

## **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 – 357, 361 & 365 Martindale Road – Consent Applications – B-46/15SC (60.84.2008) & B-48/15SC (60.84.2009) and Minor Variance Applications – A-90/15 (60.81.5028), A-91/15 (60.81.5029), A-92/15 (60.81.5030)

That the deferral approved at the November 18, 2015 Committee of Adjustment Hearing be extended to the March 9, 2016 Committee of Adjustment Hearing as requested by the owner as a result of the proposal being revised and requiring a revised Geotechnical Report for review and approval from NPCA Staff that was not received in time to circulate for the February 17, 2016 Hearing.

5. Adoption of the Minutes held January 27, 2016
6. Application:
  2. 194 Main Street – Minor Variance Application – A-12/16 – 60.81.5056
  3. 189 Riverview Boulevard – Consent Application – B-06/16SC – 60.84.2026  
189 Riverview Boulevard – Minor Variance Application – A-14/16 – 60.81.5058  
185 Riverview Boulevard – Minor Variance Application – A-15/16 – 60.81.5059
  4. 44 Colonel Lyall Street – Minor Variance Application – A-16/16 – 60.81.5060
7. New Business:
8. Adjournment

Posted on the City's website: February 12, 2016

Please note that any comments received after being posted on the website will be available by contacting the Secretary-Treasurer, Elaine Munro at 905-688-5601 Ext. 1715 or [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)

# 194 Main Street Departmental & Agency Comments

**Munro, Elaine**

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**Subject:** RE: Notices of Hearing for February 17, 2016 CofA Hearing, St. Catharines

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**From:** Doug Crown [mailto:Doug.Crown@cogeco.com]  
**Sent:** Tuesday, February 02, 2016 3:18 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Notices of Hearing for February 17, 2016 CofA Hearing, St. Catharines

Hi Elaine  
Cogeco has no issues or concerns with any of this applications  
Thanks

**DOUG CROWN**

Network Planner  
Network Evolution

T 289-296-6266  
C 905-401-9967

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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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**Munro, Elaine**

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**Subject:** RE: Minor Variance - 194 Main Street, St. Catharines - February 17, 2016 CofA Hearing

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**From:** Vasko, Dennis

**Sent:** Thursday, February 04, 2016 8:09 AM

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

**Subject:** RE: Minor Variance - 194 Main Street, St. Catharines - February 17, 2016 CofA Hearing

Good morning Elaine,

There are no concerns with this property in respect to any closed landfills.

Regards,

Dennis

**Dennis Vasko**

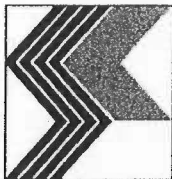
Fill Site Technician

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

**Tel:** 905.688.5601 x2163

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## Memorandum

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To: 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: February 04, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – February 17, 2016 hearing - File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-12/16	194 Main Street	Please be advised that there are additional Ontario Building Code requirements for wall construction and openings when a wall is built less than 1.2m from a property line. Please be advised that a permit is required for the demolition of the shed if its area is greater than 10 square metres.
A-14/16	189 Riverview Blvd	No Comment
A-15/16	185 Riverview Blvd	No Comment
A-16/16	44 Colonel Lyall Street	Please be advised that there are additional Ontario Building Code requirements for wall construction and openings when a wall is built less than 1.2m from a property line.

Mark Lepp, Building Inspector II

Cc: Files, 300-010

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**Munro, Elaine**

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**Subject:** RE: Update RE: Committee of Adjustment Notices and Applications for the February 17/16 CofA Hearing

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**From:** Sullivan, Kristen

**Sent:** Friday, February 05, 2016 2:40 PM

**To:** Munro, Elaine <emunro@stcatharines.ca>; Glover, Terrance <tglover@stcatharines.ca>

**Subject:** RE: Update RE: Committee of Adjustment Notices and Applications for the February 17/16 CofA Hearing

Elaine and Terrance,

Please see attached. Please note I have no comments on the applications for the following addresses:

- 189 Riverview Blvd (mv)
- 185 Riverview Blvd (mv)
- 194 Main St (mv)

Thank you,

**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:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** February 9, 2016

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

---

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

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

**Date of Report:** February 11, 2016

**Date of Meeting:** February 17, 2016

**Submission(s):** A-12/16

**File:** 60.81.5056

**Subject:** 194 Main Street

### Proposal

Application **A-12/16** 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 northerly interior side yard setback to a dwelling from the current 1.2 meters to 0.6 meters.
- 2) An increase of the maximum lot area per dwelling unit from 465 m<sup>2</sup> to 701 m<sup>2</sup>.

