

### **Revised Agenda**

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

Item #3 - 333 Ontario Street, Minor Variance Application - A-11/16 - 60.81.5055

That application A-11/16 be deferred to the March 30, 2016 Hearing as requested by Staff and supported by the Agent to review additional minor variances that may be required.

5. Adoption of the Minutes held February 17, 2016
6. Application:
  1. 357 Martindale Road, Consent Application – B-46/15SC (60.84.2008)
  - 357 Martindale Road, Consent Application – B-47/15SC (60.84.2009)
  - 357 Martindale Road, Minor Variance Application – A-90/15 (60.81.5028)
  - 361 Martindale Road, Minor Variance Application - A-91/15 (60.81.5029)
  - 365 Martindale Road, Minor Variance Application - A-92/15 (60.81.5030)
  2. 15 Pelham Road, Minor Variance Application – A-105/15 – 60.81.5043
  4. 36 Union Street, Minor Variance Application – A-18/16 – 60.81.5062
  5. 12 Wedsworth Street, Consent Application – B-09/16SC – 60.84.2029
  6. 23 Hewko Street, Minor Variance Application – A-21/16 – 60.81.5065
  7. 84 Richelieu Drive – Minor Variance Application – A-22/16 – 60.81.5066

### **7. New Business**

### **8. Adjournment**

Posted on the City's website: March 4, 2016

Posted on the City's website: March 7, 2016

(Revised Agenda & Comments for 357 Martindale Road)

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)

**357 Martindale Road**

**Departmental &  
Agency Comments**



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 6, 2016

**Date of Meeting:** March 9, 2016

**Submission(s):** B-46/15SC  
B-47/15SC  
A-90/15  
A-91/15  
A-92/15

**File:** 60.84.2008  
60.84.2009  
60.81.5028  
60.81.5029  
60.81.5030

**Subject:** 357, 361 & 365 Martindale Road

### Proposal

**NOTE:** All consents and variances have been submitted and applied for in concurrence, so as to realize the ultimate preferred development of the land.

Application **B-46/15SC** is requesting a consent to sever 2,120m<sup>2</sup> of land (Parts 2, 3 and 4 on the submitted sketch) to create a new remnant lot being parts 1, 5, 6, and 7. As a condition of approval, staff is recommending that Parts 1 & 7 be dedicated to the City for conservation purposes. As a result a 1,700m<sup>2</sup> remnant parcel of land (Parts 5 and 6) would be retained for future residential use. In addition, a 70m<sup>2</sup> easement over Part 2 in favor of Parts 1 & 7, will also be created.

Application **B-47/15SC** is requesting a consent to sever 440m<sup>2</sup> of land (Part 4 on the submitted sketch) from Parts 2 and 3, thereby creating a remnant lot of 1680m<sup>2</sup>. In addition an easement over Part 2 in favor of Part 4 will also be created.

Application **A-90/15** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase of the lot area per dwelling unit from 490m<sup>2</sup> to 1,680m<sup>2</sup>; and,
- 2) An increase of the maximum driveway width from 7.5 metres to 11.2 metres.

Application **A-91/15** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the required minimum front yard setback to the dwelling from 6.0 metres to 4.5 metres;

- 2) A reduction of the required minimum front yard setback to the garage from 7.0 metres to 6.0 metres;
- 3) A reduction of the required minimum rear yard setback from 7.5 metres to 6.0 metres; and,
- 4) An increase of the maximum driveway width from 7.5 metres to 11.1 metres.

Application **A-92/15** 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 490m<sup>2</sup> to 1,700m<sup>2</sup> for Parts 5 & 6 as shown on the submitted sketch.

## **Recommendation**

**THAT** Submission **B-46/15SC** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be approved, subject to the following conditions:

### Conditions:

1. That Parts 1 and 7 and a perpetual easement over Part 2, as shown on the submitted sketch prepared by Suda & Maleszyk Surveying Inc. and dated February 8, 2016, be dedicated to the City of St. Catharines for the purpose of Natural Heritage conservation. Said dedication shall be conveyed gratuitously to the City of St. Catharines free and clear of any mortgages, liens or encumbrances;
2. That the existing storage unit on Part 5 as shown on the submitted sketch prepared by Suda & Maleszyk Surveying Inc. and dated February 8, 2016, be removed. If the storage unit exceeds ten (10) square metres in floor area, a permit to demolish the storage unit shall be obtained from the City of St. Catharines Building Department and completed to the satisfaction of the Chief Building Official;
3. 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;
4. That the owner submit payment of 5% of the appraised value of the new lot as shown as Part 5 and 6 on the submitted sketch prepared by Suda & Maleszyk Surveying Inc. and dated February 8, 2016, to the City of St. Catharines in lieu of dedication of land for park purposes, and that the appraisal be completed by a qualified appraiser;

5. That the owner enter into a Development Agreement with the City of St. Catharines to address the servicing, lot grading, stormwater management and geotechnical requirements for the proposed development to the satisfaction of the Manager of Planning Services;
6. That the Development Agreement be executed and registered on the title of the property prior to any development of the lands;
7. That final approval of a conservation permit under O. Reg. 155/06 for the subject development be received; and,
8. That final approval for the necessary minor variance applications B-90/15, and B92/15 be received.

**AND FURTHER THAT** Submission **B-47/15SC** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be approved, subject to the following conditions:

Conditions:

1. That final approval for the necessary Minor Variance application A-91/15 be received;
2. That final approval for the necessary Consent B-46/15SC be received;
3. That final approval of a conservation permit under O. Reg 155/06 for the subject development be received;
4. 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;
5. That the owner submit payment of 5% of the appraised value of the new lot as shown as Part 4 on the submitted sketch prepared by Suda & Maleszyk Surveying Inc. and dated February 8, 2016, to the City of St. Catharines in lieu of dedication of land for park purposes, and that the appraisal be completed by a qualified appraiser;
6. That the owner enter into a Development Agreement with the City of St. Catharines to address the servicing, lot grading, stormwater management and geotechnical requirements for the proposed development to the satisfaction of the Manager of Planning Services; and,
7. That the Development Agreement be executed and registered on the title of the property prior to any development of the lands.

**AND FURTHER THAT** Application **A-90/15** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be approved,

**AND FURTHER THAT** Application **A-91/15** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be approved,

**AND FURTHER THAT** Application **A-92/15** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be approved.

## **Summary**

The purpose of the concurrent applications for both Consent and Minor Variance is to create a total of three (3) lots on the property known as 357 Martindale Road. The consents as applied create the lots, while the minor variances as applied adjust the current zoning requirements to facilitate the lot creations and their developed.

The subject property is located on the west side of Martindale Road and currently contains a portion of a tributary of Martindale Pond. The proposed consents and ultimate development of the lots, are planned to occur on the developable tablelands atop of the recognized stable slope, as supported by the submitted Geotechnical Report and as determined acceptable by the Niagara Peninsula Conservation Authority (NPCA) for the purposes of Conservation Permit.

Similarly, the owner has also submitted a supporting Environmental Impact Study (EIS) to the NPCA for consideration as part of the NPCA 'O.Reg 155/06' permit. The NPCA has determined that the EIS is acceptable for their conservation permit approval needs.

As a result, any environmental or geotechnical issues or resulting development conditions pertaining to the site will be captured in the NPCA's conservation permit approval.

In this regard, subject to the issuance of the NPCA's O.Reg 155/06 conservation permit, all environmental and geotechnical issues have been resolved.

The neighbourhood surrounding the subject lands is made up of an eclectic group of dwellings being of various built form designs, various built form sizes, and various lot sizes. Although a total of three (3) smaller lots will be created from one existing large lot, the proposed lots consisting of Parts 2 & 3, and Parts 5 & 6 will remain oversized, while the third proposed lot being Part 4, will meet the planned lot size requirements of the City's Zoning By-law. To this end, it is staff's opinion that the proposed infill lot creation and requested variances to support the ultimate intensification development, maintains the character of the surrounding neighbourhood, and is appropriate.

Furthermore, in staff's opinion the creation of the lots are in general keeping with the Provincial Policy Statement and Places to Grow legislation, as well as Regional and local Official Plan policies.

Having regard for the matters under Sections 51 (24) and 45 (1) of the Planning Act, and comments received as of March 4<sup>th</sup> 2016, staff is satisfied that consents B-46/15SC and B-47/15SC, and their respective variances A-90/15, A-91/15, and A-92/15 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 severances and minor variances as they 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 consents and variances be approved subject to the conditions outlined in the recommendation.

## **Background**

### **Planning Context**

#### Location

The subject property is located on the west side of Martindale Road, municipally known as 357 Martindale Road, and currently contains a detached dwelling, a storage container and a portion of a tributary of Martindale Pond and related slope embankment. The property is surrounded by established low density residential uses and conservation/natural area. Martindale Road is classified as a Regional Arterial Road.

#### Regional Official Plan

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

#### Official Plan (Garden City Plan)

The subject property is designated as Neighbourhood - Low Density Residential and Natural Area, 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 natural/conservation uses, all subject to the policies of the Garden City Plan.

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

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1) and Conservation/Natural Area (G1). The R1 zone permits a variety of low density residential dwelling types on lots between 400m<sup>2</sup> to 490m<sup>2</sup>, while the G1 zone permits limited passive recreational and conservation uses.

## **Report**

### Consent Requested

Application **B-46/15SC** is requesting a consent to sever 2120m<sup>2</sup> of land (Parts 2, 3 and 4 on the submitted sketch) to create a new remnant lot being parts 1, 5, 6, and 7. Both the severed and remnant lots will be oversized in terms of the zoning requirements.



As a condition of approval, staff is recommending that Parts 1 & 7 (the G1 zoned lands) and an easement (for access) over Part 2 be dedicated to the City for conservation purposes. As a result a 1700m<sup>2</sup> remnant parcel of land (Parts 5 and 6) would be retained as a lot for future residential use.

Given the various lot frontage and lot size character of the surrounding neighbourhood, the request is appropriate.

In staff's opinion the creation of a new lot (Parts 5 & 6) and remnant lot (Parts 2, 3 & 4), provides adequate space for new dwellings without compromising the established character of the street. It is staff's opinion that there should be no negative impact on surrounding lands. In addition, with the dedication of the Natural/Heritage (G1) lands (i.e. tributary of Martindale Pond and related slope embankment), the important natural features will remain preserved in public ownership.

On this basis, staff recommends approval of the requested consent B-46/15SC subject to the conditions outlined in the recommendation.

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#### **Consent Requested**

Application **B-47/15SC** is requesting a consent to sever 440m<sup>2</sup> of land (Part 4 on the submitted sketch) to create a new remnant lot being parts 2 & 3 (1680m<sup>2</sup>). The Remnant lot will remain oversized, while the severed lot will meet the zoning requirements for lot size. Given the existing diversity of lot widths and sizes in the immediate area, it is staff's opinion that the proposed consent is in character of the surrounding neighbourhood and is appropriate. In addition, the applicant is requesting an easement (for access) over Part 2 in favor of the proposed lot (Part 4).

In staff's opinion, the request for consent and easement provides adequate space for new dwellings without compromising the established character of the street. It is also staff's opinion that there should be no negative impact on surrounding lands.

On this basis, staff recommends approval of the requested consent B-47/15SC subject to the conditions outlined in the recommendation.

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#### **Variances Requested**

Application **A-90/15** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase of the lot area per dwelling unit from 490m<sup>2</sup> to 1,680m<sup>2</sup>; and,
- 2) An increase of the maximum driveway width from 7.5 metres to 11.2 metres



Requested variance #1 (A-90/15), is proposing to increase the maximum required lot area from the current 490m<sup>2</sup> to 1,680m<sup>2</sup>. Given the varied lot frontages and lot areas of the surrounding neighbourhood, as well as the proposed variance coming more closely into compliance with the zoning requirement (as opposed to the existing lot size), it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

Requested variance #2 (A-90/15), is proposing to increase the maximum driveway width from 7.5m to 11.2m in order to provide a vehicle turn-around on site. Given the fact that Niagara Region prefers on-site turn-arounds along Martindale Road, and the resulting improved traffic outcome, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land. In addition, the on-site turn-around will be in character with many existing driveways in the surrounding neighbourhood.

As such and on these basis, staff recommends approval of the requested variance(s) for application A-90/15.

