

Committee of Adjustment

Agenda

Wednesday, February 01, 2023

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 inahachewsky@stcatharines.ca by January 31, 2023 before 3:00 p.m. Comments submitted will be considered as public information and entered into public record.

Members:

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

Staff Liaison:

Jayne Nahachewsky, Secretary-Treasurer
Brenda Stan, Planner
Natasha MacDonald, Planner
Madeleine Ferko, Planner
Evan Acs, Planner
Charlotte McEwan, Planner
Dasha Litviniuc, Planning Student
Jelena Pusara, Development Agreement Coordinator

-
1. **Call meeting to order (Chair)**
 2. **Recognition of Traditional Territories**
 3. **Additions / Deletions to the Agenda**
 4. **Motion to approve the agenda**
 5. **Motion to adopt the minutes of the previous meeting- December 14, 2022**

6. Declarations of Interest

7. Request for Withdrawal, Adjournment or Deferral

1. Item #8 539 Eastchester Avenue Minor Variance A-02/23 22 115405 MV

The Applicant has revised their proposal and the plans submitted do not reflect that revised proposal. The Applicant requests that Item#18 Application 539 Westchester Avenue A-20/23 – 22 115405 MV to be deferred to the next Committee of Adjustment Hearing.

8. Applications

1. 18 St. Louis Place, Minor Variance A-01/23 22 113891 MV
2. 174 Woodside Drive, Minor Variance A-05/23 22 114677 MV
3. 125 Westchester Crescent, Consent B-01/23SC 22 114323 LD,
Minor Variance A-03/23 22 114325, Minor Variance A-04/23 22 114326
(Consent and 2 Minor Variance Applications to be heard concurrently)
4. 77 Roehampton Avenue, Minor Variance A-09/23 22 115125 MV
5. 10A & 10B Smythe Street, Minor Variance A-/23 22 115127 MV &
Minor Variance A-12/23 22 115230MV
6. 1 Tracey Road, Consent B-02/23SC 22 115319 LD
7. **254 Oakdale Avenue, Consent B-03/23SC 22 115387 LD,
Consent B-04/23SC 22 115395 LD, Consent B-05/23SC 22 115397 LD,
Consent B-06/23SC 22 115402 LD, Minor Variance A-15/23 22 115390 MV,
Minor Variance A-16/23 22 115393 MV, Minor Variance A-17/23 22 115394
MV, Minor Variance A-18/23 22 115396 MV

(4 Consent and 4 Minor Variance Applications to be heard concurrently)

****** The report for 254 Oakdale was not available at publishing time. An amended Agenda will be uploaded on Monday, with the possibility that this application may be deferred to a later hearing.

9. Business New Business

10. Date of next meeting

Wednesday March 1, 2023 at 5.00 pm

11. Motion to Adjourn

**Amanda No. 22 113891 MV
Submission No. A-01/23**

COMMITTEE OF ADJUSTMENT

COMMENTS

18 ST. LOUIS PLACE

DATE OF HEARING:

FEBRUARY 1, 2023



Technical Report

From: Planning and Building Services, Planning Services

Date of Report: January 24th, 2022

Date of Meeting: February 1st, 2022

Report Number: A-01/23

File: 22 113891 MV

Subject Lands: 18 St. Louis Place

Recommendation

That Application **A-01/23**, submitted by **Brandon Kearney** and **Sarah Baird Kearney** as outlined in the notice of hearing, be approved.

Report

The Proposal

Minor Variance Application **A-01/23** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, to accommodate a proposed above ground pool. One (1) variance is required to facilitate the proposal and is outlined below.

Variance	Provision	Required	Proposed
1	Maximum lot coverage for an accessory building or structure	10%	14%

Location and Site Description

The subject lands are located on the north end of St. Louis Place, north of Croydon Drive and generally east of Arthur Street. The neighbourhood is primarily low-density residential consisting of detached dwellings.

The subject lands are currently occupied by a single storey detached dwelling and a detached garage.

Circulation of Application

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

Development Engineering notes that the Applicants must acknowledge that although minimum setbacks required by the Zoning By-law may be reduced through Minor Variances, existing and additional widths greater than the minimum may be required to accommodate and maintain access and to permit storm water conveyance, so as not to

cause negative effects on the subject lands and adjacent properties. The Applicants are 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.

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 further designated 'Low Density Residential' on Schedule E2. This designation permits buildings and structure accessory to a detached dwelling.

Zoning By-Law (2013-283)

The subject lands are zoned Low Density Residential – Suburban Neighbourhood (R1). Buildings or structures are permitted accessory to detached dwellings subject to provisions of Section 2.1. of the Zoning By-law. An above-ground pool is considered an accessory structure in the By-law.

Planning Analysis

The Applicants are requesting an increase to the maximum lot coverage for an accessory building or structure from 10% to 14% to accommodate a new above-ground pool. The subject lands are currently occupied by two other accessory structures, including a newly constructed detached garage, and shed which covers approximately 78.82 m² in total, and approximately 9.8% lot coverage. Approval of the variance would permit the 31.22 m² for the above-ground pool to be added to the total lot coverage for accessory structures on the lot, to 14%. The requested increase is considered minor in nature.

The proposed above-ground pool will be located in the rear yard of the property and meets all required setbacks. The existing accessory buildings are also located in the rear yard and meet required setbacks. There is adequate fencing around the perimeter of the property to provide screening for neighbouring dwellings from the proposed above-ground pool. Therefore, staff find that the increase in accessory structure lot coverage is considered desirable for the appropriate use of the subject lands.

The intent of the maximum 10% accessory structure coverage provision is, in part, to ensure there is sufficient space on a property to permit proper stormwater drainage. The accessory coverage limit also ensures a property is not overcrowded with building and structural massing and ensures there that sufficient space exists for landscaping. The requested increase to 14% is mitigated by a few factors. Regarding drainage, the proposed above-ground pool is likely to have little to no impact as precipitation would be collected in the pool and not contribute to increased overland flows. There is still sufficient space in the rear yard for landscaping around the proposed and existing structures. The total lot coverage for all buildings and structures including accessory structures will only be approximately 29.3% once the proposed above-ground pool is constructed. Staff consider the intent of the Official Plan and Zoning By-law to be upheld.

City staff have not indicated any concerns about drainage or landscaping save and except that Development Engineering staff made note that a Grading Plan may be required at the building permit stage. 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-01/23** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of the Application.

Prepared by:



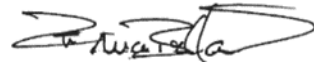
Dasha Litviniuc
Student Planner

Submitted by:

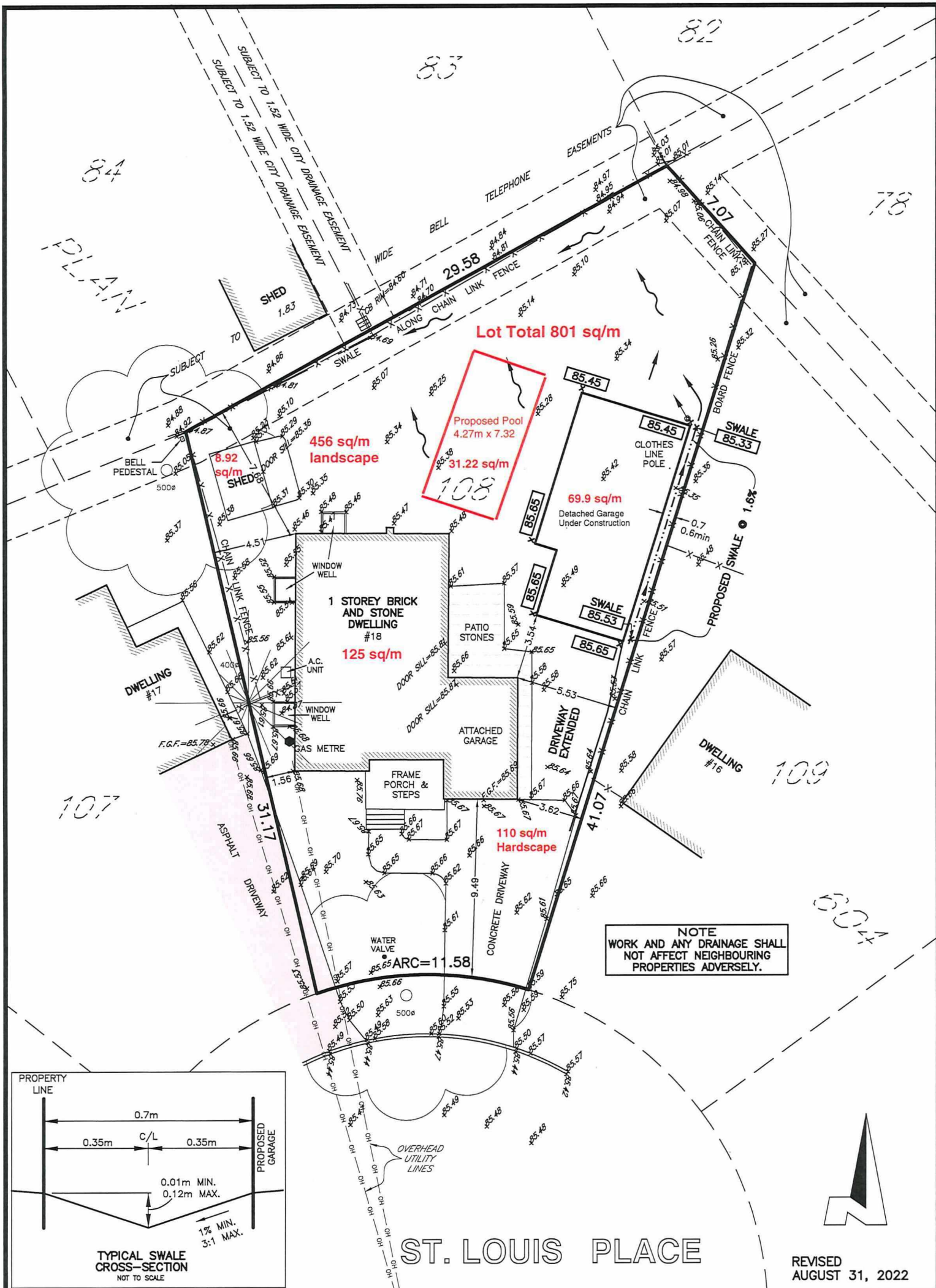


Madeleine Ferko, B.E.S.
Planner

Approved by:



Bruce Bellows
Senior Project Manager



SKETCH SHOWING PROPOSED GRADES
LOT 108, PLAN 604
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 250 (METRIC)

BENCHMARK:
ELEVATIONS HEREON ARE GEODETIC AND WERE DERIVED FROM THE TOPNET RTK NETWORK, NAD83 CSRS, VERSION 3, EPOC 2010.

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY. DO NOT SCALE FROM THIS DRAWING. ALL MEASUREMENTS ARE +/- MEASUREMENTS.

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PROPOSED GRADING

I HEREBY CERTIFY THAT THE PROPOSED GRADING SHOWN CONFORMS WITH SOUND ENGINEERING DESIGN AND THAT THE PROPOSED GRADING IS IN CONFORMITY WITH THE ADJACENT LANDS.

NAME: DONALD G. CHAMBERS, B.Sc., O.L.S.

FIRM: CHAMBERS AND ASSOCIATES SURVEYING LTD.

SIGNATURE: *Donald G. Chambers*

DATE: JULY 6, 2022

ACCEPTED BY TOWN: _____

LEGEND

173.75	•	PROPOSED ELEVATION
173.75	•	EXISTING GROUND ELEVATION
(173.90)	•	FINISHED ELEVATION
•	•	DRAINAGE DIRECTION
F.F.	•	FINISHED FLOOR ELEVATION
F.G.F.	•	FINISHED GARAGE FLOOR ELEVATION
FND.	•	TOP OF FOUNDATION ELEVATION
FTG.	•	TOP OF FOOTING ELEVATION
•	•	DOWNSPOUT & DIRECTION

AS CONSTRUCTED GRADING

I HEREBY CERTIFY THAT I HAVE TAKEN THE FINISHED GRADES SHOWN WITH RESPECT TO THIS LOT AND THAT THEY GENERALLY CONFORM TO THE APPROVED GRADING PLAN.

NAME: _____

FIRM: _____

SIGNATURE: _____

DATE: _____

ACCEPTED BY TOWN: _____

DATE: _____

CHAMBERS AND ASSOCIATES
SURVEYING LTD

12 THOROLD ROAD EAST
WELLAND ONTARIO
L3C 3T2

(905) 735-7841 / 735-7844
FAX (905) 735-7333
www.casl-surveying.com

DWG 12030-1_GP

FILE 12-30-1

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: January 17, 2023

Subject: Committee of Adjustment Comments (February 1, 2023, Hearing)

We have no concerns or requirements.

Steve Bittner
Transportation Technologist



Memorandum

To: Jayne Nahachewsky,
Committee of Adjustment Secretary-Treasurer

From: Sean Ip, *Development Engineering Technologist*

CC: City Committee of Adjustment Staff Members

Date: January 20, 2023

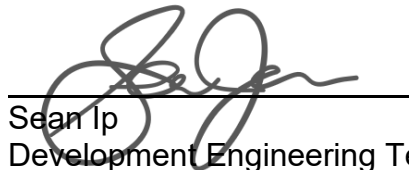
Hearing Date: February 1, 2023

Subject: **Committee of Adjustment - Minor Variance Applications**
18 St. Louis Street – A-01/23
125 Westchester Crescent – A-03&04/23
174 Woodside Drive – A-05/23
77 Roehampton Avenue – A-09/23
10 A & 10B Smythe Street – A-11&12/23
254 Oakdale Avenue – A-15,16,17,&18/23
539 Eastchester Avenue East – A-20/23

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, PBS

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

Date: January 20, 2023

Subject: Committee of Adjustment Applications – February 1, 2023 Hearing

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

18 St. Louis Place, Minor Variance, A-01/23, 22 113891 MV

No objection.

174 Woodside Drive, Minor Variance, A-15/23, 22 114677 MV

No objection.

125 Westchester Crescent, Consent, B-01/23SC, 22 114323 LD

125 Westchester Crescent, Minor Variance, A-03/23, 22 114325 MV

125 Westchester Crescent, Minor Variance, A-04/23, 22 114326 MV

Comments provided under separate cover.

77 Roehampton Avenue, Minor Variance A-09/23, 22 115125 MV

No objection.

10A Smythe Street, Minor Variance A-11/23, 22 115227 MV

No objection.

10B Smythe Street, Minor Variance A-12/23, 22 115230 MV

No objection.

1 Tracey Road, Minor Variance, B-02/23SC, 22 115319 LD

No objection. Standard conditions for tree planting and parkland dedication were addressed by the applicant through the previous application for consent.

254 Oakdale Avenue, Consent, B-03/23SC, 22 115387 LD

254 Oakdale Avenue, Consent, B-04/23SC, 22 115395 LD

254 Oakdale Avenue, Consent, B-05/23SC, 22 115397 LD

254 Oakdale Avenue, Consent, B-06/23SC, 22 115402 LD

254 Oakdale Avenue, Minor Variance, A-15/23, 22 115390 MV

254 Oakdale Avenue, Minor Variance, A-16/23, 22 115393 MV

254 Oakdale Avenue, Minor Variance, A-17/23, 22 115394 MV

254 Oakdale Avenue, Minor Variance, A-18/23, 22 115396 MV

Comments to be provided under separate cover.

539 Eastchester Avenue, Minor Variance, A-
No objection.

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

Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Tuesday, January 17, 2023 11:13 AM
To: Nahachewsky, Jayne
Cc: Risi, Rosa
Subject: COA - Response - 254 Oakdale Ave
Attachments: SCH_CLR2023-016.pdf

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 morning Jayne,

Response letter attached for 254 Oakdale Ave. Please keep electronic copy for your files as the original will not be mailed.

Our office has no comment/objections to the remaining applications.

Best 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: Monday, January 16, 2023 10:49 AM
To: 'rowcenter@bell.ca'; 'municipalnotices@enbridge.com'; 'Rogers' <newdevelopment@rci.rogers.com>; 'samantha.burke@alectrautilities.com'; Mark Jakubowski <mark.jakubowski@alectrautilities.com>; 'Cogeco' <doug.crown@cogeco.com>; Teran Lennard <tlennard@npca.ca>; Vasko, Dennis <dvasko@stcatharines.ca>; 'landuseplanning@hydroone.com'; 'Busnello, Pat' <pat.busnello@niagararegion.ca>; 'Morreale, Diana' <Diana.Morreale@niagararegion.ca>
Cc: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>
Subject: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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Good Morning;

City of St. Catharines Confidentiality Notice

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Nahachewsky, Jayne

From: Doug Crown
Sent: Tuesday, January 17, 2023 1:45 PM
To: Nahachewsky, Jayne
Subject: Re: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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.

Hi Jayne
Cogeco has no concerns with these applications.

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

On Mon, Jan 16, 2023 at 10:48 AM Nahachewsky wrote:

Good Morning;

Hope you are well.

Please find the links for each application that includes the Notice of Hearing, application, justification reports and sketches scheduled for the Wednesday, February 1st, 2023 Hearing @ 5pm below. If you have any comments, please forward them to us by Monday January 23, 2023.

18 St. Louis Place

174 Woodside Drive

**Amanda No. 22 114677 MV
Submission No. A-05/23**

COMMITTEE OF ADJUSTMENT COMMENTS

174 Woodside Drive

DATE OF HEARING:

FEBRUARY 1, 2023



Technical Report

From: Planning and Building Services, Planning Services

Date of Report: January 24th, 2022

Date of Meeting: February 1st, 2022

Report Number: A-05/23

File: 22 114677 MV

Subject Lands: 174 Woodside Drive

Recommendation

That Application **A-05/23**, submitted by **Angus-John McNevin** and **Sandra Delazzer** as outlined in the notice of hearing, be approved.

Report

The Proposal

Application A-05/23 is made for permission to extend the existing platform structure as a non-conforming use to permit a 0.41 metre increase in height.

Location and Site Description

The subject lands are located on the south side of Woodside Drive, east of West Hampton Road. The neighbourhood is primarily low-density residential consisting of detached dwellings. The Niagara Escarpment lies to the south. The subject property is presently occupied by a detached dwelling and platform structures.

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 front portion of the land, containing the existing dwelling, is designated 'Neighbourhood Residential' on Schedule D1 of the Garden City Plan (GCP) and further designated 'Low Density Residential' on Schedule E8. The 'Low Density Residential' designation permits a range of low-density housing types, including detached dwellings and platform structures, at a density generally ranging between 20 to 32 units per hectare. The rear of the property, which contains the platform structure in question, is designated 'Natural Areas' on Schedule D1 of the Garden City Plan ("GCP") and further designated

Technical Report

'Natural Areas' on Schedule E8. The "Natural Areas" designation permits parkland and open space, and natural area.

Zoning By-Law (2013-283)

The front portion of the subject lands are zoned Low Density Residential – Suburban Neighbourhood (R1) and the rear portion is zoned Conservation/ Natural Area (G1). The deck is located within the G1 zone. Platform structures such as decks, porches, balconies, and patios are not permitted in the G1 zone.

Planning Analysis

The purpose of this application is to request permission to increase the height of the existing freestanding platform structure within the G1 zone. The G1 zone does not permit the construction of platform structures.

Section 45(2)(a)(i) grants the Committee of Adjustment authority to permit the enlargement or extension of a building or structure that existed prior to the passing of the current by-law, provided that the structures use has continued to the date of this application. Staff are satisfied based on survey and aerial photo information that the platform structure has been in place since the 1980s. Based on the zoning applicable at the time, the structure would have been permitted at that time, subject to a 0.6 metre (2 foot) setback from the neighbouring property to the west. It is understood by staff that unlawful extensions may have been made to the structure to the east and to the west in past years, and 0.41 metres of height have been added in order to repair the older deck. The owner has recently confirmed that the extensions of the deck to the east and west have been removed and that the 0.6 metre setback of the original permitted deck is maintained. The owner is not proposing to put these extensions back in place and is requesting the enlargement of the structure in height only. Through this application the Committee is asked to consider approval of a 0.41 metre height increase to the deck.

Consistent with the Planning Act, Section 16.12.4 of the GCP states that in special circumstances it may be appropriate to consider the enlargement of existing non-conforming uses provided that:

- a) *the expansion or enlargement will not jeopardize the possibility of future development/redevelopment in their vicinity that may comply more closely with the intent of this Plan.*

The G1 zone does not permit development, and the continued existence of the deck, with the height increase, will not jeopardize any future potential development in its vicinity.



CITY OF
ST. CATHARINES

Technical Report

- b) *special efforts are made to enhance the compatibility of the uses and to improve the amenity and design, more particularly buffering, landscaping, parking, and active transportation and vehicular circulation.*

The deck is not moving any closer to the property lines, and in fact has been reduced in size. A platform structure is considered generally compatible with the residential uses on neighbouring properties, as platform structures are generally permitted in residential areas, and there is no impact on the surrounding natural area as a result of the height increase, so there is no need for any additional buffering nor enhancements in the vicinity of the deck. This policy is satisfied.

- c) *the expansion or enlargement is directed to areas outside natural heritage and natural hazard lands.*

In this case, though the deck is within a natural area, the proposed enlargement is strictly related to the height of the platform. There is no extension into the surrounding natural area. The added platform height facilitates the repair and updating of the deck without greater impacts on the underlying natural features.

Staff find that the requested enlargement of the non-conforming use meets the general intent of the Official Plan. The enlargement is sensitive to the surrounding natural features, and the owner has confirmed the footprint of the deck does not exceed that which was permitted when it was initially constructed. Staff recommend the requested enlargement be approved.

Conclusion

Having regard for the matters under Section 45(2)(a)(i) of *The Planning Act*, staff are of the opinion that Application **A-05/23** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and are desirable for the appropriate development of the lands. Staff recommend approval of the Application.

Prepared by:

A blue ink signature of Dasha Litviniuc.

Dasha Litviniuc
Student Planner

Submitted by:

A blue ink signature of Charlotte McEwan.