### Recommendation

That application **A-12/16** by Timothy McCallum & Debra McCallum, as outlined in the Notice of Hearing be approved.

### Summary

The purpose of the application is to facilitate the development of an attached garage, and recognize the size of the existing lot area.

The existing dwelling currently has an accessory shed in the location where the proposed attached garage is planned. The shed will need to be removed to accommodate the proposed garage. The footprint of the proposed garage will be further away from the side lot line than that of the current shed location.

The minimum interior side yard setback for an accessory structure (shed) is 0.6m, however it appears as though the existing shed may be closer to the lot line than is permitted by the City's Zoning By-law, nonetheless, once this shed is removed the unconfirmed conflict will be resolved.

The applicant wishes to build an attached garage and to do so, has requested a variance from the currently required 1.2m interior side yard setback to a dwelling, to 0.6m.

In addition, the applicant has also requested a variance to confirm the existing lot size.

Further to this application, the subject property is located within the Port Dalhousie Heritage District, and therefore requires a Heritage Permit prior to construction. On January 29<sup>th</sup> 2016, a Heritage Permit was issued for the garage addition. No heritage concerns exist for the development or the subject applications.

Having regard for the matters under Section 45 (1) of the Planning Act, and comments received as of February 11<sup>th</sup> 2016, staff is satisfied that the variances requested through application A-12/16 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 194 Main Street, and is located on the north side of Main Street just south of Verdun Avenue within the Port Dalhousie Heritage District. Main Street is designated as a Regional Road.

#### Regional Official Plan

The subject property is designated as the City of St. Catharines Urban Area Boundary for the purposes of development.

#### City of St. Catharines 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 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 Low Density Residential – Traditional Neighbourhood (R2-7). The R2-7 zone permits attached garages. The R2-7 zone has a special provision that limits development to a maximum height of 9 meters (29.5 feet).

# Report

## Variances Proposed

Application A-12/16 has been made to allow the following variances to the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the northerly interior side yard setback to a dwelling from the current 1.2 metres to 0.6 metres.**

This requested variance is proposing a reduction in the required interior side yard setback to a dwelling from the current 1.2 metres to 0.6 metres. Given the current location of the existing shed to the property line and that the garage will be a one storey structure (i.e. Heritage Permit), as well as considering the existing Main Street streetscape (building massing), and general impact, 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) An increase of the maximum lot area per dwelling unit from 465 m<sup>2</sup> to 701 m<sup>2</sup>.**

The second variance is proposing an increase of the minimum lot area to recognize the state of the existing lot. As such 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-12/16, are in general keeping with the 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 & Approved by:



Terrance Glover, MCIP, RPP, CPT  
Senior Planner

# 189 Riverview Blvd Departmental & Agency Comments

**Munro, Elaine**

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**Subject:** RE: Notices of Hearing for February 17, 2016 CofA Hearing, St. Catharines

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**From:** Doug Crown [mailto:Doug.Crown@cogeco.com]  
**Sent:** Tuesday, February 02, 2016 3:18 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Notices of Hearing for February 17, 2016 CofA Hearing, St. Catharines

Hi Elaine  
Cogeco has no issues or concerns with any of this applications  
Thanks

**DOUG CROWN**

Network Planner  
Network Evolution

T 289-296-6266  
C 905-401-9967

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Niagara Falls Ontario L2G 3H2 Canada  
cogeco.ca



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February 8, 2016

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

Attention: Elaine Munro

File# 60.84.2026, 60.81.5058 & 60.81.5059

Re: 185 & 189 Riverview Blvd

In response to your correspondence(s) dated February 2, 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](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.
- Hydro easement is to remain clear of encroachment of any kind.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
  - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
  - Electrical Safety Code Rule 75-312
  - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards)

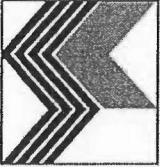
- CAN/CSA-C22.3 No. 1-10, Overhead System
- C22.3 No. 7- 10 Underground Systems

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

Sincerely,

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

Scott Beaudrie  
Supervisor, Engineering Design



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

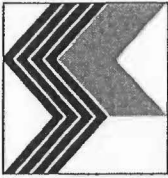
**Date:** February 9, 2016

**Subject:** Committee of Adjustment  
Public Hearings – February 17, 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:** Terrance Glover, Planning & Building Services  
Elaine Munro, Planning & Building Services  
**From:** Kristen Sullivan, Parks, Recreation & Culture Services  
**Date:** February 5, 2016  
**Subject:** Notice of Hearing: Consent to Sever  
Address: 189 Riverview Blvd.  
File No: 60.84.2026

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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 deposit in the general tree planting reserve fund, 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 the 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.

