

CITY OF  
ST. CATHARINES

"REVISED"  
Committee of Adjustment Training Session and Public Hearing  
December 9, 2015  
Council Chambers, City Hall,  
Training Session – 4:00 pm, Hearing - 5:00 p.m.

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### Training Session Agenda

1. Chair to call the Training Session to Order
2. Bruce Bellows, Planner - Discuss the Official Plan and Zoning By-law and answer any questions.
3. Adjournment

### Hearing Agenda

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda: Addition of Training Session Agenda & request for Adjournment be staff for 93 Hartzel Road.
3. Declarations of Interest
4. Request for Withdrawal or Adjournment

Item #8, 93 Hartzel Road – Consent Application – B-58/15SC – 60.84.2020

A request has been received by Staff to defer application B-58/15SC pending the submission and consideration of the required minor variances.

5. Adoption of the Minutes held November 18, 2015
6. Application:
  1. 10 Keswick Street – Consent Application – B-51/15SC – 60.84.2013
  2. 646 Vine Street – Consent Application – B-52/15SC – 60.84.2014
  - 646 Vine Street – Minor Variance Application – A-96/15 – 60.81.5034
  - 646A Vine Street – Minor Variance Application – A-97/15 – 60.81.5035
  - \* 3. 3 Cricket Hollow Road – Minor Variance Application – A-98/15 – 60.81.5036
  4. 27½ Cherry Street – Consent Application – B-53/15SC – 60.84.2015
  - 27½ Cherry Street – Minor Variance Application – A-99/15 – 60.81.5037
  - 12 Salina Street – Minor Variance Application – A-100/15 – 60.81.5038
  5. 65 Lakeshore Road – Consent Application – B-54/15SC – 60.84.2016
  6. 20 Simpson Road – Consent Application – B-55/15SC – 60.84.2017
  - 20 Simpson Road – Minor Variance Application – A-102/15 – 60.81.5040

- \* 7. 342 Queenston Street – Consent Application – B-56/15SC – 60.84.2018  
342 Queenston Street – Minor Variance Application – A-103/15 – 60.81.5041  
340 Queenston Street – Consent Application – B-57/15SC – 60.84.2019
- \* 9. 26 Oakdale Avenue – Minor Variance Application – A-104/15 – 60.81.5042  
10. 190 Rykert Street – Minor Variance Application – A-106/15 – 60.81.5044

7. New Business:

8. Adjournment

- \* Please note that the Planning Reports will be available on Monday, December 7, 2015.

Posted on the City's website: December 4, 2015

Reposted on the City's website: December 8, 2015



**Munro, Elaine**

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**From:** Doug Crown  
**Sent:** Tuesday, November 24, 2015 4:11 PM  
**To:** Munro, Elaine  
**Subject:** RE: Applications for December 9/15 Committee of Adjustment Hearing - City of St. Catharines 3 of 3 emails)

Hello

Cogeco has no issues or concerns with the following locates

**DOUG CROWN**

Network Planner  
Network Evolution

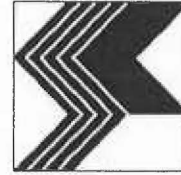
T 289-296-6266

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7170 Mcleod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca



REPORT TO PLANNING DEPARTMENT  
Re: CITY LAND DIVISION APPLICATION NUMBER B-58/15SC



November 30, 2015

ENGINEERING FILE 300-36

Hearing Date: December 9, 2015

Applicant: Dino Mazzulla, Jeffery Woods, Scott Rendall

Location: 93 Hartzel Road

**MUNICIPAL SERVICES**      **Hartzel Road**

Water: 200mm (8")

Sanitary Sewer: 200mm (8") & 300mm (12")

Storm Sewer: 750mm (30")

Sidewalks: Yes

Road Allowance Width: 20.0m±

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

Comment(s): It is noted that the Applicant proposes to sever Parts 1 & 2 for the benefit of the northerly abutting lot known as 89 Hartzel Road. A remnant parcel (Part 3) with the existing triplex will be retained. This application would result in a boundary adjustment between the two parcels of land.

**Roads**

Hartzel Road along this section is designated an Arterial road as per the City's Official Plan, with a desired right-of-way width of 26.2m. Its current right-of-way width is deficient along this section, therefore the City will require a 3.10m road widening along the frontage of the Applicant property to obtain half of the total desired right-of-way width.

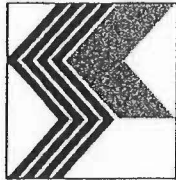
**Engineering Services**

Since this application is the subject matter of a boundary adjustment to the rear of the property, it can be concluded that the service laterals supplied to the buildings are provided from Hartzel Road, and not the rear of the properties. No further comments are applicable.

Condition(s): Development Engineering Services have no further comment or conditions to impose and have no objection to the severance of the property.

A handwritten signature in black ink, appearing to read 'Brad Johnston', written over a horizontal line.

Prepared By: \_\_\_\_\_  
Brad Johnston, C.E.T.  
Development Engineering Technologist



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Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte McEwan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – December 09, 2015 hearing - File No.: 300-036**

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**B-51/15SC – 10 Keswick Street**

Comment:  
No Comment

Condition:  
No Comment

**B-52/15SC – 646 Vine Street**

Comment:  
No Comment.

Condition:  
No Comment

**B-53/15SC – 27 ½ Cherry Street**

Comment:  
No Comment.

Condition:  
That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, the spatial separation requirements for the glazed openings facing the new southeast property line meet the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.

**B-54/15SC – 65 Lakeshore Road**

Comment:  
No Comment.

**B-54/15SC – 65 Lakeshore Road, continued**

Condition:

The existing sheds on Part 2 must be removed or relocated to the satisfaction of the Chief Building Official. A permit to demolish the existing shed shall be obtained from the City Building Department and completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

**B55/15SC – 20 Simpson Road**

Comment:

No Comment.

Condition:

The existing shed on Part 5 must be removed or relocated to the satisfaction of the Chief Building Official. If the shed has an area greater than 10 square metres, a permit to demolish the existing shed shall be obtained from the City Building Department and completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

**B-56/15SC – 342 Queenston Street**

Comment:

No Comment.

Condition:

No Comment

**B-57/15SC – 340 Queenston Street**

Comment:

No Comment.

Condition:

No Comment

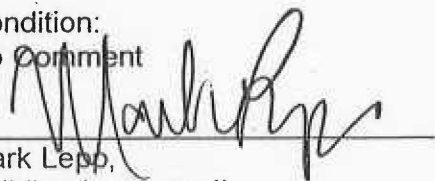
**B-58/15SC – 93 Hartzel**

Comment:

No Comment.

Condition:

No Comment

  
Mark Lepp,  
Building Inspector II

Cc: Files, 300-036

## **Munro, Elaine**

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**From:** Sullivan, Kristen  
**Sent:** Friday, November 27, 2015 3:27 PM  
**To:** Rogers, Sara; Mcewan, Charlotte  
**Cc:** Pihach, Judy; Munro, Elaine  
**Subject:** CoA - PRCS - December 9, 2015  
**Attachments:** Keswick\_10\_84.2013.doc; Vine\_646\_84.2014.doc; Cherry\_27\_84.2015.doc

Ladies of Planning, please see the attached comments. I have no comments on the following applications:

- 93 Hartzel (land division)
- 340 Queenston St. (land division)
- 342 Queenston St. (land division)
- 65 Lakeshore (land division)
- 20 Simpson (land division)
- 3 Cricket Hollow (minor variance)
- 12 Salina (minor variance)
- 20 Simpson (minor variance)
- 27 ½ Cherry (minor variance)
- 190 Rykert (minor variance)
- 342 Queenston (minor variance)
- 646 Vine (minor variance)
- 646A Vine (minor variance)
- 26 Oakdale (minor variance)

### **Kristen Sullivan**

**Project & Development Planner**

**Email:** ksullivan@stcatharines.ca

**Tel:** 905.688.5601 x3145

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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:** Development Technologist

**From:** Steve Bittner  
Transportation Technologist

**Date:** December 3, 2015

**Subject:** Committee of Adjustment  
Public Hearings – December 9, 2015  
File No. 305-17-01

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Upon review of the applications, we offer the following comments:

**65 Lakeshore Road**

We will need confirmation that there will be sufficient parking for the existing church once the lands are severed.

We have no concerns or requirements with the remaining applications. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



CITY OF  
ST. CATHARINES

## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 4, 2015

**Date of Meeting:** December 5, 2015

**Submission(s):** B-58/15SC

**File:** 60.84.2020

**Subject:** 93 Hartzel Road  
89 Hartzel Road  
30 Thorncliff Drive

### Proposal

Application **B-58/15SC** is made for consent to sever 183.1 m<sup>2</sup> of land (Parts 1 & 2 on the submitted sketch) for the benefit of the northerly abutting lot known as 89 Hartzel Road (Part 4). A 952 m<sup>2</sup> remnant parcel (Part 3) with the existing triplex would be retained.

### Recommendation

That Submission **B-58/15SC** by Dino Mazzulla, Jeffery Woods, and Scott Rendall, as outlined in the Notice of Hearing, be deferred pending the submission and consideration of the required minor variances.

### Summary

The purpose of the applications is a boundary adjustment between two parcels of land.

Staff is not satisfied that there is sufficient information provided to consider the proposed consent.

Staff recommends deferral of consideration of the consent, pending the submission and consideration of the required minor variances.

### Background

#### Planning Context

##### Location

The subject property is located on the west side of Hartzel Road, South of Thorncliff Drive. The property is surrounded by single detached dwellings to the west, commercial/mixed uses to the north, south, and east, and single detached dwellings further east.

### Official Plan

The Garden City Plan (GCP) designates the land as Mixed Use, which permits a broad array and mix of housing, commercial, institutional, local office, indoor recreation, and cultural uses, subject to the policies of the Garden City Plan.

### Zoning By-law

The subject land is zoned Medium Density Mixed Use (M1) pursuant to By-law 2013-283, which permits a variety of uses including office, indoor recreation, retail, service commercial, and residential units.

## Report

The purpose of the applications is to permit the subject lands to be added to abutting lands to the north (Part 4) resulting in a boundary adjustment between two parcels of land.

Should the proposed consent be approved, the remnant parcel (Part 3) will require approval of minor variances for several items including lot area, frontage setbacks, landscaping and parking. Staff was not provided with sufficient information to assess these items, nor was an application submitted for consideration of minor variances.

The applicant requested that the minor variances be considered subsequent to conditional approval of the consent. However, staff cannot support the requested consent without considering the required variances to the subject lands. Consideration of the variances and potential conditions of approval for the variances may result in a denial of the consent application. Staff is unable to make a decision regarding the consent until there is sufficient information and submission of the required minor variances.

## Conclusion

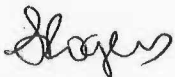
Staff is not satisfied that there is sufficient information to make a decision regarding the proposed consent. The application should be deferred pending the submission and consideration of the required minor variances.

### Prepared by:



Charlotte McEwan  
Student Planner

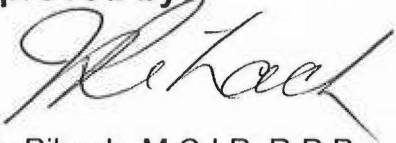
### Prepared by:



Sara Rogers, CPT  
Planner I



**Approved by:**

A handwritten signature in black ink, appearing to read 'J. Pihach', written over a horizontal line.

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



November 30, 2015

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

Attention: Elaine Munro

File# 60.84.2013

Re: 10 Keswick St

In response to your correspondence(s) dated November 24, 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](http://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.

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 Scott Beaudrie at 905-521-4907 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 initial "S" and a stylized "B".

Scott Beaudrie  
Supervisor, Engineering Design

**Munro, Elaine**

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**From:** Doug Crown  
**Sent:** Tuesday, November 24, 2015 4:11 PM  
**To:** Munro, Elaine  
**Subject:** RE: Applications for December 9/15 Committee of Adjustment Hearing - City of St. Catharines 3 of 3 emails)

Hello

Cogeco has no issues or concerns with the following locates

**DOUG CROWN**

Network Planner  
Network Evolution

T 289-296-6266

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7170 Mcleod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca



**Munro, Elaine**

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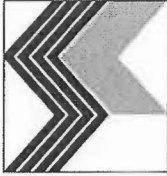
**From:** Vasko, Dennis  
**Sent:** Wednesday, November 25, 2015 8:19 AM  
**To:** Munro, Elaine  
**Cc:**  
**Subject:** RE: Consent Application - 10 Keswick St. & MV Application for 26 Oakdale Avenue - CofA Hearing Dec. 9/15

Hi Elaine,

There are no issues with these properties in respect to former landfills.

Dennis

**Dennis Vasko**  
Fill Site Technician  
**Email:** [dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)  
**Tel:** 905.688.5601 x2163



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## Memorandum

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**To:** Sara Rogers, Planning & Building Services  
Charlotte Mcewan, Planning & Building Services

**CC:** Elaine Munro, Planning & Building Services  
Judy Pihach, Planning & Building Services

**From:** Kristen Sullivan, Parks, Recreation & Culture Services

**Date:** November 27, 2015

**Subject:** Notice of Hearing: Consent to Sever  
Address: 10 Keswick  
File No: 60.84.2013

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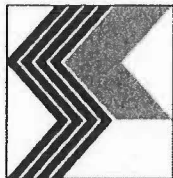
Please be advised that we have reviewed the above-noted applications and request the following condition of severance:

That the applicant submit a payment of \$420.00 for the placement of a boulevard tree, in accordance with the 2015 Schedule of Rates and Fees.

When a boulevard tree cannot be planted in front of the subject property the new tree will be planted in the nearest possible location.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 3145.

Kristen Sullivan  
Project and Development Planner  
Parks, Recreation and Culture Services



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Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte McEwan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – December 09, 2015 hearing - File No.: 300-036**

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**B-51/15SC – 10 Keswick Street**

Comment:  
No Comment

Condition:  
No Comment

**B-52/15SC – 646 Vine Street**

Comment:  
No Comment.

Condition:  
No Comment

**B-53/15SC – 27 ½ Cherry Street**

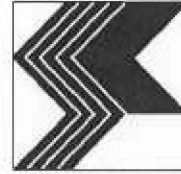
Comment:  
No Comment.

Condition:  
That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, the spatial separation requirements for the glazed openings facing the new southeast property line meet the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.

**B-54/15SC – 65 Lakeshore Road**

Comment:  
No Comment.

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-51/15SC**



November 30, 2015

**ENGINEERING FILE 300-36**

**Hearing Date:** December 9, 2015

**Applicant:** Christopher Phelan

**Location:** 10 Keswick Street

**MUNICIPAL SERVICES**

**Keswick Street**

**Water:** 150mm (6") Asbestos Cement

**Sanitary Sewer:** 375mm (15")

**Storm Sewer:** None

**Sidewalks:** Yes

**Road Allowance Width:** 15.24m±

**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 8 Keswick Street. A remnant parcel of land (Part 2) would be retained for residential use. The application would allow each unit of the semi-detached dwelling currently under construction to be owned and/or sold separately.