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#### **Variances Requested**

Application **A-91/15** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the required minimum front yard setback to the dwelling from 6.0 metres to 4.5 metres;**
- 2) A reduction of the required minimum front yard setback to the garage from 7.0 metres to 6.0 metres;**
- 3) A reduction of the required minimum rear yard setback from 7.5 metres to 6.0 metres; and,**
- 4) An increase of the maximum driveway width from 7.5 metres to 11.1 metres.**

Requested variance #1 (A-91/15), is proposing to decrease the current front yard setback to a dwelling requirement from 6.0m to 4.5m. Given the eclectic range of built form in the surrounding neighbourhood, the applicant has proposed to move the building envelop forward by 1.5m. This reduced setback will result in the building being 1.5m closer to the street than is currently permitted. Acknowledging the limited impact of a 1.5m setback reduction, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

Requested variance #2 (A-91/15), is proposing to decrease the current front yard setback to the garage requirement from 7.0m to 6.0m. Given the eclectic range of built form in the surrounding neighbourhood, the applicant has proposed to move the setback to a garage forward by 1.0m. This reduced setback will complement the proposed 1.5m reduced setback for the dwelling and will result in the garage being 1.0m closer to the street than is currently permitted. The reduction will also maintain the ability to park a vehicle in the front driveway in addition to the garage. Acknowledging the limited impact of a 1.0m setback reduction for the garage, and recognizing the proposed reduction of the similar setback for the dwelling, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

Requested variance #3 (A-91/15), is proposing to decrease the current rear yard setback requirement from 7.5m to 6.0m. Given the proposed easement in favor of Part 4 that will realize a non-development area of 2.0m and appear to act as a setback, as well as acknowledging the limited impact of a 1.5m rear yard setback reduction in relation to the perceived 2.0m easement increase, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

Requested variance #4 (A-91/15), is proposing to increase the maximum driveway width from 7.5m to 11.1m in order to provide a vehicle turn-around on site. Given the fact that Niagara Region prefers on-site turn-arounds along Martindale Road, and the resulting improved traffic outcome, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land. In addition, the on-site turn-around will be in character with many existing driveways in the surrounding neighbourhood.

As such and on these basis, staff recommends approval of the requested variance(s) for application A-91/15.

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#### **Variance Requested**

Application **A-92/15** 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 490m<sup>2</sup> to 1,700m<sup>2</sup> for Parts 5 & 6 as shown on the submitted sketch.**

Requested variance #1 (A-92/15), is proposing to increase the maximum required lot area from the current 490m<sup>2</sup> to 1,700m<sup>2</sup>. Given the varied lot frontages and lot areas of the surrounding neighbourhood, as well as the proposed variance coming more closely into compliance with the zoning requirement (as opposed to the existing lot size), it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

As such and on this basis, staff recommends approval of the requested variance for application A-92/15.

## **Conclusion**

Staff is satisfied that the consents requested through applications B-46/15SC and B-47/15SC, and their respective variances A-90/15, A-91/15, and A-92/15 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 consents and variances be approved, subject to the conditions outlined in the recommendation, as the applications represent good planning.

### **Prepared & Submitted by:**



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**Terrance Glover**, MCIP, RPP, CPT  
Senior Planner

March 4, 2016

Sent Via E-mail Only

File: D.06.08.CS-15-087  
D.06.08.CS-15-088  
D.17.08.MV-15-043

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

Dear Ms. Munro:

**Re: Regional and Provincial Comments  
Revised Minor Variance & Consent Applications  
City File No. A-91/15, B-46/15SC, B-47/15SC  
357 Martindale Road (Regional Road 38)  
City of St. Catharines**

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The above noted applications were previously submitted on November 3, 2015 with fees, and comments provided to the City of St. Catharines on November 13, 2015. The application was deferred until a revised Environmental Impact Study was submitted to the NPCA for review and approval. The applications were resubmitted on February 23, 2016 with a revised Environmental Impact Study.

The applications have also been amended to formally dedicate Part 1 and Part 7 to the City, as well as include Part 5 and 6 as future development. Based on discussions with the City on March 4, 2016, it is Regional staff's understanding that Parts 5 and 6 have merged on title.

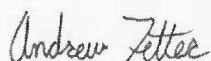
#### **Conclusion**

The modifications as proposed would not impact the Region's previous comments. Therefore, Regional comments (dated November 13, 2015) continue to apply (see attached).

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

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

Sincerely,



Andrew Fetter  
Development Approvals Technician

cc. Morgan Casciani, MCIP, RPP Senior Planner, Development Services Division  
Pat Busnello, MCIP, RPP, Manager, Development Services Division  
Taya Devlin, Watershed Planner, NPCA

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VIA E-MAIL ONLY

November 13, 2015

File: D.06.08.CS-15-087

D.06.08.CS-15-088

D.17.08.MV-15-043

Elaine Munro ACST

Committee Secretary & Planning Clerk

City of St. Catharines

PO Box 3012, 50 Church Street

St. Catharines, ON L2R 7C2

**Proposal:** Consent Applications B-46/15 & B-47/15SC for Consent to Sever and Easement/Right-of-Way, and concurrent Minor Variance Application for reduced yard setbacks.

**Location:** Regional Road 38 (357 Martindale Road)  
In the City of St. Catharines

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A pre-consultation meeting was held on August 13, 2015 with the City of St. Catharines, the Region, and the applicant, for a site plan application. The current proposal did not have a pre-consultation meeting to discuss consent applications as submitted. Regional Niagara Development Services Division has completed a review of the above noted consent and concurrent minor variance applications. The applications propose to sever a 0.211 hectare parcel of land containing an existing dwelling, subject to an easement/right-of-way (Part 2) for the benefit of the westerly abutting lot (Part 1) for access and maintenance purposes. City staff has advised that Part 1 is to be dedicated to the City of St. Catharines for conservation purposes. A 0.141 hectare remnant parcel of land containing an existing storage unit (Part 5) will be retained for future residential development. In addition, a new lot for residential purposes will be created (Part 4) and known as 361 Martindale Road between the existing dwelling (Part 3) and the lot retained for future development. The concurrent minor variance application proposes a reduction in the minimum required yard setbacks. Regional staff provides the following comments to assist the City in considering the applications.

#### 1) Regional Permit Requirements

Prior to any construction taking place within a Regional Road Allowance, a Regional Construction Encroachment and Entrance Permit must be obtained from the Permits Section of the Transportation Services Division or online, during the building permit process.

- Link to the Application for Construction Encroachment:  
<http://www.niagararegion.ca/living/roads/permits/Application-for-Construction-Encroachment.aspx>
- Link to the Application for Entrance Permit:  
<http://www.niagararegion.ca/living/roads/permits/Application-for-Entrance-Permit.aspx>

## **2) Regional Infrastructure**

We would note that there is a Regional 300mm diameter watermain and a Regional 150mm diameter sanitary force main sewer along this section of Martindale Road. There shall be no connection to the watermain or sewer, nor should the line be disturbed during construction.

It is staffs understanding that underground works are proposed with this application for connection of servicing. When underground works are proposed, we recommend that the developer contact Ontario One Call, 1-800-400-2255, to determine the location of the Region's mains in order to avoid any conflicts with the Regional infrastructure.

Prior to any work being undertaken on or in proximity of a Regional watermain or sewer, staff at the Regional Central Maintenance Facility in Welland (905-734-4777) is to be contacted a minimum 72 hours before, in order for staff to be available to inspect the works.

## **3) Archaeological Assessment**

Based on Provincial screening criteria, the subject lands exhibit a high potential for the discovery of archaeological resources due to the presence of a water source within 300 metres of the property. As such, the applicant will be required to submit an archaeological assessment of the subject lands by a licensed archaeologist to the Ministry of Tourism and Culture and Sport for review and approval with a copy provided to the Niagara Region (Development Services Division). Staff notes that no construction, grading, or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry of Tourism and Culture and Sport through the Niagara Region (Development Services Division), confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

## **4) Natural Heritage**

The Region's Core Natural Heritage (CNH) Mapping identifies an Environmental Conservation Area (Significant Woodlands, and Valley Shoreline Buffer), an Environmental Protection Area (Greenbelt Natural Heritage System), Fish Habitat (Critical – Type 1) and a Potential Natural Heritage Corridor located on, and/or adjacent to, the retained and remnant land parcels. The subject lands are traversed by Richardson's Creek and a majority of the lands are included in the Greenbelt Natural Heritage system. The Ministry of Natural Resource Data (NRVIS) has identified a Type 1 (Critical) Fish Habitat and evaluated MNR Wetlands (PSW) located on the subject lands. Further, the Niagara Peninsula Conservation Authority (NPCA), through its work on Source Protection Planning, has identified the lands as being located within a Highly Vulnerable Aquifer Area.

Regional policy provides that within Environmental Protection Areas (EPA) development and site alteration shall not be permitted, except for limited uses specified in the Plan (i.e. Conservation uses, fish and wildlife management uses, and passive recreational uses such as trails). As discussed above, the subject lands contain EPA's as identified on the Region's Core Natural Heritage mapping. Regional Policy does not permit development on lands designated EPA, including lot creation.

Regional policy also provides that development and site alteration on lands adjacent to Environmental Protection Areas and/or within an ECA associated with significant woodlands may be permitted if it has been demonstrated that, over the long term, there will be no negative impact on the natural feature or its ecological function through an Environmental Impact Study (EIS). Further, where development or site alteration is approved in, or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study.



Following discussions between NPCA and Regional staff regarding these applications, the DRAFT Environmental Impact Study (EIS) prepared by Beacon Environmental (dated September 2015) was circulated to Regional Planning staff on November 11, 2015. In accordance with the Memorandum of Understanding and the protocol between the Region and the Niagara Peninsula Conservation Authority (NPCA), the NPCA is responsible for the review and comment on all planning applications for impacts on the natural environment. Please refer to the detailed comments of the NPCA regarding any environmental issues associated with these applications.

## 5) Conclusion

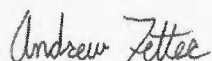
Regional staff has no objection to the proposed minor variance application, subject to the comments of the NPCA. With regards to the consent applications, Regional staff has no objections, subject to the following:

- i) The detailed comments of the NPCA,
- ii) The applicant submits an archaeological assessment of the subject lands by a licensed archaeologist to the Ministry of Tourism and Culture and Sport for review and approval with a copy provided to the Niagara Region (Development Services Division) and that adverse impacts to any significant archaeological resources found on the site be mitigated through preservation or resource removal and documentation,
- iii) That no construction, grading, or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry of Tourism and Culture and Sport through the Niagara Region (Development Services Division), confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

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

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

Sincerely,



Andrew Fetter  
Development Approvals Technician

cc. Morgan Casciani, Senior Planner, Development Services Division  
Taya Devlin, Watershed Planner, NPCA



**NIAGARA PENINSULA  
CONSERVATION  
AUTHORITY**

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

March 4, 2016

File No. MPR 2.13 & 3.13

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

Attn: Elaine Munro, Secretary-Treasurer

Subject: B-46/15SC, B-47/15SC and A-90/15, A-91/15, A-92/15  
357, 361 and 365 Martindale Road, St. Catharines

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

**B46/15SC**

The application has been made for consent to sever 0.212 ha of land (Parts 2 & 3) subject to an easement in perpetuity over 0.007 ha of land (Part 2) for the benefit of the westerly abutting lots (Parts 1 & 7) for access and maintenance purposes. A 0.17 ha remnant parcel (Parts 5 & 6) would be retained for future residential development. Parts 1 & 7 will be dedicated to the City as Natural Area.

**B47/15SC**

The application has been made for consent to sever 0.044 ha of land (Part 4) creating a new lot to be known as 361 Martindale Road for the purpose of constructing a single detached dwelling. A 0.168 ha parcel with the existing dwelling with attached garage (Parts 2 & 3) and proposed easement of access (Part 2) would be retained for continued residential use.

**A90/15**

The application has been made to permit:

1. An increase of the lot area per dwelling unit from 490 m<sup>2</sup> to 1,680 m<sup>2</sup>.
2. An increase of the maximum driveway width from 7.5 metres to 11.2 metres.

**A91/15**

The application has been made to permit:

1. A reduction of the required minimum front yard setback to the dwelling from 6 metres to 4.5 metres.
2. A reduction of the required minimum front yard setback to the garage from 7 metres to 6 metres.
3. A reduction of the required minimum rear yard setback from 7.5 metre to 6 metres.
4. An increase of the maximum driveway width from 7.5 metres to 11.1 metres.