During review of the building permit for the new dwelling PRCS may request that the adjacent boulevard trees be protected or relocated during construction, at the cost of the applicant.

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:** RE: Update RE: Committee of Adjustment Notices and Applications for the February 17/16 CofA Hearing

---

**From:** Sullivan, Kristen

**Sent:** Friday, February 05, 2016 2:40 PM

**To:** Munro, Elaine <emunro@stcatharines.ca>; Glover, Terrance <tglover@stcatharines.ca>

**Subject:** RE: Update RE: Committee of Adjustment Notices and Applications for the February 17/16 CofA Hearing

Elaine and Terrance,

Please see attached. Please note I have no comments on the applications for the following addresses:

- 189 Riverview Blvd (mv)
- 185 Riverview Blvd (mv)
- 194 Main St (mv)

Thank you,

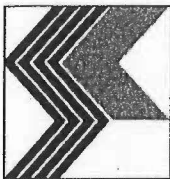
**Kristen Sullivan**

Project & Development Planner

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

**Tel:** 905.688.5601 x3145

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Memorandum

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

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

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

Date: February 04, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – February 17, 2016 hearing - File No.: 300-036**

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**B-06/16SC – 189 Riverview Boulevard**

Comment:  
No Comment

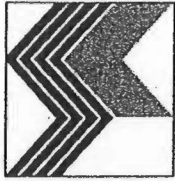
Condition:

The existing shed crossing parts 1 and 2 shall be removed. If the shed 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.

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.

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, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: February 04, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – February 17, 2016 hearing - File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-12/16	194 Main Street	Please be advised that there are additional Ontario Building Code requirements for wall construction and openings when a wall is built less than 1.2m from a property line. Please be advised that a permit is required for the demolition of the shed if its area is greater than 10 square metres.
A-14/16	189 Riverview Blvd	No Comment
A-15/16	185 Riverview Blvd	No Comment
A-16/16	44 Colonel Lyall Street	Please be advised that there are additional Ontario Building Code requirements for wall construction and openings when a wall is built less than 1.2m from a property line.

Mark Lepp, Building Inspector II

Cc: Files, 300-010

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CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** February 11, 2016

**Date of Meeting:** February 17, 2016

**Submission(s):** B-06/16SC  
A-14/16  
A-15/16

**File:** 60.84.2026  
60.81.5058  
60.81.5059

**Subject:** 189 Riverview Boulevard

### Proposal

Application **B-06/16SC** is requesting a consent to sever 542.1m<sup>2</sup> of land (Part 1 on the submitted sketch) to create a new residential lot that will be municipally known as 185 Riverview Boulevard. A 634.2m<sup>2</sup> remnant parcel of land with the existing detached dwelling (Part 2) municipally known as 189 Riverview Boulevard, would be retained for continued residential use.

Application **A-14/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase of the maximum lot area per dwelling unit from the current required 490m<sup>2</sup> to 542.1m<sup>2</sup> (Part 1).

Application **A-15/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 2) An increase of the maximum lot area per dwelling unit from the current required 490m<sup>2</sup> to 634.2m<sup>2</sup> (Part 2).

### Recommendation

That Submission **B-06/16SC** by Peter Charles McDonald & Sharon Sanae McDonald, as outlined in the Notice of Hearing be approved, subject to the following conditions:

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 owner(s) 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 the owner(s) obtains final approval of minor variance applications A-14/16 and A-15/16.

That application **A-14/16** by Peter Charles McDonald & Sharon Sanae McDonald, as outlined in the Notice of Hearing, be approved, and

That application **A-15/16** by Peter Charles McDonald & Sharon Sanae McDonald, as outlined in the Notice of Hearing, be approved.

## **Summary**

The purpose of the applications is to create one (1) new residential lot through the dividing of the existing oversized property known as 189 Riverview Boulevard, for a total of two (2) residential lots.

Having regard for the matters under Sections 51 (24) and 45 (1) of the Planning Act, and comments received as of February 11<sup>th</sup> 2016, staff is satisfied that consent B-06/16SC and respective variances A-14/16 and A-15/16 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 Places to Grow legislation, Regional and local Official Plans, and does not conflict with other 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 on the south side of Riverview Boulevard, just east of Windermere Road, and is municipally known as 189 Riverview Boulevard. The property is surrounded by established low density residential dwellings.

