

Committee of Adjustment Public Hearing
Wednesday, July 16, 2015
Council Chambers, City Hall - 5:00 p.m.

Agenda

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment
5. Adoption of the Minutes held June 24, 2015
6. Change of Conditions Request:

71A Pelham Road – Consent Applications – B-15/15SC – 60.84.1977 & B-16/15SC – 60.84.1978
7. Application:
 - 1) 12 Wedsworth Street – Minor Variance Application – A-58/15 – 60.81.4996
 - * 2) 162 Ontario Street – Consent Application – B-33/14SC – 60.84.1961
 - 3) 7 Aberdeen Circle – Consent Application – B-25/15SC – 60.84.1987
 - * 4) 17 Northcliff Drive – Consent Application – B-26/15SC – 60.84.1988
 - * 17 Northcliff Drive – Minor Variance Application – A-51/15 – 60.81.4989
 - 5) 574 Carlton Street – Minor Variance Application – A-52/15 – 60.81.4990
 - 6) 160 St. Paul Street – Minor Variance Application – A-54/15 – 60.81.4992
8. New Business
9. Adjournment
- * Planning Report will be available on the City of St. Catharines website on Monday, July 13/15



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 8, 2015

Date of Meeting: July 16, 2015

Submission(s): B-15/15SC
B-16/15SC
A-17/15

File: 60.84.1977
60.84.1978
60.81.4955

Subject: 71A Pelham Road

Recommendation

That the conditions for Submission **B-15/15SC** by Hee-Jung Kim & Jung Tae Kim, as outlined in the Notice of Hearing, be amended by amending condition # 1 and adding a new condition as follows:

1. Prior to final consent, the Applicant shall submit for review and approval, a Master Grading Control Plan for Parts 1,2, and 3 on the sketch submitted with the application which shall identify the proposed grading scheme for the development. Prior to final consent, a development agreement registered on title shall be required for the construction of any servicing and grading works that may be required in order to achieve a suitable drainage outlet for the entire development (Parts 1, 2, and 3), to the satisfaction of the City Engineer. Adequate deposits and securities shall be submitted to cover the cost of construction of the required services, prior to final approval of the development agreement

New Condition

That a development agreement registered on title be entered into between the applicant and the City requiring; the demolition of the building on Parts 1 and 2 shown on the sketch submitted with the application within 30 days of final consent, including provisions for adequate securities to cover the cost of demolition. Securities shall be submitted prior to final approval of the development agreement.

That the conditions for Submission **B-16/15SC** by Hee-Jung Kim & Jung Tae Kim, as outlined in the Notice of Hearing, be amended by amending condition # 1 and adding a new condition as follows:

1. Prior to final consent, the Applicant shall submit for review and approval, a Master Grading Control Plan for Parts 1,2, and 3 on the sketch submitted with the application which shall identify the proposed grading scheme for the development. Prior to final consent, a development agreement registered on title shall be required for the construction of any servicing and grading works that may be required in order to achieve a suitable drainage outlet for the entire development (Parts 1, 2, and 3), to the satisfaction of the City Engineer. Adequate deposits and securities shall be submitted to cover the cost of construction of the required services, prior to final approval of the development agreement

New Condition

That a development agreement registered on title be entered into between the applicant and the City requiring; the demolition of the building on Parts 1 and 2 shown on the sketch submitted with the application within 30 days of final consent, including provisions for adequate securities to cover the cost of demolition. Securities shall be submitted prior to final approval of the development agreement.

Summary

The purpose of this additional condition of consent is to ensure that the building currently on the premises is demolished to allow for the severance of the lands into 2 new residential lots. All previously required conditions of provisional consent, issued on February 18, 2015 remain applicable however condition # 1 has been amended to require the Master Grading Control Plan to be implemented by a development agreement. The details regarding these conditions are outlined further in the Report section below.

Background

On February 18, 2013 the Committee of Adjustment approved applications to sever the property, creating 2 new lots in addition to the retained parcel. Single detached dwellings are proposed on Parts 1 and 2 shown on the sketch submitted with the application. A semi-detached dwelling is proposed to be constructed on Part 3. Minor variances were also approved to reduce the lot area of the proposed semi-detached dwellings on Part 3.

The Technical Report prepared by staff and considered by the Committee of Adjustment on February 18, 2015, is attached as Appendix 1 to this report. Notice of decision from the February 18, 2015 meeting is also attached as Appendix 2.

Planning Context

Location

The subject property is located on the east side of Pelham Road, north of Josephine Street and south of Rykert Street. The property is surrounded by a triplex to the north, single detached dwellings to the east and west, and a mixed commercial residential building to the south.

Official Plan

The Garden City Plan designates the land as Low Density Residential, which permits a variety of residential dwellings including the proposed single and semi-detached dwellings, subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2) pursuant to By-law 2013-283, which permits a variety of residential dwellings including the proposed single and semi-detached dwellings.

Report

As noted above provisional consent was granted by the Committee of Adjustment on February 18, 2015. Approval was subject to a number of conditions, including; submission of a Master Grading Control Plan, road widening dedications, payment of 5% cash-in-lieu of parkland dedication, payment for placement of a boulevard tree, among other standard conditions. The applicant has until February 18, 2016 to fulfill these conditions to receive final consent approval.

There is an existing building on the premises that straddles the lot line between Parts 1 and 2. The building should be removed prior to the consent being finalized. A condition requiring the demolition of the structure should have been part of the conditions of provisional consent issued on February 18, 2015, however, it was inadvertently omitted at the time.

