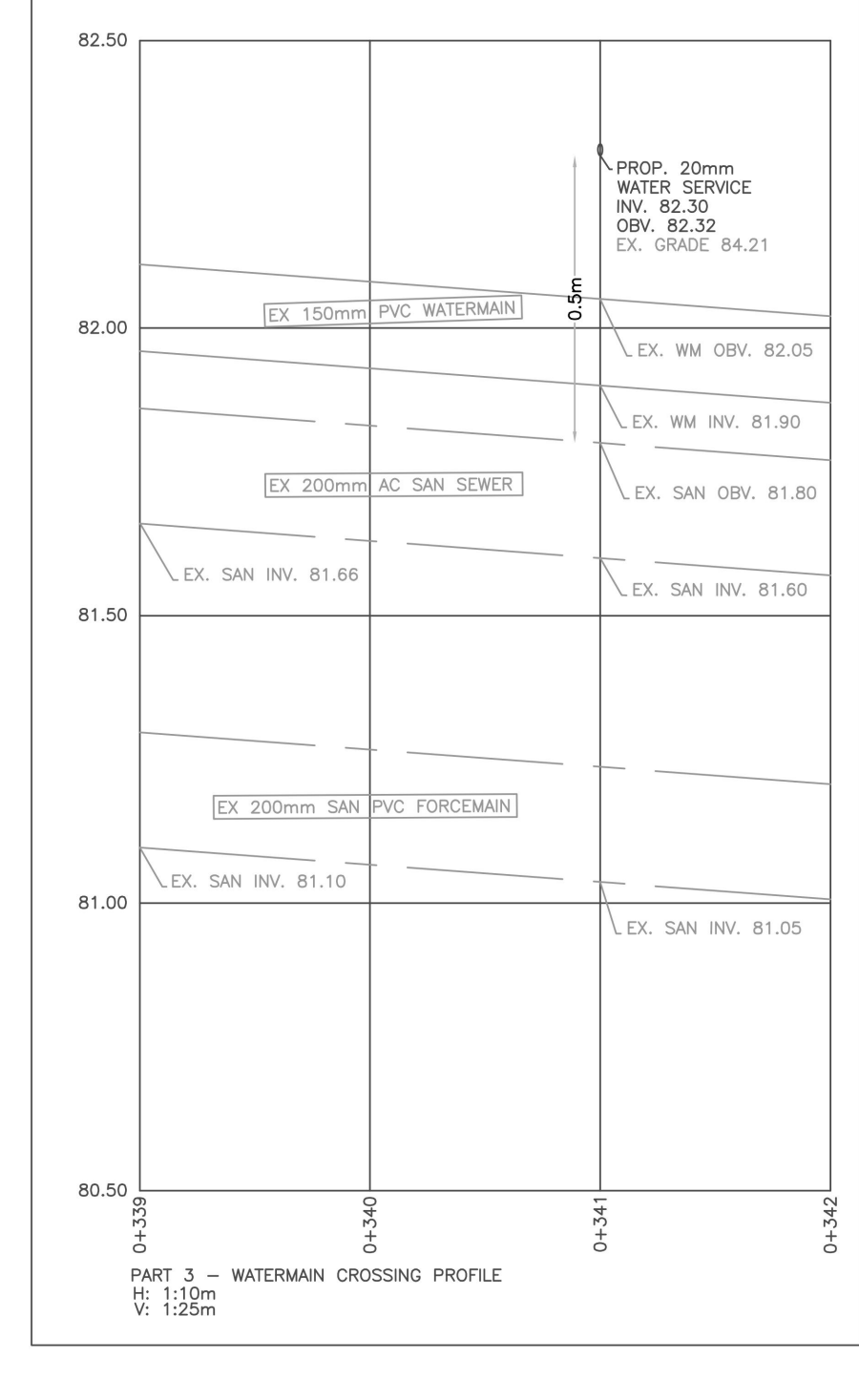


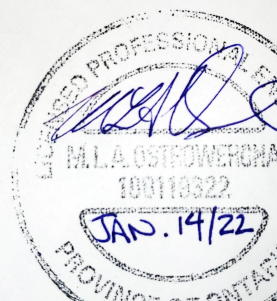
Natasha MacDonald
Planner I

Approved by:



Margaret Josipovic
Manager of Planning Services

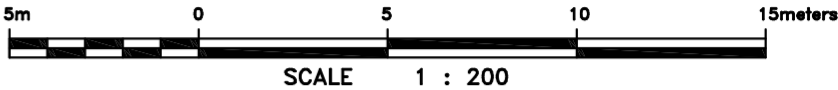


<h1 style="margin: 0;">WALTERFEDY</h1>									
KITCHENER	HAMILTON	800.685.1378 walterfedy.com							
									
<p>REPRODUCTION OR DISTRIBUTION FOR PURPOSES OTHER THAN AUTHORIZED BY WALTERFEDY IS FORBIDDEN. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND REPORT ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON DRAWINGS TO WALTERFEDY.</p> <p style="text-align: center;">DO NOT SCALE THIS DRAWING.</p>									
<p style="text-align: center;">COPYRIGHT © 2022 WalterFedy</p>									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">SCALE: 1/200</td> </tr> <tr> <td style="padding: 5px;">DATE: 2022-01-07</td> </tr> <tr> <td style="padding: 5px;">PROJECT NO: 2022-01-03</td> </tr> <tr> <td style="padding: 5px;">CAD FILE: GRD</td> </tr> <tr> <td style="padding: 5px;">DRAWN BY: ES</td> </tr> <tr> <td style="padding: 5px;">CHECKED BY: MO</td> </tr> </table>	SCALE: 1/200	DATE: 2022-01-07	PROJECT NO: 2022-01-03	CAD FILE: GRD	DRAWN BY: ES	CHECKED BY: MO	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 10px; text-align: center;"> SHEET NO: <div style="font-size: 48px; font-weight: bold; margin: 10px 0;">C-1.1</div> </td> </tr> </table>		SHEET NO: <div style="font-size: 48px; font-weight: bold; margin: 10px 0;">C-1.1</div>
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SHEET NO: <div style="font-size: 48px; font-weight: bold; margin: 10px 0;">C-1.1</div>									

SURVEYOR'S REAL PROPERTY REPORT

PART 1

PLAN OF SURVEY OF PART OF LOT 21
CONCESSION 5
TOWNSHIP OF GRANTHAM
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA



NOTE

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF KIRKUP MASCOE URE SURVEYING LTD.

BEARING NOTE

BEARINGS ARE UTM GRID, DERIVED FROM PLAN 30R-15813
ALL BUILDINGS TIES ARE TAKEN TO CONCRETE FOUNDATION

PART 2 - REPORT

DESCRIPTION OF LAND BEING PART OF LOT 21, CONCESSION 5, PART 3 PLAN 30R-15813 KNOWN AS 119 WELLAND VALE ROAD, ST. CATHARINES
REGISTERED EASEMENTS AND/OR RIGHTS OF WAY: NONE

BOUNDARY FEATURES:
NONE

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS
NOT CERTIFIED BY THIS REPORT.

ADDITIONAL REMARKS
THIS PLAN WAS PREPARED FOR
TARYAN REAL ESTATE CORP.

LEGEND

SIB DENOTES STANDARD IRON BAR
IB DENOTES IRON BAR
IT DENOTES IRON TUBE
539 DENOTES KIRKUP MASCOE URE SURVEYING LTD.
744 DENOTES R. J. MATTHEWS O.L.S
PB DENOTES PLASTIC BAR
MTO DENOTES MINISTRY OF TRANSPORTATION ONTARIO
P1 DENOTES REGISTERED PLAN 30R-15813

CAUTION

THIS PLAN IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

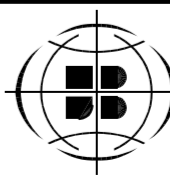
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.

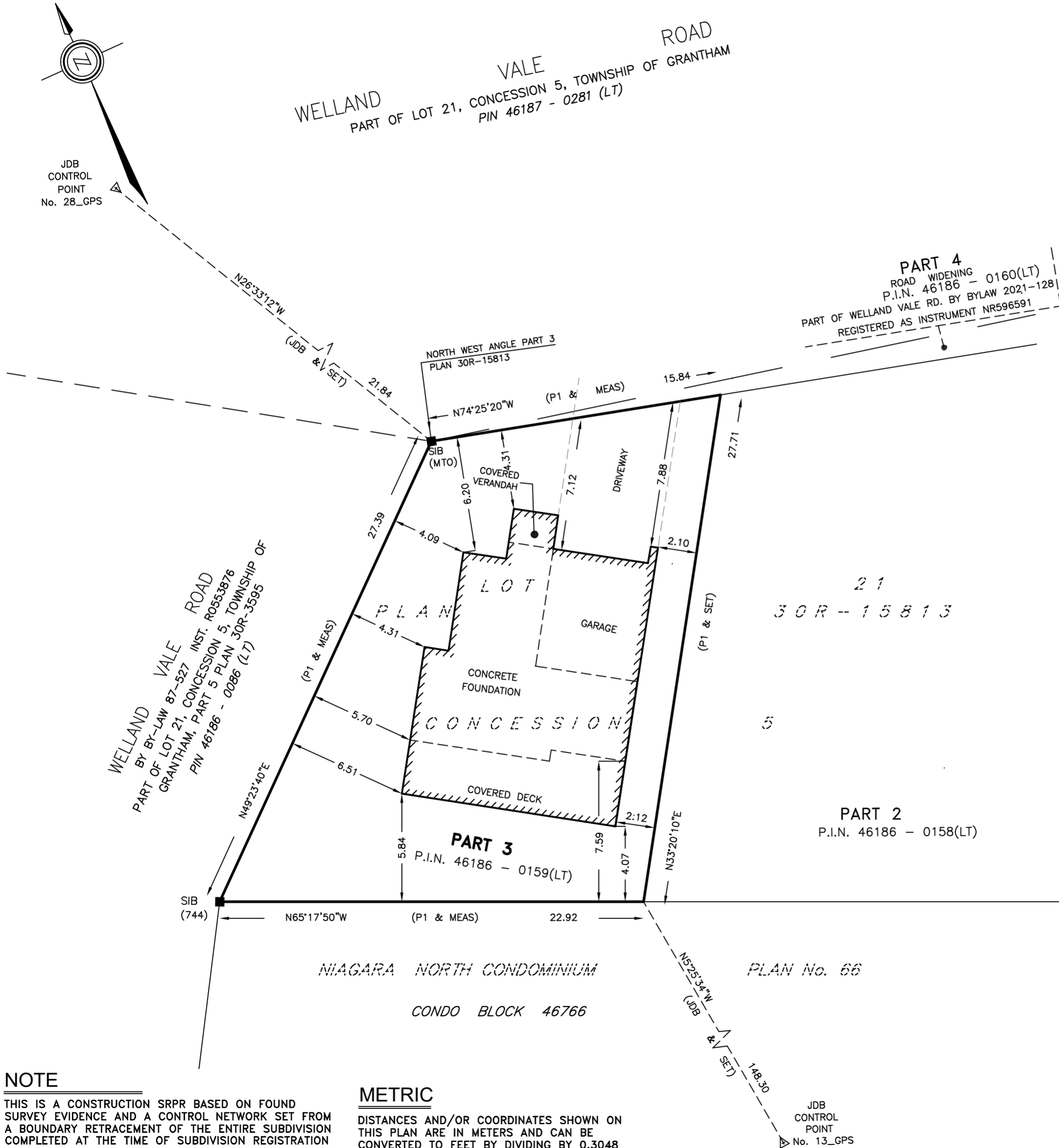
2. THE SURVEY WAS COMPLETED ON THE 12TH DAY OF OCTOBER, 2022.

OCTOBER 20, 2022
DATE

ROY S. KIRKUP
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM # V-33566 AND IS NOT VALID UNLESS EMBOSSED WITH THE ORIGINAL SURVEYORS SEAL

 Kirkup Mascoe Ure Surveying A Division of J.D. Barnes Limited		
49 EASTCHESTER AVE., ST. CATHARINES, ON, L2P 2Y6 T: (905) 641-1007 F: (905) 641-4424 www.jdbarnes.com		
DRAWN BY: CN	CHECKED BY: RSK	REFERENCE NO.: 20-49-275-01
PLOTTED: OCTOBER 20 2022		DATED: OCTOBER 20, 2022



NOTE

THIS IS A CONSTRUCTION SRPR BASED ON FOUND SURVEY EVIDENCE AND A CONTROL NETWORK SET FROM A BOUNDARY RETRACEMENT OF THE ENTIRE SUBDIVISION COMPLETED AT THE TIME OF SUBDIVISION REGISTRATION

METRIC

DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Monday, December 5, 2022 1:09 PM
To: Nahachewsky, Jayne
Cc: Semple, Claire; Pusara, Jelena
Subject: RE: Circulation Packages for December 14th Hearing

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

Good afternoon Jayne,

Our office has no comments/objections on all applications listed below based on information provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com



*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>
Sent: Friday, November 25, 2022 3:55 PM
To: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>
Cc: Semple, Claire <csemple@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>
Subject: Circulation Packages for December 14th Hearing

NOT FROM ALECTRA! Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

The notices, applications and sketches for the December 14th hearing can be found at the links below.

Please forward your comments to me by **Tuesday, December 6th, 2022.**

12 – 14 Cherry St. St. Catharines

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=zAeFNvAZxITrf1c9B63FRQeQuAleQuAl>

59 Parker Street

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=5IA5H3sezPEy6zsSU0PnCKvYuQeQuAleQuAl>

4 Paxton Avenue

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=EhvKerQaTx2CopnZXkv13QeQuAleQuAl>

119 Welland Vale Road

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=peHz1KjAM3pFU5tSMi8uqgeQuAleQuAl>

Thank you,
Jayne Nahachewsky

Jayne Nahachewsky

Committee of Adjustment Secretary-Treasurer

Email: jnahachewsky@stcatharines.ca

Tel: 905.688.5601 x1715 TTY: 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



City of St. Catharines Confidentiality Notice

The information contained in this communication, including any attachments, may be confidential, is intended only for the use of the recipient(s) named above and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution, disclosure or copying of this communication or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system.

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), and may be confidential and/or privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system. Thank you.

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

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

Date: December 6, 2022

Subject: Committee of Adjustment Applications – December 14, 2022 Hearing

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

14 Cherry Street, Consent to Sever, B-61/22SC – 22 113385 LD

12 Cherry Street, Minor Variance, A-138/22 – 22 113389 MV

14 Cherry Street, Minor Variance, A-139/22 – 22 113390 MV

CRCS offers no objection to the proposed severance which will facilitate the construction of a semi-detached dwelling, nor the related minor variances. Should the application for consent be approved, CRCS recommends the following conditions be imposed:

1. 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.)
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.

59 Parker Street, Minor Variance, A-137/22 – 22 112725 MV

No objection.

4 Paxton Avenue, Minor Variance, A-142/22 – 22 113487 MV

No objection.

119 Welland Vale Road, Minor Variance, A-140/22 – 22 113431 MV

No objection.

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



Memorandum

To: Jayne Nahachewsky,
Committee of Adjustment Secretary-Treasurer

From: Sean Ip, *Development Engineering Technologist*

CC: City Committee of Adjustment Staff Members

Date: November 28, 2022

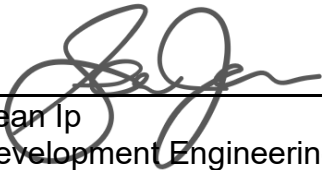
Hearing Date: December 14, 2022

Subject: **Committee of Adjustment - Minor Variance Applications**
59 Parker Street – A-137/22
14 Cherry Street – A-138 & A-139/22
119 Welland Vale Road – A-140/22
4 Paxton Avenue – A-142/22

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,
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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 30, 2022

Subject: Committee of Adjustment Comments (December 14, 2022, Hearing)

A-139/22 – 12/14 Cherry Street

There doesn't appear to be sufficient space for the proposed parking spaces once the road widening is applied. As such, neither site will have legal parking, unless the road widening can't put them out of compliance. If it doesn't satisfy the by-law, would a variance to reduce the parking from 1 space to 0 spaces be needed?

