

CITY OF  
ST. CATHARINES

Committee of Adjustment Public Hearing  
January 6, 2016  
Council Chambers, City Hall - 5:00 p.m.

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### **Revised Agenda**

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment

Item #1 - 15 Pelham Road – Minor Variance Application – A-105/15 – 60.81.5043

A request has been received by Staff to defer the application until such time as a site plan application is submitted and received by City staff.

5. Adoption of the Minutes held December 9, 2015 – Will be available at the January 27, 2016 Committee of Adjustment Hearing
6. Application:
  - 2) 2 Woodburn Avenue – Consent Application – B-01/16SC – 60.84.2021  
2A Woodburn Avenue – Minor Variance Application – A-08/16 – 60.81.5052  
2 Woodburn Avenue – Consent Application – B-02/16SC – 60.84.2022
  - 3) 10 Spring Garden Boulevard – Consent Application – B-03/16SC – 60.84.2023  
10 Spring Garden Boulevard – Minor Variance Application – A-04/16 – 60.81.5048  
10A Spring Garden Boulevard – Minor Variance Application – A-03/16 – 60.81.5047
  - 4) 260 Oakdale Avenue – Minor Variance Application – A-02/16 – 60.81.5046

7. New Business:

8. Adjournment

\* Please note that the Planning Reports will be available on Tuesday, January 5, 2016.

Posted on the City's website: January 6, 2016

**15 Pelham Road**  
**A-105/15**  
**60.81.5043**

## Munro, Elaine

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**Subject:** FW: 15 Pelham Road  
**Attachments:** PML.pdf

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**From:** Helene Fleischer [mailto:]  
**Sent:** Wednesday, December 16, 2015 9:53 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Cc:** Raymond Beshro <>  
**Subject:** FW: 15 Pelham Road

Good morning,

Thank you for circulating CN on this minor variance application.

We wish to reiterate previously issued comments on this file. It should be noted that CN has concerns regarding the development of residential uses in such close proximity to the railway right-of-way. This is in reference to noise, vibration and potential trespass and safety issues that will result.

I will attach CN's typical criteria for sensitive developments in proximity to railways for your review. This document is largely in reference to a collaborative project by the Federation of Canadian Municipalities and the Railway Association of Canada, the Guide for New Development in Proximity to Railway Operations (<http://www.proximityissues.ca>). We urge the City to implement these criteria as conditions of approval, to ensure the safety and well-being of future occupants.

Please note that CN will anticipate the opportunity to review a noise and vibration study, conducted by an engineer with an acoustic background for the incoming developments in the event of a project approval.

Please keep us apprised.

Regards,  
Helene Fleischer - CN  
Planification et développement communautaires  
Community Planning & Development

\*\*\*\*\*  
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**From:** Raymond Beshro  
**Sent:** Tuesday, September 22, 2015 11:26 AM  
**To:** Ritchie, Scott  
**Subject:** RE: 15 Pelham Road

Hi Scott,

Thanks for contacting me about this application. I've attached our habitual criteria for residential development in proximity to a main line. While CN is prepared to consider site-specific departures from these criteria based on context and scale of a given project, a 6.5 m setback is indeed grossly inadequate, especially considering the absence of crash protection (as per the site plan provided). Such a setback would also generate major issues from a noise and vibration perspective.

Don't hesitate if you have further questions.



Raymond Beshro - OUQ, MCIP  
Senior Officer - Community Planning and Development  
Agent principal - Planification et développement communautaires  
[raymond.beshro@cn.ca](mailto:raymond.beshro@cn.ca)  
514-399-7627

\*\*\*\*\*  
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**From:** Ritchie, Scott [<mailto:sritchie@stcatharines.ca>]  
**Sent:** Tuesday, September 22, 2015 10:55 AM  
**To:** Raymond Beshro  
**Subject:** 15 Pelham Road

Hi Raymond, Amanda Knutson gave me you contact info.

We've received a proposal to construct some new townhouse units adjacent to CN's corridor through St Catharines (attached). They are proposing a setback of 6.5 metres from the rail corridor, which I understand may be insufficient. The developer is coming in to discuss the proposal next week. Can you please advise of CN's concerns. Thanks.

### Scott Ritchie

Urban Design Planner

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

**Phone:** 905.688.5601 x1722 **TTY:** 905.688.4TTY (4889)

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



St. Catharines  **CITY OF ST. CATHARINES**  

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## Railway Properties

1 Administration Rd  
Concord, ON L4K 1B9  
Telephone: 514-399-7627  
Fax: 514-399-4296

### PRINCIPAL MAIN LINE REQUIREMENTS

- A. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
  - B. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
  - C. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
  - D. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
  - E. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
  - F. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
  - G. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
  - H. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
  - I. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
-



**NIAGARA PENINSULA  
CONSERVATION  
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

December 23, 2015

File No. MPR 3.13

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

Attn: Elaine Munro, Secretary-Treasurer

Subject: A-105/15  
15 Pelham Road, St. Catharines

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

The subject application has been made for:

1. A reduction of the minimum distance from the Private Road to the Dwelling (Units 1 & 2) from 3 metres to 1.2 metres.
2. A reduction of the required landscape strip along the road from 3 metres to 0 metres.

**Niagara Peninsula Conservation Authority Regulations:**

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

**Niagara Region Natural Heritage Comments:**

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

The northern portion of the property has been identified as an Environmental Conservation Area (ECA) for a Significant Woodland on the Region of Niagara's Core Natural Heritage Mapping. In accordance with Regional Policies, development and site alterations may be permitted within an ECA, or on lands adjacent to (i.e. within 50 metres) an ECA if it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands. NPCA staff are satisfied that the subject application is for a reduction in setbacks outside of the identified ECA feature.

NPCA staff have reviewed the Site Plan and Arborist report (Prepared by Urban Forest Innovations Inc. dated December 14, 2015) for the subject property. The Plan shows proposed development and site alterations within the ECA feature. The NPCA will require the submission of an Environmental Impact Study (EIS) at the Site Plan Approval stage.

**Conclusion:**

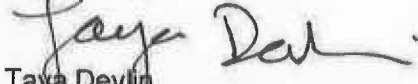
Based on the above, the NPCA offers no objection to the subject application which has been made for a reduction of the minimum distance from the Private Road to the Dwelling (Units 1 & 2) from 3 metres to 1.2 metres and a reduction of the required landscape strip along the road from 3 metres to 0 metres.

Please note, the Plan submitted shows proposed development and site alterations within the identified ECA feature. The NPCA will require the submission of an EIS at the Site Plan Approval stage.

Lastly, please note that due to the identified features on the properties, any future works proposed will require NPCA review 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 Devlin  
Watershed Planner (ext. 262)

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





**Legend**

- Corporate Watershed Divide N
- NIAGARA NATURAL ENVIRO  
INFORMATION SCREENING
- NPCA APPROXIMATE REGU
- ECA: Significant Woodlands
- Ontario Road Network
  - Major Highways
  - Arterial Roads
  - Local Roads
- Assessment Parcels
- 2K HydroPoly
- 2K Hydrography
- AIRPORTS
- NPCA Extended Context Area

**Notes**

Pre-Consultation

57.3 0 28.65 57.3 Meters

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

© 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



RPT	STATUS	INFO	P.D.S REFERRED TO <i>E. Munro</i>	INIT.
DATE REC'D →		DEC 29 2015		SCAN <input type="checkbox"/>
FILE NO				

- 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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**Subject:** FW: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

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**From:** Doug Crown [mailto:]

**Sent:** Wednesday, December 16, 2015 1:01 PM

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

**Subject:** RE: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

1. 15 Pelham Road – Minor Variance Application – A-105/15 – 60.81.5043 No Issue or concerns
2. 2 Woodburn Avenue – Consent Applications – B-01/16SC (60.84.2021) & B-02/16SC (60.84.2022) & Minor Variance for Part 1– A-06/16 (60.81.5050) No Issue or concerns
3. 10 Spring Garden Blvd - Consent Application – B-03/16SC – 60.84.2023 No Issue or concerns  
10 Spring Garden Blvd – Minor Variance Application – A-04/16 – 60.81.5048 No Issue or concerns  
10A Spring Garden Blvd – Minor Variance Application – A-03/16 – 60.81.5047 No Issue or concerns
4. 260 Oakdale Avenue – Minor Variance Application – A-02/16 – 60.81.5046 No Issue or concerns

**DOUG CROWN**

Network Planner

Network Evolution

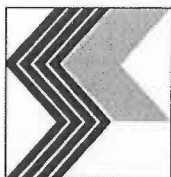
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7170 Mcleod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca



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## Memorandum

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**To:** Sara Rogers, Planning & Building Services  
Terrance Glover, Planning & Building Services

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

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

**Date:** December 18, 2015

**Subject:** Notice of Hearing: Minor Variance  
Address: 15 Pelham Rd.  
File No: 60.81.5043

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Please be advised that we have reviewed the above-noted application and have no comments to provide on minor variance 1. PRCS provides the following comments for minor variance 2, being a reduction in the required landscape strip along the road to 0 metres:

- The arborist report prepared by Urban Forest Innovations Inc. and dated December 14, 2015 indicates that six of the existing trees on the road allowance can be preserved. These trees will provide the visual screen of the proposed parking area that would typically be expected of a landscape strip. The arborist report indicates that six trees will need to be removed from the road allowance; requirements for tree removal and any replacement will be addressed through the site plan agreement.
- If approved, the landscape strip reduction should apply only to the portion of the property north of the proposed entrance, as shown on the sketch.

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



## **Arborist Report**

15 Pelham Road  
St. Catharines, Ontario

December 14, 2015

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### **Prepared for:**

Brock View Rentals  
Attention: Bryan Keenan  
3813 Potter Heights  
Niagara Falls ON L2J 3E1

### **Prepared by:**

Urban Forest Innovations Inc.  
1248 Minnewaska Trail  
Mississauga, ON L5G 3S5



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NB: This Arborist Report has been prepared using the latest drawings and information provided by the client and/or agents and may be intended for inclusion in a site plan approval or similar planning submission. Any subsequent design or site plan changes affecting trees may require revisions to this report. New drawings and information should be provided to UFI prior to report submission to municipal planning authorities.

Links (URLs) provided to web-based resources are current to the date of the report.

## **Introduction**

Urban Forest Innovations Inc. (UFI) has been requested to prepare an arborist report for the proposed development at 15 Pelham Road, in St. Catharines, Ontario. This report reviews the potential impacts of the proposed site works upon trees within or close to the limits of disturbance, and outlines required and recommended tree protection measures and regulatory requirements associated with the proposed development.

In total, 59 trees are addressed in this report. The tree inventory is provided in Appendix 1. Selected photographs are provided in Appendix 2. A tree location plan is provided in Appendix 3.

This report should be read in conjunction with all other servicing, grading and landscaping plans prepared for the project.

## **Methodology**

### **Field Observations**

Field observations were made on December 2, 2015 by Shane Jobber, ISA Certified Arborist ON-1746A. There was no construction activity on the site at the time of the field observations. The inventory includes all subject site trees and off-site trees with canopies extending over the site or within 3 metres of the property line. Tree diameter was measured at 1.4 metres above grade (DBH) and trees were assessed for health, structure and risk potential. No trees were tagged as part of this inventory.

### **Tree Assessments**

A brief explanation of each tree assessment category included in the inventory is outlined below:

**Species** — The common and botanical names are provided for each tree.

**Diameter at Breast Height (DBH)** — The diameter of each tree, in centimetres, at breast height (1.4 m above grade).

**Trunk Integrity (TI)** — An assessment of the tree's trunk for any externally-visible defects or weaknesses. It is rated on an ascending scale of poor-fair-good.

**Canopy Structure (CS)** — An assessment of the tree's main scaffold branches and the canopy of the tree for defects or weaknesses visible from ground level. It is also rated on an ascending scale of poor-fair-good.

**Canopy Vitality (CV)** — An assessment of the general health and vigour of the tree, derived partly through a comparison of deadwood and live growth relative to a 100% healthy tree. The size and colour of foliage are also considered in this category. During the leaf-off season, the number and

distribution of buds is an important determinant of canopy vitality. This indicator is also rated on an ascending scale of poor-fair-good.

**Canopy Width (CW)** – An estimation of the average diameter of the tree canopy, in metres.

**Tree Protection Zone (TPZ)** – The recommended tree protection zone radius, in metres, as measured from the base of the subject tree's main trunk.