The applicant has expressed concerns that until the sale of the lands is completed (after final consent) he is unable to demolish the dwelling. Staff is prepared to recommend an alternative condition which will permit the applicant to demolish the building, after final consent is issued, providing the applicant enters into a development agreement with the City to ensure timely demolition after final consent and that adequate securities be submitted to cover the cost of demolition.

Similarly condition #1 of the February 18, 2015 approval required construction of the required services prior to final consent. Additional clauses in the proposed development agreement can be included to permit construction of the required services after final consent, providing adequate that adequate deposits and securities are provided.

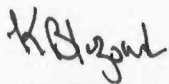
It is recommended that condition # 1 be amended to require the Master Grading Control Plan to be implemented through the same development agreement as the demolition of the existing building.

The Planning Act (Section 53(23)) allows the Committee of Adjustment to change the conditions of provisional consent at any time before final consent is given. Section 53(26) of the Act does not require that written notice be given if the change to conditions is minor. In this regard Staff considers the additional condition of provisional consent to be minor.

Conclusion

In summary, Staff is satisfied that the amended condition and additional condition of provisional consent meets the requirements of The Planning Act and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the amended and additional condition of provisional consent outlined in the Recommendation be approved

Prepared by:



Kevin Blozowski, M.C.I.P, R.P.P.
Planner I

Approved by:



Judy Pihach, M.C.I.P, R.P.P.
Manager of Planning services



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 8, 2015, 2015 **Date of Meeting:** February 18, 2015

Submission(s):	B-15/15SC	File:	60.84.1977
	B-16/15SC		60.84.1978
	A-17/15		60.81.4955

Subject: 71A Pelham Road

Recommendation

That Submission **B-15/15SC** by Hee-Jung Kim & Jung Tae Kim, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. Prior to final consent, the Applicant shall submit for review and approval, a Master Grading Control Plan which shall identify the proposed grading scheme for the development and, to construct any servicing and grading works that may be required in order to achieve a suitable drainage outlet for the entire development, to the satisfaction of the City Engineer
2. Prior to final consent the Applicant shall dedicate road widening dedications of 0.85m along the frontages of Rykert Street and Josephine Street and 2.25m along the frontage of Pelham Road to the City of St. Catharines.
3. That payment of 5% of the appraised value of the new lot (Part 3) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.
4. That the Applicant remove the existing link wire fence located within the Rykert Street right-of-way.
5. That the Applicant submit a payment of \$412.00 for the placement of a boulevard tree, in accordance with the 2014 Schedule of Rates and Fees.

That Submission **B-16/15SC** by Hee-Jung Kim & Jung Tae Kim, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. Prior to final consent, the Applicant shall submit for review and approval, a Master Grading Control Plan which shall identify the proposed grading scheme for the development and, to construct any servicing and grading works that may be required in order to achieve a suitable drainage outlet for the entire development, to the satisfaction of the City Engineer
2. Prior to final consent the Applicant shall dedicate road widening dedications of 0.85m along the frontages of Rykert Street and Josephine Street and 2.25m along the frontage of Pelham Road to the City of St. Catharines.
3. That payment of 5% of the appraised value of the new lot (Part 2) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.
4. That the applicant submit a payment of \$412.00 for the placement of a boulevard tree, in accordance with the 2014 Schedule of Rates and Fees.
5. That Submission B-15/15SC be finalized prior to the issuance of the final certificate for Submission B-16/15SC.

And That Submission **A-17/15** by Hee-Jung Kim & Jung Tae Kim, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of these applications is to make the required lot severances and associated minor variances to the zoning by-law to accommodate the creation of two new lots. Specifically, 2C Josephine Street for the purpose of constructing a single detached dwelling and 2D Josephine Street for the purpose of constructing a semi-detached dwelling.

Having regard for the matters under Section 51 (24) and section 45 (1) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal also maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any applicable provincial plans. The variance is desirable for the appropriate use of the land and is minor in nature.

Staff recommends the granting of the requested consents, and the requested variance subject to the conditions outlined in the Recommendation.

Background

Planning Context

Location

The subject property is located on the east side of Pelham Road, north of Josephine Street and south of Rykert Street. The property is surrounded by a triplex to the north, single detached dwellings to the east and west, and a mixed commercial residential building to the south.

Official Plan

The Garden City Plan designates the land as Low Density Residential, which permits a variety of residential dwellings including the proposed single and semi-detached dwellings, subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2) pursuant to By-law 2013-283, which permits a variety of residential dwellings including the proposed single and semi-detached dwellings.

Report

Section 8.2 of the GCP states that residential development, redevelopment and intensification will have regard for Part D, Section 7 of the GCP. Section 7 provides guidance on matters that shall be considered when evaluating intensification in existing neighbourhoods. It mentions that each development should be integrated compatibly with adjacent buildings, properties, and the surrounding neighbourhood, in respect to building form, scale, setbacks, siting, and orientation. Additionally, adverse impacts on adjacent properties should be minimized in regard to design of service utilities and areas, access and circulation, parking, and views. Furthermore, it is stated that adequacy of access, on-site facilities, and outdoor amenity areas to accommodate use are to be maintained.

The proposed residential dwelling units provide the opportunity to intensify an underutilized parcel of land along Pelham Road and strengthen the streetscape.