A-142/22 – 4 Paxton Avenue

As per our comments from preconsultation, the plan doesn't appear to adequately show the extent of the tree in the parking area. As such, there doesn't appear to be sufficient space to provide any parking that meets the Zoning By-law requirements. The distance from the fence to the property line is approximately 6.2 metres and it appears that the limit of the tree is greater than 1 metre away from the fence.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

Nahachewsky, Jayne

From: Grabowski, David
Sent: Thursday, December 8, 2022 12:40 PM
To: Nahachewsky, Jayne
Cc: MacGregor, Tyler
Subject: RE: December 14, 2022 Hearing

Hi Jayne

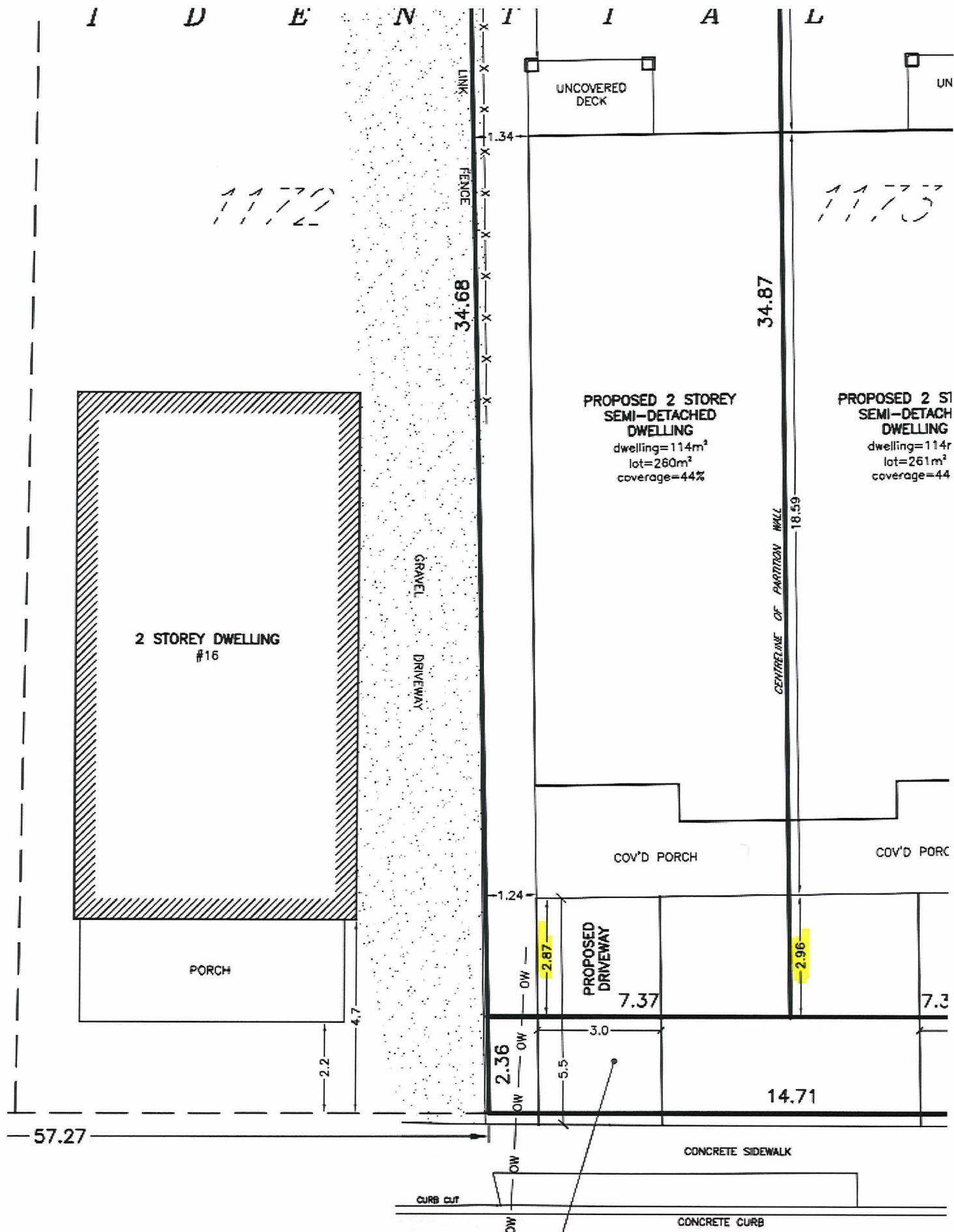
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12 Cherry St – Due to the road widening, the proposed front porch shows a 2.96m setback from the front property line, where as 3m is required.


All other applications comply

Thanks

I D E N T I F I C A T I O N



12-141 WELLAND VALE RD
ST. CATHARINES ON. L2S 3S7

RPT	DISCS	INFO		P.B.S.	
				REFERRED TO	INT.
DATE REC'D →			NOV 30 2022		SCAN <input type="checkbox"/>
FILE NO					

Committee of Adjustment, City Hall
Jayne Nahachewsy, Secretary Treasurer
P.O. Box 3012, 50 Church Street
St. Catharines. On L2R 7C2

November 30/2022

Dear Ms. Nahachewsky,

I would like an explanation of the reason for a notice of application for variance change of .3 m. regarding road setback at 119 Welland Vale Road while a major alteration in the height pf buildings at 117 and 118 went ahead without notification to these same residents at 141 Welland Vale Road.

The height change is is considerably more significant and I find it it inconceivable that permission was granted for this major change without notification of the application.

As the current request for variance come via a real estate company, it appears that the building department has been remiss in allowing a builder to proceed without proper permission from the City Building Department.

It is a matter of considerable concern that building code appear to be extremely lax in this city.

Sincerely,

Margaret Caven
141 Welland Vale Rd. St. Catharines

**Amanda No. 22 112725 MV
Submission No. A-137/22**

COMMITTEE OF ADJUSTMENT COMMENTS

59 PARKER STREET

**DATE OF HEARING:
DECEMBER 14, 2022**



Technical Report

From: Planning and Building Services, Planning Services

Date of Report: December 2nd, 2022

Date of Meeting: December 14th, 2022

Report Number: A-137/22

File: 22 112725 MV

Subject Lands: 59 Parker Street

Recommendation

That Application **A-137/22**, submitted by **Justin Rocheleau** and **Mikael Osborne** as outlined in the notice of hearing, be approved.

Report

The Proposal

The Applicants seek relief from the City of St. Catharines Zoning By-law 2013-283, as amended, to legally establish an Accessory Dwelling Unit ("ADU") within the basement of the detached dwelling. One (1) variance is required 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	96.8 m ²

Staff would like to note that there appears to be an error on the submitted floor plans. On the 'Basement Plan', Unit 2 (ADU) shows an area of '1,204 sq. ft.' (111.85 m²). On the 'Main Floor Plan', Unit 1 (Principal Unit) shows an area of '1,042 sq. ft.' (96.8 m²). These floor areas appear to have been mislabelled as the areas provided should be corresponding with the opposite floor plan.

Location and Site Description

The subject lands are located on the westside of Parker Street, west of Pelham Road and north of Glendale Avenue. The neighbourhood is primarily low-density residential consisting of detached dwellings. Parker Street is a local road, however there are several public transit stops in proximity to the subject lands that provide a high level of connectivity to the wider community. Opposite to the subject lands on the adjacent side of Parker Street is a large, natural forested area that buffers 12 Mile Creek. The subject lands are occupied by a one-storey detached dwelling.

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 land is designated 'Neighbourhood Residential' on Schedule D1 of the Garden City Plan ("GCP") and further designated 'Low Density Residential' on Schedule E7. This designation permits a range of low-density housing types, including detached dwellings and accessory apartments within the principal dwelling, at a density generally ranging between 20 to 32 units per hectare.

Zoning By-Law (2013-283)

The subject lands are zoned Low Density Residential – Traditional Neighbourhood (R2). An ADU is permitted within detached dwellings subject to provisions of Section 2.2.1.

Planning Analysis

The Applicants are requesting an increase to the maximum permitted floor area for an interior accessory dwelling unit from 60.0 m² to 96.8 m². There are no exterior physical changes proposed and the ADU will exist within the footprint of the detached dwelling and as such, the surrounding neighbourhood will not be adversely impacted as a result. Although larger than the By-Law permits, the ADU is secondary to the principal ground floor unit. The subject lands meet all 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.

The maximum permitted floor area for an interior ADU is 60 square metres or 40% of the total floor area of the dwelling, whichever is less. The intent of the provision is to ensure the ADU is subordinate in terms of its scale and relationship to the primary dwelling unit. 96.8 m² represents approximately 40% of the total dwelling area 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.

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 existing ADU contributes to the range of dwelling types within the City. As such, Staff are of the opinion that the requested minor variance 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-137/22** 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.

Prepared by:



Giuseppe Ferreri
Student Planner

Submitted by:

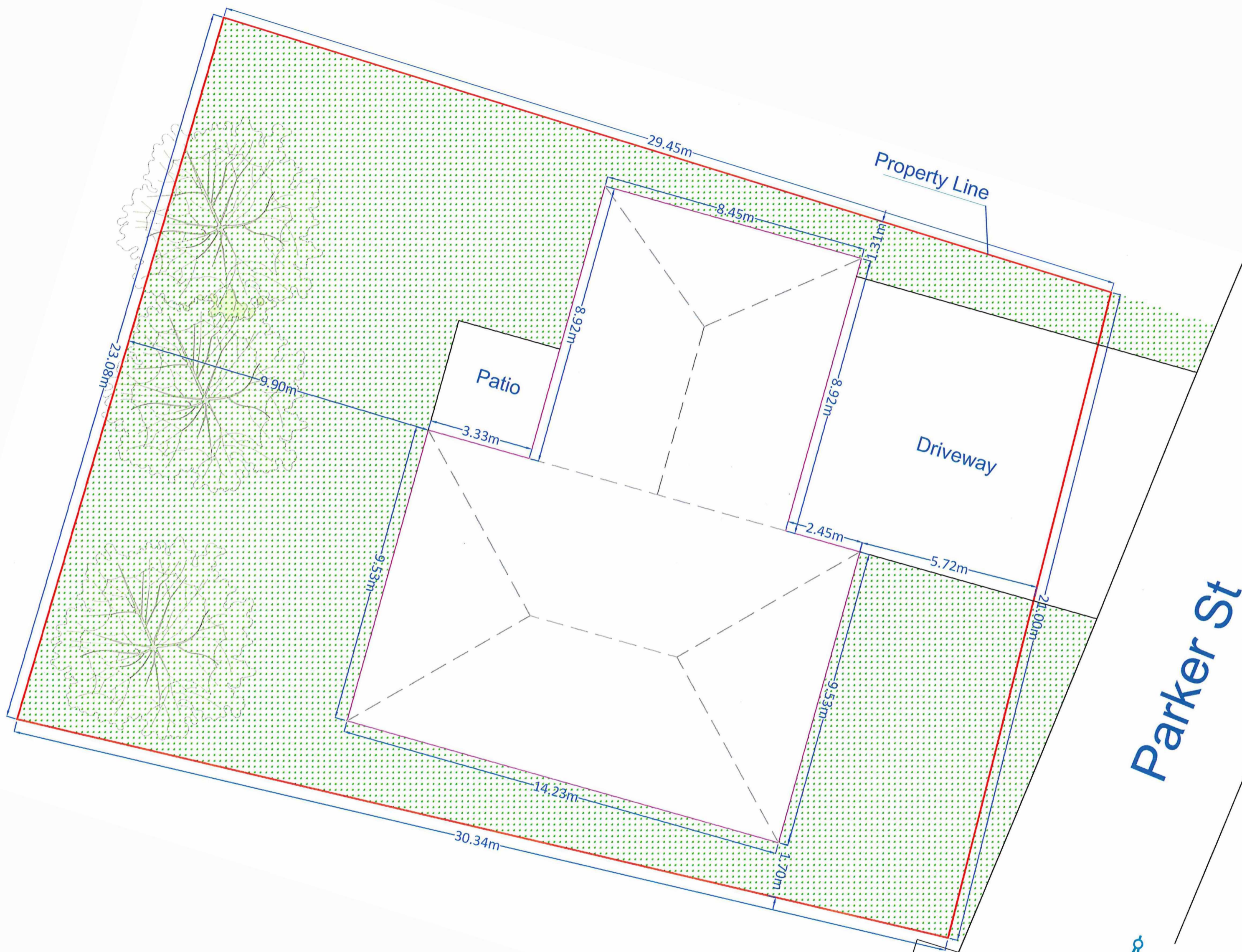


Madeleine Ferko, B.E.S.
Planner

Approved by:



Margaret Josipovic
Manager, Planning Services



59 Parker St
St. Catharines, ON L2S 1W1
Scale: 1:100

GENERAL NOTES

FLOORS AND WALLS:

ALL FLOORS IN RESIDENTIAL OCCUPANCIES TO BE FINISHED AND OR WATER RESISTANT AS PER ARTICLES 9.30.1.1 AND 9.30.1.2. AND ALL WALL TILE FINISH TO COMPLY TO SUBSECTION 9.29.10. ALL GYPSUM WALL BOARD AND INSTALLATION TO COMPLY WITH SUBSECTION 9.29.5. GYPSUM BOARD FINISH (TAPED JOINTS). INTERIOR WALLS AND CEILING FINISHES TO COMPLY WITH SUBSECTION 9.29.

STUD WALL REINFORCEMENT:

PROVIDE STUD WALL REINFORCEMENT IN MAIN BATHROOM CONFORMING TO ARTICLE 9.5.2.3 FOR THE INSTALLATION OF GRAB BARS.

MISCELLANEOUS:

ALL GLASS SHOWER & BATH ENCLOSURES TO MEET REQUIREMENTS OF ARTICLE 9.6.1. STUD WALL REINFORCING REQUIRED IN ALL BATHROOMS AS PER 9.5.2.3.

ELECTRICAL:

ELECTRICAL FACILITIES SHALL CONFORM TO SECTION 9.34.

ELECTRICAL OUTLETS IN DWELLING UNITS TO CONFORM TO ARTICLE 9.34.2.2.

SMOKE ALARMS AND CARBON MONOXIDE ALARMS:

SMOKE ALARMS CONFORMING TO CAN/ULC -S531, "SMOKE ALARMS" SHALL BE INSTALLED IN EACH WELLING UNIT AND IN EACH SLEEPING ROOM. SMOKE ALARMS SHALL BE INSTALLED AS PER 9.10.19. THE LOCATIONS SHALL COMPLY WITH 9.10.19.3. SMOKE ALARMS ARE TO BE CONNECTED TO AN ELECTRICAL CIRCUIT AND INTERCONNECTED SO THAT THE ACTIVATION OF ONE ALARM WILL CAUSE ALL ALARMS WITHIN THE DWELLING UNIT TO SOUND AS PER 9.10.19.5. CARBON MONOXIDE DETECTION CONFORMING TO SUBSECTION 6.2.12. AND/OR SUBSECTION 9.33.4. SHALL BE INSTALLED.

FIRE PROTECTION FOR GAS, PROPANE AND ELECTRIC RANGES:

ALL FIRE PROTECTION FOR GAS, PROPANE AND ELECTRIC RANGES TO CONFORM TO ARTICLE 9.10.22.

BEDROOM WINDOWS:

BEDROOMS SHALL HAVE A MINIMUM UNOBSTRUCTED WINDOW GLASS AREA OF 5% OF AREA SERVED AS PER SENTENCE 9.7.2.3.(1). EXCEPT WHERE A DOOR ON THE SAME FLOOR LEVEL AS THE BEDROOM PROVIDES DIRECT ACCESS TO THE EXTERIOR, EVERY FLOOR LEVEL CONTAINING A BEDROOM SHALL HAVE AT LEAST ONE OUTSIDE WINDOW WHICH IS OPEN ABLE FROM INSIDE, WITH AN UNOBSTRUCTED OPEN PORTION HAVING A MINIMUM AREA OF 0.35M² (3.8 FT²) WITH NO DIMENSION LESS THAN 380 (1FT.3IN.), AND CAPABLE OF MAINTAINING THE REQUIRED OPENING WITHOUT THE NEED FOR ADDITIONAL SUPPORT. SEE ARTICLES 9.9.10.1. PROVIDE A 1000MM (3FT.3IN.) HIGH X 550MM (1FT.10IN.) WIDE WINDOW OPENING WITH A SILL AT THE MAXIMUM 1000MM (3FT.3IN.) ABOVE THE FLOOR AND MAXIMUM 7.0M (23FT.) ABOVE THE GROUND WHERE IT IS NECESSARY TO TRAVEL DOWN MORE THAN ONE STOREY TO REACH AN EXIT DOOR FROM THAT STOREY. SEE SENTENCE 9.9.9.1.(2).

DOORS, WINDOWS, SKYLIGHTS AND INTERIOR FINISHES:

ROOMS AND SPACES SHALL CONFORM TO SECTIONS 9.5. FOR NEW DOORS SIDELIGHTS AND WINDOWS RESISTANCE TO FORCED ENTRY SEE SUBSECTIONS 9.7.5.2. FLAME SPREAD RATING SHALL NOT EXCEED 150 ON WALLS AND CEILINGS. "DOORS BETWEEN GARAGES AND DWELLING UNITS SHALL BE TIGHT FITTING, WEATHERSTRIPPED AND HAVE A SELF-CLOSING DEVICE CONFORMING TO SENTENCES 9.10.13.15.(1) AND (2). WATERPROOF FINISH SHALL BE PROVIDED ON WATER RESISTANT BACKING, AROUND SHOWERS AND BATHTUBS AS PER ARTICLES 9.29.2. AND 9.29.10.4. CONCEALED FLASHING BENEATH WINDOW SILLS OR SILLS TO BE PROVIDES WITH AN OUTWARD SLOPE - 9.27.3.8. ALL CAULKING TO COMPLY WITH SUBSECTION 9.27.4. ALL SKYLIGHTS TO CONFORM TO STANDARDS REFERENCE UNDER SUBSECTION 9.7.4.2. WHEN CERAMIC TILE IS SET IN A MORTAR BED THE BED SHALL BE NOT LESS THAN 32MM (1 1/4IN.) THICK. A 50MM BY 50MM (2IN. BY 2IN.) GALVANIZED WIRE MESH SHALL BE PLACED IN THE MORTAR BED AND ASPHALT SHEATHING PAPER, FELT OR POLYETHYLENE FILM SHALL BE APPLIED UNDER THE MORTAR BED WHEN THE MORTAR IS APPLIED OVER WOODEN SUBFLOORS. SEE ARTICLE 9.30.6. & 9.23.14. EXCEPT FOR BATHROOMS OR WATER-CLOSET ROOMS, FINISHED ROOMS SHALL BE PROVIDED WITH A MINIMUM 0.28 M² (3 FT²) UNOBSTRUCTED OPERABLE VENTILATION AREA TO THE OUTDOORS WHERE SUCH ROOMS ARE NOT VENTILATED MECHANICALLY. SEE SUBSECTION 9.32.2. AND TABLE 9.32.2.1. ALL GLASS SHOWER STALLS WILL CONFORM TO ARTICLE 9.6.1. - SAFETY GLASS FOR SHOWER STALLS. WALLS WITH TILE FINISHES SHALL CONFORM TO SUBSECTION 9.29.10 "WALL TILE FINISH" AND ALL DRYWALL FINISHES SHALL COMPLY WITH SUBSECTION 9.29.10. FOR 'GYPSUM BOARD FINISH (TAPED JOINTS).

--REQUIRED RATED CEILING ASSEMBLY SHALL BE NEW F8D PER SB-3 UNLESS OTHERWISE NOTED

--REQUIRED RATED WALL ASSEMBLY SHALL BE NEW W4A PER SB-3 UNLESS OTHERWISE NOTED

--FIRE SEPARATION REQUIRED ON ALL HORIZONTAL SURFACES SEPARATING UNITS INCLUDING UNDERSIDE OF STAIRS.

--ALL PENETRATIONS TO BE SEALED WITH HILTI CP 660 OR EQ. APPROVED FIRE RATED CAULKING.

--ALL RECESSED LIGHTING SHALL BE SEALED AND PROTECTED WITH TYPE-X GYPSUM. SEE DETAIL TO SERVE ALL UNITS. SEE NOTE BELOW.