**A92/15**

The application has been made to permit an increase of the maximum lot area per dwelling unit from 490 m<sup>2</sup> to 1,700 m<sup>2</sup> for a future development (Parts 5 & 6).

**Niagara Peninsula Conservation Authority Regulations:**

The subject lands are impacted by a valley slope, Provincially Significant Wetland, Regulatory Floodplain, and fish habitat associated with Richardson Creek.

## Valley Slope

Authority objectives when reviewing applications and proposals on lots adjacent to steep slopes would pertain to minimizing soil erosion and sedimentation, protecting life and property from the potential for slope stability problems, and ensuring that the natural integrity of the valley slope is maintained over the long term. In accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O.REG 155/06), a minimum 7.5 metre setback is typically required from the stable top of slope to all development and site alterations (including lot lines). Due to the location of the subject property in the urban boundary, the NPCA can consider a reduction in the 7.5 metre setback in order to facilitate Smart Growth for the creation of no more than two new lots. A reduction in the setback must be supported by a geotechnical assessment but in no case shall the setback reduction be such that development is allowed beyond the top of slope (Policy 4.3).

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the 'Geotechnical Investigation and Slope Stability Assessment, Revision #2, 357 Martindale Road, St. Catharines' (dated January, 2016) by Amec Foster Wheeler. Based on our review, the NPCA offers the following comments:

1. The NPCA has no objection to the report's conclusion that the 'Physical Top of Slope' is the same as the 'Stable Top of Slope'.
2. The NPCA has no objection to the proposed 6.0 metre setback from the 'Stable Top of Slope' to the back of the proposed building.
3. The NPCA is satisfied that the location of the property line will have no significant negative impact on the stability of the slope.
4. The NPCA is satisfied that the lands within 6.0 metres of the 'Stable Top of Slope' can function as a manicured rear yard with no significant negative impact on the stability of the slope.

Within the manicured rear yard, the NPCA can permit mowed lawn, slab on grade patios and sheds less than 100 m<sup>2</sup>, as these works will have no negative impact on the stability of the slope. Any future development or site alterations (i.e. grading, landscaping, pool, structures requiring a building permit) proposed within the 6 metre setback from the stable top of slope will require NPCA review and approval of an NPCA work permit. Possible further studies may be required to satisfy the NPCA that bank stability can be maintained and there will be no adverse environmental impacts in the long term.

## Provincially Significant Wetland

The western portion of the property and valley wall are impacted by Provincially Significant Martindale Barnesdale Marsh Wetland Complex (PSW). In accordance with the Authority's Regulations, no development is permitted within a PSW and a minimum 30 metre buffer from a PSW is typically required for all development and site alterations. If development is proposed within the 30 metre buffer, an Environmental Impact Study (EIS) will be required to determine if there will be any negative impact to the wetland or its ecological or hydrological functions (Policy 3.24.1 c) 1)).

NPCA staff have reviewed the "Environmental Impact Study, 357 Martindale Road, St. Catharines" by Beacon Environmental (dated November 2015). The conclusions of the EIS appear to satisfy NPCA requirements of no negative impact to the natural heritage features on site, and the submitted slope stability study has determined that a setback of 6 metres from the top of bank to the proposed structures is sufficient for stability purposes. The NPCA would note that there are still a few references to a "new" top of slope in the final EIS, and our conclusions and comments are based on the understanding that this is no longer relevant.

### Regulatory Floodplain and Fish Habitat

In accordance with Policy 4.1, through review of consent applications, the NPCA shall encourage appropriate lot line setbacks and recommend that the natural features be placed in public ownership. Application B46/15SC indicates that Parts 1 & 7, which include the lands located below top of bank, will be dedicated to the City as Natural Area. An easement over Part 2 is to be provided for access and maintenance purposes.

Richardson Creek is also noted as Type 1 (Critical) Fish Habitat and there is an extensive floodplain associated with this section of the Creek. However, since new development proposed on these lands will not be permitted below the top of the bank, the very steep valley acts as an appropriate natural buffer from the floodplain and Type 1 watercourse. In addition, the lands below top of bank (Parts 1 & 7) are being dedicated to the City. As such, NPCA staff are satisfied that the floodplain and fisheries setbacks will not be a concern for this proposal and will be adequately protected.

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

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

The Region's Core Natural Heritage Mapping identifies Provincially Significant Martindale Barnesdale Marsh Wetland (PSW) as an Environmental Protection Area (EPA) and portions of the subject property as being an Environmental Conservation Area (ECA) for Significant Woodland, Significant Wildlife Habitat and Valley Shoreline. The lands located west of Richardson Creek are located within the Natural Heritage System (NHS) of the Greenbelt Plan. The ECA features located within the NHS system are classified as Environmental Protection Areas (EPA). The lands located east of Richardson Creek are located within the Urban Area. In accordance with Policy 7.B.1.11, development and site alteration is not permitted within an EPA and may be permitted adjacent to an EPA (within 120 metres) and within or adjacent to an ECA (within 50 metres) provided it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands over the long term. This can be accomplished through the completion of an EIS.

The subject applications propose the creation of two new lots (Lot 1: Part 4, Lot 2: Parts 5 & 6) for residential development and retention of an existing residential lot (Parts 2 & 3) within the portion of the property in the urban area and within the adjacent lands to the EPA and ECA features identified above. NPCA staff have reviewed the "Environmental Impact Study, 357 Martindale Road, St. Catharines" by Beacon Environmental (dated November 2015). The NPCA is satisfied that the recommendations for the application of natural heritage features under Regional Policy as outlined above are appropriate, including the delineation of ECA Significant Woodland, and the addition of ECA Significant Wildlife Habitat on site.

The conclusions of the EIS appears to satisfy Regional requirements of no negative impact to the natural heritage features on site and within adjacent lands, provided that the mitigation measures outlined in the EIS are implemented during construction and site alterations. NPCA staff are satisfied that the mitigation measures outlined in the EIS can be addressed through the review of an NPCA work permit, which will be required prior to the issuance of a building permit from the City and commencement of works on site.

### **Conclusion:**

The combination of these applications would result in the creation of two new residential lots (Lot 1: Part 4, Lot 2: Parts 5 & 6) and the continued residential use of Parts 2 & 3 with proposed easement for access over Part 2 for the benefit of Parts 1 & 7 which will be dedicated to the City as Natural Area.



Based on the above, the NPCA is satisfied that a suitable building envelope has been identified on the two new lots to be created (Lot 1: Part 4, Lot 2: Parts 5 & 6) and the lot to be retained (Parts 2 & 3) and that the natural features (Parts 1 & 7) will be brought into public ownership. In addition, NPCA staff are satisfied that the recommendations and mitigation measures, as outlined in the studies submitted (Geotechnical and EIS) can be addressed through the review of an NPCA work permit. As such, the NPCA offers no objections to the subject applications subject to the following condition:

- 1) That an NPCA work permit be obtained for the proposed development prior to the issuance of a building permit from the City and commencement of works on site.

Please note, vegetation removal associated with clearing, site access and staging should occur outside the key breeding bird period (generally March 15 to August 31 for Niagara) identified by Environment Canada for migratory birds to ensure compliance with the Migratory Birds Convention Act (MBCA), 1994 and Migratory Bird Regulations (MBR). If vegetation is to be removed during this time, a nest survey should be completed by a qualified avian biologist prior to commencement of works to identify and locate active nests of species covered by the MBCA. This should include the development of a mitigation plan to address any potential impacts on migratory birds and their active nests.

Any future works proposed on the properties will require NPCA review and approvals prior to the commencement of the works on site and any works proposed within a regulated feature or its buffer (i.e. within 6 metres of the stable top of bank) will require a work permit from this office, and possible further studies, in accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06)".

Please send notice of your Council's decision.

I trust this information will be of assistance to you. Should you have any further questions or require additional information, please do not hesitate to contact me.

Yours truly,



Taya Devlin  
Watershed Planner (ext. 262)

Cc: Morgan Casciani, Planner, Niagara Region  
Andrew Fetter, Development Approval Technician, Niagara Region  
Connie Mancuso, Niagara Region  
David Deluce, Supervisor, Development Reviews, NPCA



### Legend

- Contours 2010 (1m)
- Regulated Floodplain Extent
  - Advisory (CWR)
  - Regulated
- Top of Slope Features
  - Stable
  - Unstable
- OWES WETLANDS
  - ▨ Non-Provincially Significant Wetland
  - ▩ Provincially Significant Wetland
- Wetland Allowance
- 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

1: 1,999



101.5 0 50.77 101.5 Meters

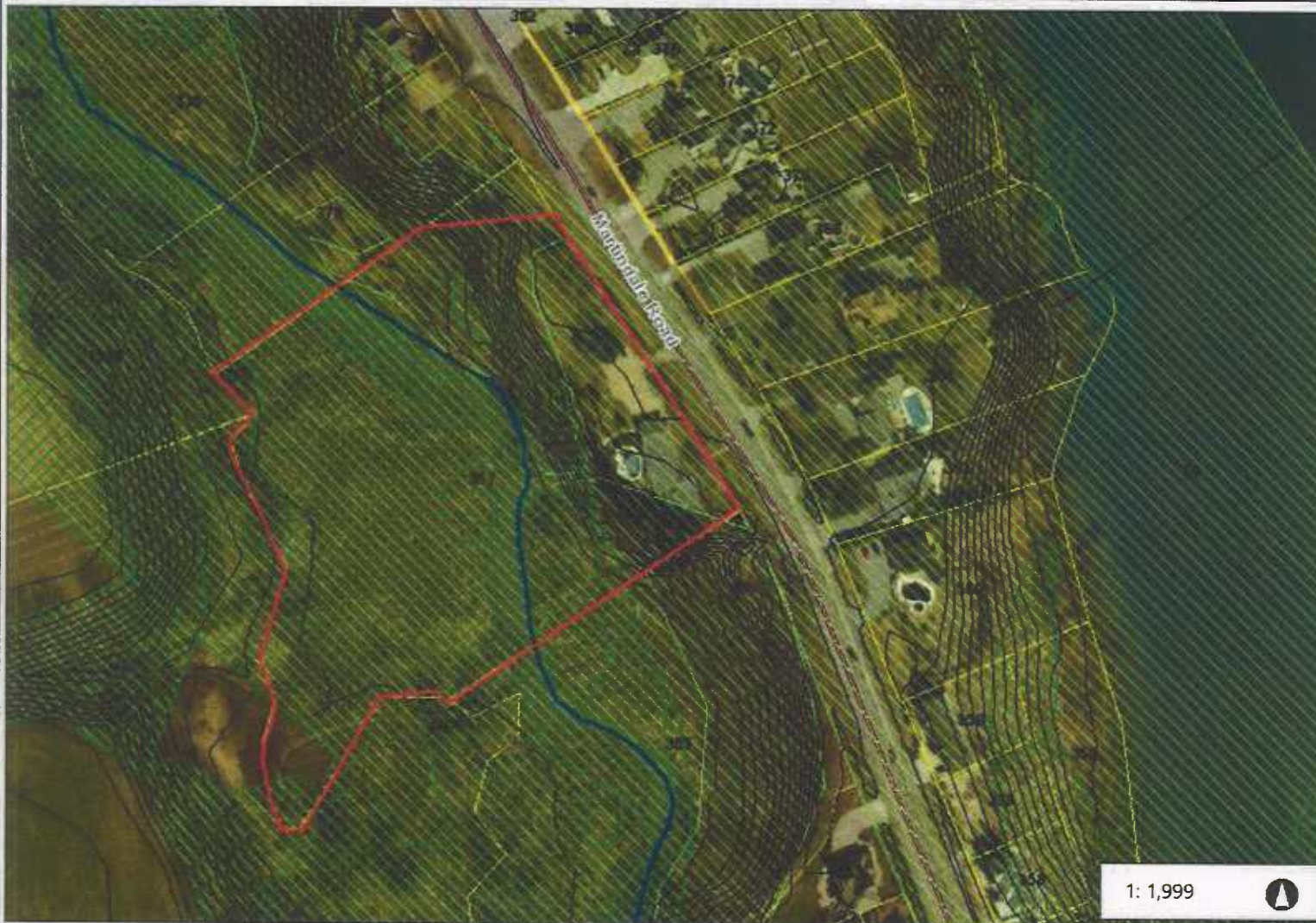
NAD\_1983\_UTM\_Zone\_17N

© NPCA, Niagara Region, LIO, MPAC & Teranet

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

### Notes





### Legend

- Contours 2010 (1m)
- NHS - Fish Habitat
- EPA: Provincially Significant V
- EPA: Greenbelt NHS
- ECA: Valley Shoreline Buffer
- ECA: Significant Woodlands
- ECA: Significant Wildlife Habit
- 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
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3
- 1km176570477002010MAPCC

1: 1,999



101.5 0 50.77 101.5 Meters

NAD\_1983\_UTM\_Zone\_17N

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### Notes



**Munro, Elaine**

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**Subject:** RE: Notice of Hearing for St. Catharines Committee of Adjustment Hearing - March 9, 2016

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**From:** Glofcheskie, Christopher (MTO) [mailto:Christopher.Glofcheskie@ontario.ca]  
**Sent:** Wednesday, February 24, 2016 11:07 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Notice of Hearing for St. Catharines Committee of Adjustment Hearing - March 9, 2016

Ms. Elaine Munro,

The Ministry has reviewed the following files and has no comment as it is outside of our permit control.