Overall, Staff believe that the proposed development meets the requirements of the GCP, and therefore is recommended for approval.

Consents

The GCP encourages many forms of residential development including infill and intensification, as the City has developed outward to its growth boundaries. Staff are supportive of modest intensification in accordance with the policies of the GCP. This form of development also promotes the intent of planning documents such as the Places to Grow: Growth Plan for the Greater Golden Horseshoe Plan and the Provincial Policy Statement (PPS) 2014.

The proposed consents will result in the creation of lots that are consistent with the mixed residential character of the surrounding area. The increased density on the subject lands is consistent with the GCP, while maintaining adequate parking and amenity area.

Variance

The application requests a reduction of the minimum lot area per dwelling unit. There are lots in the immediate surrounding area that are of similar or less size than the semi-detached dwellings. As such, the proposed lot area per dwelling unit would be compatible with the surrounding neighbourhood. The proposal meets all other by-law requirements, including, but not limited to, parking and amenity space requirements, and is supportable.

Road widening dedications will be required along the Rykert Street, Josephine Street, and Pelham Road frontages.

Staff note that the removal of the existing link wire fence within the Rykert Street right-of-way is the responsibility of the Applicant.

The Applicant will be responsible for servicing the lands, including ensuring that lot grading and drainage meet the City's requirements. Cash-in-lieu- of parkland dedication and boulevard tree planting is required in accordance with the City's policies. The Applicant should be advised that staff will request payment for an additional boulevard tree through any future severance applications for Part 3.

Conclusion

In summary, Staff is satisfied that the subject consents and variance are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consents and variance be granted, subject to the conditions outlined in the Recommendation.

Prepared by:

Hailey McWilliam
Student Planner

Submitted by:

Kevin Blozowski, M.C.I.P., R.P.P.
Planner I

Approved by:

Ellen Savoia, M.C.I.P., R.P.P.
Planner II



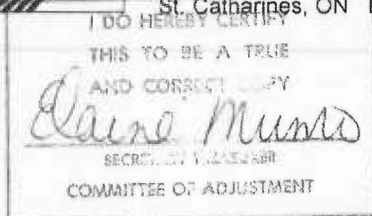
City of St. Catharines

Committee Of Adjustment
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone:
TTY:
Fax:
Email:

A

Appendix 2



Notice Of Decision

Submission No: B-15/15SC
File No. 60.84.1977
Roll No. 2629020023001000000

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

Hee-Jung Kim & Jung Tae Kim - 71A Pelham Road

Subject of the application: Application B-15/15SC is made for consent to sever 474 m² of land (Part 3 on the submitted sketch) creating a new lot to be known as 2D Josephine Street for the purpose of constructing a semi-detached dwelling. A 697 m² remnant parcel (Parts 1 & 2) would be retained for continued residential use. There is a concurrent consent application B-16/15SC and minor variance application A-17/15.

Decision: Granted

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

1. Prior to final consent, the Applicant shall submit for review and approval, a Master Grading Control Plan which shall identify the proposed grading scheme for the development and, to construct any servicing and grading works that may be required in order to achieve a suitable drainage outlet for the entire development, to the satisfaction of the City Engineer.
2. Prior to final consent the Applicant shall dedicate road widening dedications of 0.85m along the frontages of Rykert Street and Josephine Street and 2.25m along the frontage of Pelham Road to the City of St. Catharines.
3. That payment of 5% of the appraised value of the new lot (Part 3) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.
4. That the Applicant remove the existing link wire fence located within the Rykert Street right-of-way.
5. That the Applicant submit a payment of \$412.00 for the placement of a boulevard tree.
6. That the final approval for all necessary minor variance applications be received from the Committee of Adjustment.
7. That the applicant 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.
8. That a final certification fee of \$128.75 per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
9. That all conditions of consent be fulfilled by February 19, 2016.

REASONS:

1. This decision is rendered having regard to the provisions of Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13.
2. The application conforms to the policies of the Official Plan and with conditions fulfilled, it will also comply with the zoning by-law.
3. The application maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any applicable provincial plan.

Original Signed By M. Sullivan
Chair

Original Signed By R. Crawford
Member

Original Signed By T. Otway
Member

Date of Decision: February 18, 2015
Date of Mailing: February 20, 2015

Elaine Munro, ACST, Secretary - Treasurer

Last date of filing an appeal to the Ontario Municipal Board under Section 53 of the Planning Act:
March 12, 2016.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of provisional consent. Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

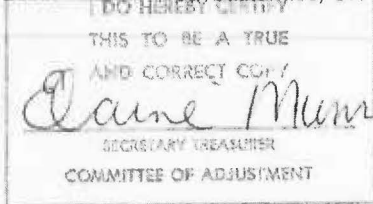


City of St. Catharines

Committee Of Adjustment
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone:
TTY:
Fax:
Email:

A



Notice Of Decision

Submission No: B-16/15SC
File No. 60.84.1978
Roll No. 2629020023001000000

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

Hee-Jung Kim & Jung Tae Kim - 71A Pelham Road

Subject of the application: Application B-16/15SC is made for consent to sever 361 m² of land (Part 2 on the submitted sketch) creating a new lot to be known as 2C Josephine Street for the purpose of constructing a single detached dwelling. A 336 m² remnant parcel (Part 1) will be retained for the purpose of constructing a single detached dwelling. There is a concurrent consent application B-15/15SC.