#### Regional Official Plan

The Regional Official Plan designates the subject property as City of St. Catharines Urban Area Boundary for the purposes of development.

### Official Plan (Garden City Plan)

The subject property is designated Neighbourhood - Low Density Residential as per Schedule E8 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.

### Zoning By-law (2013-283)

The subject land is zoned Site Specific Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits a variety of low density residential dwelling types on lots between 400m<sup>2</sup> and 490m<sup>2</sup> in size, including single-detached dwellings.

## **Report**

### Consent Requested

Application **B-06/16SC** is requesting consent to sever 542.1m<sup>2</sup> of land (Part 1 on the submitted sketch) to create a new residential lot that will be municipally known as 185 Riverview Boulevard. A 634.2m<sup>2</sup> remnant parcel of land with the existing detached dwelling (Part 2) municipally known as 189 Riverview Boulevard, would be retained for continued residential use. Although two lots will be created from one existing lot, both lots will remain oversized, thereby requiring the respective minor variance applications (A14/16 & A15/16) to legalize the larger lot sizes.

In staff's opinion the creation of a new lot (Part 1) and the retention of the remnant parcel (Part 2), are in general keeping with the Provincial Policy Statement and Places to Grow legislation, as well as Regional and local Official Plan policies. Although the City's official plan proposes for densities of 20-32 units/ha, while the proposed consent would create a new area density of approximately 7.8 units/ha, and the City's Zoning By-law calls for smaller lot sizes, it is staff's opinion that given the context and character of the area, the proposed infill and intensification development are appropriate and respectful. As such the proposed severance is appropriate and desirable.

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

### Variances Requested

Application **A-14/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase of the maximum lot area per dwelling unit from the current required 490m<sup>2</sup> to 542.1m<sup>2</sup> (Part 1).**

This requested variance is proposing to increase the maximum required lot area per dwelling from the current 490.0m<sup>2</sup> to 542.1m<sup>2</sup>. The character of the surrounding area consists of larger lots that in themselves generally exceed the maximum lot area permissions of the City's Zoning By-law.

Both the Regional and local Official Plans encourage intensification through infill development and the City's Zoning By-law currently limits maximum lot sizes to 490.0m<sup>2</sup>. Given that the variance is to increase to the maximum lot size of the severed parcel, it is staff's opinion that the variance respects the character of the surrounding neighbourhood and is appropriate, desirable, and minor in nature.

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

Application **A-15/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

**2) An increase of the maximum lot area per dwelling unit from the current required 490m<sup>2</sup> to 634.2m<sup>2</sup> (Part 2).**

This requested variance is proposing to increase the maximum required lot area per dwelling from the current 490.0m<sup>2</sup> to 634.2m<sup>2</sup>. The character of the surrounding area consists of larger lots that in themselves generally exceed the maximum lot area requirements of the Zoning By-law.

Both the Regional and local Official Plans encourage intensification through infill development and the City's Zoning By-law currently limits maximum lot sizes to 490.0m<sup>2</sup>. Given that the variance is to increase to the maximum lot size of the retained parcel, it is staff's opinion that the variance respects the character of the surrounding neighbourhood and is appropriate, desirable, and minor in nature.

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

## **Conclusion**

Staff is satisfied that the consent and variances requested through applications B06/16SC, A-14/16, and A-15/16 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 & Approved by:**



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Terrance Glover, MCIP, RPP, CPT  
Senior Planner

# 44 Colonel Lyall St Departmental & Agency Comments

**Munro, Elaine**

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**Subject:** RE: Notices of Hearing for February 17, 2016 CofA Hearing, St. Catharines

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**From:** Doug Crown [mailto:Doug.Crown@cogeco.com]  
**Sent:** Tuesday, February 02, 2016 3:18 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Notices of Hearing for February 17, 2016 CofA Hearing, St. Catharines

Hi Elaine  
Cogeco has no issues or concerns with any of this applications  
Thanks

**DOUG CROWN**

Network Planner  
Network Evolution

T 289-296-6266  
C 905-401-9967

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



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February 8, 2016

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

Attention: Elaine Munro

File# 60.81.5060

Re: 44 Colonel Lyall St

In response to your correspondence(s) dated February 2, 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](http://www.horizonutilities.com).