**Roads**

Keswick Street along this section is designated a Local road as per the City's Official Plan, with a desired right-of-way width of 20.0m. Although Keswick Street is currently at a width of 15.3m±, the City will not be seeking a road widening along the Applicant frontage at this time.

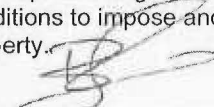
**Engineering Services**

The above services have been identified to be adequate to service the above site, and service laterals have already been provided to the dwelling currently under construction through a concurrent building permit application.

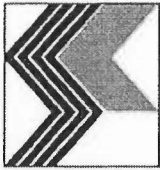
**Grading & Drainage**

The grading and drainage scheme applicable to the above property has been addressed through the concurrent building permit application.

Condition(s): Development Engineering Services have no further comment or conditions to impose and have no objection to the severance of the property.

**Prepared By:**   
Brad Johnston, C.E.T.  
Development Engineering Technologist





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:** Development Technologist

**From:** Steve Bittner  
Transportation Technologist

**Date:** December 3, 2015

**Subject:** Committee of Adjustment  
Public Hearings – December 9, 2015  
File No. 305-17-01

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Upon review of the applications, we offer the following comments:

**65 Lakeshore Road**

We will need confirmation that there will be sufficient parking for the existing church once the lands are severed.

We have no concerns or requirements with the remaining applications. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 4, 2015

**Date of Meeting:** December 9, 2015

**Submission(s):** B-51/15SC

**File:** 60.84.2013

**Subject:** 8 Keswick Street  
10 Keswick Street

### Proposal

Application **B-51/15SC** is made for consent to sever 281.06 m<sup>2</sup> of land (Part 1 on the submitted sketch) creating a new lot to be known as 8 Keswick Street. A 281.06 m<sup>2</sup> remnant parcel (Parts 2) would be retained for residential use.

### Recommendation

That Submission **B-51/15SC** by Christopher Phelan, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the applicant submit a payment of \$420.00 for the placement of a boulevard tree, in accordance with the 2015 Schedule of Rates and Fees.

### Summary

The purpose of the applications is to allow each unit of the semi-detached dwelling currently under construction to be owned and/or sold separately.

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.

Staff recommends the approval of the requested consent, subject to the conditions outlined in the recommendation.

### Background

#### Planning Context

##### Location

The subject property is located on the south side of Keswick Street, east of Hartzel Road. The property is surrounded by residential buildings in all directions, with commercial uses further to the north and west.

#### 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 range generally between 20 and 32 units per hectare, subject to the policies of the GCP.

#### 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 dwelling types including semi-detached dwellings. The splitting of this lot into two lots for the halves of semi-detached dwelling continues to meet the provisions of the R2 zone.

### Report

The purpose of the applications is to allow each unit of the semi-detached dwelling currently under construction to be owned and/or sold separately.

The proposed lot configuration is desirable and compatible with the surrounding area. No variances are required for the proposed lots. The streetscape and character of the neighbourhood would not be affected by the approval of this application. Facilitating the independent sale and use of each dwelling unit of the semi-detached dwelling is in keeping with the policies of the GCP. Staff is supportive of the proposed consent.

### Conclusion

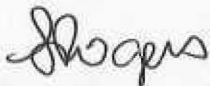
Staff is satisfied that the subject consent is appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that application **B-51/15SC** be approved.

#### Prepared by:



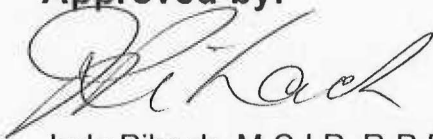
Charlotte McEwan  
Student Planner

#### Submitted by:



Sara Rogers, CPT  
Planner 1

#### Approved by:



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



November 30, 2015

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

Attention: Elaine Munro

File# 60.81.5034, 60.81.5035 & 60.84.2014

Re: 646 & 646A Vine St

In response to your correspondence(s) dated November 24, 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](http://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.

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 Scott Beaudrie at 905-521-4907 in our Engineering Design Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie", with a long horizontal flourish extending to the right.

Scott Beaudrie  
Supervisor, Engineering Design

**Munro, Elaine**

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**From:** Doug Crown  
**Sent:** Tuesday, November 24, 2015 4:11 PM  
**To:** Munro, Elaine  
**Subject:** RE: Applications for December 9/15 Committee of Adjustment Hearing - City of St. Catharines 3 of 3 emails)

Hello

Cogeco has no issues or concerns with the following locates

**DOUG CROWN**

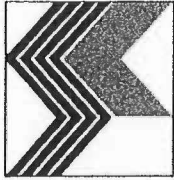
Network Planner  
Network Evolution

T 289-296-6266

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7170 Mcleod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca





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Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte McEwan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – December 09, 2015 hearing - File No.: 300-036**

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**B-51/15SC – 10 Keswick Street**

Comment:  
No Comment

Condition:  
No Comment

**B-52/15SC – 646 Vine Street**

Comment:  
No Comment.

Condition:  
No Comment

**B-53/15SC – 27 ½ Cherry Street**

Comment:  
No Comment.

Condition:  
That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, the spatial separation requirements for the glazed openings facing the new southeast property line meet the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.

**B-54/15SC – 65 Lakeshore Road**

Comment:  
No Comment.

**Munro, Elaine**

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**From:** Sullivan, Kristen  
**Sent:** Friday, November 27, 2015 3:27 PM  
**To:** Rogers, Sara; Mcewan, Charlotte  
**Cc:** Pihach, Judy; Munro, Elaine  
**Subject:** CoA - PRCS - December 9, 2015  
**Attachments:** Keswick\_10\_84.2013.doc; Vine\_646\_84.2014.doc; Cherry\_27\_84.2015.doc

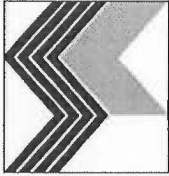
Ladies of Planning, please see the attached comments. I have no comments on the following applications:

- 93 Hartzel (land division)
- 340 Queenston St. (land division)
- 342 Queenston St. (land division)
- 65 Lakeshore (land division)
- 20 Simpson (land division)
- 3 Cricket Hollow (minor variance)
- 12 Salina (minor variance)
- 20 Simpson (minor variance)
- 27 ½ Cherry (minor variance)
- 190 Rykert (minor variance)
- 342 Queenston (minor variance)
- 646 Vine (minor variance)
- 646A Vine (minor variance)
- 26 Oakdale (minor variance)

**Kristen Sullivan**  
Project & Development Planner  
**Email:** ksullivan@stcatharines.ca  
**Tel:** 905.688.5601 x3145

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## Memorandum

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**To:** Sara Rogers, Planning & Building Services  
Charlotte Mcewan, Planning & Building Services

**CC:** Elaine Munro, Planning & Building Services  
Judy Pihach, Planning & Building Services

**From:** Kristen Sullivan, Parks, Recreation & Culture Services

**Date:** November 27, 2015

**Subject:** Notice of Hearing: Consent to Sever  
Address: 646 Vine St.  
File No: 60.84.2014

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Please be advised that we have reviewed the above-noted applications and request the following condition of severance:

That the applicant submit a payment of \$420.00 for the placement of a boulevard tree, in accordance with the 2015 Schedule of Rates and Fees.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 3145.

Kristen Sullivan  
Project and Development Planner  
Parks, Recreation and Culture Services



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## Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte Mcewan, Judy Pihach  
Planning and Building Services

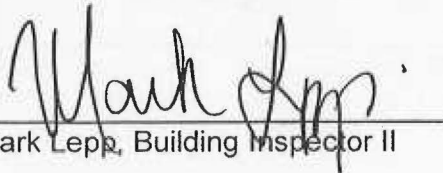
From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 09, 2015 hearing - File No.: 300-010**

---

NO.	ADDRESS	COMMENTS
A-96/15	646 Vine Street	No Comment
A-97/15	646A Vine Street	No Comment
A-98/15	3 Cricket Hollow Road	No Comment
A-99/15	27 ½ Cherry Street	Please be advised that a permit is required for the proposed conversion of the duplex to a single detached dwelling.
A-100/15	12 Salina Street	Please be advised that a permit is required for the proposed dwelling. That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-102/15	20 Simpson Road	No Comment
A-103/15	342 Queenston Street	No Comment
A-104/15	26 Oakdale Avenue	No Comment
A-106/15	190 Rykert Street	No Comment

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

g:\pbs-building & development\committee of adjustment\bldg memo 2015\31 bcoa memo-mv-December 09, 2015.docx



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## Memorandum

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

**Cc:** Sara Rogers, Planner 1  
Charlotte McEwan, Planning Student  
Judy Pihach, Manager of Planning Services

**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
Planning and Building Services

**Date:** November 30, 2015  
**Hearing Date:** December 9, 2015

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-96&97/15SC – 646 & 646A Vine Street  
A-98/15SC – 3 Cricket Hollow Road  
A-99/15SC – 27 ½ Cherry Street  
A-100/15SC – 12 Salina Street  
A-102/15SC – 20 Simpson Road  
A-103/15SC – 342 Queenston Street  
A-104/15SC – 26 Oakdale Avenue  
A-105/15SC – 190 Rykert Street

---

Development Engineering Services have had the opportunity to review the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications, subject to the following condition applicable to 12 Salina Street;

- The proposed dwelling will increase the impervious area on the lot with respect to drainage due to the setbacks, therefore roof flows shall be discharged in a manner that will not adversely affect the City sidewalks, and foundation weeping tile shall be discharged through a sump pump via storm lateral connection to the Salina Street storm sewer, at the cost of the Applicant during Building Permit.

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-52/15SC**



November 30, 2015

**ENGINEERING FILE 300-36**

**Hearing Date:** December 9, 2015

**Applicant:** Jason & Jennifer Nickel, Kevin & Stephanie Niessen & Rudy Dirks

**Location:** 646 Vine Street

**MUNICIPAL SERVICES**      **Vine Street**

**Water:** 100mm (4") Asbestos Cement & 200mm (8") P.V.C.

**Sanitary Sewer:** 200mm (8")

**Storm Sewer:** 375mm (15")

**Sidewalks:** Yes

**Road Allowance Width:** 23.2m±

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

Comment(s): It is noted that the Applicants propose to sever Part 2 creating a new lot to be known as 646A Vine Street. A remnant parcel of land (Part 1) would be retained for residential use. The application would allow each unit of the semi-detached dwelling currently under construction to be owned and/or sold separately.

**Roads**

Vine Street along this section is designated a Collector road as per the City's Official Plan, with a desired right-of-way width of 20.0m. Vine Street along this section is currently at a width of 23.2m±, therefore a road widening along the Applicant frontage is not required.

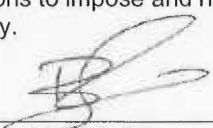
**Engineering Services**

The above services have been identified to be adequate to service the above site, and service laterals have already been provided to the dwelling currently under construction through a concurrent building permit application.

**Grading & Drainage**

The grading and drainage scheme applicable to the above property has been addressed through the concurrent building permit application.

Condition(s): Development Engineering Services have no further comment or conditions to impose and have no objection to the severance of the property.

**Prepared By:**   
Brad Johnston, C.E.T.  
Development Engineering Technologist



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk  
**Cc:** Development Technologist  
**From:** Steve Bittner  
Transportation Technologist  
**Date:** December 3, 2015  
**Subject:** Committee of Adjustment  
Public Hearings – December 9, 2015  
File No. 305-17-01

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Upon review of the applications, we offer the following comments:

### **65 Lakeshore Road**

We will need confirmation that there will be sufficient parking for the existing church once the lands are severed.

We have no concerns or requirements with the remaining applications. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 4, 2015

**Date of Meeting:** December 9, 2015

**Submission(s):** B-52/15SC  
A-96/15  
A-97/15

**File:** 60.84.2014  
60.81.5034  
60.81.5035

**Subject:** 646 Vine Street  
646A Vine Street

### Proposal

Application **B-52/15SC** is made for consent to a partial discharge of mortgage and for consent to sever 350.6 m<sup>2</sup> of land (Part 2 on the submitted sketch) creating a new lot to be known as 646A Vine Street. A 350.6 m<sup>2</sup> remnant parcel (Part 1) would be retained for residential use.

Application **A-96/15** (Part 1) is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

- 1) A reduction of the minimum required lot area per dwelling unit from 370 m<sup>2</sup> to 350.6 m<sup>2</sup> for Part 1.
- 2) A reduction of the minimum lot frontage from 11 metres to 8.84 metres for Part 1.

Application **A-85/15** (Part 2) is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

- 1) A reduction of the minimum required lot area per dwelling unit from 370 m<sup>2</sup> to 350.6 m<sup>2</sup> for Part 2.
- 2) A reduction of the minimum lot frontage from 11 metres to 8.84 metres for Part 2.

### Recommendation

That Submission **B-52/15SC** by Jason Nickel, Jennifer Nickel, Kevin Niessen, Stephanie Niessen, and Rudy Dirks, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the applicant submit a payment of \$420.00 for the placement of a boulevard tree, in accordance with the 2015 Schedule of Rates and Fees.

That Submission **A-96/15** by Jason Nickel, Jennifer Nickel, Kevin Niessen, Stephanie Niessen, and Rudy Dirks, as outlined in the Notice of Hearing, be approved.

That Submission **A-97/15** by Jason Nickel, Jennifer Nickel, Kevin Niessen, Stephanie Niessen, and Rudy Dirks, as outlined in the Notice of Hearing, be approved.

## **Summary**

The purpose of the applications is to allow each unit of a semi-detached dwelling currently under construction to be owned and/or sold separately.

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 maintains the intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans. The severance and minor variance are desirable for the appropriate use of the land.

Staff recommends the approval of the requested consent and the requested variances, subject to the conditions outlined in the recommendation.

## **Background**

### **Planning Context**

#### **Location**

The subject property is located on the east side of Vine Street, north of Lakeshore Road. The property is surrounded by single detached dwellings in all directions.

#### **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 and 32 units per hectare, subject to the policies of the Garden City Plan.

#### **Zoning By-law**

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types including semi-detached dwellings.

## **Report**

### **Consent for New Lot**

The proposed severance is to allow each unit of a semi-detached dwelling currently under construction to be owned and/or sold separately.

The Garden City Plan (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. Facilitating the independent sale and use of each unit of the semi-detached dwelling is in keeping with the policies of the GCP.



### **Variances Proposed**

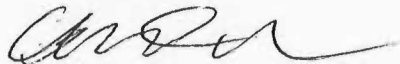
Application A-96/15 and A-97/15 both request two variances. The variances are requested separately for both Part 1 and Part 2 on the submitted sketch. The first variance for each proposed lot is made for a reduction of the minimum required lot area per dwelling unit from 370 m<sup>2</sup> to 350.6 m<sup>2</sup>. The second variance is for reduction of the minimum lot frontage from 11 metres to 8.84 metres.

The variances requested for each of the proposed lots are identical. The variances will permit the individual units of the semi-detached dwelling currently under construction to exist on individual lots. The Zoning By-law permits semi-detached dwellings in the R1 zone, and Staff note that there is adequate amenity space on each property and all required setbacks are maintained despite a reduced lot size and frontage. Staff are satisfied that the variances are minor in nature, that the intent of the Zoning By-law and Official Plan is maintained, and that the variances are desirable for the appropriate use of land. Staff are supportive of the requested variances for Parts 1 and 2.