Decision: Granted

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

Granted with conditions:

1. Prior to final consent, the Applicant shall submit for review and approval, a Master Grading Control Plan which shall identify the proposed grading scheme for the development and to construct any servicing and grading works that may be required in order to achieve a suitable drainage outlet for the entire development, to the satisfaction of the City Engineer.
2. Prior to final consent, the Applicant shall dedicate road widening dedications of 0.85m along the frontages of Rykert Street and Josephine Street and 2.25m along the frontage of Pelham Road to the City of St. Catharines.
3. That payment of 5% of the appraised value of the new lot (Part 2) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given.' That the appraisal be completed by a qualified appraiser.
4. That the Applicant submit a payment of \$412.00 for the placement of a boulevard tree, in accordance with the 2014 Schedule of Rates and Fees.
5. That Submission B-15/15SC be finalized prior to the issuance of the final certificate for Submission B-16/15SC.
6. That the applicant provide the Secretary-Treasurer with the acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
7. That a final certification fee of \$128.75 per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary-Treasurer.
8. That all conditions of consent be fulfilled by February 19, 2016.

Reasons:

1. This decision is rendered having regard to the provisions of Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13.
2. The application maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any applicable provincial plan.

Original Signed By M. Sullivan
Chair

Original Signed By R. Crawford
Member

Original Signed By T. Otway
Member

Date of Decision: February 18, 2015
Date of Mailing: February 20, 2015

Elaine Munro, ACST, Secretary - Treasurer

Last date of filing an appeal to the Ontario Municipal Board under Section 53 of the Planning Act: March 12, 2015.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of provisional consent. Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 10, 2015

Date of Meeting: July 16, 2015

Submission(s): A-58/15

File: 60.81.4996

Subject: 12 Wedsworth Street

Proposal

Application **A-58/15** is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction in the minimum lot frontage from 7.5 metres to 7.391 metres for Unit 1.

Recommendation

That Submission **A-58/15** by Silvergate Developments & JMT Partnership Mancini Developments, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of the application is to facilitate the proposed construction of a semi-detached dwelling.

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal maintains the intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans.

Staff recommends the approval of the requested variance.

Background

Planning Context

Location

The subject property is located on the south side of Wedsworth Street, west of Merritt Street. The property is abutted by single detached and semi-detached dwellings to the west, south, and east and the CNR rail line to the north.

Official Plan

The Garden City Plan (GCP) designates the land as High Density Residential, which permits triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally 85 units per hectare or greater, subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned Medium Density Residential (R3) pursuant to By-law 2013-283, which permits a variety of residential dwelling types, including semi-detached dwellings. The zoning provides a minimum lot frontage of 7.5m per dwelling unit.

Report

The proposed variance requests a reduction of the minimum lot frontage from 7.5 metres to 7.391 metres for Unit 1 of the proposed semi-detached dwelling. Allowing this variance would permit a higher density development, which is more in line with the policies of the GCP.

The proposed variance is minor in nature and provides adequate lot size and appropriate lot configuration.

The zoning by-law permits semi-detached dwellings, and the variance accommodates this dwelling type.

The neighbourhood is characterized by a mixture of detached and semi-detached dwellings with varied frontages. This character is not compromised by the proposed variance, which is minor in nature and will have little to no impact on surrounding lands.

Conclusion

In summary, Staff is satisfied that the subject variance is appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the variance be approved.

Prepared by:



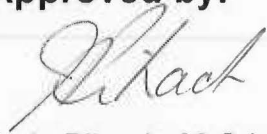
Charlotte McEwan
Student Planner

Submitted by:



Margaret Josipovic, B.E.S., M.P.A.
Planner 1

Approved by:

A handwritten signature in cursive script, appearing to read "J. Pihach".

Judy Pihach, M.C.I.P., R.P.P.
Manager Planning Services

July 6, 2015

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

Attention: Elaine Munro

File# 60.81.4996

Re:12 Wedsworth St

In response to your correspondence(s) dated June 30, 2015, please be advised that our Engineering Design Department have 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 Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.
- Minimum 3m clearances from existing O/H line(s) must be maintained at all times according to occupational health and safety act.
- Developers are to ensure that Horizon Utilities has access to the hydro poles along Wedsworth Street.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon 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.

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 a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon 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. 1-10, Overhead System
 - C22.3 No. 7- 10 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 Paige Webb at 905-522-6611 ext 2381 in our Engineering Design Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie". The signature is fluid and cursive, with a large loop at the end.

Scott Beaudrie
Supervisor, Engineering Design

July 6, 2015

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

Attention: Elaine Munro

File# 60.84.1961

Re: 162 Ontario St

In response to your correspondence(s) dated June 30, 2015, please be advised that our Engineering Design Department have 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 Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.
- Minimum 3m clearances from existing O/H line(s) must be maintained at all times according to occupational health and safety act.
- Developers are to ensure that Horizon Utilities has access to the hydro poles along Part 1 (rear lot).
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this.

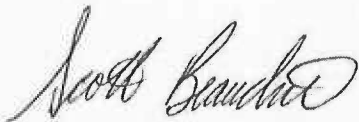
We would also like to stipulate the following:

- 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 a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon 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. 1-10, Overhead System
- C22.3 No. 7- 10 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 Paige Webb at 905-522-6611 ext 2381 in our Engineering Design Department.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Beaudrie".

Scott Beaudrie
Supervisor, Engineering Design

Munro, Elaine

To: Seeboruth, Rattan
Cc: Slade, Mark
Subject: RE: Consent Application 162 Ontario Street.