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



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## Memorandum

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

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** February 9, 2016

**Subject:** Committee of Adjustment  
Public Hearings – February 17, 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:** Terrence Glover, Planning & Building Services  
Elaine Munro, Planning & Building Services  
**From:** Kristen Sullivan, Parks, Recreation and Culture Services  
**Date:** February 5, 2016  
**Subject:** Notice of Hearing: Minor Variance  
Address: 44 Colonel Lyall St.  
File No: 60.81.5060

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Please be advised that we have reviewed the above-noted application and have no concerns with proposed minor variances. It should be understood that the reduced exterior side yard setback may have a minor impact on the species selection for street trees, which are to be planted by the developer through the subdivision agreement.

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

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



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## Memorandum

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

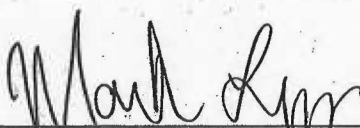
Cc: B. Thiessen, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: February 04, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – February 17, 2016 hearing - File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-12/16	194 Main Street	Please be advised that there are additional Ontario Building Code requirements for wall construction and openings when a wall is built less than 1.2m from a property line. Please be advised that a permit is required for the demolition of the shed if its area is greater than 10 square metres.
A-14/16	189 Riverview Blvd	No Comment
A-15/16	185 Riverview Blvd	No Comment
A-16/16	44 Colonel Lyall Street	Please be advised that there are additional Ontario Building Code requirements for wall construction and openings when a wall is built less than 1.2m from a property line.

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

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CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** February 11, 2016

**Date of Meeting:** February 17, 2016

**Submission(s):** A-16/16

**File:** 60.81.5060

**Subject:** 44 Colonel Lyall Street

### Proposal

Application **A-16/16** 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 easterly interior side yard setback from 1.2 meters to 1.05 meters.
- 2) A reduction of the exterior side yard setback from 3.0 meters to 1.78 meters.

### Recommendation

That application **A-16/16** by Neil Palmer on behalf of the owner Sycamore Construction (St. Catharines) Ltd., as outlined in the Notice of Hearing be approved subject to the following condition:

- 1) That the second variance of this application, to reduce the exterior side yard setback to a dwelling, be limited to the area of the second floor covered balcony and not the entire dwelling.

### Summary

The purpose of the application is to facilitate the development of a single detached dwelling. The owner is not able to meet the current setback requirements due to the proposed dwelling's unique design elements; being a second floor covered balcony and increased building width.

In reviewing the requested variances, staff examined the impacts on adjacent properties, on-site access, neighbourhood character, and unique design opportunities for a corner lot.

Having regard for the matters under Section 45 (1) of the Planning Act, and comments received as of February 11<sup>th</sup> 2016, staff is satisfied that the variances requested through

application A-16/16 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 44 Colonel Lyall Street, and is located on the north side (interior corner) of Colonel Lyall Street, south of Rockwood Avenue.

#### Regional Official Plan

The subject property is designated as the City of St. Catharines Urban Area Boundary for the purposes of development.

#### City of St. Catharines Official Plan (Garden City Plan)

The subject property is designated Medium Density Residential as per schedule E9 of the Garden City Plan. This designation permits a variety of medium density residential dwelling types at a density between 25 and 99 units per hectare, all subject to the policies of the Garden City Plan.

#### Zoning By-law (2013-283)

The subject land is zoned Medium Density Residential (R3). The R3 zone permits a variety of residential dwelling types, including Single Detached Residential dwellings.

## **Report**

### **Variances Proposed**

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

- 1) A reduction of the easterly interior side yard setback from 1.2 meters to 1.05 meters.**

This requested variance is proposing a reduction in the required easterly side yard setback to a dwelling from the current 1.2 metres to 1.05 metres. Given the minor nature of the request; being a total of 15 cm, and the maintained character of the

proposed dwelling, 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 the exterior side yard setback from 3.0 meters to 1.78 meters.**

The second variance is proposing a reduction in the required exterior side yard setback to a dwelling from the current 3.0 metres to 1.78 metres for the purpose of a second floor covered balcony. Given the unique design placement of the dwelling on a corner lot (i.e. facing the exterior side yard), it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land subject to the variance being limited to the area of the second floor covered balcony and not the entire dwelling.

On this basis, staff recommends approval of the requested variance subject to the condition stated in the recommendation.

## **Conclusion**

Staff is satisfied that the variances requested through application A-16/16, are in general keeping with the 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 subject to the condition stated in the recommendation, as they represent good planning.

### **Prepared & Approved by:**



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Terrance Glover, MCIP, RPP, CPT  
Senior Planner