--NEW IN DUCT SMOKE ALARM CAPABLE OF SHUTTING OFF THE GAS SUPPLY TO THE FURNACE TO BE INSTALLED.

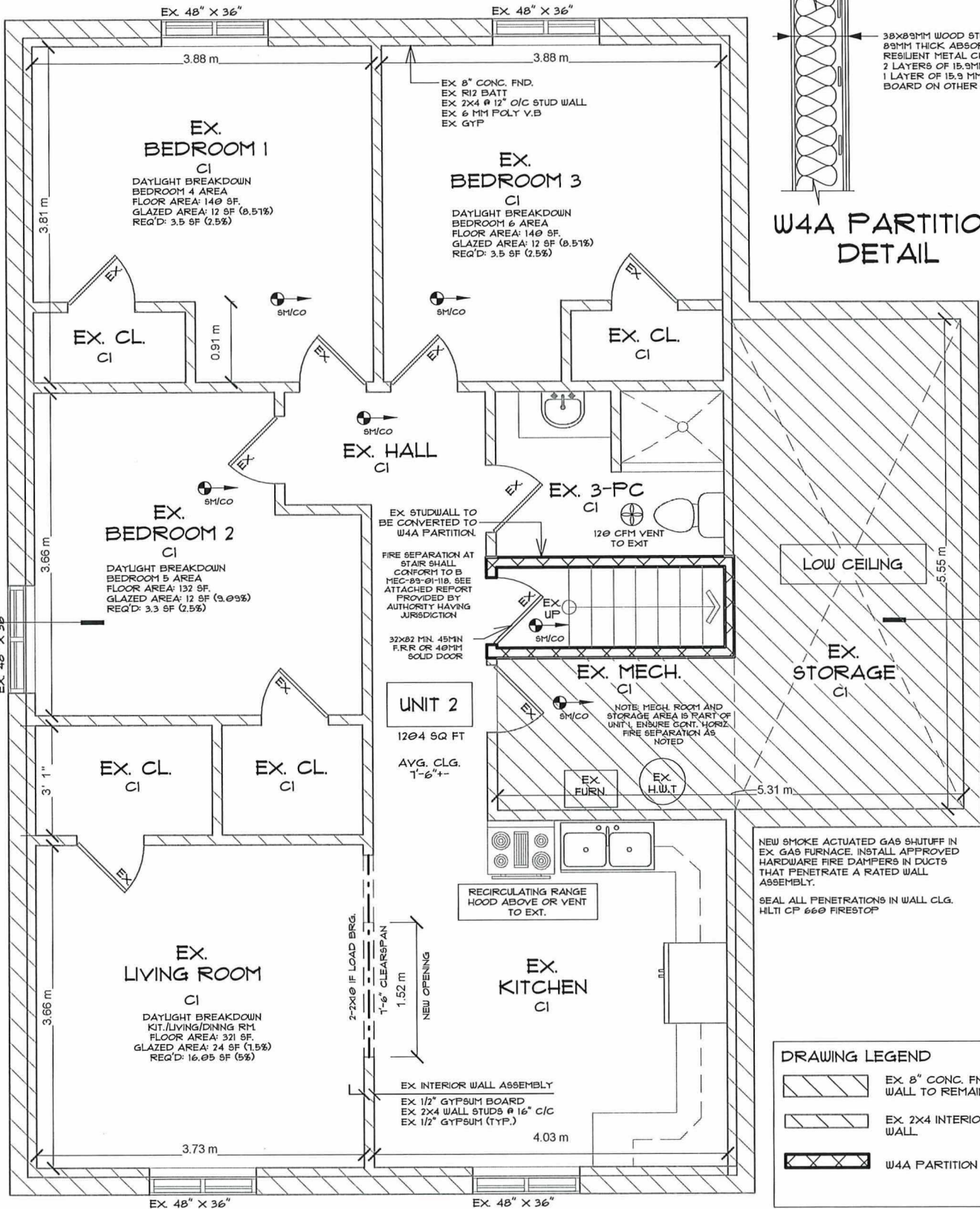
--SMOKE AND CO ALARMS TO BE INTERCONNECTED WITH VISUAL SIGNALING DEVICE.

NO CHANGE TO BLDG. FND.

ESA TO PROVIDE FINAL APPROVAL ON ALL ELECTRICAL

INTERIOR ACCESSORY DWELLING

59 PARKER ST, ST.CATHARINES, ON



EX. BASEMENT PLAN
UNIT 1

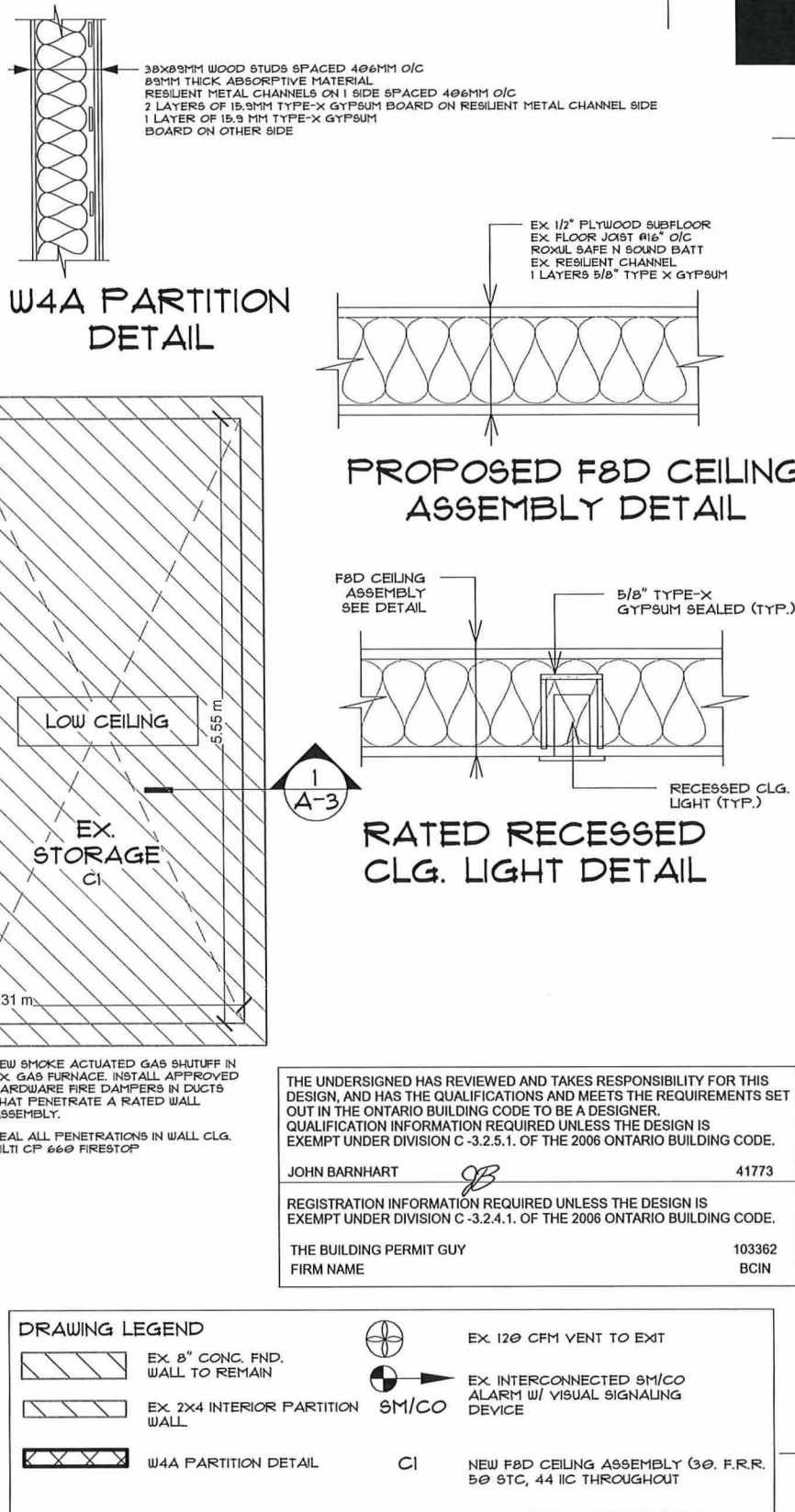
ALL CODE REFERENCES REFER
TO O.B.C. 2012 DIVISION 'B'

NOTE:

1) CONTRACTOR TO CHECK ALL DIMENSIONS, SPECIFICATIONS, ETC. ON SITE AND SHALL BE RESPONSIBLE FOR REPORTING ANY DISCREPANCY TO THE ENGINEER AND/ OR DESIGNER.

2) ALL WORKS TO BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

DO NOT SCALE DRAWINGS



DRAWING LEGEND

	EX. 8\"/>		EX. 120 CFM VENT TO EXIT
	EX. 2x4 INTERIOR PARTITION		EX. INTERCONNECTED SMOKE/CO ALARM W/ VISUAL SIGNALING DEVICE
	W4A PARTITION DETAIL		NEW F8D CEILING ASSEMBLY (30\"/>

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 THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.5.1. OF THE 2006 ONTARIO BUILDING CODE.

JOHN BARNHART 41773

REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C -3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.

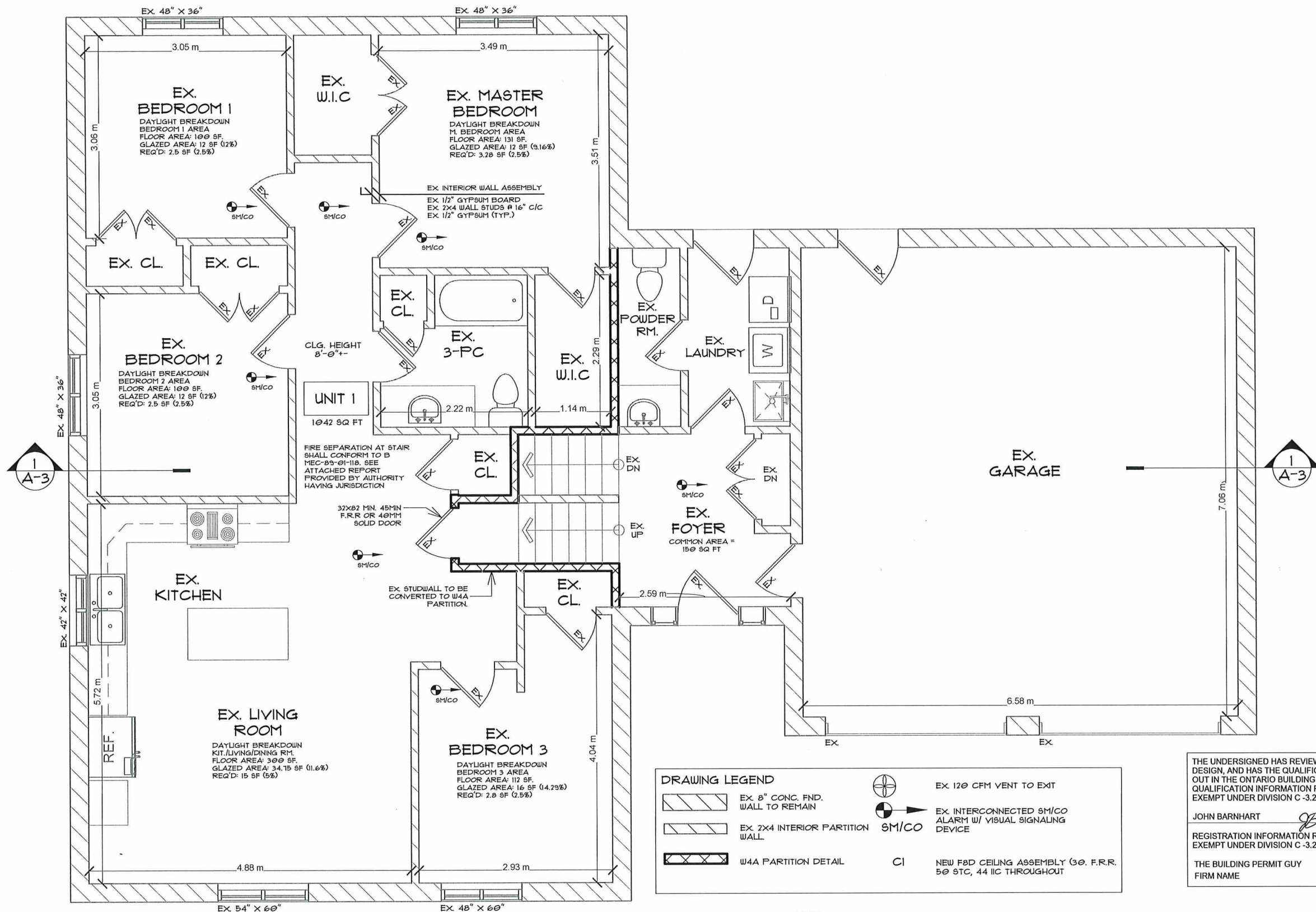
THE BUILDING PERMIT GUY 103362

FIRM NAME BCIN

A-1

SCALE: 3/16"=1'-0"





EX. MAIN FLOOR PLAN
UNIT 2

INTERIOR ACCESSORY DWELLING

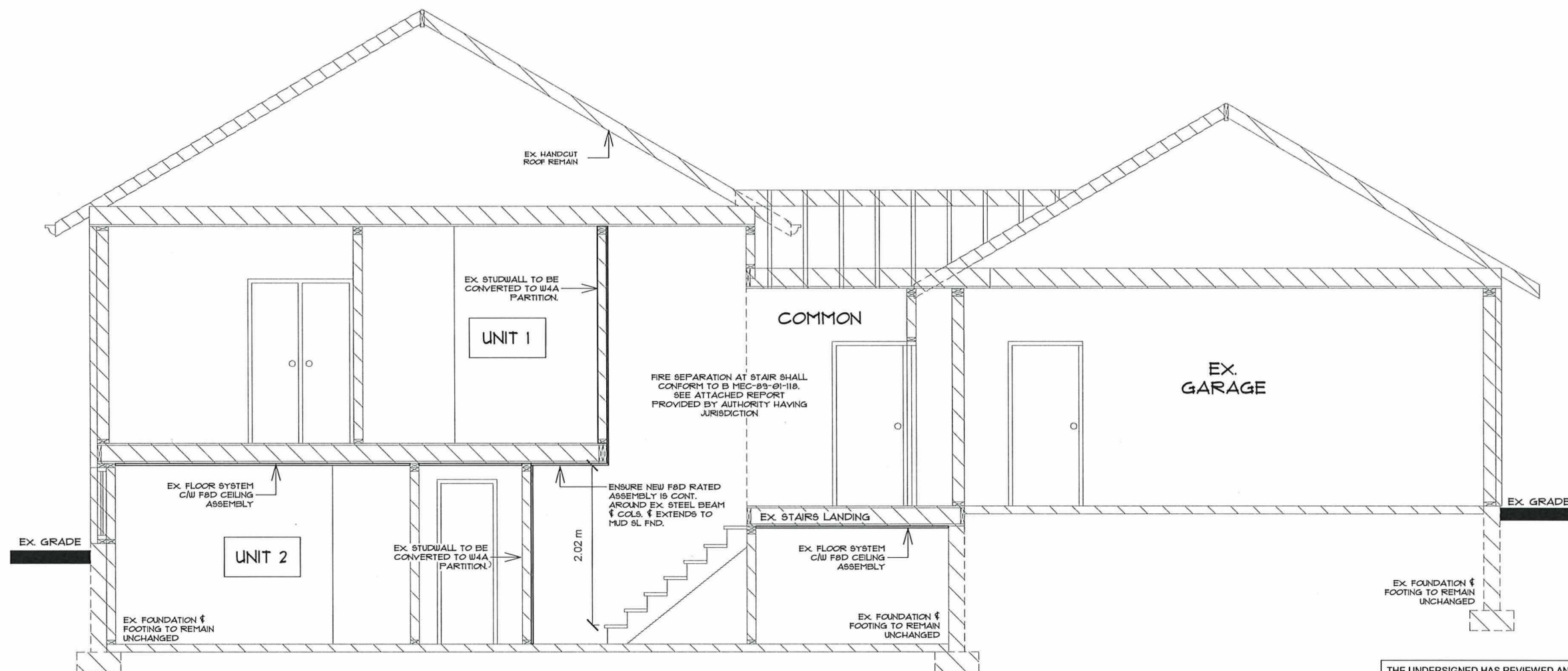
59 PARKER ST, ST.CATHARINES, ON

ALL CODE REFERENCES REFER
TO O.B.C. 2012 DIVISION 'B'

A-2

SCALE: 3/16"=1'-0"





SECTION 1-1

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 THE DESIGN IS EXEMPT UNDER DIVISION C-3.2.5.1. OF THE 2006 ONTARIO BUILDING CODE.