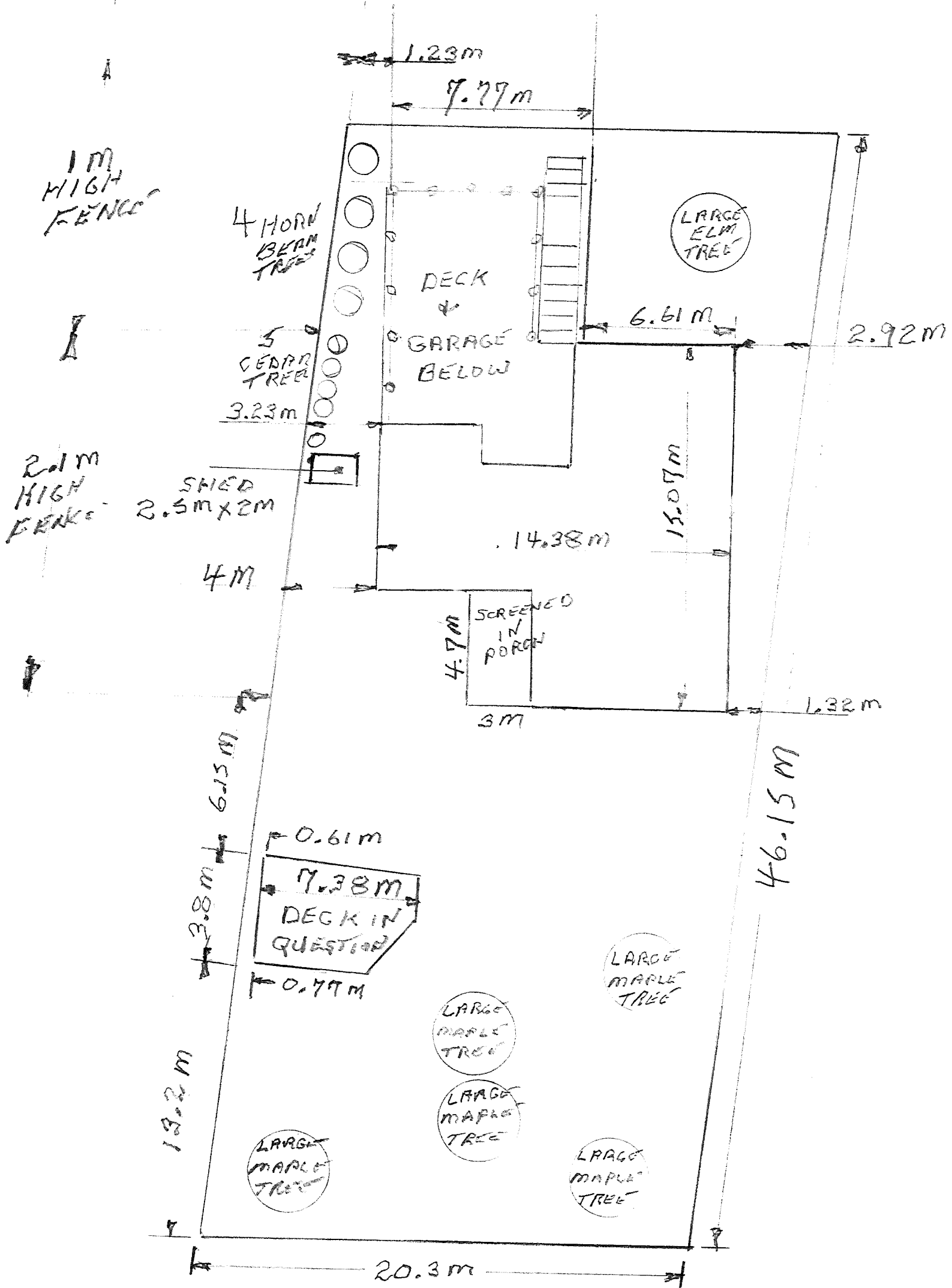
Charlotte McEwan, MCIP, RPP
Planner I

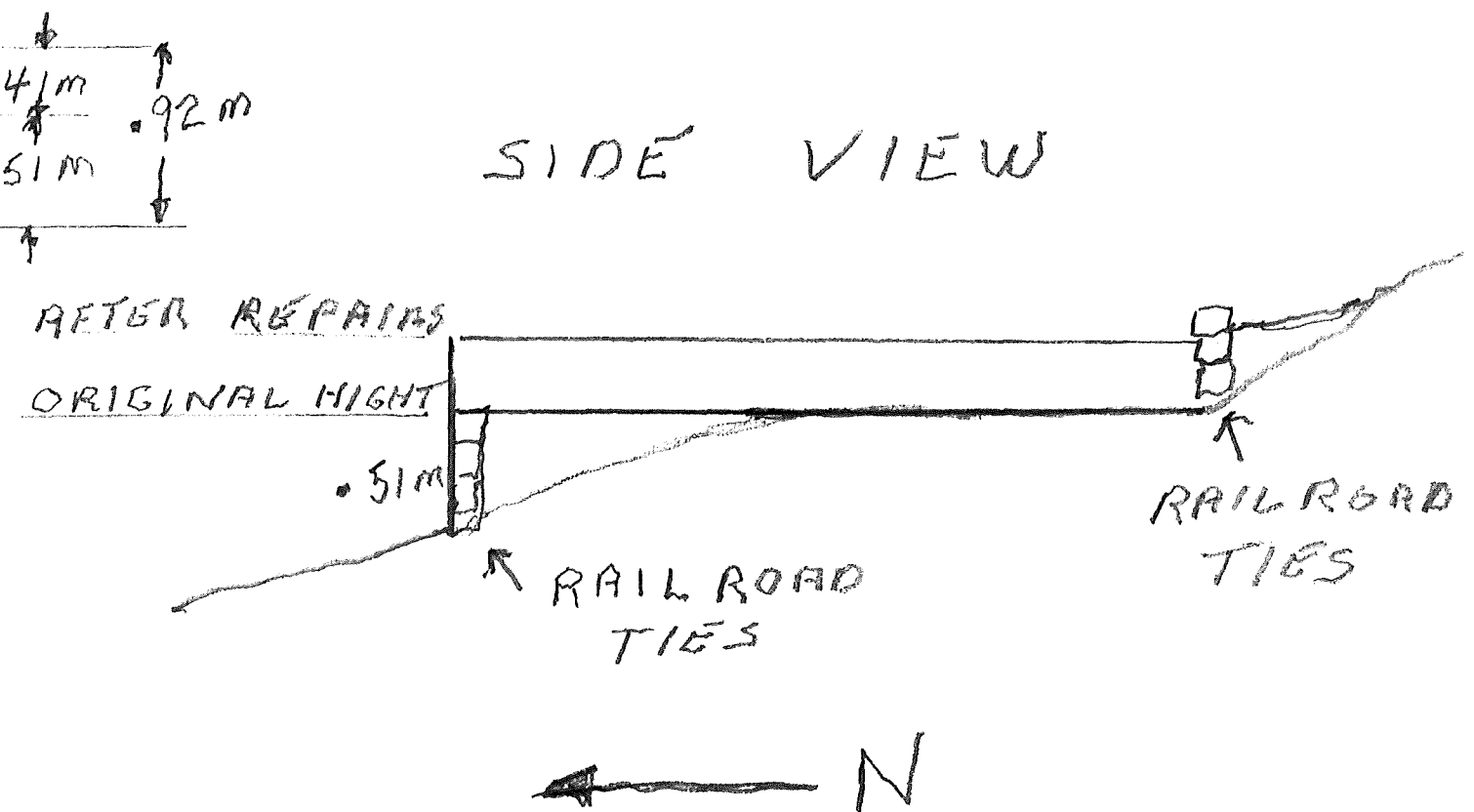
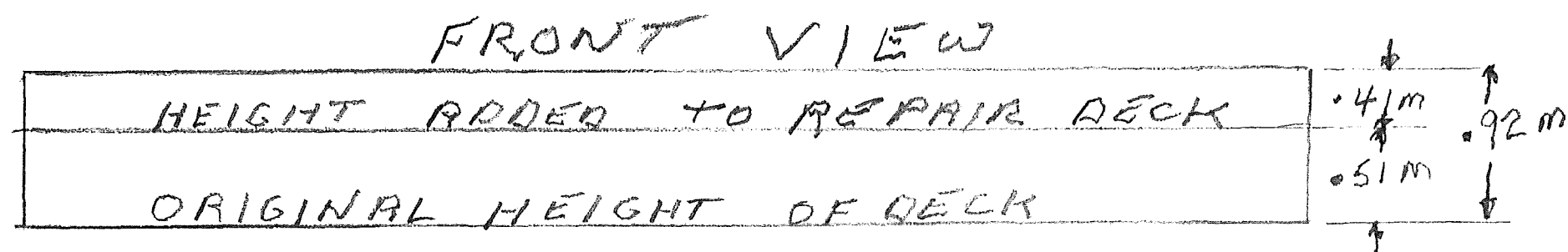
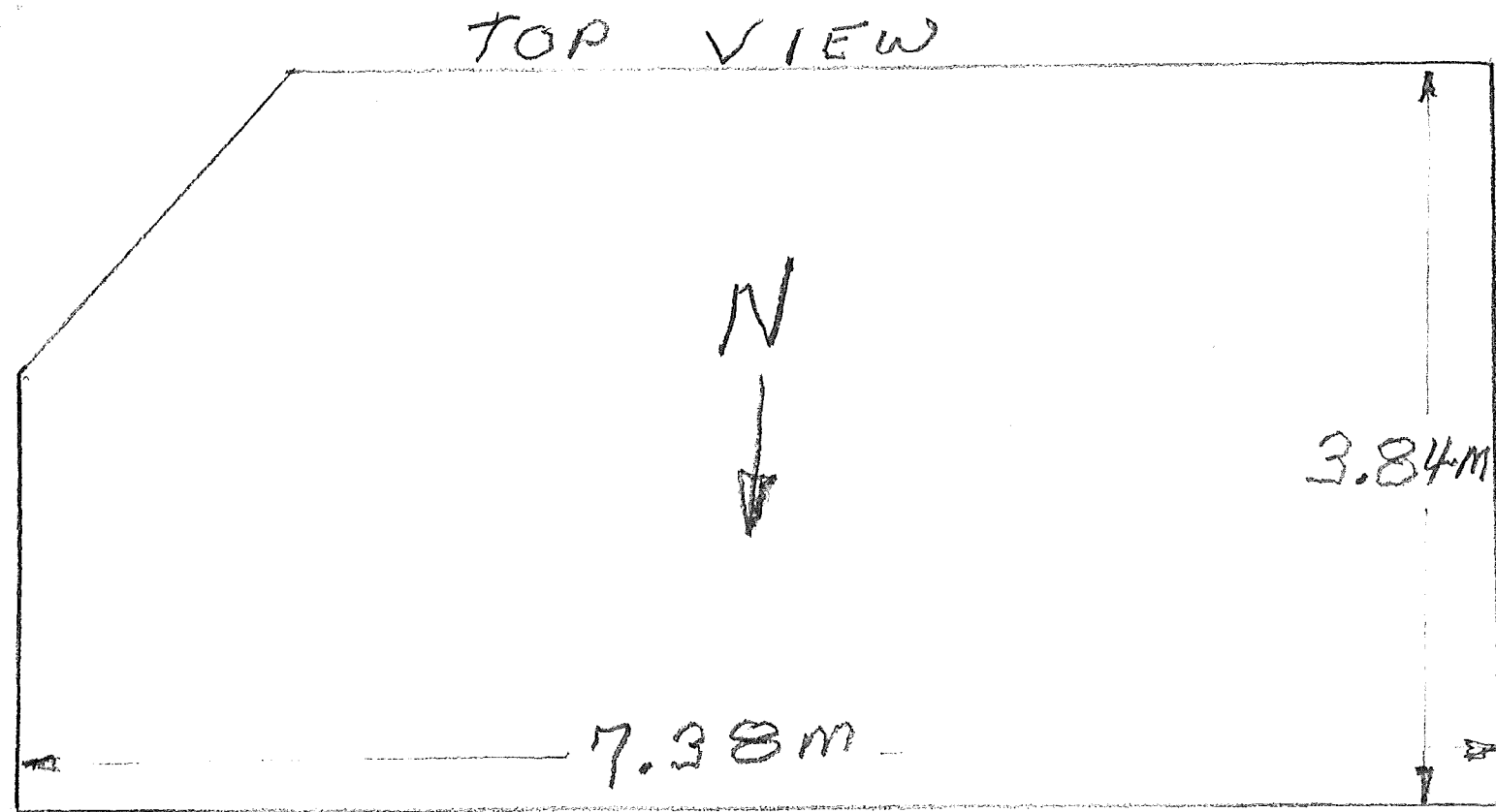
Approved by:

A black ink signature of Bruce Bellows.

Bruce Bellows
Senior Project Manager

WOODSIDE DRIVE





BUILDING LOCATION SURVEY OF
 LOT 54, & PART OF LOT 55, REGISTERED PLAN N° 272
 FORMERLY TOWNSHIP OF GRANTHAM, COUNTY OF LINCOLN
 NOW CITY OF ST. CATHARINES
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE: 1 IN. = 20 FT
 RICHARD LAROCQUE O.L.S.
 1985

21 S 18

70.0' plan B set

WOODSIDE

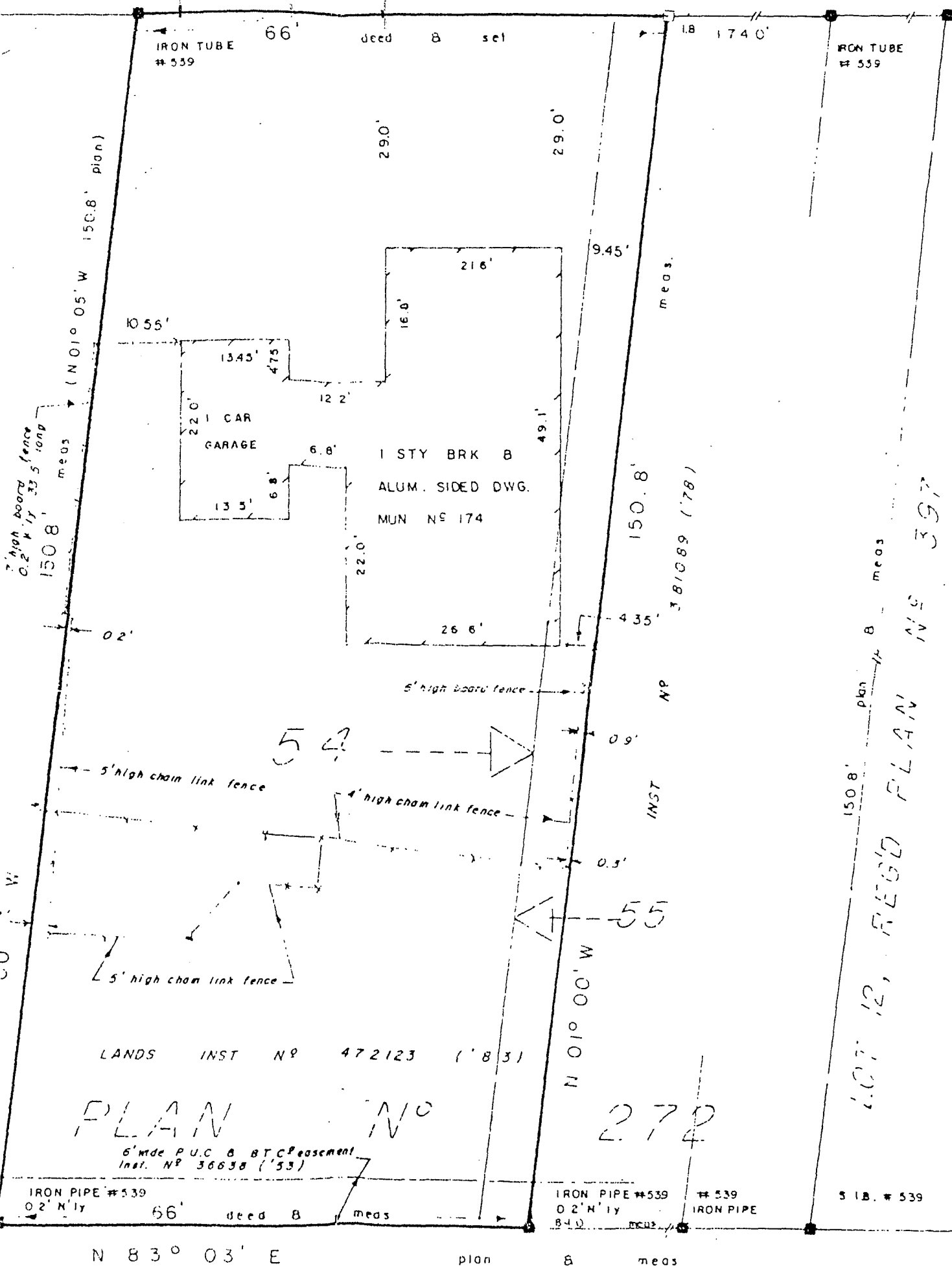
N 83° 03' E

DRIVE

REFERENCE

BEARING

539
IRON PIPE



53

54

55

REG'D

PLAN

N°

272

LOT 15,

CON

10

PART 2,

30 R -

3709

BEARING NOTE

BEARINGS ARE ASSUMED ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF WOODSIDE DRIVE, AS SHOWN ON REG'D PLAN N° 272, HAVING A BEARING OF N 83° 03' E.

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

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 23RD DAY OF DEC 1985

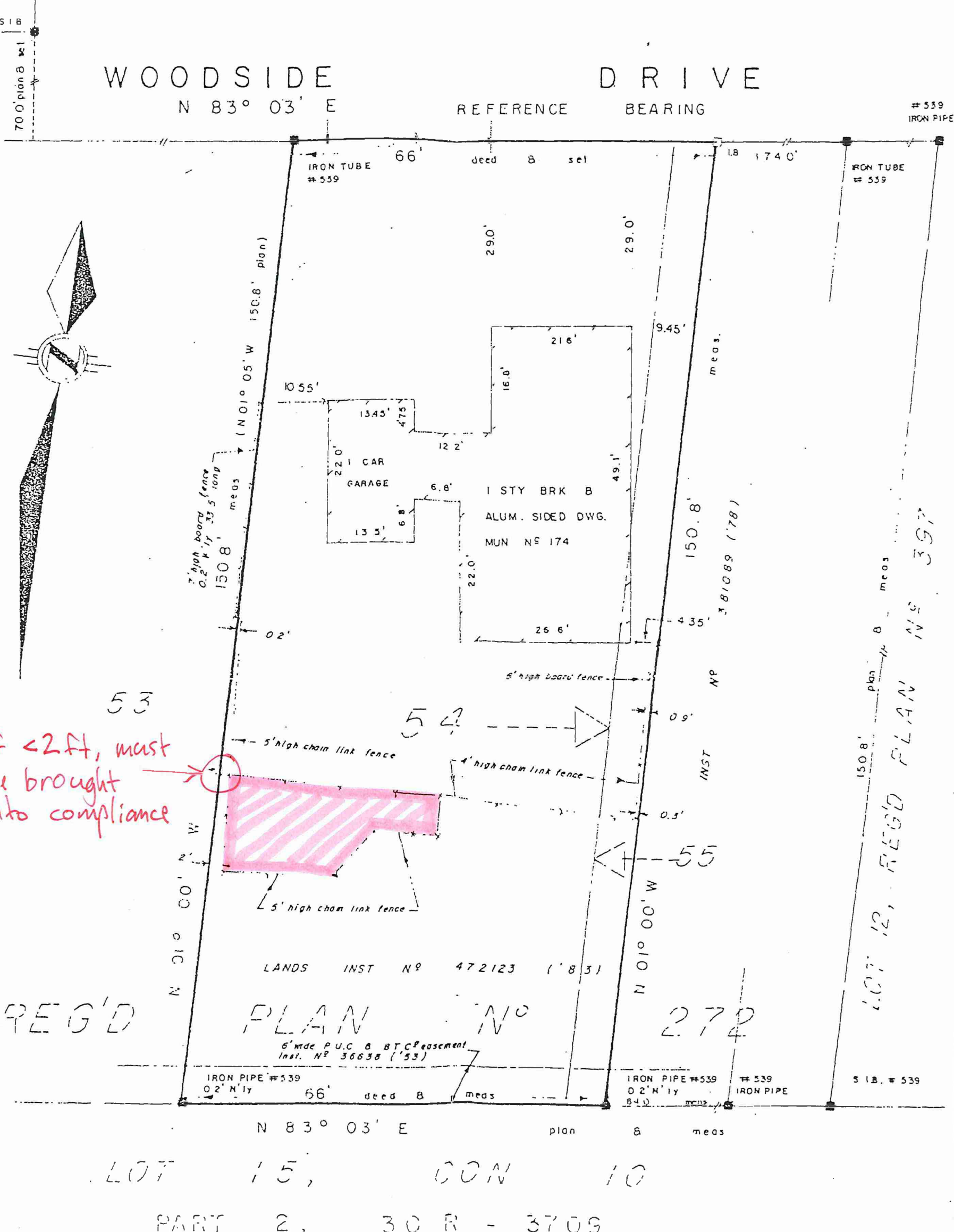
Richard Larocque
 RICHARD LAROCQUE O.L.S.

I CERTIFY THAT:

THIS IS A BUILDING LOCATION SURVEY

- DENOTES Survey Monument Found.
- DENOTES Survey Monument Planted in the course of this Survey.
- S.I.B. DENOTES a Standard Iron Bar.
- I.B. DENOTES an Iron Bar.
- deed DENOTES Inst. N° 472123 ('83)

BUILDING LOCATION SURVEY OF
 LOT 54, & PART OF LOT 55, REGISTERED PLAN N^o 272
 FORMERLY TOWNSHIP OF GRANTHAM, COUNTY OF LINCOLN
 NOW CITY OF ST. CATHARINES
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE: 1 IN. = 20 FT
 RICHARD LAROCQUE O.L.S.
 1985



BEARING NOTE

BEARINGS ARE ASSUMED ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF WOODSIDE DRIVE, AS SHOWN ON REG'D PLAN N^o 272, HAVING A BEARING OF $N 83^{\circ} 03' E$.

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

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 23rd DAY OF DEC. 1985

Richard Larocque
 RICHARD LAROCQUE, O.L.S.

I CERTIFY THAT:

THIS IS A BUILDING LOCATION SURVEY

- DENOTES Survey Monument Found.
- - - - - DENOTES Survey Monument Planted in the course of this Survey.
- S.I.B. DENOTES a Standard Iron Bar.
- I.B. DENOTES an Iron Bar.
- deed DENOTES Inst. N^o 472123 ('83)

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer, PBS
From: Amanda Knutson, Community Project & Development Planner, CRCS
Date: January 20, 2023
Subject: Committee of Adjustment Applications – February 1, 2023 Hearing

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

18 St. Louis Place, Minor Variance, A-01/23, 22 113891 MV
No objection.

174 Woodside Drive, Minor Variance, A-15/23, 22 114677 MV
No objection.

125 Westchester Crescent, Consent, B-01/23SC, 22 114323 LD
125 Westchester Crescent, Minor Variance, A-03/23, 22 114325 MV
125 Westchester Crescent, Minor Variance, A-04/23, 22 114326 MV
Comments provided under separate cover.

77 Roehampton Avenue, Minor Variance A-09/23, 22 115125 MV
No objection.

10A Smythe Street, Minor Variance A-11/23, 22 115227 MV
No objection.

10B Smythe Street, Minor Variance A-12/23, 22 115230 MV
No objection.

1 Tracey Road, Minor Variance, B-02/23SC, 22 115319 LD
No objection. Standard conditions for tree planting and parkland dedication were addressed by the applicant through the previous application for consent.

254 Oakdale Avenue, Consent, B-03/23SC, 22 115387 LD
254 Oakdale Avenue, Consent, B-04/23SC, 22 115395 LD
254 Oakdale Avenue, Consent, B-05/23SC, 22 115397 LD
254 Oakdale Avenue, Consent, B-06/23SC, 22 115402 LD
254 Oakdale Avenue, Minor Variance, A-15/23, 22 115390 MV
254 Oakdale Avenue, Minor Variance, A-16/23, 22 115393 MV
254 Oakdale Avenue, Minor Variance, A-17/23, 22 115394 MV
254 Oakdale Avenue, Minor Variance, A-18/23, 22 115396 MV
Comments to be provided under separate cover.

539 Eastchester Avenue, Minor Variance, A-
No objection.

Amanda Knutson
Community Project & Development Planner
Community, Recreation & 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: January 20, 2023

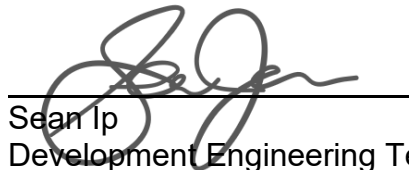
Hearing Date: February 1, 2023

Subject: **Committee of Adjustment - Minor Variance Applications**
18 St. Louis Street – A-01/23
125 Westchester Crescent – A-03&04/23
174 Woodside Drive – A-05/23
77 Roehampton Avenue – A-09/23
10 A & 10B Smythe Street – A-11&12/23
254 Oakdale Avenue – A-15,16,17,&18/23
539 Eastchester Avenue East – A-20/23

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: January 17, 2023

Subject: Committee of Adjustment Comments (February 1, 2023, Hearing)

We have no concerns or requirements.