### **Conclusion**

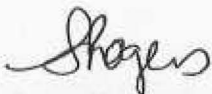
Staff is satisfied that the subject consent and variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consent be approved, subject to the conditions outlined in the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

#### **Prepared by:**



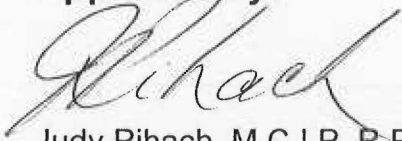
Charlotte McEwan  
Student Planner

#### **Submitted by:**



Sara Rogers, CPT  
Planner 1

#### **Approved by:**



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



**Munro, Elaine**

---

**From:** Doug Crown  
**Sent:** Tuesday, November 24, 2015 4:11 PM  
**To:** Munro, Elaine  
**Subject:** RE: Applications for December 9/15 Committee of Adjustment Hearing - City of St. Catharines 3 of 3 emails)

Hello

Cogeco has no issues or concerns with the following locates

**DOUG CROWN**

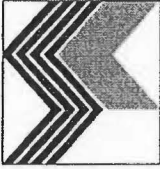
Network Planner  
Network Evolution

T 289-296-6266

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7170 Mcleod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca





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## Memorandum

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

**Cc:** Sara Rogers, Planner 1  
Charlotte McEwan, Planning Student  
Judy Pihach, Manager of Planning Services

**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
Planning and Building Services

**Date:** November 30, 2015

**Hearing Date:** December 9, 2015

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-96&97/15SC – 646 & 646A Vine Street  
A-98/15SC – 3 Cricket Hollow Road  
A-99/15SC – 27 ½ Cherry Street  
A-100/15SC – 12 Salina Street  
A-102/15SC – 20 Simpson Road  
A-103/15SC – 342 Queenston Street  
A-104/15SC – 26 Oakdale Avenue  
A-105/15SC – 190 Rykert Street

---

Development Engineering Services have had the opportunity to review the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications, subject to the following condition applicable to 12 Salina Street;

- The proposed dwelling will increase the impervious area on the lot with respect to drainage due to the setbacks, therefore roof flows shall be discharged in a manner that will not adversely affect the City sidewalks, and foundation weeping tile shall be discharged through a sump pump via storm lateral connection to the Salina Street storm sewer, at the cost of the Applicant during Building Permit.

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



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## Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte Mcewan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 09, 2015 hearing - File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-96/15	646 Vine Street	No Comment
A-97/15	646A Vine Street	No Comment
A-98/15	3 Cricket Hollow Road	No Comment
A-99/15	27 ½ Cherry Street	Please be advised that a permit is required for the proposed conversion of the duplex to a single detached dwelling.
A-100/15	12 Salina Street	Please be advised that a permit is required for the proposed dwelling. That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-102/15	20 Simpson Road	No Comment
A-103/15	342 Queenston Street	No Comment
A-104/15	26 Oakdale Avenue	No Comment
A-106/15	190 Rykert Street	No Comment

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

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## **Munro, Elaine**

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**From:** Sullivan, Kristen  
**Sent:** Friday, November 27, 2015 3:27 PM  
**To:** Rogers, Sara; Mcewan, Charlotte  
**Cc:** Pihach, Judy; Munro, Elaine  
**Subject:** CoA - PRCS - December 9, 2015  
**Attachments:** Keswick\_10\_84.2013.doc; Vine\_646\_84.2014.doc; Cherry\_27\_84.2015.doc

Ladies of Planning, please see the attached comments. I have no comments on the following applications:

- 93 Hartzel (land division)
- 340 Queenston St. (land division)
- 342 Queenston St. (land division)
- 65 Lakeshore (land division)
- 20 Simpson (land division)
- 3 Cricket Hollow (minor variance)
- 12 Salina (minor variance)
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- 27 ½ Cherry (minor variance)
- 190 Rykert (minor variance)
- 342 Queenston (minor variance)
- 646 Vine (minor variance)
- 646A Vine (minor variance)
- 26 Oakdale (minor variance)

### **Kristen Sullivan**

Project & Development Planner

Email: [ksullivan@stcatharines.ca](mailto:ksullivan@stcatharines.ca)

Tel: 905.688.5601 x3145

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CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 4, 2015

**Date of Meeting:** December 9, 2015

**Submission:** A-98/15

**File:** 60.81.5036

**Subject:** 3 Cricket Hollow Road

### Proposal

Application A-98/15 is made to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of the setback from the interior lot line to the accessory structure (shed) from 0.6 metres to 0.381 metres.
2. A reduction of the setback from the rear lot line to the accessory structure (shed) from 0.6 metres to 0.229 metres.

### Recommendation

That Submission **A-98/15** by Mark Goldenberg and Maureen Walkey, as outlined in the Notice of Hearing, be approved subject to the following condition:

1. That the variances apply to the existing 8' x 8' shed only, as shown on the submitted sketch, which shall be attached to and form part of the Committee's decision.

### Summary

The purpose of this application is to recognize the location of the existing 8'x8' shed.

Having regard for the matters under and subsection 45 (1) of the Planning Act, staff is satisfied that the variances are minor in nature, are 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.

Staff recommends that the proposed variances be approved, subject to the condition outlined in the recommendation.

### Background

#### Planning Context

### **Location**

The subject property is located on the north side of Cricket Hollow Road. The property is surrounded by detached dwellings in all directions.

### **Official Plan**

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

### **Zoning By-law**

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types and structures accessory to this use, including the existing dwelling and shed.

## **Report**

The purpose of this application is to permit the existing 8'x8' shed to remain in its current location.

Accessory structure setbacks ensure that the structure and any fencing along the property line can be adequately maintained on all sides. Excessively small setbacks will prevent the landowner from accessing a portion of their structure from within their own property boundary. This shed is positioned at an angle to the property lines, creating pinch points at the corners where the setbacks do not meet the zoning provision. The majority of the face of the rear and side walls of the shed do meet the setback requirements. The orientation of the shed to the property line and the proposed setbacks are adequate to allow access for maintenance purposes to this space and these side and rear faces of the shed.

Staff would not support a variance to permit these reduced setbacks along the entire length of the side or rear property line, because it would hinder access for maintenance as described above. For this reason, staff recommends a condition that the variances be approved for the existing shed in its current location and orientation only.

Staff is satisfied the requested variances meet the intent and purpose of the GCP and Zoning By-law, and are appropriate for the use of the land. Staff recommends approval of the requested variances, subject to the condition outlined in the recommendation.

## **Conclusion**

Staff is supportive of the proposed variances and is satisfied they meet the intent and purpose of the GCP and Zoning By-law, are desirable for the appropriate use of the land, and are minor in nature. Staff recommends approval of the requested variances, subject to the condition outlined in the recommendation.

### **Prepared by:**



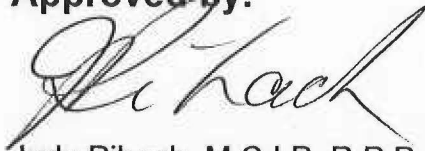
Charlotte McEwan  
Student Planner

**Prepared by:**



Sara Rogers, CPT  
Planner I

**Approved by:**



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

**Munro, Elaine**

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**Subject:** RE: Consent application/Minor variance applications re: 27 1/2 Cherry and 12 Salina Streets

**From:** Gary Black <>

**Sent:** December 4, 2015 7:38 AM

**To:** ; PBS, Website Information Mailbox; Gary Black

**Subject:** Consent application/Minor variance applications re: 27 1/2 Cherry and 12 Salina Streets

Committee of Adjustment  
City of St Catharines  
Church Street

Attention: Elaine Munro  
Secretary-Treasurer

We live at 30 Yates Street.

This is filed concerning the various applications returnable Dec 9, 2015.

This is not an objection to the applications but to express a concern that the Committee pay attention to the yard setbacks requested (in particular the rear yard at 12 Salina) and, if possible the building design for the new-build on 12 Salina.

I refer you to the 2005 applications at 19-21 Cherry Street (I believe the owner in that application is the owner of the property to be dealt with this Wed.)

In the 2005 applications the rear yard variance requested, and granted was a reduction from 25 feet to 11.8 feet. (The present application for the 12 Salina build is for much less.)

What wasn't considered in the 2005 application was the type of structures to be built at 19-21 Cherry. In fact two storey dwellings with raised basements were built.

Attached to the rear face of each new building was a rear suspended balcony or deck.

Those raised basements allowed the main floor occupants at 21 Cherry to look right over a 6 foot privacy fence into the kitchen of the abutting Salina property and the elevated rear decks created a viewing platform into the back yard of the abutting Salina property and had the effect of killing the privacy its owners had enjoyed for decades.

I am quite certain this situation resulted in the then owners selling and leaving the street.

I ask the Committee to keep this on its radar screen when dealing with these new applications.

Care should to taken here not to replicate that unfortunate mess.

Gary Black





November 30, 2015

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

Attention: Elaine Munro

File# 60.81.5038, 60.84.2015 & 60.81.5037

Re: 12 Salina St & 27 1/2 Cherry St

In response to your correspondence(s) dated November 24, 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](http://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.

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 Scott Beaudrie at 905-521-4907 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 initial "S" and a stylized "B".

Scott Beaudrie  
Supervisor, Engineering Design

**Munro, Elaine**

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**From:** Doug Crown  
**Sent:** Tuesday, November 24, 2015 4:11 PM  
**To:** Munro, Elaine  
**Subject:** RE: Applications for December 9/15 Committee of Adjustment Hearing - City of St. Catharines 3 of 3 emails)

Hello

Cogeco has no issues or concerns with the following locates

**DOUG CROWN**

Network Planner  
Network Evolution

T 289-296-6266

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7170 Mcleod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca





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## Memorandum

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**To:** Sara Rogers, Planning & Building Services  
Charlotte Mcewan, Planning & Building Services  
**CC:** Elaine Munro, Planning & Building Services  
Judy Pihach, Planning & Building Services  
**From:** Kristen Sullivan, Parks, Recreation & Culture Services  
**Date:** November 27, 2015  
**Subject:** Notice of Hearing: Consent to Sever  
Address: 27 ½ Cherry St.  
File No: 60.84.2015

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Please be advised that we have reviewed the above-noted applications and request the following condition of severance:

That the applicant submit a payment of \$420.00 for the placement of a boulevard tree, in accordance with the 2015 Schedule of Rates and Fees.

If Planning and Building Services determines that parkland dedication can be collected for this application we request the following condition of severance:

That payment of 5% of the appraised value of the new lot (Part 2 and 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.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 3145.

Kristen Sullivan  
Project and Development Planner  
Parks, Recreation and Culture Services

## **Munro, Elaine**

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**From:** Sullivan, Kristen  
**Sent:** Friday, November 27, 2015 3:27 PM  
**To:** Rogers, Sara; Mcewan, Charlotte  
**Cc:** Pihach, Judy; Munro, Elaine  
**Subject:** CoA - PRCS - December 9, 2015  
**Attachments:** Keswick\_10\_84.2013.doc; Vine\_646\_84.2014.doc; Cherry\_27\_84.2015.doc

Ladies of Planning, please see the attached comments. I have no comments on the following applications:

- 93 Hartzel (land division)
- 340 Queenston St. (land division)
- 342 Queenston St. (land division)
- 65 Lakeshore (land division)
- 20 Simpson (land division)
- 3 Cricket Hollow (minor variance)
- 12 Salina (minor variance)
- 20 Simpson (minor variance)
- 27 ½ Cherry (minor variance)
- 190 Rykert (minor variance)
- 342 Queenston (minor variance)
- 646 Vine (minor variance)
- 646A Vine (minor variance)
- 26 Oakdale (minor variance)

### **Kristen Sullivan**

Project & Development Planner

Email: [ksullivan@stcatharines.ca](mailto:ksullivan@stcatharines.ca)

Tel: 905.688.5601 x3145

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Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte McEwan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – December 09, 2015 hearing - File No.: 300-036**

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**B-51/15SC – 10 Keswick Street**

Comment:  
No Comment

Condition:  
No Comment

**B-52/15SC – 646 Vine Street**

Comment:  
No Comment.

Condition:  
No Comment

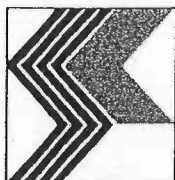
**B-53/15SC – 27 ½ Cherry Street**

Comment:  
No Comment.

Condition:  
That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, the spatial separation requirements for the glazed openings facing the new southeast property line meet the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.

**B-54/15SC – 65 Lakeshore Road**

Comment:  
No Comment.



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## Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte Mcewan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

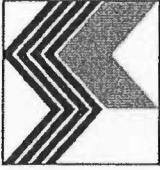
Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 09, 2015 hearing - File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-96/15	646 Vine Street	No Comment
A-97/15	646A Vine Street	No Comment
A-98/15	3 Cricket Hollow Road	No Comment
A-99/15	27 ½ Cherry Street	Please be advised that a permit is required for the proposed conversion of the duplex to a single detached dwelling.
A-100/15	12 Salina Street	Please be advised that a permit is required for the proposed dwelling. That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-102/15	20 Simpson Road	No Comment
A-103/15	342 Queenston Street	No Comment
A-104/15	26 Oakdale Avenue	No Comment
A-106/15	190 Rykert Street	No Comment

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:** Development Technologist

**From:** Steve Bittner  
Transportation Technologist

**Date:** December 3, 2015

**Subject:** Committee of Adjustment  
Public Hearings – December 9, 2015  
File No. 305-17-01

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Upon review of the applications, we offer the following comments:

**65 Lakeshore Road**

We will need confirmation that there will be sufficient parking for the existing church once the lands are severed.

We have no concerns or requirements with the remaining applications. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



REPORT TO PLANNING DEPARTMENT  
Re: CITY LAND DIVISION APPLICATION NUMBER B-53/15SC



November 30, 2015

ENGINEERING FILE 300-36

Hearing Date: December 9, 2015

Applicant: Benjamin Wall

Location: 27 ½ Cherry Street

<u>MUNICIPAL SERVICES</u>	<u>Cherry Street</u>	<u>Salina Street</u>
Water:	150mm (6")	200mm (8")
Sanitary Sewer:	250mm (10")	375mm (15")
Storm Sewer:	375mm (15")	675mm (27")
Sidewalks:	Yes	Yes
Road Allowance Width:	9.50m±	14.6m±

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

Comment(s): It is noted that the Applicant proposes to sever Parts 2 & 3 creating a new lot to be known as 12 Salina Street for the purpose of constructing a single detached dwelling. A remnant parcel with the existing duplex dwelling (Part 1) would be retained and converted to a single detached dwelling for continued residential use.

**Roads**

Cherry and Salina Streets are designated as Local roads as per the City's Official Plan, with desired rights-of-way widths of 20.0m. The current rights-of-way widths are deficient at 9.5m± and 14.6m±, respectively. There have been no instances on Salina or Cherry Streets where the City has obtained widenings in the past, therefore it would be unjust to obtain widenings from the Applicant along these frontages at this time.