**Recommendation (Rec.)** – The recommendation for each tree: Protect (P), Injure (I), Remove (R) and/or Maintenance Required (M). A dash (-) denotes trees to be preserved with no additional protection requirements.

**Comments** – Comments pertaining to the tree may be provided, as needed.

## **Results and Discussion**

This section of the report outlines the key issues related to the proposed works from an arboricultural and tree preservation perspective. Specific recommendations regarding tree protection are outlined. General recommendations are also provided in the 'Recommendations and Specifications' section of this report.

### **General Work Plan**

The proposed works will consist of the construction of a five-unit residential dwelling cluster following the demolition of the existing on-site residential dwelling. Various associated landscape modifications such as sidewalk and paved parking construction, as well as noise barrier and privacy fence installations, are also proposed.

### **By-laws and Legislation**

By-laws and legislation enacted by the Niagara Region and the Province of Ontario may regulate the injury or destruction of trees depending upon their location, size and other factors.

#### *Regional Municipality of Niagara Tree and Forest Conservation By-law*

The Regional Municipality of Niagara Tree and Forest Conservation By-law (30-2008) regulates the destruction of trees located in Niagara Region woodlands, applying to woodlands greater than one hectare in size or to woodlands designated by local area municipalities, including St. Catharines. The wooded area to the north of the subject site has been identified by the Niagara Peninsula Conservation Authority (NPCA) as an Environmental Conservation Area (ECA) Significant Woodland, and pursuant to By-law 30-2008, no woodland tree may be destroyed or injured without first obtaining a Good Forestry Practices Permit from the NPCA.

Full details about by-law 30-2008, can be found online at:

<https://www.niagararegion.ca/government/bylaws/tree/pdf/tree-by-law-niagara-region.pdf>

*Boundary Trees – Ontario Forestry Act, R.S.O. 1990*

The Provincial Forestry Act, R.S.O. 1990 states:

10. (2) Every tree whose trunk is growing on the boundary between adjoining lands is the common property of the owners of the adjoining lands. 1998, c. 18, Sched. I, s. 21.
- (3) Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act. 1998, c. 18, Sched. I, s. 21.

*Endangered, Rare or Protected Species*

No endangered, rare or otherwise protected tree species were observed on the site.

### **Tree Removal**

Although site works will avoid tree removal to the furthest extent possible, removal will be necessary to facilitate the proposed site design. Recommendations for tree removal are based upon consideration of the anticipated impacts upon trees due to implementation of the proposed works, the immediate and forecasted health and structural condition of the tree, and the ability of the tree to make continued contributions to the newly modified landscape.

### *Site Works*

The proposed site works and associated landscape modifications will require the removal of 15 trees within the limits of the proposed works:

- Tree #1 is proposed for removal to facilitate destruction of the existing asphalt driveway. At the time of field observations the tree was assessed for fair health and structural condition and noted for an apparent progressive decline and unnatural lean with poor trunk taper. The tree is considered a poor candidate for long-term retention.
- Trees #2, 17, 21-23 are proposed for removal to facilitate construction of a swale along the west property line.
- Trees #6, 7, 26, 29, and 32 are proposed for removal to facilitate construction of the proposed noise barrier along the north property line.
- Trees #11-13 are proposed for removal to facilitate construction of the proposed triplex residential units and associated sidewalk and parking areas.
- Tree #59 is proposed for removal to facilitate construction of the proposed residential units.

## **Tree Preservation and Protection**

All other trees addressed in this report are proposed for retention. This section outlines specific tree preservation and protection measures for retained trees. General tree protection recommendations and specifications are found in the 'Recommendations and Specifications' section of this report.

All trees to be retained within or adjacent to the limits of project works are identified as requiring either 'Preservation', for trees that are located sufficiently far from proposed works that no specific tree protection measures are recommended, or 'Protection', for trees requiring active protection behind tree protection hoarding.

### *Tree Preservation*

No specific tree protection measures are recommended for 8 inventoried trees:

- Trees #25, 27, 28, and 31 are located on adjacent Canadian railway lands and shall be retained without added tree protection measures such as the use of tree protection fencing. Construction of the proposed noise barrier wall along the north property line should be carried out from the subject site and avoid incursions into adjacent lands to the extent possible. Barrier construction may also be scheduled prior to general site works in order to provide ancillary protection to neighbouring trees for the duration of site development.
- Tree #33 is located on neighbouring private property and is sufficiently far from any proposed construction activity that additional protection measures will not be necessary.
- Trees #56-58 are located on neighbouring private property and are sufficiently far from any proposed construction activity that additional protection measures will not be necessary.

### *Tree Protection*

Retained trees in proximity to the proposed works shall be protected through the implementation of the following tree protection methods:

- Establishment of tree protection hoarding at a specific distance from the base of each tree, as provided in Appendix 1, and;
- Implementation of root-sensitive excavation utilizing hand-digging in areas where excavation is required within Tree Protection Zones (TPZs) or root zones of trees to be protected.

Specific guidance for the implementation of tree protection measures is provided below:

- Trees #3-5, 8-10 shall be protected behind solid plywood hoarding set dimensions that are no less than the minimum required tree protection zone for each protected tree wherever possible. It is expected that light hoarding dimension reductions will be necessary for trees #4, 5 and 8 in order to provide access for construction of the proposed noise barrier, which is to be accomplished in sections by a single worker and without the use of heavy machinery. All construction activities within TPZ areas that are beyond established hoarding must proceed in a

manner that is sensitive and minimally impactful to the roots of retained trees. Barrier post installations should be preceded by root-sensitive excavation, as outlined in the 'Recommendations and Specifications' section of this report, and any overhead branches interfering with site works and requiring pruning should be pruned by a Certified Arborist using proper arboricultural techniques.

- Tree #14 shall be protected behind solid plywood hoarding set at dimensions no less than 4.0 m from the base of the tree on all sides.
- Tree #15, 16, 18-20, and 24 shall be protected behind solid plywood hoarding set at the edge of the proposed swale, wherever possible. It is expected that hoarding dimension reductions will be necessary for trees #15 and 16. All construction activities within TPZ areas that are beyond established hoarding must proceed in a manner that is sensitive and minimally impactful to the roots of retained trees. Swale installation should be preceded by root-sensitive excavation, as outlined in the 'Recommendations and Specifications' section of this report.
- Trees #30 and 34-37 shall be protected behind solid plywood hoarding set dimensions that are no less than the minimum required tree protection zone for each protected tree wherever possible. It is expected that light hoarding dimension reductions will be necessary for trees #30, 34, and 37 in order to provide sufficient space for construction of the proposed noise barrier and privacy fence. All construction activities within TPZ areas that are beyond established hoarding must proceed in a manner that is sensitive and minimally impactful to the roots of retained trees. Barrier and fence post installations should be preceded by root-sensitive excavation, as outlined in the 'Recommendations and Specifications' section of this report, and any overhead branches interfering with site works and requiring pruning should be pruned by a Certified Arborist using proper arboricultural techniques.
- Trees #38-55 shall be protected behind solid plywood hoarding set dimensions that are no less than the minimum required tree protection zone for each protected tree. Limited access into hoarded areas will be necessary to facilitate construction of the proposed privacy fence, which will be accomplished by re-using posts from the existing fence to support the new fence, thereby reducing tree impacts and avoiding removals. Fence board dimensions should be cut to accommodate existing tree limbs that may interfere with the intended fence path. Wherever unavoidable, tree pruning should be conducted by a Certified Arborist using proper arboricultural techniques.

All hoarding reductions specifically noted above will constitute technical tree injury, although the health of each individually affected tree is not expected to be adversely impacted.

#### **Tree Risk and Required Tree Maintenance**

At the time of inspection, there were no immediate risks posed by any trees on the subject site.

### **By-law and Permit Requirements**

A permit to enable the removal or injury of trees located on municipal property may be required pursuant to applicable City of St. Catharines by-laws. Accordingly, permit approval may be required for the following municipal trees:

- Trees #1, 17, 21-23, for removal.
- Trees #15 and 16, for injury.

Pursuant to By-law 30-2008, the Niagara Peninsula Conservation Authority may require a Good Forestry Practices Permit detailing the proposed injury or removal of the following trees:

- Trees #6, 7, 11, 21-23, 26, 29, and 32, for removal, although permit exemption may be granted for tree #26, which has a confirmed Emerald Ash Borer infestation.
- Trees #4, 5, 8, 30, 31, 34, and 37, for injury.

All permit applications must be submitted and approved prior to commencement of site works.

### **Recommendations and Specifications**

This section outlines general recommendations for tree protection, and **not all recommendations may apply to the subject project**. Refer to the preceding sections for tree-by-tree recommendations.

#### **Tree Protection**

Four important tree protection measures should be undertaken on the project site if trees are to be preserved in a manner which will maintain their health over the long term. These include:

1. Establishment of tree protection fencing and/or hoarding around adequately-sized Tree Protection Zones (TPZs) prior to the commencement of any construction activity;
2. Installation of root zone compaction protection where compaction may be caused by construction traffic or materials/equipment storage and staging;
3. Implementation of root-sensitive manner wherever Tree Protection Zones (TPZs) or significant rooting areas may be encroached upon by excavation and/or grading, and;
4. Root pruning in advance of conventional excavation, on an as-needed basis.

#### *Tree Protection Zones (TPZs)*

The purpose of a Tree Protection Zone (TPZ) is to prevent root damage, soil compaction and soil contamination, and workers and machinery must not encroach upon Tree Protection Zones in any way.

To prevent access and ensure that the TPZ is effective, the following steps shall be implemented in the establishment of TPZ fencing and/or hoarding.



1. The locations of TPZs should be clearly identified on the project Site Plan. Typically, TPZs are to be shown as circles around tree location points, and are to be drawn to scale in accordance with the minimum required TPZ radius, as outlined in Appendix 1. The actual location of TPZ fencing and/or hoarding may differ from the circular TPZ and must be clearly shown on the site plan for every tree to be protected.
2. No groundbreaking activities or demolition should occur until all tree protection requirements have been met and the consulting arborist has confirmed the establishment of Tree Protection Zone fencing and/or hoarding.
3. Hoarding shall consist of 4' x 8' sheets of plywood laid lengthwise and supported using "L" shaped supports to prevent root damage. Hoarding shall be affixed to the frame in such a manner as to prevent removal of individual sections or movement of the entire hoarding structure. Construction fencing can be used where pedestrian or motorist sightlines may be obscured by solid hoarding. Framed construction fencing can also be used to frame large Tree Protection Zones or tree groups, with expressed prior approval of Town staff. Framed fencing must be supported by a solid 2" x 4" frame. Fencing and/or hoarding shall be maintained intact throughout the duration of the construction project, unless otherwise specified.
4. All fencing and/or hoarding is to remain in place in good condition throughout the entire duration of the project. No fencing and/or hoarding is to be removed, relocated or otherwise altered without the written permission of the City of St. Catharines.
5. No grade change, excavation, or storage of fill, equipment or supplies is permitted within the TPZ at any time. Any encroachment of the TPZ shall not be undertaken without expressed written permission of the City of St. Catharines. TPZ encroachment may constitute Tree Injury as defined by various municipal tree protection policies and by-laws, and may subject the responsible parties to prescribed penalties.
6. Signage similar to Figure 1, below, should be mounted on each side of TPZ fencing and/or hoarding immediately upon establishment and should be maintained for the duration of the project. Every sign should have minimum dimensions of 40 cm x 60 cm.
7. All contractors and supervisors should be informed of the tree protection requirements, including potential penalties, at a pre-construction meeting.
8. Trees and TPZs should be regularly monitored by a consulting arborist throughout the duration of the project.
9. If TPZ encroachment should occur at any time during construction, the consulting arborist should evaluate the trees immediately so that appropriate treatment can be performed in a timely manner.

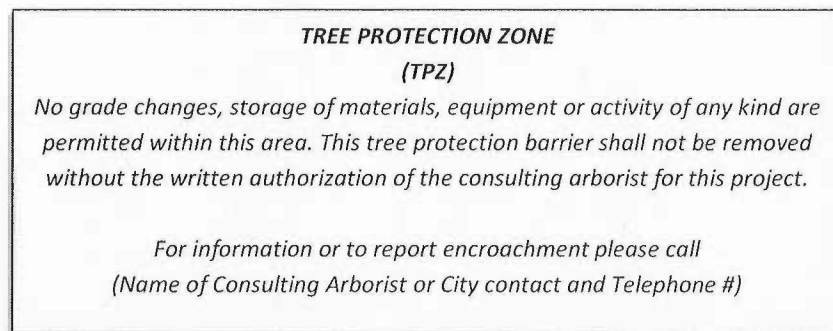


Figure 1: Sample TPZ information sign.