Steve Bittner
Transportation Technologist

Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Tuesday, January 17, 2023 11:13 AM
To: Nahachewsky, Jayne
Cc: Risi, Rosa
Subject: COA - Response - 254 Oakdale Ave
Attachments: SCH_CLR2023-016.pdf

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 morning Jayne,

Response letter attached for 254 Oakdale Ave. Please keep electronic copy for your files as the original will not be mailed.

Our office has no comment/objections to the remaining applications.

Best 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: Monday, January 16, 2023 10:49 AM

Subject: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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

Good Morning;

Nahachewsky, Jayne

From: Doug Crown
Sent: Tuesday, January 17, 2023 1:45 PM
To: Nahachewsky, Jayne
Subject: Re: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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.

Hi Jayne
Cogeco has no concerns with these applications.

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

On Mon, Jan 16, 2023 at 10:48 AM Nahachewsky wrote:

Good Morning;

Hope you are well.

Please find the links for each application that includes the Notice of Hearing, application, justification reports and sketches scheduled for the Wednesday, February 1st, 2023 Hearing @ 5pm below. If you have any comments, please forward them to us by Monday January 23, 2023.

18 St. Louis Place

174 Woodside Drive

From: [Jill Pratt](#)
To: [Nahachewsky, Jayne](#)
Subject: Notice of hearing...
Date: Friday, January 20, 2023 11:44:30 AM

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 Morning!

I am sending this note, as we will not be here to attend the hearing for the application of Angus And Sandra McNevin of 174 Woodside Drive.

We fully support them in this application for a minor variance.

Jill and Bruce Pratt
181 Woodside Drive
St.Catharines, ON
L2T 1X7

Nahachewsky, Jayne

From: PBS, Website Information Mailbox
Sent: Monday, January 23, 2023 3:12 PM
To: Nahachewsky, Jayne
Subject: FW: Submission A-05/23: Application for a minor variance

Jayne: FYI

From: Merle Richards
Sent: Monday, January 23, 2023 2:47 PM
To: PBS, Website Information Mailbox <pbs@stcatharines.ca>
Subject: Submission A-05/23: Application for a minor variance

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.

Greetings, Ms Jayne Nahachewsky.

I wish to support Mr. McNevin's application for a minor variance at 174 Woodside Drive.

The proposed construction will not have an adverse effect on the neighbouring properties and should be approved.

If necessary, I will attend a meeting to that effect.

Thank you,
Merle Richards
176 Woodside Drive
St. Catharines, ON
L2T 1X6

Nahachewsky, Jayne

From: PBS, Website Information Mailbox
Sent: Monday, January 23, 2023 8:41 AM
To: Nahachewsky, Jayne
Subject: FW: Public Hearing File No.22 114677MV Subm.No.A-05/23

Sent: Sunday, January 22, 2023 5:16 PM
To: PBS, Website Information Mailbox <pbs@stcatharines.ca>
Subject: Public Hearing File No.22 114677MV Subm.No.A-05/23

Redacted

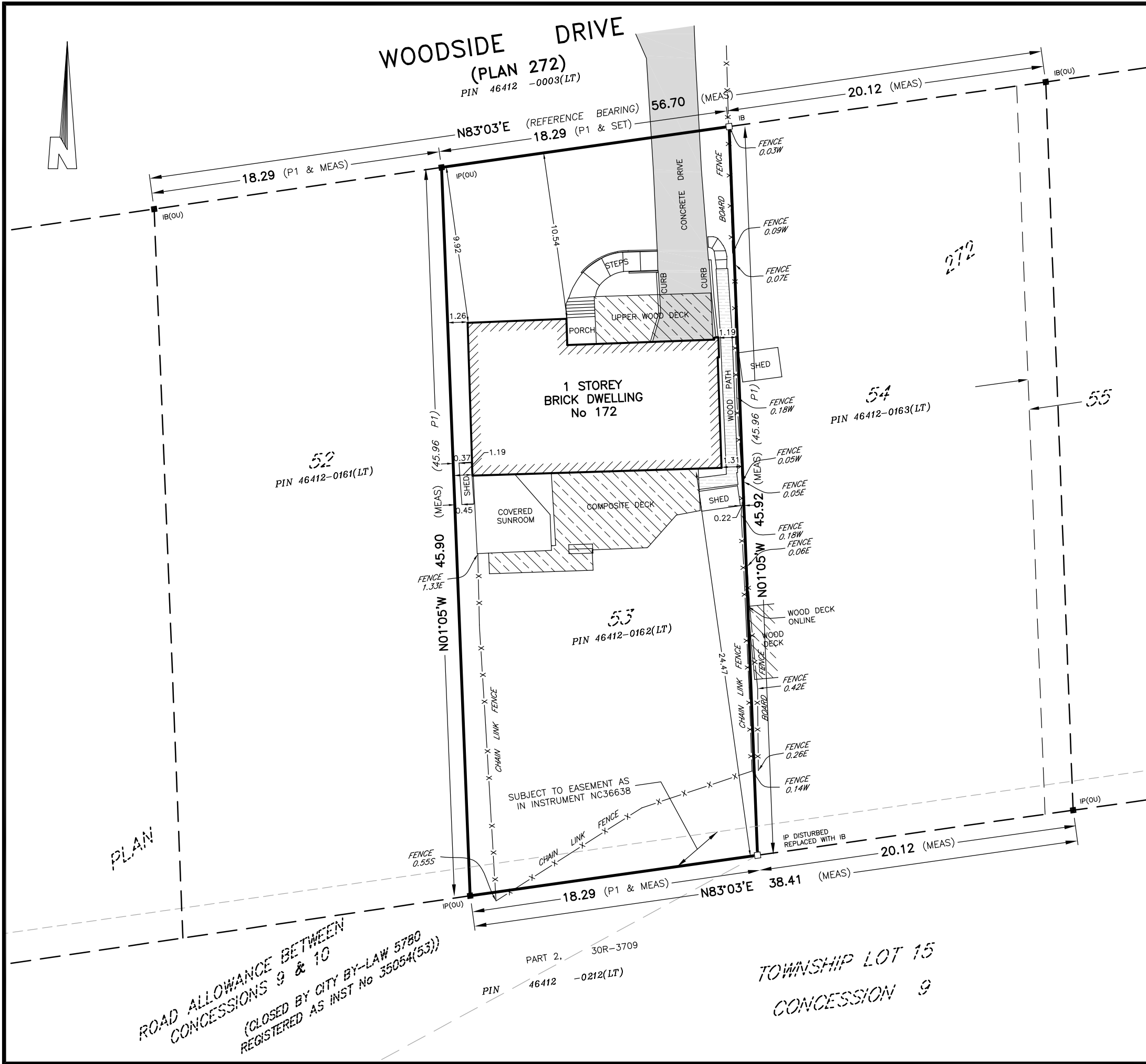
CAUTION: This email originated from outside of City of St. Catharines email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Email Sent By:

My name is Anne Leombruni and I live at 172 Woodside Drive. I have attached the following documents: SurveyThe survey shows the deck is on the property line. Many changes have been made to the deck by Mr. MacNevin and his contractors during the time I have owned my home, which is April 29, 2020. I have videos showing the changes, as well as the decking people working on the deck, and that work was getting done even after the notice from the city was posted on his front door. This deck was never permitted and I am not sure how it was even allowed to be built so close to my property. I would like to thank you all in advance for your care and consideration of this matter.
Respectfully, Anne Leombruni

Origin: <https://www.stcatharines.ca/en/planning-and-development/committee-of-adjustment.aspx>

This email was sent to you by Anne Leombruni through
<https://www.stcatharines.ca>.



SURVEYOR'S REAL PROPERTY REPORT

PART 1

PLAN OF
LOT 53
PLAN 272
IN THE

CITY OF ST CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 250



DONALD G. CHAMBERS
ONTARIO LAND SURVEYOR

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PART 2 THIS PLAN MUST BE READ IN CONJUNCTION WITH
SURVEY REPORT DATED MAY 20, 2022.

NOTES

ALL BUILDING TIES ARE PERPENDICULAR TO PROPERTY LINES UNLESS SHOWN OTHERWISE.
ALL TIES ARE TO FOUNDATION UNLESS OTHERWISE NOTED.

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT
OF WOODSIDE DRIVE AS SHOWN ON PLAN 272 ON A COURSE OF N83°03'E.

LEGEND

	DENOTES	SURVEY MONUMENT FOUND
—■—	"	SURVEY MONUMENT SET
SIB	"	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
IB	"	IRON BAR
CC	"	CUT CROSS
RIB	"	ROUND IRON BAR
IP	"	IRON PIPE
MEAS	"	MEASURED
WIT	"	WITNESS
OU	"	ORIGIN UNKNOWN
N/S/E/W	"	NORTH/SOUTH/EAST/WEST
PIN	"	PROPERTY IDENTIFICATION NUMBER
P1	"	REGISTERED PLAN 272

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED
TO FEET BY DIVIDING BY 0.3048.

NOTE: THIS REPORT CAN BE UPDATED BY THIS OFFICE, HOWEVER NO ADDITIONAL PRINTS
OF THIS ORIGINAL REPORT WILL BE ISSUED SUBSEQUENT TO THE DATE OF CERTIFICATION

THIS REPORT WAS PREPARED FOR ANNE LEOMBRUNI FOR USE IN A CURRENT TRANSACTION
AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE
SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE
UNDER THEM;
- THE SURVEY WAS COMPLETED ON THE 18th DAY OF MAY, 2022.

MAY 20, 2022

DATE

DONALD G. CHAMBERS, B. Sc., O.L.S.

THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM V-23115

CHAMBERS AND ASSOCIATES
SURVEYING LTD

12 THOROLD ROAD EAST
WELLAND ONTARIO
L3C 3T2

(905) 735-7841 / 735-7844
FAX (905) 735-7333
www.casl-surveying.com

DRAWN BY:

D M S

MSCAD:

94007-1_MS

DWG:

94007-1_SRPR

FILE No:

94-07-1

**Amanda No. 22 114323 LD,
Amanda No. 22 114325 MV,
& Amanda No. 22 114326 MV
Submission No. B-01/23SC
Submission No. A-03/23
& Submission No. A-04/23**

COMMITTEE OF ADJUSTMENT COMMENTS

125 WESTCHESTER CRESCENT

DATE OF HEARING:

FEBRUARY 1, 2023



Technical Report

From: Planning and Building Services, Planning Services

Date of Report: January 24th, 2022

Date of Meeting: February 1st, 2022

Report Number: B-01/23SC

File: 22 114323 LD

A-03/23

22 114325 MV

A-04/23

22 114326 MV

Subject Lands: 125 Westchester Crescent

(To become 125 Westchester Crescent and 15A Princess Street)

Recommendation

That Application **A-03/23**, submitted **1703306 Ontario Inc** as outlined in the notice of hearing, be approved.

Report

Consent

That Application **B-01/23** submitted by 1703306 Ontario Inc., as outlined in the Notices 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 currently known as 125 Westchester Crescent addressing the following conditions:
 - a. That building permit plans, including a Site Plan and Elevations for the proposed detached dwelling (Part 2) be reviewed and confirmed to be generally in accordance with the site plan and elevations submitted with this application.
 - b. 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 future development agreement and associated Site Plan, Site Servicing, Lot Grading and Drainage Plans address the following:
 - i. That a minimum 2.4 metre tree protection zone be established around the two boulevard trees to be retained, which zone is to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface (e.g. concrete sidewalk, paved roadway) provided the existing paved surface remains intact throughout the construction works.
 - ii. That the location and extents of the driveway and site services for the new dwelling be located outside of the minimum tree protection zone.



Technical Report

- d. That the future development agreement include the following tree preservation and protection clauses:
- i. 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 each existing boulevard tree 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.
 - ii. 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 to site.
 - iii. The Owner agrees that the tree protection barriers shall remain in place and 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.
 - iv. 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.
 - v. 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.
 - vi. The Owner agrees that any tree roots exposed from excavation must be covered with soil, mulch or burlap and watered within 24 hours of exposure to prevent drying out.
 - vii. 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 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



CITY OF
ST. CATHARINES

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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 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.
3. That the applicant submit payment for the placement of a 60mm boulevard tree for the new lot, in accordance with the City's current Schedule of Rates and Fees.
4. That prior to the required road widening being dedicated to the City, the applicant remove the northernmost tree located within the lands to be dedicated, including the tree's stump, and that the boulevard in the affected area be reinstated with fine grading and sod, all to the satisfaction of the City.
5. That the Owner provide a Draft Reference Plan to the City indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office.
6. That the Owner dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject property, to be known as Public Highway Princess Street.
7. That the Owner submit a Servicing and Grading Plan for review and approval by City Development Engineering Staff. The plan must be prepared by a Professional Engineer or Ontario Land Surveyor and shall include existing and proposed details including buildings & structures, the location of sump pumps, the location and direction of discharge of roof water downspouts, water services, sanitary sewer laterals, storm sewer laterals, curb cuts/fills, and other topographic and surface features which may affect drainage.
8. That the Owner pay the fee for City crews to locate/trace, inspect, and document the existing sewer laterals and water services for the property.
9. That the Owner address any servicing conflicts found, by arranging for and completing relocation works on private property through a Plumbing Only Permit, and by paying all costs for the City to relocate conflicting services, including any decommissioning, within the municipal ROW.
10. That the Owner dedicate a road widening to the Regional Municipality of Niagara along the frontage of Westchester Crescent frontage and a 6 m by 6 m daylight triangle on the corner of Westchester Crescent and Princess Street prior to the issuance of a building permit, to the satisfaction of the Niagara Region Planning & Development Services Department. All costs for providing the necessary survey plan and related documents are the responsibility of the applicant.

Technical Report

11. 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.
12. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$222.20 (2023 rates) payable to the Treasurer, City of St. Catharines.
13. That all conditions of consent be fulfilled by February 1st, 2025.

Minor Variance

That Applications **A-03/23** and **A-04/23** submitted by 1703306 Ontario Inc., as outlined in the Notices of Hearing, be approved.

The Proposal

The Applicant proposes to sever the subject property into two parcels to permit the construction of a detached dwelling. Part 1 contains the existing detached dwelling while Part 2 contains a proposed new detached dwelling. Part 3 on the submitted consent sketch plan is proposed to be dedicated to the City as a road widening for Princess Street. Part 4 is proposed to be dedicated to the Region for the Westchester Crescent road widening while Part 5 is proposed to be dedicated to the Region as a daylight triangle.

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-01/23	Part 2 (to be known as 15A Princess Street)	300.5 m ²	Part 1 (125 Westchester Crescent)	318.2 m ²

Application	Variance	Zoning Provision	Required	Proposed
A-03/23 Part 1	1	Minimum Rear Yard Setback	6 m	5 m
	2	Driveway Coverage	50%	71%
A-04/23 Part 2	1	Minimum Front Yard Setback to the Dwelling	3 m	2.62 m
	2	Minimum Front Yard Setback to the Garage	6 m	5.8 m
	3	Minimum Interior Yard Setback	1.2 m	1.05 m
	4	Minimum Rear Yard Setback	6 m	5 m

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Location and Site Description

The subject property is located on the northeast corner of Princess Street and Westchester Crescent. The surrounding area consists of a variety of residential dwellings. The subject property is presently occupied by a detached dwelling and accessory structure (shed) at the rear of the property. The shed is proposed to be demolished.

Circulation of Applications

The Applications were circulated to all appropriate departments and agencies. No objections were received. Consent conditions have been recommended by staff to address comments received from the circulation of the applications.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E9 of the GCP. This land use designation permits a variety of dwelling types including detached dwellings at a density generally between 20 to 32 units per hectare of land.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential - Traditional Neighbourhood (R2). A range of residential uses are permitted in this zone, including detached dwellings, subject to the provisions of the Zoning By-law. The minor variances requests to the Zoning By-law are addressed in the planning analysis section of this report.

Planning Analysis

Consent

The applicant submitted Consent Application **B-01/23** to sever the subject property to create one new residential lot to permit the construction of a detached dwelling. The existing lot and the retained lot will be retained for continued residential use. Section 16.11 of the Garden City Plan sets out several policies that applications for lot creation are to be evaluated against. Relevant policies are listed below with staff comment 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.*

Technical Report

The proposed lots will be serviced by existing infrastructure. Any required improvements to the infrastructure, including water and wastewater laterals and service lines to the property will be at the expense of the owner. Therefore, there are no anticipated costs for the City.

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

The proposed lots are within the City's built boundary and located in a residential area that is substantially developed. The property is currently occupied by a detached dwelling and has sufficient area at the rear for an additional dwelling. The development represents appropriate infill in a developed neighbourhood using existing underutilized lands targeted for low density residential development.

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 two proposed lots are sized and shaped appropriately to accommodate the existing and proposed detached dwellings. The dwellings each have appropriate setbacks, adequate parking, sufficient access, and compliant landscaped area. Despite the deficiencies in front and rear yard setbacks of the parcels, the development layout on those parcels demonstrates that the function, access, and compatibility of the proposed and existing dwellings are maintained.

Overall, subject to the approval of the requested variances, staff are supportive of the creation of the proposed new residential lot. Staff is satisfied that the proposed consent to sever represents the optimum development potential of the subject lands and will contribute to context-sensitive infilling. Staff are satisfied that the proposed severance is appropriate and reflects the intent of the Official Plan and Zoning By-law. Staff recommend that the proposed consent application be approved, subject to the conditions outlined in the recommendations.

Minor Variances

Minimum Rear Yard Setback

Variance 1 for Application A-03/23 and Variance 4 for Application A-04/23 requests a reduction of the minimum rear yard setback from 6 metres to 5 metres for both parcels. The intention of the rear yard setback in the Zoning By-law is to ensure adequate amenity space is provided on a property, to maintain adequate separation distance and buffering between neighbouring properties, to minimize overlook and privacy impacts, and to provide sufficient space for property maintenance and stormwater management. The reduced rear yard setback from 6 metres to 5 metres for Part 1 is requested to allow for a land division between the existing dwelling and the proposed new dwelling. The rear



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yard setback reduction is considered minor as it still allows for access around the building for maintenance and provides enough amenity space in the rear yard.

The Garden City Plan (GCP) states that development and redevelopment shall have regard for the integration of compatible building scale, massing, height, setbacks, orientation and façades with adjacent buildings, properties and the surrounding neighbourhood (Section 7.1) Staff are supportive of the rear yard setback reductions as there remains sufficient space for amenity space while also providing adequate room for stormwater management. Therefore, the proposed variances are in keeping within the intent of the Official Plan and Zoning By-law.

Minimum interior side yard setback to the dwelling

The Applicant is requesting a reduction to the minimum interior side yard setback from 1.2 metres to 1.05 metres for the construction of new detached dwelling. The intent of the interior side yard provision is to ensure an adequate buffer is maintained between structures on adjacent properties for safety and privacy concerns, that sufficient space is maintained to support onsite drainage and access to rear yards. The requested reduction is less than 15 centimetres which will be barely noticeable and therefore is considered minor in nature.

The GCP states that development and redevelopment shall be evaluated having regard for context sensitive design to ensure the integration of compatible building form, scale, height and setbacks with adjacent buildings and the surrounding neighbourhood. The proposed side yard setback is not uncharacteristic of the area, nor is the proposed detached dwelling, the form of which will match the existing dwelling. No privacy or safety concerns are anticipated as a result of the setback reduction on the subject lot. The proposal is in keeping with the intent of the Official Plan.

Staff are of the opinion that the requested Variance 3 for the Application A-04/23 is minor in nature, desirable for the appropriate use of the lands and is in keeping with the general intent of the Official Plan and Zoning By-law.

Minimum Front Yard Setback to the Dwelling and Garage

Variance 1 requests a reduction in the front yard setback to the dwelling from 3 metres to 2.62 metres. Variance 2 of Application A-04-23 requests relief from Zoning By-law 2013-283, as amended, for a reduction in the front yard setback to the garage from 6.0 metres to 5.8 metres. The front yard setback reduction from the dwelling is minor in nature and is required partly because of the road widening required along Princess Street. The zoning provision to establish 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 space for parking in a driveway and safely maneuvering in and out of the property. The proposed reduction from 6.0 metres to 5.8 metres for the setback for the

Technical Report

garage does not impact the provision of a required parking space on the lot at 5.2 metres in length, is considered minor in nature, desirable for the appropriate use of the lands and achieves the intent of the zoning provision. This dwelling has been designed such that 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 angled portion of Princess Street, this reduced setback will not interfere with activity along the street.

The road widening required along Princess Street created the need for the front yard setback variances. Due to the nature of the surrounding context, staff have no concerns with the proposed minimum front yard setbacks. It is not anticipated that the proposed front yard setbacks will result in adverse impacts to neighbouring properties or negatively impact the streetscape. Staff consider the variances to be minor in nature, desirable for the appropriate development of the subject lands, and meet the intent of the official plan and zoning by-law.

Driveway Coverage

A driveway coverage variance for the existing dwelling (Part 1 – Variance 2) has been requested as the driveway exceeds 50% coverage of the exterior side yard. The variance is needed to recognize the existing parking area for the existing detached dwelling. The driveway currently covers 71% of the exterior side yard and exceeds the maximum parking area requirements in the Zoning By-law. The purpose of the provisions restricting parking area coverage is intended to limit the amount of space in a exterior yard dedicated to vehicular parking. The existing driveway exceeds the Zoning By-law as a result of the dedication of the road widenings and daylight triangle. Staff are of the opinion that approving the existing increased driveway coverage will not have noticeable visual impacts and will not negatively affect the streetscape. As no changes are proposed to the driveway and the variance recognizes the existing situation, staff have no concerns with the requested variance.

Staff is satisfied that Variance 2 for the Application A-03/23 recognizes the existing driveway and will not result in any negative impact on the streetscape. Staff consider the variance to be minor in nature, desirable for the appropriate development of the land, and in keeping with the intent of the Official Plan and Zoning By-law.

Land Dedication

Road Widenings and Site Triangle

Princess Street is designated as a Community Street in the City's Transportation Master Plan (TMP) with a recommended right-of-way of 20 metres. Following internal discussions among staff it was determined that a right-of-way width of 18 metres for Princess Street would be adequate. With a current width of ± 15.2 metres, an approximate widening of 1.4



Technical Report

metres along the Princess Street frontage of the subject property is required. This has been identified as Part 3 on the consent sketch.

Westchester Crescent is a Regional Roadway. The Region has requested a road widening and a 6 metre by 6 metre daylight triangle at the corner of Westchester Crescent and Princess Street. This has been identified as Part 4 (road widening) and Part 5 (daylight triangle) on the consent sketch. The Applicant is aware of this request and has identified the Parts on the submitted sketch.

As per the Official Plan, Council is committed to achieving "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provides "safe, functional and attractive pedestrian and cycling environments". Section 5.2.3 states all existing roads shall be brought up to current standards, recognizing that this may take many years due to the anticipated expense, and that, if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (sewer/water, hydro, gas, telecommunications, etc.). To be consistent with road widening requirements and standards necessary to accommodate City, Region and private utilities and complete street initiatives, staff are recommending conditions to require the dedication of road widenings and a daylight triangle.

Conclusion

Having regard for the matters under Section 53 of the Planning Act, staff are of the opinion that Consent Application **B-01/23SC** is in keeping with the relevant policies of the Official Plan, is consistent with the provisions of the Zoning By-law and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that the variances requested through Applications **A-03/23** and **A-04/23**, as outlined in the notices of hearing, are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use and development of the lands. Staff recommend that the applications be approved.

Prepared by:

A blue ink signature of Dasha Litviniuc.

Dasha Litviniuc
Student Planner

Submitted by:

A blue ink signature of Brenda Stan.

Brenda Stan
Planner

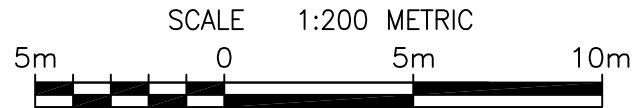
Approved by:

A blue ink signature of Bruce Bellows.

