

Agenda

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment
5. Adoption of the Minutes held March 9, 2016
6. Application:
 1. 3 Clifford Street, Consent Application – B-11/16SC – 60.84.2031
 - 33 Parnell Road, Consent Application – B-12/16SC – 60.84.2032
 - 33 Parnell Road, Minor Variance Application – A-24/16 – 60.81.5068
 - 168 Lakeshore Road, Minor Variance Application – A-25/16 – 60.81.5069
 - 3 Clifford Road, Minor Variance Application – A-26/16 – 60.81.5070
 2. 333 Ontario Street, Minor Variance Application – A-11/16 – 60.81.5055
 3. 54 Pelham Road, Consent Application – B-07/16SC – 60.84.2027
 - 54A Pelham Road, Consent Application – B-08/16SC – 60.84.2028
 - 54 Pelham Road, Minor Variance Application – A-19/16 – 60.81.5063
 - 54A Pelham Road, Minor Variance Application – A-20/16 – 60.81.5064
 4. 30 Lincoln Avenue, Consent Application – B-10/16SC – 60.84.2030
 - 30 Lincoln Avenue, Minor Variance Application – A-23/16 – 60.81.5067
 5. 393 St. Paul Street, Consent Application – B-13/16SC – 60.84.2033
 6. 124 Rykert Street, Consent Application – B-14/16SC – 60.84.2034
7. New Business:
 - i) Request to change the Committee Hearing from June 1, 2016 to June 2, 2016 as the OACA Conference ends on June 1/16.
8. Adjournment

3 Clifford Street
33 Parnell Road
128 Lakeshore 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

March 18, 2016

File No. MPR 2.13

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

Attn: Elaine Munro, Secretary-Treasurer

Subject: B11/16SC & B12/16SC
3 Clifford Street & 33 Parnell Road, St. Catharines

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

B11/16SC

Consent to sever 4,292 m² of land (Part 2) which will be added to the abutting northerly parcel of land known as 168 Lakeshore Road (Part 1) for a future residential development. A 1,219 m² remnant parcel with the existing single detached dwelling would be retained for continued residential use (Part 3). The application would result in a boundary adjustment between two parcels of land.

B12/16SC

Consent to sever 981 m² of land (Part 4) which will be added to the abutting northerly parcel of land known as 3 Clifford Street (Part 2) for a future residential development. A 865 m² remnant parcel with the existing single detached dwelling would be retained (Part 5) for continued residential use. The application would result in a boundary adjustment between the two parcels of land.

The result of applications B11/16SC and B12/16SC would be the merging of lots 2 and 4 with 168 Lakeshore Road (Part 1).

Niagara Peninsula Conservation Authority Regulations:

The subject property is located adjacent to Spring Garden Creek and impacted by the regulatory floodplain associated with the Creek. It is the Conservation Authority's mandate to ensure protection to life and property for development in or adjacent to flood prone areas and erosion hazards. As such, this property would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

In accordance with Policy 3.17, no development (including lot lines) are permitted within the limit of the Regulatory Floodplain. The Regulatory Floodplain elevation for this section of the Creek is 85.38 metres. All new development and site alterations must take place above this elevation to be located outside of the floodplain. NPCA mapping indicates that the western portion of Part 2 is impacted by the Regulatory Floodplain. The subject application is for a boundary adjustment and no development is proposed within the extent of the floodplain as a result of the subject applications. In addition, the applications ensure that the lands impacted by the flooding hazard are located on one property (168 Lakeshore Road) and there is sufficient area outside of the hazard to facilitate future development on the property.

NPCA mapping indicates that the property is impacted by a steep slope associated with the Creek. NPCA staff conducted a site visit on June 19, 2014 and are satisfied that the topography on site would not be classified as a valley slope regulated by the NPCA.

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.

This section of the Creek has been identified as Type 2 (Important) Fish Habitat by the Ministry of Natural Resources and Forestry (MNR). In accordance with Policy 7.B.1.15 a minimum 15 metre setback is required from the bank of the channel to all new development and site alterations. The subject application is for a boundary adjustment only, and no development or site alterations are proposed within 15 metres of the Creek as a result of the subject application.

Regional Core natural Heritage mapping identifies an Environmental Conservation Area (ECA) for Valley Shoreline. In accordance with Policy 7.B.1.11, development may be permitted 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 may require the completion of an Environmental Impact Study (EIS). The subject application is for a boundary adjustment and no development is proposed within the extent of the ECA as a result of the subject applications. As such, NPCA staff are satisfied there will be no significant negative impact on the ECA feature as a result of the subject applications.

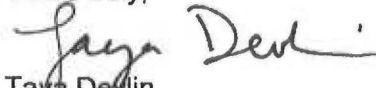
Conclusion:

Based on the above, the NPCA offers no objections to the subject application which has been made for a boundary adjustment resulting in merging lots 2 and 4 with 168 Lakeshore Road (Part 1).

Lastly, due to the features identified, any future works proposed on the property known as 168 Lakeshore Road will require NPCA review and approval prior to the commencement of the works on site and any works proposed within a regulated feature or its buffer may require a work permit from this office, as well as further studies, in accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06)".

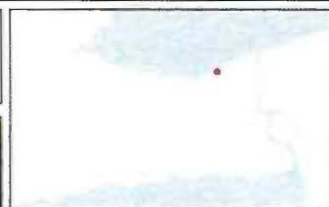
I trust the above will be of assistance to you. Please do not hesitate to call should you have further questions in this matter.

Yours truly,






















Taya Dewlin
Watershed Planner (ext. 262)

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



Legend

-  Campsites
-  Contours 2010 (1m)
-  Corporate Watershed Divide N
- Regulated Floodplain Extent**
 -  Advisory (CWR)
 -  Regulated
- Top of Slope Features**
 -  Stable
 -  Unstable
-  NHS - Fish Habitat
-  ECA: Valley Shoreline Buffer
- Ontario Road Network**
 -  Major Highways
 -  Arterial Roads
 -  Local Roads
- Assessment Parcels**
- Fish Habitat Reaches**
 -  'Critical' Type 1
 -  'Important' Type 2
 -  'Marginal' Type 3
- Fish Habitat Areas**
 -  'Critical' Type 1
 -  'Important' Type 2
 -  'Marginal' Type 3
-  2K HydroPoly
-  2K Hydrography

Notes

101.5 0 50.77 101.5 Meters

NAD_1983_UTM_Zone_17N

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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.



March 16, 2016

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

Attention: Elaine Munro

File# 60.84.2032, 60.81.5068, 60.81.5069, 60.84.2031, 60.81.5070

Re: 33 Parnell Rd & 168 Lakeshore Rd & 3 Clifford St

In response to your correspondence(s) dated March 15, 2016, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Horizon Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Horizon Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.

- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-10, Overhead System
 - C22.3 No. 7- 10 Underground Systems

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

Sincerely,



Scott Beaudrie
Supervisor, Engineering Design

Munro, Elaine

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

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

Sent: Wednesday, March 16, 2016 8:06 AM

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

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

Hi Elaine

1. 3 Clifford Street, Consent Application – B-11/16SC – 60.84.2031 No issues or concerns
33 Parnell Road, Consent Application – B-12/16SC – 60.84.2032 No issues or concerns
33 Parnell Road, Minor Variance Application – A-24/16 – 60.81.5068 No issues or concerns
168 Lakeshore Road, Minor Variance Application – A-25/16 – 60.81.5069 No issues or concerns
3 Clifford Road, Minor Variance Application – A-26/16 – 60.81.5070 No issues or concerns
2. 333 Ontario Street, Minor Variance Application – A-11/16 – 60.81.5055 **(Revised)** No issues or concerns
3. 54 Pelham Road, Consent Application – B-07/16SC – 60.84.2027 No issues or concerns
54A Pelham Road, Consent Application – B-08/16SC – 60.84.2028 No issues or concerns
54 Pelham Road, Minor Variance Application – A-19/16 – 60.81.5063 No issues or concerns
54A Pelham Road, Minor Variance Application – A-20/16 – 60.81.5064 No issues or concerns
4. 30 Lincoln Avenue, Consent Application – B-10/16SC – 60.84.2030 No issues or concerns
30 Lincoln Avenue, Minor Variance Application – A-23/16 – 60.81.5067 No issues or concerns
5. 393 St. Paul Street, Consent Application – B-13/16SC – 60.84.2033 No issues or concerns
6. 124 Rykert Street, Consent Application – B-14/16SC – 60.84.2034 No issues or concerns
7. 16 Northdale Drive, Minor Variance Application – A-27/16 – 60.81.5071 ****AWAITING ADDITIONAL INFORMATION, MAY SEND TOMORROW****

Thanks



Memorandum

To: Terrance Glover, Planning & Building Services
Elaine Munro, Planning & Building Services
From: Kristen Sullivan, Parks, Recreation & Culture Services
Date: March 18, 2016
Subject: Notice of Hearing: Consent to Sever
Address: 3 Clifford St. and 33 Parnell Rd.
File No: 60.84.2031 and 60.84.2032

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

That the applicant convey to the City, in fee simple, free from encumbrances, the land below the top of bank, as approved by the Niagara Peninsula Conservation Authority. This land must be free of any hazardous waste or substance being stored, treated, or disposed of on the land, and free of any actual, pending or threatened action or proceedings relating to the condition of the land or to the violation, actual or alleged, of any environmental, health or safety statutes, regulations or other lawful requirements which in any manner might affect the future use of the land or which may result in the City being legally required to prevent, ameliorate or eliminate adverse environmental conditions or to restore the natural environment. The owner agrees to make complete disclosure of all material facts and circumstances relating to the environmental condition which to the knowledge of the owner have existed or exist on the land, prior to the conveyance to the City. The Owner shall have completed by a qualified professional, at its own expense, the City's Environmental Screening Questionnaire for the land. The owner shall convey the land in a neat and tidy condition, free from all debris and trash.