From: Seeboruth, Rattan [<mailto:Rattan.Seeboruth@niagararegion.ca>]
Sent: Thursday, July 09, 2015 11:29 AM
To: Munro, Elaine
Cc: Slade, Mark
Subject: RE: Consent Application 162 Ontario Street.

Good morning Elaine,

Regional comments on the above mentioned consent application dated February 13, 2015, are still valid, except that access from Ontario Street may be granted to the new lot, provided it is located to the far right of the property (south corner of Lot 2)

The Region will also prefer that the remnant parcel has an entrance from Durksen Drive and the existing entrance from Ontario Street be closed.

Entrance and/ or encroachment permits will be required for both the closure of the existing entrance and for the new entrance.

Regards
Rattan

VIA E-MAIL ONLY

February 13, 2015

Secretary-Treasurer
Committee of Adjustment
City of St. Catharines

Application for Consent B-33/14SC and Minor Variance A-75-14

Applicant: Georgia Skarpathiotakis

Proposal: To create a new parcel for a semi-detached dwelling

Location: Regional Road 42 (162 Ontario Street)

In the City of St. Catharines

Our File: CS-15-010 and MV-15-002

Regional Niagara Development Services Division has completed an engineering review of the information circulated for the above-noted development and provides the following comments:

1) Site Access

The drawing does not show any intended driveway(s) access for the proposed new parcel. The Region advises that there will be conflicts with any proposed access to Regional Road 42 (Ontario Street) due to the proximity of the Pedestrian Priority Signal (PPS) and stop bar marking directly in front of the proposed parcel. When the pedestrian signal is activated, vehicle queuing at the signal will interfere with the access to the proposed property.

We would suggest that a driveway access for the proposed parcel be provided through an easement arrangement with the remnant parcel (Part 1) or other neighbouring property through the rear of the property in lieu of access to Ontario Street. Should no other driveway be possible but through Ontario Street, we would advise that the following will be required for a Regional Entrance Permit:

- Only one common driveway for the semi-detached dwelling on the new parcel (Part 2) will be permitted in order to reduce the number of driveways along Ontario Street
- In order to preclude backing out onto the Regional road, turnarounds on private property must be constructed for each unit.

We will require for our review and approval, drawings with dimensions on the access and turnaround design as part of the Regional Entrance Permit application.

2) Curb Cut and Boulevard Restoration

The drawing indicates that the existing drive for the building at 162 Ontario Street will be relocated to the rear therefore making the Ontario Street access obsolete. The applicant is advised that the Regional road allowance must be restored by removing obsolete driveway aprons and curb openings. Existing curb cuts that are no longer required must be removed and replaced with a barrier type curbing. Details on

replacement will be provided through the Encroachment Permit issuance process. In addition, the boulevard areas that are disturbed must be graded and topsoil and sod placed per Regional standards.

Please note that the comment on boulevard restoration shall also apply should any access to Ontario Street for the new parcel be required through a Regional Entrance Permit.

3) Regional Permit Requirements

Prior to any construction taking place within a Regional Road Allowance, a Regional Construction Encroachment and/or Entrance Permit must be obtained from the Public Works Department. Applications can be obtained from the Permits Section of the Transportation Services Division, Public Works Department.

4) Stormwater Flows

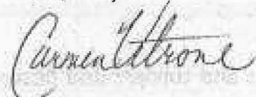
Although storm drainage is essentially a local issue, we would reiterate that Regional roads are not to be routinely considered as outlets. The storm run-off from this development towards the Regional roadway is to have post-development storm flows not exceeding pre-development flows. We request that the engineering drainage/lot grading plan provide grade elevations to address storm water flows, access grades, etc. and be submitted for our review and approval in any future application.

5) Regional Trunk Sanitary Sewer

We would note that there is Regional 1500mm diameter concrete trunk sanitary sewer along the frontage of the Ontario Street property line. There shall be no connection to this sewer nor should the line be disturbed during construction. Any new sewer services to the proposed lot shall be to the local sewer. We would request that detailed drawings showing the proposed lateral connections to the local infrastructure be submitted to our department for review and approval in any future application to ensure the protection of the Regional infrastructure. We would recommend that the developer contact Ontario One Call, 1-800-400-2255, to determine the location of the line in order to avoid any conflicts with the proposed development services the Regional Road.

We trust that the foregoing Regional comments will be appropriately addressed by the Committee in any agreement entered into by the City with this applicant. Please send the Committee's decision in regards to this application.

Yours truly,



Carmen Vetrone
Development Approvals Technician
Development Services

RS/cs

L:\Seeboruth-Rattan\St catharines\Correspondences 2014\CS-15-010 Ontario St.docx

- c. Petar Vujic., Manager Corridor Safety, Transportation Systems
J. Corkery, Associate Director, Wastewater Operations



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 10, 2015

Date of Meeting: July 16, 2015

Submission(s): B-25/15SC

File: 60.84.1987

Subject: 7 Aberdeen Circle

Proposal

Application **B-25/15SC** is made for consent to establish an easement, in perpetuity, over 9m² of land (Part 1 on the submitted sketch) for the benefit of Bell Canada for telecommunication utility and servicing purposes. A 1.605 ha remnant parcel (Parts 1 & 2) with the existing school will be retained.