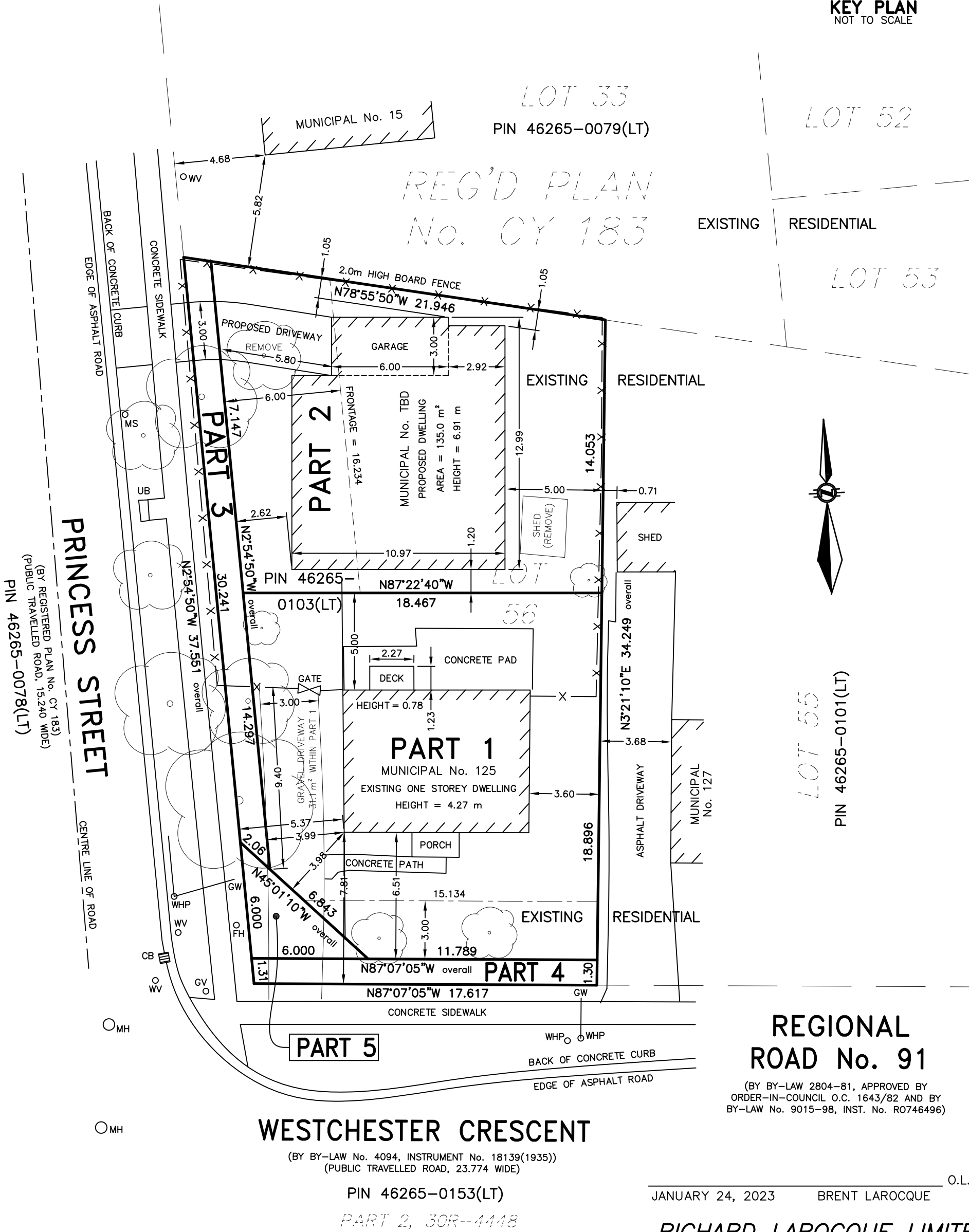
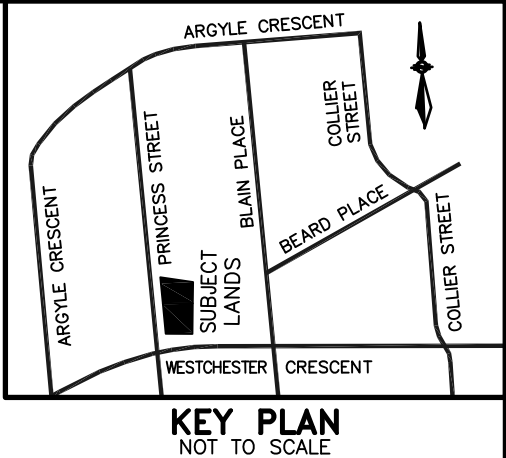
Bruce Bellows
Senior Project Manager

PRELIMINARY SKETCH TO ACCOMPANY AN APPLICATION UNDER THE PLANNING ACT

LOT 56, REGISTERED PLAN No. CY 183
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

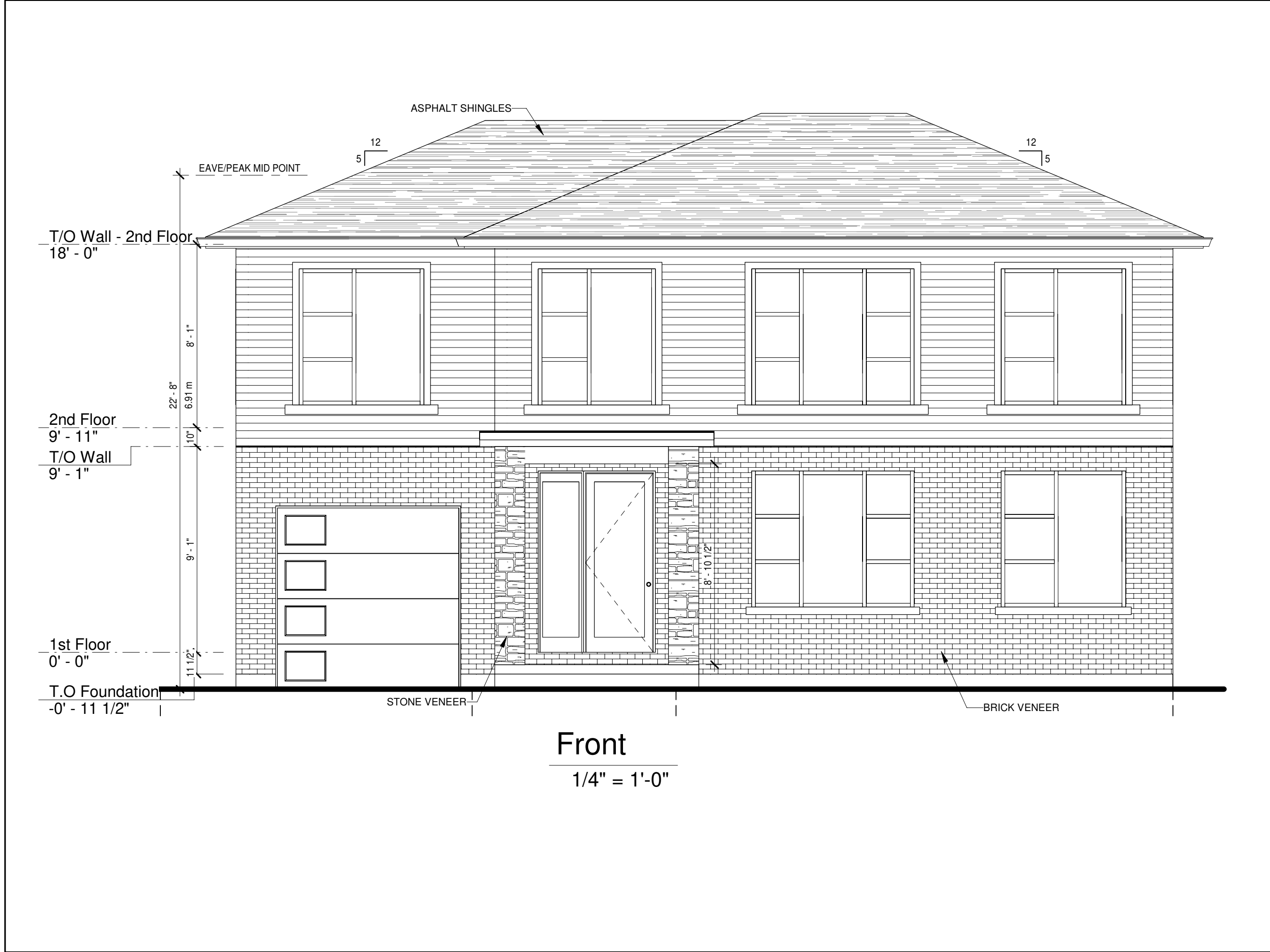


AREA SCHEDULE	
DESCRIPTION	AREA (m²)
PART 1	318.2
PART 2	300.5
PART 3	42.6
PART 4	23.0
PART 5	17.9



THIS SKETCH IS PREPARED FOR AN APPLICATION UNDER THE PLANNING ACT AND ALL DIMENSIONS ARE TO BE CONFIRMED BY SURVEY.		NOTE: THE LOT DIMENSIONS ILLUSTRATED HEREON WERE OBTAINED FROM PLANS AND DOCUMENTS ON FILE AT THE LAND REGISTRY OFFICE		DRAWN BY: D.B.		CHECKED BY: B.L.		DATE: JAN. 24, 2023		FILE: 2022-044 DWG. FILE: 2022-044-05	
METRIC NOTE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.		© RICHARD LAROCQUE LIMITED No person may copy, reproduce or alter this plan in whole or in part without the written permission of RICHARD LAROCQUE LIMITED									

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



CONTRACTOR SHALL VERIFY ALL
DIMENSIONS ON THE JOB SITE

**Joshua
Van Muyen**
Building Design Services

206 Vine Street
St. Catharines ON, L2M 4S8
email: jvmuyen@gmail.com
phone:905-324-1988

**New House on
Part 2**
**Beam Building
Group**

125 Westchester Crescent
St. Catharines, ON

Front Elevation

Scale:	1/4" = 1'-0"
Drawn By:	J. Van Muyen
Approved:	J. Van Muyen
Date:	July 12, 2022
Project #:	22-59
Paper Size	11×17

Drawing #:
D3

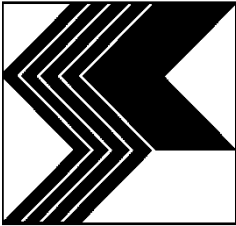
2022-07-12 11:04:17 AM

REPORT TO PLANNING DEPARTMENT

Re: CITY LAND DIVISION APPLICATION NUMBER B-01/23SC

January 24, 2023

ENGINEERING FILE 300-36



Hearing Date: February 1, 2023

Applicant: Connor Rush
Beam Building Group

Location: 125 Westchester Crescent

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

Comment(s): It is noted that the applicant proposes to sever Part 2 from Part 1 for the purpose of constructing a new detached dwelling fronting Princess Street. Part 1 will remain with the existing dwelling.

ROADS

The subject property, as it exists, fronts onto Westchester Crescent and Princess Street.

Westchester Crescent is a Regional Roadway and, therefore, Regional requirements, including widening and daylighting at the intersection, regarding their ROW will apply accordingly.

Princess Street is designated as a Community Street in the City's Transportation Master Plan (TMP) with a recommended right-of-way (ROW) of 20.0 metres. Further internal discussions have concluded that Princess Street would suffice at a minimum width of 18.0m, rather than the preferred 20.0m. The current width across the frontage is 15.2m±, and therefore, as a condition of this severance application, the City will require a ROW widening of approximately 1.4 metres from the subject property on Princess Street.

The noted widening must be granted free and clear of any encumbrances prior to the finalization and registration of the severances. All associated costs must be paid for by the Owner. The exact amount of the widening will be determined once the draft Reference Plan is submitted to the City for review and approval.

SIDEWALKS

Sidewalks exist along the frontages, and no further sidewalk requirements are currently warranted. At the building permit stage, a damage deposit will apply, or replacement (full or partial) will be necessary if proposed grading warrants.

CURBS

Fees for Curb Cuts and Curb Fills will be taken at the building permit stage.

EXISTING LINEAR MUNICIPAL SERVICES (Princess Street)

Water:	150mm dia. PVC
Sanitary:	250mm dia. concrete
Storm:	450mm dia

ENGINEERING SERVICING, GRADING, AND DRAINAGE

As a condition of severance, the Owner shall be responsible to pay the fee for City crews to locate, inspect, and document the existing water service and sewer lateral(s) for the existing dwelling, to confirm they do not conflict with any existing or future lot lines. Prior to the City doing this work, the Owner shall arrange to have the new lot lines identified in the field. If any relocation work is required within the municipal ROW, it shall be completed by City crews at the Owner's expense. If, due to location, the portion of any existing servicing within the municipal ROW must be completely relocated (from the existing connection at the respective main), the Owner shall also pay the City to decommission the existing servicing, as per City Standards. Any relocation on the private side is to be arranged for and paid for by the Owner who shall also obtain the necessary Plumbing Only Permit to complete the work. All realignment works must be completed prior to the finalization and registration of the severances.

Note that new servicing for severed lots cannot be installed until the creation and registration of the new lots have been finalized.

Increased drainage challenges occur with In-Fill developments. Although a Servicing and Grading Plan is normally not a requirement until the building permit stage, in this situation, it shall be required as a condition of severance to ensure that the stormwater run-off to and from these lots can be conveyed to a suitable outlet without adversely affecting neighbouring properties or the municipal ROW. The plan is to be prepared by a Professional Engineer or Ontario Land Surveyor, and shall include existing and proposed details including buildings & structures, the location of sump pumps, the location and direction of discharge of roof water downspouts, water services, sanitary sewer laterals, storm sewer laterals, curb cuts/fills, and other topographic and surface features which may affect drainage.

The Servicing and Grading Plan must be approved by the City's Development Engineering staff prior to the finalization and registration of the severance.

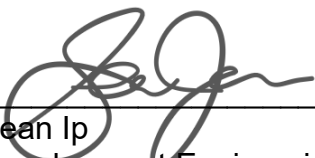
It should be noted that for new buildings, sump pump flows are required to discharge through an individual storm sewer lateral to the storm sewer main, if a storm sewer main is available. There is an existing storm sewer on Princess Street. The Owner will have to pay to have a storm sewer lateral installed by the City, for the section of lateral within the City's ROW. This work will be paid for and completed at the building permit stage.

Condition(s): Prior to the final certification of the severance 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;
- Dedicate to the City, free and clear of any encumbrances, the widening across the frontage of the subject property, to be known as Public Highway *Princess Street*;

- Submit a Servicing and Grading Plan for review and approval by City Development Engineering Staff. The plan must be prepared by a Professional Engineer or Ontario Land Surveyor, and shall include existing and proposed details including buildings & structures, the location of sump pumps, the location and direction of discharge of roof water downspouts, water services, sanitary sewer laterals, storm sewer laterals, curb cuts/fills, and other topographic and surface features which may affect drainage;
- Pay the fee for City crews to locate/trace, inspect, and document the existing sewer laterals and water services for the property; and,
- Address any servicing conflicts found, by arranging for and completing relocation works on private property through a Plumbing Only Permit, and by paying all costs for the City to relocate conflicting services, including any decommissioning, within the municipal ROW.

Prepared by:



Sean Ip
Development Engineering Technologist

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

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

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

Date: January 24, 2023

Subject: 125 Westchester Crescent
Applications for Consent to Sever and Minor Variance
February 1, 2023 Hearing

File Nos.: B-01/23SC, 22 114323 LD
A-03/23, 22 114325 MV
A-04/23, 22 114326 MV

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

There are three existing trees located on what is currently private property but will become public property once a road allowance widening is dedicated to the City (Part 3 on the attached plan). The northmost tree will be impacted by the driveway for the proposed new dwelling and therefore that tree and its stump will need to be removed prior to the City receiving the road widening.

There are also three existing City-owned boulevard trees along the Princess Street frontage of the subject lands, which must be retained. Two of the trees are situated in front of the proposed new lot and must be protected throughout construction of the new dwelling. The driveway and site services for the new dwelling will need to be located north of the proposed driveway, as depicted on the sketch submitted with the application. Site services may need to be located either north of or beneath the proposed driveway in order to avoid impacts to the trees.

CRCS offers no objection to the proposed severance, nor the related minor variances. However, 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.
3. That prior to the required road widening being dedicated to the City, the applicant remove the northernmost tree located within the lands to be dedicated, including the tree's stump, and that the boulevard in the affected area be reinstated with fine grading and sod, all to the satisfaction of the City.
4. That the future development agreement and associated site plan and site servicing, grading and drainage plans address the following:
 - a. That a minimum 2.4 metre tree protection zone be established around the two boulevard trees to be retained, which zone is to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface (e.g., concrete sidewalk, paved roadway), provided the existing paved surface remains intact throughout the construction work.
 - b. That the location and extents of the driveway and site services for the new dwelling be located outside of the minimum tree protection zone.
5. That the future development agreement include the following tree preservation and protection clauses:
 - a. 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 each existing boulevard tree 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.
 - b. 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 to site.
 - c. The Owner agrees that the tree protection barriers shall remain in place and 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.
 - d. 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.

- e. 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.
- f. The Owner agrees that any tree roots exposed from excavation must be covered with soil, mulch or burlap and watered within 24 hours of exposure to prevent drying out.
- g. 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 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.

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

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: January 17, 2023

Subject: Committee of Adjustment Comments (February 1, 2023, Hearing)

We have no concerns or requirements.

Steve Bittner
Transportation Technologist

Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Tuesday, January 17, 2023 11:13 AM
To: Nahachewsky, Jayne
Cc: Risi, Rosa
Subject: COA - Response - 254 Oakdale Ave
Attachments: SCH_CLR2023-016.pdf

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 morning Jayne,

Response letter attached for 254 Oakdale Ave. Please keep electronic copy for your files as the original will not be mailed.

Our office has no comment/objections to the remaining applications.

Best 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: Monday, January 16, 2023 10:49 AM
To: 'rowcenter@bell.ca'; 'municipalnotices@enbridge.com'; 'Rogers' <newdevelopment@rci.rogers.com>; 'samantha.burke@alectrautilities.com'; Mark Jakubowski <mark.jakubowski@alectrautilities.com>; 'Cogeco' <doug.crown@cogeco.com>; Teran Lennard <tlennard@npca.ca>; Vasko, Dennis <dvasko@stcatharines.ca>; 'landuseplanning@hydroone.com'; 'Busnello, Pat' <pat.busnello@niagararegion.ca>; 'Morreale, Diana' <Diana.Morreale@niagararegion.ca>
Cc: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>
Subject: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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

Good Morning;

Nahachewsky, Jayne

From: Doug Crown
Sent: Tuesday, January 17, 2023 1:45 PM
To: Nahachewsky, Jayne
Subject: Re: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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.

Hi Jayne
Cogeco has no concerns with these applications.

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

On Mon, Jan 16, 2023 at 10:48 AM Nahachewsky wrote:

Good Morning;

Hope you are well.

Please find the links for each application that includes the Notice of Hearing, application, justification reports and sketches scheduled for the Wednesday, February 1st, 2023 Hearing @ 5pm below. If you have any comments, please forward them to us by Monday January 23, 2023.

18 St. Louis Place

174 Woodside Drive

Nahachewsky, Jayne

From: SHLLAKU Paul
Sent: Tuesday, January 24, 2023 9:53 AM
To: Nahachewsky, Jayne
Subject: St.Catharines - 125 Westchester Cres - B-01-23SC

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.

Hello,

We are in receipt of your Application for Consent, B-01-23SC dated January 16,2023. We have reviewed the documents concerning the noted Application and have **no comments or concerns at this time.** **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map

Customers Affected:  >5000  501-5000  51-500  21-50 



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

Nahachewsky, Jayne

From: Heather Toderick
Sent: Wednesday, January 25, 2023 1:19 PM
To: Nahachewsky, Jayne
Subject: NOTICE OF HEARING-125 WESTCHESTER CRESCENT-APPLICATION LOCATION LOT 56 PLAN 183

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.

Hi Jayne,

This email is sent to you regarding the applications B-01/23, A-03/23 and A-04/23 and that I am opposed to the land at 125 Westchester being severed and a proposed detached dwelling to be built on the severed lot.

My name is Heather Toderick and I am the owner of 14 Princess Street. Like many of my neighbours I have lived in that neighbourhood for over 20 years & for see issues that could and will arise if these applications are approved.

This neighbourhood consists of small bungalows and 1.5 storey homes. A large 2 storey dwelling would be out of context for this neighbourhood & from what I understand will cause problems for the homes surrounding this lot. As these homes are older, I for one have experienced cracks in the walls gapping open when any construction with heavy equipment is used in the nearby vicinity. For example, the new 406 off ramp for Geneva Street, the building of the Meridian Centre & other large projects such as these. I also understand that there are drainage issues of concern to the surrounding properties.

I hope you take into consideration my concerns and the concerns of my neighbours.

Thank you and I hope the decision for these applications is one we can all be satisfied with.

Heather Toderick

January 17, 2023

Committee of Adjustment
c/o Planning and Building Services.
City of St. Catharines
50 Church St., PO Box 3012, St. Catharines ON L2R 7C2

**Re: Notice of Hearing 125 Westchester Ave –Application Location Lot 56 Plan 183
Applications B-01/23, A-03/23 and A-04/23**

Concern / Comments

Drainage for Surrounding Properties:

The plan does not show surveyance of the grading to this municipal drain.
Lot 56 – The grade was raised by past owners during renovation flip, resulting in runoff going towards Lot 33
Lot 53 - Has a municipal drain for run off from for the surrounding lots 52,53,55, & 33.
We are concerned about increased runoff from eaves of the proposed home. Ground water runoff along the common fence is already an issue making swampy towards Lot 33 drown our yard more.

Size / Placement of structure:

We oppose the requested reduction to the interior yard setback from 1.2 metres to 1.05 metres. (A-04-23).
The size shown in drawings is concerning. The proposed single detached dwelling will cause the loss of our street view, sun exposure to our garden and a reduction of privacy in our backyard space.

Construction Concerns:

Potential damage to our older foundation by digging / heavy equipment. We had extreme shaking during the building of Meridian Centre / Performing Arts / Burgoyne bridge and City work on sewage.
Removal of the common fence between Lot 56 & Lot 33, built with our neighbours in May 2015 Between Lots 33/56

Personal Concerns – Comments:

This is a neighborhood of small 1 to 1 ½ story dwellings. A two-story dwelling would block sun to surrounding homes and be aesthetically out of character. We are concerned that a dwelling this size could be expanded to a multi-family dwelling or that it will lead the way for more split dwellings to be allowed in this area.

We are long time housing advocates, however not at the expense of our property value and quality of living space. We recognize the need for an increase in density for population growth are not opposed to developments that strengthen our communities. The changes allowed by the provincial Bill 23 are a challenge for this City and its residents. We hope to see the many lots of vacant properties developed for housing as an alternative to squeezing them between existing homes.

Numbering:

We receive mail & deliveries in both our personal & professional names.
Concerned that the use of 15A Princess St. will cause confusion for mail and other delivery services.

Michel & Marie Boutin, 15 Princess St. St Catharines L2P 2P8

LOT #33

**Amanda No. 22 115125 MV
Submission No. A-09/23**

COMMITTEE OF ADJUSTMENT COMMENTS

77 Roehampton Avenue

DATE OF HEARING:

FEBRUARY 1, 2023

Technical Report

From: Planning and Building Services, Planning Services

Date of Report: January 24th, 2022

Date of Meeting: February 1st, 2022

Report Number: A-09/23

File: 22 115125 MV

Subject Lands: 77 Roehampton Avenue

Recommendation

That Application **A-09/23**, submitted by **Simarpreet Singh** as outlined in the notice of hearing, be approved.