#### *Root Zone Compaction Protection*

Where traffic or access through the root zone is anticipated, a Root Zone Compaction Protection treatment should be installed.

Where limited non-vehicular access across the root zone is anticipated (e.g., occasional foot traffic, wheelbarrow), a Light Root Zone Compaction Protection specification should be implemented, as described below:

- Installation of medium-weight non-woven geotextile fabric or landscape cloth over affected area;
- Installation of 150 mm of wood chips over the fabric area;
- Installation of ½" plywood over wood chip mulch.

Where moderate non-vehicular access across the root zone is anticipated (e.g., materials staging) a Moderate Root Zone Compaction Protection specification should be implemented, as described below:

- Installation of medium-weight non-woven geotextile fabric or landscape cloth over affected area;
- 100 mm of granular clear stone lain over fabric area;
- Installation of medium-weight non-woven geotextile fabric or landscape cloth over the stone;
- Installation of 150 mm of wood chips over fabric area, and;
- Installation of ½" plywood over wood chip mulch.

In areas where vehicular access or severe potential root zone compaction are anticipated, such as site access roads, temporary parking areas or heavy machine staging areas, a more robust Heavy Root Zone Compaction Protection specification should be developed and implemented on a site-specific basis. Key elements of such a specification may include multiple steel plates over load-dissipating materials, or modular geocellular systems such as Permavoid ArborRaft.

### *Root-sensitive Excavation*

Efforts should be made to exclude excavation or grade changes, including cutting or filling, from all TPZs. Where this is not possible, and unless otherwise specified, excavation shall utilize a root-sensitive methodology such as hand-digging, hydrovac or pneumatic (e.g., AirSpade) soil excavation, as specified in the arborist report.

Root-sensitive excavation must be conducted in advance of excavation using conventional excavation machinery. The objective of root-sensitive excavation is threefold: 1) to determine whether roots will be present beneath areas to be excavated and therefore determine the likely extent of damage to trees to be retained; 2) to finalize decisions about trees for which removal/preservation decisions are contingent upon the extent of roots encountered, and 3) to enable proper root pruning, as described below.

Unless otherwise specified, root-sensitive excavation typically entails creating a trench approximately 200-300 mm wide between the subject tree (e.g., outside the established TPZ) and the area to be excavated, without damaging existing significant roots. Unless otherwise specified, root-sensitive excavation should be undertaken to a minimum depth of 800 mm, unless excavation is proposed to a shallower final depth. If excavation is for exploratory reasons and root pruning is not anticipated, equipment utilized during root-sensitive excavation should be operated at reduced pressures to prevent damage to root bark.

No excavation, whether undertaken by conventional or root-sensitive means shall take place within established tree protection zones without expressed written permission of the City of St. Catharines.

### *Root Pruning*

Root pruning can help reduce the stresses experienced by a tree with root damage, encourage the growth of new fine and feeder roots, and prevent the spread of decay. Root pruning should be undertaken in conjunction with root-sensitive excavation in advance of conventional excavation, or immediately afterwards if unexpected roots are encountered. Root pruning should only be undertaken by an ISA Certified Arborist, and in the manner outlined below:

1. Roots that are severed, exposed, or diseased and are greater than 2.0 cm in diameter should be properly pruned. All roots must be pruned with clean and sharp hand tools only. Shovels, picks or other construction tools shall not be used to prune roots. Wound dressings or pruning paint must not be used to cover the ends of any cut.
2. Roots should be pruned in a similar fashion as branches, taking care to maintain the integrity of the root bark ridge. Root should be pruned back to native soil; root stubs must not be left upon completion of root pruning.
3. Prolonged exposure of tree roots must be avoided – exposed roots should be covered and kept moist with soil, mulch, irrigation, or at least moistened burlap if they are to be exposed for longer than 3 hours. All cut roots should be covered with soil or excavated trenches should be backfilled with native material as soon as possible following root pruning.

### **Post-construction Care**

The following recommendations should be implemented upon completion of construction to ensure that the health and condition of retained and newly-planted trees is maintained and improved.

#### *Retained Trees*

1. Trees which have been retained through the construction process should be regularly monitored by an ISA Certified Arborist for signs of construction-induced stress, which may not be apparent until 3-6 years after site disturbance.
2. Wherever possible, root zone amelioration including watering and mulching should be undertaken. However, treatments such as fertilization should be avoided unless directly specified by the project consulting arborist.
3. Any physical damage to retained trees should be assessed by the project consulting arborist and properly mitigated, as required. If necessary, pruning of broken limbs or exposed roots, tracing of damaged bark or decompaction of soils should be undertaken by an ISA Certified Arborist. Additional remediation actions, such as soil decontamination, may also be required. Stability of trees with significant root zone disturbance should be assessed, and advanced stability assessment or mitigation should be implemented if necessary.

#### *New Trees*

1. All newly planted trees and shrubs should be provided with a bed of composted woodchip mulch 10-15 cm thick, extending to at least the dripline of the plant. Mulch should be periodically replaced as it decomposes, and weeds should be removed from the mulch bed manually. The mulch must not touch the bark of the tree and under no circumstances should it be mounded up against the stem in a “volcano” style. This is especially damaging for young trees with thin bark.
2. All new plantings should be watered at least once per week during the growing season within the first two years after planting. Watering intensity should be increased during periods of drought. Watering should be deep and slow, ensuring that water penetrates to deep roots. Trees should not be watered directly adjacent to the trunk, but rather in a circular pattern extending from the trunk to at least the dripline. The soil should be allowed to dry in between watering periods to allow air to reach the roots.
3. Minimal pruning should be undertaken in the first two years after planting. Foliage should be retained to allow for the roots to establish. Only dead, crossing and broken branches should be pruned back to an appropriate pruning point at the time of planting.
4. New plantings should be inspected in the second year to assess health and condition. Dead or dying plants should be replaced in the next appropriate planting season.

## **Conclusion**

There are 59 trees that may be affected by the proposed development at 15 Pelham Road, in St. Catharines, Ontario. The proposed works will require the implementation of specific measures to ensure effective tree protection. 15 trees will require removal and 26 trees will require injury to enable the proposed works. Tree removal and injury permits may be required from the City of St. Catharines and/or the Niagara Peninsula Conservation Authority. With the implementation of the recommendations provided in this report, no adverse effects are anticipated as a result of the proposed works upon the long-term health and condition of inventoried trees that have been designated for retention.

It is important that good arboricultural practices be undertaken during the entire course of construction. No material storage or construction access shall take place within Tree Protection Zones (TPZs); sensitive excavation and root pruning shall be undertaken, as required; and any necessary branch and/or root pruning shall be undertaken by an ISA Certified Arborist.

**Appendix 1 – Tree Inventory****Table 1:** Inventory of trees at 15 Pelham Road, St. Catharines, Ontario. Tree assessments are based upon field observations undertaken on December 2, 2015 by S. Jobber (ISA Certified Arborist ON-1746A).

Tree	Common Name	Scientific Name	DBH	CW	TI	CS	CV	TP2	LH	Rel.	Comments
1	Douglas-Fir	<i>Pseudotsuga menziesii</i>	50	8	F	F	F	4.0	B	R	
2	Manitoba Maple	<i>Acer negundo</i>	37,33,27,20	10	F	F	F	5.0	B	R	
3	Apple Species	<i>Malus</i> sp.	20	5	G	F	G	2.5	S	P	ECA Significant Woodland
4	Apple Species	<i>Malus</i> sp.	17	4	G	F	F	2.0	S	I	ECA Significant Woodland
5	Norway Maple	<i>Acer platanoides</i>	13	4	G	G	G	2.0	S	I	ECA Significant Woodland
6	Apple Species	<i>Malus</i> sp.	24	5	G	F	F	2.5	B	R	ECA Significant Woodland
7	Apple Species	<i>Malus</i> sp.	20,15	7	F	F	F	3.5	B	R	ECA Significant Woodland
8	Norway Maple	<i>Acer platanoides</i>	21,18,16	8	F	F	F	4.0	S	I	ECA Significant Woodland
9	Manitoba Maple	<i>Acer negundo</i>	17	5	G	F	G	2.5	S	P	ECA Significant Woodland
10	Norway Maple	<i>Acer platanoides</i>	26	6	G	G	G	3.0	S	P	ECA Significant Woodland
11	Norway Maple	<i>Acer platanoides</i>	29	7	G	G	G	3.5	S	R	ECA Significant Woodland
12	Horse Chestnut	<i>Aesculus hippocastanum</i>	37,24	7	F	F	G	3.5	S	R	
13	Horse Chestnut	<i>Aesculus hippocastanum</i>	23	6	G	G	G	3.0	S	R	
14	Norway Maple	<i>Acer platanoides</i>	29	8	F	G	G	4.0	S	P	ECA Significant Woodland
15	Manitoba Maple	<i>Acer negundo</i>	12,10,8,8	6	G	F	G	3.0	M	I	
16	Manitoba Maple	<i>Acer negundo</i>	21	6	G	F	G	3.0	M	I	
17	Green Ash	<i>Fraxinus pennsylvanica</i>	25	6	G	F	P	3.0	M	R	
18	Apple Species	<i>Malus</i> sp.	15,15	6	F	F	G	3.0	M	P	
19	Apple Species	<i>Malus</i> sp.	12,8	4	F	F	G	2.0	M	P	
20	Black Walnut	<i>Juglans nigra</i>	11	4	G	G	G	2.0	M	P	
21	Manitoba Maple	<i>Acer negundo</i>	10	3	G	G	G	1.5	M	R	ECA Significant Woodland
22	Green Ash	<i>Fraxinus pennsylvanica</i>	12	4	G	G	F	2.0	M	R	ECA Significant Woodland
23	Black Walnut	<i>Juglans nigra</i>	5	4	G	G	G	2.0	M	R	ECA Significant Woodland
24	Manitoba Maple	<i>Acer negundo</i>	20,17	5	P	P	F	2.5	M	P	ECA Significant Woodland
25	Green Ash	<i>Fraxinus pennsylvanica</i>	12	5	G	F	F	2.5	N*	-	*Canadian railway. ECA Significant Woodland
26	Green Ash	<i>Fraxinus pennsylvanica</i>	25,25,23	9	G	F	G	4.5	N*	R	*Canadian railway. EAB infested. ECA Significant Woodland
27	Black Walnut	<i>Juglans nigra</i>	32	12	G	G	G	6.0	N*	-	*Canadian railway. ECA Significant Woodland
28	Black Walnut	<i>Juglans nigra</i>	26	10	G	G	G	5.0	N*	-	*Canadian railway. ECA Significant Woodland
29	Manitoba Maple	<i>Acer negundo</i>	23	6	G	F	F	3.0	B	R	ECA Significant Woodland
30	Manitoba Maple	<i>Acer negundo</i>	23	5	G	F	F	2.5	S	I	ECA Significant Woodland
31	American Elm	<i>Ulmus americana</i>	31	9	F	G	G	4.5	N*	I	*Canadian railway. ECA Significant Woodland
32	Manitoba Maple	<i>Acer negundo</i>	29	7	G	F	G	3.5	N*	R	*Canadian railway. ECA Significant Woodland
33	Norway Maple	<i>Acer platanoides</i>	30	8	G	G	G	4.0	N	-	ECA Significant Woodland
34	Manitoba Maple	<i>Acer negundo</i>	18	4	G	F	G	2.0	S	I	ECA Significant Woodland
35	Manitoba Maple	<i>Acer negundo</i>	26	4	F	F	F	2.0	S	P	ECA Significant Woodland
36	Cherry Species	<i>Prunus</i> sp.	9,8	3	G	F	G	1.5	S	P	ECA Significant Woodland