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

That payment of 5% of the appraised value of the new lot (Part 2, 3 and 4) less the land below the top of bank, as approved by the Niagara Peninsula Conservation Authority be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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

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

Munro, Elaine

From: Sullivan, Kristen
Sent: Friday, March 18, 2016 5:31 PM
To: Glover, Terrance
Cc: Munro, Elaine
Subject: CoA - March 30, 2016 - PRCS Comments
Attachments: Pelham_54_84.2027.doc; Lincoln_30_84.2030.doc; Clifford_3_84.2031.doc

Terrance,

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

- 333 Ontario (mv)
- 54 Pelham (mv)
- 54A Pelham (mv)
- 393 St. Paul (ld)
- 124 Rykert (ld)
- 3 Clifford (mv)
- 168 Lakeshore (mv)
- 33 Parnell (mv)

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145



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 28, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 30, 2016 hearing - File No.: 300-036

B-07/16SC – 54 Pelham 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 for the south building face.

B-08/16SC – 54A Pelham Road

Comment:
No Comment

Condition:
No Comment.

B-10/16SC – 30 Lincoln Avenue

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 northeast building face.

B-11/16SC – 3 Clifford Street

Comment:
No Comment

Condition:
No Comment

B-12/16SC – 33 Parnell Road

Comment:
No Comment

Condition:

The existing pool crossing parts 4 and 5 is to be demolished. A permit to demolish the pool shall be obtained from the City Building Department and completed to the satisfaction of the Chief building official.

B-13/16SC – 393 St. Paul Street

Comment:
No Comment

Condition:
No Comment

B-14/16SC – 124 Rykert Street

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 for the rear yard.


Mark Lepp, Building Inspector II

Cc: Files, 300-036



Memorandum

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

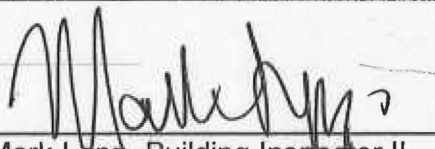
Cc: B. Thiessen, Terrance Glover, Judy Pihach
Planning and Building Services

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

Date: March 28, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2016 hearing - File No.: 300-010

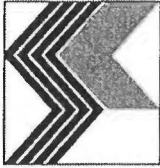
NO.	ADDRESS	COMMENTS
A-11/16	333 Ontario Street	No Comment.
A-19/16	54 Pelham Road	No Comment
A-20/15	54A Pelham Road	No Comment
A-23/16	30 Lincoln Avenue	No Comment
A-24/16	33 Parnell Road	No Comment
A-25/16	168 Lakeshore Road	No Comment
A-26/16	3 Clifford Road	No Comment



Mark Lepp, Building Inspector II

Cc: Files, 300-010

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Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk
Cc: Development Technologist
From: Steve Bittner
Transportation Technologist
Date: March 28, 2016
Subject: Committee of Adjustment
Public Hearings – March 30, 2016
File No. 305-17-01

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

333 Ontario Street

We have reviewed the amended parking study and have no additional requirements. Based on the information provided in the study, we have no concerns with the proposed reduction in parking.

We have no concerns or requirements with the remaining applications.

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

Steve Bittner
Transportation Technologist
SB/

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-11/16SC



March 14, 2016

ENGINEERING FILE 300-36

Hearing Date: March 30, 2016

Applicant: Rocco Di Paola

Location: 3 Clifford Street

MUNICIPAL SERVICES

Clifford Street

Water: 150mm (6")

Sanitary Sewer: 200mm (8")
525mm (21") City Trunk sewer along Spring Garden Creek

Storm Sewer: Road-side ditching
Spring Garden Creek (rear-yard)

Sidewalks: No

Road Allowance Width: 20.12m

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

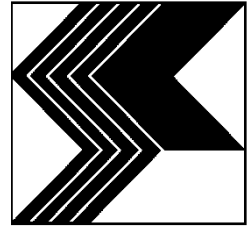
Comment(s): It is noted that the Applicant proposes to sever 4292m² of land (Part 2) which will be added to the northerly parcel of land known as 168 Lakeshore Road (Part 1) for a future residential development. A 1,219m² remnant parcel with the existing single detached dwelling would be retained for continued residential use (Part 3). The application would result in a boundary adjustment between two parcels of land.

Clifford Street is designated a Local road per the City's Official plan with a desired right-of-way width of 20.12m. Considering its current width is currently 20.12m, the City will not be requiring a road widening from the Applicant.

Condition(s): The Development Engineering Section do not have any conditions to impose with respect to this application.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-12/16SC



March 14, 2016

ENGINEERING FILE 300-36

Hearing Date: March 30, 2016

Applicant: Rocco & Anna Marie Di Paola

Location: 33 Parnell Road

MUNICIPAL SERVICES

Parnell Road

Water: 200mm (8")

Sanitary Sewer: 200mm (8")

Storm Sewer: 900mm (36")

Sidewalks: Yes – Curb-faced

Road Allowance Width: 20.12m

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

Comment(s): It is noted that the Applicant proposes to sever 981m² of land (Part 4) which will be added to the abutting northerly parcel of land known as 3 Clifford Street (Part 2) for a future residential development. An 865m² remnant parcel with the existing single detached dwelling known as 33 Parnell Road (Part 5) would be retained for continued residential use. The application would result in a boundary adjustment between the two parcels of land. The result of applications B-11/16SC and B-12/16SC would be the merging of Parts 2 & 4 with 168 Lakeshore Road (Part 1).

Parnell Road is designated a Collector road per the City's Official plan with a desired right-of-way width of 20.12m. Being that its current width is at 20.12m, the City will not be requiring a road widening from the Applicant.

Condition(s): The Development Engineering Section do not have any conditions to impose with respect to this application.

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



Memorandum

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: March 21, 2016
Hearing Date: March 30, 2016

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-11/16SC – 333 Ontario Street
A-19&20/16SC – 54A Pelham Road
A-23/16SC – 30 Lincoln Avenue
A-24/16SC – 33 Parnell Road
A-25/16SC – 168 Lakeshore Road
A-26/16SC – 3 Clifford Street

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



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 24, 2016

Date of Meeting: March 30 2016

Submission(s): B-11/16SC
B-12/16SC
A-24/16
A-25/16
A-26/16

File: 60.84.2031
60.84.2032
60.81.5068
60.81.5069
60.81.5070

Subject: 3 Clifford Street,
33 Parnell Road,
168 Lakeshore Road

Proposal

NOTE: All consent and variance applications have been submitted and applied for in concurrence, so as to realize the ultimate preferred development of the land. 3 Clifford Street, 168 Lakeshore Road and 33 Parnell Road would see a boundary adjustment to create a smaller parcel of 865m² at 33 Parnell Road, a smaller parcel of 1219m² at 3 Clifford Street, and a larger parcel of 6,546m² at 168 Lakeshore Road.

Application **B-12/16SC** is requesting a consent to sever 981m² of land (Part 4 on the submitted sketch), which is to be added (via lot addition) to the abutting rear yard portion of the northerly lot municipally known as 3 Clifford Street (Part 2), and further added to the property municipally known as 168 Lakeshore Road (Part 1), all for future residential development. An 865m² remnant parcel of land (Part 5) containing an existing single detached dwelling would be retained for continued residential use.

Application **B-11/16SC** is requesting a consent to sever 4,292m² of land (Part 2 on the submitted sketch), which is to be added (via lot addition) to the rear yard of the southerly lot municipally known as 33 Parnell Street (Part 4) and further added to the property municipally known as 168 Lakeshore Road (Part 1), all for future residential development. A 1,219m² remnant parcel of land (Part 3) containing an existing single detached dwelling, accessory shed and accessory swimming pool would be retained for continued residential use.

Application **A-24/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase in the maximum lot area per dwelling unit from the current 490m² to 865m² (Part 5);
- 2) A reduction to the minimum rear yard setback for a platform structure over 1.2m from grade from the current 4.5m to 4.2m; and,
- 3) A reduction to the minimum rear yard setback to a dwelling from the current 7.5m to 7.47m.

Application **A-25/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase in the maximum lot area per dwelling unit from the current 490m² to 6,546m² (Parts 1, 2 & 4).