Report

The Proposal

Minor Variance Application **A-09/23** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as amended, to legally establish an interior Accessory Dwelling Unit (ADU) within the basement of the detached dwelling. Two (2) variances are required to facilitate the proposal and are outlined below.

Variance	Provision	Required	Proposed
1	Maximum floor area of an interior accessory dwelling unit	60 m ²	72.8 m ²
2	Maximum floor area of an interior accessory dwelling unit as a percentage of the floor area of the dwelling	40%	44.8%

Location and Site Description

The subject lands are located on the north side of Roehampton Avenue and southwest of Drury Crescent. The neighbourhood is primarily low-density residential consisting of detached dwellings. On the adjacent side of Roehampton Avenue are medium-high density residential buildings. The subject lands are occupied by a one-storey detached dwelling and accessory structure.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. No objections were received. Development Engineering made note that the Applicant is 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.

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 further designated 'Low Density Residential' on Schedule E3. The Low Density Residential permits a range of low-density housing types, including detached dwellings and an ADU 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 – Suburban Neighbourhood (R1). An ADU is permitted within detached dwellings subject to provisions of Section 2.2.1 of the Zoning By-law.

Planning Analysis

The Applicant is requesting an increase to the maximum permitted floor area for an interior accessory dwelling unit from 60.0 m² to 72.8 m² and from 40% to 44.8%. There are no exterior physical changes proposed and the ADU exists 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 m² or 40% of the total floor area of the dwelling, whichever is less. The intent of this provision is to ensure the ADU is subordinate in terms of its scale and relationship to the primary dwelling unit. The additional 12.8 m² or 4.8% to create an interior ADU within the basement of the existing detached dwelling does not represent a significantly larger area than what the By-law currently permits as the ADU will remain subordinate to the principal dwelling. 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 variances.

Conclusion

Having regard for the matters under Section 45 of *The Planning Act*, Staff are of the opinion that Application **A-09/23** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the lands. Staff recommend approval of this Application.

Prepared by:



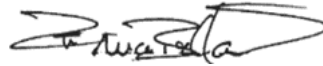
Dasha Litviniuc
Student Planner

Submitted by:



Madeleine Ferko, B.E.S.
Planner

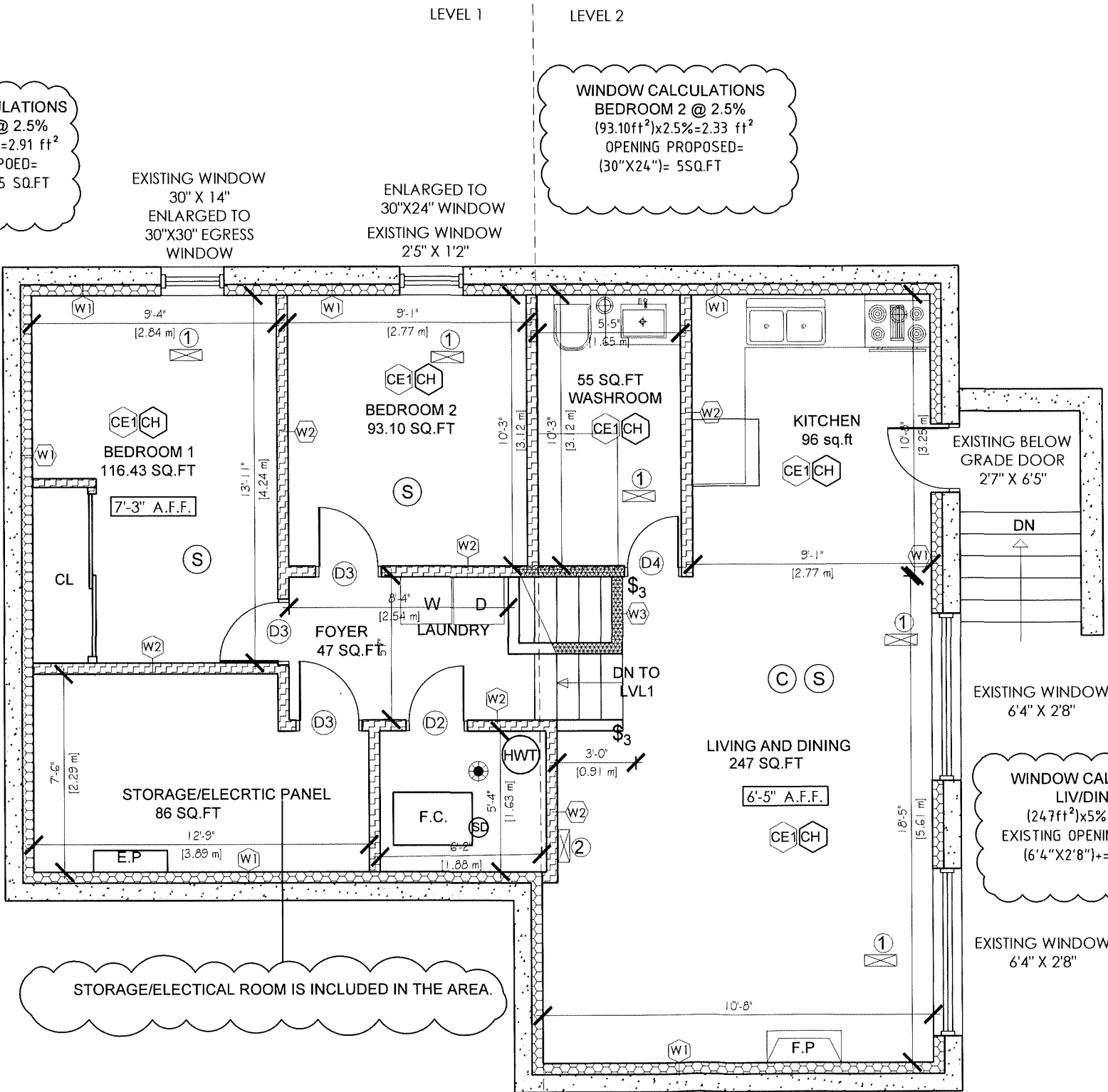
Approved by:



Bruce Bellows
Senior Project Manager

WINDOW CALCULATIONS
BEDROOM 1 @ 2.5%
 $(116.43\text{ft}^2) \times 2.5\% = 2.91\text{ft}^2$
OPENING PROPOSED=
 $(30" \times 30") = 6.25\text{SQ.FT}$

WINDOW CALCULATIONS
BEDROOM 2 @ 2.5%
 $(93.10\text{ft}^2) \times 2.5\% = 2.33\text{ft}^2$
OPENING PROPOSED=
 $(30" \times 24") = 5\text{SQ.FT}$



PROPOSED BASEMENT PLAN
AREA: 784 sq.ft (72.8sq.m)

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

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.5.1 (division O) of Ontario Building Code.

Rashmi Sharma
Name Signature BCIN 114300
Company's BCIN 118287



91 Cordgrass Crescent
Brampton, ON L6R 2A2
647-608-0096
rnhdesigns21@gmail.com

Project Title :
BASEMENT SECOND UNIT

Project Address:
**77 ROEHAMPTON AVE,
ST. CATHARINES, ON**

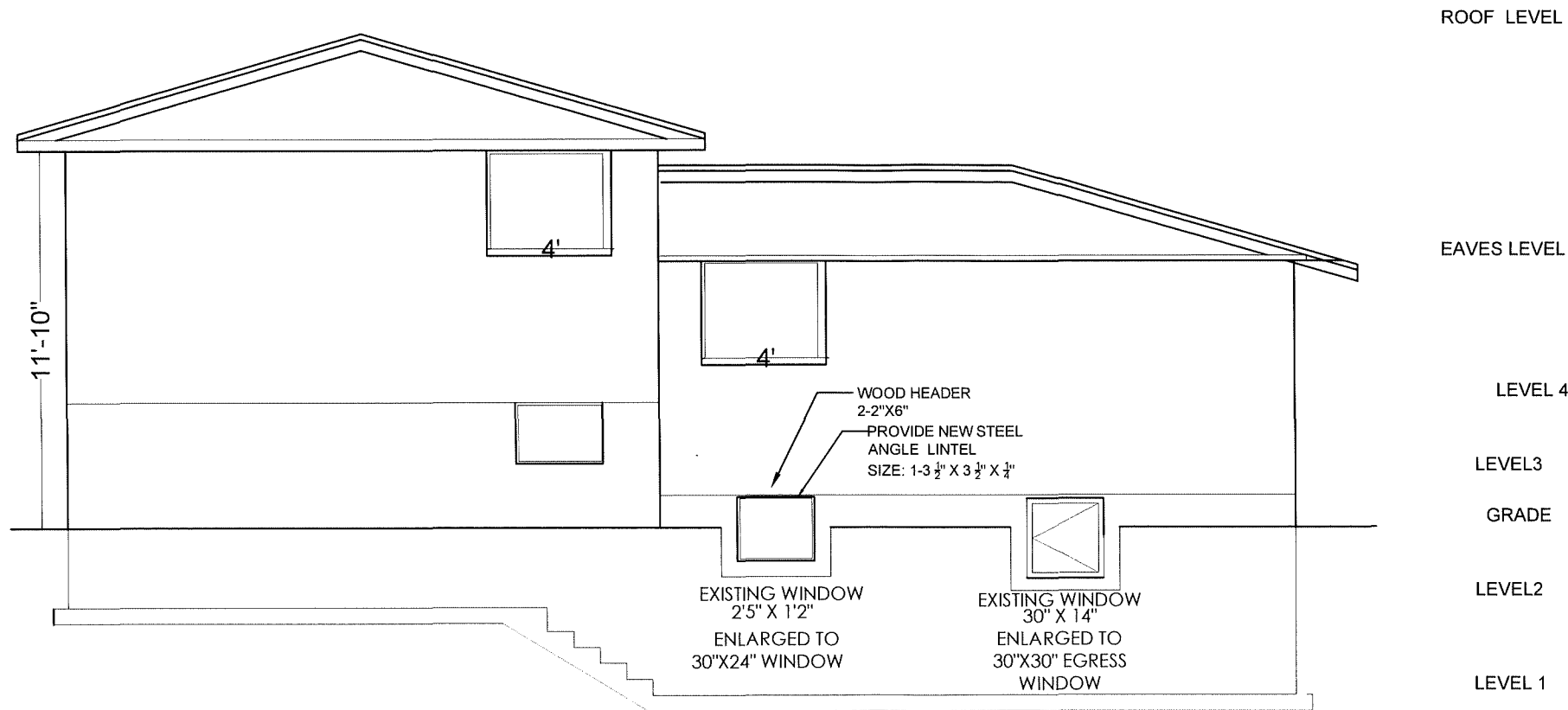
Drawing Title:
**PROPOSED
BASEMENT PLAN**

Scale: 3/16":1'0"
Date: OCT,2022

Designed:
Rashmi Sharma
BCIN No: 114300

Project No. 21-36
Sheet No. A4.0

WALL AREA: 471 SQ.FT
LIIMITING DISTANCE : 1.2M
ALLOWABLE UNPROTECTED OPENING:32.9 SQ.FT
PROPOSED UNPROTECTED OPENING: 32 SQ.FT



LEFT SIDE ELEVATION

The undersigned has reviewed and takes responsibility for 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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Rashmi Sharma
Name Signature BCIN 114300
Company's BCIN 118287



91 Cordgrass Crescent
Brampton , ON L6R 2A2
647- 608-0096
rnhdesigns21@gmail.com

Project Title :
BASEMENT FINISH PERMIT

Project Address:
**77 ROEHAMPTON AVE,
ST. CATHARINES, ON**

Drawing Title:
LEFT SIDE ELEVATION

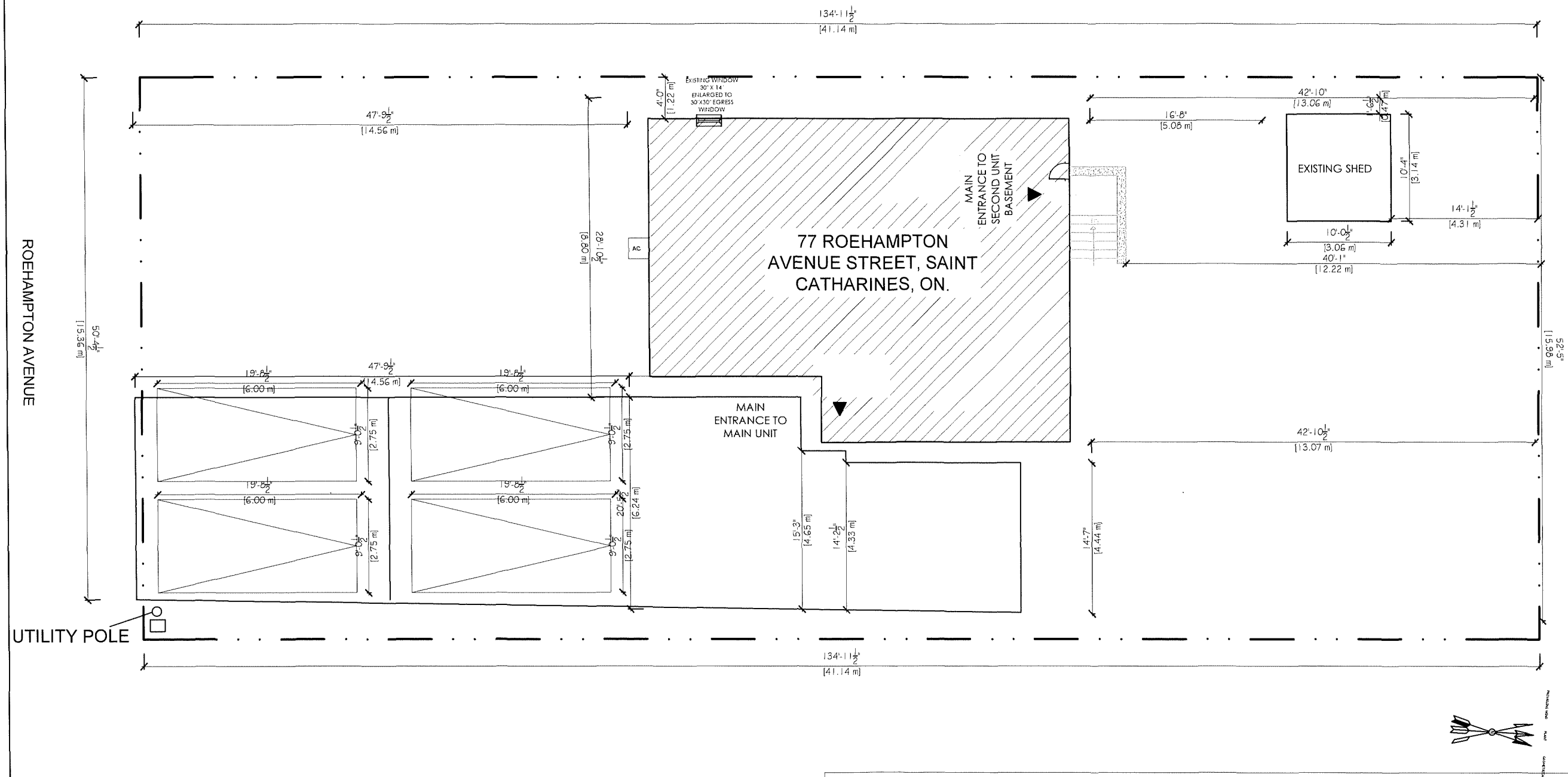
Scale:
3/16":1'0"

Date:
OCT,2022

Designed:
**Rashmi Sharma
BCIN No: 114300**

Project No.
21-36

Sheet No.
A6.0



- GENERAL NOTE**
- DO NOT SCALE THE DRAWINGS
 - CONTRACTORS TO CARRY LIABILITY INSURANCE FOR PERFORMING THE WORK
 - CONTRACTORS RESPONSIBLE TO ENSURE PROPER SAFETY PRECAUTIONS ARE IN PLACE THROUGH OUT THE CONSTRUCTION FOR ALL CONSTRUCTION METHODS AND MATERIAL SUPPLIES.
 - OWNER AND CONTRACTOR ARE RESPONSIBLE FOR ALL MEANS AND METHODS OF CONSTRUCTION INCLUDING ANY SAFETY PRECAUTIONS.
- PRECAUTIONS DURING CONSTRUCTION**
- EXISTING STRUCTURE TO BE PROTECTED DURING CONSTRUCTION FROM ANY WEATHER ISSUES, SECURITY OR RELATED DAMAGES.
 - VERIFY/ REINFORCE EXISTING VERIFY EXISTING SITE CONDITIONS DURING CONSTRUCTION.
- INSPECTIONS**
- ALL CONSTRUCTION TO ADHERE TO THE ONTARIO BUILDING CODE REQUIREMENT AS WELL AS OTHER CODES AND AUTHORITIES HAVING JURISDICTION.
 - CONTACTOR ARE RESPONSIBLE TO ARRANGE FOR REQUIRED INSPECTIONS BY LOCAL BUILDING AUTHORITIES

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

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.5.1 (division O) of Ontario Building Code.

Rashmi Sharma
Name Signature BCIN 114300

Company's BCIN 118287



91 Cordgrass Crescent
Brampton, ON L6R 2A2
647- 608-0096
rnhdesigns21@gmail.com

Project Title :
SECOND UNIT BASEMENT

Project Address:
**77 ROEHAMPTON AVE
STREET,
ST. CATHARINES, ON.**

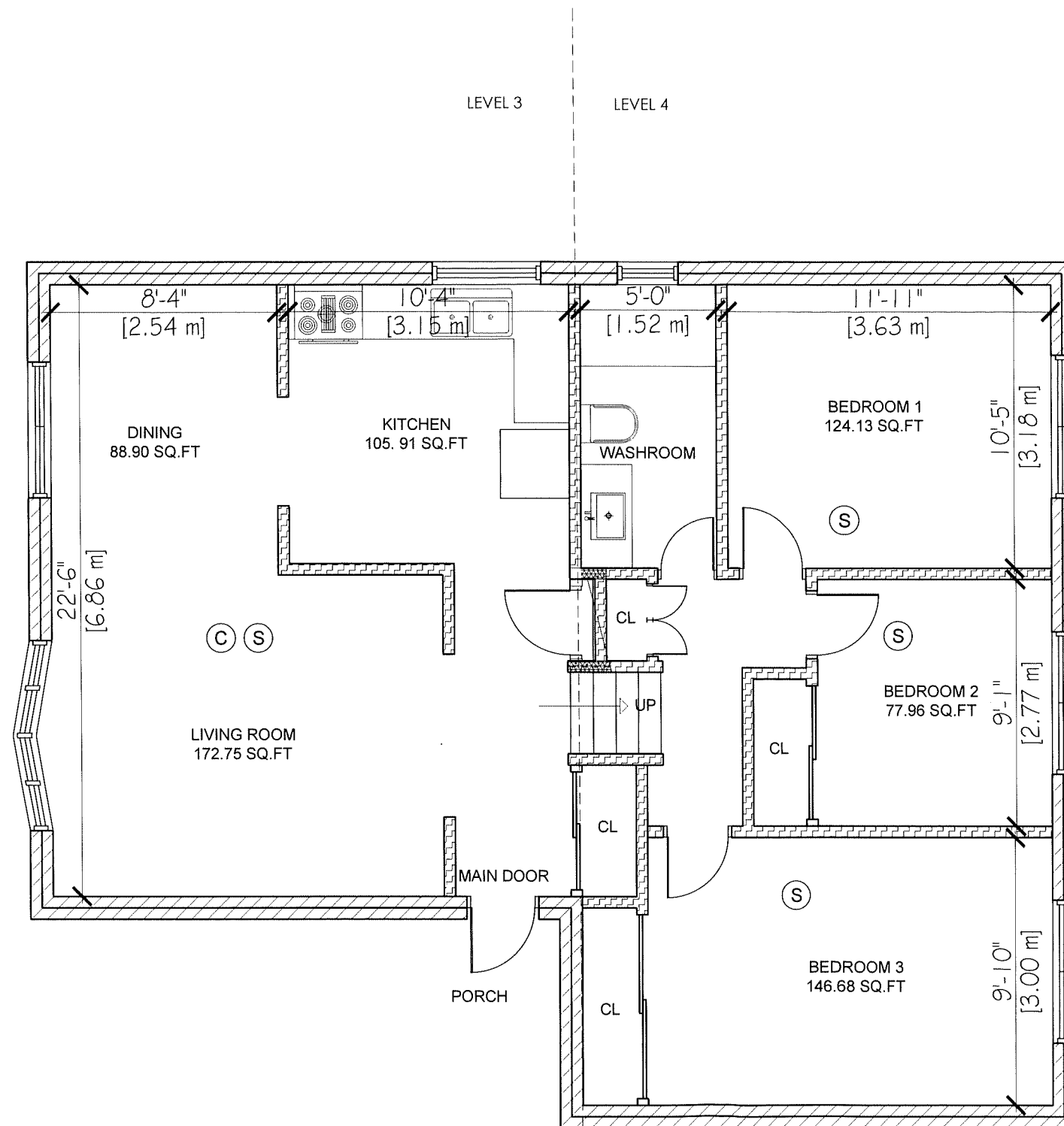
Drawing Title:
SITE PLAN

Scale:
3/32" = 1'0"

Date:
OCT, 2022

Designed:
**Rashmi Sharma
BCIN No: 114300**

Project No. Sheet No.
A1.



GROUND FLOOR PLAN
AREA: 963 SQ.FT

The undersigned has reviewed and takes responsibility for 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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Rashmi Sharma
Name Signature BCIN 114300
Company's BCIN 118287



91 Cordgrass Crescent
Brampton, ON L6R 2A2
647- 608-0096
rnhdesigns21@gmail.com

Project Title :
BASEMENT SECOND UNIT

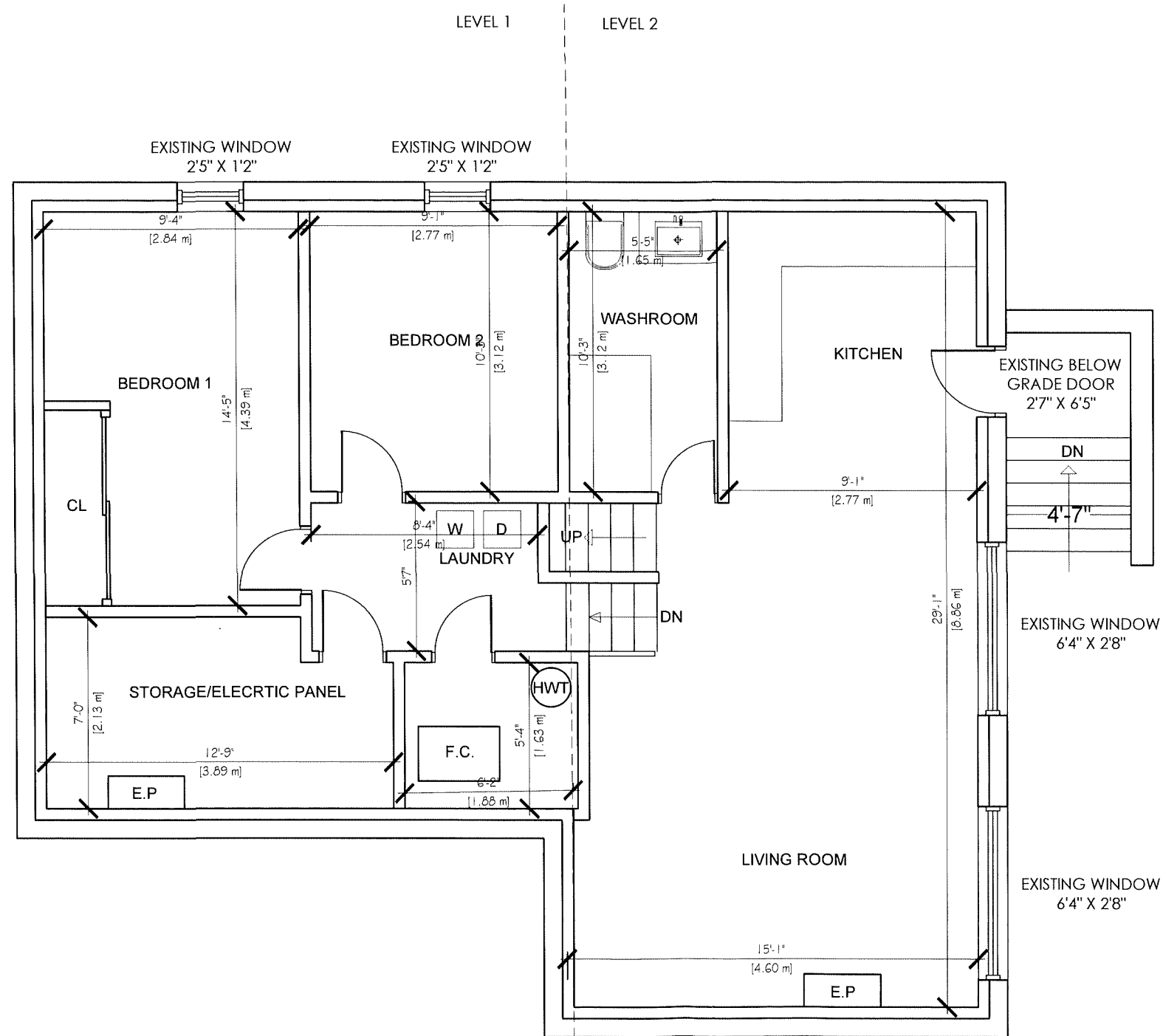
Project Address:
**77 ROEHAMPTON AVE,
ST. CATHARINES, ON**

Drawing Title:
LEVEL 3 AND 4

Scale: 3/16":1'0"
Date: OCT,2022

Designed:
**Rashmi Sharma
BCIN No: 114300**

Project No. 21-36
Sheet No. A5.0



EXISTING BASEMENT PLAN

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

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.5.1 (division O) of Ontario Building Code.