Tree	Common Name	Scientific Name	DBH	CW	TI	CS	CV	TP%	Loc	Rec.	Comments
37	Cherry Species	<i>Prunus</i> sp.	8,8	3	G	F	G	1.5	S	I	ECA Significant Woodland
38	Manitoba Maple	<i>Acer negundo</i>	15,13	7	F	F	G	3.5	B	I	
39	Manitoba Maple	<i>Acer negundo</i>	22	6	G	F	G	3.0	B	I	
40	Manitoba Maple	<i>Acer negundo</i>	17	5	P	F	G	2.5	B	I	
41	Manitoba Maple	<i>Acer negundo</i>	12	9	F	F	G	1.5	B	I	
42	Manitoba Maple	<i>Acer negundo</i>	15	6	G	F	G	3.0	B	I	
43	Manitoba Maple	<i>Acer negundo</i>	15,10	6	F	P	G	3.0	B	I	
44	Manitoba Maple	<i>Acer negundo</i>	14	4	F	P	G	2.0	B	I	
45	Manitoba Maple	<i>Acer negundo</i>	35,20,15	10	F	F	G	5.0	B	I	
46	Manitoba Maple	<i>Acer negundo</i>	15,14,14,12	10	F	F	G	5.0	B	I	
47	Manitoba Maple	<i>Acer negundo</i>	22,17	9	F	F	G	4.5	B	I	
48	Manitoba Maple	<i>Acer negundo</i>	22	7	G	P	G	3.5	B	I	
49	Manitoba Maple	<i>Acer negundo</i>	40,35,20	10	P	F	G	5.0	B	I	
50	Manitoba Maple	<i>Acer negundo</i>	20	5	G	F	G	2.5	B	I	
51	Manitoba Maple	<i>Acer negundo</i>	20,20,18	8	F	F	G	4.0	B	I	
52	Manitoba Maple	<i>Acer negundo</i>	20,15	8	F	F	G	4.0	B	I	
53	Manitoba Maple	<i>Acer negundo</i>	33	6	G	F	G	3.0	B	I	
54	Norway Maple	<i>Acer platanoides</i>	20	5	F	F	G	2.5	B	I	
55	Norway Maple	<i>Acer platanoides</i>	24	6	F	G	G	3.0	B	I	
56	Colorado Spruce	<i>Picea pungens</i>	30	7	G	G	G	3.5	N	-	
57	Colorado Spruce	<i>Picea pungens</i>	25	5	G	G	G	2.5	N	-	
58	Norway Spruce	<i>Picea abies</i>	35	7	G	G	G	3.5	N	-	
59	Green Ash	<i>Fraxinus pennsylvanica</i>	7,5	3	G	F	G	1.5	S	R	



## **Appendix 2 – Selected Figures**



Figure 2: The subject site, 15 Pelham Road, St. Catharines, Ontario.



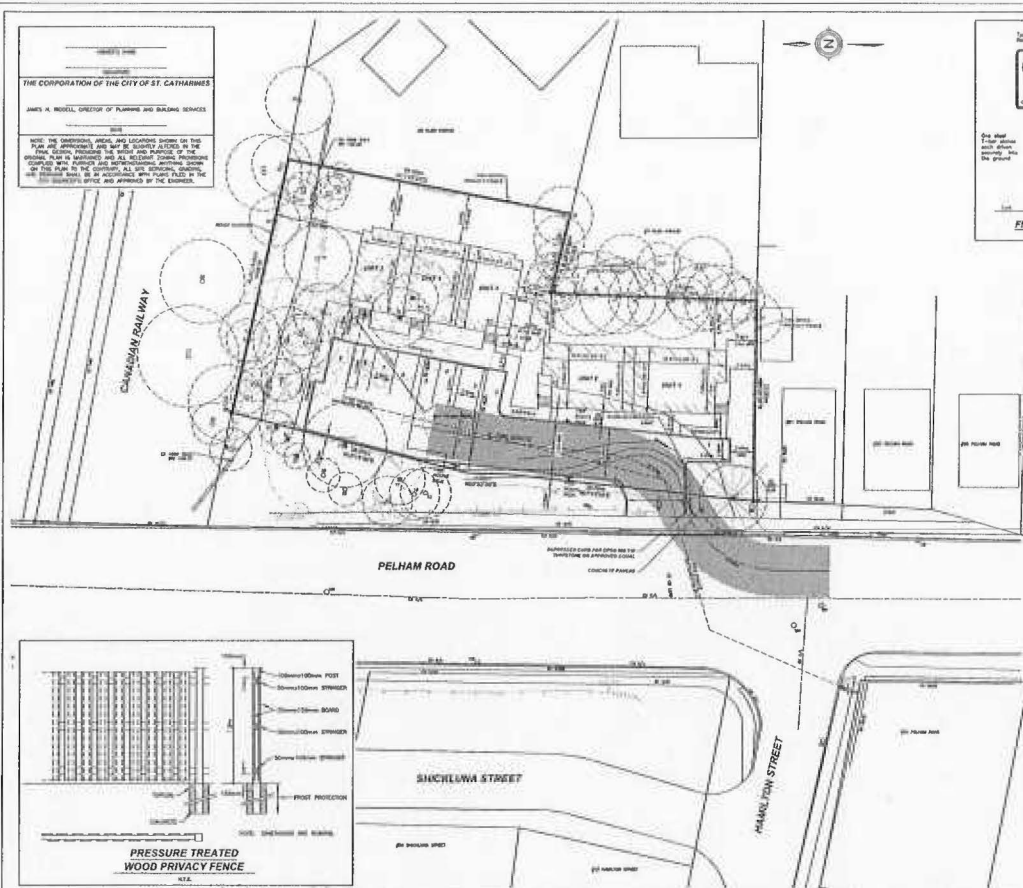
Figure 3: Trees #11-13 are proposed for removal.



### **Appendix 3 – Tree Location Plan**

THE CORPORATION OF THE CITY OF ST. CATHARINES  
JAMES A. MOORE, CHIEF OF PLANNING AND BUILDING SERVICES

NOTE: THE DIMENSIONS, AREAS, AND LOCATIONS SHOWN IN THIS PLAN ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE. THE CITY ENGINEER, PLANNING AND BUILDING SERVICES, HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE ZONING BY-LAW AND THE SUBDIVISION ACT. THIS PLAN IS THE PROPERTY OF THE CORPORATION OF ST. CATHARINES AND SHALL BE RETURNED TO THE CORPORATION OF ST. CATHARINES UPON REQUEST.



**LAND USE SCHEDULE**

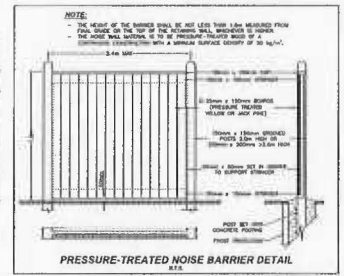
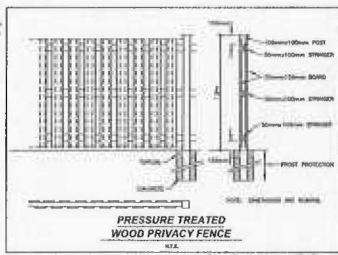
**R15 PELHAM ROAD**

Category	Area (sq. ft.)	Area (sq. m.)
Residential	100,000	9,290
Commercial	10,000	929
Industrial	10,000	929
Public	10,000	929
Other	10,000	929
<b>Total</b>	<b>140,000</b>	<b>12,977</b>

**PARKING REQUIREMENTS**

Category	Requirement
Residential	1 space per unit
Commercial	1 space per 100 sq. ft.
Industrial	1 space per 100 sq. ft.
Public	1 space per 100 sq. ft.
Other	1 space per 100 sq. ft.

- LEGEND**
- WB - 10' WIDE WALKWAY
  - EX - EXISTING
  - CO - CONCRETE
  - AS - ASPHALT
  - PA - PAVED AREA
  - UN - UNPAVED AREA
  - PR - PROPOSED FIRE ROUTE SIGN
  - PS - PROPOSED SIGN
  - PF - PROPOSED FENCE
  - PT - PROPOSED TREE PROTECTION ZONE
  - ET - EXISTING TREE TO BE REMOVED



**REVISIONS**

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2015-12-15
2	REVISED FOR COMMENTS	2015-12-15
3	REVISED FOR COMMENTS	2015-12-15
4	REVISED FOR COMMENTS	2015-12-15
5	REVISED FOR COMMENTS	2015-12-15
6	REVISED FOR COMMENTS	2015-12-15
7	REVISED FOR COMMENTS	2015-12-15
8	REVISED FOR COMMENTS	2015-12-15
9	REVISED FOR COMMENTS	2015-12-15
10	REVISED FOR COMMENTS	2015-12-15

**DESIGNED BY** J.A.M. **DATE** 2015-12-15

**CHECKED BY** J.A.M. **DATE** 2015-12-15

**APPROVED BY** J.A.M. **DATE** 2015-12-15

**St. Catharines**  
stcatharines.ca

UPPER CANADA  
CONSULTANTS  
REGISTERED PLANNERS

**#15 PELHAM ROAD**  
**ST. CATHARINES**  
**SITE PLAN**

DATE: 2015-12-15  
PROJECT: 1542-SP  
SHEET: 1 OF 1

## **Limitations of Assessment**

It is our policy to attach the following clause regarding limitations. We do this to ensure that the client is aware of what is technically and professionally realistic in assessing and retaining trees.

The assessment(s) of the tree(s) presented in this report has been made using accepted arboricultural techniques. These may include, among other factors, a visual examination of: the above-ground parts of the tree(s) for visible structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of pests or pathogens, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted, the tree(s) was not cored, probed, climbed or assessed using any advanced methods, and there was no detailed inspection of the root crown(s) involving excavation.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site or weather conditions, or general seasonal variations. Weather events such as wind or ice storms may result in the partial or complete failure of any tree, regardless of assessment results.

While reasonable efforts have been made to accurately assess the overall condition of the subject tree(s), no guarantee or warranty is offered, expressed or implied, that the tree(s) or any of its parts will remain standing or in stable condition. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or its component parts, regardless of the assessment methodology implemented. Inevitably, a standing tree will always pose some level of risk. Most trees have the potential for failure under adverse weather conditions, and the risk can only be eliminated if the tree is removed.

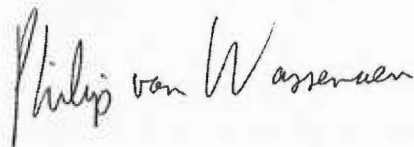
Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. The assessment presented in this report is only valid at the time of inspection.

Prepared and submitted by:



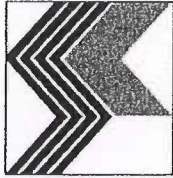
**Shane Jobber, B.Sc.F.**  
ISA Certified Arborist ON-1746A  
shane@urbanforestinnovations.com

Reviewed by:



**Philip van Wassenauer, B.Sc., MFC**  
ISA Certified Arborist ON-0361A  
pwassenauer1022@rogers.com

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T: (905) 274-1022  
F: (905) 274-2170  
W: urbanforestinnovations.com



## Memorandum

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

Cc: B. Thiessen, Sara Rogers, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: December 30, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – January 06, 2016 hearing - File No.: 300-010**

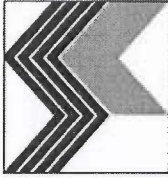
NO.	ADDRESS	COMMENTS
A-105/15	15 Pelham Road	Please be advised that a permit is required for the proposed dwelling units.
A-02/16	260 Oakdale Avenue	Please be advised that a permit is required for the proposed sea containers.
A-03/16	10A Spring Garden Blvd	Please be advised that a permit is required for the proposed dwelling and for the demolition of the shed if it has an area greater than 108 square feet. 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-04/16	10 Spring Garden Blvd	Please be advised that a permit is required for the demolition (or partial demolition) of the existing attached garage. The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for the wall and glazed openings facing the new south property line meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-08/16	2A Woodburn Avenue	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 I  
Terrence Glover, Planner II  
Judy Pihach, Manager of Planning Services

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

**Date:** December 16, 2015  
**Hearing Date:** January 06, 2016

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-02/16SC – 260 Oakdale Avenue  
A-03/16SC – 10A Spring Garden Boulevard  
A-04/16SC – 10 Spring Garden Boulevard  
A-05/16SC – 582 Ontario Street  
A-08/16SC – 2A Woodburn Avenue  
A-105/15SC – 15 Pelham Road

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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:**

260 Oakdale Avenue

- The Applicant finalize the outstanding building permit application on file with the City of St. Catharines (2004 000979 000 00 IL) regarding the rebuilding of previously damaged exterior wall and roof to the existing building.

