

***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
5. Requests for Change of Conditions for Consent Decision:
 - * 1569 Fourth Avenue, Consent Application – B-29/15SC – 60.84.1991
6. Adoption of the Minutes held December 9, 2015 and January 6, 2016
7. Application:
 1. 582 Ontario Street, Minor Variance Application – A-05/16 – 60.81.5049
 2. 22 Pine Street, Consent Application – B-04/16SC – 60.84.2024
 - 22 Pine Street, Minor Variance Application – A-06/16 – 60.81.5050
 - 24 Pine Street, Minor Variance Application – A-07/16 – 60.81.5051
 3. 57 Carlisle Street, Consent Application – B-05/16SC – 60.84.2025
 4. 24 Colton Avenue – Minor Variance Application – A-10/16 – 60.81.5054
8. New Business:
9. Adjournment

All agency comments received after the Agenda has been posted, is available by contacting Elaine Munro, Secretary-Treasurer at 905-688-5601, Ext. 1715 or emunro@stcatharines.ca

Posted on the City's website: January 22, 2016 (Agenda Only)
Reposted on the City's website: January 25, 2016 (Revised Agenda & Comments)



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 8, 2016

Date of Meeting: January 27, 2016

Submission(s): B-28/15SC
B-29/15SC

File: 60.84.1990
60.84.1991

Subject: Recommended Change of Conditions
1539 Fourth Avenue
1569 Fourth Avenue

Background

On August 5, 2015 the Committee approved Submission **B-28/15SC and B-29/15SC** by Stephen Bouw and Linda Bouw, subject to certain conditions. A copy of the staff report and severance sketch are attached for the Committee's information.

Recommendation

That the conditions 2 and 3 in the approval of Submission **B-29/15SC** be revised as follows;

2. That that the portion of land containing the single detached dwelling on Part 4 be re-zoned from Agriculture Only (A2) to Agriculture (A1) to recognize the existing dwelling.
3. That Part 5 be re-zoned from Agriculture Only (A2) to Agriculture (A1) to permit the existing dwelling and access.
4. That the zoning set out in Condition 2 and 3 recognize the reduced lot frontages.

Change of Conditions

As required by the conditions of approval, the applicant has submitted an application for the required Zoning By-law Amendment. Upon further review of the submission, staff are recommending that the conditions 2 and 3 in the approval of Submission B-29/15SC requiring a Zoning By-Law be revised. The revised wording to the conditions, as outlined in the recommendation, will place appropriate zoning on the single detached dwelling, permitting future renovations and the long term continuation of the use. The wording will maintain the intent and purpose of the Official Plan and Provincial Policy Statement and will not conflict with applicable provincial plans. While staff had previously recommended this be addressed as a provision in the Agriculture Only (A2)

zone, this approach would be difficult to implement and effectively result in Agriculture (A1) zoning.

Conclusion

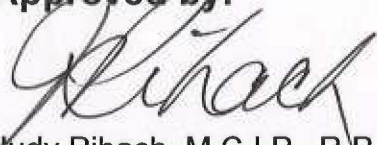
In summary, Staff remain supportive of the proposed consents as they facilitate an appropriate severance of a surplus farm dwelling. It is the opinion of Staff that the conditions of approval should be revised as per the recommendation.

Prepared and Recommended by:



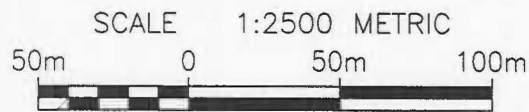
Jessica Button M.C.I.P., R.P.P.
Planner I

Approved by:

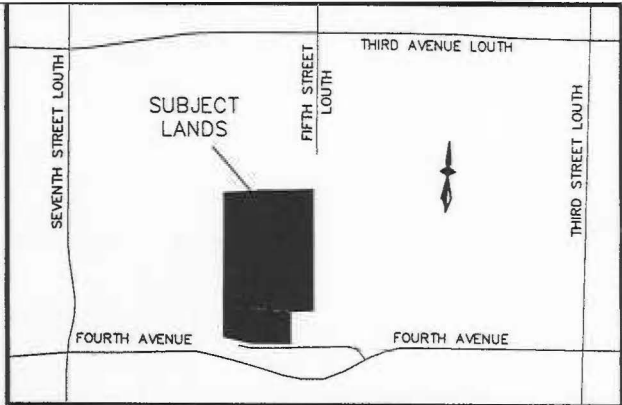


Judy Pihach, M.C.I.P., R.P.P.
Manager of Planning Services

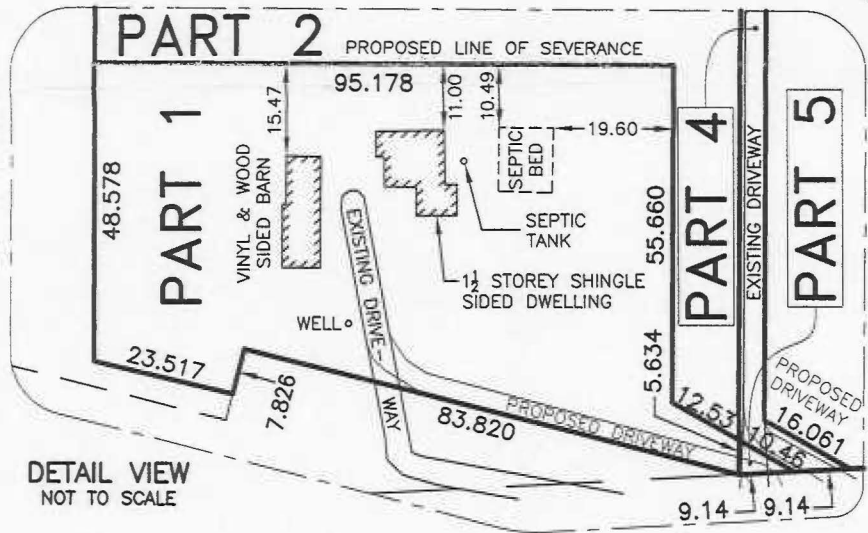
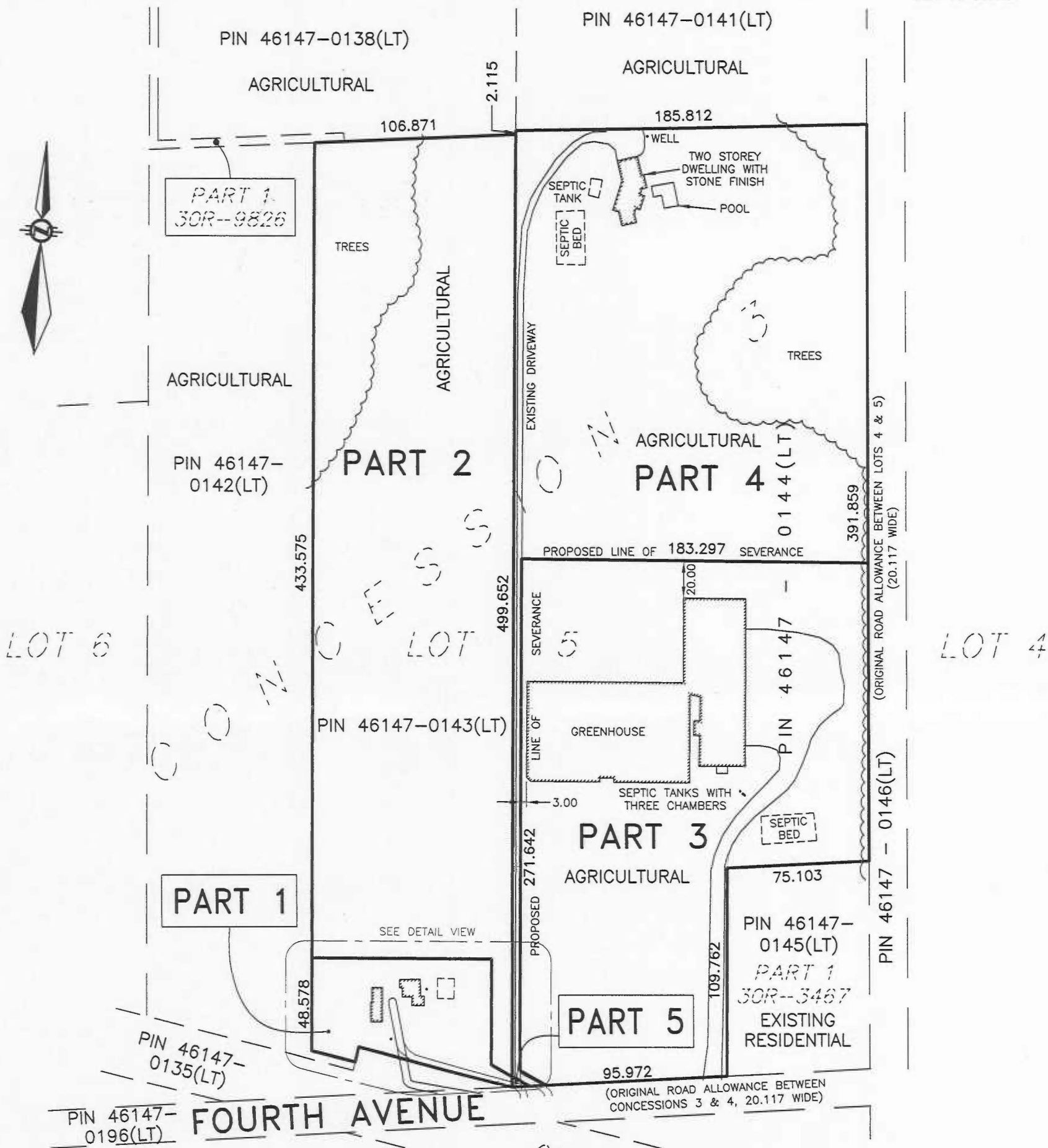
PRELIMINARY SKETCH TO ACCOMPANY AN APPLICATION UNDER THE PLANNING ACT
PART OF LOT 5, CONCESSION 3
(GEOGRAPHIC TOWNSHIP OF LOUTH)
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA



AREA SCHEDULE	
DESCRIPTION	AREA (m ²)
PART 1	5,298.2
PART 2	46,978.9
PART 3	42,310.6
PART 4	44,105.3
PART 5	25.7



KEY PLAN
NOT TO SCALE



[Signature]
JUNE 11, 2015 BRENT LAROCQUE O.L.S.

RICHARD LAROCQUE LIMITED
ONTARIO LAND SURVEYORS & CONSULTANTS
12 LYMAN STREET, ST. CATHARINES, ONTARIO
905-688-1413
6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO
905-358-8400
www.larocquegroup.ca

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

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

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

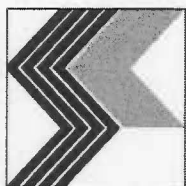
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DRAWN BY:
D.B.

CHECKED BY:
B.L.

DATE:
JUNE 11, 2015

FILE: 2015-013
DWG. FILE: 2015-013-08



City of St. Catharines

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

Phone: 905-688-5601, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873
Email: emunro@stcatharines.ca

Notice of Decision

Submission No: B-29/15SC
File No: 60.84.1991
Roll No: 2629040043143000000

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

Stephen Bouw - 1569 Fourth Avenue

Subject of the application: Application B-29/15SC is made for consent to a partial discharge of mortgage and for consent to convey 5,324 m² of land (Parts 1 & 5 on the submitted sketch) with a dwelling known as 1569 Fourth Avenue as the disposal of a surplus farm dwelling. A 91,084 m² of land (Parts 2 & 4) is to be retained for continued Agricultural use. There is a concurrent consent application B-28/15SC.

Decision: Granted

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

1. The final approval for application B-28/15SC be received from the Committee of Adjustment.
2. That the portion of the retained parcel (Parts 2 and 4 on the submitted sketch) currently zoned Agriculture (A1) be rezoned to Agriculture Only (A2) to preclude its use for any new residential purposes.
3. That the A2 zoning set out in Condition 2 above include a special provision to recognize the location of the existing dwelling on Part 4, and a reduced lot frontage requirement for agricultural farm parcels in the A2 zone from 60 metres to 9.14 metres.
4. That the proposed lot (Part 1) be reconfigured to conform to the Region's policy for lot size where additional land is not deemed necessary to support a well and private sewage disposal system.
5. That the proposed new lot lines for Part 1 (1569 Fourth Avenue) be located a minimum of 3 metres from the existing leeching bed, be wholly contained within the retained parcel and provide 100% spare septic area for any future upgrades as may be required. Regional Private Sewage Systems staff will require a revised sketch for review and approval.
6. That the applicant provide the Secretary-Treasurer with the acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
7. That a final certification fee of \$131.00 per application payable to the Treasurer, City of St. Catharines, be submitted to the Secretary
8. That all conditions of consent be fulfilled by August 5, 2016.

Reasons:

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

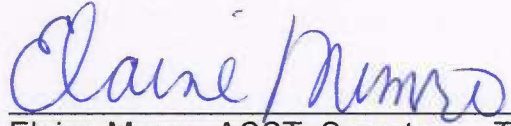
Original Signed By D. Lucuik
Chair

Original Signed By G. Redden
Vice Chair

Original Signed By K. Leask
Member

Original Signed By D. Ringler
Member

Date of Decision: August 5, 2015
Date of Mailing: August 7, 2015



Elaine Munro, ACST, Secretary – Treasurer

Last date of filing an appeal to the Ontario Municipal Board under Section 53 of the Planning Act: August 27, 2015.

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

582 Ontario Street

**Departmental &
Agency Comments**

Munro, Elaine

Subject: RE: Revised RE: Notices of Hearing for January 27, 2016 CofA Hearing, St. Catharines

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Friday, January 15, 2016 3:52 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Revised RE: Notices of Hearing for January 27, 2016 CofA Hearing, St. Catharines

Hi Elaine
I have no issues or concerns in this area
Thanks

DOUG CROWN

Network Planner
Network Evolution

T 289-296-6266
C

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



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Munro, Elaine

Subject: RE: MV - 582 Ontario Street, St. Catharines

From: Taya Devlin [mailto:tdevlin@npca.ca]
Sent: Monday, January 18, 2016 10:47 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: MV - 582 Ontario Street, St. Catharines

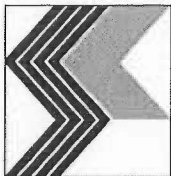
Hi Elaine,

The identified feature is located on the other side of Ontario Street, and the NPCA is satisfied that Ontario Street acts as a barrier between the subject site and the regulated feature. As such, the NPCA has no concerns with the subject application and will not need to be circulated for review.

Thank you for checking.

Taya Devlin
Watershed Planner
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario L3C 3W2
Phone: 905 788 3135 (ext. 262)
Fax: 905 788 1121
Email: tdevlin@npca.ca

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Memorandum

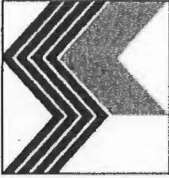
To: Margaret Josipovic, Planning & Building Services
Terrence Glover, Planning & Building Services
Elaine Munro, Planning & Building Services
From: Kristen Sullivan, Parks, Recreation and Culture Services
Date: January 19, 2016
Subject: Notice of Hearing: Minor Variance
Address: 582 Ontario St.
File No: 60.81.5049

Please be advised that we have reviewed the above-noted application and have no concerns with proposed minor variances 1-4, 8, and 9. PRCS provides the following comments for the remaining minor variances:

5. There are four deciduous trees on the neighbouring property adjacent to the proposed reduction that are set approximately 2 metres back from the property line. Reducing this landscape strip from 3 metres to 0.88 metres will reduce the tree protection zone impacting an estimated 10-20% of the root zone of these trees. The landscape architect has advised that this impact can be mitigated by applying proper arboricultural practices and measures while working in this area; these measures will be required through any future site plan agreements.
6. PRCS has no concerns with the reduced landscape buffer under the condition that the reduction only applies to the portion of the east property boundary adjacent to the turn-around for the garbage truck.
7. The landscape buffer along the east side of the property is intended to provide a transition between the high density residential development and the neighbouring low density residential use. An appropriate buffer would include wood board fencing and tree planting to mitigate the impact of the parking lot and minimize potential overlook from the proposed multi-storey building. As such, PRCS is supportive of the minor variance with a condition similar to the following: "That, in addition to typical standards and requirements, fencing and tree planting be required along the east property line to the satisfaction of the Director of Planning and Building Services"