357 Martindale Road, Consent Application – B-46/15SC (60.84.2008)  
357 Martindale Road, Consent Application – B-47/15SC (60.84.2009)  
357 Martindale Road, Minor Variance Application – A-90/15 (60.81.5028)  
361 Martindale Road, Minor Variance Application - A-91/15 (60.81.5029)  
365 Martindale Road, Minor Variance Application - A-92/15 (60.81.5030)

If you have any questions please do not hesitate to let me know.

**Chris Glofcheskie C. Tech**  
Corridor Management Officer  
Niagara Region  
Ministry of Transportation  
159 Sir William Hearst Avenue, 7<sup>th</sup> Floor,  
Toronto, Ontario M3M 0B7  
Tel: (416) 235-5560  
Email: [christopher.glofcheskie@ontario.ca](mailto:christopher.glofcheskie@ontario.ca)



February 25, 2016

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

Attention: Elaine Munro

File# 60.84.2009 & 60.81.5029

Re: 357 & 361 Martindale Road

In response to your correspondence(s) dated February 23, 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.

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", with a stylized flourish at the end.

Scott Beaudrie  
Supervisor, Engineering Design

**Munro, Elaine**

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**Subject:** RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

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

**Sent:** Wednesday, February 24, 2016 7:51 AM

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

**Subject:** RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

Good Morning Elaine

1. 357 Martindale Road, Consent Application – B-46/15SC (60.84.2008) No concerns or issues  
357 Martindale Road, Consent Application – B-47/15SC (60.84.2009) No concerns or issues  
357 Martindale Road, Minor Variance Application – A-90/15 (60.81.5028) No concerns or issues  
361 Martindale Road, Minor Variance Application - A-91/15 (60.81.5029) No concerns or issues  
365 Martindale Road, Minor Variance Application - A-92/15 (60.81.5030) No concerns or issues
2. 15 Pelham Road, Minor Variance Application – A-105/15 (60.81.5043) No concerns or issues
3. 333 Ontario Street, Minor Variance Application – A-11/16 (60.81.5055) *(TO BE CIRCULATED BY THE END OF THIS WEEK)*
4. 36 Union Street, Minor Variance Application – A-18/16 (60.81.5062) No concerns or issues
5. 12 Wedsworth Street, Consent Application – B-09/16SC (60.84.2029) No concerns or issues
6. 23 Hewko Street, Minor Variance Application – A-21/16 (60.81.5065) No concerns or issues
7. 84 Richelieu Drive – Minor Variance Application – A-22/16 (60.81.5066) *(TO BE CIRCULATED BY THE END OF THIS WEEK)*

*Hope you have a dry day today !!!!*

*Thanks*

**DOUG CROWN**

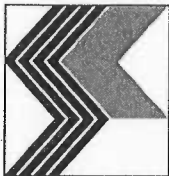
Network Planning and Design

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

7170 McLeod Rd

Niagara Falls Ontario L2G 3H2 Canada

[Doug.Crown@cogeco.com](mailto:Doug.Crown@cogeco.com)



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## Memorandum

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**To:** Terrance Glover, Planning and Building Services  
**CC:** Elaine Munro, Planning & Building Services  
**From:** Kristen Sullivan, Parks, Recreation & Culture Services  
**Date:** February 26, 2016  
**Subject:** Notice of Hearing: Consent to Sever  
Address: 357 Martindale Rd.  
File No: 60.84.2008, 60.84.2009

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

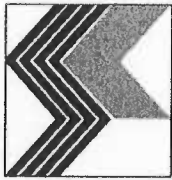
That the applicant be required to enter into a development agreement with the City and that boulevard tree planting be included as terms of the agreement, among items requested by other departments.

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

That payment of 5% of the appraised value of the new residential parcels (Parts 4 and 5) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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

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



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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: March 1, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – March 9, 2016 hearing - File No.: 300-036**

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**B-46/15SC – 357 Martindale Road**

Comment:  
No Comment

Condition:

The existing storage unit on Part 5 shall be removed. If the storage unit exceeds 10 square metres in floor area, a permit to demolish the storage unit shall be obtained from the City Building Department and completed to the satisfaction of the Chief Building Official.

**B-47/15SC – 357 Martindale Road**

Comment:  
No Comment

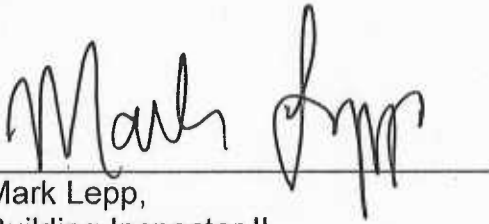
Condition:

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.

**B-09/16SC – 12 Wedsworth Street**

Comment:  
No Comment

Condition:  
No Comment

A handwritten signature in black ink, appearing to read "Mark Lepp", is written over a horizontal line.

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

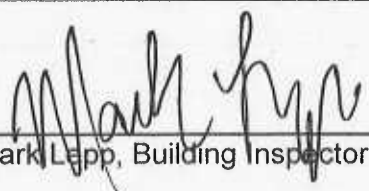
From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: March 1, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – March 9, 2016 hearing - File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-90/15	357 Martindale Road	No Comment
A-91/15	361 Martindale Road	Please be advised a Building Permit is required for the proposed single detached dwelling w/ attached garage
A-92/15	365 Martindale Road	No Comment
A-105/15	15 Pelham Road	Please be advised a Building Permit is required for the proposed 3 Unit and 2 Unit Rowhouses. Note that spatial separations will be addressed during Building Permit review.
A-11/16	333 Ontario Street	Please be advised a Building Permit is required for the proposed addition.
A-18/16	36 Union Street	No Comment
A-21/16	23 Hewko Street	Please be advised a Building Permit is required for the proposed detached garage (and the deck, if constructed without a permit).
A-22/16	84 Richelieu Drive	Please be advised a Building Permit is required for the proposed addition w/ attached garage.



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Mark Lepp, Building Inspector II

Cc: Files, 300-010

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**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-46/15SC**



February 26, 2016

**ENGINEERING FILE 300-36**

**Hearing Date:** March 9, 2016

**Applicant:** 1473941 Ontario Limited

**Location:** 357 Martindale Road

**MUNICIPAL SERVICES**

**Martindale Road**

**Water:** 300mm (12") Regional Trunk  
No local Municipal Watermain

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

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

**Sidewalks:** Yes

**Road Allowance Width:** 26.2m± (Regional)

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

**Comment(s):** It is noted that the Applicant proposes to sever Parts 2 & 3 subject to an easement/right-of-way in perpetuity over Part 2 for the benefit of the westerly abutting lots (Parts 1 & 7), for access and maintenance purposes and for the proposed single detached dwelling lot with an attached garage (Part 4). A remnant parcel of land containing an existing storage unit (Parts 5 & 6) would be retained for future residential development. Parts 1 & 7 will be dedicated to the City as Natural Area.

**Roads**

Martindale Road along this section is designated as a Regional Arterial road as per the City's Official Plan, with a desired right-of-way width of 26.2m. Its current width is 26.2m however the Regional Municipality of Niagara will have final say as to whether a need for a further widening is required along the Applicant frontage, according to their Region of Niagara Policy Plan for rights-of-ways.

**Engineering Services**

A local 450mm storm and 200mm sanitary sewer exist on Martindale Road to which the future lots will be required to tie into independently for services. Confirmation of available capacities to accommodate the proposed development lots within the existing sewers on Martindale Road will be required to be submitted.

One connection to the Regional 300mm watermain to provide a local Municipal watermain will be required and must be designed and constructed in accordance with City standards in order to provide independent water services to the proposed lots. The design and construction of these services shall be at the entire cost of the Applicant.


### **Grading & Drainage**

Drainage of the lands must be addressed to convey flows on each property to a sufficient outlet, while at the same time not adversely affecting abutting properties. The Applicant shall be responsible to submit to the City for review and approval a Master Grading Control Plan for the entire development addressing the grading of the individual lots, a Stormwater Management Report addressing the development's ability to control post-development stormwater flows to that of pre-development rates, and a Geotechnical Soils Report addressing soil slope stability and drainage. Individual lot grading plans required to be submitted for building permit applications shall conform to the approved Master Grading Control Plan.

### **Condition(s):**

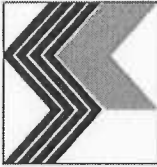
Prior to final consent, the Applicant shall;

- Enter into a Development Agreement with the City of St. Catharines to address the above servicing, lot grading, stormwater management and geotechnical requirements for the proposed development, and;
- The Development Agreement be executed and registered on the title of the lands prior to any of the proposed lots being developed



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

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



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## Memorandum

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

**Cc:** Terrence Glover, Planner II  
Planning & Building Services

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

**Date:** February 26, 2016  
**Hearing Date:** March 9, 2016

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-90/15SC – 357 Martindale Road  
A-91/15SC – 361 Martindale Road  
A-92/15SC – 356 Martindale Road  
A-105/15SC – 15 Pelham Road  
A-11/16SC – 333 Ontario Street  
A-18/16SC – 36 Union Street  
A-21/16SC – 23 Hewko Street  
A-22/16SC – 84 Richelieu Drive

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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



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## Memorandum

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

**Cc:** Development Technologist

**From:** Steve Bittner  
Transportation Technologist

**Date:** February 29, 2016

**Subject:** Committee of Adjustment  
Public Hearings – March 9, 2016  
File No. 305-17-01

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

### **333 Ontario Street**

We do not have sufficient information to assess whether the proposed reduction in parking will satisfy the future parking demand. The parking study submitted by the applicant needs to be expanded to include evening and weekends in order to provide a more complete picture of the parking utilization on the site.

Unlike sites that consists primarily of residential uses, the parking demand for commercial sites are generally more variable. For example, many restaurants generate the highest parking demand on weekend evenings.

Based on the initial findings, there appears to be sufficient parking. However, the parking study is incomplete. Given the nature of the uses on the site and the potential variableness of the parking demand, our recommendation would be for a parking study to be completed by a qualified professional.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

# 15 Pelham Road Departmental & Agency Comments



**NIAGARA PENINSULA  
CONSERVATION  
AUTHORITY**

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

March 4, 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-105/15  
15 Pelham Road, St. Catharines

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

**Phase 1**

1. A reduction of minimum density per hectare from 20 units/hectare to 17.7 units/hectare.

**Phase 2**

1. A reduction of the minimum distance from the Private Road to the Dwelling (Semi-Detached) from 3 metres to 1.72 metres.
2. A reduction of the required landscape strip along the road from 3 metres to 0 metres.

**Niagara Peninsula Conservation Authority Regulations:**

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

**Niagara Region Core Natural Heritage Comments:**

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

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

**Conclusion:**

Based on the above, the NPCA offers no objection to the subject application which has been made for a reduction of the minimum density per hectare from 20 units/hectare to 17.7 units/hectare, reduction of the minimum distance from the Private Road to the Dwelling from 3 metres to 1.72 metres and a reduction of the required landscape strip along the road from 3 metres to 0 metres.

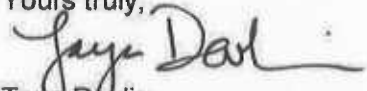


Please note, at the Site Plan Approval stage NPCA staff reviewed the Site Plan and Arborist Report (prepared by Urban Forest Innovations Inc. dated December 14, 2015 and revised February 26, 2016) for the subject property. NPCA comments provided at the Site Plan stage outline mitigation measures to be implemented during construction.