**Engineering Services**

The Applicant will be responsible to pay to the City the fees associated with providing sanitary, storm and water laterals to the proposed dwelling, in accordance with the City's current Schedule of Rates and Fees. These fees will be calculated and collected during the Building Permit application stage and the services installed by City crews.

**Grading & Drainage**

Increased drainage challenges occur in these types of in-fill lot developments, where existing and established lots and lots within established plans of subdivision sometimes do not have suitable drainage outlets established. Individual lot drainage plans are a requirement for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and 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 an adequately-sized storm sewer exists on Salina Street, sump pump flows shall be required to discharge to the storm sewer via a storm sewer lateral, the fees and installation of which shall be borne by the Applicant as previously mentioned.

Condition(s): Prior to final consent, the Applicant shall;

- Pay to the City of St. Catharines the fee for City crews to inspect and trace the existing sanitary and water laterals of 27 ½ Cherry Street in order to determine that they will not cross the proposed lot lines of the new lot, the fees according to the City's current Schedule of Rates & Fees; and
- Pay to the City of St. Catharines the fee for City crews to reinstate the asphalt boulevard fronting Salina Street back to a sod boulevard, the fee according to the City's current Schedule of Rates & Fees; and
- Pay to the City of St. Catharines the fee for City crews to fill the existing cut curb approximately 7.0m±, according to the City's current Schedule of Rates and Fees; and
- Coordinate and pay to Horizon Utilities the cost of relocating the existing utility pole fronting 27 ½ Cherry Street to a location as per the requirements of Horizon Utilities, and submit to the City of St. Catharines proof of such agreement and payment



Prepared By: \_\_\_\_\_

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



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## Memorandum

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

**Cc:** Sara Rogers, Planner 1  
Charlotte McEwan, Planning Student  
Judy Pihach, Manager of Planning Services

**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
Planning and Building Services

**Date:** November 30, 2015  
**Hearing Date:** December 9, 2015

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-96&97/15SC – 646 & 646A Vine Street  
A-98/15SC – 3 Cricket Hollow Road  
A-99/15SC – 27 ½ Cherry Street  
A-100/15SC – 12 Salina Street  
A-102/15SC – 20 Simpson Road  
A-103/15SC – 342 Queenston Street  
A-104/15SC – 26 Oakdale Avenue  
A-105/15SC – 190 Rykert Street

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Development Engineering Services have had the opportunity to review the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications, subject to the following condition applicable to 12 Salina Street;

- The proposed dwelling will increase the impervious area on the lot with respect to drainage due to the setbacks, therefore roof flows shall be discharged in a manner that will not adversely affect the City sidewalks, and foundation weeping tile shall be discharged through a sump pump via storm lateral connection to the Salina Street storm sewer, at the cost of the Applicant during Building Permit.

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

**Munro, Elaine**

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**From:** Blozowski, Kevin  
**Sent:** Tuesday, November 24, 2015 3:21 PM  
**To:** Munro, Elaine  
**Cc:** Rogers, Sara; Mcewan, Charlotte  
**Subject:** RE: Consent & Minor Variance Applications - 27 1/2 Cherry Street

*I would add the following paragraph in the consent report*

***The subject lands are located on the periphery of the Yates Street and Area Heritage District, which was designated under the Ontario Heritage Act (OHA) in 1994. The overall goal of the designation is to maintain, protect, and enhance the district. In accordance with the OHA certain external changes to properties in the district require heritage permit approval from the City. These changes include new construction, additions, and demolitions. The St. Catharines Heritage Permit Advisory Committee (SHPAC) has been appointed by Council to provide advice to the City to facilitate this process.***

***On October 29, 2015, the proponent met with the SHPAC to seek preliminary comments on the proposal. The committee was of consensus that the proposal meets and exceeds the spirit and intent of the heritage district designation and guidelines. A new residential use in the existing parking area at this corner is considered positive. Should the applications before the Committee of Adjustment be approved the proponent will be required to submit formal heritage permit applications to satisfy the requirements of the OHA.***

Kevin

**Kevin Blozowski** M.C.I.P., R.P.P.  
Planner I (Special Projects)  
**Email:** kblozowski@stcatharines.ca  
**Tel:** 905.688.5601 x1710

---

**From:** Munro, Elaine  
**Sent:** Tuesday, November 24, 2015 2:58 PM  
**To:** Blozowski, Kevin  
**Cc:** Rogers, Sara; Mcewan, Charlotte  
**Subject:** Consent & Minor Variance Applications - 27 1/2 Cherry Street

Hi Kevin:

Attached please find the consent and minor variance applications for 27 1/2 Cherry Street which will be heard at the December 9, 2015 Committee of Adjustment Hearing.

If you have any comments on behalf of the Heritage Committee, please provide them to Sara Rogers, Charlotte McEwan and myself by Thurs. Nov. 26/15.



CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 4, 2015

**Date of Meeting:** December 9, 2015

**Submission(s):** B-53/15SC  
A-99/15  
A-100/15

**File:** 60.84.2015  
60.81.5037  
60.81.5038

**Subject:** 27 ½ Cherry Street  
12 Salina Street

### Proposal

Application **B-53/15SC** is made for consent to a mortgage or charge, a partial discharge of mortgage, and for consent to sever 194 m<sup>2</sup> of land (Parts 2 & 3 on the submitted sketch) creating a new lot to be known as 12 Salina Street for the purpose of constructing a single detached dwelling. A 186 m<sup>2</sup> remnant parcel with the existing duplex (Part 1) to be converted to a single detached dwelling would be retained for continued residential use.

Application **A-99/15** (Part 1) is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

- 1) A reduction of the minimum required lot area per dwelling unit from 300 m<sup>2</sup> to 186 m<sup>2</sup>.
- 2) A reduction of the minimum required front yard setback to dwelling from 3 metres to 1.3 metres.
- 3) A reduction of the minimum required rear yard setback to dwelling from 6 metres to 4.3 metres.
- 4) A reduction of the minimum required northwest interior side yard setback from 1.2 metres to 0.9 metres.

Application **A-100/15** (Parts 2 & 3) is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

- 1) A reduction of the minimum required lot area per dwelling unit from 300 m<sup>2</sup> to 194 m<sup>2</sup>.
- 2) A reduction of the minimum required front yard setback to the proposed dwelling from 3 metres to 1.5 metres.
- 3) A reduction of the minimum required rear yard setback to the proposed dwelling from 6 metres to 1.5 metres.
- 4) A reduction of the minimum setback from exterior lot line to the platform structure (2 storey covered verandah) from 3 metres to 1.8 metres.

## Recommendation

That Submission **B-53/15SC** by Benjamin Wall, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the applicant submit a payment of \$420.00 for the placement of a boulevard tree, in accordance with the 2015 Schedule of Rates and Fees.
2. That payment of 5% of the appraised value of the new lot (Part 2 and 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.
3. That the applicant satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, the spatial separation requirements for the glazed openings facing the new southeast property line meet the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
4. That the existing duplex on part one be converted to a single detached dwelling to the satisfaction of the Chief Building Official of the City of St. Catharines.
5. That the applicant pay to the City of St. Catharines the fee for City crews to inspect and trace the existing sanitary and water laterals of 27 ½ Cherry Street in order to determine that they will not cross the proposed lot lines of the new lot, the fees according to the City's current Schedule of Rates & Fees. If it is determined that the existing home's sanitary lateral crosses the proposed lot boundary, the Applicant shall pay to the City the fee to provide a new lateral for the existing home.
6. That the applicant pay to the City of St. Catharines the fee for City crews to reinstate the asphalt boulevard fronting Salina Street back to a sod boulevard (except for the driveway entrance,) according to the City's current Schedule of Rates & Fees.
7. That the applicant pay to the City of St. Catharines the fee for City crews to fill the existing cut curb approximately 7.0m±, according to the City's current Schedule of Rates and Fees.
8. Coordinate and pay to Horizon Utilities the cost of relocating the existing utility pole fronting 27 ½ Cherry Street to a location as per the requirements of Horizon Utilities, and submit to the City of St. Catharines proof of such agreement and payment.



That Submission **A-99/15 (Part 1)** by Benjamin Wall, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the existing 1 storey addition to the rear of the dwelling and the existing verandah and existing wood steps be removed, as indicated on the sketch submitted with the application, to the satisfaction of the Chief Building Official of the City of St. Catharines.

That Submission **A-100/15 (Parts 2 & 3)** by Benjamin Wall, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the parking area be restricted to the driveway as it is shown on submitted sketch, which shall be attached to and form part of the Committee's decision.
2. That roof flows shall be discharged in a manner that will not adversely affect the City sidewalks, and foundation weeping tile be discharged through a sump pump via storm lateral connection to the Salina Street storm sewer, at the cost of the Applicant during Building Permit.

## Summary

The purpose of the applications is to facilitate the creation of a lot for the purpose of constructing a single detached dwelling, and to recognize an existing 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 maintains the intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans. The severance and minor variance are desirable for the appropriate use of the land.

Staff recommends the approval of the requested consent and the requested variances, subject to the conditions outlined in the recommendation.

## Background

The subject lands are located within the Yates Street and Area Heritage District, which was designated under the Ontario Heritage Act (OHA) in 1994. The overall goal of the designation is to maintain, protect, and enhance the district. In accordance with the OHA certain external changes to properties in the district require heritage permit approval from the City. These changes include new construction, additions, and demolitions. The St. Catharines Heritage Permit Advisory Committee (SHPAC) has been appointed by Council to provide advice to the City to facilitate this process.

On October 29, 2015, the proponent met with the SHPAC to seek preliminary comments on the proposal. The committee was of consensus that the proposal meets and exceeds the spirit and intent of the heritage district designation and guidelines. A new residential use in the existing parking area at this corner is considered positive.

Should the applications before the Committee of Adjustment be approved the proponent will be required to submit formal heritage permit applications to satisfy the requirements of the OHA.

## **Planning Context**

### **Location**

The subject property is located on the westerly corner of Cherry Street and Salina Street. The property is surrounded by single detached dwellings to the west, south, and east. There is an office surrounded by parking to the north. The property is located within the Yates Street Heritage District.

### **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 and 32 units per hectare, 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 dwelling types, including single detached dwellings.

## **Report**

### **Consent for New Lot**

The proposed severance is for the purpose of constructing a single detached dwelling.

The Garden City Plan (GCP) encourages many forms of residential development including infill, as the City has developed outward to its growth boundaries. Staff are supportive of infill in accordance with the policies of the GCP. The proposed consent for the purpose of constructing a single detached dwelling is in keeping with the policies of the GCP. Section 16.11.3b supports infill in areas that are already substantially developed, as it helps to provide a continuous streetscape.

Staff recommend approval of the proposed consent.

### **Variances Proposed**

#### **Application A-99/15 (Part 1)**

Variance 1 requests a reduction of the minimum required lot area per dwelling unit from 300 m<sup>2</sup> to 186 m<sup>2</sup>. The minimum lot size is meant to provide adequate lot area for the dwelling, parking area, and amenity space. The amenity space on this lot is provided to the south of the dwelling as there is adequate area between the rear and southwesterly interior side yard. Properties directly southeast of the subject lands are also well below the minimum required lot area. The proposed lot area is compatible with the fabric of the surrounding area. Staff are supportive of this variance.

Variance 2 requests a reduction of the minimum required front yard setback to dwelling from 3 metres to 1.3 metres. Variance 3 requests a reduction of the minimum required



rear yard setback to dwelling from 6 metres to 4.3 metres. Variance 4 requests a reduction of the minimum required northwest interior side yard setback from 1.2 metres to 0.9 metres. Each of Variances 2, 3 & 4 are requested to recognize an existing dwelling, without the existing addition that is to be removed. The proposed setbacks will not affect the streetscape and staff is supportive of the proposed variances, subject to the removal of the addition, and of the verandah and wooden stairs, as proposed by the applicant and as indicated on the submitted sketch.

#### **Application A-100/15 (Parts 2 & 3)**

Variance 1 requests a reduction of the minimum required lot area per dwelling unit from 300 m<sup>2</sup> to 194 m<sup>2</sup>. The minimum lot size is meant to provide adequate lot area for the dwelling, parking area, and amenity space. Staff are satisfied that adequate amenity space is provided in the interior side yard of the lot. Properties directly southeast of the subject lands are also well below the minimum required lot area. The proposed lot area is compatible with the fabric of the surrounding area. Staff is supportive of the variance on the condition that the parking area be restricted to what is shown on the submitted sketch.

Variance 2 requests a reduction of the minimum required front yard setback to the proposed new dwelling from 3 metres to 1.5 metres. Variance 3 requests a reduction of the minimum required rear yard setback to the proposed dwelling from 6 metres to 1.5 metres. Variance 4 requests a reduction of the minimum setback from exterior lot line to the platform structure (2 storey covered verandah) from 3 metres to 1.8 metres. The adjacent property to the south has a significantly reduced front yard setback. Lots to the southeast have reduced rear yard setbacks. The proposed setbacks are in keeping with the character of the heritage district and that of surrounding properties. Staff are satisfied that the variances are minor in nature, that the intent of the Zoning By-law and Official Plan is maintained, and that the variances are desirable for the appropriate use of land. Staff are supportive of the requested variances, subject to the conditions outlined in the recommendation.

Staff note that the integrity of the architectural design will be protected through the Heritage Permit process.

## **Conclusion**

Staff is satisfied that the subject consent and 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 consent be approved, subject to the conditions outlined in the recommendation, and that the variances be approved, subject to the conditions outlined in the recommendation.

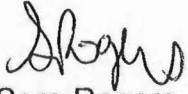
**Prepared by:**



Charlotte McEwan

Student Planner

**Prepared by:**



Sara Rogers, CPT  
Planner I

**Approved by:**



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

VIA E-MAIL ONLY

**December 7, 2015**

**File D.06.08.CS-15-091**

**Elaine Munro ACST  
Committee Secretary & Planning Clerk  
City of St. Catharines  
PO Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2**

**Proposal: Consent Application B-54/15SC – Severance of land**

**Location: 65 Lakeshore Road (R.R. 87) City of St. Catharines**

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Regional Development Services Division has completed an engineering review of the proposed consent application for the above-noted development. Regional staff notes that comments were previously provided for the concurrent condominium and site plan application (dated July 14, 2015), as well as the revised site plan application (dated September 28, 2015).

The following comments are offered to assist the City in considering the application for the purpose to sever 1,881.5m<sup>2</sup> of land (Part 2), which will be added to the westerly parcel of land known as 55 Lakeshore Road (Part 1). A 2,931.6m<sup>2</sup> remnant parcel with the existing church and parking would be retained (Part 3) for continued institutional use. The application would result in a boundary adjustment between the two parcels of land for the proposed residential townhomes.

#### **Archaeological Resources**

As noted above, Regional staff previously provided comments regarding the requirement of an archaeological assessment for the westerly property. Staff identified that the lands demonstrated a moderate to high potential for the discovery of archaeological resources based on Provincial screening. As such, the applicant will be required to submit an archaeological assessment of the subject lands by a licensed archaeologist to the Ministry of Tourism and Culture and Sport for review and approval with a copy provided to the Niagara Region (Development Services Division). Staff notes that no construction, grading, or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry of Tourism and Culture and Sport through the Niagara Region (Development Services Division), confirming that all archaeological resource concerns have met licensing and resource conservation requirements. Regional staff requests that this be made a condition of consent.