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



Memorandum

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

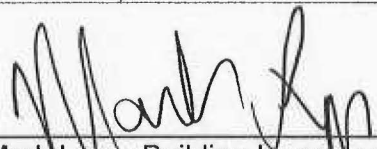
Cc: B. Thiessen, Terrance Glover, Judy Pihach
Planning and Building Services

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

Date: January 19, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2016 hearing - File No.: 300-010

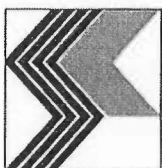
NO.	ADDRESS	COMMENTS
A-05/16	582 Ontario Street	No Comment
A-06/16	22 Pine Street	No Comment
A-07/16	24 Pine Street	No Comment
A-10/16	24 Colton Avenue	No Comment



Mark Lepp, Building Inspector II

Cc: Files, 300-010

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Memorandum

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

Cc: Margaret Josipovic, Planner I
Judy Pihach, Manager of Planning Services

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

Date: January 15, 2016
Hearing Date: January 27, 2016

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-05/16SC – 582 Ontario Street
A-06/16SC – 22 Pine Street
A-07/16SC – 24 Pine Street
A-10/16SC – 24 Colton Avenue

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications.

Trusting this information is satisfactory, feel free to contact me for further information, if required.

Regards,

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

Munro, Elaine

From: Vasko, Dennis
Sent: Friday, January 15, 2016 2:44 PM
To: Munro, Elaine
Subject: RE: Minor Variance Application - 582 Ontario Street - CofA Hearing - January 27, 2016

Hi Elaine,

There are no issues with the subject property in respect to closed landfills. Jaycee Park which is a closed landfill is far enough away, so no concern.

Have a great weekend yourself,

Dennis

Dennis Vasko

Fill Site Technician

Email: dvasko@stcatharines.ca

Tel: 905.688.5601 x2163

From: Munro, Elaine
Sent: Friday, January 15, 2016 1:18 PM
To: Vasko, Dennis
Subject: Minor Variance Application - 582 Ontario Street - CofA Hearing - January 27, 2016

Hi Dennis:

Please find attached the minor variance application for 582 Ontario Street that will be heard at the January 27, 2016 Committee of Adjustment Hearing.

It would be greatly appreciated if you could provide your comments by Tues. Jan. 19/16.

Have a great weekend.

Elaine

Elaine Munro ACST

Committee Secretary & Planning Clerk

Email: emunro@stcatharines.ca

Tel: 905.688.5601 x1715



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 20, 2016

Date of Meeting: January 27, 2016

Submission(s): A-05/16

File: 60.81.5049

Subject: 582 Ontario Street (Royal Henley Seniors Apartments)

Proposal

Application **A-5/16** has been made to request a variance from the following requirements of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the required number of parking spaces from 209 to 116.
- 2) A reduction of the width of four (4) Barrier Free Parking spaces (existing) located in the front of the existing 6 storey building from 3.4 metres to 2.44 metres.
- 3) A reduction in minimum landscaping open space from 40% to 27.5%.
- 4) A reduction of minimum required bicycle spaces from 21 to 9.
- 5) A reduction of landscape buffer along the lot line not abutting a public road (i.e. north side) from 3.0 metres to 0.88 metres.
- 6) A reduction of landscape buffer along the lot line not abutting a public road (i.e. east side) from 3.0 metres to 1.0 metres.
- 7) A reduction of landscape buffer along the lot line abutting a Residential Zone (i.e. east side) from 4.0 metres to 3.0 metres.
- 8) A reduction of landscape buffer along a lot line abutting a Residential Zone (i.e. south side) from 4.0 metres to 2.4 metres.
- 9) An increase of Residential Convenience User ratio from 3% of the total residential gross floor area to 8.5%.

Recommendation

That application A-05/16 by 2M Architects Inc. on behalf of the owner Torre Mayor Partners SA DE CV, as outlined below and in the Notice of Hearing, be approved, subject to the following exceptions and conditions:

1. That the requested variance (#1 above) for a reduction of the required number of parking spaces from 209 be reduced to 130 spaces (instead of the requested 116) as per the applicant's request and intent email communication of January 18, 2016.
2. That the requested variance (#3 above) for a reduction of the landscaping open space from 40% to 27.9% be approved subject to the following condition:

- a. That as part of any future Site Plan Approval process and in addition to any other standards or requirements, enhanced landscaping and buffering through the use of privacy fencing and vegetation be required to the satisfaction of the Director of Planning, in all yards abutting residential uses.
3. That the requested variance (#6 above) for a reduction of landscape buffer along the lot line not abutting a public road (i.e. east side) from 3.0 metres to 1.0 metres, be limited to the vehicle turn-around (hammer head) area as shown on submitted Site Plan drawing 'A1' by 2M Architects Inc. and dated 2015-11-27.

Summary

The purpose of the application is to facilitate the construction of a four (4) storey residential addition to the existing Royal Henley Retirement Community.

Having regard for the matters under Section 45 (1) of the Planning Act, and comments received as of January 20th 2016, staff is satisfied that the variances requested through application A-05/16, are (with the recommended exceptions and conditions) in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land.

The proposal also maintains the general intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans.

Staff recommends that the requested variances be approved subject to the noted exceptions and conditions outlined in the recommendation.

It is the also staff's opinion that the requested variances (with recommended exceptions and conditions) represents good planning.

Background

Planning Context

Location

The subject property is municipally known as 582 Ontario Street and is located on the east side of Ontario Street just south of the Ontario Street and Lakeshore Road intersection in St. Catharines. The property abuts existing commercial uses to the north, existing low density residential to the east and west, and existing medium density residential to the south.

Ontario Street is designated as Regional Arterial road.

Official Plan (Garden City Plan)

The subject property is designated as High Density Residential as per schedule E1 of the Garden City Plan, which permits a variety of residential dwelling types at a minimum density

of 85 units/hectare or greater. The subject lands also directly abut an 'Intensification Area' to the north, as supported by the Provincial Growth Plan, Regional policy growth forecast, and shown on Schedule 'D' of the City of St. Catharines Garden City Plan.

Zoning By-law (2013-283)

The subject property is zoned High Density Residential (R4) which permits a variety of residential dwelling types including an apartment and long-term care facility.

Report

Variances Proposed

Application A-05/16 has been made to request the following variances to the City of St. Catharines Zoning By-law 2013-283:

1) A reduction of the required number of parking spaces from 209 to 116.

This requested variance is proposing a reduction in required parking for the overall senior's care/housing development. The variance as stated, requests a reduction to the current parking space requirement of 209 parking spaces to 116 parking spaces. The applicant has justified this request by siting the current underutilized parking lot associated with the existing senior residential/care use, and projecting that comparable underutilization forward onto the proposed addition of similar use. Using this methodology as justification, the applicant contends that sufficient parking will be realized.

On January 18, 2016, the applicant further clarified this variance request by stating that a reduction to 130 parking spaces (instead of 116) would both be acceptable and physically possible to achieve, provided the remaining variance requests were approved. (Appendix 1)

On this basis, staff cannot support a reduction of parking spaces to 116 spaces; however staff can support a reduction of parking spaces to the agreed 130 spaces. As such, staff recommends approval of this variance to a limit of 130 parking spaces.

2) A reduction of the width of four (4) Barrier Free Parking spaces (existing) located in the front of the existing 6 storey building from 3.4 metres to 2.44 metres.

This requested variance is proposing a reduction in required Barrier Free parking space dimensions for the existing/established four (4) parking spaces associated with the existing building. These existing barrier free parking spaces were shown on the approved site plan and as a result have been established and are currently in use. As such, the purpose of this variance is to recognize an existing situation as depicted on the current Site Plan Approval.

On this basis, staff recommends approval of the requested variance.

3) A reduction in minimum landscaping open space from 40% to 27.5%.