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THE BUILDING PERMIT GUY 103362
FIRM NAME BCIN

NOTE:

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DO NOT SCALE DRAWINGS

ALL CODE REFERENCES REFER TO O.B.C. 2012 DIVISION 'B'

INTERIOR ACCESSORY DWELLING

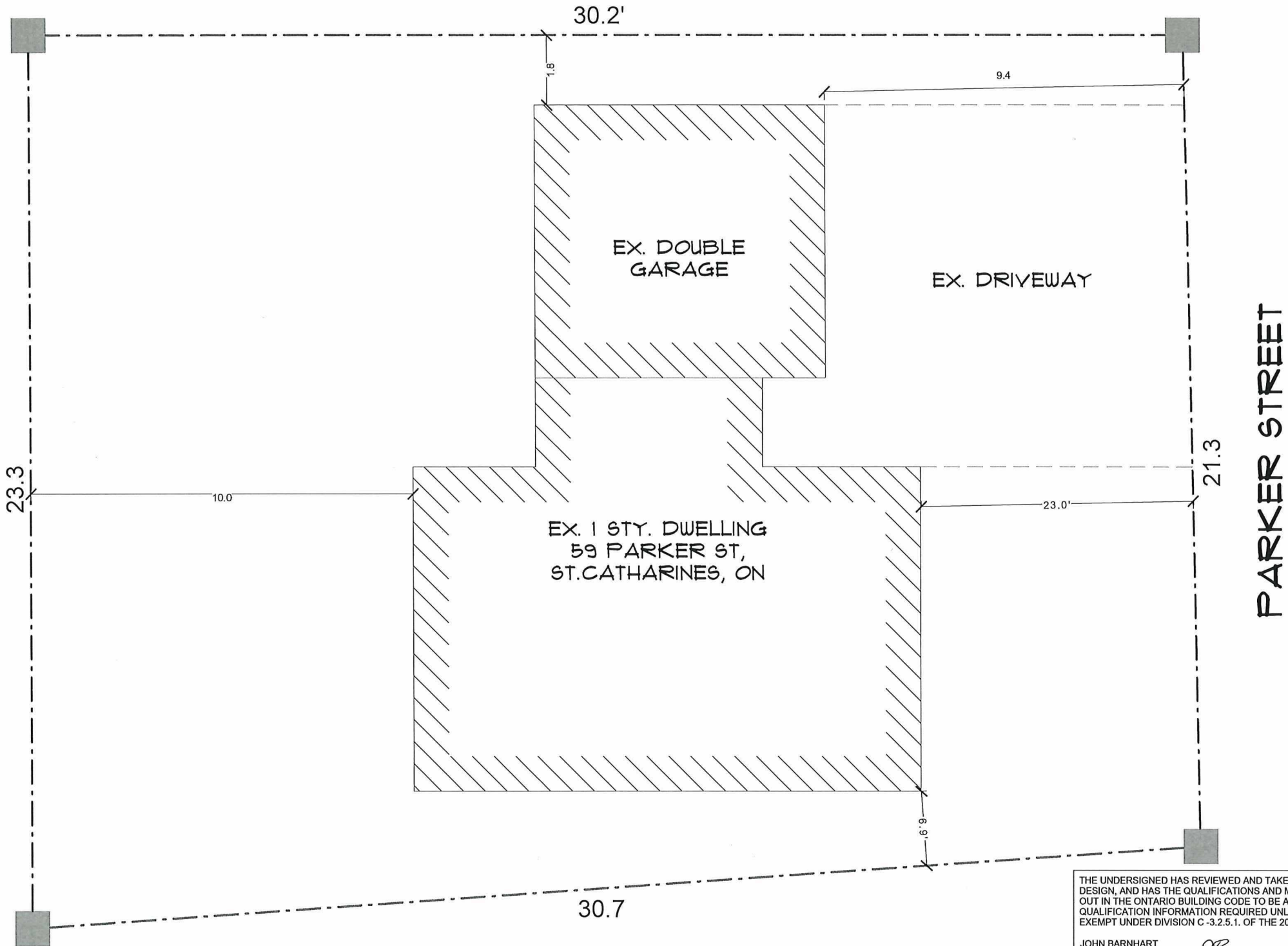
59 PARKER ST, ST.CATHARINES, ON

SCALE: 3/16"=1'-0"

A-3



SITE ANALYSIS	
LOT AREA:	679.69 SM.
TOTAL GFA:	241.69 SM.
UNIT 1 FL. AREA:	144.89 SM. (60% OF TOT. GFA)
UNIT 2 FL. AREA:	96.8 SM. (40% OF TOT. GFA)
LANDSCAPED AREA:	404.31 SM.
EX. DRIVEWAY	94.07 SM.



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JOHN BARNHART 41773

REGISTRATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C - 3.2.4.1. OF THE 2006 ONTARIO BUILDING CODE.

THE BUILDING PERMIT GUY 103362
FIRM NAME BCIN

NOTE:
1) CONTRACTOR TO CHECK ALL DIMENSIONS, SPECIFICATIONS, ETC. ON SITE AND SHALL BE RESPONSIBLE FOR REPORTING ANY DISCREPANCY TO THE ENGINEER AND/ OR DESIGNER.
2) ALL WORKS TO BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.
DO NOT SCALE DRAWINGS

ALL CODE REFERENCES REFER TO O.B.C. 2012 DIVISION 'B'

INTERIOR ACCESSORY DWELLING

59 PARKER ST, ST.CATHARINES, ON

A-4

SCALE: 3/32"=1'-0"



Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Monday, December 5, 2022 1:09 PM
To: Nahachewsky, Jayne
Cc: Semple, Claire; Pusara, Jelena
Subject: RE: Circulation Packages for December 14th Hearing

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

Good afternoon Jayne,

Our office has no comments/objections on all applications listed below based on information provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com



*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>
Sent: Friday, November 25, 2022 3:55 PM
To: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>
Cc: Semple, Claire <csemple@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>
Subject: Circulation Packages for December 14th Hearing

NOT FROM ALECTRA! Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

The notices, applications and sketches for the December 14th hearing can be found at the links below.

Please forward your comments to me by **Tuesday, December 6th, 2022.**

12 – 14 Cherry St. St. Catharines

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=zAeFNvAZxITrf1c9B63FRQeQuAleQuAl>

59 Parker Street

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=5IA5H3sezPEy6zsSU0PnCKvYuQeQuAleQuAl>

4 Paxton Avenue

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=EhvKerQaTx2CopnZXkv13QeQuAleQuAl>

119 Welland Vale Road

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=peHz1KjAM3pFU5tSMi8uqgeQuAleQuAl>

Thank you,
Jayne Nahachewsky

Jayne Nahachewsky

Committee of Adjustment Secretary-Treasurer

Email: jnahachewsky@stcatharines.ca

Tel: 905.688.5601 x1715 TTY: 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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

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

Date: December 6, 2022

Subject: Committee of Adjustment Applications – December 14, 2022 Hearing

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

14 Cherry Street, Consent to Sever, B-61/22SC – 22 113385 LD

12 Cherry Street, Minor Variance, A-138/22 – 22 113389 MV

14 Cherry Street, Minor Variance, A-139/22 – 22 113390 MV

CRCS offers no objection to the proposed severance which will facilitate the construction of a semi-detached dwelling, nor the related minor variances. Should the application for consent be approved, CRCS recommends the following conditions be imposed:

1. 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.)
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.

59 Parker Street, Minor Variance, A-137/22 – 22 112725 MV

No objection.

4 Paxton Avenue, Minor Variance, A-142/22 – 22 113487 MV

No objection.

119 Welland Vale Road, Minor Variance, A-140/22 – 22 113431 MV

No objection.

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



Memorandum

To: Jayne Nahachewsky,
Committee of Adjustment Secretary-Treasurer

From: Sean Ip, *Development Engineering Technologist*

CC: City Committee of Adjustment Staff Members

Date: November 28, 2022

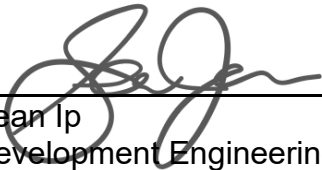
Hearing Date: December 14, 2022

Subject: **Committee of Adjustment - Minor Variance Applications**
59 Parker Street – A-137/22
14 Cherry Street – A-138 & A-139/22
119 Welland Vale Road – A-140/22
4 Paxton Avenue – A-142/22

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 30, 2022

Subject: Committee of Adjustment Comments (December 14, 2022, Hearing)

A-139/22 – 12/14 Cherry Street

There doesn't appear to be sufficient space for the proposed parking spaces once the road widening is applied. As such, neither site will have legal parking, unless the road widening can't put them out of compliance. If it doesn't satisfy the by-law, would a variance to reduce the parking from 1 space to 0 spaces be needed?

A-142/22 – 4 Paxton Avenue

As per our comments from preconsultation, the plan doesn't appear to adequately show the extent of the tree in the parking area. As such, there doesn't appear to be sufficient space to provide any parking that meets the Zoning By-law requirements. The distance from the fence to the property line is approximately 6.2 metres and it appears that the limit of the tree is greater than 1 metre away from the fence.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

Nahachewsky, Jayne

From: Grabowski, David
Sent: Thursday, December 8, 2022 12:40 PM
To: Nahachewsky, Jayne
Cc: MacGregor, Tyler
Subject: RE: December 14, 2022 Hearing

Hi Jayne

14 Cherry St – Due to the road widening, the proposed front porch shows a 2.87m setback from the front property line, where as 3m is required.

12 Cherry St – Due to the road widening, the proposed front porch shows a 2.96m setback from the front property line, where as 3m is required.

All other applications comply

Thanks

Amanda No. 22 110518 LD
Amanda No. 22 110526 MV
Amanda No. 22 110527 MV
Submission No. B-55/22SC
Submission No. A-120/22
Submission No. A-121/22

COMMITTEE OF ADJUSTMENT COMMENTS

189 LOCKHART DRIVE

**DATE OF HEARING:
DECEMBER 14, 2022**



Technical Report

Report from: Planning and Building Services, Planning Services

Date of Report: December 8, 2022

Date of Meeting: December 14, 2022

Report Number: B-55/22SC

File: 22 110518

A-120/22

22 110526

A-121/22

22 110527

Subject: 189 Lockhart Drive (to become 189 and 189A Lockhart Drive)

Recommendation

Consent

That Application **B-55/22SC**, submitted by Lockview Ventures Inc, 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 to be known as 189A Lockhart Drive, addressing the following conditions:
 - a. That building permit plans, including a Site Plan and Elevations for Part 2, once submitted, be reviewed and approved by staff.
 - b. That the 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 Site Plan and Lot Grading and Drainage Plan address the following:
 - i. That the driveway and site servicing for the new dwelling be located entirely outside of the minimum tree protection zones for the adjacent City-owned trees to be retained. Notwithstanding, the easterly limit of the new driveway may encroach within the minimum tree protection zone of City-owned trees nos. 20 and 21, as identified in the Vegetation Protection Plan, prepared by Pineridge Tree Service, dated November 25, 2022, provided it does not extend further east than it exists today.
 - ii. That all site servicing and utilities be installed beneath the existing driveway by means of trenching, boring or tunneling.
 - iii. That the location and extents of the new driveway be consistent with the site plan, prepared by Richard Larocque Ltd., dated



Technical Report

November 21, 2022, and that the apron within the Lockhart Drive road allowance remain unchanged from its existing condition.

- d. The Owner agrees to implement all recommendations of the Vegetation Protection Plan, prepared by Pineridge Tree Service, dated November 25, 2022.
- e. The Owner agrees to install, prior to any construction, excavation, or grading activities on site, tree protection barriers comprised of 1.2 metre-high orange plastic web snow fencing on a 2"x4" frame to delineate the minimum tree protection zone of the existing boulevard trees to be retained. Upon installation, the Owner agrees to immediately contact the City's Forestry Section of Municipal Works to inspect the tree protection barrier and to make such adjustments or modifications to the barrier as are deemed necessary by the City.
- f. The Owner agrees to attach to the tree protection barriers a laminated tree protection zone sign 10" x 14" in size, where it will be most visible by those persons entering the site.
- g. The Owner agrees that the tree protection barriers shall remain in place and be maintained in good repair for the duration of construction, excavation and grading activities on site and may not be removed before then for any purpose without express written permission from the City's Forestry Section. All supports and bracing used to safely secure the barriers shall be located outside of the minimum tree protection zone and in a manner that minimizes damage to the roots. Any breaks and/or unsupported sections of the barrier shall be repaired immediately.
- h. To prevent damage to the trunk, limbs, or roots of the trees to be retained, the Owner agrees that no objects may be attached to the trees and no activities which are likely to injure or destroy the tree are not permitted within the minimum tree protection zones. No construction activity, grade changes, surface treatment or excavations of any kind are permitted within the minimum tree protection zones. Equipment or vehicles shall not be operated, parked, repaired, or refueled within the dripline of the trees to be retained. Construction material, supplies, equipment, or earth shall not be stockpiled within the dripline of the trees.
- i. The Owner agrees that, where some fill or excavated material must be temporarily located near a minimum tree protection zone, a wooden barrier with silt fencing must be used to ensure no material enters the zone.
- j. The Owner agrees that any roots exposed from excavation must be covered with soil, mulch or burlap and watered within 24 hours of exposure to prevent drying out.
- k. When any site works are within the limits of a minimum tree protection zone and/or a critical root zone and have the potential to damage tree roots, root pruning using a hydro vacuum unit or air powered soil



Technical Report

excavation tools is acceptable, provided it is operated by a qualified arborist or under an arborist's supervision, and completed to a depth of 300mm. Roots are to be cut a maximum of 150 mm from the edge of excavation (grading or removals). The limit of excavation, grading or removals is to be minimized to the greatest extent possible and is to include the use of excavation shoring, smaller excavation equipment or rubber-tired machines.

2. That the Owner be required to submit a cash payment in lieu of parkland dedication in accordance with the requirements of By-law 74-72 or By-law 2022-173, whichever applies and, that if required, the applicant submit an appraisal report, prepared by a qualified appraiser, to determine the value of the new lot for the purposes of calculating the payment in lieu, which report shall be submitted for review and approval by the City's Manager of Realty and Insurance Services.
3. That the Owner submit a cash payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.
4. That the Owner submit payment to the City for the cash-in-lieu amounts for future sidewalks along both Lockhart Drive and Marsdale Drive.
5. That the Owner pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services to the existing dwelling.
6. That the Owner complete any relocation works on private property through a Plumbing Only Permit if it is determined that existing laterals or water services conflict with existing or future lot lines. The Owner shall pay the City to complete any associated relocation works required on City property.
7. That the Owner have the Master Lot Grading & Drainage Plan prepared by a Professional Engineer or Ontario Land Surveyor submitted to the City for review and approval.
8. That the Owner obtain a demolition permit from the City Building Department to remove the existing carport and garage on Parts 1 and 2 and complete all inspections to the satisfaction of the Chief Building Official.
9. That the Owner shall satisfy the Chief Building Official for the City of St. Catharines, as a result of the proposed severance, that spatial separation requirements for the glazed openings and type of construction for the exposed building face of the existing dwelling facing east on Part 1, meet the requirements of Subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code, as applicable.
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 (2023 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 December 14, 2024.



Technical Report

Minor Variance

That Application **A-120/22** submitted by Lockview Ventures Inc., as outlined in the Notice of Hearing, be approved.

That Application **A-121/22** submitted by Lockview Ventures Inc., as outlined in the Notice of Hearing, be approved.

Report

Background

On November 16, 2016, Applications **B-42/16SC** and **B-43/16SC** were considered by the Committee of Adjustment to sever the lands to facilitate the construction of two new detached dwellings, retain the existing dwelling and add a small parkette at the corner of Marsdale Drive and Lockhart Drive. These Applications were denied as they were considered overdevelopment and incompatible with the surrounding area.

On May 8, 2017, the City passed By-law 2017-146 to amend Zoning By-law 2013-283. The intent of this amendment was to ensure that future proposals for infill development within the city better suited the character of existing built-up areas. Changes to the zoning by-law included increasing the maximum lot area, lot frontage, interior side yard setbacks and landscaped open space for dwelling types within an R1 zone.

During the October 19, 2022 and November 16, 2022 Committee of Adjustment Hearings, staff recommended deferral of Applications **B-55/22SC**, **A-120/22** and **A-121/22**. Staff requested that the applications be deferred until a revised Vegetation Protection Plan, Tree Inventory Plan and Site Plan were submitted to the satisfaction of staff. These materials have been submitted and reviewed by staff. This recommendation report reflects the revised materials submitted in support of the proposal.

The Proposal

The Applicant requests to sever 525 square metres of land (Part 2 on the submitted sketch) for the purpose to construct a new two-storey detached dwelling, to be known as 189A Lockhart Drive. As a result, a 984 square metres parcel will be retained (Part 1) and the existing detached dwelling will remain for continued residential use. The existing detached dwelling is proposed to be redeveloped by removing the attached garage and carport and adding a new driveway off Marsdale Drive.

There are two concurrent Minor Variance applications that seek relief from Zoning By-law 2013-283, requesting an increase in the maximum lot area for Part 1 and a reduction in the minimum front yard setback for Part 2. The requested severance and variances are described in the tables below.



Technical Report

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-55/22SC	Part 2 (189A Lockhart Drive)	525 m ²	Part 1 (189 Lockhart Drive)	984 m ²

Application	Zoning Provision	Required	Proposed
A-120/22	Minimum Front Yard Setback	11.51 m	6.0 m
A-121/22	Maximum Lot Area	538 m ²	984 m ²

Location and Site Description

The subject property is located on the corner of Lockhart Drive and Marsdale Drive. The site is located on the north side of Lockhart Drive and east of Marsdale Drive. The subject property is currently occupied by a one-storey detached dwelling with an attached garage and carport. The surrounding area is primarily comprised of one- and two-storey detached dwellings with some naturalized areas further south and southwest along Lockhart Drive.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. No objections were received, however, conditions for the Consent application have been recommended by staff to ensure adequate tree preservation methods are implemented.

The City received comments from three households within the surrounding community, including adjacent neighbours. Residents expressed concerns regarding tree preservation, intensification within the established area, the reduced front yard setback for the proposed dwelling, and the site's drainage. One of the adjacent neighbours expressed conditional support of the proposal but also raised concern with the reduced front yard setback, tree preservation, site drainage and design of the proposed dwelling. The City's Official Plan and Zoning By-law supports modest intensification in established low density residential areas that reflects the character of the area, is compatible with the area and will not result in adverse impacts to adjacent properties. This includes the preservation of City-owned trees by implementing tree preservation methods during the design and construction of new dwellings. This also includes upholding urban design standards by registering a Development Agreement on title, which is a recommended condition of the Consent application. Staff note that the proposal largely complies with the Zoning By-law, with one variance requested for each of the lots. An analysis of the two variances is discussed below. In terms of site drainage, as required for any development or redevelopment, a grading and drainage plan will be required prior to construction to ensure there are no negative impacts for the proposed lot or the surrounding area.



Technical 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 E8 of the GCP. This designation permits detached dwellings at a density generally between 20 and 32 units per hectare of land.

Zoning By-Law (2013-283)

The subject property is zoned R1 (Low Density Residential – Suburban Neighbourhood) on Schedule A26 of the Zoning By-Law. This zone permits a range of low density residential dwelling types, including detached dwellings.