#### **Past Site Use**

The proposed land to be severed (Part 2) is currently used for the existing church, which appears to be categorized as a community use under the Province's brownfields regulation (Ont. Reg. 153/04 as amended). Accordingly, the filing of a Record of Site Condition (RSC) on the Brownfields Environmental Site Registry will be required prior to a change in the use of the land to a residential use. At a minimum, a Phase 1 Environmental Site Assessment will be needed to be completed prior to the approval of a revised site plan to allow the filing of the RSC. As such, staff

requests that a condition of consent be added requiring that the applicant submits, at a minimum, a Phase I Environmental Site Assessment (ESA) to the Region, and subsequently provides a copy of the Ministry of the Environments acknowledgement of the filing of a Record of Site Condition to the Niagara Region Planning and Development Services Department. Alternatively to the above, staff requests that the RSC be required as part of the revised Site Plan application for the residential development.

## Conclusion

In conclusion, staff would offer no objection to the proposed consent application from a Provincial or Regional perspective, subject to the following conditions:

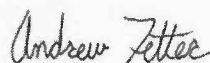
1. The applicant submits an archaeological assessment of the subject lands by a licensed archaeologist to the Ministry of Tourism and Culture and Sport for review and approval with a copy provided to the Niagara Region (Development Services Division) and that adverse impacts to any significant archaeological resources found on the site be mitigated through preservation or resource removal and documentation;
2. That no construction, grading, or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry of Tourism and Culture and Sport through the Niagara Region (Development Services Division), confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
3. That the applicant submits at a minimum, a Phase I Environmental Site Assessment (ESA) to the Region, and subsequently provides a copy of the Ministry of the Environment acknowledgement of the filing of a Record of Site Condition to the Niagara Region Planning and Development Services Department **OR** that the Record of Site Condition be required as part of the revised site plan application for the residential development; and,
4. That the parcel to be severed (Part 2 on the submitted sketch) be merged on title with 55 Lakeshore Road (Part 1).

Staff notes that waste collection will be addressed as part of the modifications to the site plan and condominium applications.

If you have any questions or wish to discuss these comments, please contact me at extension 3177 or Morgan Casciani, Senior Development Planner, at extension 3359.

Please send notice of the Committee's decision on this application.

Sincerely,



Andrew Fetter  
Development Approvals Technician

Sincerely,



Rory McNeil  
Development Services Planning Student

cc. Morgan Casciani, Senior Planner, Development Services Division  
Rory McNeil, Planning Student, Development Services Division



November 30, 2015

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

Attention: Elaine Munro

File# 60.84.2016

Re: 65 Lakeshore Rd

In response to your correspondence(s) dated November 24, 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 Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-521-4907.
- 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.
- In order for Horizon Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Horizon Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

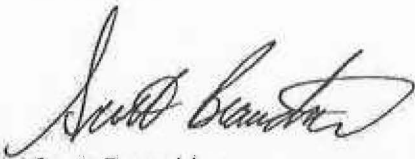
We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by 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 Scott Beaudrie at 905-521-4907 in our Engineering Design Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie", written in a cursive style.

Scott Beaudrie  
Supervisor, Engineering Design

**Munro, Elaine**

---

**From:** Doug Crown  
**Sent:** Tuesday, November 24, 2015 4:11 PM  
**To:** Munro, Elaine  
**Subject:** RE: Applications for December 9/15 Committee of Adjustment Hearing - City of St. Catharines 3 of 3 emails)

Hello

Cogeco has no issues or concerns with the following locates

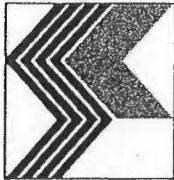
**DOUG CROWN**

Network Planner  
Network Evolution

T 289-296-6266

7170 Mcleod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca





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Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte McEwan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – December 09, 2015 hearing - File No.: 300-036**

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**B-51/15SC – 10 Keswick Street**

Comment:  
No Comment

Condition:  
No Comment

**B-52/15SC – 646 Vine Street**

Comment:  
No Comment.

Condition:  
No Comment

**B-53/15SC – 27 ½ Cherry Street**

Comment:  
No Comment.

Condition:  
That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, the spatial separation requirements for the glazed openings facing the new southeast property line meet the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.

**B-54/15SC – 65 Lakeshore Road**

Comment:  
No Comment.



**B-54/15SC – 65 Lakeshore Road, continued**

**Condition:**

The existing sheds on Part 2 must be removed or relocated to the satisfaction of the Chief Building Official. A permit to demolish the existing shed shall be obtained from the City Building Department and completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

**B55/15SC – 20 Simpson Road**

**Comment:**

No Comment.

**Condition:**

The existing shed on Part 5 must be removed or relocated to the satisfaction of the Chief Building Official. If the shed has an area greater than 10 square metres, a permit to demolish the existing shed shall be obtained from the City Building Department and completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

**B-56/15SC – 342 Queenston Street**

**Comment:**

No Comment.

**Condition:**

No Comment

**B-57/15SC – 340 Queenston Street**

**Comment:**

No Comment.

**Condition:**

No Comment

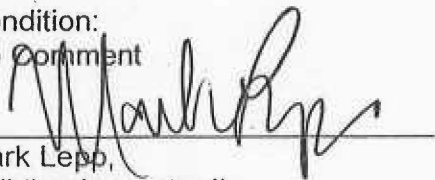
**B-58/15SC – 93 Hartzel**

**Comment:**

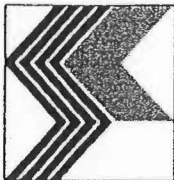
No Comment.

**Condition:**

No Comment

  
\_\_\_\_\_  
Mark Lepp,  
Building Inspector II

Cc: Files, 300-036



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## Memorandum

---

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

Cc: B. Thiessen, Sara Rogers, Charlotte Mcewan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 09, 2015 hearing - File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-96/15	646 Vine Street	No Comment
A-97/15	646A Vine Street	No Comment
A-98/15	3 Cricket Hollow Road	No Comment
A-99/15	27 ½ Cherry Street	Please be advised that a permit is required for the proposed conversion of the duplex to a single detached dwelling.
A-100/15	12 Salina Street	Please be advised that a permit is required for the proposed dwelling. That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-102/15	20 Simpson Road	No Comment
A-103/15	342 Queenston Street	No Comment
A-104/15	26 Oakdale Avenue	No Comment
A-106/15	190 Rykert Street	No Comment

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

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REPORT TO PLANNING DEPARTMENT  
Re: CITY LAND DIVISION APPLICATION NUMBER B-54/15SC



November 30, 2015

ENGINEERING FILE 300-36

Hearing Date: December 9, 2015

Applicant: Lakeshore Baptist Church

Location: 65 Lakeshore Road

**MUNICIPAL SERVICES** Lakeshore Road

Water: 300mm (12")

Sanitary Sewer: 250mm (10")

Storm Sewer: 450mm (18")

Sidewalks: Yes

Road Allowance Width: 26.2m±

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 which will be added to the westerly parcel of land known as 55 Lakeshore Road (Part 1). A remnant parcel with the existing church and parking area would be retained (Part 3) for continued institutional use. The application would result in a boundary adjustment between the two parcels of land for proposed residential townhomes.

**Roads**


Lakeshore Road is currently under the jurisdiction of the Regional Municipality of Niagara. Comments should be solicited from that authority regarding this application.

**Engineering Services**

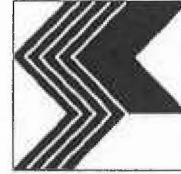
It is anticipated that the engineering and drainage scheme for the additional lands resulting from the boundary adjustment will be submitted and reviewed at a later date with respect to the proposed residential townhomes.

Condition(s): Development Engineering Services have no further comment and no objection to the approval of the above noted consent application.

Prepared By: \_\_\_\_\_

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-55/15SC**



November 30, 2015

**ENGINEERING FILE 300-36**

**Hearing Date:** December 9, 2015

**Applicant:** Andrew Summerfield & Roseanne Hoekstra

**Location:** 20 Simpson Road

**MUNICIPAL SERVICES**      **Simpson Road**

**Water:** 200mm (8")

**Sanitary Sewer:** 200mm (8")

**Storm Sewer:** None

**Sidewalks:** No

**Road Allowance Width:** 20.0m±

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

**Comment(s):** It is noted that the Applicant proposes to sever Part 5 which will be added to the southerly abutting parcel of land known as 55 Lakeshore Road (Part 1). A remnant parcel with the existing single detached dwelling would be retained for continued residential use. The application would result in a boundary adjustment between the two parcels of land for proposed residential townhomes.

**Roads**

Simpson Road is designated Local road as per the City's Official Plan with a desired right-of-way width of 20.0m. Its current right-of-way width is 20.0m and the City will not be seeking a road widening along the Applicant frontage.

**Engineering Services**

It is anticipated that the engineering and drainage scheme for the additional lands resulting from the boundary adjustment will be submitted and reviewed at a later date with respect to the proposed residential townhomes.

**Condition(s):** Development Engineering Services have no further comment and no objection to the approval of the above noted consent application.

**Prepared By:**

A handwritten signature in black ink, appearing to be 'Brad Johnston', written over a horizontal line.

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



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## Memorandum

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

**Cc:** Sara Rogers, Planner 1  
Charlotte McEwan, Planning Student  
Judy Pihach, Manager of Planning Services

**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
Planning and Building Services

**Date:** November 30, 2015  
**Hearing Date:** December 9, 2015

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-96&97/15SC – 646 & 646A Vine Street  
A-98/15SC – 3 Cricket Hollow Road  
A-99/15SC – 27 ½ Cherry Street  
A-100/15SC – 12 Salina Street  
A-102/15SC – 20 Simpson Road  
A-103/15SC – 342 Queenston Street  
A-104/15SC – 26 Oakdale Avenue  
A-105/15SC – 190 Rykert Street

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Development Engineering Services have had the opportunity to review the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications, subject to the following condition applicable to 12 Salina Street;

- The proposed dwelling will increase the impervious area on the lot with respect to drainage due to the setbacks, therefore roof flows shall be discharged in a manner that will not adversely affect the City sidewalks, and foundation weeping tile shall be discharged through a sump pump via storm lateral connection to the Salina Street storm sewer, at the cost of the Applicant during Building Permit.

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

## **Munro, Elaine**

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**From:** Sullivan, Kristen  
**Sent:** Friday, November 27, 2015 3:27 PM  
**To:** Rogers, Sara; Mcewan, Charlotte  
**Cc:** Pihach, Judy; Munro, Elaine  
**Subject:** CoA - PRCS - December 9, 2015  
**Attachments:** Keswick\_10\_84.2013.doc; Vine\_646\_84.2014.doc; Cherry\_27\_84.2015.doc

Ladies of Planning, please see the attached comments. I have no comments on the following applications:

- 93 Hartzel (land division)
- 340 Queenston St. (land division)
- 342 Queenston St. (land division)
- 65 Lakeshore (land division)
- 20 Simpson (land division)
- 3 Cricket Hollow (minor variance)
- 12 Salina (minor variance)
- 20 Simpson (minor variance)
- 27 ½ Cherry (minor variance)
- 190 Rykert (minor variance)
- 342 Queenston (minor variance)
- 646 Vine (minor variance)
- 646A Vine (minor variance)
- 26 Oakdale (minor variance)

### **Kristen Sullivan**

Project & Development Planner

**Email:** ksullivan@stcatharines.ca

**Tel:** 905.688.5601 x3145

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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:** Development Technologist

**From:** Steve Bittner  
Transportation Technologist

**Date:** December 3, 2015

**Subject:** Committee of Adjustment  
Public Hearings – December 9, 2015  
File No. 305-17-01

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Upon review of the applications, we offer the following comments:

### **65 Lakeshore Road**

We will need confirmation that there will be sufficient parking for the existing church once the lands are severed.

We have no concerns or requirements with the remaining applications. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 2, 2015

**Date of Meeting:** December 9, 2015

**Submission(s):** B-54/15SC  
B-55/15SC  
A-102/15

**File:** 60.84.2016  
60.84.2017  
60.81.5040

**Subject:** 65 Lakeshore Road  
20 Simpson Road

### Proposal

Application B-54/15SC is made for consent to sever 1,881.5 m<sup>2</sup> of land (Part 2 on the submitted sketch) which will be added to the westerly parcel of land known as 55 Lakeshore Road (Part 1). A 2,931.6 m<sup>2</sup> remnant parcel with the existing church and parking would be retained (Part 3) for continued institutional use. The application would result in a boundary adjustment between the two parcels of land for proposed residential townhomes.

Application B-55/15SC is made for consent to sever 847 m<sup>2</sup> of land (Part 5 on the submitted sketch) which will be added to the abutting southerly parcel of land known as 55 Lakeshore Road (Part 1). A 722.1 m<sup>2</sup> remnant parcel with the existing single detached dwelling will be retained for continued residential use. The application would result in a boundary adjustment between the two parcels of land.

Application A-102/15 is made pertaining to the City of St. Catharines By-law 2013-283 for an increase of the lot area per dwelling unit from 490 m<sup>2</sup> to 722.1 m<sup>2</sup> (Part 4). The variance is requested to facilitate concurrent consent application B-55/15SC.

### Recommendation

That Submission **B-54/15SC** by Lakeshore Baptist Church, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That, pursuant to subsection 50 (12) of the Planning Act, it is hereby stipulated that subsection 50 (3) or subsection 50 (5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that Part 2 will merge with Part 1 and become one parcel of land.



2. The two existing sheds located on Part 2 of the submitted plan must be removed or relocated to the satisfaction of the Chief Building Official.

That Submission **B-55/15SC** by Andrew Summerfield and Roseanne Hoekstra, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That, pursuant to subsection 50 (12) of the Planning Act, it is hereby stipulated that subsection 50 (3) or subsection 50 (5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that Part 5 will merge with Part 1 and become one parcel of land.
2. The existing shed located on Part 5 of the submitted plan must be removed or relocated to the satisfaction of the Chief Building Official.
3. The existing fence located on the southerly boundary of Part 5 of the submitted plan must be removed.
4. That final approval for all necessary minor variance applications be received.

And That Submission **A-102/15** by Andrew Summerfield and Roseanne Hoekstra, as outlined in the Notice of Hearing, be approved.

## **Summary**

The purpose of these applications is to facilitate a boundary adjustment between the subject lands and Part 1 on the submitted sketch (55 Lakeshore Road) for future residential development.

Having regard for the matters under subsection 51 (24) and subsection 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 variances are desirable for the appropriate use of the land and are thus minor in nature.

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

## **Background**

The lands shown as Part 1 on the submitted sketch (55 Lakeshore Road) are draft approved for a 21 unit private road development for a vacant land condominium. The subject severances are proposed in order to add an additional five units to the draft approved development. The development is in the site plan process, which is a condition of the draft plan approval for a vacant land condominium.

## **Planning Context**

### **Location**

The subject properties are located on the north side of Lakeshore Road, east of Simpson Road. Both properties abut 55 Lakeshore Road. Single detached dwellings surround the subject lands to the north, south, east, and west.