This requested variance is proposing a reduction in required landscaping open space area from the current 40% to 27.5%. Given the existing design of the site in conjunction with the proposed addition, with enhanced landscaping and buffering as per the recommendation, the intent of this requirement can be achieved.

On this basis, staff recommends approval of the requested variance.

4) A reduction of minimum required bicycle spaces from 21 to 9.

This requested variance is proposing a reduction in required bicycle parking spaces from the current 21 to 9. Given the expectant occupancy of the senior's residence, and the ability to of the building to accommodate additional bicycles if needed, staff recommends approval of the requested variance.

5) A reduction of landscape buffer along the lot line not abutting a public road (i.e. north side) from 3.0 metres to 0.88 metres.

This requested variance is proposing a reduction in required landscape buffer along the lot line not abutting a public road (i.e. north side) from the current 3.0 metres to 0.88 metres. As this reduction is a continuation of an existing situation that abuts an existing commercial use, and which was previously approved through Site Plan Approval, staff recommends approval of the requested variance.

6) A reduction of landscape buffer along the lot line not abutting a public road (i.e. east side) from 3.0 metres to 1.0 metres.

This requested variance is proposing a reduction in required landscape buffer along the lot line not abutting a public road (i.e. east side) from the current 3.0 metres to 1.0 metres. As per the submitted Site Plan drawing 'A1' by 2M Architects Inc. dated 2015-11-27, this variance request is only required to facilitate the introduction of a vehicle turn-around (hammer head) area that abuts an existing commercial uses. As such, staff recommends approval of the requested variance with the condition that the reduction be limited to the area immediately surrounding the proposed vehicle turn-around (hammer head).

7) A reduction of landscape buffer along the lot line abutting a Residential Zone (i.e. east side) from 4.0 metres to 3.0 metres.

This requested variance is proposing a reduction in required landscape buffer along the lot line abutting a residential zone (i.e. east side) from the current 4.0 metres to 3.0 metres. It is staff's opinion that any negative effects resulting from the reduction to 3.0 metres will be mitigated through the requirement of enhanced landscaping and buffering as per the recommendation. As such, staff recommends approval of the requested variance.

8) A reduction of landscape buffer along a lot line abutting a Residential Zone (i.e. south side) from 4.0 metres to 2.4 metres.

This requested variance is proposing a reduction in required landscape buffer along the lot line abutting a residential zone (i.e. east side) from the current 4.0 metres to 2.4 metres. It is staff's opinion that any negative effects of the requested reduction to 2.4 metres will be

mitigated through the requirement of enhanced landscaping and buffering. As such, staff recommends approval of the requested variance.

9) An increase of Residential Convenience User ratio from 3% of the total residential gross floor area to 8.5%.

This requested variance is proposing an increase of the residential convenience ratio from 3% of the total residential gross floor area to 8.5%. Given the expected occupancy of the senior's residence and possible mobility limitations, it is staff's opinion that this increase is both desirable and appropriate on this site. As such, staff recommends approval of the requested variance.

Conclusion

Staff is satisfied that the variances requested through application A-05/16, are (with the recommended exceptions and conditions) in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land.

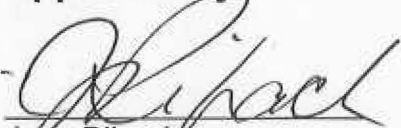
It is also staff's recommendation that the requested variances, subject to the exceptions and conditions outline in the recommendation, be approved as they represent good planning.

Prepared & Submitted by:



Terrance Glover, MCIP, RPP, CPT
Senior Planner

Approved by:



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

APPENDIX #1

From: Thomas De Simone
To: Glover, Terrance
Cc: "Barry Hauer"; "Victoria Lucas"
Subject: RE: Royal henley
Date: Monday, January 18, 2016 11:16:25 AM

Terry,

We are requesting 130 parking spaces and will provide 130 parking spaces if all the variances we are asking for are granted. For further clarification, the requested reduction in green space, if approved, will allow us to accommodate the 130 parking spaces we are requesting.

We hope this clarify our request.

Regards,



Thomas De Simone dipl.arch.tech
Intern Architectural Technologist
2M architects inc.
tel:905-687-9777 fax: 905-687-9997

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22 Pine Street Departmental & Agency Comments

Munro, Elaine

Subject: RE: Revised RE: Notices of Hearing for January 27, 2016 CofA Hearing, St. Catharines

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Friday, January 15, 2016 3:52 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Revised RE: Notices of Hearing for January 27, 2016 CofA Hearing, St. Catharines

Hi Elaine
I have no issues or concerns in this area
Thanks

DOUG CROWN

Network Planner
Network Evolution

T 289-296-6266
C

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



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Cogeco Câble Canada, 5 Place Ville-Marie, Bureau 1700, Montréal, Québec, H3B 0B3

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Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

Munro, Elaine

From: Taya Devlin <tdevlin@npca.ca>
Sent: Tuesday, January 19, 2016 2:11 PM
To: Munro, Elaine
Cc: Andrew.fetter@niagararegion.ca; Mancuso, Connie (connie.mancuso@niagararegion.ca)
Subject: NPCA Comments 22 & 24 Pine Street, St. Catharines (B04/16, A06/16 & A07/16)
Attachments: 22 Pine Street Map.pdf

Good Afternoon Elaine,

NPCA staff have reviewed:

1. Application B-04/16SC for consent to sever 177.77 m² of land (Part 2) creating a new lot to be known as 24 Pine Street.
2. Application A-06/16 for a reduction of the minimum lot area per dwelling unit from 280 m² to 223.1m² (Part 1).
3. Application A-07/16 for a reduction of the minimum lot area per dwelling unit from 280m² to 177.7 m² (Part 2).

NPCA mapping indicates that the front (south east) of the property is located within 15 metres of a steep slope associated with Martindale Pond. Due to the location of the subject property on the north side of Pine Street, separated from the slope by the street and an existing dwelling on the south side of the street, the NPCA has no concern regarding slope stability on the subject property.

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 located within an Environmental Conservation Area (ECA) for Valley Shoreline and adjacent to (within 120 metres) an Environmental Protection Area (EPA) for Provincially Significant Wetland. Policy 7.B.1.11 of the Region's Policies permits development within and adjacent to (within 50 metres) an ECA and adjacent to (within 120 metres) an EPA 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 located on the north side of Pine Street and is separated from the identified features by the road and existing development, there will be no significant negative impact on the identified features as a result of development on the subject property.

Based on the above, the NPCA offers no objections to the subject application for consent to sever 177.77 m² of land and minor variances to permit a reduction of the minimum lot area per dwelling.

Please contact me if you have any questions.