Planning Analysis

Consent

Consent application **B-55/22SC** requests to sever the subject property to create one new lot to facilitate the construction of a two-storey detached dwelling. The existing lot and detached dwelling will be retained for continued residential use. 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 severed lot 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 proposed severance is located in an area that is already substantially developed. The proposal seeks to construct one new detached dwelling on the severed parcel while retaining the existing detached dwelling on the retained parcel, which represents context-sensitive infill development. Further, the design of the proposed dwelling fits with the character of the neighbourhood and the surrounding area while also supporting residential growth on a lot that is oversized.



Technical Report

- 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 create a new lot (Part 2) with an area of 525 square metres and a density of approximately 18 units per hectare, which conforms with the GCP and meets zoning requirements for the lot size. The proposal will result in an oversized retained lot (Part 1) of 984 square metres with a density of approximately 10 units per hectare. As a result, a minor variance is required to permit the lot area for the retained lot 189 Lockhart Drive. Although the retained parcel is considered oversized, the proposal will bring the lot closer to conformity and supports context-sensitive intensification. Although the proposal departs from the traditional lot fabric, given the context of the existing neighbourhood and number of mature trees, both City-owned and private, the proposed lot takes into consideration a concept that preserves as many trees as possible and will not conflict with the existing City-owned trees. In support of the proposal, a Vegetation Protection Plan and Tree Inventory Plan were prepared. The recommended tree preservation measures outlined in the materials will be implemented through a Development Agreement to be registered on title to the lands. Staff are satisfied the proposed infill development is appropriate and meets the intent of the Official Plan and Zoning By-law.

Minor Variances

Application A-120/22

Application **A-120/22** seeks to reduce the minimum front yard setback from 11.51 metres to 6.0 metres for the proposed detached dwelling at 189A Lockhart Drive (Part 2). The minimum front yard setback was calculated using the Zoning By-law requirement to average the setback of the adjacent neighbouring properties, being 189 Lockhart Drive and 191 Lockhart Drive. As such, the minimum front yard setback required for the proposed dwelling is 11.51 metres. Given the angle of the lot frontage along Lockhart Drive, the setback of the proposed dwelling is 6.0 metres at its closest point to the road and approximately 10 metres at its furthest point to the road. The proposed setback for 189A Lockhart Drive is generally aligned with the adjacent property at 189 Lockhart Drive. It is not anticipated that the proposed front yard setback will result in adverse impacts to neighbouring properties or negatively impact the streetscape of the existing development fabric along Lockhart Drive. In the opinion of staff, the variance is minor in nature and appropriate for the use of the lands.

To ensure that redevelopment complements an established neighbourhood, section 7.1 of the Official Plan states that redevelopment shall be evaluated to ensure there is an integration of compatible building form, scale, massing, height, setbacks and orientation. The proposal meets these requirements by generally aligning with the setback of 189 Lockhart Drive, as well as the orientation and height of the surrounding properties. Further, the Zoning By-law applies averaging for front yard setbacks to ensure redevelopment complements existing properties and streetscapes. However, the calculated average setback can be challenging when applied to lots along angled roads



Technical Report

in established areas, such as with 189 Lockhart Drive. Therefore, it is possible that in order to achieve the intent of the required average front yard setback and maintain a design that complements the existing streetscape, some adjustments may be required. Staff are satisfied that the overall front yard setback for the proposed dwelling generally aligns with the surrounding area and will not result in adverse impacts to the neighbouring properties. In the opinion of staff, the variance is in keeping with the general intent of the Official Plan and Zoning By-law.

Application A-121/22

Application **A-121/22** seeks an increase to the maximum lot area from 538 square metres to 984 square metres for a detached dwelling in the R1 zone. The requested variance will address the oversized retained lot for the existing dwelling at 189 Lockhart Drive, which will be a result of Consent Application **B-55/22SC**. As noted above, staff are supportive of the proposal to sever the lands as there will be no adverse impacts to surrounding properties. Staff find that the proposed infill development is context-sensitive and an appropriate development pattern. Staff consider the request to be minor in nature and desirable for the appropriate development of the lands.

The zoning provision for the maximum lot area is used to regulate density which prevents underdevelopment and promotes compact neighbourhoods. Section 7.1 of the GCP states that development and redevelopment shall have regard for building, site, streetscape and neighbourhood context sensitive design to ensure the character of neighbourhoods are maintained through intensification and infill development. The Official Plan supports a density generally ranging between 20 to 32 units per hectare of land in areas designated Low Density Residential. The proposal is within an existing built-up area and will have similar densities to the surrounding area. Although the overall density of the subject property will be approximately 13 units per hectare, the proposal will bring the property closer to conformity while increasing the overall density and contributing to the modest intensification of the neighbourhood. Both the new and retained lots will contain detached dwellings on lots that are consistent with the surrounding area and will result in gentle intensification of the site while maintaining the character of the neighbourhood. As such, staff find the variance to meet the general intent of the Zoning By-law and Official Plan.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-55/22SC** 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.



CITY OF
ST. CATHARINES

Technical Report

Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Applications **A-120/22** and **A-121/22** 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:

A handwritten signature in blue ink, appearing to read 'Gemi'.

Giuseppe Ferreri
Student Planner

Submitted by:

A handwritten signature in blue ink, appearing to read 'Natasha MacDonald'.

Natasha MacDonald
Planner I

Approved by:

A handwritten signature in blue ink, appearing to read 'M. Josipovic'.

Margaret Josipovic
Manager of Planning Services

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 exempt under 2.17.5.1. of the building code

CHRISTIAN VENDITTI
NAME

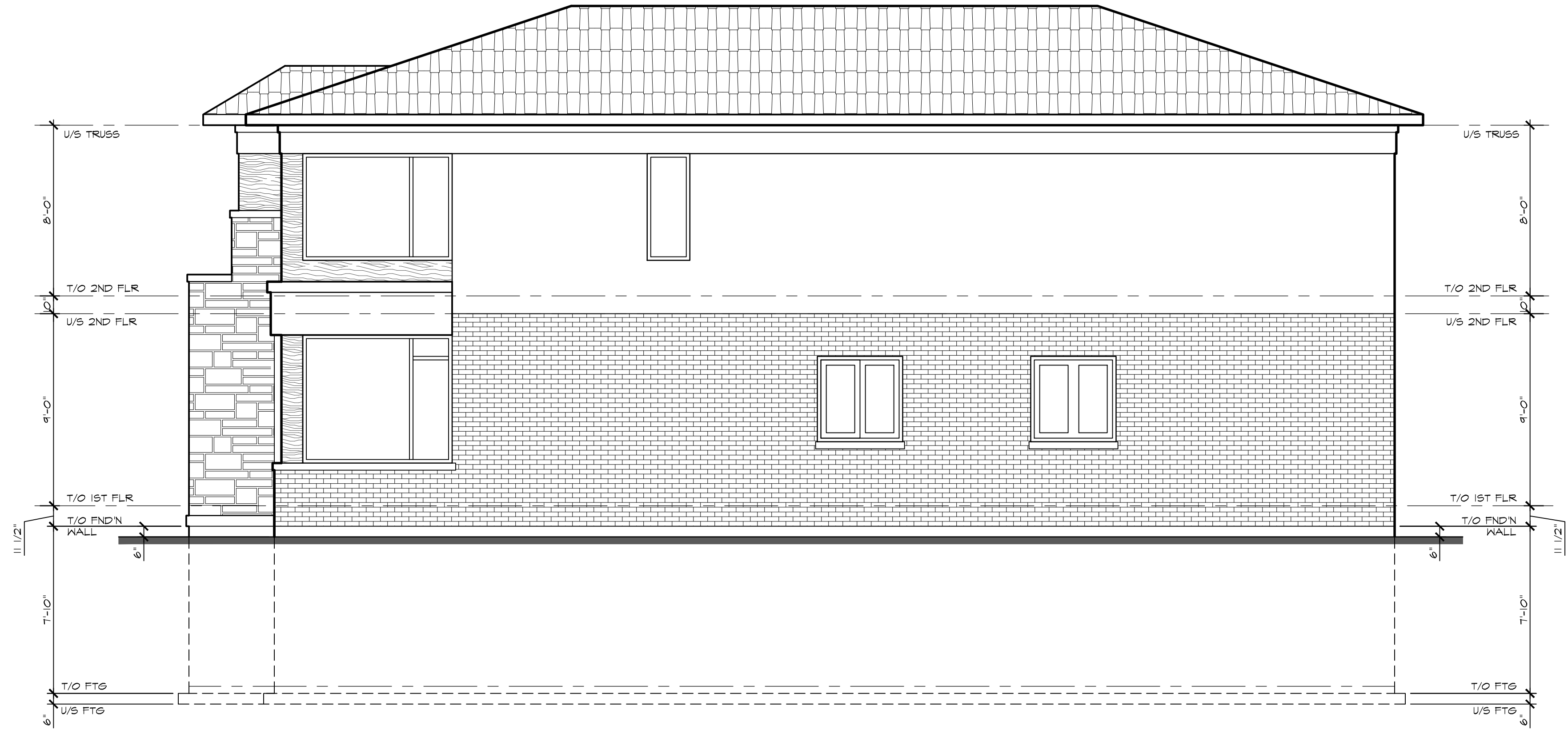
SIGNATURE

42354
BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1. of the building code

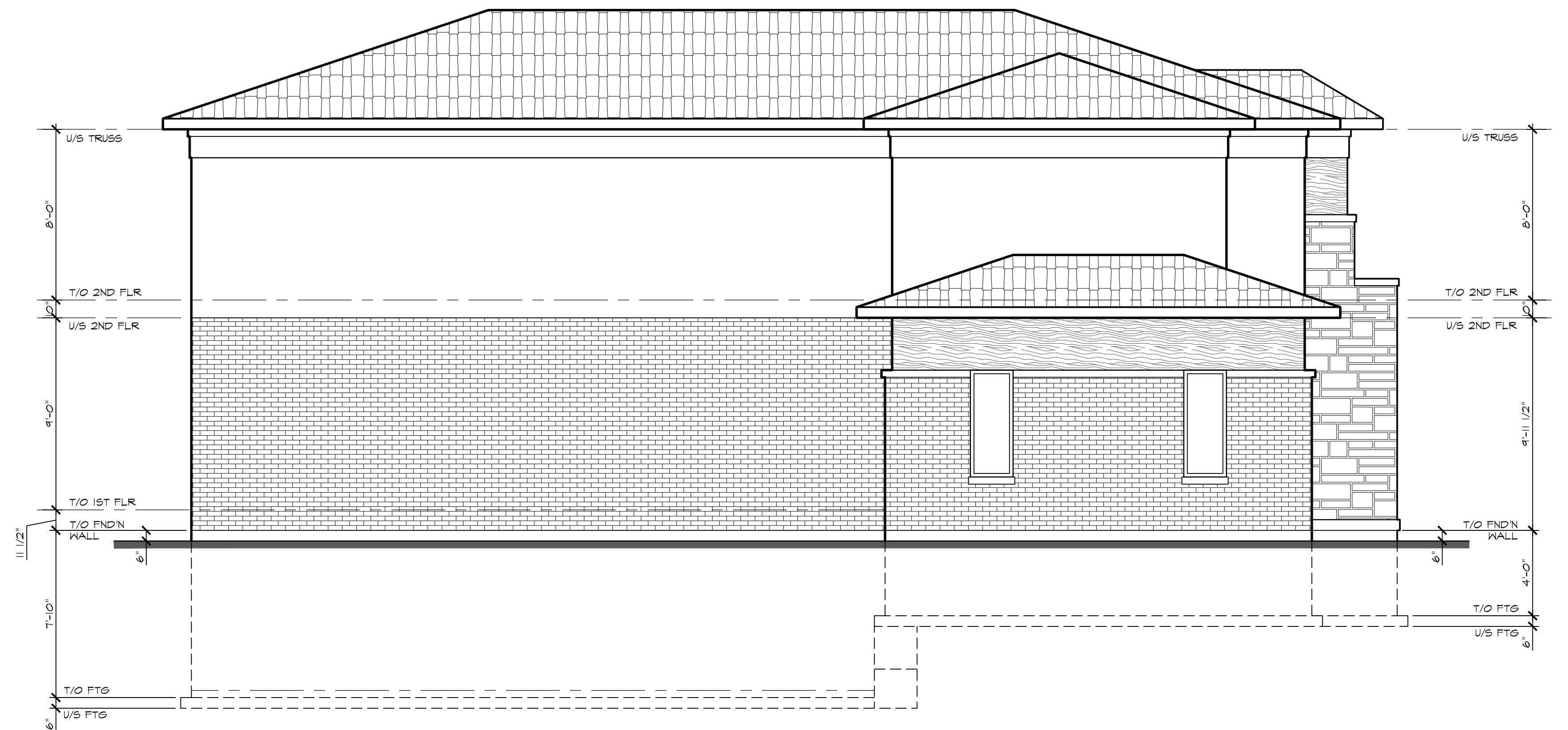
CORE DRAFTING SERVICES
FIRM NAME

108210
BCIN



RIGHT-SIDE ELEVATION

SCALE: 1/4" = 1'-0"



LEFT-SIDE ELEVATION

SCALE: 1/4" = 1'-0"

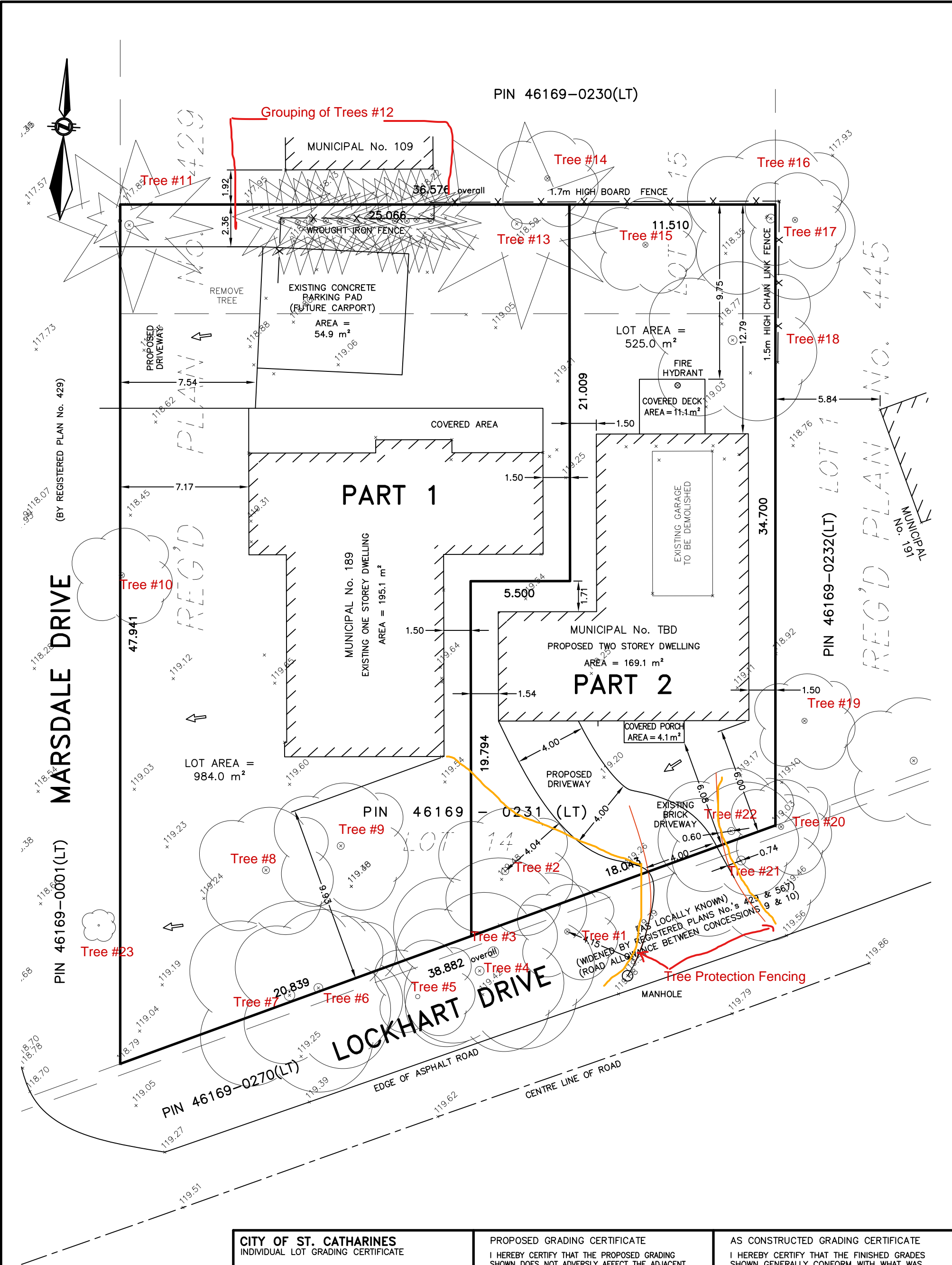
General Notes

1	ISSUED FOR REVIEW	SEPT 26, 2022
No.	Revision/Issue	Date

CORE
design-drafting
Building
residential | commercial | industrial
E-mail: info@coredraft.ca Phone: 289-821-1810

Project Name and Address
NEW RESIDENCE
189 LOCKHART AVE.
ST. CATHARINES, ON

Dwg Title	Sheet
PLANS	A2
Date	
Scale	
AS NOTED	



<p>CITY OF ST. CATHARINES INDIVIDUAL LOT GRADING CERTIFICATE</p> <p>PART OF LOTS 14 & 15 REGISTERED PLAN No. 429</p> <p>SCALE 1:200 METRIC</p> <p>BENCHMARK: ELEVATIONS HEREON ARE ORTHOMETRIC AND ARE RELATED TO CGVD28, HT2, AS PREVIOUSLY ESTABLISHED BY THE LAROCQUE GROUP.</p> <p>CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.</p>	<p>PROPOSED GRADING CERTIFICATE</p> <p>I HEREBY CERTIFY THAT THE PROPOSED GRADING SHOWN DOES NOT ADVERSELY AFFECT THE ADJACENT PROPERTIES AND THIS LOT WILL DRAIN SATISFACTORILY.</p> <p>NAME: BRENT LAROCQUE</p> <p>FIRM: RICHARD LAROCQUE LIMITED</p> <p>SIGNATURE: _____</p> <p>DATE: NOVEMBER 21, 2022</p> <p>FILED BY TOWN: _____</p> <p>DATE: _____</p>	<p>AS CONSTRUCTED GRADING CERTIFICATE</p> <p>I HEREBY CERTIFY THAT THE FINISHED GRADES SHOWN GENERALLY CONFORM WITH WHAT WAS PROPOSED.</p> <p>NAME: _____</p> <p>FIRM: _____</p> <p>SIGNATURE: _____</p> <p>DATE: _____</p> <p>FILED BY TOWN: _____</p> <p>DATE: _____</p>
<p>METRIC NOTE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.</p> <p>© RICHARD LAROCQUE LIMITED No person may copy, reproduce or alter this plan in whole or in part without the written permission</p>	<p>LEGEND</p> <p>90.00 DENOTES EXISTING ELEVATION [90.00] DENOTES PROPOSED ELEVATION [90.00] DENOTES FINISHED ELEVATION</p> <p>← DENOTES DRAINAGE DIRECTION • DS DENOTES DOWNSPOUT ☉ DENOTES DECIDUOUS TREE</p>	<p>RICHARD LAROCQUE LIMITED ONTARIO LAND SURVEYORS & CONSULTANTS 12 LYMAN STREET, ST. CATHARINES, ONTARIO 905-688-1413 6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO 905-358-8400 www.larocquegroup.ca</p> <p>DATE: NOV. 21, 2022 FILE No. : 2006-042A DWG No. : 2006-042A-14</p>



Vegetation Protection Plan

189 Lockhart Drive, St. Catharines, L2T 1W8

Rachel Bowery, BAppSc, ISA ON-1409AUM

11/25/2022



Table of Contents

Assignment	3
Description of Site	3
Potential Impact of Proposed Development	4
Impact Assessment	4-5
Site Tree Inventory	5-6
Site Tree Inventory Chart	7
Recommendations	8-9
Tree Removals	9
Tree Preservation and Protection	9-10
Additional Recommendations for Construction	10
Condition of Approval Notes	10
Conclusion	10
Limitations	11
Certifications	12
References	13-14
Pictures	15-35



Prepared for:

Greg Hynde of Urban Environments – gahynde@icloud.com and Danny Continelli
modernstucco@icloud.com

Assignment

The arborist consulting team at Pineridge Tree Service Ltd. was contracted by Greg Hynde of Urban Environments to prepare a vegetation protection plan and detail for the protection fencing for the property of 189 Lockhart Road, St. Catharines, Ontario. The subject property is being proposed for severing into 2 lots and the development of a new residential building on the severed lot with the retention of the original house on the other lot.