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 17, 2015

**Subject:** Committee of Adjustment  
Public Hearings – January 16, 2016  
File No. 305-17-01

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Upon review of the applications, we have no concerns or requirements. 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 31, 2015

**Date of Meeting:** January 6, 2016

**Submission:** A-105/15

**File:** 60.81.5043

**Subject:** 15 Pelham Road

### Proposal

Application **A-105/15** is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of the minimum distance from the Private Road to the Dwelling (Units 1 & 2) from 3 metres to 1.2 metres.
2. A reduction of the required landscape strip abutting the public road from 3 metres to 0 metres.

### Recommendation

That Submission **A-105/15** by Brock View Rentals Inc., as outlined in the Notice of Hearing, be deferred until such time as a site plan application is submitted and received by City staff.

### Summary

The purpose of this application is to facilitate a private road development consisting of a three unit townhouse and a semi-detached dwelling.

Having regard for the matters under subsection 45 (1) of the Planning Act, staff is not yet satisfied that the proposal is desirable for the appropriate use of the land. Staff believes that the application is premature to determine whether the intent and purpose of the Official Plan and Zoning By-law are being maintained. The variance, as proposed, may not be desirable for the appropriate use of the land, depending on the outcome of the circulation of a site plan application. In addition, pending the outcome of a site plan application review, additional minor variances may be required.

Staff recommends deferral of decision regarding the application for minor variance.

### Background

#### Planning Context

##### Location

The subject property is located on the east side of Pelham Road, north of Hamilton Street. The property is surrounded by detached dwellings to the south and east,

detached dwellings and a mixed use commercial/residential building to the west, and the CN Rail line to the north.

#### **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 Low Density Residential - Traditional Neighbourhood (R2) pursuant to By-law 2013-283, which permits a variety of residential dwelling types including private road developments.

### **Report**

The proposed variances request a reduction of the minimum distance from the private road to the dwelling units from 3 metres to 1.2 metres, and a reduction of the required landscape strip along the road from 3 metres to 0 metres.

The applicant consulted with City staff at a pre-consultation meeting on October 8, 2015 regarding a development proposal for the subject lands for a private road development of a three unit townhouse and a semi-detached dwelling. Several revisions were made to the proposal based on preliminary comments by City staff and external review agencies and the revised plan was submitted as part of this minor variance application.

This development proposes five residential units and is therefore subject to site plan control. The applicant was so advised. It was noted that a number of plans and studies would be required as part of the formal site plan application, including a stormwater management report, lighting plan, fire route plan, and noise and vibration study. Staff cannot review the requested variances independent of the details that would be submitted as part of a site plan application. The site plan approval process may trigger additional changes that could have an impact on this variance request. As well, additional variances may be required. It is staff's opinion that a deferral of the minor variance decision is in the Applicant's best interest until the first submission of the site plan application has undergone the formal review process. This delay will help to avoid further costs associated with additional applications for minor variances if applicable.

### **Conclusion**

In summary, Staff is unable to recommend approval at this time. The proposal cannot be adequately evaluated to determine whether the intent and purpose of the Official Plan and Zoning By-law are being maintained, or whether it is desirable for the appropriate use of the land. Staff recommends deferral of the application, until such a time as a site plan application is submitted and received by City staff.



**Prepared and Submitted by:**



Sara Rogers, CPT  
Planner I

**Approved by:**



Terrance Glover, M.C.I.P, R.P.P., CPT  
Planner II

**2 Woodburn Avenue**

**B-01/16SC,  
B-02/16SC &  
A-08/16**

**60.84.2021,  
60.84.2022 &  
60.81.5052**

**Munro, Elaine**

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**Subject:** FW: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

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**From:** Nunes, Paul (MTO) [mailto:]  
**Sent:** Wednesday, December 30, 2015 8:54 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

Hi Elaine,

Re: 2 & 2A Woodburn Avenue, St. Catharines, ON  
File Nos. 60.81.5052 / 60.84.2021 / 60.84.2022  
Submission Nos. A-08/16 / B-01/16SC / B-02/16SC

After review, please be advised that the Ministry of Transportation has no objection to the Minor Variance Application A-08/16, and consent applications B-01/16SC & B-02/16SC, as the subject properties are outside of the MTO permit control area for Hwy 406 in St. Catharines.

Should you have any further questions, please do not hesitate to call me.

Regards,

**Paul Nunes**

Corridor Management Officer

**Ministry of Transportation**

159 Sir William Hearst Avenue (Formally 1201 Wilson Ave, Building D), 7th Floor,  
Toronto, Ontario M3M 0B7

Tel:

Email:



Ontario

**Munro, Elaine**

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**Subject:** FW: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

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**From:** Doug Crown [mailto:]

**Sent:** Wednesday, December 16, 2015 1:01 PM

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

**Subject:** RE: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

1. 15 Pelham Road – Minor Variance Application – A-105/15 – 60.81.5043 No Issue or concerns
2. 2 Woodburn Avenue – Consent Applications – B-01/16SC (60.84.2021) & B-02/16SC (60.84.2022) & Minor Variance for Part 1– A-06/16 (60.81.5050) No Issue or concerns
3. 10 Spring Garden Blvd - Consent Application – B-03/16SC – 60.84.2023 No Issue or concerns  
10 Spring Garden Blvd – Minor Variance Application – A-04/16 – 60.81.5048 No Issue or concerns  
10A Spring Garden Blvd – Minor Variance Application – A-03/16 – 60.81.5047 No Issue or concerns
4. 260 Oakdale Avenue – Minor Variance Application – A-02/16 – 60.81.5046 No Issue or concerns

**DOUG CROWN**

Network Planner

Network Evolution

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



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December 21, 2015

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

Attention: Elaine Munro

File# 60.84.2021, 60.84.2022 & 60.81.5052

Re: 2 & 2A Woodburn Ave

In response to your correspondence(s) dated December 15, 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

RPT	ISSUE	INFO	P.D.S
		REFERRED TO	INIT.
		E. MUNRO	
DATE REC'D →		DEC 29 2015	SCAN <input type="checkbox"/>
FILE NO			

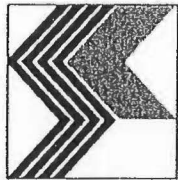
- C22.3 No. 7- 10 Underground Systems

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 flourish at the end.

Scott Beaudrie  
Supervisor, Engineering Design



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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, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: December 30, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – January 06, 2016 hearing - File No.: 300-036**

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**B-01/16SC – 2 Woodburn Avenue**

Comment:  
No Comment

Condition:  
No Comment

**B-02/16SC – 2 Woodburn Avenue**

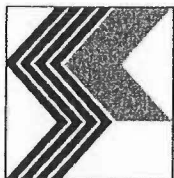
Comment:  
No Comment.

Condition:  
No Comment

**B-03/16SC – 10 Spring Garden Boulevard**

Comment:  
No Comment.

Condition:  
The existing shed on Part 1 is shown to be removed. If the shed area exceeds 10 square metres in floor area, a permit to demolish the 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.



## Memorandum

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

Cc: B. Thiessen, Sara Rogers, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: December 30, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – January 06, 2016 hearing - File No.: 300-010**

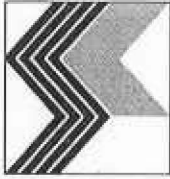
NO.	ADDRESS	COMMENTS
A-105/15	15 Pelham Road	Please be advised that a permit is required for the proposed dwelling units.
A-02/16	260 Oakdale Avenue	Please be advised that a permit is required for the proposed sea containers.
A-03/16	10A Spring Garden Blvd	Please be advised that a permit is required for the proposed dwelling and for the demolition of the shed if it has an area greater than 108 square feet. 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-04/16	10 Spring Garden Blvd	Please be advised that a permit is required for the demolition (or partial demolition) of the existing attached garage. The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for the wall and glazed openings facing the new south property line meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-08/16	2A Woodburn Avenue	No Comment

Mark Lepp, Building Inspector II

Cc: Files, 300-010

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## Memorandum

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**To:** Sara Rogers, Planning & Building Services  
Terrance Glover, Planning & Building Services  
**CC:** Elaine Munro, Planning & Building Services  
Judy Pihach, Planning & Building Services  
**From:** Kristen Sullivan, Parks, Recreation & Culture Services  
**Date:** December 18, 2015  
**Subject:** Notice of Hearing: Consent to Sever  
Address: 2 Woodburn Ave.  
File No: 60.84.2021 and 60.84.2022

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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 \$433.00 for the placement of a boulevard tree, in accordance with the 2016 Schedule of Rates and Fees for each of the new lots created (Part 1 and Part 2).

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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**Subject:** FW: Committee of Adjustment Notices and Applications for the January 6/16 CofA Hearing  
**Attachments:** Pelham\_15\_81.5043.doc; Woodburn\_2\_84.2021\_2022.doc

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**From:** Sullivan, Kristen  
**Sent:** Monday, December 21, 2015 4:32 PM  
**To:** Rogers, Sara <srogers@stcatharines.ca>; Glover, Terrance <tglover@stcatharines.ca>  
**Cc:** Munro, Elaine <emunro@stcatharines.ca>; Pihach, Judy <jpihach@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications for the January 6/16 CofA Hearing

PRCS has no comments on the following applications:

- 2A Woodburn Ave (minor variance)
- 10 Spring Garden Blvd (minor variance)
- 10A Spring Garden Blvd (minor variance)
- 260 Oakdale Ave (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

**Cc:** Development Technologist

**From:** Steve Bittner  
Transportation Technologist

**Date:** December 17, 2015

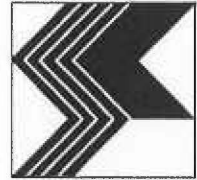
**Subject:** Committee of Adjustment  
Public Hearings – January 16, 2016  
File No. 305-17-01

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Upon review of the applications, we have no concerns or requirements. 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-01/16SC



December 16, 2015

ENGINEERING FILE 300-36

Hearing Date: January 6, 2016

Applicant: Cairnwood Developments Inc.

Location: 2 Woodburn Avenue

**MUNICIPAL SERVICES**      **Woodburn Avenue**

Water: 200mm (8")

Sanitary Sewer: 250mm (10")

Storm Sewer: None available

Sidewalks: No

Road Allowance Width: 12.2m±

**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 2A Woodburn Avenue. A remnant parcel (Parts 2&3) would be retained for continued residential use. The application would allow each unit of the 2-storey townhouse dwelling currently under construction to be owned and/or sold separately. There is a current consent application B-02/16SC and a minor variance application A-08/16SC.

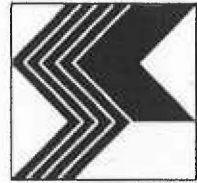
The current lot has been previously serviced to accommodate the three 2-storey townhouse dwellings with separate services therefore no further services are required. The current lot has also been previously accommodated to address grading and drainage through a previous building permit application. No further grading and drainage approvals are required.

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

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

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-02/16SC**



December 16, 2015

**ENGINEERING FILE 300-36**

**Hearing Date:** January 6, 2016

**Applicant:** Cairnwood Developments Inc.

**Location:** 2 Woodburn Avenue

**MUNICIPAL SERVICES**      **Woodburn Avenue**

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

**Sanitary Sewer:** 250mm (10")

**Storm Sewer:** None available

**Sidewalks:** No

**Road Allowance Width:** 12.2m±

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

**Comment(s):**

It is noted that the Applicant proposes to sever Part 2 creating a new lot to be known as 2B Woodburn Avenue. A remnant parcel (Part 3) would be retained for continued residential use. The application would allow each unit of the 2-storey townhouse dwelling currently under construction to be owned and/or sold separately. There is a current consent application B-01/16SC.

The current lot has been previously serviced to accommodate the three 2-storey townhouse dwellings with separate services therefore no further services are required. The current lot has also been previously accommodated to address grading and drainage through a previous building permit application. No further grading and drainage approvals are required.

**Condition(s):**

Development Engineering Services have no further comment and have no objection to the approval of this severance application.

**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 I  
Terrence Glover, Planner II  
Judy Pihach, Manager of Planning Services

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

**Date:** December 16, 2015

**Hearing Date:** January 06, 2016

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-02/16SC – 260 Oakdale Avenue  
A-03/16SC – 10A Spring Garden Boulevard  
A-04/16SC – 10 Spring Garden Boulevard  
A-05/16SC – 582 Ontario Street  
A-08/16SC – 2A Woodburn Avenue  
A-105/15SC – 15 Pelham Road

---

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:

260 Oakdale Avenue

- The Applicant finalize the outstanding building permit application on file with the City of St. Catharines (2004 000979 000 00 IL) regarding the rebuilding of previously damaged exterior wall and roof to the existing building.