Thank you,

Taya Devlin

Watershed Planner

Niagara Peninsula Conservation Authority

250 Thorold Road West, 3rd Floor

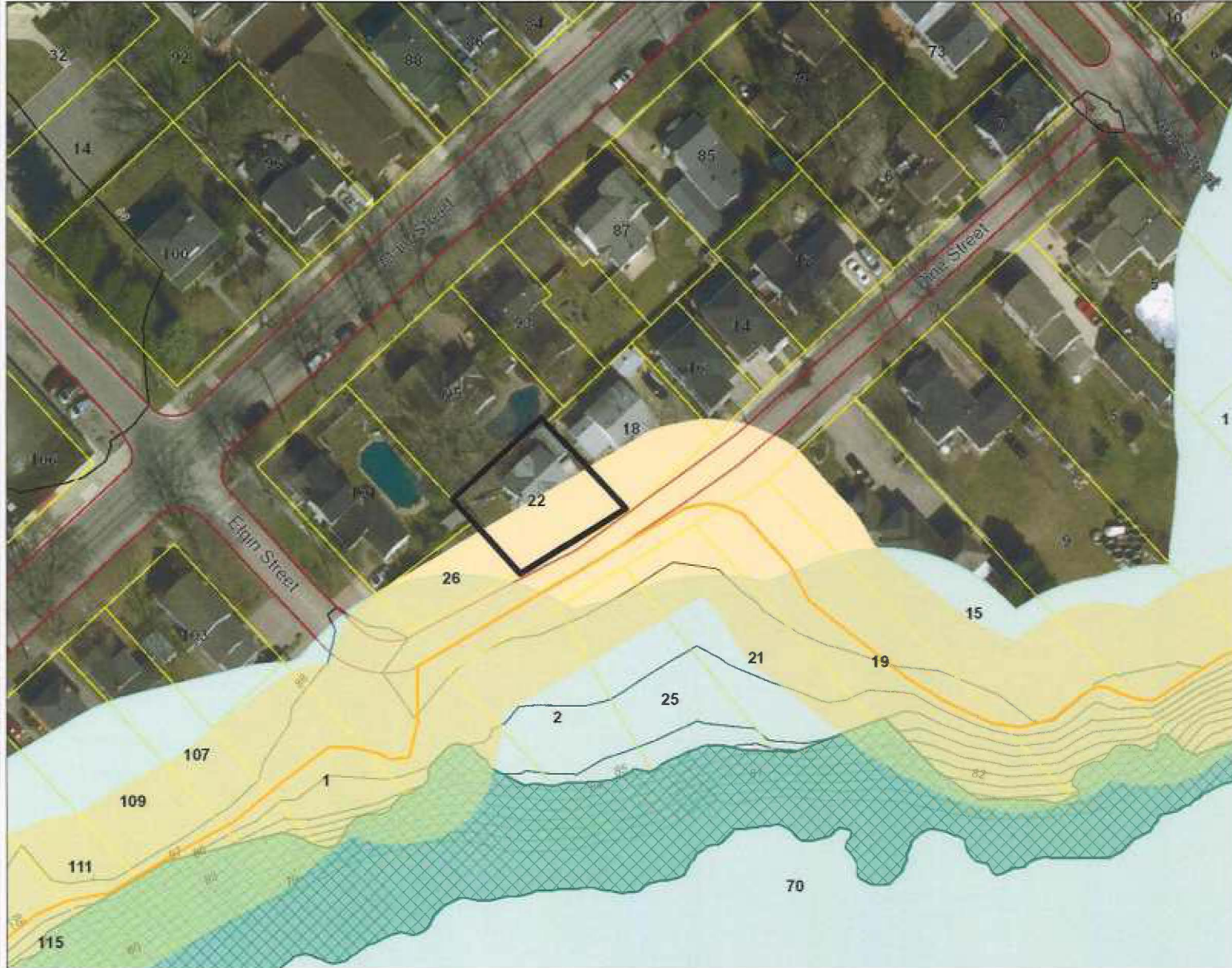
Welland, Ontario L3C 3W2

Phone: 905 788 3135 (ext. 262)

Fax: 905 788 1121

Email: tdevlin@npca.ca

22 Pine Street, St. Catharines



Legend

Top of Slope Features

- Stable
- Unstable

Top of Slope Allowance

OWES WETLANDS

- Non-Provincially Significant Wetland
- Provincially Significant Wetland

Regulation Wetlands

Wetland Allowance

Road Edges 2002

RMN Streets Labels

RMN Assessment Parcels

Contours - 1m Region 2002

Contours - 1m Watershed 2002

NPCA Watershed Municipality

NPCA Extended Context Area

Surround

Norfolk; New York; Grand Island; B

Lake Erie; Lake Ontario; Niagara R

Surround - Hamilton/Halton

2010 Niagara Air Photos

1: 1,030

6/12/2015



0.1 0 0.03 0.1 Kilometers

Notes

Proposed Construction



January 14, 2016

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

Attention: Elaine Munro

File# 60.84.2024, 60.81.5050 & 60.81.5051

Re: 22 & 24 Pine St

In response to your correspondence(s) dated January 12, 2016, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-10, Overhead System

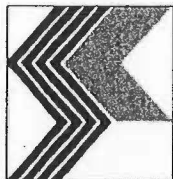
- C22.3 No. 7- 10 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Scott Beaudrie at 905-521-4907 in our Engineering Design Department.

Sincerely,

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

Scott Beaudrie
Supervisor, Engineering Design



Memorandum

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

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

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

Date: January 19, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – January 27, 2016 hearing - File No.: 300-036

B-04/16SC – 22 Pine Street

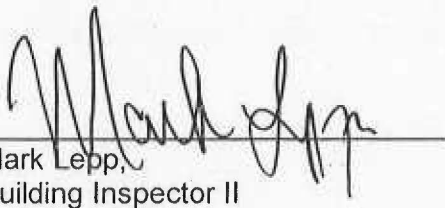
Comment:
No Comment

Condition:
No Comment

B-05/16SC – 57 Carlisle Street

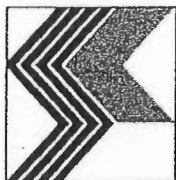
Comment:
No Comment.

Condition:
No Comment



Mark Lepp,
Building Inspector II

Cc: Files, 300-036



Memorandum

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

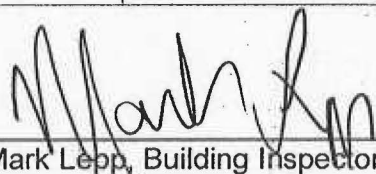
Cc: B. Thiessen, Terrance Glover, Judy Pihach
Planning and Building Services

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

Date: January 19, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2016 hearing - File No.: 300-010

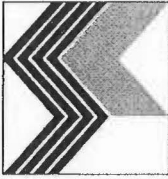
NO.	ADDRESS	COMMENTS
A-05/16	582 Ontario Street	No Comment
A-06/16	22 Pine Street	No Comment
A-07/16	24 Pine Street	No Comment
A-10/16	24 Colton Avenue	No Comment



Mark Lepp, Building Inspector II

Cc: Files, 300-010

g:\pbs-building & development\committee of adjustment\bldg memo 2016\03 bcoa memo-my-January 27, 2016.docx



Memorandum

To: Sara Rogers, Planning & Building Services
Elaine Munro, Planning & Building Services
From: Kristen Sullivan, Parks, Recreation & Culture Services
Date: January 15, 2016
Subject: Notice of Hearing: Consent to Sever
Address: 22 Pine St.
File No: 60.84.2024

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 deposit in the general tree planting reserve fund, in accordance with the 2016 Schedule of Rates and Fees.

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

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the January 27/16 CofA Hearing

From: Sullivan, Kristen

Sent: Friday, January 15, 2016 11:18 AM

To: Munro, Elaine <emunro@stcatharines.ca>; Rogers, Sara <srogers@stcatharines.ca>

Subject: RE: Committee of Adjustment Notices and Applications for the January 27/16 CofA Hearing

Sara and Elaine,

Please see attached comments, PRCS has no concerns or comments on the following applications:

- 22 Pine (minor variance)
- 24 Pine (minor variance)
- 57 Carlisle (consent)
- 24 Colton (minor variance)

Thank you,

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-04/16SC



January 15, 2016

ENGINEERING FILE 300-36

Hearing Date: January 27, 2016

Applicant: Grant McArthur and Stefano DiPietro

Location: 22 Pine Street

MUNICIPAL SERVICES Pine Street

Water: 150mm (6")

Sanitary Sewer: 250mm (10")

Storm Sewer: None available

Sidewalks: Yes

Road Allowance Width: 10.0m±

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

Comment(s): It is noted that the Applicant proposes to sever 177.77m² of land (Part 2) creating a new lot to be known as 24 Pine Street. A remnant parcel (Part 1) would be retained for residential use. The application would allow each unit of the semi-detached dwelling currently under construction to be owned and/or sold separately.

The current lot has been previously serviced to accommodate the semi-detached dwelling 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.

The Applicant/Owner has been previously advised that portions of a City sidewalk, local 150mm watermain and Bell utility plant exist within private property. The City requires an area of the property be dedicated as road widening to accommodate a distance of 0.30m behind the north face of the existing sidewalk along Parts 1 & 2.

Condition(s): Prior to final Consent, the Applicant/Owner shall:

- Dedicate a road widening to the City of St. Catharines, the area as described above, to accommodate 0.30m of land behind the north face of the existing sidewalk along Parts 1 & 2.