This document is required for the development application and was developed from the Site Plan Sketch:

DWG File Number: 2006-042A-14

Dated: November 21, 2022

Drafted by: Brent Larocque of Richard Larocque Limited Ontario Land Surveyors & Consultants

Application for: Parts of Lots 14 & 15, Registered Plan No. 429, City of St. Catharines, Regional Municipality of Niagara

The purpose of this report is to:

- 1) Identify Trees on site by their common and Latin name
- 2) Determine the size of each identified tree by the Diameter at Breast Height (DBH)
- 3) Determine the condition of each tree through the scale of (excellent, good, fair, poor or dead)
- 4) Recommendations i.e. preserve, relocate or remove.
- 5) Give instructions on installation of preservation fencing and other notes and details concerned

Description of Site

This site is in the South end of the City at the bottom of Brock Hill. The street has many established and mature trees and in the surrounding area. The proposed building site has many City owned trees on site as well as privately owned trees, overall predominately Oak trees. This is a corner lot that is being severed into 2 lots. The existing house is being retained on one of the lots and another residential building is being developed on the new severed lot.



Potential Impact of Proposed Development on Trees

Feeder roots are roots that the tree utilizes to uptake nutrients and water. These roots reside in the top 6-10 inches of the soil. The commonly held idea of the tree root structure mirroring the tree structure above the soil is inaccurate. This idea has been found inaccurate in Perry (1982, 1989), Helliwell and Fordham (1992), Sutton (1969, 1991) and Dobson and Moffat (1993). Roots propagate wherever favourable conditions are encountered, which is why the greatest root concentration can be found close to the soil surface. Average root plate depths typically range 1-2m (3-6 ft) (Dobson, 1995).

Construction damage to trees is not limited to root severing from removing the soil. Other damage that can occur from construction can include:

- Grade change (removing soil and roots or adding soil on top of the root zone reducing water penetration or build up of soil around the base of the tree causing decay on the trunk)
- Soil compaction from equipment
- Soil "glazing" from excavating
- Mechanical damage to tree structure(s)
- Loss of nutrients from soil removal

Impact Assessment

Tree health and structural integrity can be compromised by grade changes, soil compaction, root cutting as well as injury caused from equipment contacting the trunk or branches during construction or travel in and out of the site. The impact to the trees was assessed by examining the tree location in conjunction to the proposed site plan and survey; recommendations were made accordingly. The recommendations were made according to the plans provided at the time of preparation of the documentation. Should the plans change in the future, reassessment should be completed, and the plan reviewed accordingly. Trees that have been impacted by construction may not show effects of impact for up to several years later or they may occur within months (Pirone et al, 1988). Frequently tree decline from construction damage include but are not limited to leaf growth reduction, twig dieback, epicormic foliar growth, branch and limb dieback, and death (Pirone et al, 1988).

The drawing that the team worked off showed that the proposed driveway is planned to go from the proposed dwelling curving around the trees to the road. Currently there is an existing driveway composed of interlock in roughly the same location as the proposed driveway with minor alterations to go around the tree protection zone. Should the drawing design change and not reflect this, this document is void. In considering the material for the driveway, asphalt and concrete insignificantly



differ in impact to the soil since both require similar foundation footings and excavations and both are somewhat porous due to expansion joints and small cracks (Mathney & Clark, 1998). Concerns of decreased gas and moisture exchange are not true (Mathney & Clark, 1998). Under low weight bearing pavements with a thin pavement and minimum subgrade compaction, root development is increased due to warmer temperatures and higher soil moisture (Mathney & Clark, 1998). The impact from pavement installation is from water loss stress from root removal (Mathney & Clark, 1998). Utilizing the current subgrade would reduce the impact on the trees. Therefore, the design will be utilizing a section of the current driveway to have minimal disturbance in that section. The finished driveway material will be in pavers that are existing on site today. There will be no changes to the driveway within the road allowance to accommodate the minimum protection zone of City owned and Boundary trees. Utilities (if required) will be trenched under the existing driveway. Where the driveway curves in the proposal outside of the road allowance, the driveway will be a reasonable distance away from the tree groupings that there should be minimal impact on the trees. The proposed driveway modification will encroach the Tree Protection Zone of Tree #2 and will be 4.04 meters from the trunk of this tree which is privately owned by the client and has not been identified as a concern from City because it is not City owned or a Boundary tree. The TPZ fencing has been identified on the specified site map in orange.

With the amended proposed survey draft, it would be possible to retain all the trees during this development provided fencing is erected and maintained so that construction or run off does not come into the Tree Protection Zone. To accomplish these recommendations were made in the "Recommendations" section of this document such as not storing debris on site. Oaks are least affected by the injury from fill (Pirone, 1988), therefore structural soils for fill are helpful by not required. Clean fill should be adequate for this species. The Oak species on this site are Moderate-Good for their relative tolerance to development (Mathney & Clark, 1998). Northern Red Oaks response is constrained by soil aeration and water availability, with a greater tolerance in their native climate range (Mathney & Clark, 1998). Northern Red Oaks are tolerant of root loss (Mathney & Clark, 1998), therefore would be more resilient to construction damage. These trees will show signs of chlorosis in high soil pH (Dirr, 1990), when the soil pH is above pH 7.8, the trees will show symptoms of reduced growth, chlorosis and necrosis (Costello et al, 2003).

Site Tree Inventory

Trees were rated by the following scale:

Condition

Poor (P)- No live growth

Fair (F)- Severe dieback, significant lean, missing leader, major defects, significant decay or disease presence



Good (G)- Moderate dieback and/or lean, limb defects, multiple stems

Excellent (E)- Healthy vigorous growth, minor visible defects or damage

Recommendations are made by the assessing the condition of the trees and their location in relation to the proposed development. Recommendations in the chart are listed as P for Preserve or R for Removal. The DBH is listed in inches. Tree identification was verified by using the app named "Seek". See References for details.



Tree #	DBH	Common Name	Botanical Name	Condition				Recommendation		Owner	Notes
				P	F	G	E	P	R		
1	16.4	Red Oak	Quercus rubra			X		X		City	Cavity @ south side buttress root, original leader was su
2	18.6	Red Oak	Quercus rubra			X		X		Client	5-10% deadwood & tip dieback
3	24.7	Red Oak	Quercus rubra		X			X		City	15% lean over road, artist conk fungi @bas
4	22.2	White Oak	Quercus alba		X			X		City	lower LCR- 60%, leaf minor damage
5	9.8	Am. Hophornbea	Ostrya virginiana			X		X		City	significant trunk damage
6	25.2	Red Oak	Quercus rubra		X			X		City	flat side on trunk, girdling root
7	25.7	Red Oak	Quercus rubra				X	X		City	5% tip die back
8	17.5	Red Oak	Quercus alba			X		X		Client	
9	21	Red Oak	Quercus rubra		X				X	Client	Large cavity under trunk and roots
10	4.8	Serviceberry	Amelanchier spp.	X					X	Client	Low LCR, adventitious grow @ base
11	7.8	Colorado Spruce	Picea pungens			X		X		Neighbour	90% LCR, dead branches on neighbours sid
12	3.5	White Cedar	Thuja occidentalis			X		X		Client	treat all as a group
13	9.2	Austrain Pine	Pinus nigra	X					X	Client	ivy growing on trunk, needle cast
14	~27	Red Oak	Quercus rubra			X		X		Neighbour	slight lean, bare on south side
15	18.6	White Oak	Quercus alba		X			X		Client	heavy insect damage, galls, leaf minor, cat
16	14.5	White Oak	Quercus alba			X		X		Client	
17	16.5	Green Ash	Fraxinus pennsylvanica					X		Neighbour	neighbours, low LCR, healthy otherwise
18	27.7	Red Oak	Quercus rubra					X		Client	90% LCR
19	16.5	Basswood	Tilia americana					X		Neighbour	wood pecker holes, cavity, corrected lean
20	15.5	Whie Oak	Quercus alba					X		City	Leaf minor damage, & necrosis
21	29.6	Swamp White Oa	Quercus bicolor					X		City	Leaf minor damage, & necrosis
22	22.7	Swamp Whie Oak	Quercus bicolor					X		Client	Leaf minor damage, & necrosis, dead top
23	3.6	Green Ash	Fraxinus pennsylvanica						X	City	Re-growth from stump

7 | Pineridge Tree Service LTD -This document is the intellectual property of Pineridge Tree Service and was created for the client for the purpose stated within and must not be altered or otherwise used without express written permission from Pineridge Tree Service Ltd.

Vegetation Protection Plan for 189 Lockhart, St. Catharines



Recommendations:

- 1) Remove four trees identified above in the chart, Tree #9, 10, 13, & 23, and explained below in "Tree Removals"
- 2) Establish a Tree Protection Zone (TPZ), details below.
- 3) Deep Root fertilize trees. We recommend deep root fertilizing in the spring and fall each year until the construction is completed or the re-assessment is completed. This will provide water and nutrients to the site as well as aerate the soil.

Comments: Impact of deep root fertilizing is not generally noticed unless there is a drought or other trees that have not been treated are compared. Additionally, the soil should be tested to ensure that the pH is not too high for the tree to absorb the nutrients or scorch the tree. Soil testing should definitely be done if there is any concern of leaching from construction materials or run off.
- 4) Mulch the area within the TPZ fencing
- 5) Trim trees to reduce damage to overhanging limbs from construction equipment as well as removal of dead wood.
- 6) Prune any roots that are exposed for a clean cut and to encourage growth away from the new foundations.
- 7) Roots that will be exposed for extended period of time (over night) should be covered with an anti-dessiccant and covered with wet burlap.
- 8) Back fill the site with clean fill or structural soils.
- 9) Run off from construction should not go into the TPZ. This includes but is not limited to, cement mix or water run off.
- 10) Assess the trees after 3-5 years for decline due to construction damage.
- 11) Score the side of the excavation to reduce soil glazing for excavation immediately outside the TPZ
- 12) Any debris from construction, demolition or development of the building shall not be moved through or stored in the TPZ. Any materials that could cause run off ie cement or rustable metals, contaminated soils etc, should be immediately transported off site and not stored on site.



13) Test the soil pH within the TPZ before, after and during construction to ensure that the soil pH does not increase over development. If the soil pH reaches pH 7.8, then actions will be required to reduce pH.

Tree Removals

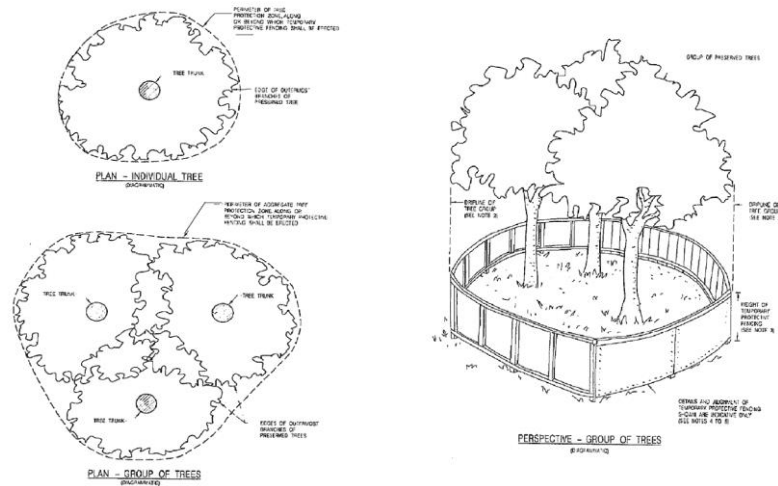
There are a few trees that were identified on the site plan but are in poor condition or hazardous and should be removed. These trees could have been protected from the construction, but they are in poor condition and therefore are recommended to be removed. Tree #23 is an Ash tree that was removed and has re-grown. Tree #13 and 10 are in poor condition and should be removed or at minimum treated with fertilizing. Tree # 9 is concerning because it is so close to the house and has a cavity underneath the trunk in the root section of the tree. It is unknown how expansive the cavity expands, or the extent of damage to the root ball and therefore may not be able to be just filled with soil. Trees that are identified in the chart in "F- Fair" condition, but not slated for removal should be monitored and assessed annually to ensure that their conditions do not worsen. These trees are #3, 4, 6 and 13.

Tree Preservation and Protection

The tree to be protected shall be protected through the establishment of a tree protection zone. The Tree Protection Zone (TPZ) shall be established along the drip line at the bare minimum or 1.5 the height of the tree away from the trunk if possible. Within the tree protection zone, there shall be no grading, soil disturbance, surface treatment of equipment and or materials stored within the tree protection zone. In this situation, the TPZ will be placed down the edge of the bush line. Care will be needed to ensure that damage does not occur to the canopy of the tree from equipment and personnel. In areas that this may be a concern the fencing should be 1.5 the height of the tree away from the trunk.

Tree protection for trees in groupings, the barrier shall be placed along the outer perimeter of the grouping. The barrier will consist of orange fencing on a 2x4 frame that is staked into the ground. If there is a concern about soil build up or debris building up on the fence, then plywood should be used instead of orange fencing. This may be the case for that section of fence that is close to the garage development or if there is an area that is planned for material storage close to the fencing that would not be contained by the orange web fencing. Any grade changes that occur outside the TPZ should not end abruptly at the edge of the TPZ. Should there be any significant grade changes outside of the TPZ, either a retaining wall or other graduated step down should occur keeping in mind water movement to and away from the trees.

Figure 2.1 Temporary Protective Fencing



Additional Recommendations for Construction

In addition to the establishment of the tree protection zone, the following recommendations would contribute positively to the survival and health of the trees:

- Establish the tree protection zone prior to construction under the supervision of a certified arborist and the contractor
- Boring and tunneling for underground utilities should be done outside of the tree protection zone
- Some trees may have roots that extend past the tree protection zone. In this case, roots that are damaged outside of this zone should be cleanly cut using a hand saw or pruning sheers
- Any injury to a tree during construction should be evaluated by a qualified arborist
- Any pruning of trees for construction clearance shall be performed by a qualified arborist

Condition of Approval Notes

The preservation fencing must be installed and/or inspected by a certified Arborist prior to the commencement of the construction and all trees inspected at the end of the project to ensure all works were carried out in accordance to this report.

Conclusion

In conclusion, the wooded area of the property should not be affected by the development of this property if the precautions stated are made.



Limitations:

The drawing that the team worked off showed that the proposed driveway is planned to go straight from the proposed two storey dwelling directly to the road. It was advised to our consulting team that the plan will be revised to show that the driveway will be redirected around the trees to the road to preserve the trees located in that area. Should the drawing not reflect this change, this document is void.

The trees were assessed individually visually assessed for a basic assessment as defined by the client as per the instructions of given to them by the City of St. Catharines. The trees were not assessed further than the outlined scope of work as contracted. Tools that were used in this assessment was a diameter tape and was documented by visual inspection from the ground using conventional arboricultural techniques.

Trees can still fail due to unforeseen or unforeseeable conditions. Trees are organic structures and as such they are susceptible to health and vitality changes at any time. Trees and their structures, and debris will always pose a risk to surrounding structures and persons and as such, the arborist can not be held liable for any damage caused by the tree(s) and their structures. Removing the trees is the only way to ultimately eliminate the risk.

Pineridge Tree Service is a third-party corporation that is not affiliated with the client. Our team did not do an inspection of the trees on site and only briefly visited the site before composing this document.

Implementation of the recommendations of this report is the responsibility of the client and/ or the tree owner and not Pineridge Tree Service or the consulting arborist/ team.

Tree impact assessment may or may not be able to be determined one (1) year post construction.