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

I trust the above will be of assistance to you. Please do not hesitate to call should you have further questions in this matter.

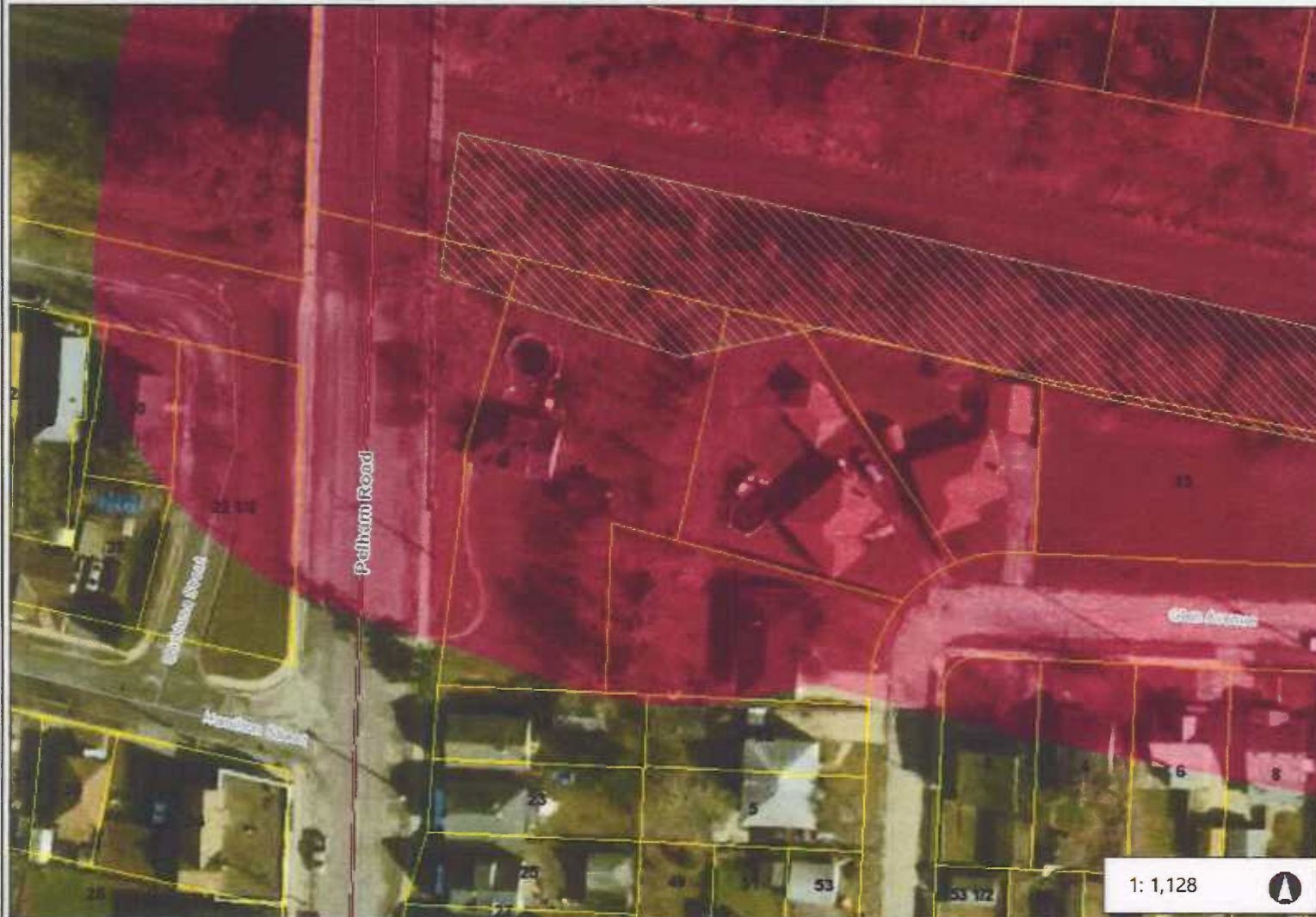
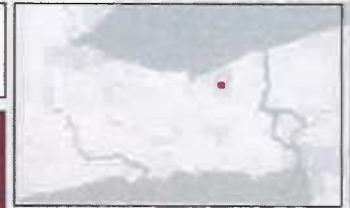
Yours truly,



Taya Devlin

Watershed Planner (ext. 262)

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



#### Legend

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

1: 1,128



57.3 0 28.65 57.3 Meters

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

© NPCA, Niagara Region, LIO, MPAC & Teranet

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

#### Notes

Pre-Consultation

**Munro, Elaine**

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**Subject:** RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

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

**Sent:** Wednesday, February 24, 2016 7:51 AM

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

**Subject:** RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

Good Morning Elaine

1. 357 Martindale Road, Consent Application – B-46/15SC (60.84.2008) No concerns or issues  
357 Martindale Road, Consent Application – B-47/15SC (60.84.2009) No concerns or issues  
357 Martindale Road, Minor Variance Application – A-90/15 (60.81.5028) No concerns or issues  
361 Martindale Road, Minor Variance Application - A-91/15 (60.81.5029) No concerns or issues  
365 Martindale Road, Minor Variance Application - A-92/15 (60.81.5030) No concerns or issues
2. 15 Pelham Road, Minor Variance Application – A-105/15 (60.81.5043) No concerns or issues
3. 333 Ontario Street, Minor Variance Application – A-11/16 (60.81.5055) *(TO BE CIRCULATED BY THE END OF THIS WEEK)*
4. 36 Union Street, Minor Variance Application – A-18/16 (60.81.5062) No concerns or issues
5. 12 Wedsworth Street, Consent Application – B-09/16SC (60.84.2029) No concerns or issues
6. 23 Hewko Street, Minor Variance Application – A-21/16 (60.81.5065) No concerns or issues
7. 84 Richelieu Drive – Minor Variance Application – A-22/16 (60.81.5066) *(TO BE CIRCULATED BY THE END OF THIS WEEK)*

*Hope you have a dry day today !!!!*  
*Thanks*

**DOUG CROWN**

Network Planning and Design

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

7170 McLeod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
[Doug.Crown@cogeco.com](mailto:Doug.Crown@cogeco.com)



February 25, 2016

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

Attention: Elaine Munro

File# 60.81.5043

Re: 15 Pelham Rd

RPT	DATE	INFO	P.D.S
			REFERRED TO
			E. munro
DATE	→	MAR - 3 2016	SCAN <input type="checkbox"/>
FILE NO			

In response to your correspondence(s) dated February 23, 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.

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,



Scott Beaudrie  
Supervisor, Engineering Design



## Memorandum

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

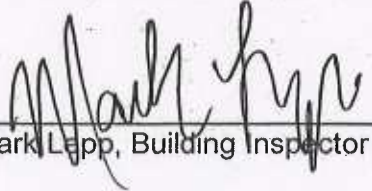
Cc: B. Thiessen, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: March 1, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – March 9, 2016 hearing - File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-90/15	357 Martindale Road	No Comment
A-91/15	361 Martindale Road	Please be advised a Building Permit is required for the proposed single detached dwelling w/ attached garage
A-92/15	365 Martindale Road	No Comment
A-105/15	15 Pelham Road	Please be advised a Building Permit is required for the proposed 3 Unit and 2 Unit Rowhouses. Note that spatial separations will be addressed during Building Permit review.
A-11/16	333 Ontario Street	Please be advised a Building Permit is required for the proposed addition.
A-18/16	36 Union Street	No Comment
A-21/16	23 Hewko Street	Please be advised a Building Permit is required for the proposed detached garage (and the deck, if constructed without a permit).
A-22/16	84 Richelieu Drive	Please be advised a Building Permit is required for the proposed addition w/ attached garage.

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

g:\pbs-building & development\committee of adjustment\bldg memo 2016\07 bcoa memo-mv-March 9, 2016.docx



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## Memorandum

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**To:** Terrance Glover, Planning & Building Services  
**CC:** Elaine Munro, Planning & Building Services  
**From:** Kristen Sullivan, Parks, Recreation and Culture Services  
**Date:** February 26, 2016  
**Subject:** Notice of Hearing: Minor Variance  
Address: 15 Pelham Rd.  
File No: 60.81.5043

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Please be advised that we have reviewed the above-noted application and have no comments to provide on the minor variance requested under phase 1 or minor variance 1 being requested under phase 2.

PRCS provides the following comments for minor variance 2 under phase 2, being a reduction in the required landscape strip along the road to 0 metres:

- The arborist report prepared by Urban Forest Innovations Inc. and dated December 14, 2015 indicates that six of the existing trees on the road allowance can be preserved. These trees will provide the visual screen of the proposed parking area that would typically be expected of a landscape strip. These trees may be removed by the City at any time if the trees decline in health or if this land is needed for other municipal, utility or infrastructure purposes. The arborist report indicates that six trees will need to be removed from the road allowance; requirements for tree removal and any replacement will be addressed through the site plan agreement.
- If approved, the landscape strip reduction should apply only to the portion of the property north of the proposed entrance.

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 & Building Services

**Cc:** Terrence Glover, Planner II  
Planning & Building Services

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

**Date:** February 26, 2016  
**Hearing Date:** March 9, 2016

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-90/15SC – 357 Martindale Road  
A-91/15SC – 361 Martindale Road  
A-92/15SC – 356 Martindale Road  
A-105/15SC – 15 Pelham Road  
A-11/16SC – 333 Ontario Street  
A-18/16SC – 36 Union Street  
A-21/16SC – 23 Hewko Street  
A-22/16SC – 84 Richelieu Drive

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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





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk  
**Cc:** Development Technologist  
**From:** Steve Bittner  
Transportation Technologist  
**Date:** February 29, 2016  
**Subject:** Committee of Adjustment  
Public Hearings – March 9, 2016  
File No. 305-17-01

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

### **333 Ontario Street**

We do not have sufficient information to assess whether the proposed reduction in parking will satisfy the future parking demand. The parking study submitted by the applicant needs to be expanded to include evening and weekends in order to provide a more complete picture of the parking utilization on the site.

Unlike sites that consists primarily of residential uses, the parking demand for commercial sites are generally more variable. For example, many restaurants generate the highest parking demand on weekend evenings.

Based on the initial findings, there appears to be sufficient parking. However, the parking study is incomplete. Given the nature of the uses on the site and the potential variableness of the parking demand, our recommendation would be for a parking study to be completed by a qualified professional.

**We have no concerns or requirements with the remaining applications.**

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



## Technical Report

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

**Date of Report:** March 4, 2016

**Date of Meeting:** March 9, 2016

**Submission(s):** A-105/15

**File:** 60.81.5043

**Subject:** 15 Pelham Road

### Proposal

Application **A-105/15** 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 minimum density per hectare from 20 units/ha to 17.7 units/ha, and
- 2) A reduction of the minimum distance from the private road to the dwelling (semi-detached) from 3.0 meters to 1.72 meters, and
- 3) A reduction of the required landscape strip along the road (Pelham Road) from the 3.0 meters to 0.0 meters.

### Recommendation

That application **A-105/15** by Brock View Rentals Inc., as outlined in the Notice of Hearing be approved.

### Summary

The purpose of the application is to facilitate the development of a three (3) unit townhouse, while setting up the site for future development of an additional two (2) units contained within a semi-detached dwelling. While the proposed three (3) unit townhouse would be permitted via these requested variances, the semi-detached dwelling will require Site Plan Approval prior to their development, since any development beyond three (3) units on a single site requires Site Plan Approval. The applicant has provided foresight

in the variance applications in order to set the site-up for the ultimate development of five (5) residential units.

The property is an irregular shaped lot that abuts a rail approach to the west, a rail corridor to the north, and single detached residential uses to the east and south. These factors complicate compatible development options of the site and as a result require variances to maximize its potential. The requested variances for reduced density, reduced distance from a private road to a dwelling, and a reduction of landscape strip abutting a road are reasonable for the proposed form of development. In addition, the requested variances are to facilitate proposed forms of development that are suited to this lot given its current zoning permissions and locational complications.

Having regard for the matters under Section 45 (1) of the Planning Act, and comments received as of March 3<sup>rd</sup> 2016, staff is satisfied that the variances requested through application A-105/15 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.