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



Memorandum

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

Cc: Margaret Josipovic, Planner I
Judy Pihach, Manager of Planning Services

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

Date: January 15, 2016
Hearing Date: January 27, 2016

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-05/16SC – 582 Ontario Street
A-06/16SC – 22 Pine Street
A-07/16SC – 24 Pine Street
A-10/16SC – 24 Colton Avenue

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications.

Trusting this information is satisfactory, feel free to contact me for further information, if required.

Regards,

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: January 20, 2016

Date of Meeting: January 27, 2016

Submission(s): B-04/16SC
A-6/16
A-07/16

File: 60.84.2024
60.81.5050
60.81.5051

Subject: 22 Pine Street

Proposal

Application **B-04/16SC** is requesting a consent to sever 177.7 m² of land (Part 2 on the submitted sketch) to create a new lot to be municipally known as 24 Pine Street. A 223.1 m² remnant parcel of land (Part 1) would be retained for residential use.

Application **A-06/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of minimum lot area per dwelling unit from the current 280.0 m² to 223.1 m² (Part 1).

Application **A-07/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of minimum lot area per dwelling unit from the current 280.0 m² to 177.7 m² (Part 2).

Recommendation

That Submission **B-04/16SC** by Leo DiFabio on behalf of the Owners Grant McArthur and Stefano DiPietro, as outlined in the Notice of Hearing be approved, subject to the following conditions:

Conditions:

1. That the owner dedicate as road widening to the satisfaction of the City's Development Engineering Services Department, the area from the existing front lot line to 0.30m behind the north face of the existing sidewalk along Parts 1 & 2 (on the submitted sketch). Said road widening shall be conveyed

gratuitously to the City of St. Catharines free and clear of any mortgages, liens or encumbrances.

2. That the owner submit a payment of \$433.00 for deposit in the general tree planting reserve fund, in accordance with the 2016 Schedule of Rates and Fees.
3. That final approval for the necessary minor variance application be received.

That application **A-06/16** by Leo DiFabio on behalf of the Owners Grant McArthur and Stefano DiPietro, as outlined in the Notice of Hearing, be approved, and

That application **A-07/16** by Leo DiFabio on behalf of the Owners Grant McArthur and Stefano DiPietro, as outlined in the Notice of Hearing, be approved.

Summary

The purpose of the applications is to allow the semi-detached dwelling, currently under construction, to be severed to allow the severed and retained lots to be individually sold.

The subject property is located within the Port Dalhousie Heritage District, and therefore requires a Heritage Permit prior to construction. On December 10th 2014, a Heritage Permit was issued for the semi-detached dwelling. No heritage concerns exist for the development or the subject applications.

A Building Permit was also issued for a semi-detached dwelling on a single lot, in accordance with zoning and heritage permit requirements.

In order to sell each (half) of the semi-detached dwellings, the existing lot needs to be split along the common wall of the building, thereby creating one lot for each semi-detached dwelling unit.

Having regard for the matters under Sections 51 (24) and 45 (1) of the Planning Act, and comments received as of January 21th 2016, staff is satisfied that consent B-04/16SC and respective variances A-06/16 and A-07/16 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of land. Furthermore, staff supports the severance since it reflects the splitting of a lot for a dwelling type already approved in accordance with the Garden City Plan, Zoning By-law and Heritage Permit, and is also represents good planning.

The proposal also maintains the general intent of the Provincial Policy Statement and does not conflict with applicable provincial plans.

Staff recommends that the requested consent and variances be approved subject to the conditions outlined in the recommendation.

Background

Planning Context

Location

The subject property is located in the Port Dalhousie historic neighbourhood of St. Catharines and is municipally known as 22 Pine Street. The lot is located on the north side of Pine Street, just east of Elgin Street. The property is surrounded by established low density residential uses.

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood - Low Density Residential as per schedule E1 of the Garden City Plan. This designation permits a variety of low density residential dwelling types at a density between 20 and 32 units per hectare, all subject to the policies of the Garden City Plan. The property is located within the Port Dalhousie Heritage District as per schedule 'B' of the Garden City Plan.

Zoning By-law (2013-283)

The subject land is zoned Site Specific Low Density Residential – Traditional Neighbourhood (R2-7). The R2-7 zone permits a variety of low density residential dwelling types, including semi-detached dwellings. The site specific zoning (R2-7) restricts the maximum height of the building(s) to 9 metres.

Report

Consent Requested

Application **B-04/16SC** is requesting consent to sever the subject property municipally known as 22 Pine Street into two lots, being one lot for each half of the semi-detached dwelling currently under construction. Furthermore, the semi-detached building is not a typical design where each dwelling unit is identical. The building has been designed so that each dwelling unit is unique in both built form and lot dimension.

In staff's opinion that the creation of a new lot to accommodate half of the existing semi-detached building is appropriate, and that both the new and retained lots provide adequate space for a new dwelling without compromising the established character of the street. It is staff's opinion that there should be no negative impact on surrounding lands.

On this basis, staff recommends approval of the requested consent subject to the conditions and notes outlined in the recommendation.

Variances Requested

Application **A-06/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) **A reduction of minimum lot area per dwelling unit from the current 280.0 m² to 223.1 m² (Part 1).**

This requested variance is proposing to reduce the minimum required lot area per dwelling from the current 280.0 m² to 223.1 m². Given that the semi-detached building is permitted and already under construction, and since the variance is only necessary due to technical issues resulting from the separation of the existing lot into two individual lots to accommodate the existing dwelling(s), it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

On this basis, staff recommends approval of the requested variance.

Application **A-07/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

2) A reduction of minimum lot area per dwelling unit from the current 280.0 m² to 177.7 m² (Part 2).

This requested variance is proposing to reduce the minimum required lot area per dwelling from the current 280.0 m² to 177.7 m². Given that the semi-detached building is permitted and already under construction, and since the variance is only necessary due to technical issues resulting from the separation of the existing lot into two individual lots to accommodate the existing dwelling(s), it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

On this basis, staff recommends approval of the requested variance.

Conclusion

Staff is satisfied that the consent and variances requested through applications B04/16SC, A06/16, and A07/16 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land.

It is also staff's recommendation that the requested consent and variances be approved, subject to the conditions outlined in the recommendation, as the applications represent good planning.

Prepared & Submitted by:



Terrance Glover, MCIP, RPP, CPT
Senior Planner

Approved by:



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

57 Carlisle Street Departmental & Agency Comments

Munro, Elaine

Subject:

RE: Revised RE: Notices of Hearing for January 27, 2016 CofA Hearing, St. Catharines

From: Doug Crown [mailto:Doug.Crown@cogeco.com]

Sent: Friday, January 15, 2016 3:52 PM

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

Subject: RE: Revised RE: Notices of Hearing for January 27, 2016 CofA Hearing, St. Catharines

Hi Elaine

I have no issues or concerns in this area

Thanks

DOUG CROWN

Network Planner

Network Evolution

T 289-296-6266

C

7170 Mcleod Rd

Niagara Falls Ontario L2G 3H2 Canada

cogeco.ca



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Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

Munro, Elaine

Subject: RE: Notice of Hearing, January 27, 2016 CofA Hearing - 57 Carlisle Street, St. Catharines

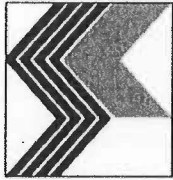
From: Glofcheskie, Christopher (MTO) [mailto:Christopher.Glofcheskie@ontario.ca]
Sent: Tuesday, January 19, 2016 8:28 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Notice of Hearing, January 27, 2016 CofA Hearing - 57 Carlisle Street, St. Catharines

Ms. Elaine Munro

The Ministry has reviewed the following file and has no comment at this time.

Address: 57 Carlisle Street
File No. 60.84.2025
Submission No. B-05/16SC
Roll No. 2629040002233000000

Chris Glofcheskie C. Tech
Corridor Management Officer
Niagara Region
Ministry of Transportation
159 Sir William Hearst Avenue, 7th Floor,
Toronto, Ontario M3M 0B7



Memorandum

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

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

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

Date: January 19, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – January 27, 2016 hearing - File No.: 300-036

B-04/16SC – 22 Pine Street

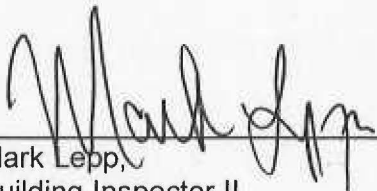
Comment:
No Comment

Condition:
No Comment

B-05/16SC – 57 Carlisle Street

Comment:
No Comment.