### **Official Plan**

The Garden City Plan (GCP) designates the land as Low Density Residential, which permits a variety of residential dwelling types including detached dwellings and townhouses at a density range generally between 20 and 32 units per hectare, subject to the policies of the Garden City Plan. The GCP also permits the ancillary use of a place of worship within this designation.

### **Zoning By-law**

The subject land at 20 Simpson Road is zoned Low Density Residential – Suburban Neighbourhood (R1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types, including detached dwellings and townhouses.

The subject land at 65 Lakeshore Road is zoned Local Institutional Neighbourhood (I1), which permits a variety of institutional uses including the existing place of worship, as well as all uses permitted within the R1 zone.

## **Report**

The proposed severances are two separate applications and should be considered as such. The Staff reports have been combined because the two severances are both proposed to merge with Part 1 on the submitted sketch and form one development. It is the same policies upon which the recommendations are based for both severances.

The GCP encourages appropriate residential development through intensification in order to accommodate growth as there is a finite and diminishing vacant land supply within the urban area. Staff must evaluate proposed development based on the land use policies of the GCP. These policies state that design should be building, site and streetscape context sensitive to ensure compatibility with the surrounding neighbourhood and to minimize adverse impacts on adjacent properties.

The surrounding existing neighbourhood consists of one and two storey detached homes. There are no changes proposed for the retained parcels. The single detached home will remain at 20 Simpson Road and the place of worship will remain at 65 Lakeshore Road. The parcels proposed for severance do not have frontage on a municipal street. The proposed severances do not affect the streetscape.

The severed lands are proposed to be integrated with the draft approved plan of condominium private road development at 55 Lakeshore Road. The dwelling units proposed are of the same form and character as the dwelling units proposed in the draft approved condominium. Should the applications be approved, the subject lands will

come under site plan control. Through this process, any adverse impacts on adjacent properties will be minimized with regard to such things as grading, drainage, transition in height, and privacy.

The size and shape of the severed parcels are appropriate for the use proposed, and support the optimum development of the surrounding area by infilling to help meet density targets without negatively affecting the streetscape.

There is a variance requested to permit an increase in the maximum lot area per dwelling unit for the retained land at 20 Simpson Road. Although the density would remain below target levels, the requested severance would reduce the current lot size and bring the density closer to target levels and closer to conformity with the lot area requirement of the By-law. The requested variance has no effect on the streetscape and maintains the character of the neighbourhood. It is desirable for the appropriate development of the land.

For the severed lands zoned I1 at 65 Lakeshore Road, a zoning by-law amendment is not necessary as the I1 zoning permits all uses permitted in the R1 zone, including the proposed private road development, and all such uses must conform to the R1 zoning provisions.

Both the site plan agreement and the condominium plan for the lands on Part 1 of the submitted sketch (55 Lakeshore Road) must be amended to include the subject lands, being Parts 2 and 5 of the submitted sketch.

Payment of 5% of the appraised value of the severed lands (Parts 2 and 5 of the submitted sketch) will be made to the City of St. Catharines in lieu of dedication of land for parks purposes as part of the site plan amendment process.

The existing shed on Part 5 of the submitted sketch must be removed or relocated to the satisfaction of the Chief Building Official. The existing fence along the southerly boundary of Part 5 must be removed.

The two existing sheds on Part 2 of the submitted sketch must be removed or relocated to the satisfaction of the Chief Building Official.

## **Conclusion**

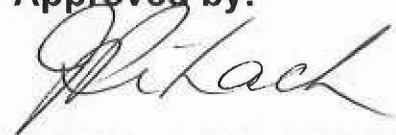
Staff is satisfied that the proposed consents are appropriate for the use proposed, and desirable and compatible with the surrounding neighbourhood. They will not affect the streetscape, and the potential for adverse impacts will be mitigated through the site plan process. The proposed variance is desirable for the appropriate development of the land, meets the intent of the Official Plan and Zoning By-law, and is minor in nature. Due regard has been had to the criteria under subsections 51 (24) and 45 (1) of the Planning Act. Staff recommends the granting of the consents and variance, subject to the conditions outlined in the recommendation.

**Submitted by:**



Sara Rogers  
Planner I

**Approved by:**



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

VIA E-MAIL ONLY

December 7, 2015

File D.06.08.CS-15-092

CS-15-093

D.17.08.MV-15-048

Elaine Munro ACST

Committee Secretary & Planning Clerk

City of St. Catharines

PO Box 3012, 50 Church Street

St. Catharines, ON L2R 7C2

**Applications:** Consent Applications B-56/15SC, & B-57/15SC  
Minor Variance Application A-103/15

**Location:** 340 & 342 Queenston Street (R.R. 81)  
City of St. Catharines

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Regional Niagara Development Services Division has completed an engineering review of the proposed minor variance and consent applications for the above-noted properties. The following comments are offered to assist the City in considering these applications, which propose an easement/right-of-way (Part 4 & 5) for access of a mutual driveway, as well as a boundary adjustment (Part 2) for the benefit of the westerly abutting lot known as 340 Queenston Street (Part 3). A two storey duplex and detached garage exist on Parts 1 & 5 and will be retained for continued residential use. Parts 2, 3 & 4 contain an existing one storey stucco dwelling with an attached one storey vinyl dwelling, detached garage, 2 sheds, and a concrete building, which will be retained for continued residential and commercial use.

A concurrent minor variance application has been submitted for 342 Queenston Street. The application requests a reduction in the minimum required lot frontage for the subject parcel, a reduction in the minimum side yard setback, and an increase in the maximum paved area on a lot from 20% to 39%.

In this regard, Regional staff has no objection to the proposed minor variance and consent applications.

If you have any questions or wish to discuss these comments, please contact me at extension 3177 or Morgan Casciani, Senior Development Planner, at extension 3359.

Please send notice of the Committee's decision on this application.

Sincerely,

*Andrew Fetter*

Andrew Fetter  
Development Approvals Technician

cc. Morgan Casciani, Senior Planner, Development Services Division



November 30, 2015

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

Attention: Elaine Munro

File# 60.84.2018, 60.81.5041 & 60.84.2019

Re: 340 & 342 Queenston St

In response to your correspondence(s) dated November 24, 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](http://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 to acquire an easement, if required.
- 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 Scott Beaudrie at 905-521-4907 in our Engineering Design Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie", with a stylized, flowing script.

Scott Beaudrie  
Supervisor, Engineering Design



**Munro, Elaine**

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**From:** Doug Crown  
**Sent:** Tuesday, November 24, 2015 4:11 PM  
**To:** Munro, Elaine  
**Subject:** RE: Applications for December 9/15 Committee of Adjustment Hearing - City of St. Catharines 3 of 3 emails)

Hello

Cogeco has no issues or concerns with the following locates

**DOUG CROWN**

Network Planner  
Network Evolution

T 289-296-6266

7170 Mcleod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca



**Munro, Elaine**

---

**From:** Sullivan, Kristen  
**Sent:** Friday, November 27, 2015 3:27 PM  
**To:** Rogers, Sara; Mcewan, Charlotte  
**Cc:** Pihach, Judy; Munro, Elaine  
**Subject:** CoA - PRCS - December 9, 2015  
**Attachments:** Keswick\_10\_84.2013.doc; Vine\_646\_84.2014.doc; Cherry\_27\_84.2015.doc

Ladies of Planning, please see the attached comments. I have no comments on the following applications:

- 93 Hartzel (land division)
- 340 Queenston St. (land division)
- 342 Queenston St. (land division)
- 65 Lakeshore (land division)
- 20 Simpson (land division)
- 3 Cricket Hollow (minor variance)
- 12 Salina (minor variance)
- 20 Simpson (minor variance)
- 27 ½ Cherry (minor variance)
- 190 Rykert (minor variance)
- 342 Queenston (minor variance)
- 646 Vine (minor variance)
- 646A Vine (minor variance)
- 26 Oakdale (minor variance)

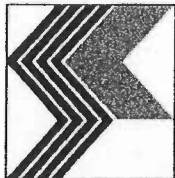
**Kristen Sullivan**

Project & Development Planner

**Email:** ksullivan@stcatharines.ca

**Tel:** 905.688.5601 x3145

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Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte McEwan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – December 09, 2015 hearing - File No.: 300-036**

---

**B-51/15SC – 10 Keswick Street**

Comment:  
No Comment

Condition:  
No Comment

**B-52/15SC – 646 Vine Street**

Comment:  
No Comment.

Condition:  
No Comment

**B-53/15SC – 27 ½ Cherry Street**

Comment:  
No Comment.

Condition:  
That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that, as a result of the proposed severance, the spatial separation requirements for the glazed openings facing the new southeast property line meet the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.

**B-54/15SC – 65 Lakeshore Road**

Comment:  
No Comment.

**B-54/15SC – 65 Lakeshore Road, continued**

Condition:

The existing sheds on Part 2 must be removed or relocated to the satisfaction of the Chief Building Official. A permit to demolish the existing shed shall be obtained from the City Building Department and completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

**B55/15SC – 20 Simpson Road**

Comment:

No Comment.

Condition:

The existing shed on Part 5 must be removed or relocated to the satisfaction of the Chief Building Official. If the shed has an area greater than 10 square metres, a permit to demolish the existing shed shall be obtained from the City Building Department and completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

**B-56/15SC – 342 Queenston Street**

Comment:

No Comment.

Condition:

No Comment

**B-57/15SC – 340 Queenston Street**

Comment:

No Comment.

Condition:

No Comment

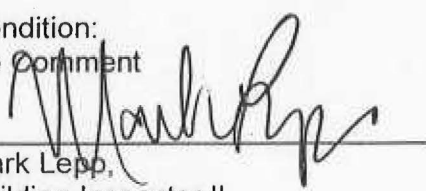
**B-58/15SC – 93 Hartzel**

Comment:

No Comment.

Condition:

No Comment

  
Mark Lepp,  
Building Inspector II

Cc: Files, 300-036



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:** Development Technologist

**From:** Steve Bittner  
Transportation Technologist

**Date:** December 3, 2015

**Subject:** Committee of Adjustment  
Public Hearings – December 9, 2015  
File No. 305-17-01

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Upon review of the applications, we offer the following comments:

**65 Lakeshore Road**

We will need confirmation that there will be sufficient parking for the existing church once the lands are severed.

We have no concerns or requirements with the remaining applications. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**REPORT TO PLANNING DEPARTMENT  
Re: CITY LAND DIVISION APPLICATION NUMBER B-57/15SC**



November 30, 2015

**ENGINEERING FILE 300-36**

**Hearing Date:** December 9, 2015

**Applicant:** Heather & Ronald Watson

**Location:** 340 Queenston Street

**MUNICIPAL SERVICES      Queenston Street**

**Water:** 150mm (6")

**Sanitary Sewer:** 250mm (10") located on the Golf Course lands to the south

**Storm Sewer:** 450mm (18")

**Sidewalks:** Yes

**Road Allowance Width:** 9.50m±

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

Comment(s): It is noted that the Applicant proposes to establish an easement/right-of-way in perpetuity over Part 4 for the benefit of the easterly abutting lot known as 342 & 344 Queenston Street, for access for a mutual driveway. A remnant parcel (Parts 3 & 4) with the existing 1-storey dwelling with attached 1-storey vinyl dwelling, detached garage, 2 sheds and concrete block building will be retained for continued residential use. There is a concurrent consent application B-56/15SC.

**Roads**

Queenston Street designated a Regional Arterial as per the City's Official Plan, with a desired right-of-way width of 26.0m. The Regional Municipality of Niagara will be responsible for further comment with respect to any widenings which may be required along the Applicant frontage.

**Engineering Services**

It is unknown as to the where the Applicant's existing sanitary and water services are located, only to assume that the water service connects to the Queenston Street main and the sanitary service connects to the sanitary sewer on the St. Catharines Municipal Golf Course lands to the south. The Applicant shall be responsible to pay to the City the fee for City crews to trace and inspect the existing sanitary and water service laterals in an effort to identify that the services do not cross future proposed lot lines. If these laterals are identified to cross future proposed lot lines, the Applicant must make provisions to accommodate these existing services for maintenance to the future owners and/or relocate these services at the Applicant's expense.

An existing concrete building has been identified to the south of the property, to which a future proposed lot line would bisect the structure. The Applicant must identify whether this building is serviced and accommodate its identified laterals in a manner similar to the above as

mentioned. Further fees may be required.

Condition(s):

Prior to final consent, the Applicant shall;

- Pay to the City of St. Catharines the fees for City crews to inspect and trace the existing sanitary and water laterals in order to determine that they will not cross the future proposed lot lines, the fees according to the City's current Schedule of Rates & Fees; and
- Identify whether the existing concrete block building at the rear of the property is serviced, and if so, pay to the City of St. Catharines the fees for City crews to inspect and trace the existing sanitary and water laterals in order to determine that they will not cross the future proposed lot lines, the fees according to the City's current Schedule of Rates & Fees



Prepared By: \_\_\_\_\_

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-56/15SC**



November 30, 2015

**ENGINEERING FILE 300-36**

**Hearing Date:** December 9, 2015

**Applicant:** Heather & Ronald Watson

**Location:** 342 Queenston Street

**MUNICIPAL SERVICES**                      **Queenston Street**

**Water:** 150mm (6")

**Sanitary Sewer:** 250mm (10") located on the Golf Course lands to the south

**Storm Sewer:** 450mm (18")

**Sidewalks:** Yes

**Road Allowance Width:** 9.50m±

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 subject to an easement/right-of-way in perpetuity over Part 5 for the benefit of the westerly abutting lot known as 340 Queenston Street, for access for a mutual driveway. A remnant parcel (Parts 1 & 5) with the existing 2-storey duplex and detached garage will be retained for continued residential use. There is a concurrent consent application B-57/15SC.

**Roads**

Queenston Street designated a Regional Arterial as per the City's Official Plan, with a desired right-of-way width of 26.0m. The Regional Municipality of Niagara will be responsible for further comment with respect to any widenings which may be required along the Applicant frontage.

**Engineering Services**

It is unknown as to the where the Applicant's existing sanitary and water services are located, only to assume that the water service connects to the Queenston Street main and the sanitary service connects to the sanitary sewer on the St. Catharines Municipal Golf Course lands to the south. The Applicant shall be responsible to pay to the City the fee for City crews to trace and inspect the existing sanitary and water service laterals in an effort to identify that the services do not cross future proposed lot lines. If these laterals are identified to cross future proposed lot lines, the Applicant must make provisions to accommodate these existing services for maintenance to the future owners and/or relocate these services at the Applicant's expense.

An existing concrete building has been identified to the south of the property, to which a future proposed lot line would bisect the structure. The Applicant must identify whether this building is serviced and accommodate its identified laterals in a manner similar to the above as mentioned. Further fees may be required.