Certifications:

I certify that I, Rachel Bowery,

- have personally reviewed the site plan documents and the City of St. Catharines requirements and reported as such
- am a certified Arborist with the International Society of Arboriculture and the Ontario Ministry of Colleges and Trades.
- Do not benefit from the injury or removal of the(se) tree(s)
- the recommendations are based on current arboricultural practices and scientific research

This report was prepared by:

Rachel Bowery, BAppSc R.P.F. In Training

President, Certified Arborist, Utility Arborist & Municipal Arborist

International Society of Arboriculture (ISA) Certified Arborist, Utility Specialist and Municipal Arborist #ON-1409AUM, Certified Ontario Arborist #400155620, Certified Ontario Utility Arborist #400184823, ISA TRAQ (Tree Risk Assessment Qualification) Qualified, Degree in Landscape Management with a Major in Arboriculture

This report was reviewed by:

Jerry Micsinszki

Master Arborist, Vice President, Certified Arborist & Utility Arborist

International Society of Arboriculture (ISA) Certified Arborist #ON-0100A, Certified Ontario Utility Arborist #400111760,



Pineridge Tree Service Ltd

5917 Kister Road

Niagara Falls, Ontario

L2G 0B7

Tel. 905-328-4323

Email. info@pineridgetree.com

Web. www.pineridgetree.com

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Vegetation Protection Plan for 189 Lockhart, St. Catharines



DWG File Number: 2006-042A-14

Dated: November 21, 2022

Drafted by: Brent Larocque of Richard Larocque Limited Ontario Land Surveyors & Consultants

Application for: Parts of Lots 14 & 15, Registered Plan No. 429, City of St. Catharines, Regional Municipality of Niagara

References

Costello, Laurence R., Perry, Edward J. , Matheny, Nelda P., Henry, J. Michael, & Geisel, Pamela M. (2003) *Abiotic Disorders of Landscape Plants- A Diagnostic Guide* University of California Agriculture and Natural Resources, Davis, CA, USA

Dobson, M.C. (1995) *Tree Root Systems*. Arboricultural Advisory and Information Service, Farnham, Surrey

Dobson, M.C. and Moffat, A.J. (1993). *The potential for woodland establishment on landfill sites*. HmSo, London

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Helliwell, D.R and Fordham, S.J. (1992). *Tree roots and tree growth*. Reading Agricultural Consultants, Didcot, England

Perry, T.O. (1982). The ecology of tree roots and the practical significance thereof. *Journal of Arboriculture* **8**, 197-211

Perry, T.O. (1989). Tree roots: facts and fallacies. *Arnoldia* **49**, 1-21.

Pirone, P.P., J.R. Hartman, M.A. Sall, and T.P. Pirone (1988) *Tree Maintenance: Sixth Edition* . Oxford University Press

Sutton, R.F. (1991). *Soil properties and root development in forest trees: a review*. Ontario Information Report-413, Forestry Canada, Ontario Region, Canada.

Hoarding Pictures from: Pictures from:

<http://www.cinotech.com.hk/projects/sbf/Report/Landscape%20Plan/html/ch3.htm>

Matheny, Nelda & Clark, James R. (1998). *Trees and Development: A Technical Guide to Preservation of Trees During Land Development*. International Society of Arboriculture, Atlanta, GA, USA

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Vegetation Protection Plan for 189 Lockhart, St. Catharines



Seek App- is created by the iNaturalist Team. iNaturalist is a joint initiative of the California Academy of Sciences and the National Geographic Society. Seek was originally created with support from HHMI Tangled Bank Studios and enhanced support from Our Planet on Netflix and WWF.