Condition:
No Comment



Mark Lepp,
Building Inspector II

Cc: Files, 300-036

Munro, Elaine

From: Sullivan, Kristen
Sent: Friday, January 15, 2016 11:18 AM
To: Munro, Elaine; Rogers, Sara
Subject: RE: Committee of Adjustment Notices and Applications for the January 27/16 CofA Hearing
Attachments: Pine_22_84.2024.doc

Sara and Elaine,

Please see attached comments, PRCS has no concerns or comments on the following applications:

- 22 Pine (minor variance)
- 24 Pine (minor variance)
- 57 Carlisle (consent)
- 24 Colton (minor variance)

Thank you,

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

From: Munro, Elaine
Sent: Tuesday, January 12, 2016 11:27 AM
To: Bittner, Steve; Ritchie, Scott; Rogers, Sara; Pihach, Judy; Sullivan, Kristen; Johnston, Brad; Melin, Nathan; Lepp, Mark; Glover, Terrance
Cc: Bellows, Bruce; Stewart, Dave; Kowalski, Emma; Thiessen, Brian; Burrows, Sandra
Subject: Committee of Adjustment Notices and Applications for the January 27/16 CofA Hearing

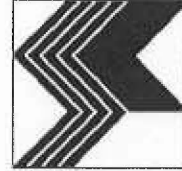
Hi:

For the January 27, 2016 Committee of Adjustment Hearing, please find on the Amanda System, the following:

- Consent applications -
L:\ATTACHMENTS\PBS\PLANNING\LD\2016_NofH_Appl_Pln\January27_16.
- Minor variance applications -
L:\ATTACHMENTS\PBS\PLANNING\MV\2016_NofH_Appl_Pln\January27_16.

Please forward your comments to Sara Rogers & myself by **Friday, January 15, 2016.**

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-05/16SC



January 15, 2016

ENGINEERING FILE 300-36

Hearing Date: January 27, 2016

Applicant: 1788727 Ontario Ltd.

Location: 57 Carlisle Street

MUNICIPAL SERVICES Carlisle Street

Water: 200mm (8")

Sanitary Sewer: 300mm (12")

Storm Sewer: 1050mm (42")

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 establish an easement, in perpetuity over 125m² of land (Part 3) for the benefit of the southerly abutting lot known as 259 St. Paul Street, for fire escape and pedestrian access and garbage removal. A remnant parcel (Parts 2&3) with the existing commercial building will be retained.

Considering that the existing building situated on 57 Carlisle Street is proposed to be demolished, it is now the City's opportunity to require the lands identified as 'Part 2 Plan 30R-1740' be dedicated as public highway, to ultimately obtain a 20.0m road allowance along this section of Carlisle Street.

Condition(s): Prior to consent, the Applicant/Owner shall:

- Dedicate the area identified as Part 2 Plan 30R-1740 (47.24m²) to the City of St. Catharines as a road widening

A handwritten signature in black ink, appearing to read 'Brad Johnston'.

Prepared By: _____
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: January 20, 2016

Date of Meeting: January 27, 2016

Submission(s): B-05/16SC

File: 60.84.2025

Subject: 57 Carlisle Street

Proposal

Application **B-05/16SC** requests consent to establish an easement in perpetuity of 125 m² of land over a portion of 57 Carlisle Street (Part 3 on the submitted sketch by Kirkip, Mascoe, Ure Surveying Ltd. Dated Dec 4, 2015) for the benefit of the southeasterly abutting property known as 259 St. Paul Street. The proposed easement is for the purpose of access.

Recommendation

That application B-05/16SC by Nick Atalick on behalf of the owner 1788727 Ontario Ltd., as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. That prior to consent being finalized, the owner shall convey a road widening to the City of St. Catharines, being the area identified as Part 2 Plan 30R-1740 (47.24m²) attached to and forming part of this decision. Said road widening shall be conveyed gratuitously to the City of St. Catharines free and clear of any mortgages, liens or encumbrances.

Summary

The purpose of this application for easement is to allow access rights over a southeastern portion of the property municipally known as 57 Carlisle Street, for fire escape, pedestrian and garbage pick-up reasons, being in favor of the southeasterly abutting property municipally known as 259 St. Paul Street.

Having regard for the matters under Section 51 (24) of the Planning Act, and comments received as of January 20th 2016, staff is satisfied that the proposal is appropriate and therefore recommends approval of the requested consent subject to the condition outlined in the recommendation.

Background

Planning Context

Location

The subject easement fronts the southwestern side of Carlisle Street and is currently in the form of an alleyway between buildings located at 57 Carlisle Street and 259 St. Paul Street.

Official Plan (Garden City Plan)

The Official Plan designates the lands as Commercial Core, which permits a wide variety of uses, subject to the policies of the Garden City Plan.

Zoning By-law (2013-283)

The subject property is zoned Site Specific Downtown Traditional Main Street (C6-92) pursuant to By-law 2013-283, which permits a variety of uses and site specific parking exemptions.

Report

Consent for purpose of easement

The proposed easement is to allow access rights over a southeastern portion of the property municipally known as 57 Carlisle Street (i.e. Part 3 on the submitted sketch by Kirkip, Mascoe, Ure Surveying Ltd. Dated Dec 4, 2015), in favor of the abutting property municipally known as 259 St. Paul Street. The proposed easement is reported to be used for fire escape, pedestrian and garbage pick-up purposes.

Since the physical mass of the abutting buildings and alleyway are already established, the application for easement is only a matter of ownership rights. As such the only impact of said easement will be felt by the vendor and purchaser, who are acting in a manner of neighborly cooperation.

As per the recommended condition of approval, a road widening is required along the front of the property. The road widening is identified as Part 2 on Plan 30R-1740 (47.24m²) that has been attached as Appendix #1 to this report for information.

Conclusion


Staff is satisfied that the subject consent for easement purposes is appropriate and is in keeping with the intent of the Official Plan and Zoning By-law. As a result, staff recommends approval of the subject consent for easement purposes subject to the condition outline in the recommendation.

Prepared & Submitted by:



Terrance Glover, MCIP, RPP, CPT
Senior Planner

Approved by:



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

24 Colton Avenue Departmental & Agency Comments



January 22, 2016

File No. MPR 3.13

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

BY EMAIL ONLY

Attn: Elaine Munro, Secretary-Treasurer

Subject: A-10/16
24 Colton Avenue, St. Catharines

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted application which has been made to permit a reduction of minimum front yard setback to dwelling from 3 metres to 1.1 metres and a reduction of minimum front yard setback to garage from 6 metres to 0.1 metres and offers the following for your information.

Niagara Peninsula Conservation Authority Regulations:

The subject property falls within the limit of the Regulated Shoreline associated with Lake Ontario. 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).

The subject variance is for a reduction of minimum front yard setback to facilitate the construction of a single detached dwelling. In accordance with Policy 3.26.4.2 c), the construction of habitable dwellings is permitted within the Erosion Allowance provided:

- i) It meets the requirements of the shore protection work standard to the maximum extent and level possible based on site-specific conditions;
- ii) It utilizes maximum lot depth and width;
- iii) As a minimum, uses a setback from the Stable Slope Allowance of 7.5 metres;
- iv) The NPCA is satisfied that no practical alternative exists to locate the proposed structure outside of the erosion hazard.

The NPCA is satisfied that the property does not extend to the shoreline, and therefore the applicant does not have ownership of the shoreline in order to install shore protection works. The proposal is to reduce the front yard setback, resulting in maximization of use of the lands outside of the slope allowance and providing a minimum 7.5 metres setback from the Stable Slope Allowance.

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 Official Plan.

The subject property has been identified as an Environmental Conservation Area (ECA) for Valley Shoreline. In accordance with Regional Policy 7.B.1.11, 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.