Rashmi Sharma
Name Signature BCIN 114300

Company's BCIN: 116287



91 Cordgrass Crescent
Brampton, ON L6R 2A2
647-608-0096
rnhdesigns21@gmail.com

Project Title :
BASEMENT SECOND UNIT

Project Address:
**77 ROEHAMPTON AVE,
ST. CATHARINES, ON**

Drawing Title:
**EXISTING
BASEMENT PLAN**

Scale: 3/16":1'0"	Date: OCT,2022
----------------------	-------------------

Designed:
**Rashmi Sharma
BCIN No: 114300**

Project No. 21-36	Sheet No. A3.0
----------------------	-------------------

BASEMENT APARTMENT GENERAL NOTES:




1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE
ONTARIO BUILDING CODE AND REGULATIONS
2. FRAMING NOTES:

2.1. DIMENSIONAL LUMBER TO BE S-P-F GRADE 1 OR 2.

2.2. INSULATION WALLS R12 OR R14.

2.3. VAPOUR BARRIER 6MIL POLY.




WALL DETAILS

<div>W1</div> <div></div>	EXTERIOR WALL CONSTRUCTION : ADD IN FOLLOWING ORDER TO EXISTING CONCRETE WALL R12 MINERAL FIBRE INSULATION 2"X4" WOOD STUDS @ 16" O.C. 6MIL POLY VAPOR BARRIER 1/2" DRYWALL
<div>W2</div> <div></div>	INTERIOR WALL CONSTRUCTION : · 1/2" DRYWALL · 2" X 4" WOOD STUD @ 16" O.C. · 1/2" DRYWALL
<div>W3</div> <div></div>	30MIN FIRE SEPARATION WALL : · 1/2" DRYWALL ON ONE SIDE · 2" X 4" WOOD STUD @ 16" O.C. · 89mm THICK ABSORPTIVE MATERIAL (ROXUL SAFE & SOUND) · 1/2" DRYWALL
<div>CH</div>	CEILING HEIGHT : 7'3" FROM BASEMENT FINISHED FLOOR LEVEL 6'5" BELOW THE DUCT
<div>CE1</div>	CEILING CONSTRUCTION : 15 MIN FIRE SEPARATION OBC COMPLIANCE C147 (b) ON CEILING · EXISTING 2"X10" WOOD FLOOR JOISTS · NEW LAYER 1/2" GYPSUM BOARD TYPE "C" ON CEILING

DOOR REFERENCE

D	36"X80" EXTERIOR DOOR
D1	32"X80" 20 min. FIRE RATED DOOR & FRAME WITH SELF CLOSING DEVICE
D2	32"X80" DOOR 1" SHORT A.F.F. TO ALLOW FOR RETURN AIR
D3	30"X80" DOOR 1" SHORT A.F.F. TO ALLOW FOR RETURN AIR
D4	26"X80" DOOR 1" SHORT A.F.F. TO ALLOW FOR RETURN AIR

REFERENCE

1	AIR SUPPLY REGISTER AT CEILING
2	AIR RETURN REGISTER AT FLOOR LEVEL
S	INTERCONNECTED SMOKE ALARM : SHOULD HAVE VISUAL SIGNALING COMPONENT INTEGRATED
C	CARBON MONOXIDE DETECTOR
	EXHAUST FAN
	COLUMN
	GLASS BULB TYPE SPRINKLER HEAD FED BY CITY WATER SUPPLY
SD	SMOKE DETECTOR TO BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH WOULD TURN OFF THE ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR
\$3	3-WAY ELECTRICAL SWITCH

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

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.5.1 (division O) of
Ontario Building Code.

Rashmi Sharma 114300
Name Signature BCIN

Company's BCIN: 118287



91 Cordgrass Crescent
Brampton , ON L6R 2A2
647- 608-0096
rnhdesigns21@gmail.com

Project Title :

BASEMENT FINISH PERMIT

Project Address:
77 ROEHAMPTON AVE,
ST. CATHARINES, ON

Drawing Title:

GENERAL NOTES

Scale: NTS Date: APR,2022

Designed:
Rashmi Sharma
BCIN No: 114300

Project No: 21-26 Sheet No: A2.0

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: January 17, 2023

Subject: Committee of Adjustment Comments (February 1, 2023, Hearing)

We have no concerns or requirements.

Steve Bittner
Transportation Technologist

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer, PBS
From: Amanda Knutson, Community Project & Development Planner, CRCS
Date: January 20, 2023
Subject: Committee of Adjustment Applications – February 1, 2023 Hearing

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

18 St. Louis Place, Minor Variance, A-01/23, 22 113891 MV

No objection.

174 Woodside Drive, Minor Variance, A-15/23, 22 114677 MV

No objection.

125 Westchester Crescent, Consent, B-01/23SC, 22 114323 LD

125 Westchester Crescent, Minor Variance, A-03/23, 22 114325 MV

125 Westchester Crescent, Minor Variance, A-04/23, 22 114326 MV

Comments provided under separate cover.

77 Roehampton Avenue, Minor Variance A-09/23, 22 115125 MV

No objection.

10A Smythe Street, Minor Variance A-11/23, 22 115227 MV

No objection.

10B Smythe Street, Minor Variance A-12/23, 22 115230 MV

No objection.

1 Tracey Road, Minor Variance, B-02/23SC, 22 115319 LD

No objection. Standard conditions for tree planting and parkland dedication were addressed by the applicant through the previous application for consent.

254 Oakdale Avenue, Consent, B-03/23SC, 22 115387 LD

254 Oakdale Avenue, Consent, B-04/23SC, 22 115395 LD

254 Oakdale Avenue, Consent, B-05/23SC, 22 115397 LD

254 Oakdale Avenue, Consent, B-06/23SC, 22 115402 LD

254 Oakdale Avenue, Minor Variance, A-15/23, 22 115390 MV

254 Oakdale Avenue, Minor Variance, A-16/23, 22 115393 MV

254 Oakdale Avenue, Minor Variance, A-17/23, 22 115394 MV

254 Oakdale Avenue, Minor Variance, A-18/23, 22 115396 MV

Comments to be provided under separate cover.

539 Eastchester Avenue, Minor Variance, A-
No objection.

Amanda Knutson
Community Project & Development Planner
Community, Recreation & 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: January 20, 2023

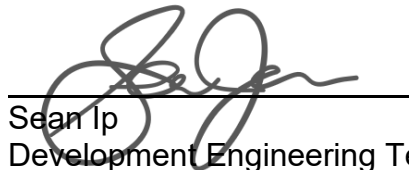
Hearing Date: February 1, 2023

Subject: **Committee of Adjustment - Minor Variance Applications**
18 St. Louis Street – A-01/23
125 Westchester Crescent – A-03&04/23
174 Woodside Drive – A-05/23
77 Roehampton Avenue – A-09/23
10 A & 10B Smythe Street – A-11&12/23
254 Oakdale Avenue – A-15,16,17,&18/23
539 Eastchester Avenue East – A-20/23

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

Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Tuesday, January 17, 2023 11:13 AM
To: Nahachewsky, Jayne
Cc: Risi, Rosa
Subject: COA - Response - 254 Oakdale Ave
Attachments: SCH_CLR2023-016.pdf

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 morning Jayne,

Response letter attached for 254 Oakdale Ave. Please keep electronic copy for your files as the original will not be mailed.

Our office has no comment/objections to the remaining applications.

Best 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 >
Sent: Monday, January 16, 2023 10:49 AM
To: bruary 1st, 2023

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

Good Morning;

Nahachewsky, Jayne

From: Doug Crown
Sent: Tuesday, January 17, 2023 1:45 PM
To: Nahachewsky, Jayne
Subject: Re: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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.

Hi Jayne
Cogeco has no concerns with these applications.

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

On Mon, Jan 16, 2023 at 10:48 AM Nahachewsky wrote:

Good Morning;

Hope you are well.

Please find the links for each application that includes the Notice of Hearing, application, justification reports and sketches scheduled for the Wednesday, February 1st, 2023 Hearing @ 5pm below. If you have any comments, please forward them to us by Monday January 23, 2023.

18 St. Louis Place

174 Woodside Drive

Amanda No. 22 115227 MV
Submission No. A-11/23
Amanda No. 22 115230 MV
Submission No. A-12/23

COMMITTEE OF ADJUSTMENT COMMENTS

10A & 10 B SMYTHE STREET

DATE OF HEARING:

FEBRUARY 1, 2023



Technical Report

From: Planning and Building Services, Planning Services

Date of Report: January 26, 2022

Date of Meeting: February 1st, 2022

Report Number: A-11/23

File: 22 115227 MV

A-12/23

22 115230 MV

Subject Lands: 10A Smythe Street
10B Smythe Street

Recommendation

That Applications **A-11/23** and **A-12/23**, submitted by **James Birrell, John Rosa and Jonathan Nauta** as outlined in the notice of hearing, be approved.

Report

The Proposal

Applications A-11/23 and A-12/23 seek relief from the City of St. Catharines By-law 2013-283, as amended, to accommodate an interior accessory dwelling unit (ADU). One variance is required per application to facilitate the proposal and is outlined below.

Variance	Provision	Required	Proposed
1	Minimum required parking spaces	2	1

Location and Site Description

The subject lands are located on the south side of Smythe Street and east of Haight Street west. The neighbourhood is primarily low-density residential consisting of detached and semi-detached dwellings, and small apartment buildings. The subject lands are occupied by a semi-detached dwelling.

Circulation of Application

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

Technical Report

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 E9. This designation permits a range of low-density housing types, including semi-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 interior accessory dwelling unit (ADU) is permitted within detached dwellings subject to provisions of Section 2.2.1 of the Zoning By-law.

Planning Analysis

Both applications request a reduction from two required parking spaces to one. Zoning By-law 2013-283 requires a minimum of one parking space for a semi-detached dwelling unit, and one parking space for an accessory dwelling unit ADU. Therefore, each property requires two spaces, which can be in tandem. The proposed reduction will facilitate the use of an interior ADU. Staff note that parking spaces in the garage on the submitted sketch do not meet the minimum dimensions required for obstructed parking spaces in the current Zoning By-law. Staff also note that the City's approach regarding parking spaces that do not comply with the Zoning By-law is to reduce the number of parking spaces rather than legalize undersized parking spaces. The required minimum parking space width of 3.5 metres is required for a parking space obstructed on two sides. As constructed, the garage width is 3.4 metres. Since the parking space in the driveway is the only parking space on the property that meets current Zoning By-law requirements, a variance is required to reduce the number of required parking spaces from two to one for each unit. The intent of the parking requirements of the Zoning By-law for ADUs are to ensure sufficient parking is available for the primary and secondary units on one property. 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 development of the lands.

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 290 metres) to bus stops along Hartzel Road (Routes 318, 306 and 418) and approximately 190 metres to bus stops along Oakdale Avenue (Routes 304 and 404). The property is located proximity to the Merritt Trail and bicycle

Technical Report

lanes on Oakdale Avenue and Hartzel Road. Given the property's location and availability of active modes of transportation, this demonstrates that private vehicle ownership may not be required or desirable for all future residents of the dwelling units. In terms of parking, there is restricted on-street parking available along Smythe Street in front of the subject property, but on-street parking is available on adjacent streets, west and north of the subject property. Staff also note that while the garage space on both properties is deficient in required width, the garages may still offer functional parking spaces, even if vehicle access is restricted on one side.

Considering the availability of active modes of transportation and on-street parking, staff are of the opinion that the variances are considered minor in nature, appropriate for the desirable use of the lands and are in keeping with the general intent of the Official Plan and Zoning By-law.

Conclusion

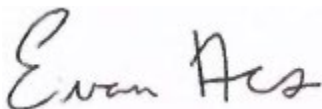
Having regard for the matters under Section 45 of *The Planning Act*, staff are of the opinion that Applications **A-11/23** and **A-12/23** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands. Staff recommend approval of the Application.

Prepared by:



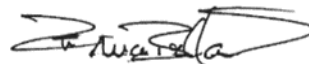
Dasha Litviniuc
Student Planner

Submitted by:

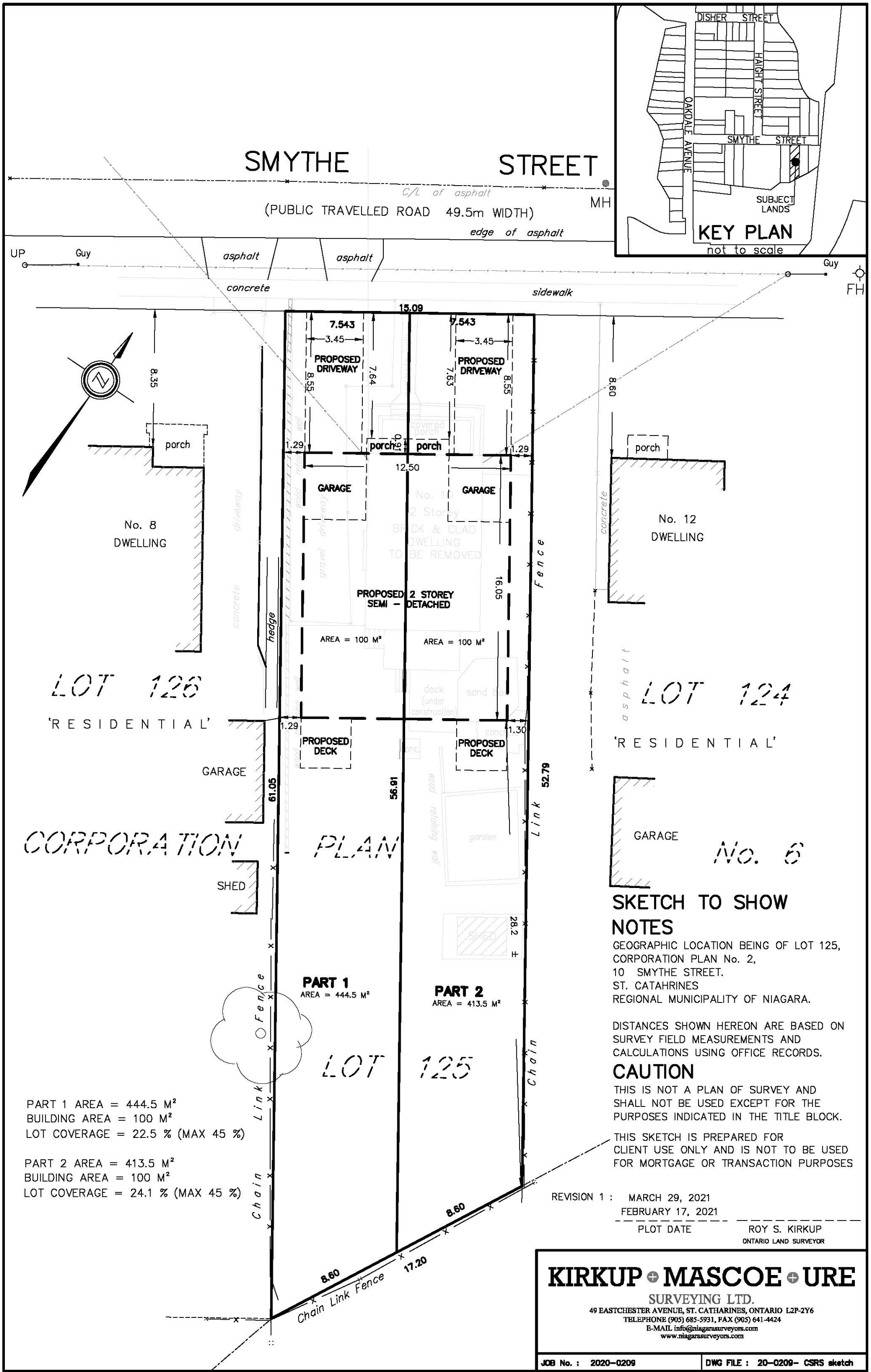


Evan Acs, MSC, RPP
Planner I

Approved by:



Bruce Bellows
Senior Project Manager



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

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

Date: January 20, 2023

Subject: Committee of Adjustment Applications – February 1, 2023 Hearing

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

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No objection.

174 Woodside Drive, Minor Variance, A-15/23, 22 114677 MV

No objection.

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254 Oakdale Avenue, Minor Variance, A-15/23, 22 115390 MV

254 Oakdale Avenue, Minor Variance, A-16/23, 22 115393 MV

254 Oakdale Avenue, Minor Variance, A-17/23, 22 115394 MV

254 Oakdale Avenue, Minor Variance, A-18/23, 22 115396 MV

Comments to be provided under separate cover.



Memorandum

To: Jayne Nahachewsky,
Committee of Adjustment Secretary-Treasurer

From: Sean Ip, *Development Engineering Technologist*

CC: City Committee of Adjustment Staff Members

Date: January 20, 2023

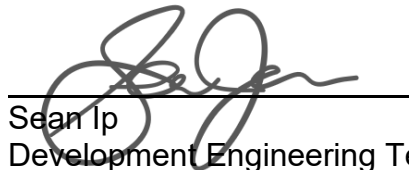
Hearing Date: February 1, 2023

Subject: **Committee of Adjustment - Minor Variance Applications**
18 St. Louis Street – A-01/23
125 Westchester Crescent – A-03&04/23
174 Woodside Drive – A-05/23
77 Roehampton Avenue – A-09/23
10 A & 10B Smythe Street – A-11&12/23
254 Oakdale Avenue – A-15,16,17,&18/23
539 Eastchester Avenue East – A-20/23

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

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- 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

Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Tuesday, January 17, 2023 11:13 AM
To: Nahachewsky, Jayne
Cc: Risi, Rosa
Subject: COA - Response - 254 Oakdale Ave
Attachments: SCH_CLR2023-016.pdf

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 morning Jayne,

Response letter attached for 254 Oakdale Ave. Please keep electronic copy for your files as the original will not be mailed.

Our office has no comment/objections to the remaining applications.

Best 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
Sent: Monday, January 16, 2023 10:49 AM
To: '
Cc: Nahachewsky, Jayne ; Risi, Rosa
Subject: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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

Good Morning;

Nahachewsky, Jayne

From: Doug Crown
Sent: Tuesday, January 17, 2023 1:45 PM
To: Nahachewsky, Jayne
Subject: Re: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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Hi Jayne
Cogeco has no concerns with these applications.

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

On Mon, Jan 16, 2023 at 10:48 AM Nahachewsky wrote:

Good Morning;

Hope you are well.

Please find the links for each application that includes the Notice of Hearing, application, justification reports and sketches scheduled for the Wednesday, February 1st, 2023 Hearing @ 5pm below. If you have any comments, please forward them to us by Monday January 23, 2023.

18 St. Louis Place

174 Woodside Drive

Nahachewsky, Jayne

From: Glen
Sent: Monday, January 16, 2023 8:19
To: Nahachewsky, Jayne
Subject: Notice of 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.

Hi there.

I live at 2 Haight St, L2P2M1 and am writing to you in regards to Amanda No. 22 115227 MV Submission A-11/23 and Amanda No. 22 115230 MV Submission A-12/23.

I have major issues with these proposals to reduce the parking spots at these residences as we are already at full capacity for parking on the street.

I'm tired of people parking in front of my driveway blocking me as well as my wife in or parking within inches of it so we have to jump the curb across the street to get out. I even had the city put up no parking signs pointed at each other signifying no parking but that doesn't matter to anyone. Its a free for all and people park wherever they want. My boulevard is ruined as well but yet I'm required to maintain it.

Poor planning was done on the part of the builder when those residences were built and shouldn't be the rest of us homeowners on the streets problem.

Furthermore, 1 of the residences has a broken down car parked in the driveway taking 1 of the 2 spots. These proposals are unfair and completely unnecessary and will lead to rifts with the neighbors and cannot be allowed to go through. We already can't have family or friends come over because there's just no parking as it is.

Please keep me updated on the proceedings as I'm unable to participate in the hearing. I can be reached at the phone number and address below. Thanks for your time.

Glen Miller
2 Haight St
St Catharines, ON
L2P2M1

Nahachewsky, Jayne

From: Jessica S
Sent: Friday, January 20, 2023 9:06 AM
To: Nahachewsky, Jayne
Subject: No. 22115227 MV

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.

My name is Jessica Sweeny. I live at 11 Smythe street with my family. Myself and a few neighbours I have spoken to are concerned about the proposed amendment to the bylaw 2013-283 to reduce the minimum parking spaces from 2 to 1. We feel this will add to the already congested street parking situation on Smythe St.
This photo was taken this morning at 9:05 am.

Regards

Jessica

**Amanda No. 22 115319 LD
Submission No. B-02/23SC**

COMMITTEE OF ADJUSTMENT COMMENTS

1 TRACEY ROAD

**DATE OF HEARING:
FEBRUARY 1, 2023**



Technical Report

From: Planning and Building Services, Planning Services

Date of Report: January 23rd, 2023

Date of Meeting: February 1st, 2023

Report Number: B-02/23SC

File: 22 115319 LD

Subject Lands: 1 Tracey Road and 76 Devon Road

Recommendation

That Application **B-02/23SC** submitted by **Chad Yance**, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. 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.
2. 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.
3. That all conditions of consent be fulfilled by February 1st, 2025.

Report

Background

On April 19, 2017, Application **B-04/17SC** was approved by the Committee of Adjustment to sever the property 1 Tracey Road to create one new lot. A detached dwelling was proposed for the new lot, to be known as 76 Devon Road. A concurrent Minor Variance Application **A-04/17** was approved by the Committee of Adjustment to address a reduced lot area and rear yard setback for the proposed dwelling. The existing detached dwelling at 1 Tracey Road was to remain. Following the approval of **B-04/17SC**, the conditions of Consent were cleared and the Final Certificate was issued. However, the new lot was not registered with the Ontario Lands Registry Office and therefore does not legally exist. City staff issued building permits for the new detached dwelling at 76 Devon Road, which was constructed and exists today.