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



CITY OF  
ST. CATHARINES

## Revised Technical Report

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

**Date of Report:** December 31, 2015

**Date of Meeting:** January 6, 2015

**Submission(s):** B-01/16SC  
B-02/16SC  
A-08/16

**File:** 60.84.2021  
60.84.2022  
60.81.5052

**Subject:** 2 Woodburn Avenue  
2A Woodburn Avenue  
2B Woodburn Avenue

### Proposal

Application **B-01/16SC** is made for consent to a partial discharge of mortgage and for consent to sever 276 m<sup>2</sup> of land (Part 1 on the submitted sketch) creating a new lot to be known as 2A Woodburn Avenue. A 496 m<sup>2</sup> remnant parcel of land (Parts 2 & 3) would be retained for continued residential use.

Application **B-02/16SC** is made for consent to a partial discharge of mortgage and for consent to sever 222 m<sup>2</sup> of land (Part 2 on the submitted sketch) creating a new lot to be known as 2B Woodburn Avenue. A 274 m<sup>2</sup> remnant parcel of land (Part 3) would be retained for continued residential use.

Application **A-08/16** is made pertaining to the City of St. Catharines Bylaw 2013-283 for an increase of the maximum lot area per dwelling from 270 m<sup>2</sup> to 276 m<sup>2</sup>.

### Recommendation

That Submission **B-01/16SC** by Cairnwood Developments Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That payment of 5% of the appraised value of the new lot (Part 1) 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'. The appraisal shall be completed by a qualified appraiser.
2. That the applicant submits a payment of \$433.00 for boulevard tree contribution, in accordance with the 2016 Schedule of Rates and Fees.

3. That final approval for all necessary minor variance applications be received.

That Submission **B-02/16SC** by Cairnwood Developments Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That payment of 5% of the appraised value of the new lot (Part 2) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser.
2. That the applicant submits a payment of \$433.00 for boulevard tree contribution, in accordance with the 2016 Schedule of Rates and Fees.
3. That final certificate for submission **B-01/16SC** be issued, and the deed registered.

That Submission **A-08/16** by Cairnwood Developments Inc., as outlined in the Notice of Hearing, be approved.

## Summary

The purpose of these applications is to facilitate the creation of two new lots, for a total of three lots on the subject lands.

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 Garden City Plan and Zoning By-law are being maintained.

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

## Background

Application **A-65/14** was made in August of 2014 for two minor variances. The first variance requested a reduction of the minimum lot area per dwelling unit provision of the Low Density Residential – Traditional Neighbourhood (R2) zone for townhouse dwellings from 280m<sup>2</sup> to 222m<sup>2</sup>. The second variance requested an increase of the maximum lot area per dwelling unit provision of the Medium Density Mixed Use (M1) zone for townhouse dwellings from 250m<sup>2</sup> to 270m<sup>2</sup>. Staff was supportive of this application as the proposed development represented modest intensification in accordance with the growth management policies of the Garden City Plan. At the

September 16, 2014 Committee of Adjustment hearing, the Committee granted approval of the requested variances.

## **Planning Context**

### **Location**

The subject properties are located on the west side of Woodburn Avenue, south of Queenston Street. The property is surrounded by townhouse dwellings to the south and east, and single detached dwellings 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 to 32 units per hectare, subject to the policies of the GCP.

### **Zoning By-law**

The northerly portion of the subject land is zoned Medium Density Mixed Use (M1) pursuant to By-law 2013-283, which permits a variety of uses including townhouses. The southerly portion of 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 townhouses.

## **Report**

### **Consents to Create Two (2) New Lots**

The severances are proposed to permit each unit of the ultimate three unit townhouse building, currently under construction, to be owned and/or sold separately.

The GCP encourages many forms of residential development including infill and intensification, as the City develops outward towards its growth boundaries. Staff is supportive of modest intensification in accordance with the policies of the GCP (Section 2.3.3). In the opinion of staff, the proposed consents meet the general intent and purpose of the intensification and density policies of the GCP.

The size and shape of the proposed parcels are appropriate for the use proposed and are compatible with the surrounding area (Section 16.11.3). Building, site and streetscape context sensitive design of the development have minimized adverse impacts on adjacent properties with regard to grading, drainage, and location and design of service utilities (Section 7.1 (c)). This was accomplished through the building permit process.

### **Variance to Increase Maximum Lot Area**

This variance is requested to facilitate consent application **B-01/16SC** to create the new lot shown as Part 1 on the submitted sketch. Application **A-65/14** was approved on September 16, 2014, to permit an increase of the maximum lot area per dwelling unit provision of the M1 zoning from 250m<sup>2</sup> to 270m<sup>2</sup>. After construction of the foundation of the three unit townhouse dwelling and the subsequent surveying to produce the land

division sketch accompanying the subject applications, the area of Part 1 was found to be 276m<sup>2</sup>. Another variance is now required to permit a further increase in the maximum lot area for Part 1. Staff is satisfied that approval of this variance is still in keeping with the policies of the GCP, and that it meets the intent and purpose of the zoning by-law. The development remains desirable for the appropriate development of the land. The variance is considered minor in nature.

As a condition of consent, the applicant will be required to pay parkland dedication in an amount equal to 5% of the appraised value of the two (2) new lots, pursuant to subsection 51.1 (3) of the Planning Act and Parkland Dedication By-law 74-72 as amended. Additionally, payment for boulevard tree contribution will be required for each of the new lots created.

## Conclusion

The proposed consents are desirable and compatible with the surrounding area, and create parcels of appropriate size and shape for the use proposed. The consents generally conform to the Garden City Plan. Staff is satisfied that the requested variance is appropriate and desirable for the use of the land and that it meets the intent and purpose of the GCP and Zoning By-law. Due regard has been had to subsection 51 (24) and subsection 45 (1) of the Planning Act.

Staff recommends that the requested consents be approved, subject to the conditions outlined in the recommendation. Staff recommends that the variance be approved.

### Prepared and Submitted by:



Sara Rogers, CPT  
Planner I

### Approved by:



Terrance Glover, M.C.I.P., R.P.P., CPT  
Planner II





# **10 Spring Garden Boulevard**

**B-03/16SC,  
A-03/16 &  
A-04/16**

**60.84.2023,  
60.81.5047 &  
60.81.5048**



**NIAGARA PENINSULA  
CONSERVATION  
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

December 22, 2015

File No. MPR 2.13 & 3.13

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

Attn: Elaine Munro, Secretary-Treasurer

Subject: A-03/16, A-04/16 and B-03/16SC  
10 Spring Garden Boulevard, St. Catharines

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

The consent application (B03/15SC) has been made to sever 1,052.3 m<sup>2</sup> of land (Part 1) creating a new lot to be known as 10A Spring Garden Boulevard for the purpose of construction a single detached dwelling. A 853.4 m<sup>2</sup> remnant parcel with the existing single detached dwelling and modified attached garage would be retained for continued residential use. The variance application A-03/16 has been made for an increase of maximum lot area per dwelling unit from 490 m<sup>2</sup> to 1,052.3 m<sup>2</sup> (Part 1). Application A-04/16 has been made for an increase of the maximum lot area per dwelling unit from 490 m<sup>2</sup> to 853.4 m<sup>2</sup> (Part 2).

#### **Niagara Peninsula Conservation Authority Regulations:**

The subject property is located adjacent to Spring Garden Creek and impacted by the associated floodplain. It is the Conservation Authority's mandate to ensure protection to life and property for development in or adjacent to flood prone areas and erosion hazards. As such, this property would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (**O. Reg. 155/06**). In accordance with policy 4.2, no new development, including lot creation, is permitted within the limit of the Regulatory Floodplain. The Regulatory Floodplain elevation for this section of the Creek is 83.48 metres. The subject applications show the proposed lot (Part 1) to be located outside of the Regulatory Floodplain (above 83.48 metres).

This section of the Creek has been identified by the Ministry of Natural Resources and Forestry (MNRF) as Type 2 (Important) Fish Habitat. A development setback buffer of 15 metres measured from the edge of the watercourse is required for all new development. The proposed lot (Part 1) is located more than 15 metres from the bankfull channel of the watercourse.

NPCA mapping identifies that the property is impacted by a valley slope associated with the Creek. NPCA staff conducted a site visit on October 8, 2015 and determined that the property is not impacted by a valley slope.

#### **Niagara Region Natural Heritage Comments:**

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

The Region's Core Natural Heritage Mapping identifies the subject property as being an Environmental Conservation Area (ECA) for Valley Shoreline. Policy 7.B.1.11 of the Region's Policies permits development within and adjacent to (within 50 metres) an ECA if it has been demonstrated that there will be no significant negative impact to the Core Natural Heritage System. NPCA staff are satisfied that since the property is not considered a regulated valley, and since the proposed development is located no closer to the feature than the existing development, there will be no significant negative impact on the ECA feature.

**Conclusion:**

Based on the above, the NPCA offers no objections to the proposed severance and reduction in minimum lot area.

Lastly, due to the features identified on the properties, any future works proposed on either property will require NPCA review and approval prior to the commencement of the works on site and any works proposed within a regulated feature or its buffer may require a work permit from this office, as well as further studies, 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.

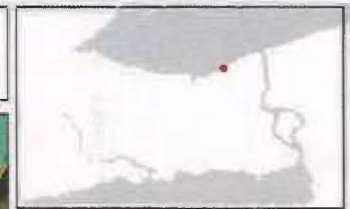
Yours truly,



Taya Devlin  
Watershed Planner (ext. 262)

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





### Legend

- Contours 2010 (1m)
- Corporate Watershed Divide N
- NPCA APPROXIMATE REGULATED FLOODPLAIN EXTENT
  - Advisory (CWR)
  - Regulated
- Top of Slope Features
  - Stable
  - Unstable
- Ontario Road Network
  - Major Highways
  - Arterial Roads
  - Local Roads
- Assessment Parcels
  - Niagara Fisheries Database Si
- Aquatic Species at Risk (DFO)
  - Protected under SARA (EX, EN, Tr)
  - To be listed in 1yr+ (En, TH)
  - All Special Concern Species (Sch.)
- Fish Habitat Reaches
  - 'Critical' Type 1
  - 'Important' Type 2
  - 'Marginal' Type 3
- 2K HydroPoly
- 2K Hydrography
- AIRPORTS

1: 1,000



50.8 0 25.40 50.8 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

December 21, 2015

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

Attention: Elaine Munro

File# 60.84.2023, 60.81.5047 & 60.81.5048

Re: 10 & 10A Spring Garden Blvd

In response to your correspondence(s) dated December 15, 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

RPT	STATUS	INFO	P.D.S	
			REFERRED TO	INIT.
			B. MUNRO	
DATE REC'D →		DEC 29 2015		SCAN <input type="checkbox"/>
FILE NO				



- 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 large, stylized flourish at the end.

Scott Beaudrie  
Supervisor, Engineering Design

**Munro, Elaine**

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**Subject:** FW: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

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**From:** Doug Crown [mailto: ]

**Sent:** Wednesday, December 16, 2015 1:01 PM

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

**Subject:** RE: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

1. 15 Pelham Road – Minor Variance Application – A-105/15 – 60.81.5043 No Issue or concerns
2. 2 Woodburn Avenue – Consent Applications – B-01/16SC (60.84.2021) & B-02/16SC (60.84.2022) & Minor Variance for Part 1– A-06/16 (60.81.5050) No Issue or concerns
3. 10 Spring Garden Blvd - Consent Application – B-03/16SC – 60.84.2023 No Issue or concerns  
10 Spring Garden Blvd – Minor Variance Application – A-04/16 – 60.81.5048 No Issue or concerns  
10A Spring Garden Blvd – Minor Variance Application – A-03/16 – 60.81.5047 No Issue or concerns
4. 260 Oakdale Avenue – Minor Variance Application – A-02/16 – 60.81.5046 No Issue or concerns

**DOUG CROWN**

Network Planner

Network Evolution

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



The information in this message, including in all attachments, is confidential or privileged. In the event you have received this message in error and are not the intended recipient, you are hereby advised that any use, copying or reproduction of this document is strictly forbidden. Please notify immediately the sender of this error and destroy this message, including its attachments, as the case may be.