Staff recommends that the requested variances be approved.

## **Background**

### **Planning Context**

#### Location

The subject property is municipally known as 15 Pelham Road, and is located on the east side of the road immediately south of the rail corridor and adjacent to the road/rail bridge. Pelham Road is designated as an arterial 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 - Medium Density Residential as per Schedule E7 of the Garden City Plan. This designation permits a variety of medium density residential dwelling types, including semi-detached and townhouse dwellings, subject to the policies of the Garden City Plan.

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

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits a variety of low density residential uses, including semi-detached, townhouse and private road developments.

# Report

## Variances Proposed

Application A-105/15 has been made to allow the following variances to the City of St. Catharines Zoning By-law 2013-283:

**1) A reduction of the minimum density per hectare from 20 units/ha to 17.7 units/ha,**

This requested variance is proposing a decrease from the required density of 20 units/ha to 17.7 units/ha, as per Zoning By-law requirements. This request is further complicated by the current Medium Density Official Plan Designation on the property that calls for a density between 25-99 units/ha. In order to be supportable, the variance must meet the four (4) tests of a minor variance; being

- 1) Is the requested variance minor in nature;
- 2) Is the requested variance desirable for the appropriate development or use of land;
- 3) Does the requested variance meet the general intent and purpose of the official plan; and,
- 4) Does the requested variance meet the general intent and purpose of the zoning by-law.

In this specific instance, given the complications of the site and the general policy intent to maximize appropriate development through the Official Plan policies and Zoning regulations, it is staff's opinion that all four (4) tests as described above can be met, . The words "general" and "appropriate" have been underlined to emphasize their use while considering the four (4) tests.

As such, it is staff's opinion that the requested variances are minor in nature, are appropriate and desirable for the area and use of land, and meet the general intent of the Official Plan and Zoning By-law.

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

**2) A reduction of the minimum distance from the private road to the dwelling (semi-detached) from 3.0 meters to 1.72 meters.**

This requested variance is proposing a reduction in the minimum distance from a private road to a dwelling (i.e. future semi-detached units). Regardless of the phase or timing of development, staff must be satisfied that on a site-by-site basis the requested variance meets the four (4) tests of a minor variance. In this instance, given that the reduction to 1.72m could still accommodate a walkway and/or limited vegetation, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable



for the area and use of land, and meets the general intent of the Official Plan and Zoning By-law.

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

**3) A reduction of the required landscape strip along the road (Pelham Road) from the 3.0 meters to 0.0 meters.**

This requested variance is proposing a reduction in the minimum landscape strip along the road from 3.0m to 0.0m. As mentioned, staff must be satisfied that on a site-by-site basis the requested variance meets the four (4) tests of a minor variance. In this instance, the distance from the roadway Right-of-Way (i.e. the area that is owned by the City and is not part of this development) increases the closer you get to the railway corridor. As well, the site lies lower than the roadway, so any landscaping of the area between the roadway and site would be diminished by the downward slope/grade of the land as well as the existing safety barrier. In addition, upon future review of the development via the Site Plan Approval Process for the phase 2 semi-detached units, improvements to the landscaping will surely be considered to further mitigate any unsightly views.

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, and meets the general intent of the Official Plan and Zoning By-law.

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

## **Conclusion**

Staff is satisfied that the variances requested through application A-105/15, 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.

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



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Terrance Glover, MCIP, RPP, CPT  
Senior Planner

# 36 Union Street Departmental & Agency Comments



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 4, 2016

**Date of Meeting:** March 9, 2016

**Submission(s):** A-18/16

**File:** 60.81.5062

**Subject:** 36 Union Street

### Proposal

Application **A-18/16** 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 minimum front yard setback to a dwelling from 3.0 meters to 2.4 meters.

### Recommendation

That application **A-18/16** by Niceplace Homes Inc., as outlined in the Notice of Hearing be approved.

### Summary

The purpose of the application is to facilitate the legalization of an existing covered porch.

The porch was re-built as part of the renovation of an existing dwelling and will be utilized as the front entrance to the building. The existing porch has historically been covered with a roof; however at this time it is also being enclosed to become part of the dwelling's gross floor area. The applicant would now like to legalize this porch addition.

The enclosed porch is in keeping with the eclectic build form of the existing neighbourhood, and positively adds to the visual interest of the block face and property.

Having regard for the matters under Section 45 (1) of the Planning Act, and comments received as of March 3<sup>rd</sup> 2016, staff is satisfied that the variance requested through application A-18/16 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is 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 variance be approved. It is also staff's opinion that the requested variance represents good planning.

## **Background**

### **Planning Context**

#### Location

The subject property is municipally known as 36 Union Street, and is located on the west side of Union Street slightly north of Hilda Street. Union Street is designated as a Local 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 E7 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.

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

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits a range of low density residential uses such as detached dwellings. The covered porch is viewed as an addition to a detached dwelling.

## **Report**

### **Variances Proposed**

Application A-18/16 has been made to allow the following variance to the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the minimum front yard setback to a dwelling from 3.0 meters to 2.4 meters.**

This requested variance is proposing the legalization of an existing covered porch from the current 3.0 metres to 2.4 metres (a reduction of 1.9 feet). Given the current eclectic built form of the existing neighbourhood, as well as positive visual character to the property and block face, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land and meets the general intent of the Official Plan and Zoning By-law.

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



## **Conclusion**

Staff is satisfied that the variance requested through application A-18/16, is in general keeping with the intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land.

It is also staff's recommendation that the requested variance be approved, as it represents good planning.

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



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Terrance Glover, MCIP, RPP, CPT  
Senior Planner

**Munro, Elaine**

---

**Subject:** RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

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**Sent:** Wednesday, February 24, 2016 7:51 AM

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

**Subject:** RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

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7. 84 Richelieu Drive – Minor Variance Application – A-22/16 (60.81.5066) *(TO BE CIRCULATED BY THE END OF THIS WEEK)*

*Hope you have a dry day today !!!!*

*Thanks*

**DOUG CROWN**

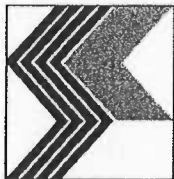
Network Planning and Design

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

7170 McLeod Rd

Niagara Falls Ontario L2G 3H2 Canada

[Doug.Crown@cogeco.com](mailto:Doug.Crown@cogeco.com)



## Memorandum

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

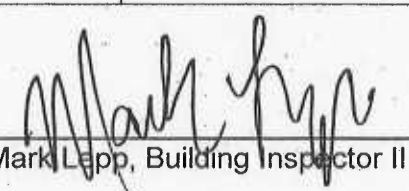
Cc: B. Thiessen, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: March 1, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – March 9, 2016 hearing - File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-90/15	357 Martindale Road	No Comment
A-91/15	361 Martindale Road	Please be advised a Building Permit is required for the proposed single detached dwelling w/ attached garage
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A-22/16	84 Richelieu Drive	Please be advised a Building Permit is required for the proposed addition w/ attached garage.

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

g:\pbs-building & development\committee of adjustment\bldg memo 2016\07 bcoa memo-mv-March 9, 2016.docx

## **Glover, Terrance**

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**From:** Sullivan, Kristen  
**Sent:** Friday, February 26, 2016 4:39 PM  
**To:** Glover, Terrance  
**Subject:** FW: Committee of Adjustment Notices and Applications for the March 9/16 CofA Hearing  
**Attachments:** Pelham\_15\_81.5043\_2016Feb26.doc; Wedsworth\_12\_84.2029.doc; Martindale\_357\_84.2008\_2016Feb26.doc

Terrance,

Please see the attached comments. PRCS has no comments on applications for the following addresses:

- 23 Hewko (mv)
- 84 Richelieu (mv)
- 36 Union (mv)
- 357 Martindale (mv)
- 361 Martindale (mv)
- 365 Martindale (mv)
- 333 Ontario (mv)

Thank you,

**Kristen Sullivan**

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145

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**From:** Munro, Elaine  
**Sent:** Tuesday, February 23, 2016 3:14 PM  
**To:** Bittner, Steve; Ritchie, Scott; Pihach, Judy; Sullivan, Kristen; Johnston, Brad; Melin, Nathan; Lepp, Mark; Josipovic, Margaret; Glover, Terrance  
**Cc:** Bellows, Bruce; Stewart, Dave; Kowalski, Emma; Thiessen, Brian; Burrows, Sandra  
**Subject:** Committee of Adjustment Notices and Applications for the March 9/16 CofA Hearing

Hi:

For the March 9, 2016 Committee of Adjustment Hearing, please find on the Amanda System, the following:

- Consent applications -  
L:\ATTACHMENTS\PBS\PLANNING\LD\2016\_NofH\_Appl\_Pln\March9\_16.



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## Memorandum

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

**Cc:** Terrence Glover, Planner II  
Planning & Building Services

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

**Date:** February 26, 2016  
**Hearing Date:** March 9, 2016

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-90/15SC – 357 Martindale Road  
A-91/15SC – 361 Martindale Road  
A-92/15SC – 356 Martindale Road  
A-105/15SC – 15 Pelham Road  
A-11/16SC – 333 Ontario Street  
A-18/16SC – 36 Union Street  
A-21/16SC – 23 Hewko Street  
A-22/16SC – 84 Richelieu Drive

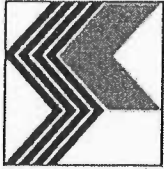
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Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications.

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

Regards,

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



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk  
**Cc:** Development Technologist  
**From:** Steve Bittner  
Transportation Technologist  
**Date:** February 29, 2016  
**Subject:** Committee of Adjustment  
Public Hearings – March 9, 2016  
File No. 305-17-01

---

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

### **333 Ontario Street**

We do not have sufficient information to assess whether the proposed reduction in parking will satisfy the future parking demand. The parking study submitted by the applicant needs to be expanded to include evening and weekends in order to provide a more complete picture of the parking utilization on the site.

Unlike sites that consists primarily of residential uses, the parking demand for commercial sites are generally more variable. For example, many restaurants generate the highest parking demand on weekend evenings.

Based on the initial findings, there appears to be sufficient parking. However, the parking study is incomplete. Given the nature of the uses on the site and the potential variableness of the parking demand, our recommendation would be for a parking study to be completed by a qualified professional.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



# 12 Wedsworth Street Departmental & Agency Comments



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 4, 2016

**Date of Meeting:** March 9, 2016

**Submission(s):** B-09/16SC

**File:** 60.84.2029

**Subject:** 12 Wedsworth Street (12B Wedsworth)

### Proposal

Application **B-09/16SC** is requesting a consent to sever 169.54 m<sup>2</sup> of land (Part 2 on the submitted sketch) to create a new lot to be municipally known as 12B Wedsworth Street. A 176.34 m<sup>2</sup> remnant parcel of land (Part 1) would be retained for continued residential use.

### Recommendation

That Submission **B-09/16SC** by Tony Mancini on behalf of the owner Mancini Developments Inc. and Silvergate Developments Inc., as outlined in the Notice of Hearing be approved, subject to the following condition:

Conditions:

1. That the owner submit payment of \$433.00 for deposit in the general tree planting reserve fund, in accordance with the 2016 Schedule of Rates and Fees.

### Summary

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

In order to sell each (half) of the semi-detached dwelling, 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) of the Planning Act, and comments received as of March 3<sup>rd</sup> 2016, staff is satisfied that consent B-09/16SC is 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 City's Zoning By-law and under construction, and also represents good planning.

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

Staff recommends that the requested consent be approved subject to the condition outlined in the recommendation.

## **Background**

### **Planning Context**

#### Location

The subject property is located on the south side of Wedsworth Street opposite the existing rail corridor, and is municipally known as 12 Wedsworth Street. Wedsworth Street is designated as a local road.

#### Official Plan (Garden City Plan)

The subject property is designated High Density Residential as per schedule E9 of the Garden City Plan. This designation permits a variety of high density residential dwellings.

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

The subject land is zoned Medium Density Residential (R3). The R3 zone permits a variety of Medium density residential dwelling types, including semi-detached dwellings.

## **Report**

### **Consent Requested**

Application **B-09/16SC** is requesting consent to sever the subject property municipally known as 12 Wedsworth Street into two (2) lots, being one lot (1) lot for each half of the semi-detached dwelling currently under construction.

It is 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 also staff's opinion that there should be no negative impact on surrounding lands as a result of the severance.