The Proposal

Application **B-02/23SC** is made for Consent to a partial discharge of mortgage and for Consent to sever 394.5 square metres of land (shown as Part 1 on the submitted sketch)

Technical Report

to create a new lot known as 76 Devon Road for the existing detached dwelling. The 400 square metres remnant parcel (shown as Part 2 on the submitted sketch) will be retained for the existing detached dwelling.

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

Application	Severed Parcel	Severed Area	Retained Parcel	Retained Area
B-02/23SC	Part 1 (76 Devon Road)	394.5 m ²	Part 2 (1 Tracey Road)	400 m ²

Location and Site Description

The subject property is located on the northeast corner of the intersection of Tracey Road and Devon Road. The surrounding area consists of low-density residential dwellings and a community commercial plaza. The subject property contains two detached dwellings, which will remain – one detached dwelling on 1 Tracey Road and one detached dwelling on 76 Devon Road.

Circulation of Application

This Application was circulated to all appropriate departments and agencies. No objections were received. One letter was received from a neighbouring property, who expressed concerns regarding drainage and property damages. Development Engineering staff note that grading confirmations were provided and accepted in August 2022 to the City's satisfaction.

Planning Policy Context

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and is further designated Low Density Residential on Schedule E3. This designation permits a range of residential dwelling types, including detached dwellings, at a density range of 20 to 32 units per hectare of land.

Zoning By-Law (2013-283)

The subject property is currently zoned Low Density Residential-Suburban Neighbourhood (R1) in Zoning By-law 2013-283. The R1 zones permits a range of residential dwelling types including detached, semi-detached, duplex and townhouse dwellings.

Technical Report

Planning Analysis

Consent

Consent Application **B-02/23SC** requests to create a new lot, 76 Devon Road, where the existing detached dwelling will remain. The existing detached dwelling on the retained lot, 1 Tracey Road, will also remain. Section 16.11 of the GCP sets out a number of policies that applications for lot creation are evaluated against. Relevant policies are listed below with staff comments provided.

3) Consents to sever individual parcels of land, including land assembly and lot boundary adjustments will only be permitted where:

a) It is clearly apparent that no development could take place which would lead to significant expense by the City for public works or which would lead to further development leading to such expenses.

The proposal will continue the use of existing infrastructure as it will not result in new development. Any required improvements to infrastructure such as municipal streets, water, wastewater and stormwater services, will be at the owner's expense. Therefore, there are no anticipated costs for the city.

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

The subject lands are located within the City's urban boundary and within an area that is substantially developed. The proposal will sever the lands that have already been developed in a manner that supports context-sensitive infill development, and reflects the construction of a detached dwelling that fits within the character of the neighbourhood and surrounding area while supporting residential growth.

c) The size, shape and configuration of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

The proposed lot and retained lot are sized and shaped appropriately to accommodate the existing detached dwellings in the R1 zone. The dwellings each have appropriate setbacks, adequate parking, sufficient access, and compliant landscaped areas. The zoning deficiencies for Part 1 regarding lot area and rear yard setback were previously approved by the Committee of Adjustment as they were considered minor in nature.

Staff are supportive of the creation of the proposed lot. Staff are satisfied that the proposed consent to sever represents context-sensitive infill development. Staff recommend that the application be approved, subject to the conditions outlined in the recommendations herein.



CITY OF
ST. CATHARINES

Technical Report

Conclusion

Having regard for matters under Section 53 of the *Planning Act*, staff are of the opinion that Consent Application **B-02/23SC** is in keeping with the policies of the Official Plan and is appropriate for the development of the land. It is staff's recommendation that the requested consent be approved, subject to the conditions outlined in the recommendation.

Prepared by:

A blue ink signature of Dasha Litviniuc.

Dasha Litviniuc
Student Planner

Submitted by:

A black ink signature of Natasha MacDonald.

Natasha MacDonald
Planner I

Approved by:

A black ink signature of Bruce Bellows.

Bruce Bellows
Senior Project Manager

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048

Note: This sketch is NOT a Plan of Survey.

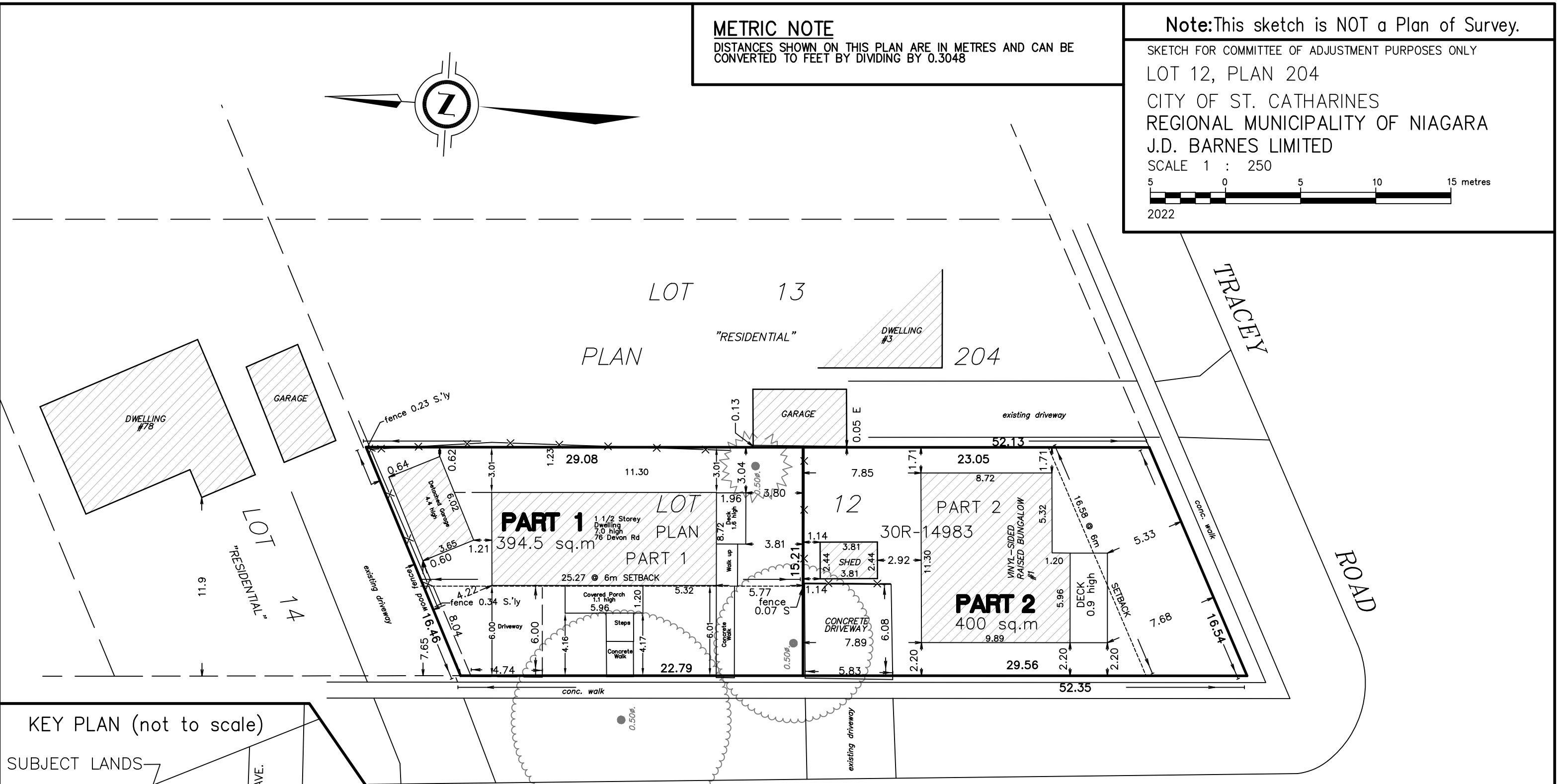
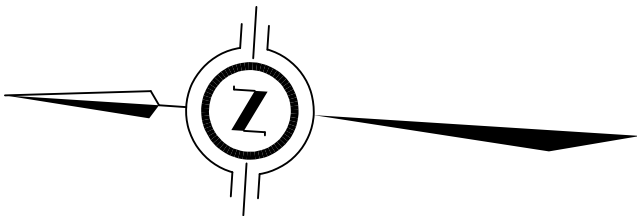
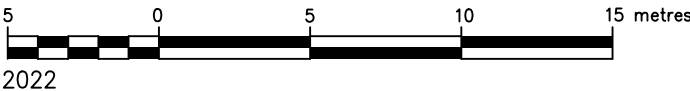
SKETCH FOR COMMITTEE OF ADJUSTMENT PURPOSES ONLY

LOT 12, PLAN 204

CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

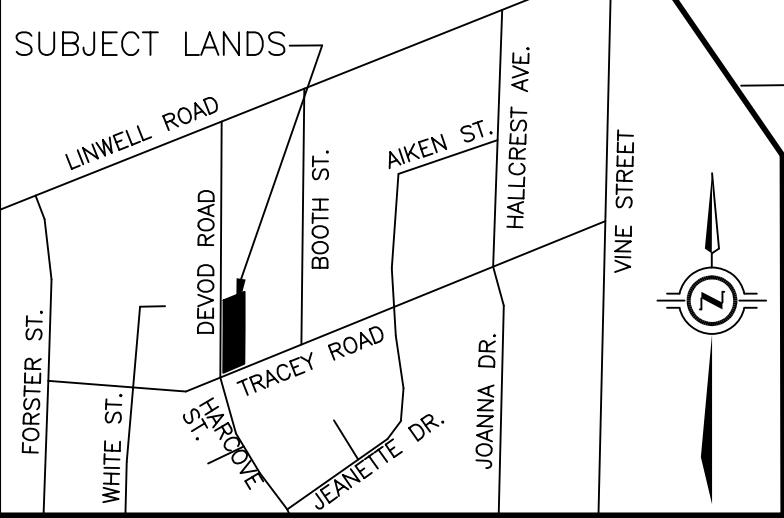
J.D. BARNES LIMITED

SCALE 1 : 250



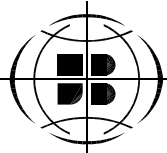
KEY PLAN (not to scale)

SUBJECT LANDS



REVISION 5
JANUARY 9, 2023
AUGUST 31, 2022
DATE

ROY S. KIRKUP
ONTARIO LAND SURVEYOR



J.D. BARNES
LIMITED

LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD, UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING
MAPPING
GIS

AA/AC	DRAWN
RSK	CHECKED
08/31/2022	DATED:
21-49-129-00	Ref. No.

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

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

Date: January 20, 2023

Subject: Committee of Adjustment Applications – February 1, 2023 Hearing

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

18 St. Louis Place, Minor Variance, A-01/23, 22 113891 MV

No objection.

174 Woodside Drive, Minor Variance, A-15/23, 22 114677 MV

No objection.

125 Westchester Crescent, Consent, B-01/23SC, 22 114323 LD

125 Westchester Crescent, Minor Variance, A-03/23, 22 114325 MV

125 Westchester Crescent, Minor Variance, A-04/23, 22 114326 MV

Comments provided under separate cover.

77 Roehampton Avenue, Minor Variance A-09/23, 22 115125 MV

No objection.

10A Smythe Street, Minor Variance A-11/23, 22 115227 MV

No objection.

10B Smythe Street, Minor Variance A-12/23, 22 115230 MV

No objection.

1 Tracey Road, Minor Variance, B-02/23SC, 22 115319 LD

No objection. Standard conditions for tree planting and parkland dedication were addressed by the applicant through the previous application for consent.

254 Oakdale Avenue, Consent, B-03/23SC, 22 115387 LD

254 Oakdale Avenue, Consent, B-04/23SC, 22 115395 LD

254 Oakdale Avenue, Consent, B-05/23SC, 22 115397 LD

254 Oakdale Avenue, Consent, B-06/23SC, 22 115402 LD

254 Oakdale Avenue, Minor Variance, A-15/23, 22 115390 MV

254 Oakdale Avenue, Minor Variance, A-16/23, 22 115393 MV

254 Oakdale Avenue, Minor Variance, A-17/23, 22 115394 MV

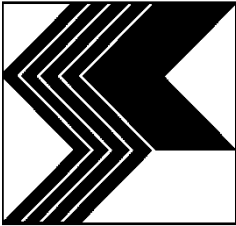
254 Oakdale Avenue, Minor Variance, A-18/23, 22 115396 MV

Comments to be provided under separate cover.

539 Eastchester Avenue, Minor Variance, A-
No objection.

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

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-02/23SC



January 20, 2023

ENGINEERING FILE 300-36

Hearing Date: February 1, 2023

Applicant: Chad Yance

Location: 1 Tracy Road

MUNICIPAL SERVICES

	Tracey Road	Devon Road
Water:	150mm (6") A.C.	150mm (6") C.I.
Sanitary Sewer:	200mm (8")	200mm (8")
Storm Sewer:	Roadside ditching	Roadside ditching
Sidewalks:	Yes	Yes
Road Allowance Width:	20.12m (66')	20.12m (66')

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 creating a new lot to be known as 76 Devon Road for the purposes of constructing a single detached dwelling. A remnant parcel would be retained (Part 2) for existing single detached dwelling and detached garage use. It is understood building permits applicable to the dwelling (19 115929 RN) and garage (19 115928 BS) on Part 1 have since been closed. Final lot grading confirmations were provided and accepted in August 2022 to the City's satisfaction.

Condition(s): Development Engineering staff have no further comment or conditions to impose for this proposed severance application.

Prepared by:

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

- c. Development Engineering Staff (2), (email only)
Manager of Building and Development, (email only)

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

Date: January 17, 2023

Subject: Committee of Adjustment Comments (February 1, 2023, Hearing)

We have no concerns or requirements.

Steve Bittner
Transportation Technologist

Nahachewsky, Jayne

From: Network Info <network.info@horizonutilities.com>
Sent: Tuesday, January 17, 2023 11:13 AM
To: Nahachewsky, Jayne
Cc: Risi, Rosa
Subject: COA - Response - 254 Oakdale Ave
Attachments: SCH_CLR2023-016.pdf

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 morning Jayne,

Response letter attached for 254 Oakdale Ave. Please keep electronic copy for your files as the original will not be mailed.

Our office has no comment/objections to the remaining applications.

Best 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: Monday, January 16, 2023 10:49 AM
To: 'rowcenter@bell.ca'; 'municipalnotices@enbridge.com'; 'Rogers' <newdevelopment@rci.rogers.com>; 'samantha.burke@alectrautilities.com'; Mark Jakubowski <mark.jakubowski@alectrautilities.com>; 'Cogeco' <doug.crown@cogeco.com>; Teran Lennard <tlennard@npca.ca>; Vasko, Dennis <dvasko@stcatharines.ca>; 'landuseplanning@hydroone.com'; 'Busnello, Pat' <pat.busnello@niagararegion.ca>; 'Morreale, Diana' <Diana.Morreale@niagararegion.ca>
Cc: Nahachewsky, Jayne <jnahachewsky@stcatharines.ca>; Risi, Rosa <rrisi@stcatharines.ca>
Subject: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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

Good Morning;

Nahachewsky, Jayne

From: Doug Crown
Sent: Tuesday, January 17, 2023 1:45 PM
To: Nahachewsky, Jayne
Subject: Re: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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.

Hi Jayne
Cogeco has no concerns with these applications.

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

On Mon, Jan 16, 2023 at 10:48 AM Nahachewsky wrote:

Good Morning;

Hope you are well.

Please find the links for each application that includes the Notice of Hearing, application, justification reports and sketches scheduled for the Wednesday, February 1st, 2023 Hearing @ 5pm below. If you have any comments, please forward them to us by Monday January 23, 2023.

18 St. Louis Place

174 Woodside Drive

Nahachewsky, Jayne

From: SHLLAKU Paul <Paul.Shllaku@hydroone.com>
Sent: Tuesday, January 24, 2023 10:00 AM
To: Nahachewsky, Jayne
Subject: St.Catharines - 1 Tracey Road - B-02-23SC

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.

Hello,

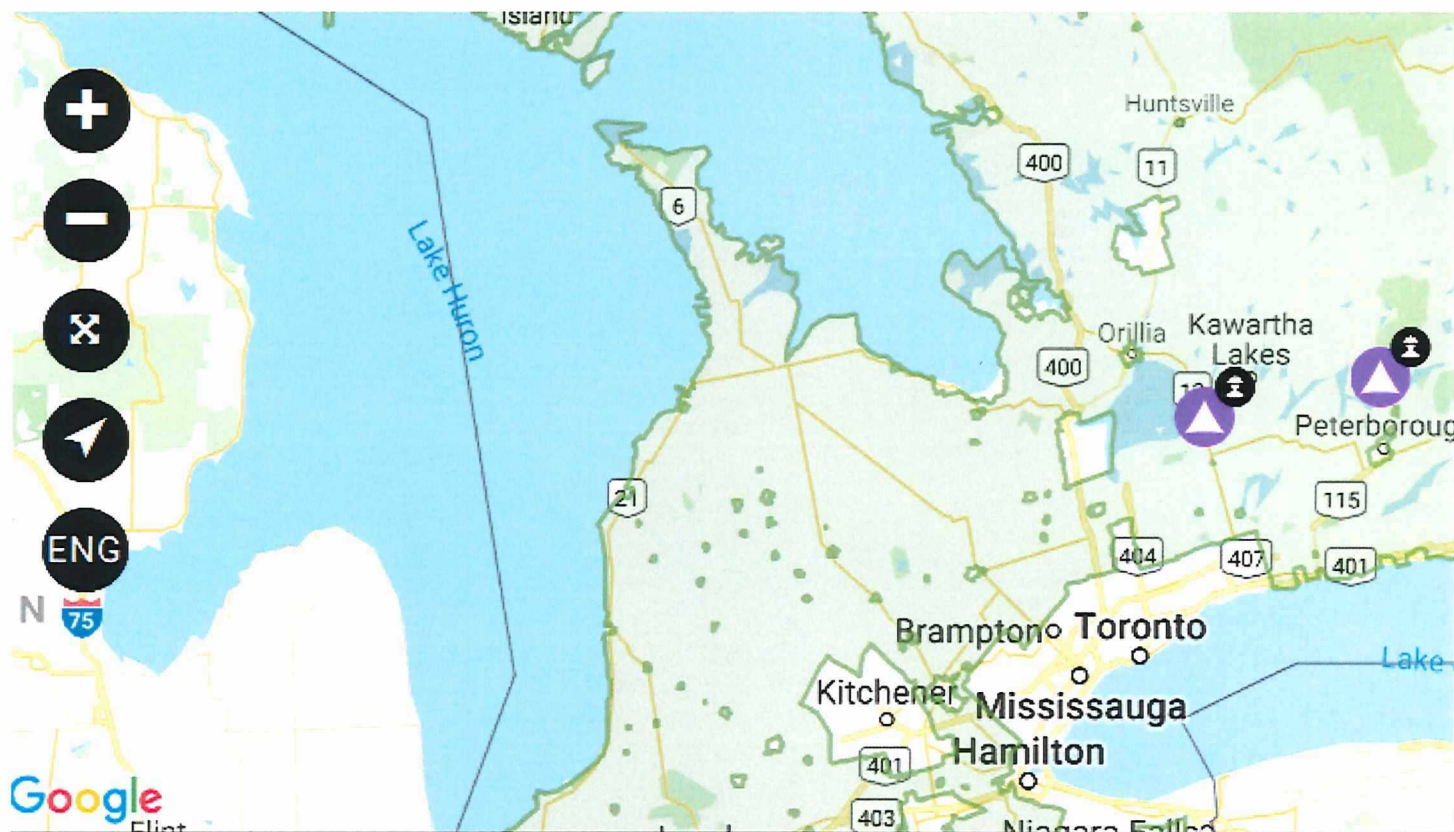
We are in receipt of your Application for Consent, B-02-23SC dated January 16,2023. We have reviewed the documents concerning the noted Application and **have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map

Customers Affected:  >5000  501-5000  51-500  21-50 



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

To whom it may concern,
RE Submission B-02/23SC
No. 22 115319 LD
Roll No. 2629060009097000000

Page 1 of 2

Jan 19th 2023

This is in regards to the notice of hearing a proposed by the Committee of Adjustment for properties located at 1 Tracey and adjoining property 76 Devon St Catharines Ont.

Mr. Yance is asking for partial discharge of mortgage and consent to sever 394 sq meters for existing detached dwelling at 76 Devon Rd.

As a property owner within the 60 meters of said Devon Rd dwelling we strongly oppose this application.

The construction of Mr. Yance's 76 Devon Rd dwelling had a huge impact on the surrounding properties causing thousands of dollars in damages to the adjacent property of 78 Devon Rd. All of which can be proven by video surveillance/photos, police reports and many calls to the City itself. There were also many concerns voiced not only by the homeowners but by other Devon Rd residents, including drainage issues, safety concerns and property damage.

As the homeowner at 78 Devon we have tried tirelessly to work with the City of St Catharines and Ward Councilor Bill Phillips to have the above mentioned issues resolved. They were never fully resolved. They included culvert, boulevard and driveway repairs causing it to be newly paved. I have included an email dated November 19th 2020 in regards to the damage with a service request and reference numbers for the public works department. This work was not completed and the repairs were completed and paid for by the owner.

Mr Yance and his contractor Mr. Hamlin were constantly absent during the construction of 76 Devon Road which led the subcontractors to use the driveway and yard at 78 Devon Rd as a lane for cement trucks and deliveries causing the driveway to break apart and crumble. Again all of the above is recorded by video surveillance and photographed. When Mr. Yance was confronted, he replied " I never did it " and walked away.

As to the flooding and drainage issues they must be a concern for Mr. Yance, he took it upon himself to put grates in the backyard at 76 Devon Rd and run a drainage system to the culverts located on Devon Rd.(all of which is photographed and pretty obvious to the eye) his sump pump also drains into the culvert. This has caused the ditches along Devon Rd to reach maximum capacity and overflow. Many residents do not have sump pumps and this increases the risk of flooding to their homes and insurance claims.

1 Tracey Rd and 76 Devon both being Mr.Yances properties are rentals, he constantly struggles to maintain the property i.e. lawn, leaves, snow.

In conclusion Mr Yance has managed to alienate everyone in the surrounding area and create nothing but havoc without any concerns.

Allowing Mr .Yance partial discharge of mortgage, will give him the opportunity to build another structure, which with no doubt will result in more calls to the City of St Catharines, Ward councilors by the residents of Devon Rd and Tracey Rd.

Page 2

As a community we will continue to oppose this motion and will make our concerns heard.
We welcome the opportunity to validate all the above mentioned concerns.