Recommendation

That Submission **B-25/15SC** by Niagara Catholic District School Board, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of the application is to establish an easement for the benefit of Bell Canada for telecommunication utility and servicing purposes.

Having regard for the matters under Section 51 (24) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal maintains the intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans. The consent is desirable for the appropriate use of the land.

Staff recommends the approval of the requested consent.

Background

Planning Context

Location

The subject property is located on the north side of Aberdeen Circle, east of Riverview Boulevard and is owned by the Niagara Catholic District School Board. The property is

abutted by single detached dwellings to the west, north, and south and Town & Country Park to the east.

Official Plan

The Garden City Plan (GCP) designates the land as Low Density Residential, which permits a variety of residential dwelling types at a density between 20 to 32 units per hectare, subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned Local Neighbourhood Institutional (I1) pursuant to By-law 2013-283, which permits a variety of institutional uses including the existing school.

Report

The purpose of this application is to create an easement over Part 2, on the submitted sketch, to be conveyed to Bell Canada. The easement will permit Bell Canada to install a second telecommunications cabinet in the area for utility and servicing purposes.

A telecommunications cabinet will have little to no effect on the adjacent school building or residential neighbourhood.

Development Services staff are supportive of the application.

Conclusion

Staff is satisfied that the subject consent is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal also maintains the intent and purpose of the Provincial Policy Statement and does not conflict with any applicable provincial plans. Having regard for the matters under Section 51 (24) of the Planning Act, staff recommends the granting of the requested consent.

Prepared by:



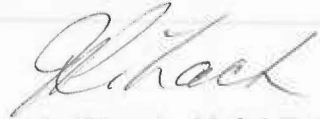
Charlotte McEwan
Student Planner

Submitted by:



Margaret Josipovic, B.E.S., M.P.A.
Planner 1

Approved by:

A handwritten signature in cursive script, appearing to read "J. Pihach", written in dark ink.

Judy Pihach, M.C.I.P., R.P.P.
Manager Planning Services

July 6, 2015

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

Attention: Elaine Munro

File# 60.84.1987

Re: 7 Aberdeen Circle

In response to your correspondence(s) dated June 30, 2015, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

- Minimum 3m clearances from existing O/H line(s) must be maintained at all times according to occupational health and safety act.
- Developers are to ensure that Horizon Utilities has access to the hydro poles along Aberdeen Circle.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this.

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 a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon 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. 1-10, Overhead System
- C22.3 No. 7- 10 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 Paige Webb at 905-522-6611 ext 2381 in our Engineering Design Department.

Sincerely,

A handwritten signature in cursive script, reading "Scott Beaudrie".

Scott Beaudrie
Supervisor, Engineering Design



July 9, 2015

File No. MPR 2.13

City of St. Catharines
Committee of Adjustment
50 Church Street, P.O. Box 3012
St. Catharines, ON L2R 7C2

BY EMAIL ONLY

Attn: Elaine Munro, Secretary-Treasurer

Subject: B-25/15SC
7 Aberdeen Circle, St. Catharines

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

This application has been made for consent to establish an easement, in perpetuity, over 9 m² of land (Part 1) for telecommunication utility and servicing purposes.

Niagara Peninsula Conservation Authority (NPCA) Regulations:

There are no NPCA regulated features currently identified on the subject property.

Niagara Region Core Natural Heritage Comments:

In addition to commenting on proposals with respect to the Conservation Authority's regulations noted above, this agency has entered into a Memorandum of Understanding (MOU) with the Region of Niagara. In accordance with this MOU, the Conservation Authority has a responsibility to review and provide comments on planning applications as they relate to the Natural Environment on the Region's behalf. As such, the following comments pertain to the Core Natural Heritage System Policies within the Regional Policy Plan.

Regional mapping identifies the lands adjacent to the east as an Environmental Conservation Area (ECA) for a Significant Woodland. In accordance with Regional Policies, development and site alterations may be permitted within or adjacent to (within 50 metres) an ECA if it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands. This can be accomplished through the completion of an Environmental Impact Study (EIS). As the subject application is for an easement, and there is no new development proposed at this time, NPCA staff are satisfied there will be no significant negative impact to the identified feature and an EIS is not required.

Conclusion:

Based on the above, the NPCA offers no objections to the approval of the subject application. I trust the above will be of assistance to you. Please do not hesitate to call should you have further questions in this matter.

Yours truly,

Taya Devlin
Watershed Planner (ext. 262)

cc: Pat Busnello, Senior Development Planner, Niagara Region

7 Aberdeen Circle, St. Catharines



Legend

- NPCA APPROXIMATE REGULATED FLOODPLAIN EXTENT
 - Advisory (CWR)
 - Regulated
- Reaches Draining 125ha Regulated Top of Slope Features
 - Stable
 - Unstable
- Top of Slope Allowance
- RMN Streets**
 - Provincial
 - Regional
 - Municipal Other
- RMN Assessment Parcels
- Lots and Concession Fabric
- Fish Habitat Reaches**
 - 'Critical' Type 1
 - 'Important' Type 2
 - 'Marginal' Type 3
- Fish Habitat Areas**
 - 'Critical' Type 1
 - 'Important' Type 2
 - 'Marginal' Type 3
- NHS - Fish Habitat
- ECA: Significant Woodlands
- 2K HydroPoly
- 2K Hydrography
- Contours - 1m Region 2002
- Contours - 1m Watershed 2002
- NPCA Watershed Municipalities

1: 2,039

7/7/2015



0.1 0 0.05 0.1 Kilometers

©Niagara Region, NPCA, LIO, MPAC and Teranet

This map is for illustrative purposes only. Information contained hereon is not intended to constitute advice, is not a substitute for professional review or a site survey, and is subject to change without notice. The NPCA takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. THIS IS NOT A PLAN OF SURVEY.