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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, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: December 30, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – January 06, 2016 hearing - File No.: 300-036**

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**B-01/16SC – 2 Woodburn Avenue**

Comment:  
No Comment

Condition:  
No Comment

**B-02/16SC – 2 Woodburn Avenue**

Comment:  
No Comment.

Condition:  
No Comment

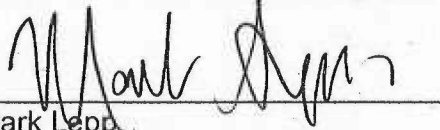
**B-03/16SC – 10 Spring Garden Boulevard**

Comment:  
No Comment.

Condition:  
The existing shed on Part 1 is shown to be removed. If the shed area exceeds 10 square metres in floor area, a permit to demolish the 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.

A portion of the existing garage that encroaches onto Part 1 must be modified to the satisfaction of the Chief building Official. A permit for the alteration of the existing garage shall be obtained from the City Building Department and completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the existing dwelling (including modified garage) meets the requirements of the Ontario Building Code with respect to the spatial separation requirements of 9.10.14. and 9.10.15. for the walls and glazed openings facing the south lot line of Part 2.

  
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  
Planning and Building Services

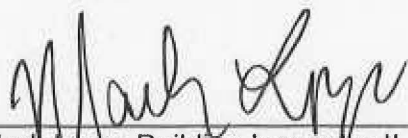
Cc: B. Thiessen, Sara Rogers, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: December 30, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – January 06, 2016 hearing - File No.: 300-010**

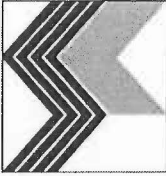
NO.	ADDRESS	COMMENTS
A-105/15	15 Pelham Road	Please be advised that a permit is required for the proposed dwelling units.
A-02/16	260 Oakdale Avenue	Please be advised that a permit is required for the proposed sea containers.
A-03/16	10A Spring Garden Blvd	Please be advised that a permit is required for the proposed dwelling and for the demolition of the shed if it has an area greater than 108 square feet. 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-04/16	10 Spring Garden Blvd	Please be advised that a permit is required for the demolition (or partial demolition) of the existing attached garage. The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for the wall and glazed openings facing the new south property line meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-08/16	2A Woodburn Avenue	No Comment

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

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## Memorandum

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**To:** Sara Rogers, Planning & Building Services  
Terrance Glover, Planning & Building Services

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

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

**Date:** December 22, 2015

**Subject:** Notice of Hearing: Consent to Sever  
Address: 10 Spring Garden Blvd.  
File No: 60.84.2023

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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 \$433.00 for the placement of a boulevard tree, in accordance with the 2016 Schedule of Rates and Fees.

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

That payment of 5% of the appraised value of the new lot (Part 1) 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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**Subject:** FW: Committee of Adjustment Notices and Applications for the January 6/16 CofA Hearing  
**Attachments:** Pelham\_15\_81.5043.doc; Woodburn\_2\_84.2021\_2022.doc

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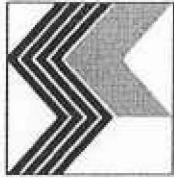
**From:** Sullivan, Kristen  
**Sent:** Monday, December 21, 2015 4:32 PM  
**To:** Rogers, Sara <srogers@stcatharines.ca>; Glover, Terrance <tglover@stcatharines.ca>  
**Cc:** Munro, Elaine <emunro@stcatharines.ca>; Pihach, Judy <jpihach@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications for the January 6/16 CofA Hearing

PRCS has no comments on the following applications:

- 2A Woodburn Ave (minor variance)
- 10 Spring Garden Blvd (minor variance)
- 10A Spring Garden Blvd (minor variance)
- 260 Oakdale Ave (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

**Cc:** Development Technologist

**From:** Steve Bittner  
Transportation Technologist

**Date:** December 17, 2015

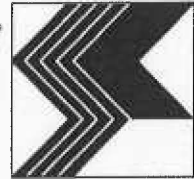
**Subject:** Committee of Adjustment  
Public Hearings – January 16, 2016  
File No. 305-17-01

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Upon review of the applications, we have no concerns or requirements. 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-03/16SC



December 16, 2015

ENGINEERING FILE 300-36

Hearing Date: January 6, 2016

Applicant: Vince & Marco Torelli

Location: 10 Spring Garden Boulevard

**MUNICIPAL SERVICES** Spring Garden Boulevard

Water: 150mm (6") A.C.

Sanitary Sewer: 200mm (8") 3.0m+ deep

Storm Sewer: None Available

Sidewalks: None

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 1 creating a new lot to be known as 10A Spring Garden Boulevard for the purpose of constructing a single detached dwelling. A remnant parcel (Part 4) with the existing single detached dwelling and modified attached garage would remain for continued residential use. There are concurrent minor variance applications A-03/16SC & A-04/16SC.

**Roads**

This section of Spring Garden Boulevard is in a semi-urban cross-section condition, where road-side ditches convey stormwater flows collected from the road surface through driveway culverts to a sufficient outlet. The applicant will be required to pay to the City the fee for the installation of a driveway culvert for the proposed dwelling, at the time of Building Permit application.

**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 in place. 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 does not adversely affect abutting properties.

Condition(s): Development Engineering Services do not have any further comments or conditions to impose at this time, and have no objection to the approval of this consent application.

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 I  
Terrence Glover, Planner II  
Judy Pihach, Manager of Planning Services

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

**Date:** December 16, 2015

**Hearing Date:** January 06, 2016

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-02/16SC – 260 Oakdale Avenue  
A-03/16SC – 10A Spring Garden Boulevard  
A-04/16SC – 10 Spring Garden Boulevard  
A-05/16SC – 582 Ontario Street  
A-08/16SC – 2A Woodburn Avenue  
A-105/15SC – 15 Pelham Road

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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:

260 Oakdale Avenue

- The Applicant finalize the outstanding building permit application on file with the City of St. Catharines (2004 000979 000 00 IL) regarding the rebuilding of previously damaged exterior wall and roof to the existing building.

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 31, 2015

**Date of Meeting:** January 6, 2016

**Submission(s):** B-03/16SC  
A-03/16  
A-04/16

**File:** 60.84.2023  
60.81.5047  
60.81.5048

**Subject:** 10 Spring Garden Boulevard  
10A Spring Garden Boulevard

### Proposal

Application **B-03/16SC** is made for consent to a partial discharge of mortgage and for consent to sever 1052.3 m<sup>2</sup> of land (Part 1 on the submitted sketch) creating a new lot to be known as 10A Spring Garden Boulevard for the purpose of constructing a single detached dwelling. A 853.4 m<sup>2</sup> remnant parcel with the existing single detached dwelling and modified attached garage would be retained for continued residential use.

Application **A-03/16** (Part 1) is made pertaining to the City of St. Catharines By-law 2013-283 for an increase of the maximum lot area per dwelling unit from 490 m<sup>2</sup> to 1052.3 m<sup>2</sup>.

Application **A-04/16** (Part 2) is made pertaining to the City of St. Catharines By-law 2013-283 for an increase of the maximum lot area per dwelling unit from 490 m<sup>2</sup> to 853.4 m<sup>2</sup>.

### Recommendation

That Submission **B-03/16SC** by Vince Torelli and Marco Torelli, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That payment of 5% of the appraised value of the new lot (Part 1) 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'. The appraisal shall be completed by a qualified appraiser.
2. That the applicant submits a payment of \$433.00 for boulevard tree contribution, in accordance with the 2016 Schedule of Rates and Fees.



3. The existing shed shown on Part 1 of the submitted sketch must be removed to the satisfaction of the Chief Building Official for the City of St. Catharines.
4. The existing attached garage on Parts 1 and 2 of the submitted plan must be altered so as to be located on Part 2 only without encroaching onto Part 1. The alteration must be to the satisfaction of the Chief Building Official for the City of St. Catharines and meet applicable zoning standards.
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 10 Spring Garden Boulevard 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 approval for all necessary minor variances be received.

That Submission **A-03/16** by Jason Vince Torelli and Marco Torelli, as outlined in the Notice of Hearing, be approved subject to the following condition:

1. That the parking area in the front yard be located within 11.0 metres of the northerly lot line of Part 1.

That Submission **A-04/16** by Vince Torelli and Marco Torelli, as outlined in the Notice of Hearing, be approved.

## **Summary**

The purpose of these applications is to facilitate the creation of a new lot for the purpose of constructing a single detached dwelling.

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 general intent and purpose of the Garden City Plan and Zoning By-law are being maintained.

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

## **Background**

### **Planning Context**

#### **Location**

The subject property is located on the southeast side of Spring Garden Boulevard, north of Lakeshore Road. The property is surrounded by single detached dwellings in all directions.

### **Official Plan**

The Garden City Plan (GCP) designates the westerly portion of the subject lands as Low Density Residential, which permits a variety of residential dwelling types at a density generally between 20 and 32 units per hectare, subject to the policies of the Garden City Plan. The easterly portion of the lands is designated as Natural Areas, which permits passive recreation, and conservation uses.

### **Zoning By-law**

The westerly portion of the subject lands is zoned Low Density Residential – Suburban Neighbourhood (R1) pursuant to By-law 2013-283, which permits a variety of residential dwelling types including single detached dwellings. The easterly portion of the lands is zoned Conservation/Natural Area (G1) which permits essential operations for service infrastructure and utilities, trails, picnic shelters, and boat ramps.

## **Report**

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 (Section 2.3.3). Staff must evaluate proposed development based on the land use policies of the GCP. These policies state that each development should be integrated compatibly with adjacent buildings, properties, and the surrounding neighbourhood with respect to building form, setbacks, and siting. Adverse impacts on adjacent properties should be minimized with regard to drainage, access and circulation, parking, and privacy (Section 7.1 (c)).

### **Consent for New Lot**

The proposed consent will result in the creation of a lot that is suitable for the use proposed, and that is compatible with the suburban residential character of the surrounding neighbourhood. The proposed dwelling will help to provide a continuous streetscape. Adverse impacts on adjacent properties due to drainage will be minimized at the building permit stage when a lot drainage plan is submitted to the Development Technologist for review and approval.

Staff received a comment on behalf of an abutting landowner which included a request to impose a condition restricting the proposed new dwelling to one storey. The provisions of the R1 zoning restrict height to a maximum of 11 metres. Although the surrounding existing development consists of one-storey dwellings, these existing lots are subject to the same R1 height restriction of a maximum of 11 metres and so any of the lots could build or renovate a home to this maximum height. Staff sees no reason to restrict the height on the new lot further than the applicable zoning.

The increased density on the subject lands implements the GCP. Staff is satisfied that the proposal is consistent with GCP policies and that it meets the criteria of subsection 51 (24) of the Planning Act.

**Variances to Increase Maximum Lot Area**

Variances for an increase in maximum lot area are requested for both the remnant parcel (Part 2), and for the proposed new lot (Part 1). These variances are required as a result of the proposed severances. The surrounding lots are of similar size so the character of the neighbourhood would be maintained. Although the proposed lot areas exceed the maximum defined by zoning, they are a reduction of the existing lot area and would therefore bring the subject lands closer to conformity with the maximum lot area requirement of the Zoning By-law (By-law 2013-283). The intent of the maximum lot area requirement is to implement the density range set by GCP land use policies. The density of the subject lands is currently below the target ranges stipulated in the GCP but the new lot sizes will bring the area closer to conformity. The variances are desirable for the appropriate use of the land.

Staff notes the irregular southern lot line of the subject lands and so has recommended a condition restricting parking area location to help preserve the streetscape and minimize adverse impacts on adjacent properties due to access.

Staff is satisfied that due regard has been had for subsection 45 (1) of the Planning Act with respect to all proposed variances.

As a condition of consent, the applicant will be required to pay parkland dedication in an amount equal to 5% of the appraised value of the new lot, pursuant to subsection 51.1 (3) of the Planning Act and Parkland Dedication By-law 74-72 as amended. Additionally, payment for boulevard tree contribution on the new lot will be required.

The applicant is advised that a permit is required for the proposed single detached dwelling.

The applicant is advised that the existing shed located on Part 1 of the submitted sketch must be removed to the satisfaction of the Chief Building Official. If the area of the shed exceeds 10m<sup>2</sup>, a permit to demolish will be required. Staff notes that the shed may be relocated to Part 2 in accordance with the Zoning By-law.

A permit will be required for the alteration of the attached garage on Parts 1 and 2 of the submitted sketch.