Application **A-26/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase in the maximum lot area per dwelling unit from the current 490m² to 1,219m² (Part 3).

Recommendation

THAT Submission **B-12/16SC** by Leo DiFabio, on behalf of the owners Rocco and Marie Di Paola, as outlined in the Notice of Hearing be approved, subject to the following conditions:

Conditions:

1. That final approval for the necessary minor variance applications A-24/16, A-25/16, and A-26/16 and consent application B-11/16SC be received.
2. That the owner remove the existing swimming pool located on Parts 4 & 5 of the survey sketch by Kirkup, Mascoe & Ure Surveying Ltd, dated February 17, 2016 and revised March 18, 2016, to the satisfaction of the City.

AND FURTHER THAT Submission **B-11/16SC** by Leo DiFabio, on behalf of the owners Rocco Di Paola, as outlined in the Notice of Hearing be approved, subject to the following conditions:

Conditions:

1. That the owner dedicated to the City of St. Catharines for the purpose of Natural Heritage conservation, all lands identified by the Niagara Peninsula Conservation Authority (NPCA) as Natural Area and/or buffer/setbacks to

the natural area and lands within the 100 year floodplain. The owner shall obtain in writing from the NPCA, confirmation of the subject dedication area to the satisfaction of the City's Manager of Planning Services, and illustrate that dedication area as a Part on a reference plan prepared by a professional surveyor. Said dedication shall be conveyed gratuitously to the City of St. Catharines free and clear of any mortgages, liens or encumbrances;

2. That as per Section 7.2 iv) of the Garden City Plan, the owner provide a sworn statement from a professional engineer specializing in site environmental remediation, that all lands to be dedicated to the City have been investigated and found to be free from contamination subject to Provincial standards as may be required, all to the satisfaction of the City.
3. That final approval for the necessary minor variance applications A-24/16, A-25/16, and A-26/16 and consent application B-12/16SC be received.

AND FURTHER THAT Submission **A-24/16** and **A-25/16** by Leo DiFabio, on behalf of the owners Rocco and Marie Di Paola, as outlined in the Notice of Hearing be approved, subject to the following conditions:

Conditions:

1. That final approval for the necessary consents B-11/16SC and B-12/16SC, and variance application A-26/16 be received.

AND FURTHER THAT Submission **A-26/16** by Leo DiFabio, on behalf of the owners Rocco Di Paola, as outlined in the Notice of Hearing be approved, subject to the following condition:

Condition:

1. That final approval for the necessary consents B-11/16SC and B-12/16SC, and variance applications A-24/16 and A-25/16 be received.

Summary

The subject properties are primarily located within the internal rear yard area bounded by Parnell Road, Clifford Street, Lakeshore Road, and Spring Garden Creek. The subject properties front on 33 Parnell Road, 3 Clifford Street and 168 Lakeshore Road.

The purpose of the concurrent consent and minor variance applications is to assemble 168 Lakeshore Road with the rear yards of the subject properties (33 Parnell Road and 3 Clifford Street) to create a large vacant lot (being Parts 1, 2 and 4 on the attached

sketch) for future residential development. The result of the proposed land assembly is that the existing lots (Part 5 & Part 3) will be reduced in size to more closely resemble the existing lot areas of the abutting properties.

All three (3) subject properties contain single detached dwellings with accessory structures (e.g. swimming pools, sheds and garages); however the existing swimming pool located on Parts 4 & 5 and associated with 33 Parnell Road will need to be removed as it will span the proposed new property line.

The neighbourhood surrounding the subject lands is made up of low density residential dwellings. The proposed consent and minor variance applications would create a large tract of vacant land that could be used for future residential intensification and infill development. Lands associated with the floodplain on this site are recommended for public dedication as a condition of consent.

Having regard for the matters under Sections 51 (24) and 45 (1) of the Planning Act, and comments received as of March 22th 2016, staff is satisfied that consents B-11/16SC and B-12/16SC, and their respective variances A-24/16, A-25/16, and A-26/16 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of land. Furthermore, staff supports the severances and minor variances as they represents good planning.

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

Background

Planning Context

Location

The subject properties are primarily located within the internal rear yard area bounded by Parnell Road, Clifford Street, Lakeshore Road, and Spring Garden Creek. The subject properties front on 33 Parnell Road, 3 Clifford Street and 168 Lakeshore 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 lands are designated Neighbourhood Residential – Low Density Residential and Natural Area as per Schedule D1 & E2 of the Garden City Plan. The Low Density designation permits a variety of low density residential dwelling types at a density between 20 and 32 units per hectare, while the Natural Area designation permits limited passive recreational and conservation uses, all subject to the policies of the Garden City Plan. According to Schedule C of the Garden City Plan, Lakeshore Road is classified as

a Regional Arterial Road, Parnell Road is classified as a Collector Road, and Clifford Street is classified as a local road.

Zoning By-law (2013-283)

The subject lands are zoned Low Density Residential – Suburban Neighbourhood (R1), with the westerly portion of 3 Clifford Street (Part 2) also being zoned Conservation/Natural Area (G1). The R1 zone permits a variety of low density residential dwelling types, while the G1 zone permits limited passive recreational and conservation uses.

Report

Consents Requested

Applications **B-11/16SC** and **B-12/16SC** are requesting consents to sever a portion of the rear yards of 33 Parnell Road, measuring 981m² (Part 4 on the submitted sketch) and 3 Clifford Street, measuring 4,292m² (Part 2), and assemble it with the property municipally known as 168 Lakeshore Road (Part 1). Remnant parcels Part 5 and Part 3 will remain for continued residential use.

The applicant is requesting an assembly of land (Parts 1, 2 and 4) to provide increased opportunity for future residential infill development. This land assembly will be done through the severance of a portion of the rear yards of existing oversized lots municipally known as 33 Parnell Road (Part 4) and 3 Clifford Street (Part 2), and merging them with 168 Lakeshore Road (Part 1). The remnant parcels at 33 Parnell Street (Part 5) and 3 Clifford Street (Part 3) in staff's opinion will more closely resemble existing lotting configuration of the area. Furthermore, in principle staff are supportive of land assembly, as long as remnant parcels remain functional, practical, and in general character of the surrounding area.

As typical with subdivision and consent applications, when a property contains an identified Natural Area, in this case being generally identified as the G1 zoned lands on 3 Clifford Street (within Part 2), the City requires as a condition of approval that those lands be dedicated to the municipality for continued protection and public interest. In the case of application B11/16SC, staff will be requesting such a dedication.

The results of the proposed land assembly are the increased likelihood of logical, practical, functional, and properly intensified infill development at some future date. Furthermore, the remnant parcels resulting from the land assembly in staff's opinion generally resemble existing lotting configurations of the area.

In staff's opinion, the requested consents are appropriate and desirable.

On this basis, staff recommends approval of the requested consents B-11/16SC and B-12/16SC, subject to the conditions outlined in the recommendation.

Variances Requested

Application **A-24/16**, **A-25/16**, and **A-26/16** are requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

A-24/16:

- 1) **An increase in the maximum lot area per dwelling unit from 490m² to 865m² (Part 5);**
- 2) **A reduction to the minimum rear yard setback for a platform structure over 1.2m from grade from the current 4.5m to 4.2m; and,**
- 3) **A reduction to the minimum rear yard setback to a dwelling from the current 7.5m to 7.47m.**

A-25/16:

- 1) **An increase in the maximum lot area per dwelling unit from 490m² to 1,219m² (Part 3); and**

A-26/16:

- 1) **An increase in the maximum lot area per dwelling unit from 490m² to 6,546m² (Parts 1, 2 & 4).**

The applicant is requesting the above noted variances to legalize three (3) oversized lots. Although the consent applications will create one (1) larger lot and two (2) smaller remnant lots, all lots will remain larger than what is currently permitted under the City's Zoning By-law. To resolve this discrepancy, the applicant has applied for the above noted minor variances. It should also be noted that in staff's opinion, the proposed remnant lots will more closely resemble existing lotting configuration of the area, while the larger assembled lot will provide for the possibility of future residential development. Furthermore, the applicant has also requested a reduction in the rear yard setbacks at 33 Parnell Road, as described above, to facilitate a future lotting pattern for the newly created larger lot. This request envisions a future planning development application and as such is attempting to assemble the lands in a logical and methodical format so as to facilitate municipal approval. Staff are supportive of this approach.

It is staff's opinion that the requested variances are minor in nature, appropriate and desirable, and meets the general intent of the Official Plan and Zoning By-law.

As such staff recommends approval of the requested variance(s) for application A-24/16, A-25/16, and A-26/16.

Conclusion

Staff is satisfied that the consents requested through applications B-11/16SC and B-12/16SC, and their respective variances A-24/16, A-25/16, and A-26/16 are in keeping

with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land.

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

Prepared & Submitted by:



Terrance Glover, MCIP, RPP, CPT
Senior Planner

333 Ontario Street

**Departmental &
Agency Comments**

March 22, 2016

Sent Via E-mail Only

File: D.17.08.MV-16-009

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: Revised Regional and Provincial Comments
Minor Variance Application
City File A-11/16
333 Ontario Street (R.R. 42)
City of St. Catharines**

Niagara Region Planning and Development Services staff has completed a review of the revised minor variance application for 333 Ontario Street, circulated to the Region on March 15, 2016. Regional staff previously provided comments on the original application (dated March 3, 2016). The following Provincial and Regional comments are provided to assist the City in considering this minor variance application.