Notes

Consent

July 6, 2015

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

Attention: Elaine Munro

File# 60.84.1988 & 60.81.4989

Re: 17 Northcliff Drive

In response to your correspondence(s) dated June 30, 2015, please be advised that our Engineering Design Department have 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 Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.
- Minimum 3m clearances from existing O/H line(s) must be maintained at all times according to occupational health and safety act.
- Developers are to ensure that Horizon Utilities has access to the hydro poles along Rear of property.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this.
- Hydro easement is to remain clear of encroachment of any kind.

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 a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon 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. 1-10, Overhead System
 - C22.3 No. 7- 10 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 Paige Webb at 905-522-6611 ext 2381 in our Engineering Design Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie". The signature is fluid and cursive, with a large loop at the end.

Scott Beaudrie
Supervisor, Engineering Design

VIA E-MAIL ONLY

July 6, 2015

Our File: MV-15-028

Elaine Munro, ACST
Secretary-Treasurer
Committee of Adjustment
City of St. Catharines
50 Church Street, St Catharines ON L2R7C2

Dear Ms. Munro,

Re: Application for Minor Variance

Applicant: 1907699 Ontario Inc.

**Proposal: An increase in maximum floor area from 40% to 100% and a reduction in landscape
buffer from 3 m to 2 m**

**Location: 574 Carlton Street
City of St Catharines**

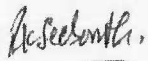
City File: 60.81.4990

Niagara Region Development Services staff has completed a review of information circulated for the above-noted minor variances to permit a proposed extension of a medical clinic and has no objection to the approval of this application.

Please contact me (ext. 3264) or Lindsay Earl, Senior Development Planner (ext. 3387) if you have any questions or wish to discuss these comments.

Please forward a copy of the Committee's decision for our records.

Yours truly,



Rattan Seeboruth, P. Eng.
Development Approvals Technician

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c. Lindsay Earl, Senior Planner, Development Services Division



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 10, 2015

Date of Meeting: July 16, 2015

Submission(s): A-52/15

File: 60.81.4990

Subject: 574 Carlton Street

Proposal

Application **A-52/15** is made pertaining to the City of St. Catharines By-law 2014-283 for

1. An increase of the maximum office use from 40% GFLA for a 'non-commercial use' to 100% GFLA
2. A reduction in the minimum landscape buffer from 3 metres to 2 metres on the east side of the property.

Recommendation

That Submission **A-52/15** by 1907699 Ontario Inc, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of the application is to facilitate a proposed addition to the existing medical clinic, allowing the owner to expand their practice.

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal maintains the intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans. The variances are desirable for the appropriate use of the land.

Staff recommends the approval of the requested variances.

Background

Planning Context

Location

The subject property is located on the southeast corner of Bunting Road and Carlton Street. The property is surrounded by commercial uses to the north, south, and east, and single detached dwellings to the west.

Official Plan

The Garden City Plan (GCP) designates the land as Community Commercial, which permits a variety of commercial uses, as well as institutional, civic, cultural, indoor recreation, entertainment and residential uses.

Zoning By-law

The subject land is zoned Community Commercial (C2) pursuant to By-law 2013-283, which permits a variety of commercial uses. The Zoning By-law also permits some non-commercial uses, including office space, at a maximum of 40% GFLA.

Report

Variance 1 requests an increase of “non-commercial” use of the site from 40% to 100% of the gross floor leasable area (GFLA).

Section 9.2.2 of the GCP covers the Community Commercial Official Plan designation. It states that Community Commercial Centres are to be spatially dispersed throughout the Urban Area, and are primarily intended to provide concentrations of commercial facilities to support day to day and weekly shopping and service needs for the surrounding community. Section 9.2.2 b) iii) indicates that within Community Commercial Centres non retail/service commercial uses should be limited in size and scale to protect the primary function of the Centre for the provision of shopping and service commercial facilities.

The subject lands are part of a Community Commercial Centre made up of 6 properties, which provide a range of commercial and non-commercial uses. The current non-commercial GFLA of the entire Community Commercial Centre at Carlton Street and Bunting Road is approximately 12%. With the proposed addition, this figure would rise to approximately 14.5%. This percentage of GFLA is well below the maximum 40% non-commercial GFLA. Allowing the medical practice to expand will not significantly impact the Community Commercial Centre’s primary function for provision of commercial facilities. Commercial uses maintain the largest percentage of GFLA in the node. Staff are supportive of the variance, as it permits a community service to expand, is minor in nature, and does not detract from the primary uses of the zone.

Variance 2 requests a reduction in the minimum landscape buffer from 3 metres to 2 metres on the east side of the property. Staff have no concerns with the reduction in the minimum landscape buffer given that a large landscaped strip exists on the neighbouring property adjacent to the easterly side yard and that the nature of new landscaping to be planted within the reduced strip will be addressed through site plan control.

The Variance is minor in nature and meets the intent and purpose of the Zoning By-law and the GCP.

Conclusion

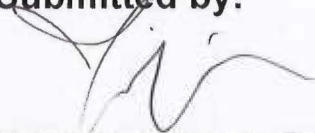
In summary, Staff is satisfied that the subject variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the variances be approved.