Condition(s):

Prior to final consent, the Applicant shall;

- Pay to the City of St. Catharines the fees for City crews to inspect and trace the existing sanitary and water laterals in order to determine that they will not cross the future proposed lot lines, the fees according to the City's current Schedule of Rates & Fees; and
- Identify whether the existing concrete block building at the rear of the property is serviced, and if so, pay to the City of St. Catharines the fees for City crews to inspect and trace the existing sanitary and water laterals in order to determine that they will not cross the future proposed lot lines, the fees according to the City's current Schedule of Rates & Fees



Prepared By: \_\_\_\_\_

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



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## Memorandum

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

**Cc:** Sara Rogers, Planner 1  
Charlotte McEwan, Planning Student  
Judy Pihach, Manager of Planning Services

**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
Planning and Building Services

**Date:** November 30, 2015  
**Hearing Date:** December 9, 2015

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-96&97/15SC – 646 & 646A Vine Street  
A-98/15SC – 3 Cricket Hollow Road  
A-99/15SC – 27 ½ Cherry Street  
A-100/15SC – 12 Salina Street  
A-102/15SC – 20 Simpson Road  
A-103/15SC – 342 Queenston Street  
A-104/15SC – 26 Oakdale Avenue  
A-105/15SC – 190 Rykert Street

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Development Engineering Services have had the opportunity to review the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications, subject to the following condition applicable to 12 Salina Street;

- The proposed dwelling will increase the impervious area on the lot with respect to drainage due to the setbacks, therefore roof flows shall be discharged in a manner that will not adversely affect the City sidewalks, and foundation weeping tile shall be discharged through a sump pump via storm lateral connection to the Salina Street storm sewer, at the cost of the Applicant during Building Permit.

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



## Memorandum

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

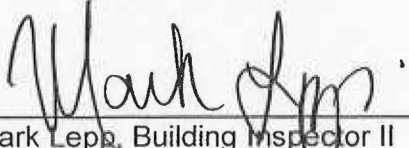
Cc: B. Thiessen, Sara Rogers, Charlotte Mcewan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 09, 2015 hearing - File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-96/15	646 Vine Street	No Comment
A-97/15	646A Vine Street	No Comment
A-98/15	3 Cricket Hollow Road	No Comment
A-99/15	27 ½ Cherry Street	Please be advised that a permit is required for the proposed conversion of the duplex to a single detached dwelling.
A-100/15	12 Salina Street	Please be advised that a permit is required for the proposed dwelling. That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-102/15	20 Simpson Road	No Comment
A-103/15	342 Queenston Street	No Comment
A-104/15	26 Oakdale Avenue	No Comment
A-106/15	190 Rykert Street	No Comment

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

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CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 4, 2015

**Date of Meeting:** December 9, 2015

**Submission(s):** B-56/15SC  
B-57/15SC  
A-103/15

**File:** 60.84.2018  
60.81.2019  
60.81.5041

**Subject:** 340 Queenston Street  
342 Queenston Street

### Proposal

Application **B-56/15SC** is made for consent to sever 351 m<sup>2</sup> of land (Part 2 on the submitted sketch), subject to an easement/right-of-way, in perpetuity, over 142 m<sup>2</sup> of land (Part 5) for the benefit of the westerly abutting lot known as 340 Queenston Street, for access for a mutual driveway. A 596 m<sup>2</sup> remnant parcel (Parts 1 & 5) with the existing 2-storey duplex and detached garage will be retained for continued residential use.

Application **B-57/15SC** is made for consent to establish an easement/right-of-way, in perpetuity, over 123 m<sup>2</sup> of land (Part 4 on the submitted sketch) for the benefit of the easterly abutting lot known as 342 & 344 Queenston Street, for access for a mutual driveway. A 1003 m<sup>2</sup> remnant parcel (Parts 3 & 4) with the existing 1-storey stucco building with attached 1-storey vinyl building, detached garage, two sheds and concrete block building will be retained for continued residential and commercial use.

Application **A-103/15** (Parts 1 & 5) is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

- 1) A reduction of the minimum required lot frontage from 12 metres to 11.09 metres.
- 2) A reduction of the easterly interior side yard setback from 1.2 metres to 0.9 metres to the dwelling.
- 3) An increase of the overall maximum paved area from 20% to 39%.

### Recommendation

That Submission **B-56/15SC** by Ronald Watson, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That, pursuant to subsection 50 (12) of the Planning Act, it is hereby stipulated that subsection 50 (3) or subsection 50 (5) shall apply to any subsequent conveyance of or other transaction involving the identical subject parcel of land.

Therefore, the applicant will provide the Secretary-Treasurer with a Solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and that Part 2 will merge with Parts 3 and 4 and become one parcel of land.

2. That final approval for the necessary minor variance application be received.
3. That the applicant pay to the City of St. Catharines the fees for City crews to inspect and trace the existing sanitary and water laterals in order to determine that they will not cross the future proposed lot lines, the fees according to the City's current Schedule of Rates & Fees. If it is determined that the existing home's sanitary lateral crosses the proposed lot boundary, the Applicant shall pay to the City the fee to provide a new lateral for the existing home.
4. That the applicant identify whether the existing concrete block building at the rear of the property is serviced, and if so, pay to the City of St. Catharines the fees for City crews to inspect and trace the existing sanitary and water laterals in order to determine that they will not cross the future proposed lot lines, the fees according to the City's current Schedule of Rates & Fees.

That Submission **B-57/15SC** by Heather Watson and Ronald Watson, as outlined in the Notice of Hearing, be approved.

That Submission **A-103/15** by Ronald Watson, as outlined in the Notice of Hearing, be approved.

## Summary

The purpose of these applications is to permit a boundary adjustment between two properties, and to facilitate the use of an existing shared driveway.

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 maintains the intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans. The severance and minor variances are desirable for the appropriate use of the land.

Staff recommends the approval of the requested consents and the requested variances, subject to the conditions outlined in the recommendation.

## Background

### Planning Context

#### Location

The subject property is located on the south side of Queenston Street, west of Hartzel Road. The property is abutted by detached dwellings to the north, east, and west, and the Garden City Golf Course to the south.

#### 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 range generally between 20 and 32 units per hectare, subject to the policies of the GCP.

#### 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 detached and duplex dwellings. The residential use of these properties together with the home business (sign business) located in the rear concrete block building legally existed prior to the adoption and final approval of the current zoning by-law. Although the sign business is not permitted as of right in the current zoning by-law, it remains a legal use because it legally existed prior to the current zoning by-law taking effect. The boundary adjustment does not compromise the legal status of the home business in the rear building.

## Report

The purpose of the applications is to permit a boundary adjustment between two properties, and to facilitate the use of a shared driveway.

#### Consent to Permit a Boundary Adjustment

The existing concrete block building (the home business) in the rear of the subject lands, shown on Parts 2 and 3 of the submitted sketch, currently sits across a property line. The boundary adjustment is proposed in order to consolidate the rear concrete block building with the lands to the west (Parts 3 & 4). The existing duplex on Parts 1 and 5 are to be retained on the retained lot. There are no proposed changes to the existing land uses and structures. The site will function in much the same way as it has for many years. The proposed consent is desirable for the appropriate use of the land. Staff is supportive of the proposed consent.

If the proposed consent is approved, Parts 2, 3, and 4 will become one lot with a legal non-conforming commercial use. Because there are no zoning provisions that apply to lands where a legal non-conforming use exists, no minor variances from any zoning provisions would be necessary.

#### Consent to Establish an Easement

The subject properties currently share one driveway that provides access to the parking areas for the two dwellings and the home business. This is desirable and compatible with the surrounding area in order to minimize the points of access along Queenston Street and to minimize the paved parking area of the subject lands. The proposed consent to establish the easement for access purposes formalizes the shared driveway arrangement that is already functioning on the site. An easement would be registered on title and exist in perpetuity. Staff is supportive of the proposed consent.



**Variances Proposed (Parts 1 and 5)**

Variance 1 requests a reduction of the minimum required lot frontage from 12 metres to 11.09 metres. Variance 2 requests a reduction of the easterly interior side yard setback from 1.2 metres to 0.9 metres to the dwelling. These two variances are requested to recognize the location of the existing dwelling. They are required to facilitate the proposed consents. They are representative of a long-standing situation and will have no impact on the streetscape or surrounding area.

Variance 3 requests an increase of the overall maximum paved area from 20% to 39%. This variance would recognize the existing paved area on the site. It is desirable to provide parking in the rear of the property, where it does not negatively affect the streetscape. The variance is necessary in order to accommodate the increased driveway length. Staff is satisfied that adequate amenity area remains on the site.

Staff is satisfied the proposed variances meet the intent and purpose of the GCP and Zoning By-law. They are desirable for the appropriate use of the land, and are minor in nature.

**Conclusion**

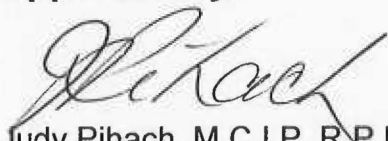
Staff is satisfied that the subject consents and variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the proposed consents and variances be approved, subject to the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

**Prepared by:**

Charlotte McEwan  
Student Planner

**Submitted by:**

Sara Rogers, CPT  
Planner 1

**Approved by:**

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



November 30, 2015

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

Attention: Elaine Munro

File# 60.81.5042

Re: 26 Oakdale Ave

In response to your correspondence(s) dated November 24, 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 Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-521-4907.
- 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.
- In order for Horizon Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Horizon Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by 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 Scott Beaudrie at 905-521-4907 in our Engineering Design Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie". The signature is fluid and cursive, with the first name "Scott" being more prominent than the last name "Beaudrie".

Scott Beaudrie  
Supervisor, Engineering Design

**Munro, Elaine**

---

**From:** Doug Crown  
**Sent:** Tuesday, November 24, 2015 4:11 PM  
**To:** Munro, Elaine  
**Subject:** RE: Applications for December 9/15 Committee of Adjustment Hearing - City of St. Catharines 3 of 3 emails)

Hello

Cogeco has no issues or concerns with the following locates

**DOUG CROWN**

Network Planner  
Network Evolution

T 289-296-6266

7170 Mcleod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca





December 1, 2015

File No. MPR 3.13

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: A-104/15 26 Oakdale Avenue, St. Catharines  
Related Plan of Condo **60.46.400 (26T-10-14001)**

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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:

1. An increase of the lot area per dwelling unit from 350 m<sup>2</sup> to 520 m<sup>2</sup> for each lot – 1a, 1b, 2a, 2b, 3a & 3b.
2. A reduction of the minimum lot frontage from 7.5 metres to 6.7 metres for each lot – 2a & 2b.
3. A reduction of the minimum lot frontage from 7.5 metres to 6.6 metres for each lot – 3a & 3b.

The subject property is located adjacent to Carter Creek and is impacted by the fish habitat and Regulatory Floodplain associated with the Creek. As such, the property is subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

The variances of the subject application are requested as a condition of the approved Draft Plan of Subdivision (File no. 60.46.400) and for the proposed construction of a semi-detached dwelling unit on Lots 1, 2 & 3. NPCA requirements regarding the above noted regulated features impacting the property were addressed for the proposed development during the review of the Subdivision application. As such, the NPCA offers no objection to the approval of the subject application.

Due to the identified features on the property, any future works proposed on site will require NPCA approvals prior to the commencement of the works on site and may require further studies and a work permit from this office in accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06)".

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 Devin  
Watershed Planner (ext. 262)

Cc: Andrew Fetter, Development Approvals Technician, Niagara Region  
Connie Mancuso, Niagara Region



### Legend

- Contours 2010 (1m)
- Corporate Watershed Divide N
- NIAGARA NATURAL ENVIRO  
INFORMATION SCREENING
- NPCA APPROXIMATE REGUL  
Regulated Floodplain Extent
  - Advisory (CWR)
  - Regulated
- NHS - Fish Habitat
- Ontario Road Network
  - Major Highways
  - Arterial Roads
  - Local Roads
- Assessment Parcels
  - 2K HydroPoly
  - 2K Hydrography
  - AIRPORTS

1: 5,000



254.0 0 127.00 254.0 Meters

NAD\_1983\_UTM\_Zone\_17N

© NPCA, Niagara Region, LIO, MPAC & 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

## Munro, Elaine

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**From:** Aaron White <aaron.white@trilliumrailway.com>  
**Sent:** Wednesday, December 02, 2015 3:22 PM  
**To:** Munro, Elaine  
**Subject:** RE: Minor Variance Application, 26 Oakdale Avenue, St. Catharines - CofA Hearing Dec. 9-15

Hello Elaine,

Trillium has no issues with this application.

Thanks,

*Aaron White*, BSc  
General Manager  
Trillium Railway Co. Ltd.  
p. 905.735.5529  
f. 905.735.7559  
[www.trilliumrailway.com](http://www.trilliumrailway.com)

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**From:** Munro, Elaine [mailto:[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)]  
**Sent:** November-24-15 4:51 PM  
**To:** 'Aaron.White@trilliumrailway.com'  
**Subject:** Minor Variance Application, 26 Oakdale Avenue, St. Catharines - CofA Hearing Dec. 9-15

Hi Aaron:

Attached please find the minor variance application for 26 Oakdale Avenue (via email only) for the December 9, 2015 Committee of Adjustment Hearing.

It would be appreciated if comments can be received by Friday, December 4, 2015.  
Any questions, please don't hesitate to contact me.

Thanks,

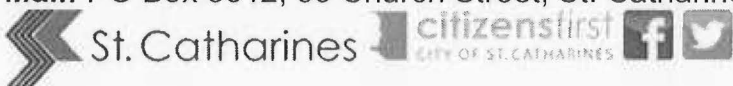
**Elaine Munro** ACST

Committee Secretary & Planning Clerk

**Email:** [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca) **Visit:** [www.stcatharines.ca](http://www.stcatharines.ca)

**Phone:** 905.688.5601 x1715 **TTY:** 905.688.4TTY (4889)

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



**Munro, Elaine**

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**From:** Vasko, Dennis  
**Sent:** Wednesday, November 25, 2015 8:19 AM  
**To:** Munro, Elaine  
**Cc:**  
**Subject:** RE: Consent Application - 10 Keswick St. & MV Application for 26 Oakdale Avenue - CofA Hearing Dec. 9/15

Hi Elaine,

There are no issues with these properties in respect to former landfills.