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

## Conclusion

Staff is satisfied that the consent requested through application B09/16SC is appropriate and desirable for the use of the land, as the built form has previously been considered and approved for development.

It is also staff's recommendation that the requested consent be approved, subject to the condition outlined in the recommendation, as the application represents good planning.

### Prepared & Submitted by:



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Terrance Glover, MCIP, RPP, CPT  
Senior Planner

**Munro, Elaine**

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**Subject:** RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

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

**Sent:** Wednesday, February 24, 2016 7:51 AM

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

**Subject:** RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

Good Morning Elaine

1. 357 Martindale Road, Consent Application – B-46/15SC (60.84.2008) No concerns or issues  
357 Martindale Road, Consent Application – B-47/15SC (60.84.2009) No concerns or issues  
357 Martindale Road, Minor Variance Application – A-90/15 (60.81.5028) No concerns or issues  
361 Martindale Road, Minor Variance Application - A-91/15 (60.81.5029) No concerns or issues  
365 Martindale Road, Minor Variance Application - A-92/15 (60.81.5030) No concerns or issues
2. 15 Pelham Road, Minor Variance Application – A-105/15 (60.81.5043) No concerns or issues
3. 333 Ontario Street, Minor Variance Application – A-11/16 (60.81.5055) *(TO BE CIRCULATED BY THE END OF THIS WEEK)*
4. 36 Union Street, Minor Variance Application – A-18/16 (60.81.5062) No concerns or issues
5. 12 Wedsworth Street, Consent Application – B-09/16SC (60.84.2029) No concerns or issues
6. 23 Hewko Street, Minor Variance Application – A-21/16 (60.81.5065) No concerns or issues
7. 84 Richelieu Drive – Minor Variance Application – A-22/16 (60.81.5066) *(TO BE CIRCULATED BY THE END OF THIS WEEK)*

*Hope you have a dry day today !!!!*  
*Thanks*

**DOUG CROWN**

Network Planning and Design

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

7170 McLeod Rd  
Niagara Falls Ontario L2G 3H2 Canada  
[Doug.Crown@cogeco.com](mailto:Doug.Crown@cogeco.com)



February 25, 2016

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

Attention: Elaine Munro

File# 60.84.2029

Re: 12 Wedsworth St

In response to your correspondence(s) dated February 23, 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.

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 flourish at the end.

Scott Beaudrie  
Supervisor, Engineering Design



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Memorandum

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

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

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

Date: March 1, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – March 9, 2016 hearing - File No.: 300-036**

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**B-46/15SC – 357 Martindale Road**

Comment:  
No Comment

Condition:

The existing storage unit on Part 5 shall be removed. If the storage unit exceeds 10 square metres in floor area, a permit to demolish the storage unit shall be obtained from the City Building Department and completed to the satisfaction of the Chief Building Official.

**B-47/15SC – 357 Martindale Road**

Comment:  
No Comment

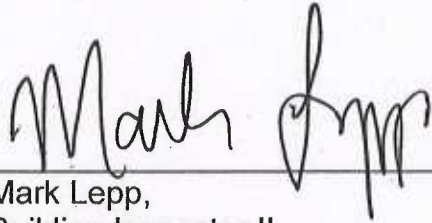
Condition:

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.

**B-09/16SC – 12 Wedsworth Street**

Comment:  
No Comment

Condition:  
No Comment

A handwritten signature in black ink, appearing to read "Mark Lepp", written over a horizontal line.

Mark Lepp,  
Building Inspector II

Cc: Files, 300-036

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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 26, 2016  
**Subject:** Notice of Hearing: Consent to Sever  
Address: 12 Wedsworth St.  
File No: 60.84.2029

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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 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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-09/16SC**



February 26, 2016

**ENGINEERING FILE 300-36**

**Hearing Date:** March 9, 2016

**Applicant:** Mancini Developments Inc. & Silvergate Developments Inc.

**Location:** 12 Wedsworth Street

**MUNICIPAL SERVICES**      **Wedsworth Street**

**Water:** 100mm (4")

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

**Storm Sewer:** 1050mm (42")

**Sidewalks:** No

**Road Allowance Width:** Varies

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 creating a new lot to be known as 12B Wedsworth Street. A remnant parcel (Part 1) would be retained for continued 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.

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

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

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



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk  
**Cc:** Development Technologist  
**From:** Steve Bittner  
Transportation Technologist  
**Date:** February 29, 2016  
**Subject:** Committee of Adjustment  
Public Hearings – March 9, 2016  
File No. 305-17-01

---

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

### **333 Ontario Street**

We do not have sufficient information to assess whether the proposed reduction in parking will satisfy the future parking demand. The parking study submitted by the applicant needs to be expanded to include evening and weekends in order to provide a more complete picture of the parking utilization on the site.

Unlike sites that consists primarily of residential uses, the parking demand for commercial sites are generally more variable. For example, many restaurants generate the highest parking demand on weekend evenings.

Based on the initial findings, there appears to be sufficient parking. However, the parking study is incomplete. Given the nature of the uses on the site and the potential variableness of the parking demand, our recommendation would be for a parking study to be completed by a qualified professional.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



# 23 Hewko Street Departmental & Agency Comments



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 3, 2016

**Date of Meeting:** March 9, 2016

**Submission(s):** A-21/16

**File:** 60.81.5065

**Subject:** 23 Hewko Street

### Proposal

Application **A-21/16** has been made to request a variance from the following requirements of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase of the maximum accessory structure coverage from the currently permitted 10% to 14.9%, and
- 2) A reduction of the minimum setback from the interior lot line to the pool deck from the currently required 1.2 meters to 0.6 meters.

### Recommendation

That application **A-21/16** by Paul Kopeschny & Deborah Kopechny, as outlined in the Notice of Hearing be approved.

### Summary

The purpose of the application is to permit the development of a detached garage and legalization of an existing raised pool deck.

The introduction of a new detached garage will result in a total accessory structure coverage of 14.9%, while the current maximum accessory structure coverage is 10%. The applicant has applied for this minor variance to seek an increase of 4.9% to the maximum accessory structure coverage, to facilitate the development of a new detached garage.

Similarly, the applicant also wishes to legalize the location of an existing raised pool deck that is 0.6 meters from the interior lot line, whereas 1.2 meters is currently required. A minor variance is required for this setback reduction.

Given that the raised pool deck and associated pool are existing, with impacts felt, and both the pool and proposed detached garage are typical accessory uses in the

surrounding neighbourhood, and further that the accessory uses will be mostly screened by the existing dwelling, it is staff's opinion that the proposed variances will have little to no impact on the character of the area.

Having regard for the matters under Section 45 (1) of the Planning Act, and comments received as of March 3<sup>rd</sup> 2016, staff is satisfied that the variances requested through application A-21/16 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 23 Hewko Street, and is located on the east side of the road near the midpoint of the block between Scott Street and Audrey Street. Hewko Street is designated as a local 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 E3 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.

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

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits low density residential uses as well as their accessory structures.

## **Report**

### **Variances Proposed**

Application A-21/16 has been made to allow the following variances to the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase of the maximum accessory structure coverage from the currently permitted 10% to 14.9%.**

This requested variance is proposing an increase in the permitted maximum lot coverage for an accessory detached garage structure, from the current 10% to 14.9%. Given the neighbourhoods existing character of garages, sheds and pools in rear yards, this request is not out-of-line. Furthermore the accessory uses are mostly screened by the existing house, driveway, fence, and vegetation, and are located within the property's rear yard. The location of the garage, shed and pool are similar to other properties in the area. 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 and meets the general intent of the Official Plan and Zoning By-law.

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

**2) A reduction of the minimum setback from the interior lot line to the pool deck from the currently required 1.2 meters to 0.6 meters.**

This requested variance is proposing a reduction in the interior yard setback to the pool deck from the currently required 1.2 metres to 0.6 metres (a reduction of 1.9 feet). Since this deck is solely contained within the property's rear yard and is screened from the street view by the house and vegetation, as well as partially screened from abutting properties due to the location of a neighbouring shed (to the north), it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land and meets the general intent of the Official Plan and Zoning By-law.

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

## **Conclusion**

Staff is satisfied that the variances requested through application A-21/16, 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:**



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Terrance Glover, MCIP, RPP, CPT  
Senior Planner

**Munro, Elaine**

---

**Subject:** RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

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

**Sent:** Wednesday, February 24, 2016 7:51 AM

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

**Subject:** RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

Good Morning Elaine

1. 357 Martindale Road, Consent Application – B-46/15SC (60.84.2008) No concerns or issues  
357 Martindale Road, Consent Application – B-47/15SC (60.84.2009) No concerns or issues  
357 Martindale Road, Minor Variance Application – A-90/15 (60.81.5028) No concerns or issues  
361 Martindale Road, Minor Variance Application - A-91/15 (60.81.5029) No concerns or issues  
365 Martindale Road, Minor Variance Application - A-92/15 (60.81.5030) No concerns or issues
2. 15 Pelham Road, Minor Variance Application – A-105/15 (60.81.5043) No concerns or issues
3. 333 Ontario Street, Minor Variance Application – A-11/16 (60.81.5055) (*TO BE CIRCULATED BY THE END OF THIS WEEK*)
4. 36 Union Street, Minor Variance Application – A-18/16 (60.81.5062) No concerns or issues
5. 12 Wedsworth Street, Consent Application – B-09/16SC (60.84.2029) No concerns or issues
6. 23 Hewko Street, Minor Variance Application – A-21/16 (60.81.5065) No concerns or issues
7. 84 Richelieu Drive – Minor Variance Application – A-22/16 (60.81.5066) (*TO BE CIRCULATED BY THE END OF THIS WEEK*)

*Hope you have a dry day today !!!!*  
*Thanks*

**DOUG CROWN**

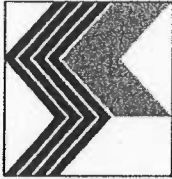
Network Planning and Design

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

7170 McLeod Rd

Niagara Falls Ontario L2G 3H2 Canada

[Doug.Crown@cogeco.com](mailto:Doug.Crown@cogeco.com)



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## Memorandum

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

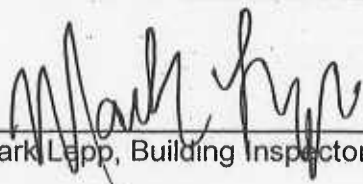
Cc: B. Thiessen, Terrance Glover, Judy Pihach  
Planning and Building Services

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

Date: March 1, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – March 9, 2016 hearing - File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-90/15	357 Martindale Road	No Comment
A-91/15	361 Martindale Road	Please be advised a Building Permit is required for the proposed single detached dwelling w/ attached garage
A-92/15	365 Martindale Road	No Comment
A-105/15	15 Pelham Road	Please be advised a Building Permit is required for the proposed 3 Unit and 2 Unit Rowhouses. Note that spatial separations will be addressed during Building Permit review.
A-11/16	333 Ontario Street	Please be advised a Building Permit is required for the proposed addition.
A-18/16	36 Union Street	No Comment
A-21/16	23 Hewko Street	Please be advised a Building Permit is required for the proposed detached garage (and the deck, if constructed without a permit).
A-22/16	84 Richelieu Drive	Please be advised a Building Permit is required for the proposed addition w/ attached garage.

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

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## Glover, Terrance

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**From:** Sullivan, Kristen  
**Sent:** Friday, February 26, 2016 4:39 PM  
**To:** Glover, Terrance  
**Subject:** FW: Committee of Adjustment Notices and Applications for the March 9/16 CofA Hearing  
**Attachments:** Pelham\_15\_81.5043\_2016Feb26.doc; Wedsworth\_12\_84.2029.doc; Martindale\_357\_84.2008\_2016Feb26.doc

Terrance,

Please see the attached comments. PRCS has no comments on applications for the following addresses:

- 23 Hewko (mv)
- 84 Richelieu (mv)
- 36 Union (mv)
- 357 Martindale (mv)
- 361 Martindale (mv)
- 365 Martindale (mv)
- 333 Ontario (mv)

Thank you,

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

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**From:** Munro, Elaine  
**Sent:** Tuesday, February 23, 2016 3:14 PM  
**To:** Bittner, Steve; Ritchie, Scott; Pihach, Judy; Sullivan, Kristen; Johnston, Brad; Melin, Nathan; Lepp, Mark; Josipovic, Margaret; Glover, Terrance  
**Cc:** Bellows, Bruce; Stewart, Dave; Kowalski, Emma; Thiessen, Brian; Burrows, Sandra  
**Subject:** Committee of Adjustment Notices and Applications for the March 9/16 CofA Hearing

Hi:

For the March 9, 2016 Committee of Adjustment Hearing, please find on the Amanda System, the following:

- Consent applications -  
L:\ATTACHMENTS\PBS\PLANNING\LD\2016\_NofH\_Appl\_Pln\March9\_16.