Prepared by:



Charlotte McEwan
Student Planner

Submitted by:



Margaret Josipovic, B.E.S., M.P.A.
Planner 1

Approved by:



Judy Pihach, M.C.I.P., R.P.P.
Manager Planning Services

July 6, 2015

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

Attention: Elaine Munro

File# 60.81.4990

Re: 574 Carlton Street

In response to your correspondence(s) dated June 30, 2015, please be advised that our Engineering Design Department have 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 Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.
- Minimum 3m clearances from existing O/H line(s) must be maintained at all times according to occupational health and safety act.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon 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.
- Hydro easement is to remain clear of encroachment of any kind.
- Transformer vault access and location are to be approved by a Horizons Utilities representative.

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 a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon 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. 1-10, Overhead System
 - C22.3 No. 7- 10 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 Paige Webb at 905-522-6611 ext 2381 in our Engineering Design Department.

Sincerely,



Scott Beaudrie
Supervisor, Engineering Design



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 10, 2015

Date of Meeting: July 16, 2015

Submission(s): A-54/15

File: 60.81.4992

Subject: 160 St. Paul Street

Proposal

Application **A-54/15** is made pertaining to the City of St. Catharines By-law 2013-283 for the following.

1. An increase of the maximum area of the proposed deck over 1.2 metres above grade from 30m² to 116m²
2. A reduction of the minimum setback from the rear lot line for the proposed deck over 1.2 metres above grade from 4.5 metres to 0 metres (based on the future proposed property line outlined on the submitted sketch.)
3. A reduction of minimum ground floor street facing façade devoted to openings from 60% of surface area to 44% of surface area.

Recommendation

That Submission **A-54/15** by 160 St Paul Street Investments Inc, as outlined in the Notice of Hearing be approved, subject to the following condition:

1. That Variances 1 and 2 take effect only after final consent has been granted for severance of the rear of the lot, thereby establishing a new rear lot line.

Summary

The purpose of the applications is to facilitate the construction of a proposed deck for a future residential or commercial use, and to facilitate a future consent.

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that the proposal is desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal maintains the intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans. The variances are desirable for the appropriate use of the land.

Staff recommends the approval of the requested variances, subject to the condition outlined in the recommendation.

Background

Planning Context

Location

The subject property is located on the south side of St Paul Street, west of James Street. The property is abutted by mixed commercial/residential uses to the west, north, and east the Meridian Centre to the south.

Official Plan

The Garden City Plan (GCP) designates the land as Commercial Core, which permits a range of commercial, institutional, and office uses, as well as residential apartment uses subject to the policies of the Garden City Plan.

Zoning By-law

The subject land is zoned Downtown Traditional Main Street (C6-92) pursuant to By-law 2013-283, which permits a variety of commercial, office, institutional, and residential uses.

Report

Variance 1 requests an increase of the maximum area of the proposed deck over 1.2 metres above grade from 30m² to 116m². Variance 2 requests a reduction in minimum setback from the rear lot line for the proposed deck over 1.2 metres above grade from 4.5 metres to 0 metres (based on the future proposed property line outlined on the submitted sketch.)

This property is situated within the Commercial Core, which encourages a range of uses. A larger deck could accommodate multi-unit residential or commercial uses on the property. This is in compliance with the direction of the GCP. The intent of the zoning by-law is to maintain a lively and traditional Main Street within the Downtown. A larger deck does not prevent this, and could contribute to increased opportunities for commercial or residential use. Variance 2 would ensure that the deck is in compliance with the zoning by-law after the new lot line is established. Staff is supportive of these variances., providing a condition is approved to ensure the variances only take effect only after final consent has been granted for severance of the rear of the lot.

Variance 3 requests a reduction of minimum ground floor street facing façade devoted to openings from 60% of surface area to 44% of surface area. This Variance is requested to recognize and existing condition. Staff note that while the façade does not currently meet the minimum requirements, the style and appearance are compatible with surrounding uses and suit the character of the area. The variance is minor in nature, the façade maintains the character of the neighbourhood, and the intent of the GCP and Zoning By-law are maintained.

Staff also notes that should the patio be for commercial use, it will also be subject to site plan control.

Conclusion

In summary, Staff is satisfied that the subject variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the variances be approved, subject to the condition outlined in the recommendation.

Prepared by:



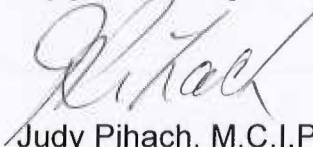
Charlotte McEwan
Student Planner

Submitted by:



Margaret Josipovic, B.E.S., M.P.A.
Planner 1

Approved by:



Judy Pihach, M.C.I.P., R.P.P.
Manager Planning Services

July 6, 2015

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

Attention: Elaine Munro

File# 60.81.4992

Re: 160 St. Paul Street

In response to your correspondence(s) dated June 30, 2015, please be advised that our Engineering Design Department have 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 Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon 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.
- Hydro easement is to remain clear of encroachment of any kind.
- Transformer vault access and location are to be approved by a Horizons Utilities representative.

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 a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon 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. 1-10, Overhead System
 - C22.3 No. 7- 10 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 Paige Webb at 905-522-6611 ext 2381 in our Engineering Design Department.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Beaudrie".

Scott Beaudrie
Supervisor, Engineering Design