The previous application requested a reduction in the number of required parking spaces from 707 to 560. The Committee of Adjustment hearing held on March 9, 2016 was adjourned to March 30, 2016.

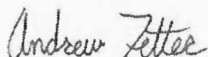
The recirculated minor variance application has now been revised to request a reduction in the number of required parking spaces from 707 to 551 and a reduction in the minimum required landscape buffer abutting a G1 zone (i.e. 3 metres to 0 metres). The variances requested will facilitate the construction of a one (1) storey addition to an existing building.

Staff notes that the variances are minor in nature and that no Provincial or Regional interests will be compromised. Therefore, Regional staff offers no objection to this application.

If you have any questions or wish to discuss these comments, please contact me at extension 3177 or Morgan Casciani, MCIP, RPP, Senior 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



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

March 18, 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-11/16
333 Ontario Street, St. Catharines

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted application which has been made to permit:

- 1) a reduction of the number of required parking spaces from 707 to 551; and,
- 2) a reduction of the minimum required landscape buffer abutting a G1 zone from 3 metres to 0 metres.

The variance is requested for the proposed one storey addition to accommodate a sports fitness tenant.

Niagara Peninsula Conservation Authority Regulations:

The subject property is impacted by a steep slope associated with Lower Twelve Mile Creek which traverses the adjacent lands to the west. In accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (**O. Reg. 155/06**), this agency regulates all development and site alterations within 15 metres of a steep slope. Generally, the Authority requires that all new development and site alterations be setback a minimum of 7.5 metres from the stable top of slope.

The NPCA has reviewed the 'Geotechnical Investigation and Slope Assessment – Proposed Building Addition and Parking Extension, 333 Ontario Street, St. Catharines' (dated November 2015) by V.A. Wood Associates Limited. The NPCA has no objection with the report's conclusion that the location of the 'Long Term Stable Top of Slope' is the same as the location of the existing 'Physical Top of Slope'.

Provincially Significant Martindale Barnesdale Marsh Wetland Complex (PSW) is identified to the west of the property. In accordance with the Authority's Regulations, no development is permitted within a PSW and a minimum 30 metre buffer from a PSW is required for all development and site alterations.

This section of the Creek has been identified as Type 2 (Important) Fish Habitat by the Ministry of Natural Resources and Forestry (MNRF). A 15 metre naturally vegetated buffer measured from bank of the watercourse is required for all new site alterations and development.

The NPCA is satisfied that the reduction in parking spaces will have no impact on the stability of the slope or the identified PSW and fish habitat associated with the Creek. The 'Localized Site Plan' (A2, dated March 11, 2016) by 2M Architects, shows existing development along the top of bank/G1 boundary line. As such, the NPCA is satisfied that there will be no impact to the features as a result of the reduced buffer (from 3 metres to 0 metres).

Regional 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 Natural Resources and Environmental Areas within the Regional Official Plan.

The Region of Niagara's Core Natural Heritage Map has identified the adjacent valley slope as an Environmental Conservation Area (ECA) due to the presence of a valley shoreline and significant woodland. The PSW has been identified as an Environmental Protection Area (EPA). In accordance with Regional Policies, development and site alterations are not permitted within an EPA and may be permitted within an ECA, or on lands adjacent to (within 50 metres) an ECA or EPA if it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands.

The subject property is currently developed and the subject application has been made to permit a reduction in parking spaces and reduction in buffer abutting the G1 zone. In addition, the proposed development is being reviewed through a Site Plan application. NPCA staff are satisfied that there will be no significant negative impact to the identified features as a result of the subject application and required mitigation measures for the proposed development will be addressed at the Site Plan stage.

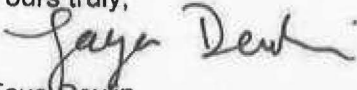
Conclusion:

Based on the above, the NPCA offers no objection to the subject application.

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, Program Assistant, Niagara Region

333 Ontario Street, St. Catharines



Legend

- Reaches Draining 125ha Requiring
- Top of Slope Features
 - Stable
 - Unstable
- Top of Slope Allowance
- OWES WETLANDS
 - Non-Provincially Significant Wetland
 - Provincially Significant Wetland
- Regulation Wetlands
- Wetland Allowance
- RMN Streets
 - Provincial
 - Regional
 - Municipal Other
- RMN Assessment Parcels
- Fish Habitat Reaches
 - 'Critical' Type 1
 - 'Important' Type 2
 - 'Marginal' Type 3
- 2K HydroPoly
- 2K Hydrography
- Contours - 1m Region 2002
- NPCA Watershed Municipalities
- NPCA Extended Context Area
- Surround
 - Norfolk; New York; Grand Island; Br
 - Lake Erie; Lake Ontario; Niagara Riv
 - Surround - Hamilton/Halton
- 2010 Niagara Air Photos

1:2,906
11/17/2014



Notes

Property Information Request

0.1 0 0.07 0.1 Kilometers

©Niagara Region, NPCA, LIO, MPAC and 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

333 Ontario Street, St. Catharines



Legend

- RMN Streets**
 - Provincial
 - Regional
 - Municipal Other
- RMN Assessment Parcels**
- NHS - Fish Habitat**
- EPA: Provincially Significant Wetlands**
- ECA: Valley Shoreline Buffer**
- ECA: Significant Woodlands**
- 2K HydroPoly**
- 2K Hydrography**
- Contours - 1m Region 2002**
- NPCA Watershed Municipalities**
- NPCA Extended Context Area**
- Surround**
 - Norfolk; New York; Grand Island; Brant
 - Lake Erie; Lake Ontario; Niagara River
 - Surround - Hamilton/Halton
- 2010 Niagara Air Photos**

1:2,906
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Notes

Property Information Request

0.1 0 0.07 0.1 Kilometers

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Munro, Elaine

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

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

Sent: Wednesday, March 16, 2016 8:06 AM

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

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

Hi Elaine

1. 3 Clifford Street, Consent Application – B-11/16SC – 60.84.2031 No issues or concerns
33 Parnell Road, Consent Application – B-12/16SC – 60.84.2032 No issues or concerns
33 Parnell Road, Minor Variance Application – A-24/16 – 60.81.5068 No issues or concerns
168 Lakeshore Road, Minor Variance Application – A-25/16 – 60.81.5069 No issues or concerns
3 Clifford Road, Minor Variance Application – A-26/16 – 60.81.5070 No issues or concerns
2. 333 Ontario Street, Minor Variance Application – A-11/16 – 60.81.5055 (**Revised**) No issues or concerns
3. 54 Pelham Road, Consent Application – B-07/16SC – 60.84.2027 No issues or concerns
54A Pelham Road, Consent Application – B-08/16SC – 60.84.2028 No issues or concerns
54 Pelham Road, Minor Variance Application – A-19/16 – 60.81.5063 No issues or concerns
54A Pelham Road, Minor Variance Application – A-20/16 – 60.81.5064 No issues or concerns
4. 30 Lincoln Avenue, Consent Application – B-10/16SC – 60.84.2030 No issues or concerns
30 Lincoln Avenue, Minor Variance Application – A-23/16 – 60.81.5067 No issues or concerns
5. 393 St. Paul Street, Consent Application – B-13/16SC – 60.84.2033 No issues or concerns
6. 124 Rykert Street, Consent Application – B-14/16SC – 60.84.2034 No issues or concerns
7. 16 Northdale Drive, Minor Variance Application – A-27/16 – 60.81.5071 ****AWAITING ADDITIONAL INFORMATION, MAY SEND TOMORROW****

Thanks

Munro, Elaine

From: Sullivan, Kristen
Sent: Friday, March 18, 2016 5:31 PM
To: Glover, Terrance
Cc: Munro, Elaine
Subject: CoA - March 30, 2016 - PRCS Comments
Attachments: Pelham_54_84.2027.doc; Lincoln_30_84.2030.doc; Clifford_3_84.2031.doc

Terrance,

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

- 333 Ontario (mv)
- 54 Pelham (mv)
- 54A Pelham (mv)
- 393 St. Paul (ld)
- 124 Rykert (ld)
- 3 Clifford (mv)
- 168 Lakeshore (mv)
- 33 Parnell (mv)

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145



Memorandum

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

Cc: Terrence Glover, Planner II
Planning & Building Services

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

Date: March 21, 2016
Hearing Date: March 30, 2016

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-11/16SC – 333 Ontario Street
A-19&20/16SC – 54A Pelham Road
A-23/16SC – 30 Lincoln Avenue
A-24/16SC – 33 Parnell Road
A-25/16SC – 168 Lakeshore Road
A-26/16SC – 3 Clifford Street

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

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

Regards,

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



Memorandum

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

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

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

Date: March 28, 2016

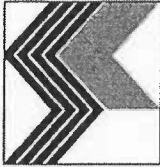
Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
A-11/16	333 Ontario Street	No Comment.
A-19/16	54 Pelham Road	No Comment
A-20/15	54A Pelham Road	No Comment
A-23/16	30 Lincoln Avenue	No Comment
A-24/16	33 Parnell Road	No Comment
A-25/16	168 Lakeshore Road	No Comment
A-26/16	3 Clifford Road	No Comment

Mark Lepp, Building Inspector II

Cc: Files, 300-010

g:\pbs-building & development\committee of adjustment\bldg memo 2016\09 bcoa memo-mv-March 30, 2016.docx



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk
Cc: Development Technologist
From: Steve Bittner
Transportation Technologist
Date: March 28, 2016
Subject: Committee of Adjustment
Public Hearings – March 30, 2016
File No. 305-17-01

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

333 Ontario Street

We have reviewed the amended parking study and have no additional requirements. Based on the information provided in the study, we have no concerns with the proposed reduction in parking.