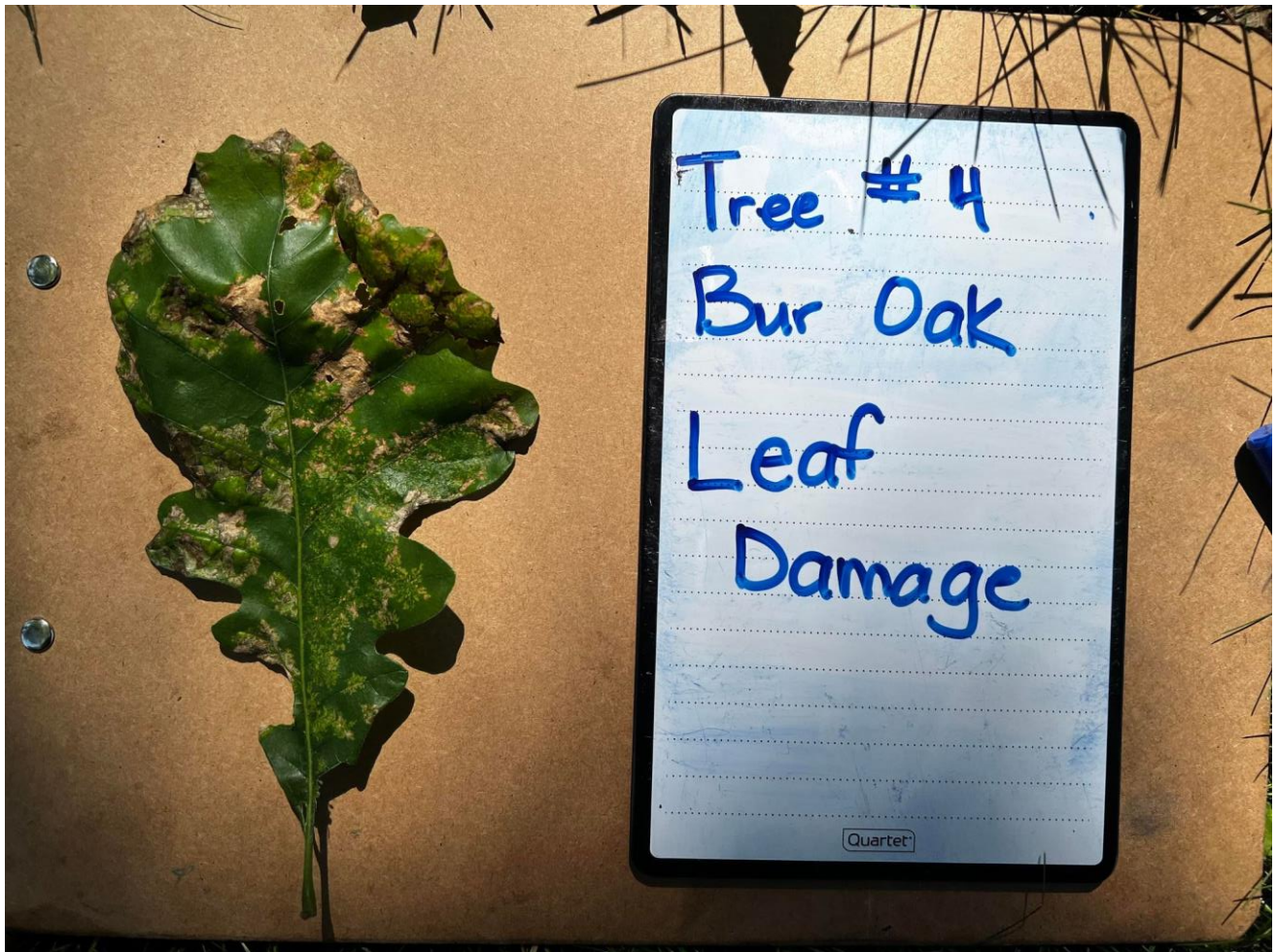
Tree #1- Left, Tree #2- Right

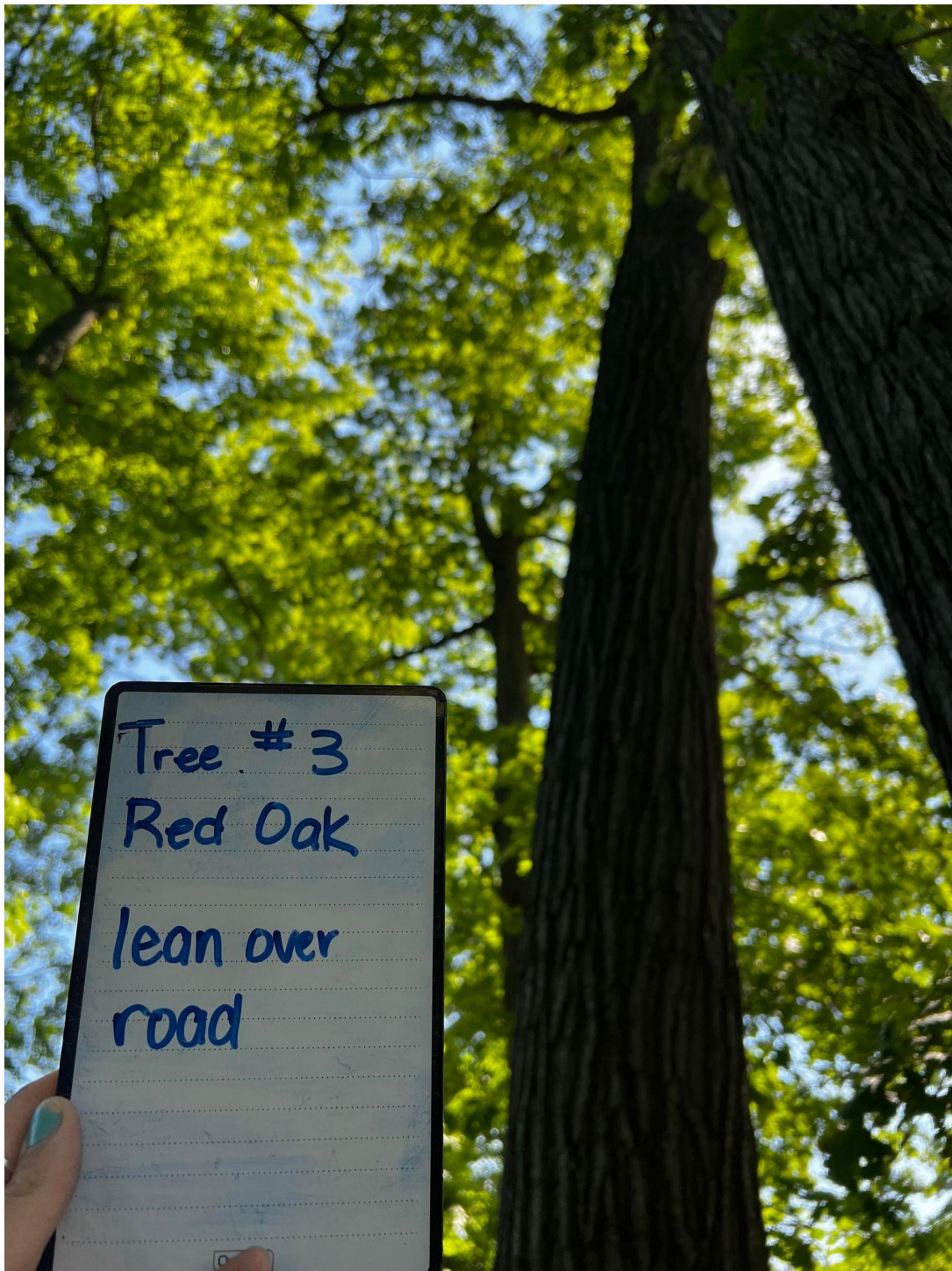




Over view of Trees in front of 189 Lockhart Road

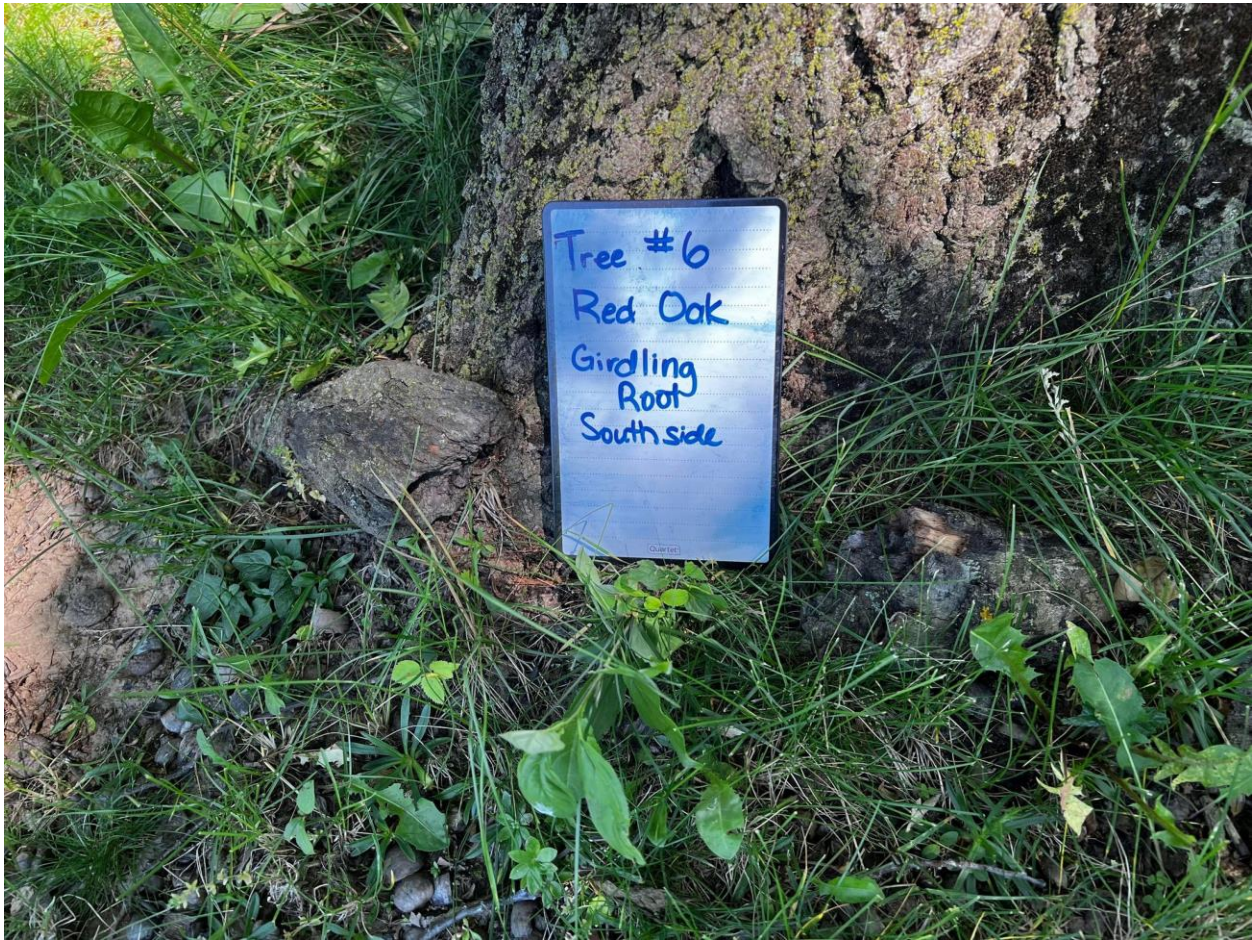


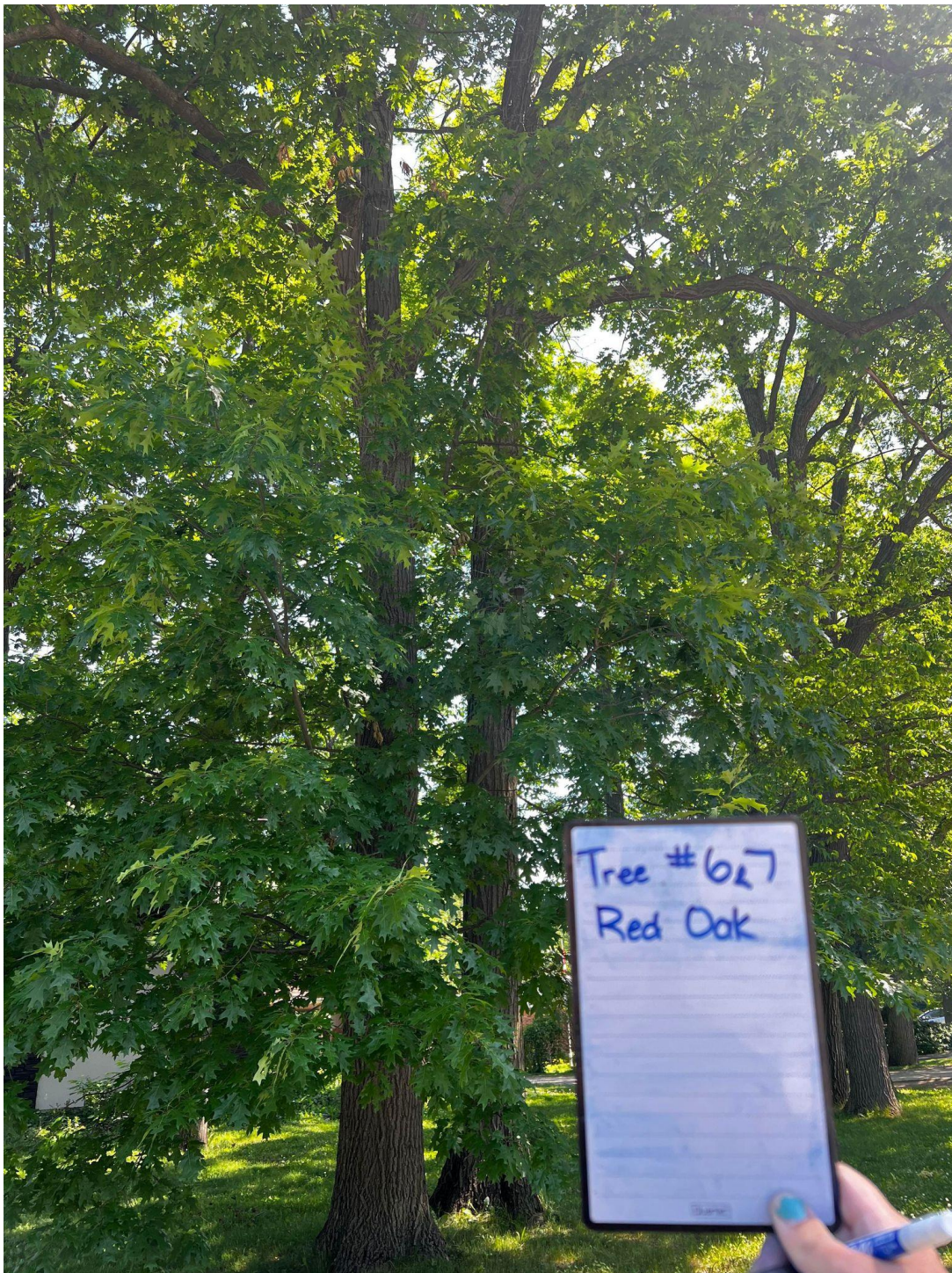














Tree #23- Sucker growth from Ash stump



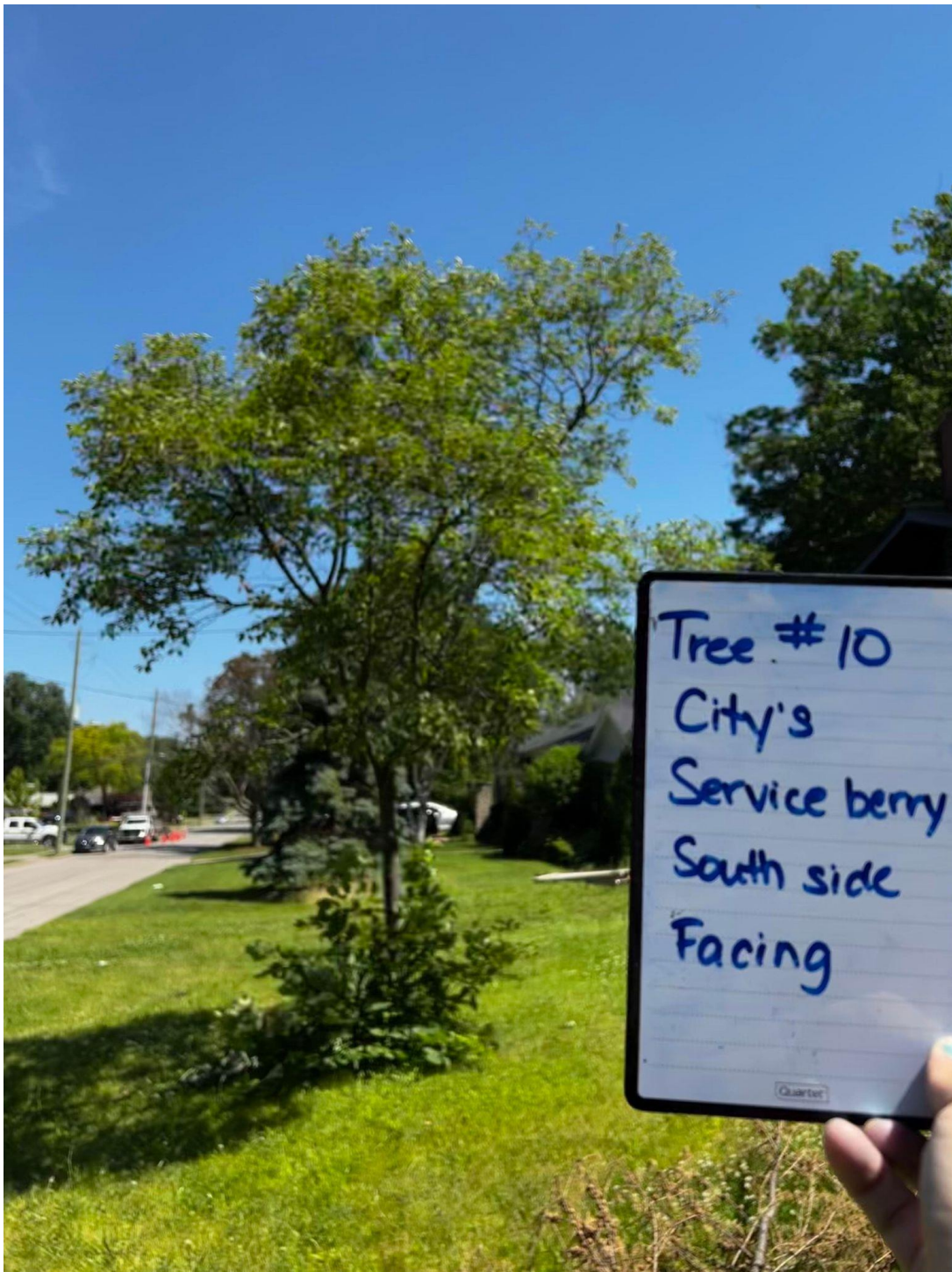
Tree #9, showing change in grade underneath main stalk, detail 1



Tree #9, Overview of cavities- circled in picture









Debris of tree removed that was identified in the site plan



Tree #12- 13 small cedars grouped together to make a hedge row



Overview of Tree 18- Right and Tree 14- Left



Tree #19



Trees 20-22, Dead wood of Tree #22 detailed in chart

Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Monday, December 5, 2022 1:09 PM
To: Nahachewsky, Jayne
Cc: Semple, Claire; Pusara, Jelena
Subject: RE: Circulation Packages for December 14th Hearing

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

Good afternoon Jayne,

Our office has no comments/objections on all applications listed below based on information provided.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts
55 John Street North, Hamilton, ON, L8R 3M8
t 905.798.2971
alectrautilities.com



*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>
Sent: Friday, November 25, 2022 3:55 PM
To: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>
Cc: Semple, Claire <csemple@stcatharines.ca>; Pusara, Jelena <jpusara@stcatharines.ca>
Subject: Circulation Packages for December 14th Hearing

NOT FROM ALECTRA! Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

The notices, applications and sketches for the December 14th hearing can be found at the links below.

Please forward your comments to me by **Tuesday, December 6th, 2022.**

12 – 14 Cherry St. St. Catharines

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=zAeFNvAZxITrf1c9B63FRQeQuAleQuAl>

59 Parker Street

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=5IA5H3sezPEy6zsSU0PnCKvYuQeQuAleQuAl>

4 Paxton Avenue

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=EhvKerQaTx2CopnZXkv13QeQuAleQuAl>

119 Welland Vale Road

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=peHz1KjAM3pFU5tSMi8uqgeQuAleQuAl>

Thank you,
Jayne Nahachewsky

Jayne Nahachewsky

Committee of Adjustment Secretary-Treasurer

Email: jnahachewsky@stcatharines.ca

Tel: 905.688.5601 x1715 TTY: 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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Memorandum

To: Jayne Nahachewsky,
Committee of Adjustment Secretary-Treasurer

From: Sean Ip, *Development Engineering Technologist*

CC: City Committee of Adjustment Staff Members

Date: November 28, 2022

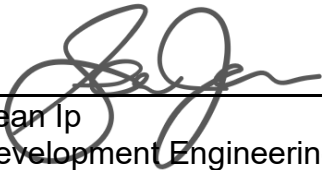
Hearing Date: December 14, 2022

Subject: **Committee of Adjustment - Minor Variance Applications**
59 Parker Street – A-137/22
14 Cherry Street – A-138 & A-139/22
119 Welland Vale Road – A-140/22
4 Paxton Avenue – A-142/22

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

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

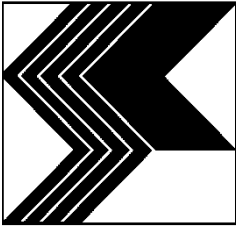
- All applicants must acknowledge that although minimum Zoning setbacks may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and storm water conveyance, so as not to cause negative effects on subject and adjacent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

Prepared by:



Sean Ip
Development Engineering Technologist

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



October 7, 2022

ENGINEERING FILE 300-36

Hearing Date: October 19, 2022

Applicant: Lockview Ventures Inc.

Location: 189 Lockhart Drive

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

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

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

Roads

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

Sidewalks

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

Engineering Services

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. The owner must retain at their cost, a qualified Engineer, or Ontario Land Surveyor to prepare a Master Lot Grading and Drainage plan for the proposed lot. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the consent. City staff will review the plan to ensure that the drainage scheme of the existing, and proposed future lots convey drainage to a suitable outlet(s), while at the same time not adversely affect abutting properties.

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

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

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

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



Prepared by:

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

MEMORANDUM

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

Cc: Wilrik Banda
Planning and Building Services

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

Date: October 7, 2022

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

B-56/22SC – 10 Canal Street

Comment:

- No comment

Condition:

- No comment

B-55/22SC – 189 Lockhart Drive

Comment:

- No comment

Condition:

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



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



Memorandum

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

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

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

Prepared by:



Sean Ip
Development Engineering Technologist

To: Jelena Pusara, Development Agreement Coordinator

Cc:

From: Steve Bittner, Transportation Technologist

Date: September 28, 2022

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

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

Steve Bittner
Transportation Technologist

From: [Doug Crown](#)
To: [Pusara, Jelena](#)
Cc: [Semple, Claire](#)
Subject: Re: Request for Comments - Committee of Adjustment - October 19th Hearing
Date: Tuesday, September 27, 2022 2:01:34 PM
Attachments: [image666938.png](#)
[image950297.png](#)
[image437428.png](#)
[image389396.png](#)
[image023910.png](#)

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Hi Jelena
Cogeco has no concerns with these applications

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

T 289-296-6266 Ext 8434 | C 905-401-9967

7170 Mcleod Rd
Niagara Falls Ont Canada

On Tue, Sep 27, 2022 at 1:24 PM Pusara, Jelena <jpusara@stcatharines.ca> wrote:

Good Afternoon,

Please see below the Notices of Hearing, Applications and sketches for the Committee of Adjustment Hearing scheduled for October 19th, 2022 @ 5pm.

If you have any comments, please forward them to us by **Tuesday, October 11th, 2022:**

1. **10 Canal Street, Consent, B-56/22SC – 22110990:**

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=tDVQFwq9XF9Wqt5IA5HuazpEpQeQuAleQuAl>

2. **54 Grantham Avenue South, Minor Variance, A-124/22 – 22110861:**

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=3J7Zhsayl7slhCTaN25IA5HToweQuAleQuAl>

3. **170 Highland Avenue, Minor Variance, A-127/22 – 22110894:**

<http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?>

[FileId=CnjMRE816urwWdRAOFLUjweQuAleQuAl](#)

4. **189 Lockhart Drive, Consent , B-55/22SC – 22110518:**

[http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?
FileId=2mdHBBIZ1BpkaLNNa8vyrAeQuAleQuAl](http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=2mdHBBIZ1BpkaLNNa8vyrAeQuAleQuAl)

5. **189 Lockhart Drive, Minor Variance, A-121/22 – 22110527:**

[http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?
FileId=v1bghWPIUsEKmjgokWV2XMsSweQuAleQuAl](http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=v1bghWPIUsEKmjgokWV2XMsSweQuAleQuAl)

6. **189A Lockhart Drive, Minor Variance, A-120/22 – 22110526:**

[http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?
FileId=6e2RrBylKWV9qoHLNbxCxweQuAleQuAl](http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=6e2RrBylKWV9qoHLNbxCxweQuAleQuAl)

7. **92A Louth Street, Minor Variance, A-126/22 – 22110880:**

[http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?
FileId=x5IA5HUhoYrLNG86OzECePwETQeQuAleQuAl](http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=x5IA5HUhoYrLNG86OzECePwETQeQuAleQuAl)

8. **180 Queenston Street, Minor Variance, A-125/22 – 22110874:**

[http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?
FileId=CylbnNyf89I85IA5HchwJ3FpmQeQuAleQuAl](http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=CylbnNyf89I85IA5HchwJ3FpmQeQuAleQuAl)

9. **20 Rainbow Drive, Minor Variance, A-122/22 – 22110692:**

[http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?
FileId=LAPIUsrEi03GH9AZLYWGHsVuAeQuAleQuAl](http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=LAPIUsrEi03GH9AZLYWGHsVuAeQuAleQuAl)

10. **239 St.Paul Street West, Minor Variance, A-130/22 – 22110998:**

[http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?
FileId=QWm2PIUsYKN6tQkv3EiVR9n5AeQuAleQuAl](http://dropbox.stcatharines.ca/dropbox/downloadfile.aspx?FileId=QWm2PIUsYKN6tQkv3EiVR9n5AeQuAleQuAl)

Jelena Pusara

Development agreement coordinator

Email: jpusara@stcatharines.ca

Tel: 905.688.5601 x 1708 TTY: 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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To: Jelena Pusara, Development Agreement Coordinator, PBS

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

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

Date: October 14, 2022

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

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

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

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

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

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

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

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

you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system.

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: November 30, 2022

Subject: Committee of Adjustment Comments (December 14, 2022, Hearing)

A-139/22 – 12/14 Cherry Street

There doesn't appear to be sufficient space for the proposed parking spaces once the road widening is applied. As such, neither site will have legal parking, unless the road widening can't put them out of compliance. If it doesn't satisfy the by-law, would a variance to reduce the parking from 1 space to 0 spaces be needed?

A-142/22 – 4 Paxton Avenue

As per our comments from preconsultation, the plan doesn't appear to adequately show the extent of the tree in the parking area. As such, there doesn't appear to be sufficient space to provide any parking that meets the Zoning By-law requirements. The distance from the fence to the property line is approximately 6.2 metres and it appears that the limit of the tree is greater than 1 metre away from the fence.

We have no concerns or requirements with the remaining applications.

Steve Bittner
Transportation Technologist

Nahachewsky, Jayne

From: Grabowski, David
Sent: Thursday, December 8, 2022 12:40 PM
To: Nahachewsky, Jayne
Cc: MacGregor, Tyler
Subject: RE: December 14, 2022 Hearing

Hi Jayne

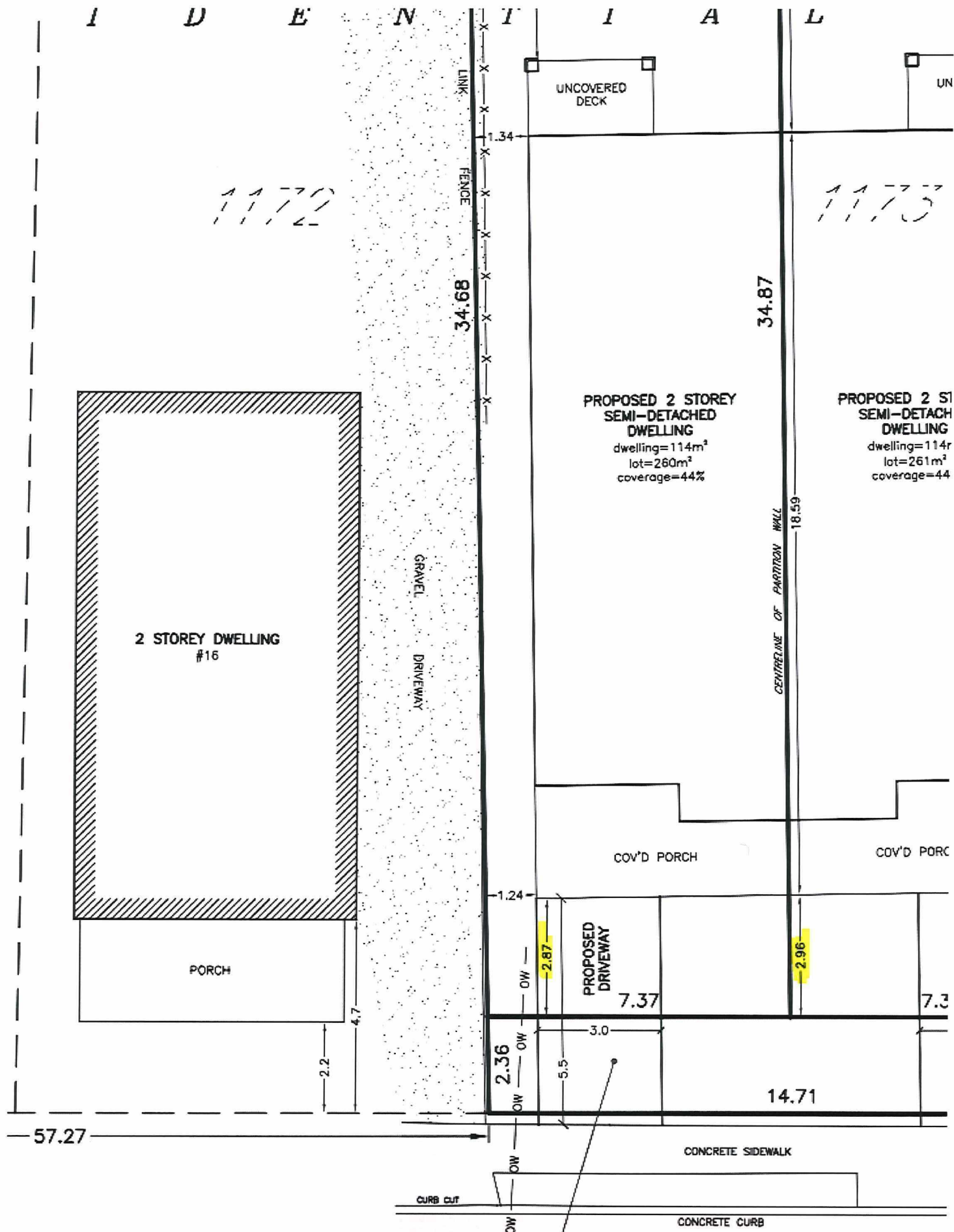
14 Cherry St – Due to the road widening, the proposed front porch shows a 2.87m setback from the front property line, where as 3m is required.

12 Cherry St – Due to the road widening, the proposed front porch shows a 2.96m setback from the front property line, where as 3m is required.

All other applications comply

Thanks

I D E N T I F I C A T I O N



From: dave faust

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

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

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

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

Good Afternoon,

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

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

1- Character and context of the neighbourhood:

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

2- Drainage/water management/soil shift:

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

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

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

4- Trees.

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

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

Thank you

October 14, 2022

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

Dear Ms. Josipovic,

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

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

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

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

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

These are the important factors in our decision:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours truly,

Eric and Linda Jones
191 Lockhart Drive

From: Shael Gwartz

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

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

Cc: Eric Jones , [Yuriy Pukhkalo](#)

Subject: Application for Severance, Variance - 189 Lockhart Drive

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Shael Gwartz
95 Marsdale Drive