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## Memorandum

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

**Cc:** Terrence Glover, Planner II  
Planning & Building Services

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

**Date:** February 26, 2016

**Hearing Date:** March 9, 2016

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-90/15SC – 357 Martindale Road  
A-91/15SC – 361 Martindale Road  
A-92/15SC – 356 Martindale Road  
A-105/15SC – 15 Pelham Road  
A-11/16SC – 333 Ontario Street  
A-18/16SC – 36 Union Street  
A-21/16SC – 23 Hewko Street  
A-22/16SC – 84 Richelieu Drive

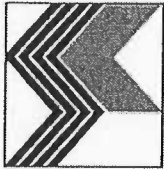
---

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



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk  
**Cc:** Development Technologist  
**From:** Steve Bittner  
Transportation Technologist  
**Date:** February 29, 2016  
**Subject:** Committee of Adjustment  
Public Hearings – March 9, 2016  
File No. 305-17-01

---

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

### **333 Ontario Street**

We do not have sufficient information to assess whether the proposed reduction in parking will satisfy the future parking demand. The parking study submitted by the applicant needs to be expanded to include evening and weekends in order to provide a more complete picture of the parking utilization on the site.

Unlike sites that consists primarily of residential uses, the parking demand for commercial sites are generally more variable. For example, many restaurants generate the highest parking demand on weekend evenings.

Based on the initial findings, there appears to be sufficient parking. However, the parking study is incomplete. Given the nature of the uses on the site and the potential variableness of the parking demand, our recommendation would be for a parking study to be completed by a qualified professional.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

# 84 Richelieu Drive Departmental & Agency Comments



CITY OF  
ST. CATHARINES

## Technical Report

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

**Date of Report:** March 4, 2016

**Date of Meeting:** March 9, 2016

**Submission(s):** A-22/16

**File:** 60.81.5066

**Subject:** 84 Richelieu Drive

### Proposal

Application **A-22/16** 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 minimum rear yard setback from the currently required 7.5 meters to 2.0 meters.

### Recommendation

That application **A-22/16** by Oliver and Debbie Trefz, as outlined in the Notice of Hearing be approved subject to the following condition:

- 1) That the owner agrees to obtain a professional arborist report in regards to the protection of the existing tree located in front of the proposed garage addition prior to the issuance of a Building Permit, and that the recommendations of this report be implemented.

### Summary

The purpose of the application is to reduce the required rear yard setback of 7.5 meters to 2.0 meters to facilitate the development of an attached garage addition to an existing dwelling. Although the addition will occur on the north side of the lot, in what appears to be the side of the dwelling, for technical interpretation reasons, this yard is viewed as the rear yard for zoning purposes, and as a result requires a minor variance.

The existing dwelling currently has use of an attached garage, however the owners plan to upgrade the building and in doing so wish to convert the existing garage into living space. The loss of the garage is planned to be offset with the construction of a new proposed attached garage located to the north of the existing garage/new living space.

An existing mature tree is located in front of the proposed garage, and as such may be negatively impacted by development. Since this tree can be retained on site and greatly contributes to the character of this lot as well as the neighbourhood streetscape, and in staff's opinion greatly assists in maintaining the character of the proposed development to that of the larger neighbourhood, it is staff's recommendation that protective measures for the tree be considered.

Staff has reviewed the application in terms of neighbourhood context, abutting built form and use, existing vegetation, official plan designation, zoning designation, fit and character. As a result it is staff's opinion that the requested Minor Variance for the reduction of the rear yard setback is appropriate, provided protection for the existing tree located on private property in front of the proposed addition is considered.

Having regard for the matters under Section 45 (1) of the Planning Act, and comments received as of March 3<sup>rd</sup> 2016, staff is satisfied that the variance requested through application A-22/16 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is 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 variance be approved subject to the condition noted in the recommendation.

## **Background**

### **Planning Context**

#### Location

The subject property is a corner lot municipally known as 84 Richelieu Drive, and is located just south of Parnell Road on the east side of Richelieu Drive, at the northeast corner of the Richelieu Drive and Lasalle Drive intersection. Richelieu Drive is designated as a local 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 E2 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.

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

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits low density residential uses including single detached residential.



# Report

## Variances Proposed

Application A-22/16 has been made to allow the following variance to the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the minimum rear yard setback from the currently required 7.5 meters to 2.0 meters.**

This requested variance is proposing a reduction to the required rear yard setback to facilitate the development of an attached garage. Since this garage is not proposed to be living area, is located on the logical side of the dwelling where a driveway already exists, and will consider the protection of the existing tree on private property (as per staff's recommendation), and is in character with the proposed dwelling upgrades and existing neighbourhood, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land and meets the general intent of the Official Plan and Zoning By-law.

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

## Conclusion

Staff is satisfied that the variance requested through application A-22/16, is in general keeping with the intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land.

It is also staff's recommendation that the requested variances be approved subject to the noted condition, as it represents good planning.

## Prepared & Approved by:



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Terrance Glover, MCIP, RPP, CPT  
Senior Planner

## Munro, Elaine

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**From:** Taya Devlin <tdevlin@npca.ca>  
**Sent:** Tuesday, March 01, 2016 2:00 PM  
**To:** Munro, Elaine  
**Cc:** Andrew.fetter@niagararegion.ca; Mancuso, Connie (connie.mancuso@niagararegion.ca)  
**Subject:** A-22/16 84 Richelieu Drive, St. Catharines  
**Attachments:** 84 Richelieu Drive Map.pdf

Good Afternoon Elaine,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted application which has been made for a reduction of the minimum rear yard setback from 7.5 metres to 2.0 metres and offers the following for your information.

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

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

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

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

The subject property has been identified as an Environmental Conservation Area (ECA) for Valley Shoreline associated with Walkers Creek, located to the east of the property. 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. Due to the existing residential development between the subject property and the identified valley associated with Walkers Creek, NPCA staff are satisfied there will be no significant negative impact on the identified feature as a result of the proposed development.

Based on the above, the NPCA offers no objection to the subject application which has been made to permit a reduction of minimum rear yard setback from 7.5 metres to 2.0 metres.














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**  
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](mailto:tdevlin@npca.ca)



### Legend

-  Campsites
-  Contours 2010 (1m)
-  Corporate Watershed Divide N
-  NPCA APPROXIMATE REGU
-  ECA: Valley Shoreline Buffer
-  Ontario Road Network
  -  Major Highways
  -  Arterial Roads
  -  Local Roads
-  Assessment Parcels
-  2K HydroPoly
-  2K Hydrography
-  AIRPORTS

### Notes

50.8 0 25.40 50.8 Meters

NAD\_1983\_UTM\_Zone\_17N

© NPCA, Niagara Region, LIO, MPAC & Teranet

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



**Munro, Elaine**

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**Subject:** RE: Last 2 MV applications RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (

Re: 333 Ontario Street & 84 Richelieu Drive

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

**Sent:** Monday, February 29, 2016 3:45 PM

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

**Subject:** RE: Last 2 MV applications RE: Notices of Hearing for March 9/16 Hearing - City of St. Catharines (Part 2 of 2 emails)

Hi Elaine

I have no issues or concerns on this last two

Thanks

**DOUG CROWN**

Network Planning and Design

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

7170 McLeod Rd

Niagara Falls Ontario L2G 3H2 Canada

[Doug.Crown@cogeco.com](mailto:Doug.Crown@cogeco.com)



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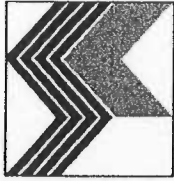
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## Memorandum

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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

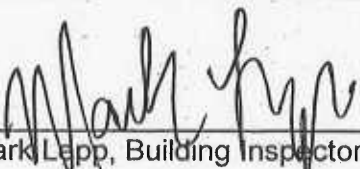
From: Mark Lepp, Building Inspector II  
Planning and Building Services

Date: March 1, 2016

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – March 9, 2016 hearing - File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-90/15	357 Martindale Road	No Comment
A-91/15	361 Martindale Road	Please be advised a Building Permit is required for the proposed single detached dwelling w/ attached garage
A-92/15	365 Martindale Road	No Comment
A-105/15	15 Pelham Road	Please be advised a Building Permit is required for the proposed 3 Unit and 2 Unit Rowhouses. Note that spatial separations will be addressed during Building Permit review.
A-11/16	333 Ontario Street	Please be advised a Building Permit is required for the proposed addition.
A-18/16	36 Union Street	No Comment
A-21/16	23 Hewko Street	Please be advised a Building Permit is required for the proposed detached garage (and the deck, if constructed without a permit).
A-22/16	84 Richelieu Drive	Please be advised a Building Permit is required for the proposed addition w/ attached garage.

  
Mark Lepp, Building Inspector II

Cc: Files, 300-010

g:\pbs-building & development\committee of adjustment\bldg memo 2016\07 bcoa memo-mv-March 9, 2016.docx

## Glover, Terrance

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**From:** Sullivan, Kristen  
**Sent:** Friday, February 26, 2016 4:39 PM  
**To:** Glover, Terrance  
**Subject:** FW: Committee of Adjustment Notices and Applications for the March 9/16 CofA Hearing  
**Attachments:** Pelham\_15\_81.5043\_2016Feb26.doc; Wedsworth\_12\_84.2029.doc; Martindale\_357\_84.2008\_2016Feb26.doc

Terrance,

Please see the attached comments. PRCS has no comments on applications for the following addresses:

- 23 Hewko (mv)
- 84 Richelieu (mv)
- 36 Union (mv)
- 357 Martindale (mv)
- 361 Martindale (mv)
- 365 Martindale (mv)
- 333 Ontario (mv)

Thank you,

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

---

**From:** Munro, Elaine  
**Sent:** Tuesday, February 23, 2016 3:14 PM  
**To:** Bittner, Steve; Ritchie, Scott; Pihach, Judy; Sullivan, Kristen; Johnston, Brad; Melin, Nathan; Lepp, Mark; Josipovic, Margaret; Glover, Terrance  
**Cc:** Bellows, Bruce; Stewart, Dave; Kowalski, Emma; Thiessen, Brian; Burrows, Sandra  
**Subject:** Committee of Adjustment Notices and Applications for the March 9/16 CofA Hearing

Hi:

For the March 9, 2016 Committee of Adjustment Hearing, please find on the Amanda System, the following:

- Consent applications -  
L:\ATTACHMENTS\PBS\PLANNING\LD\2016\_NofH\_Appl\_Pln\March9\_16.





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## Memorandum

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

**Cc:** Terrence Glover, Planner II  
Planning & Building Services

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

**Date:** February 26, 2016  
**Hearing Date:** March 9, 2016

**Subject:** Engineering Comments to the Committee of Adjustment  
File No's: A-90/15SC – 357 Martindale Road  
A-91/15SC – 361 Martindale Road  
A-92/15SC – 356 Martindale Road  
A-105/15SC – 15 Pelham Road  
A-11/16SC – 333 Ontario Street  
A-18/16SC – 36 Union Street  
A-21/16SC – 23 Hewko Street  
A-22/16SC – 84 Richelieu Drive

---

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



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk  
**Cc:** Development Technologist  
**From:** Steve Bittner  
Transportation Technologist  
**Date:** February 29, 2016  
**Subject:** Committee of Adjustment  
Public Hearings – March 9, 2016  
File No. 305-17-01

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

### **333 Ontario Street**

We do not have sufficient information to assess whether the proposed reduction in parking will satisfy the future parking demand. The parking study submitted by the applicant needs to be expanded to include evening and weekends in order to provide a more complete picture of the parking utilization on the site.

Unlike sites that consists primarily of residential uses, the parking demand for commercial sites are generally more variable. For example, many restaurants generate the highest parking demand on weekend evenings.

Based on the initial findings, there appears to be sufficient parking. However, the parking study is incomplete. Given the nature of the uses on the site and the potential variableness of the parking demand, our recommendation would be for a parking study to be completed by a qualified professional.

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Steve Bittner  
Transportation Technologist  
SB/