We have no concerns or requirements with the remaining applications.

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

Steve Bittner
Transportation Technologist
SB/



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 28, 2016

Date of Meeting: March 30, 2016

Submission(s): A-11/16

File: 60.81.5055

Subject: 333 Ontario Street

Proposal

Application **A-11/16** 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 in the number of required parking spaces from 707 to 551.
- 2) A reduction of the minimum required landscape buffer abutting a Conservation/Natural Area (G1) zone from 3m to 0m.

Recommendation

That application **A-11/16** by Atlantic Bridge Investments (Canada) Inc., as outlined in the Notice of Hearing be approved subject to the following recommendations:

- 1) That the owner submit a parking study by a qualified professional to the satisfaction of the City of St. Catharines Transportation Engineering Services staff, assessing the proposed reduction in parking and whether or not the existing or anticipated uses on the site are adequately serviced with the proposed parking reduction.
- 2) That the owner obtain a Conservation Development Permit O. Reg 155/06 or correspondence from the Niagara Peninsula Conservation Authority, approving the establishment of parking spaces within 15 metres of the stable top-of-bank of the western ravine.

Summary

The purpose of the application is to firstly, reduce the required parking for the site to accommodate an addition to the building, and secondly to reduce the minimum required landscape buffer abutting the G1 zone to recognize the existing parking area on the site.

Having regard for the matters under Section 45 (1) of the Planning Act, and comments received as of March 24th 2016, staff is satisfied, subject to the conditions noted in the recommendation, that the variances requested through application A-11/16 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 subject to the conditions noted in the recommendation.

Background (Planning Context)

Location

The subject property is municipally known as 333 Ontario Street, and is located on the west side of the road just north of Manchester Avenue. Ontario Street is designated as a regional arterial road.

Regional Official Plan

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

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

The subject property is designated Commercial on Schedule D1 and Arterial Commercial as per Schedule E4 of the Garden City Plan. This designation is "intended to provide a range of service commercial uses, and uses to serve the travelling public and automobile using consumer...". A full range of commercial uses are permitted subject to the policies of the Garden City Plan.

Zoning By-law (2013-283)

The subject land is zoned Arterial Commercial (C3). The C3 zone permits a full range of commercial uses.

Report

Variance Proposed

Application A-11/16 has been made to allow the following variance to the City of St. Catharines Zoning By-law 2013-283:

1) A reduction in the number of required parking spaces from 707 to 551.

Staff recognize the loss of 156 parking spaces on site, as per the requested variance, is approximately a 22% reduction in parking. Staff note the reduction in parking *may* be acceptable for this site given the range of uses on the site and the variety in parking peak demand times that likely occur. However, since the requested reduction in parking is sizeable, staff are requesting a qualified professional engineer review parking demand for the site and confirm that the proposed parking (551 spaces) is adequate for the range of existing uses on the site and also the uses permitted on the site. It is staff's opinion that once a professional engineer recommends through a parking study that the requested reduction in parking is appropriate, the variance is then viewed as minor in nature, appropriate and desirable for the area, as well as 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 condition noted in the recommendation.

2) A reduction of the minimum required landscape buffer abutting a G1 zone from 3m to 0m.

This requested variance is proposing to eliminate the required landscape buffer abutting a G1 zone from 3m to 0m. This variance will recognize the long established existing parking area on the site. This parking is intended to be used as overflow parking in the event that additional parking is required beyond the minimum requirement identified in the zoning by-law. Assuming the professional parking study supports a reduction in required parking to 551, staff view these additional spaces as surplus parking on the site. Furthermore, a Niagara Peninsula Conservation Authority Development Permit 0. Reg 155/06 will be required prior to any development or site alteration of the lands (incl. the establishment of parking) abutting the G1 zone boundary line and associated slope. Through the requirement of the Conservation Development Permit, as a condition of the subsequent Site Plan Approval, any environmental or development mitigation concerns will be addressed.

As such, it is staff's opinion that the requested reduction in landscape buffer from a G1 zone is appropriate, is minor in nature, is desirable for the area, 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 condition noted in the recommendation.

Conclusion

Staff is satisfied that the variances requested through application A-11/16 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, subject to the conditions outlined in the Recommendation.

Prepared & Approved by:

For 
Terrance Glover, MCIP, RPP, CPT
Senior Planner (II)

54 Pelham Road Departmental & Agency Comments



March 16, 2016

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

Attention: Elaine Munro

File# 60.81.5064, 60.84.2028, 60.84.5063, 60.84.2027

Re: 54 & 54A Pelham Rd

In response to your correspondence(s) dated March 15, 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.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-10, Overhead System
 - C22.3 No. 7- 10 Underground Systems

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

Sincerely,

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

Scott Beaudrie
Supervisor, Engineering Design

Munro, Elaine

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

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

Sent: Wednesday, March 16, 2016 8:06 AM

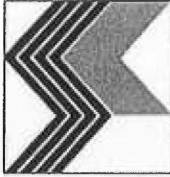
To: Munro, Elaine <emunro@stcatharines.ca>

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

Hi Elaine

1. 3 Clifford Street, Consent Application – B-11/16SC – 60.84.2031 No issues or concerns
33 Parnell Road, Consent Application – B-12/16SC – 60.84.2032 No issues or concerns
33 Parnell Road, Minor Variance Application – A-24/16 – 60.81.5068 No issues or concerns
168 Lakeshore Road, Minor Variance Application – A-25/16 – 60.81.5069 No issues or concerns
3 Clifford Road, Minor Variance Application – A-26/16 – 60.81.5070 No issues or concerns
2. 333 Ontario Street, Minor Variance Application – A-11/16 – 60.81.5055 (**Revised**) No issues or concerns
3. 54 Pelham Road, Consent Application – B-07/16SC – 60.84.2027 No issues or concerns
54A Pelham Road, Consent Application – B-08/16SC – 60.84.2028 No issues or concerns
54 Pelham Road, Minor Variance Application – A-19/16 – 60.81.5063 No issues or concerns
54A Pelham Road, Minor Variance Application – A-20/16 – 60.81.5064 No issues or concerns
4. 30 Lincoln Avenue, Consent Application – B-10/16SC – 60.84.2030 No issues or concerns
30 Lincoln Avenue, Minor Variance Application – A-23/16 – 60.81.5067 No issues or concerns
5. 393 St. Paul Street, Consent Application – B-13/16SC – 60.84.2033 No issues or concerns
6. 124 Rykert Street, Consent Application – B-14/16SC – 60.84.2034 No issues or concerns
7. 16 Northdale Drive, Minor Variance Application – A-27/16 – 60.81.5071 ****AWAITING ADDITIONAL INFORMATION, MAY SEND TOMORROW****

Thanks



Memorandum

To: Terrance Glover, Planning & Building Services
Elaine Munro, Planning & Building Services
From: Kristen Sullivan, Parks, Recreation & Culture Services
Date: March 18, 2016
Subject: Notice of Hearing: Consent to Sever
Address: 54 Pelham Rd. and 54A Pelham Rd.
File No: 60.84.2027 and 60.84.2028

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

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

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

That payment of 5% of the appraised value of the new lot (Part 1 and 3) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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

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

Munro, Elaine

From: Sullivan, Kristen
Sent: Friday, March 18, 2016 5:31 PM
To: Glover, Terrance
Cc: Munro, Elaine
Subject: CoA - March 30, 2016 - PRCS Comments
Attachments: Pelham_54_84.2027.doc; Lincoln_30_84.2030.doc; Clifford_3_84.2031.doc

Terrance,

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

- 333 Ontario (mv)
- 54 Pelham (mv)
- 54A Pelham (mv)
- 393 St. Paul (ld)
- 124 Rykert (ld)
- 3 Clifford (mv)
- 168 Lakeshore (mv)
- 33 Parnell (mv)

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145



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 28, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 30, 2016 hearing - File No.: 300-036

B-07/16SC – 54 Pelham 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 for the south building face.

B-08/16SC – 54A Pelham Road

Comment:
No Comment

Condition:
No Comment.

B-10/16SC – 30 Lincoln Avenue

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 northeast building face.