**Thank you time, kindest regards.
Devon Rd Residents,
A.Ramsden and L.Gorchynski**

**Amanda No. 22 115390 MV
Submission No. A-15/23**

COMMITTEE OF ADJUSTMENT COMMENTS

254 Oakdale Avenue

DATE OF HEARING:

FEBRUARY 1, 2023

**Applications A-15, A-16, A-17 & A-18
B-03, B-04, B-05 & B-06**

CORPORATION PLAN No. 2

SCALE 1:100 METRIC



AREA SCHEDULE		AREA SCHEDULE	
DESCRIPTION	AREA (m²)	DESCRIPTION	AREA (m²)
PART 1	188.3	PART 8	16.3
PART 2	146.0	PART 9	50.3
PART 3	142.7	PART 10	1.0
PART 4	215.9	PART 11	0.9
PART 5	130.1	PART 12	0.9
PART 6	18.4	PART 13	1.0
PART 7	15.6		

KEY PLAN
NOT TO SCALE

CORPORATION

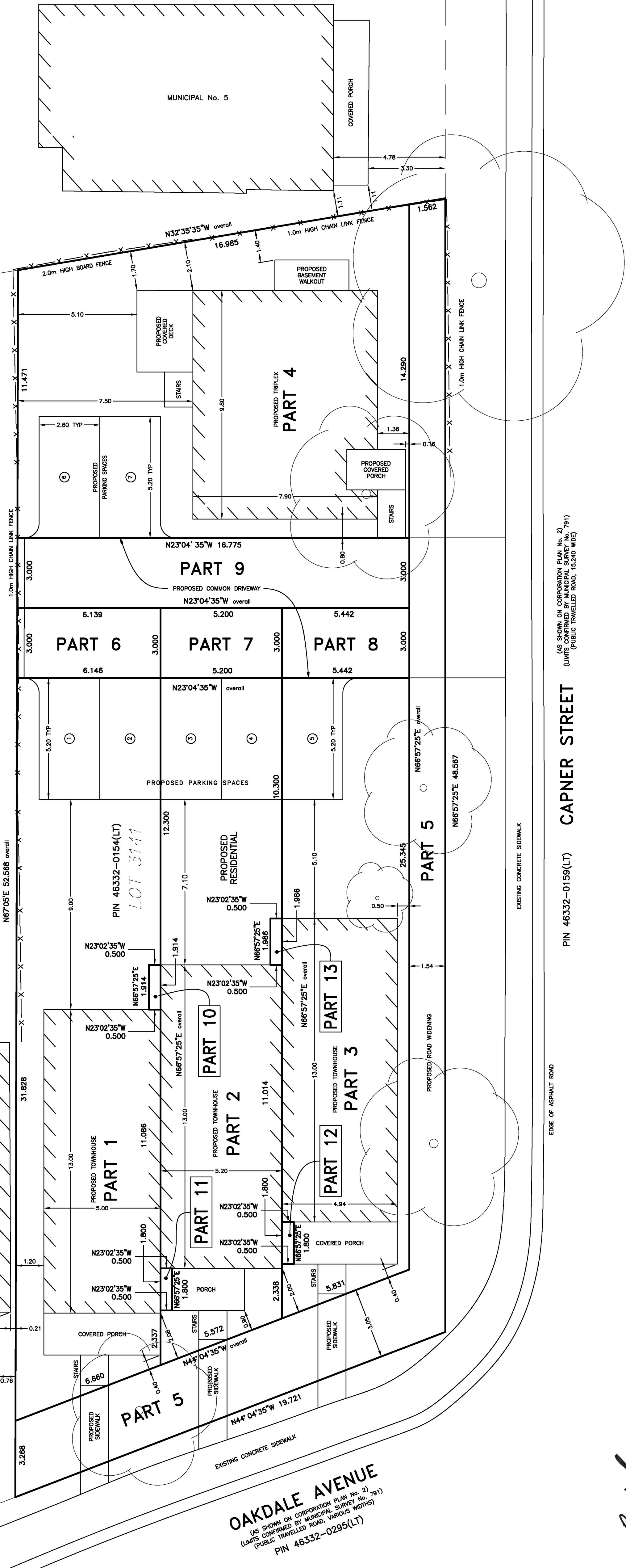
EXISTING RESIDENTIAL

LOT 3140

PIN 46332-0152(LT)

PIN 46332-0155(LT)

EXISTING RESIDENTIAL



OAKDALE AVENUE
(AS SHOWN ON CORPORATION PLAN No. 2)
(LIMITS CONFIRMED BY MUNICIPAL SURVEY No. 79)
(PUBLIC TRAVELLED ROAD, VARIOUS WIDTHS)
PIN 46332-0295(LT)

(AS SHOWN ON CORPORATION PLAN No. 2)
 (LIMITS CONFIRMED BY MUNICIPAL SURVEY No. 791)
 (PUBLIC TRAVELLED ROAD, VARIOUS WIDTHS)
 PIN 46332-0295(LT)

Burt Laotique

DECEMBER 13, 2022 BRENT LAROCQUE

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

THIS SKETCH IS PREPARED FOR AN APPLICATION UNDER THE PLANNING ACT AND ALL DIMENSIONS ARE TO BE CONFIRMED BY SURVEY.

NOTE: THE LOT DIMENSIONS ILLUSTRATED HEREON WERE OBTAINED FROM PLANS AND DOCUMENTS ON FILE AT THE LAND REGISTRY OFFICE

METRIC NOTE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CHECKED BY:
B.L

DATE: EC. 13, 2022

FILE: 2021-123A
DWG. FILE: 2021-123A-09

To: Jayne Nahachewsky, Committee of Adjustment Secretary-Treasurer

Cc:

From: Steve Bittner, Transportation Technologist

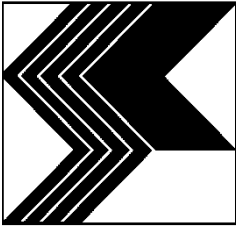
Date: January 17, 2023

Subject: Committee of Adjustment Comments (February 1, 2023, Hearing)

We have no concerns or requirements.

Steve Bittner
Transportation Technologist

REPORT TO PLANNING DEPARTMENT
Re: LAND DIVISION APPLICATION NUMBER B-03-06/23SC



January 20, 2023

ENGINEERING FILE 300-36

Hearing Date: February 1, 2023
Applicant: Ream Professional Investment Corporation
Location: 254 Oakdale Avenue

MUNICIPAL SERVICES

	Oakdale Avenue	Capner Street
Water:	300mm PVC	200mm PVC
Sanitary:	250mm	200mm Clay - North Boulevard 250mm Conc. - Road Centre
Storm:	300mm - West boulevard	375mm - Road Centre
Sidewalks:	Yes	Yes
Road Allowance:	16.50m (Varies)	15.24m

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

Comment(s): It is noted the Owner wishes to sever Parts 1 & 10, Parts 2, 11 & 13, Parts 3 & 12, Part 4, and Parts 6, 7, 8 & 9, for the construction three townhouse dwellings, a triplex dwelling, and access/egress rights over the above properties to the proposed benefitting owners, respectively, creating new lots on Oakdale Avenue and Capner Street. Part 5 is proposed to be dedicated to the City as a road widening, **however separate parts for the widenings along Oakdale Avenue and Capner Street must be accommodated.**

Roads

Oakdale Avenue is designated Collector Mixed-Use Corridor as per the City’s Transportation Master Plan, with a desired right-of-way width of 23.0m along this section. The City shall require a road widening along Oakdale Avenue of 3.048m in accordance with a widening previously acquired as per Plan 30R-8358 and transferred to the City free and clear of any encumbrances to be known as Public Highway *Oakdale Avenue*. A separate part for the Oakdale Avenue widening shall be identified further.

Capner Street is designated a Community Road as per the City’s Transportation Master Plan, with a desired right-of-way width of 20.0m. The City shall require a road widening along Capner Street of 1.54m in accordance with a widening previously acquired as per Plan 30R-14900 at 260 Oakdale Avenue and transferred to the City free and clear of any encumbrances to be known as Public Highway *Capner Street*. A separate part for the Capner Street widening shall be identified further.

A draft reference plan shall be submitted for review and approval prior to the registration in the Land Registry Office and forwarded to the City. The City will then move forward with acceptance of the land transfers by Municipal By-law.

Sidewalks

Sidewalks exist along both frontages. Sidewalk damage deposits shall be obtained through the Building Permit process to ensure the protection of these services throughout the construction process, if approved.

Engineering Services

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. The owner must retain at their cost, a qualified Engineer, or Ontario Land Surveyor to prepare a Master Lot Grading and Drainage plan for the proposed lot. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the consent. City staff will review the plan to ensure that the drainage scheme of the proposed future lots convey drainage to 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 Capner Street, weeping tile drainage shall be discharged via sump pump to a dedicated storm sewer lateral through the front foundation walls only, **applicable to the Proposed Triplex dwelling and the southern-most proposed townhouse dwelling**. The remaining northerly townhouse dwellings shall discharge sump pump flows at grade to the front yard only, through the front foundation walls. 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 laterals for the new lots from the City sewers and watermain to the property lines, through the Building Permit process. Payment for the services for the newly created lots shall be obtained at the building permit stages. **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.**


The City has recently received inquiries from the Owners of 5 Capner Street, regarding the sewer service lateral for that dwelling potentially crossing onto and within the rear of the subject property. Confirmation between the applicant and owners of 5 Capner Street should be confirmed regarding the location of this private sewer lateral, as City records cannot confirm the location of laterals on the private portions of properties, without requests and payments made accordingly by the Owners.

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

- Provide the City a draft reference plan indicating the proposed widenings 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 widenings across the frontages of the subject property, to be known as Public Highway *Oakdale Avenue* and *Capner Street*; and
- Pay the fee for City crews to locate, trace, inspect and document the sewer laterals and water services for 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

- c. Development Engineering Staff (2), (email only)
Manager of Building and Development, (email only)

Nahachewsky, Jayne

From: Knutson, Amanda
Sent: Monday, January 23, 2023 10:52 AM
To: MacDonald, Natasha; Bellows, Bruce
Cc: Cooper, Dan; Martineau, Lawrence; Nahachewsky, Jayne; Josipovic, Margaret; Lamothe, Eric
Subject: 254 Oakdale Avenue - Applications for Consent to Sever (4) and Minor Variance (4)
Attachments: 254 Oakdale Ave (2022 10 12) Vegetation Protection Plan.pdf; 254 Oakdale Ave (2022 12 13) Consent Sketch.pdf

Hi Bruce and Natasha,

I have reviewed the above noted applications for consent to sever to create two new lots for three townhomes fronting onto Oakdale Avenue and one new lot for a triplex dwelling fronting onto Capner Street, as well as the related applications for minor variance.

During the pre-submission consultation stage, CRCS staff indicated that existing City-owned boulevard trees would have to be retained and protected. The applicant has submitted a Vegetation Protection Plan with the severance and minor variance applications (attached), which recommends preservation of tree no. 5 (a Sugar maple) and tree no. 10 (a Norway maple). Both trees require a minimum tree protection zone of 4.2 metres, based on the diameter of their trunks.

I am concerned that the location of these trees has not been accurately surveyed. For example, the trunk of the Norway maple can be seen on Google Street View as growing into the existing fence along Capner Street, while the survey sketch submitted with the applications shows the trunk of the tree set back approximately 1.5 metres from the fence. The Sugar maple may in fact be a City-owned boulevard tree or boundary tree (i.e. a shared tree), however it is shown as privately owned on the survey sketch. To be clear, if the Sugar maple is located entirely on private property today (including the future road widening area), then the City cannot require that it be preserved and protected.

The applicant is requesting a reduction in the exterior side yard setback for the corner townhouse unit (adjacent to the Sugar maple) and a reduction in the front yard setback for the triplex dwelling (adjacent to the Norway maple). Having the surveyed locations of those two trees is necessary in order for this department to evaluate the impacts of the reduced yards on the trees to be retained. We are requesting an updated sketch that shows the surveyed locations of the two trees in question and additional dimensions so that the location of the minimum tree protection zones can be determined.

I also note that within the Impact Assessment on page 4, the VPP states "...the plan will be revised to show that the driveway will be redirected around the trees to the road to preserve the trees in that area". I presume this commentary refers to another property and, if that is the case, the VPP should be updated to remove the information.

Amanda Knutson

Community Project and Development Planner

Tel: 905.688.5601 x3144

Email: aknutson@stcatharines.ca



Memorandum

To: Jayne Nahachewsky,
Committee of Adjustment Secretary-Treasurer

From: Sean Ip, *Development Engineering Technologist*

CC: City Committee of Adjustment Staff Members

Date: January 20, 2023

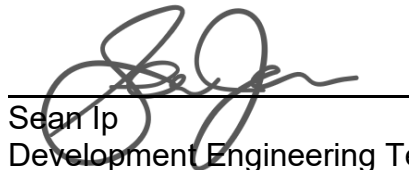
Hearing Date: February 1, 2023

Subject: **Committee of Adjustment - Minor Variance Applications**
18 St. Louis Street – A-01/23
125 Westchester Crescent – A-03&04/23
174 Woodside Drive – A-05/23
77 Roehampton Avenue – A-09/23
10 A & 10B Smythe Street – A-11&12/23
254 Oakdale Avenue – A-15,16,17,&18/23
539 Eastchester Avenue East – A-20/23

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

January 17, 2023

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

Attention: Jayne Nahachewsky

File# 22 115390 MV, 22 115393 MV, 22 115394 MV, 22 115395 MV, 22 115396 MV, 22 115397 MV, 22 115387 MV, 22 115402 MV

Re: 254 Oakdale Ave

In response to your correspondence dated January 16, 2023, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- Proposed townhouse development is in conflict with existing overhead secondary service to 256 Oakdale Ave. Contact ICI Group to review options for new and relocated services.

We would also like to stipulate the following:

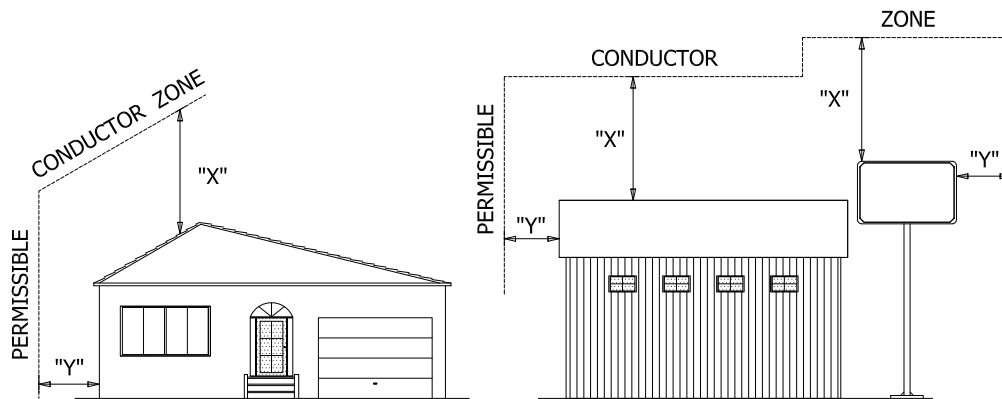
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



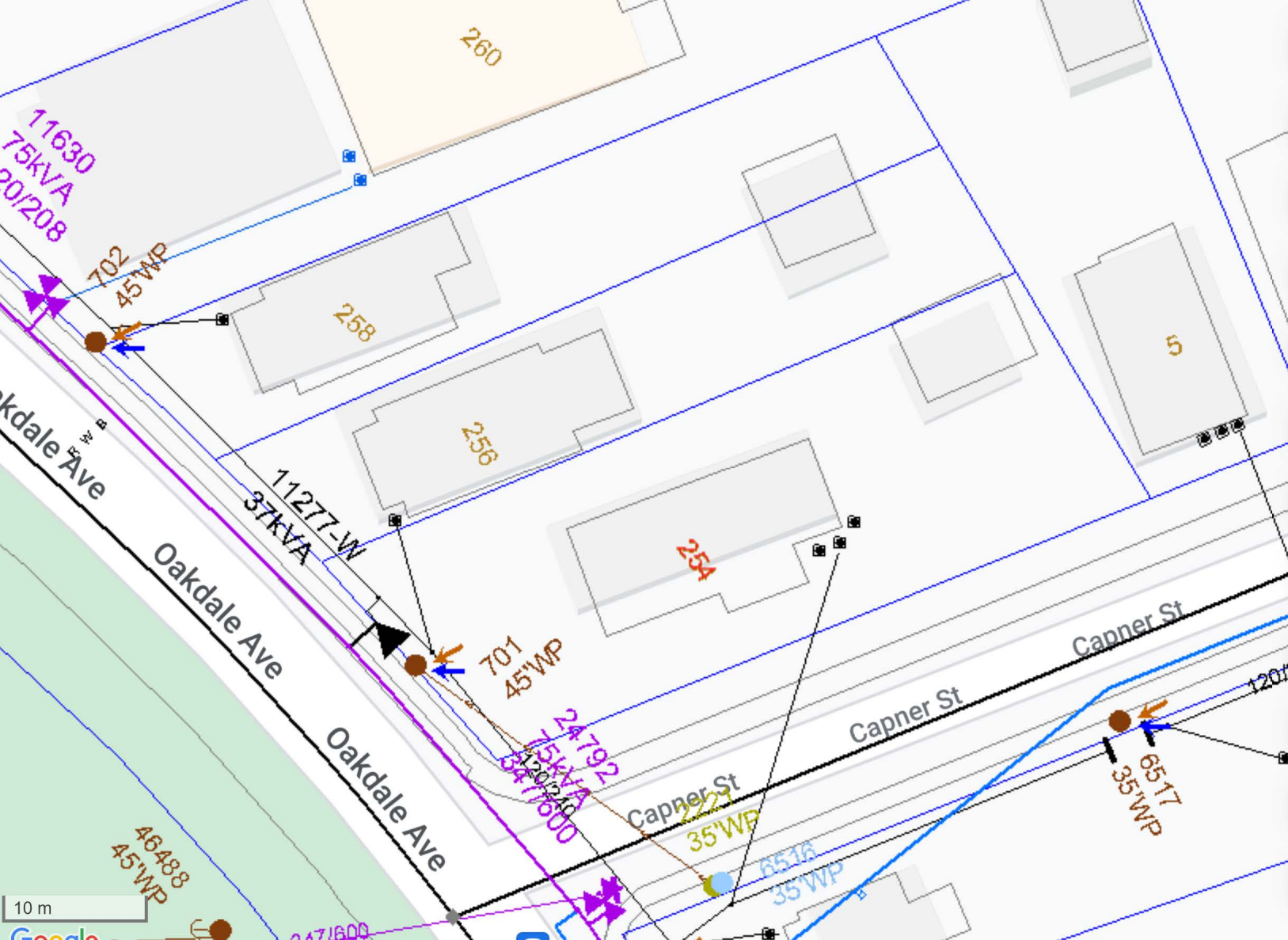
- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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



Nahachewsky, Jayne

From: Doug Crown
Sent: Tuesday, January 17, 2023 1:45 PM
To: Nahachewsky, Jayne
Subject: Re: Request for Comments - Committee of Adjustment Applications for Hearing to be held on February 1st, 2023

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.

Hi Jayne
Cogeco has no concerns with these applications.

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

On Mon, Jan 16, 2023 at 10:48 AM Nahachewsky wrote:

Good Morning;

Hope you are well.

Please find the links for each application that includes the Notice of Hearing, application, justification reports and sketches scheduled for the Wednesday, February 1st, 2023 Hearing @ 5pm below. If you have any comments, please forward them to us by Monday January 23, 2023.

18 St. Louis Place

174 Woodside Drive

Nahachewsky, Jayne

From: SHLLAKU Paul
Sent: Tuesday, January 24, 2023 10:03 AM
To: Nahachewsky, Jayne
Subject: St.Catharines - 254 Oakdale Avenue- B-03-23SC

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.

Hello,

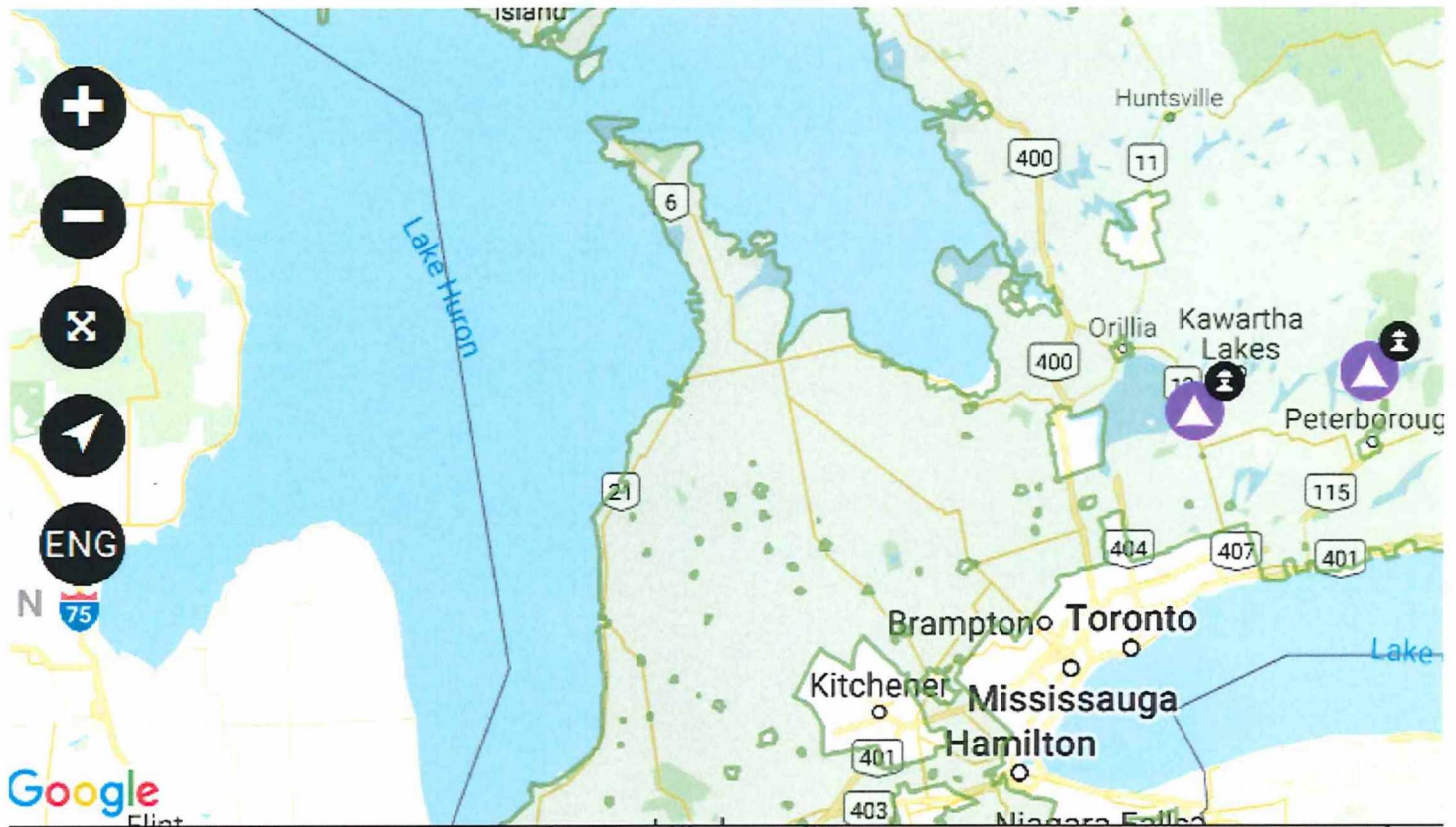
We are in receipt of your Application for Consent, B-03-23SC dated January 16,2023. We have reviewed the documents concerning the noted Application and **have no comments or concerns at this time.** **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map

Customers Affected:  >5000  501-5000  51-500  21-50 



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

This email and any attached files are privileged and may contain confidential information intended only for the person

Nahachewsky, Jayne

From: Wendy Edmonson
Sent: Friday, January 27, 2023 10:42 AM
To: Nahachewsky, Jayne
Subject: 254 Oakdale Avenue Notice of 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.

I own the property at 5 Capner St. I share a property line with 254 Oakdale . My sewer line is on the property being developed at 254 Oakdale Avenue. In the past I have had sewage issues at my home. This is when the city found out that my sewer line is on this property. I was instructed by city staff to contact previous owners the " Parent family ". I was to ask permission for the city to remove Parents fence so repairs to the sewer line caused by the large tree beside my house, but on city property could be completed. Work was completed and I have had no issues since. The city have no record of the repair or where the sewer line is. I just want this noted in your Hearing on Feb 1, 2023.

Thank you
Wendy Edmonson
5 Capner St.
St. Catharines , Ontario.