Dennis

**Dennis Vasko**  
Fill Site Technician  
**Email:** [dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)  
**Tel:** 905.688.5601 x2163

**Munro, Elaine**

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**From:** Sullivan, Kristen  
**Sent:** Friday, November 27, 2015 3:27 PM  
**To:** Rogers, Sara; Mcewan, Charlotte  
**Cc:** Pihach, Judy; Munro, Elaine  
**Subject:** CoA - PRCS - December 9, 2015  
**Attachments:** Keswick\_10\_84.2013.doc; Vine\_646\_84.2014.doc; Cherry\_27\_84.2015.doc

Ladies of Planning, please see the attached comments. I have no comments on the following applications:

- 93 Hartzel (land division)
- 340 Queenston St. (land division)
- 342 Queenston St. (land division)
- 65 Lakeshore (land division)
- 20 Simpson (land division)
- 3 Cricket Hollow (minor variance)
- 12 Salina (minor variance)
- 20 Simpson (minor variance)
- 27 ½ Cherry (minor variance)
- 190 Rykert (minor variance)
- 342 Queenston (minor variance)
- 646 Vine (minor variance)
- 646A Vine (minor variance)
- 26 Oakdale (minor variance)

**Kristen Sullivan**

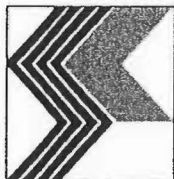
Project & Development Planner

**Email:** ksullivan@stcatharines.ca

**Tel:** 905.688.5601 x3145

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## Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte Mcewan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 09, 2015 hearing - File No.: 300-010**

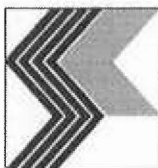
NO.	ADDRESS	COMMENTS
A-96/15	646 Vine Street	No Comment
A-97/15	646A Vine Street	No Comment
A-98/15	3 Cricket Hollow Road	No Comment
A-99/15	27 ½ Cherry Street	Please be advised that a permit is required for the proposed conversion of the duplex to a single detached dwelling.
A-100/15	12 Salina Street	Please be advised that a permit is required for the proposed dwelling. That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-102/15	20 Simpson Road	No Comment
A-103/15	342 Queenston Street	No Comment
A-104/15	26 Oakdale Avenue	No Comment
A-106/15	190 Rykert Street	No Comment

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

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## Memorandum

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

**Cc:** Sara Rogers, Planner 1  
Charlotte McEwan, Planning Student  
Judy Pihach, Manager of Planning Services

**From:** Brad Johnston, C.E.T., Development Engineering Technologist  
Planning and Building Services

**Date:** November 30, 2015  
**Hearing Date:** December 9, 2015

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-96&97/15SC – 646 & 646A Vine Street  
A-98/15SC – 3 Cricket Hollow Road  
A-99/15SC – 27 ½ Cherry Street  
A-100/15SC – 12 Salina Street  
A-102/15SC – 20 Simpson Road  
A-103/15SC – 342 Queenston Street  
A-104/15SC – 26 Oakdale Avenue  
A-105/15SC – 190 Rykert Street

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Development Engineering Services have had the opportunity to review the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications, subject to the following condition applicable to 12 Salina Street;

- The proposed dwelling will increase the impervious area on the lot with respect to drainage due to the setbacks, therefore roof flows shall be discharged in a manner that will not adversely affect the City sidewalks, and foundation weeping tile shall be discharged through a sump pump via storm lateral connection to the Salina Street storm sewer, at the cost of the Applicant during Building Permit.

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



CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 4, 2015

**Date of Meeting:** December 9, 2015

**Submission:** A-104/15

**File:** 60.81.5042  
60.46.400

**Subject:** 26 Oakdale Avenue

### Proposal

Application A-104/15 is made to the City of St. Catharines By-law 2013-283 for the following:

1. An increase of the maximum lot area area per dwelling unit from 350 m<sup>2</sup> to 520 m<sup>2</sup> for each lot – 1a, 1b, 2a, 2b, 3a & 3b.
2. A reduction of the minimum lot frontage from 7.5 metres to 6.7 metres for each lot – 2a & 2b.
3. A reduction of the minimum lot frontage from 7.5 metres to 6.6 metres for each lot – 3a & 3b.

### Recommendation

That Submission **A-104/15** by Merritton Mills Redevelopment Corp., as outlined in the Notice of Hearing, be approved.

### Summary

The purpose of this application is to fulfill a condition of the approved Draft Plan of Subdivision (File No. 60.46.400) on the subject lands. The variances are required to facilitate the construction of the proposed semi-detached dwellings on Lots 1, 2, and 3.

Having regard for the matters under and subsection 45 (1) of the Planning Act, staff is satisfied that the variances are desirable for the appropriate use of the land, are minor in nature, and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

Staff recommends that the proposed variances be approved.

### Background

#### Planning Context

### Location

The subject property is located north of Oakdale Avenue, west of Hartzel Road. The property is surrounded by detached dwellings to the west and south, natural areas to the north, and commercial/mixed uses and St. Catharines Fire Station No. 4 to the east.

### Official Plan

The Garden City Plan (GCP) designates the land as Medium Density Residential, which permits a variety of residential dwelling types at a density range generally between 25 and 99 units per hectare, subject to the policies of the GCP.

### Zoning By-law

The subject land is zoned Medium Density Residential (R3-H1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types including semi-detached dwellings. The H1 Provision requires an Environmental Site Assessment to be prepared and submitted to the City for approval before the holding provision may be lifted.

## Report

The proposed variances are requested to fulfill a condition of the approved Draft Plan of Subdivision. The variances are requested to facilitate the construction of a semi-detached dwelling on each of Lots 1, 2 & 3 of the draft approved plan of subdivision. Staff is supportive of the proposed variances, noting that they are part of a draft plan of subdivision that has been reviewed and approved by Council.

Variance 1, requesting an increase in maximum lot area per dwelling unit for lots 1, 2, and 3, is appropriate and compatible with surrounding lots. Due to the corner location and orientation of the lots, the requested increase in maximum lot size is desirable in order to permit a lot that is functional and appropriate for the proposed use.

The intent of the maximum lot area provision of the zoning is to implement the density targets established in the GCP. The requested increase in lot area results in a density that is below the range generally set by the GCP, however, the lots are part of a draft approved plan of subdivision in which the overall density of the proposal is consistent with GCP policies. Staff is satisfied the requested variance meets the intent and purpose of the GCP and Zoning By-law.

Variances 2 and 3 request a reduction in the minimum lot frontage per dwelling unit for lots 2 and 3. These variances are requested for corner lots, which have a unique orientation with narrow frontage. The reduced frontage still allows for a functional lot for the use proposed in terms of access purposes and lot area. These variances are desirable for the appropriate development of the land, and are minor in nature. Staff recommends approval of the requested variances.

## Conclusion


Staff is satisfied that the proposed variances are minor in nature, are desirable for the use of the land, and meet the intent and purpose of the GCP and Zoning By-law. Staff recommends approval of the proposed variances.

### Prepared by:



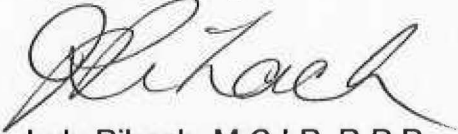
Charlotte McEwan  
Student Planner

### Prepared by:



*For*  
Sara Rogers, CPT  
Planner I

### Approved by:



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

**Munro, Elaine**

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**Subject:** RE: 190 Rykert Street —Minor Variance Application — A-106/15 — 60.81.5044

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**From:** Barbara Krapec

**Sent:** Monday, December 07, 2015 12:40 PM

**To:** Munro, Elaine <emunro@stcatharines.ca>

**Subject:** 190 Rykert Street —Minor Variance Application — A-106/15 — 60.81.5044

Hello Ms. Munro;

Our major concern is covering groundscape with buildings, asphalt & concete which would preclude adequate drainage of our property, Flooding is already prevalent in this area.

With respect to further density, only a smaller footprint, would achieve the developers' goals without imposing elevation/water problems for the rest of the neighbourhood!

Thank you for hearing my concern.

Sincerely,

Barbara Krapec

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

**Munro, Elaine**

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**Subject:**

RE: 190 Rykert Street-Minor Variance Application-A-106/15-60.5044

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**From:** Valerie Jones

**Sent:** Monday, December 07, 2015 1:28 PM

**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>

**Subject:** 190 Rykert Street-Minor Variance Application-A-106/15-60.5044

Dear Ms. Munro:

I did not receive any notice regarding the minor variance application A-106/15-60.5044 which apparently is to be heard by the city December 9, 2015 so I am writing to you to express my wish that I am strongly opposed to any such variance. First, I do not consider this to be a minor variance as it appears to cover a large amount of ground (1800 square feet). Secondly, this would also lead to future concessions with other developers to be able to do this. Thirdly, we already have a drainage problem in this area and this would mean large amounts of ground will be covered with buildings and asphalt and again our green areas would be sacrificed.

I would think there must be other alternatives to this situation by the developer as they must have known beforehand what the city's restrictions were regarding the property before they decided to build on this land. This is already a high density area and perhaps making the dwellings size more adaptable to the property in question would be a better solution.

Thank you for allowing me to voice my concerns regarding this project.

Sincerely,

Valerie Jones



November 30, 2015

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

Attention: Elaine Munro

File# 60.81.5044

Re: 190 Rykert St

In response to your correspondence(s) dated November 24, 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](http://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.

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 Scott Beaudrie at 905-521-4907 in our Engineering Design Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie", written in a cursive style.

Scott Beaudrie  
Supervisor, Engineering Design



**Munro, Elaine**

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**From:** Doug Crown  
**Sent:** Tuesday, November 24, 2015 4:11 PM  
**To:** Munro, Elaine  
**Subject:** RE: Applications for December 9/15 Committee of Adjustment Hearing - City of St. Catharines 3 of 3 emails)

Hello

Cogeco has no issues or concerns with the following locates

**DOUG CROWN**

Network Planner  
Network Evolution

T 289-296-6266

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7170 Mcleod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca



**Munro, Elaine**

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**From:** Sullivan, Kristen  
**Sent:** Friday, November 27, 2015 3:27 PM  
**To:** Rogers, Sara; Mcewan, Charlotte  
**Cc:** Pihach, Judy; Munro, Elaine  
**Subject:** CoA - PRCS - December 9, 2015  
**Attachments:** Keswick\_10\_84.2013.doc; Vine\_646\_84.2014.doc; Cherry\_27\_84.2015.doc

Ladies of Planning, please see the attached comments. I have no comments on the following applications:

- 93 Hartzel (land division)
- 340 Queenston St. (land division)
- 342 Queenston St. (land division)
- 65 Lakeshore (land division)
- 20 Simpson (land division)
- 3 Cricket Hollow (minor variance)
- 12 Salina (minor variance)
- 20 Simpson (minor variance)
- 27 ½ Cherry (minor variance)
- 190 Rykert (minor variance)
- 342 Queenston (minor variance)
- 646 Vine (minor variance)
- 646A Vine (minor variance)
- 26 Oakdale (minor variance)

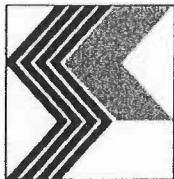
**Kristen Sullivan**

Project & Development Planner

**Email:** ksullivan@stcatharines.ca

**Tel:** 905.688.5601 x3145

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## Memorandum

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

Cc: B. Thiessen, Sara Rogers, Charlotte Mcewan, Judy Pihach  
Planning and Building Services

From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: November 27, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – December 09, 2015 hearing - File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-96/15	646 Vine Street	No Comment
A-97/15	646A Vine Street	No Comment
A-98/15	3 Cricket Hollow Road	No Comment
A-99/15	27 ½ Cherry Street	Please be advised that a permit is required for the proposed conversion of the duplex to a single detached dwelling.
A-100/15	12 Salina Street	Please be advised that a permit is required for the proposed dwelling. That the applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-102/15	20 Simpson Road	No Comment
A-103/15	342 Queenston Street	No Comment
A-104/15	26 Oakdale Avenue	No Comment
A-106/15	190 Rykert Street	No Comment

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:** Development Technologist

**From:** Steve Bittner  
Transportation Technologist

**Date:** December 3, 2015

**Subject:** Committee of Adjustment  
Public Hearings – December 9, 2015  
File No. 305-17-01

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Upon review of the applications, we offer the following comments:

**65 Lakeshore Road**

We will need confirmation that there will be sufficient parking for the existing church once the lands are severed.

We have no concerns or requirements with the remaining applications. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



CITY OF  
ST. CATHARINES

## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** December 4, 2015

**Date of Meeting:** December 9, 2015

**Submission:** A-106/15

**File:** 60.81.5044

**Subject:** 190 Rykert Street

### Proposal

Application A-106/15 is made to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of the minimum required rear yard setback from 6 metres to 1.2 metres.
2. A reduction of the minimum required front lot line to the porch (less than 0.6 metres above grade) from 3 metres to 2.3 metres.

### Recommendation

That Submission **A-106/15** by Lynn Valley Properties Limited, as outlined in the Notice of Hearing, be approved in part.

### Summary

The purpose of this application is to facilitate the construction of a single detached dwelling with an attached garage and a covered front porch.

Having regard for the matters under and subsection 45 (1) of the Planning Act, staff is satisfied that the Variance 1 is desirable for the appropriate use of the land, is minor in nature, and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff is not satisfied that Variance 2 is not compatible with the area.

Staff recommends that Variance 1 be approved, and that Variance 2 be denied.

### Background

In August 2014, Application A-55/14 was made for this property, requesting a reduced rear yard setback from 7.5 metres to 6 metres (approved), and a reduced setback from front lot line to porch from 3 metres to 2 metres (denied), among other variances. The justification for approval of the rear yard setback was the lot orientation. The angled sides of the lot create pinch points, reducing the setback, but not necessarily resulting in

inadequate amenity space. The justification for denial of the front yard setback to the porch was that the design could be in compliance if the porch was moved to the west side of the façade, and that there were no other porches so close to the front lot line in the surrounding neighbourhood.

## **Planning Context**

### **Location**

The subject property is located on the north side of Rykert Street, east of Vansickle Road. The property is abutted by detached dwellings in all directions.

### **Official Plan**

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

### **Zoning By-law**

The subject land is zoned Low Density Residential (R1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types including single detached dwellings.

## **Report**

Variance 1 requests a reduction of the minimum required rear yard setback from 6 metres to 1.2 metres. As noted in the 2014 report pertaining to similar variance requests on this property, the requested setback relates to a pinch point created by the angle of the property relative to the street and that the average rear yard setback would be larger. Adequate amenity space is proved to the rear, given the orientation of the lot, and Staff is supportive of the requested variance.

Variance 2 requests a reduction of the minimum required front lot line to the porch (less than 0.6 metres above grade) from 3 metres to 2.3 metres. A prior request to reduce this setback to 2 metres was denied by the previous Committee on August 27, 2014, reasoning that there are no examples of front porches being located that close to the street in the immediate surrounding neighbourhood, and that based on the concept plan provided at the time it appeared that the front porch would comply with the by-law if shifted to the west side of the dwelling. Since this decision, the house has been redesigned, and the applicant seeks approval of the porch on the new design.

Staff notes that the surrounding area has not changed considerably in the past year, planning policy has been unchanged, and the design of the verandah is not significantly different from the previous proposal. Staff is not supportive of the reduction of the minimum required front lot line to the porch, as it does not maintain the character of the existing neighbourhood. It is not desirable for the appropriate development of the land. Staff recommends denial of this variance.

## Conclusion

Staff can support Variance 1, recognizing that the intent and purpose of the GCP and Zoning By-law are maintained, and it is minor in nature. Staff cannot support Variance 2, because the proposed setback is not compatible with the surrounding neighbourhood. Staff recommends approval of Variance 1, and the denial of Variance 2.

### Prepared by:



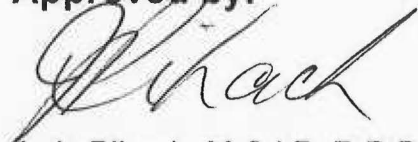
Charlotte McEwan  
Student Planner

### Prepared by:



Sara Rogers, CPT  
Planner I

### Approved by:



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