B-11/16SC – 3 Clifford Street

Comment:
No Comment

Condition:
No Comment

B-12/16SC – 33 Parnell Road

Comment:
No Comment

Condition:

The existing pool crossing parts 4 and 5 is to be demolished. A permit to demolish the pool shall be obtained from the City Building Department and completed to the satisfaction of the Chief building official.

B-13/16SC – 393 St. Paul Street

Comment:
No Comment

Condition:
No Comment

B-14/16SC – 124 Rykert Street

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 for the rear yard.


Mark Lepp, Building Inspector II

Cc: Files, 300-036



Memorandum

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

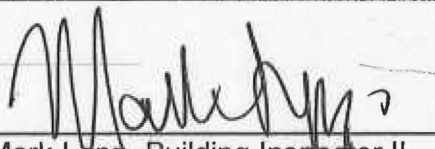
Cc: B. Thiessen, Terrance Glover, Judy Pihach
Planning and Building Services

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

Date: March 28, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
A-11/16	333 Ontario Street	No Comment.
A-19/16	54 Pelham Road	No Comment
A-20/15	54A Pelham Road	No Comment
A-23/16	30 Lincoln Avenue	No Comment
A-24/16	33 Parnell Road	No Comment
A-25/16	168 Lakeshore Road	No Comment
A-26/16	3 Clifford Road	No Comment


Mark Lepp, Building Inspector II

Cc: Files, 300-010

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REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-07/16SC



March 14, 2016

ENGINEERING FILE 300-36

Hearing Date: March 30, 2016

Applicant: Michael Anthony Mazzolino

Location: 54 Pelham Road

MUNICIPAL SERVICES

	Rykert Street	Pelham Road
Water:	200mm (8")	400mm (16") & 150mm (6")
Sanitary Sewer:	200mm (8")	250mm (10")
Storm Sewer:	1050mm (42")	None
Sidewalks:	Yes	Yes
Road Allowance Width:	18.29m±	16.0m±

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

Comment(s): It is noted that the Applicant proposes to sever 20.9m² of land (Part 1) which will be added to the southerly abutting lot (Part 3) to be known as 54A Pelham Road for the construction of a proposed semi-detached dwelling. A 262.2m² remnant parcel (Part 2) with the existing single detached dwelling will be retained for continued residential use. The application would result in a boundary adjustment between the two parcels of land.

Rykert Street is designated a Collector road per the City's Official plan with a desired right-of-way width of 20.12m. Its current width along this section is deficient at 18.29m±. Pelham Road is designated an Arterial road per the City's Official Plan with a desired right-of-width of 26.2m. Its current width along this section is deficient at 16.0m±. Previous discussions with City Staff have resulted in a reduced requirement for the ultimate width of Pelham Road. The Applicant shall dedicate along the Pelham Road frontage a 2.26m road widening and along the Rykert Street frontage a 0.914m road widening, in addition dedicating a 6.0m x 6.0m daylighting triangle, to the City as Public Highway.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision sometimes do not have suitable drainage outlets in place. Individual lot drainage plans are a requirement for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties, nor the City boulevard. Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since an adequately-sized storm sewer exists on Rykert Street, sump pump flows shall be required to discharge via a storm sewer lateral.

The Applicant must be advised that the storm sewer on Rykert Street and the sanitary sewer on Pelham Road are greater than 3.0m deep, in

addition to the watermain in excess of the 10.0m minimum cost charged to provide the service (approximately 13.0m). Servicing fees to provide the abovementioned laterals are expected to be increased beyond the average, based on the above existing conditions, therefore deposits shall be collected at the time a building permit is applied for and the final fees billed/refunded based on the actual costs.

Condition(s):

Prior to consent, the Applicant shall:

- Prepare a Reference Plan for review and approval by the City identifying the Part(s) to be dedicated to the City as Public Highway; and
- Submit and register the reference plan to dedicate the Part(s) to the City of St. Catharines as Public Highway



Prepared By: _____

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-08/16SC



March 14, 2016

ENGINEERING FILE 300-36

Hearing Date: March 30, 2016

Applicant: Michael Anthony Mazzolino

Location: 54 Pelham Road

MUNICIPAL SERVICES

	Rykert Street	Pelham Road
Water:	200mm (8")	400mm (16") & 150mm (6")
Sanitary Sewer:	200mm (8")	250mm (10")
Storm Sewer:	1050mm (42")	None
Sidewalks:	Yes	Yes
Road Allowance Width:	18.29m±	16.0m±

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

Comment(s): It is noted that the Applicant proposes to sever 15.5m² of land (Part 4) which will be added to the northerly abutting lot (Part 2) to be known as 54 Pelham Road with the existing single detached dwelling. A 290.7m² remnant parcel (Part 3) for the proposed semi-detached dwelling with existing 2-car garage will be retained. The application would result in a boundary adjustment between the two parcels of land.

Rykert Street is designated a Collector road per the City's Official plan with a desired right-of-way width of 20.12m. Its current width along this section is deficient at 18.29m±. Pelham Road is designated an Arterial road per the City's Official Plan with a desired right-of-width of 26.2m. Its current width along this section is deficient at 16.0m±. Previous discussions with City Staff have resulted in a reduced requirement for the ultimate width of Pelham Road. The Applicant shall dedicate along the Pelham Road frontage a 2.26m road widening and along the Rykert Street frontage a 0.914m road widening, in addition dedicating a 6.0m x 6.0m daylighting triangle, to the City as Public Highway.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision sometimes do not have suitable drainage outlets in place. Individual lot drainage plans are a requirement for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties, nor the City boulevard. Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since an adequately-sized storm sewer exists on Rykert Street, sump pump flows shall be required to discharge via a storm sewer lateral.

The Applicant must be advised that the storm sewer on Rykert Street and the sanitary sewer on Pelham Road are greater than 3.0m deep, in addition to the watermain in excess of the 10.0m minimum cost charged to

provide the service (approximately 13.0m). Servicing fees to provide the abovementioned laterals are expected to be increased beyond the average, based on the above existing conditions, therefore deposits shall be collected at the time a building permit is applied for and the final fees billed/refunded based on the actual costs.

Condition(s):

Prior to consent, the Applicant shall:

- Prepare a Reference Plan for review and approval by the City identifying the Part(s) to be dedicated to the City as Public Highway; and
- Submit and register the reference plan to dedicate the Part(s) to the City of St. Catharines as Public Highway



Prepared By: _____

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



Memorandum

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: March 21, 2016
Hearing Date: March 30, 2016

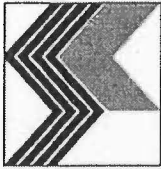
Subject: Engineering Comments to the Committee of Adjustment
File No's: A-11/16SC – 333 Ontario Street
A-19&20/16SC – 54A Pelham Road
A-23/16SC – 30 Lincoln Avenue
A-24/16SC – 33 Parnell Road
A-25/16SC – 168 Lakeshore Road
A-26/16SC – 3 Clifford Street

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

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

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk
Cc: Development Technologist
From: Steve Bittner
Transportation Technologist
Date: March 28, 2016
Subject: Committee of Adjustment
Public Hearings – March 30, 2016
File No. 305-17-01

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

333 Ontario Street

We have reviewed the amended parking study and have no additional requirements. Based on the information provided in the study, we have no concerns with the proposed reduction in parking.

We have no concerns or requirements with the remaining applications.

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

Steve Bittner
Transportation Technologist
SB/



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 24, 2016

Date of Meeting: March 30 2016

Submission(s): B-07/16SC
B-08/16SC
A-19/16
A-20/16

File: 60.84.2027
60.84.2028
60.81.5063
60.81.5064

Subject: 54 Pelham 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-07/16SC** is requesting a consent to sever a triangular shaped piece of land measuring 20.9m² (Part 1 on the submitted sketch) and containing an existing detached garage, and assembling it with the southerly abutting vacant lot (Part 3). A remnant parcel of 262.6m² (Part 2) will be retained for continued residential use.

Application **B-08/16SC** is requesting a consent to sever a thin rectangular shaped piece of land measuring 15.5m² (Part 4 on the submitted sketch) and assembling it with the northerly abutting lot (Part 2) containing an existing dwelling municipally known as 54 Pelham Road. A remnant parcel of 290.7m² (Part 3) will be retained for future low density residential development.

Application **A-19/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction in the minimum required lot area per dwelling from 300m² to 212.9m²;
- 2) A reduction in the minimum required exterior side yard setback from 3.0m to 1.9m;
- 3) A reduction in the minimum required rear yard setback from 6.0m to 2.9m;

- 4) A reduction in the minimum width of a standard parking space obstructed on two sides from 3.5m to 2.9m;
- 5) A reduction in the minimum required front yard setback to a dwelling from 3.00m to 1.22m.