Lake Ontario has been identified as Critical Fish Habitat by the Ministry of Natural Resources and Forestry (MNRF). In accordance with Regional Policy 7.B.1.15, a naturally vegetated buffer a minimum 30 metres in width is required adjacent to Critical Fish Habitat.

The subject property is currently developed and the subject application is to permit a reduction in front yard setback to maximize the setback from the shoreline to the proposed dwelling. In addition, the proposed development is shown to be located more than 30 metres from the water's edge. NPCA staff are satisfied that there will be no significant negative impact to the shoreline as a result of the subject application.

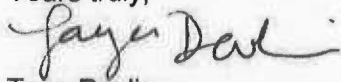
Conclusion:

Based on the above, the NPCA offers no objection to the subject application which has been made to permit a reduction of minimum front yard setback to dwelling from 3 metres to 1.1 metres and a reduction of minimum front yard setback to garage from 6 metres to 0.1 metres.

Please note, subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06) a work permit from this office will be required prior to the issuance of a building permit from the Municipality and commencement of any works on site.

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
Darren Mackenzie, Construction Permit Approvals, NPCA



Legend

- Contours 2010 (1m)
- Regulated Floodplain Extent**
 - Advisory (CWR)
 - Regulated
- Shoreline Flood/Erosion Invent**
 - Regulatory Flood Hazard Limit
 - Great Lakes Regulatory Flood Level
 - Toe of Bluff
 - Stable Slope Allowance
 - Regulatory Erosion Hazard Limit
 - Regulatory Dynamic Beach Reaches
- Ontario Road Network**
 - Major Highways
 - Arterial Roads
 - Local Roads
- Assessment Parcels**
- AIRPORTS**
 - 1km176540477002010MAPCC
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - 1km176550477002010MAPCC
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - 1km176560477002010MAPCC

Notes

25.4 0 12.70 25.4 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

Munro, Elaine

Subject:

RE: Revised RE: Notices of Hearing for January 27, 2016 CofA Hearing, St. Catharines

From: Doug Crown [mailto:Doug.Crown@cogeco.com]

Sent: Friday, January 15, 2016 3:52 PM

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

Subject: RE: Revised RE: Notices of Hearing for January 27, 2016 CofA Hearing, St. Catharines

Hi Elaine

I have no issues or concerns in this area

Thanks

DOUG CROWN

Network Planner
Network Evolution

T 289-296-6266
C

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



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Cogeco Câble Canada, 5 Place Ville-Marie, Bureau 1700, Montréal, Québec, H3B 0B3

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Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3



January 14, 2016

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

Attention: Elaine Munro

File# 60.81.5054

Re: 24 Colton Ave

In response to your correspondence(s) dated January 12, 2016, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-10, Overhead System

- C22.3 No. 7- 10 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Scott Beaudrie at 905-521-4907 in our Engineering Design Department.

Sincerely,

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

Scott Beaudrie
Supervisor, Engineering Design

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the January 27/16 CofA Hearing

From: Sullivan, Kristen

Sent: Friday, January 15, 2016 11:18 AM

To: Munro, Elaine <emunro@stcatharines.ca>; Rogers, Sara <srogers@stcatharines.ca>

Subject: RE: Committee of Adjustment Notices and Applications for the January 27/16 CofA Hearing

Sara and Elaine,

Please see attached comments, PRCS has no concerns or comments on the following applications:

- 22 Pine (minor variance)
- 24 Pine (minor variance)
- 57 Carlisle (consent)
- 24 Colton (minor variance)

Thank you,

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145



Memorandum

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

Cc: Margaret Josipovic, Planner I
Judy Pihach, Manager of Planning Services

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

Date: January 15, 2016
Hearing Date: January 27, 2016

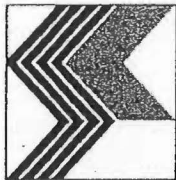
Subject: Engineering Comments to the Committee of Adjustment
File No's: A-05/16SC – 582 Ontario Street
A-06/16SC – 22 Pine Street
A-07/16SC – 24 Pine Street
A-10/16SC – 24 Colton Avenue

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications.

Trusting this information is satisfactory, feel free to contact me for further information, if required.

Regards,

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



Memorandum

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

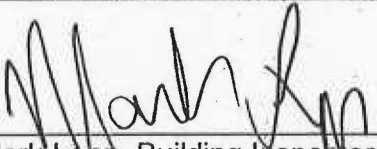
Cc: B. Thiessen, Terrance Glover, Judy Pihach
Planning and Building Services

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

Date: January 19, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 27, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
A-05/16	582 Ontario Street	No Comment
A-06/16	22 Pine Street	No Comment
A-07/16	24 Pine Street	No Comment
A-10/16	24 Colton Avenue	No Comment



Mark Lepp, Building Inspector II

Cc: Files, 300-010

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CITY OF
ST. CATHARINES

Revised Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 20, 2016

Date of Meeting: January 27, 2016

Submission(s): A-10/16

File: 60.81.5054

Subject: 24 Colton Ave.

Proposal

Application **A-10/16** has been made to request a variance from the following requirements of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of minimum front yard setback to a dwelling from the current 3.0 metres to 1.1 metres.
- 2) A reduction of minimum front yard setback to a garage from the current 6.0 metres to 0.1 metres.

Recommendation

That application **A-10/16** by 2M Architects on behalf of the owners Peter and Erin Sharpe, as outlined in the Notice of Hearing be approved:

Summary

The purpose of the application is to improve an existing situation by facilitating the redevelopment of a residential site to be more in-line with the current front yard setback zoning requirements.

The existing dwelling is currently less than 1.1 metres to the front yard lot line, while the existing garage physically encroaches the City's Right-of-Way. The applicant is proposing to improve the situation by redeveloping the property with the stated variances to better conform to the current standards, remove the existing encroachment, and maintaining the existing Colton Avenue streetscape.

The subject property is not located within the Port Dalhousie Heritage District.

Having regard for the matters under Section 45 (1) of the Planning Act, and comments received as of January 20th 2016, staff is satisfied that the variances requested through

application A-10/16 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of land.

The proposal also maintains the general intent of the Provincial Policy Statement and does not conflict with applicable provincial plans.

Staff recommends that the requested variances be approved.

It is also staff's opinion that the requested variances represent good planning.

Background

Planning Context

Location

The subject property is municipally known as 24 Colton Avenue, and is located on the north side at westerly limit of the road. The property abuts Lake Ontario shoreline parkland to the north, the Waterfront Trail system park to the west, and existing residential uses to the east and south.

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood - Low Density Residential as per schedule E1 of the Garden City Plan. This designation permits a variety of low density residential dwelling types at a density between 20 and 32 units per hectare and at a height limit of 11 metres, all subject to the policies of the Garden City Plan. The property is not located within the Port Dalhousie Heritage District as per schedule 'B' of the Garden City Plan.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2) over the majority of the land, and Conservation/Natural Area (G1) in the northern extent of the property. No development is proposed for the area zoned G1. The R2 zone permits a variety of low density residential dwelling types.

Report

Variances Proposed

Application A-10/16 has been made to allow the following variances to the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of minimum front yard setback to a dwelling from the current 3.0 metres to 1.1 metres.**

This requested variance is proposing a reduction in the required front yard setback to a dwelling from the current 3.0 metres to 1.1 metres. Given the location of the existing dwelling (being closer to the front lot line than what is being proposed), and considering the existing Colton Avenue streetscape (building massing), it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

On this basis, staff recommends approval of the requested variance.

2) A reduction of minimum front yard setback to a garage from the current 6.0 metres to 0.1 metres.

The second variance is proposing a reduction in the required front yard setback to a garage from the current 6.0 metres to 0.1 metres. Given the location of the existing garage (physically encroaching the City's Right-of-Way), and considering the existing north side Colton Avenue streetscape (building massing of garages); it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

On this basis, staff recommends approval of the requested variance.

Conclusion

Staff is satisfied that the variances requested through application A-10/16, are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land.

It is also staff's recommendation that the requested variances be approved, as they represent good planning.

Prepared & Submitted by:



Terrance Glover, MCIP, RPP, CPT
Senior Planner

Approved by:



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