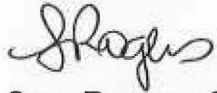
The applicant is advised that the design for the grading and servicing will be completed through the Building Permit application process. Individual lot drainage plans are a requirement for review and approval.

**Conclusion**

Staff is satisfied that the proposed consent permits a new lot that is compatible with the surrounding neighbourhood and suitable for the proposed single detached dwelling. The proposed variances are desirable for the appropriate development of the land, meet the general intent of the Official Plan and Zoning By-law, and thus are minor in nature. Due regard has been had to the criteria under subsections 51 (24) and 45 (1) of the

Planning Act. Staff recommends granting the requested consent and variances, subject to the conditions outlined in the recommendation.

**Prepared by and Submitted by:**



Sara Rogers, CPT  
Planner 1

**Approved by:**



Terrance Glover, M.C.I.P, R.P.P., CPT  
Planner II

**260 Oakdale Avenue**

**A-02/16**

**60.81.5046**

**Munro, Elaine**

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**Subject:** FW: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

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**From:** Nunes, Paul (MTO) [mailto:]  
**Sent:** Wednesday, December 30, 2015 9:06 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

Hi Elaine,

Re: 260 Oakdale Avenue, St. Catharines, ON  
File No. 60.81.5046  
Submission No. A-02/16

After review, please be advised that the Ministry of Transportation has no objection to the Minor Variance Application A-02/16, as the subject property is outside of the MTO permit control area for Hwy 406 in St. Catharines.

Should you have any further questions, please do not hesitate to call me.

Regards,

**Paul Nunes**

Corridor Management Officer

**Ministry of Transportation**

159 Sir William Hearst Avenue (Formally 1201 Wilson Ave, Building D), 7th Floor,  
Toronto, Ontario M3M 0B7

Tel:

Email: [Paul.Nunes@ontario.ca](mailto:Paul.Nunes@ontario.ca)



Ontario



**Munro, Elaine**

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**Subject:** FW: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

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**From:** Doug Crown [mailto:]

**Sent:** Wednesday, December 16, 2015 1:01 PM

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

**Subject:** RE: Notices of Hearing for January 6/16 Hearing - City of St. Catharines

1. 15 Pelham Road – Minor Variance Application – A-105/15 – 60.81.5043 No Issue or concerns
2. 2 Woodburn Avenue – Consent Applications – B-01/16SC (60.84.2021) & B-02/16SC (60.84.2022) & Minor Variance for Part 1– A-06/16 (60.81.5050) No Issue or concerns
3. 10 Spring Garden Blvd - Consent Application – B-03/16SC – 60.84.2023 No Issue or concerns  
10 Spring Garden Blvd – Minor Variance Application – A-04/16 – 60.81.5048 No Issue or concerns  
10A Spring Garden Blvd – Minor Variance Application – A-03/16 – 60.81.5047 No Issue or concerns
4. 260 Oakdale Avenue – Minor Variance Application – A-02/16 – 60.81.5046 No Issue or concerns

**DOUG CROWN**

Network Planner

Network Evolution

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



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**Rogers, Sara**

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**From:** Melin, Nathan  
**Sent:** Monday, January 04, 2016 4:51 PM  
**To:** Rogers, Sara  
**Cc:** Munro, Elaine  
**Subject:** RE: Committee of Adjustment Notices and Applications for the January 6/16 CofA Hearing

Sara,

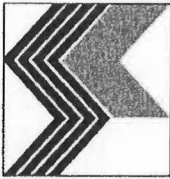
I attended the site today to observe the placement of the existing sea containers. Fire Services has no objection to the placement of 3 additional sea containers.

Thanks,

Nathan

**Nathan Melin**  
Senior Inspector  
**Email:** [nmelin@stcatharines.ca](mailto:nmelin@stcatharines.ca)  
**Tel:** 905.688.5601 x4208

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## Memorandum

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

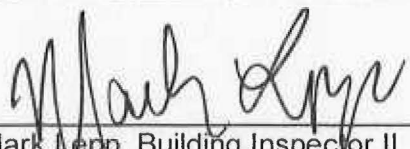
Cc: B. Thiessen, Sara Rogers, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: December 30, 2015

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – January 06, 2016 hearing - File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-105/15	15 Pelham Road	Please be advised that a permit is required for the proposed dwelling units.
A-02/16	260 Oakdale Avenue	Please be advised that a permit is required for the proposed sea containers.
A-03/16	10A Spring Garden Blvd	Please be advised that a permit is required for the proposed dwelling and for the demolition of the shed if it has an area greater than 108 square feet. 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-04/16	10 Spring Garden Blvd	Please be advised that a permit is required for the demolition (or partial demolition) of the existing attached garage. The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for the wall and glazed openings facing the new south property line meets the requirements of subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code.
A-08/16	2A Woodburn Avenue	No Comment

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

g:\pbs-building & development\committee of adjustment\ldg memo 2016\01 bcoa memo-mv-January 06, 2016.docx

## **Munro, Elaine**

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**Subject:** FW: Committee of Adjustment Notices and Applications for the January 6/16 CofA Hearing  
**Attachments:** Pelham\_15\_81.5043.doc; Woodburn\_2\_84.2021\_2022.doc

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**From:** Sullivan, Kristen  
**Sent:** Monday, December 21, 2015 4:32 PM  
**To:** Rogers, Sara <srogers@stcatharines.ca>; Glover, Terrance <tglover@stcatharines.ca>  
**Cc:** Munro, Elaine <emunro@stcatharines.ca>; Pihach, Judy <jpihach@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications for the January 6/16 CofA Hearing

PRCS has no comments on the following applications:

- 2A Woodburn Ave (minor variance)
- 10 Spring Garden Blvd (minor variance)
- 10A Spring Garden Blvd (minor variance)
- 260 Oakdale Ave (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

**Cc:** Development Technologist

**From:** Steve Bittner  
Transportation Technologist

**Date:** December 17, 2015

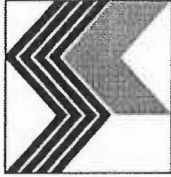
**Subject:** Committee of Adjustment  
Public Hearings – January 16, 2016  
File No. 305-17-01

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





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## Memorandum

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

**Cc:** Sara Rogers, Planner I  
Terrence Glover, Planner II  
Judy Pihach, Manager of Planning Services

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

**Date:** December 16, 2015

**Hearing Date:** January 06, 2016

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-02/16SC – 260 Oakdale Avenue  
A-03/16SC – 10A Spring Garden Boulevard  
A-04/16SC – 10 Spring Garden Boulevard  
A-05/16SC – 582 Ontario Street  
A-08/16SC – 2A Woodburn Avenue  
A-105/15SC – 15 Pelham Road

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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:

260 Oakdale Avenue

- The Applicant finalize the outstanding building permit application on file with the City of St. Catharines (2004 000979 000 00 IL) regarding the rebuilding of previously damaged exterior wall and roof to the existing building.

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

**Munro, Elaine**

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**Subject:** FW: Notices of Hearing for January 6/16 Hearing - City of St. Catharines - 260 Oakdale Ave. and 582 Ontario St.

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**From:** Vasko, Dennis

**Sent:** Wednesday, December 16, 2015 8:30 AM

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

**Subject:** RE: Notices of Hearing for January 6/16 Hearing - City of St. Catharines - 260 Oakdale Ave. and 582 Ontario St.

Hi Elaine,

There are no concerns with these containers being placed on 260 Oakdale in respect to the property being adjacent to the Golf Course which is a former landfill.

Dennis

**Dennis Vasko**

Fill Site Technician

**Email:** [dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)

**Tel:** 905.688.5601 x2163

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CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** December 31, 2015

**Date of Meeting:** January 6, 2016

**Submission:** A-02/16

**File:** 60.81.5046

**Subject:** 260 Oakdale Avenue

### Proposal

Application A-02/16 is made for permission to enlarge an existing legal non-conforming use by permitting 5 sea containers for storage purposes accessory to the primary legal non-conforming use (auto repair/body).

### Recommendation

That Submission **A-02/16** by Brent Allan Superka, as outlined in the Notice of Hearing, be denied.

### Summary

The purpose of this application is to permit the enlargement of a legal non-conforming use.

Having regard for the matters under subsection 45 (2) (a) (i) of the Planning Act, staff is not satisfied that proposed enlargement is appropriate or desirable for the subject lands.

Staff recommends that the request for permission to enlarge an existing legal non-conforming use be denied.

### Background

Application **A-07/99** was made for permission to expand the permitted uses on the property under subsection 45 (2) (a) to include vehicle sales. At the time of that application, the property was zoned Third Density Residential (R3) by Zoning By-law 62-86 which permitted a variety of residential and institutional uses but did not permit vehicle sales. Vehicle repair and auto body shop was an existing non-conforming use on the subject lands at the date of that application. Staff was supportive of the application on the basis that the sale of vehicles was a use similar to the existing legal non-conforming use and perhaps more compatible with the permitted uses of the existing zoning. The Committee of Adjustment granted permission to expand the permitted uses on January 6, 1999, subject to the condition that a six foot high privacy fence be installed around the perimeter of the property.

The Committee's decision on application **A-07/99** was appealed to the Ontario Municipal Board (OMB) by Niagara North Condominium Corporation No. 21. The effect of the OMB order (No. 0845) was that the use of vehicle sales was permitted, subject to several conditions.

Application **A-61/04** was made for permission to extend an existing legal non-conforming use by the reconstruction of the auto repair/body shop and car sales business that had been destroyed in an explosion. Staff was supportive of the application on the basis that the requested permission would not create any new impacts on adjacent properties, and that the re-construction could result in improving the establishment's appearance and safety. The Committee of Adjustment granted permission to extend the existing non-conforming use on April 21, 2004.

The Committee's decision on application **A-61/04** was appealed to the OMB by Shabri Properties Limited and Niagara North Condominium Corporation No. 152. The effect of the OMB order (No. 0107) was that the auto repair/body shop and car sales business that had been destroyed was permitted to repair damages incurred and to continue operations. The OMB order was issued on January 19, 2005. A copy of the OMB order accompanied the application.

## **Planning Context**

### **Location**

The subject property is located on the east side of Oakdale Avenue, north of Capner Street. The property is surrounded by the Garden City Golf Course to the east, single detached dwellings to the south, the Merritt Trail to the west, and apartment dwellings to the north.

### **Official Plan**

The Garden City Plan (GCP) designates the land as High Density Residential, which permits a variety of residential dwelling types at a density range generally greater than 85 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 subject to the policies of the GCP. The existing vehicle repair and auto body shops are not permitted uses; however, they existed legally prior to the passage of the current zoning by-law and so are deemed legal non-conforming uses (Section 2.16).

## **Report**

The purpose of the application is to allow the enlargement of the existing legal non-conforming vehicle repair and sales office use, by permission of additional outdoor storage in sea containers.

The existing vehicle repair and vehicle sales uses are not permitted in the current R3 zone; however, the use is legal non-conforming because the uses existed legally prior to the passage of the current zoning by-law.

Section 16.12.4 of the Garden City Plan (GCP) states that in special circumstances, it may be appropriate to consider the extension or enlargement of legal non-conforming uses provided that special efforts are made to enhance the compatibility of the uses, and to improve the amenity and design, more particularly, buffering, landscaping, parking and active transportation and vehicular circulation.

In reviewing the application staff has considered the site's function and form, as well as the existing surrounding uses, and conclude that the proposed expansion does not improve the site amenity and design, as required by the Official Plan. The proposed expansion of the use on this site by the addition of sea containers for outdoor storage intensifies the use at the expense of the abutting residential uses. In addition, the use is not appropriate or desirable for the neighbourhood over the long term perspective.

Section 16.12.3 of the GCP states that it is the intention and expectation that legal non-conforming uses shall eventually cease to exist and be replaced by uses that conform with the intent of the Plan and the zoning by-law. If the enlargement were permitted, noise, odour, dust and other nuisances that accompany the vehicle repair use would continue. The use would remain incompatible with the permitted uses established in the GCP and Zoning By-law on the surrounding lands.

## **Conclusion**

Staff is not satisfied that the proposed enlargement of a legal non-conforming use is in accordance with the policies of the Official Plan as it does not constitute an appropriate improvement to the site. It is the opinion of staff that the enlargement is not appropriate or desirable for the subject lands.

### **Prepared and Submitted by:**



Sara Rogers, CPT  
Planner I

### **Approved by:**



Terrance Glover, M.C.I.P., R.P.P., CPT  
Planner II