Application **A-20/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction in the minimum lot area per dwelling unit from 560.0m² to 279.9m²;
- 2) A reduction in the minimum rear lot setback from 6.0m to 1.2m;
- 3) An increase in the maximum accessory structure coverage from 10.00% to 13.71%;
- 4) A reduction in the minimum interior yard setback for an accessory structure from a lot line, from 0.60m to 0.54m;
- 5) A reduction in the minimum front yard setback to a garage from 3.0m to 0.0m;
- 6) A reduction in the minimum setback from an exterior lot line for a platform structure 0.6m above grade, from 3.0m to 0.61m;
- 7) A reduction in the minimum lot frontage from 15.00m to 9.21m;
- 8) An increase of maximum driveway width greater than 50% of the frontage to 100%;
- 9) A reduction in the minimum setback from an exterior side yard to a dwelling, from 3.00m to 2.16m;
- 10) A reduction of parking space obstructed on one side (interior of two-car garage) from 6.0m to 5.7m.

Recommendation

THAT Submission **B-07/16SC** by Better Neighbourhoods Development Consultants, on behalf of the owner Michael Mazzalino, as outlined in the Notice of Hearing be approved, subject to the following conditions:

Conditions:

1. That the owner submit a Reference Plan prepared by a professional surveyor for review and approval by the City of St. Catharines, identifying the Part(s) to be dedicated to the City as Public Highway and Sight-Line Triangle along both Pelham Road and Rykert Street;
2. That the owner submit and register the Reference Plan, to dedicate the Part(s) to the City of St. Catharines as Public Highway, to the satisfaction of the Manager of Planning Services;
3. That final approval for the necessary minor variance applications A-19/16, and A-20/16 and consent application B-08/16SC be received.

AND FURTHER THAT Submission **B-08/16SC** by Better Neighbourhoods Development Consultants, on behalf of the owner Michael Mazzalino, as outlined in the Notice of Hearing be approved, subject to the following conditions:

Conditions:

1. That the owner submit a Reference Plan prepared by a professional surveyor for review and approval by the City of St. Catharines, identifying the Part(s) to be dedicated to the City as Public Highway and Sight-Line Triangle along both Pelham Road and Rykert Street;;
2. That the owner submit and register the Reference Plan, to dedicate the Part(s) to the City of St. Catharines as Public Highway, to the satisfaction of the Manager of Planning Services;
3. That final approval for the necessary minor variance applications A-19/16, and A-20/16 and consent application B-07/16SC be received.

AND FURTHER THAT Submission **A-19/16** by Better Neighbourhoods Development Consultants, on behalf of the owner Michael Mazzalino, as outlined in the Notice of Hearing be approved, subject to the following conditions:

Condition:

1. That final approval for the necessary consents B-07/16SC and B-08/16SC, and minor variance application A-20/16, be received.

AND FURTHER THAT Submission **A-20/16** by Better Neighbourhoods Development Consultants, on behalf of the owner Michael Mazzalino, as outlined in the Notice of Hearing be approved, subject to the following conditions:

Condition:

1. That final approval for the necessary consents B-07/16SC and B-08/16SC, and minor variance application A-19/16, be received.

Summary

The subject properties are located at the southwest corner of the Pelham Road and Rykert Street intersection. The triangular shaped property at the corner, directly abutting the intersection is municipally known as 54 Pelham Road (Parts 1 & 2), while the abutting vacant rectangular shaped lot to south is municipally known as 54A Pelham Road (Parts 3 & 4).

54 Pelham Road contains an existing single detached dwelling, while 54A Pelham Road contains a detached double car garage.

The purpose of the concurrent consent and minor variance applications is to set-up the vacant lands through consent (i.e. lot line adjustment), to facilitate the development of a permitted semi-detached (front & back) dwelling on 54A Pelham Road, as well as allow the existing garage to become part of 54A Pelham Road and have legal access from Rykert Street.

Although the variance requests individually appear numerous and substantial, it should be understood that a significant portion of the requests are exaggerated by the City's road widening requirements along both Rykert Street and Pelham Road. If the require road widenings were not considered, the requested variances would be reduced in number and magnitude.

The applicant is attempting to legalize the site by applying for variances that reflect 'Post' road widening dedications, as recommended by planning staff. This approach's purpose is to create a legal situation rather than a legal non-conforming situation going forward. Planning staff are supportive of this approach.

The neighbourhood surrounding the subject lands is made up of low density residential dwellings and primarily vacant or underutilized commercial buildings along Pelham Road. The proposed consent and minor variance applications would facilitate low density development that may invigorate the area. To this end, it is staff's opinion that the proposed lot line adjustment and supporting variance applications are appropriate and desirable for the property and surrounding area.

Furthermore, in staff's opinion the consent and variance applications to facilitate the development of a new semi-detached dwelling are in keeping with the Provincial Policy Statement and Places to Grow legislation, as well as Regional and local Official Plan policies.

As such, staff recommends that the requested consents and variances be approved subject to the conditions outlined in the recommendation.

Background

Planning Context

Location

The subject properties are located at the southwest corner of the Pelham Road and Rykert Street intersection. The triangular shaped property at the corner, directly abutting the intersection is municipally known as 54 Pelham Road (Parts 1 & 2), while the abutting vacant rectangular shaped lot to south is municipally known as 54A Pelham Road (Parts 3 & 4).

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 lands are designated Neighbourhood – Medium Density Residential as per Schedules D1 & E7 of the Garden City Plan. This designation permits a variety of medium density residential dwelling types, including semi-detached dwellings, at a density between 25 and 99 units per hectare subject to the policies of the Garden City Plan. Pelham Road is classified as a Regional Arterial Road, while Rykert Street is classified as a Collector Road, as per Schedule C of the Garden City Plan.

Zoning By-law (2013-283)

The subject lands are currently zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits a variety of low density residential dwelling types, including semi-detached dwellings.

Report

Consent Requested

Application **B-07/16SC** is requesting a consent to sever a triangular shaped piece of land measuring 20.9m² (Part 1 on the submitted sketch) and containing an existing detached garage, and assembling it with the southerly abutting vacant lot (Part 3). A remnant parcel of 262.6m² (Part 2) will be retained for continued residential use. As a condition of approval and among other considerations, staff is recommending a road widening dedication along both Rykert St. and Pelham Rd. The road widening(s) have the effect of magnifying the degree of variances required. The applicant has applied for variances reflecting the 'Post' dedication impacts, so as to legalize the site in a conforming manner going forward. This approach is supported by planning staff.

In planning staff's opinion, given the various lot sizes and configurations of the surrounding neighbourhood, as well as the need for neighbourhood rejuvenation, and

the fact that the requested consent is for a lot line adjustment and not the creation of a new lot, the requested consent is appropriate and desirable. Furthermore it is also staff's opinion that there should be no negative impact on surrounding lands as a result of the consent.

On this basis, staff recommends approval of the requested consent B-07/16SC subject to the conditions outlined in the recommendation.

Consent Requested

Application **B-08/16SC** is requesting a consent to sever a thin rectangular shaped piece of land measuring 15.5m² (Part 4 on the submitted sketch), and assembling it with the northerly abutting lot (Part 2). A remnant parcel of 290.7m² (Part 2) will be retained for future residential use. As a condition of approval and among other considerations, staff is recommending a road widening dedication along both Rykert St. and Pelham Rd. The road widening dedications have the effect of magnifying the degree of variances required. The applicant has applied for variances reflecting the 'Post' dedication impacts, so as to legalize the site in a conforming manner. This approach is supported by planning staff.

In planning staff's opinion, given the various lot sizes and configurations of the surrounding neighbourhood, as well as the need for neighbourhood rejuvenation, and the fact that the requested consent is for a lot line adjustment and not the creation of a new lot, the requested consent is appropriate and desirable. Furthermore it is also staff's opinion that there should be no negative impact on surrounding lands as a result of the consent.

On this basis, staff recommends approval of the requested consent B-07/16SC subject to the conditions outlined in the recommendation.

Variance Requested

Application **A-19/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) **A reduction in the minimum required lot area per dwelling from 300m² to 212.9m²;**
- 2) **A reduction in the minimum required exterior side yard setback from 3.0m to 1.9m;**
- 3) **A reduction in the minimum required rear yard setback from 6.0m to 2.9m;**
- 4) **A reduction in the minimum width of a standard parking space obstructed on two sides from 3.5m to 2.9m;**

5) A reduction in the minimum required front yard setback to a dwelling from 3.00m to 1.22m

The first application A-19/16 is proposing five (5) separate variances. Practically speaking, all but one (1) variance is an existing situation that has been aggravated by the required road widenings and technical interpretation of lot frontage. The only requested variance that is an explicit product of the proposed lot line adjustment, is the reduction in width of an obstructed parking space. This issue primarily revolves around the space required to open a car door if a fence is ever erected on the 'new' property line. Currently no fence exists between the existing dwelling and the garage, and given the 1m fence height requirements to resolve sightline issues, and the impractical nature of a fence in this location, it is unlikely that this issue will ever be realized. Nonetheless, staff must consider the worst case scenario when offering a professional opinion. As such, it is staff's opinion that all variance requests resulting from the required road widenings are technical matters that have only been applied for to legalize the property going forward. In this regard it is staff's opinion that variances numbered 1, 2, 3 and 5 (as noted above) are minor in nature, appropriate and desirable and meet the general intent of the Official Plan and Zoning By-law.

In regards to the reduction of an obstructed parking space width (variance number 4 above), it is staff's opinion that this matter can easily be remedied by the driver dropping off passengers on the street prior to parking the vehicle in the parking space. Furthermore, this variance request is to accommodate an existing situation that may be exaggerated by the proposed consent; however on its own merits and limited impact, is minor in nature. As such it is staff's opinion that the requested variance is minor in nature, appropriate and desirable, and meets the general intent of the Official Plan and Zoning By-law.

As such and on these basis, staff recommends approval of the requested variance(s) for application A-19/16.

Variance Requested

Application **A-20/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction in the minimum lot area per dwelling unit from 560.0m² to 279.9m²;**
- 2) A reduction in the minimum rear lot setback from 6.0m to 1.2m;**
- 3) An increase in the maximum accessory structure coverage from 10.00% to 13.71%;**

- 4) A reduction in the minimum interior yard setback for an accessory structure from a lot line, from 0.60m to 0.54m;**
- 5) A reduction in the minimum front yard setback to a garage from 3.0m to 0.0m;**
- 6) A reduction in the minimum setback from an exterior lot line for a platform structure 0.6m above grade, from 3.0m to 0.61m;**
- 7) A reduction in the minimum lot frontage from 15.00m to 9.21m;**
- 8) An increase of maximum driveway width greater than 50% of the frontage to 100%;**
- 9) A reduction in the minimum setback from an exterior side yard to a dwelling, from 3.00m to 2.16m;**
- 10) A reduction of parking space obstructed on one side (interior of two-car garage) from 6.0m to 5.7m.**

The second application A-20/16 is proposing ten (10) separate variances.

Practically speaking, requested variances 3, 4, 5, 7, 8, 9, and 10 are existing situations that has been aggravated by the required road widenings and technical interpretation of lot frontage. As such, it is staff's opinion that variances 3, 4, 5, 7, 8, 9, and 10 (as noted above) are minor in nature, appropriate and desirable and meet the general intent of the Official Plan and Zoning By-law.

Requested variances 1, 2, and 6 (as noted above) require deeper consideration.

Variance 1 to reduce the minimum lot area, Variance 2 a reduction in the minimum rear yard setback, and variance 6 reduction in the minimum required setback from an exterior lot line to a platform structure, are all explicit products of the form of dwelling proposed. To evaluate the merits of these variance requests is to evaluate the merits of the proposed built form of the dwelling, in this instance being a semi-detached dwelling.

Given the context and character of the existing neighbourhood, the property's Medium Density Official Plan designation, and the need for re-development invigoration of the neighbourhood, as witnessed by the numerous vacant commercial buildings along Pelham Road, it is staff's opinion that in this specific instance, a semi-detached dwelling is appropriate and desirable. Staff also believe that in this instance, a semi-detached dwelling would have no negative impacts on the surrounding neighbourhood.

To this end, it is staff's opinion that all variances requested through application A-20/16 are appropriate, desirable, minor in nature, and meet the general intent of both the Official Plan and Zoning By-law.

Therefore, staff recommends approval of the requested variance(s) for application A-20/16.

Conclusion

Having regard for the matters under Sections 51 (24) and 45 (1) of the Planning Act, and comments received as of March 24th 2016, staff is satisfied that consents B-07/16SC and B-08/16SC, and their respective variances A-19/16, and A-20/16 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of land. Furthermore, staff supports the severances and minor variances as they represents good planning.

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:



Terrance Glover, MCIP, RPP, CPT
Senior Planner

30 Lincoln Avenue Departmental & Agency Comments

Munro, Elaine

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

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

Sent: Wednesday, March 16, 2016 8:06 AM

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

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

Hi Elaine

1. 3 Clifford Street, Consent Application – B-11/16SC – 60.84.2031 No issues or concerns
33 Parnell Road, Consent Application – B-12/16SC – 60.84.2032 No issues or concerns
33 Parnell Road, Minor Variance Application – A-24/16 – 60.81.5068 No issues or concerns
168 Lakeshore Road, Minor Variance Application – A-25/16 – 60.81.5069 No issues or concerns
3 Clifford Road, Minor Variance Application – A-26/16 – 60.81.5070 No issues or concerns
2. 333 Ontario Street, Minor Variance Application – A-11/16 – 60.81.5055 (**Revised**) No issues or concerns
3. 54 Pelham Road, Consent Application – B-07/16SC – 60.84.2027 No issues or concerns
54A Pelham Road, Consent Application – B-08/16SC – 60.84.2028 No issues or concerns
54 Pelham Road, Minor Variance Application – A-19/16 – 60.81.5063 No issues or concerns
54A Pelham Road, Minor Variance Application – A-20/16 – 60.81.5064 No issues or concerns
4. 30 Lincoln Avenue, Consent Application – B-10/16SC – 60.84.2030 No issues or concerns
30 Lincoln Avenue, Minor Variance Application – A-23/16 – 60.81.5067 No issues or concerns
5. 393 St. Paul Street, Consent Application – B-13/16SC – 60.84.2033 No issues or concerns
6. 124 Rykert Street, Consent Application – B-14/16SC – 60.84.2034 No issues or concerns
7. 16 Northdale Drive, Minor Variance Application – A-27/16 – 60.81.5071 ****AWAITING ADDITIONAL INFORMATION, MAY SEND TOMORROW****

Thanks



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

March 17, 2016

File No. MPR 2.13

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

Attn: Elaine Munro, Secretary-Treasurer

Subject: B-10/16SC
30 Lincoln Avenue, St. Catharines

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 consent to sever 1,426.3 m² of land (Part 2) to be added to the abutting easterly parcel of land known as 32 Lincoln Avenue (Part 3) for continued Commercial use. A 931.4 m² remnant parcel (Part 1) with the existing 2 storey single detached dwelling and shed would be retained for residential use. The application would result in a boundary adjustment between the two parcels of land.

Niagara Peninsula Conservation Authority Regulations:

The subject property is located adjacent to Carter Creek and impacted by the regulatory floodplain associated with the Creek. It is the Conservation Authority's mandate to ensure protection to life and property for development in or adjacent to flood prone areas and erosion hazards. As such, this property would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

In accordance with Policy 3.17, no development (including lot lines) are permitted within the limit of the Regulatory Floodplain. The Regulatory Floodplain elevation for this section of the Creek ranges from 108.6 metres to 110.5 metres. All new development and site alterations must take place above this elevation to be located outside of the floodplain.

This section of the Creek has been identified as Type 2 (Important) fish habitat. In accordance with Policy 3.6, a minimum 15 metre setback from the bankfull channel of the watercourse is required to all new development and site alterations.

The subject application is for a boundary adjustment only, no additional lot is being created, and no development or site alterations are proposed within 15 metres of the Creek as a result of the subject application. In addition, the proposed boundary adjustment ensures there will be sufficient room on each lot outside of the required setbacks to accommodate any future development without negatively impacting the regulated features.

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.

This section of the Creek has been identified as Type 2 (Important) Fish Habitat by the Ministry of Natural Resources and Forestry (MNR). In accordance with Policy 7.B.1.15 a minimum 15 metre setback is required from the bank of the channel to all new development and site alterations. The subject application is for a boundary adjustment only, and no development or site alterations are proposed within 15 metres of the Creek as a result of the subject application.

Conclusion:

Based on the above, the NPCA offers no objections to the subject application which has been made for a boundary adjustment.

Lastly, due to the features identified, any future works proposed on the property known as 32 Lincoln Avenue will require NPCA review and approval prior to the commencement of the works on site and any works proposed within a regulated feature or its buffer may require a work permit from this office, as well as further studies, in accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

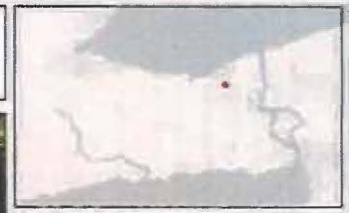
I trust the above will be of assistance to you. Please do not hesitate to call should you have further questions in this matter.


















Yours truly,



Taya Devlin
Watershed Planner (ext. 262)

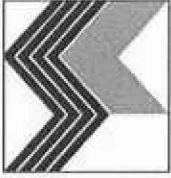
Cc: Connie Mancuso, Program Assistant, Niagara Region
Andrew Fetter, Development Approvals Technician, Niagara Region



- Legend**
-  Campsites
 -  Contours 2010 (1m)
 -  NPCA APPROXIMATE REGULATED Floodplain Extent
 -  Advisory (CWR)
 -  Regulated
 -  Reaches Draining 125ha Reaches
 -  NHS - Fish Habitat
 -  Ontario Road Network
 -  Major Highways
 -  Arterial Roads
 -  Local Roads
 -  Assessment Parcels
 -  Fish Habitat Reaches
 -  'Critical' Type 1
 -  'Important' Type 2
 -  'Marginal' Type 3
 -  AIRPORTS

Notes

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



Memorandum

To: Terrance Glover, Planning & Building Services
Elaine Munro, Planning & Building Services
From: Kristen Sullivan, Parks, Recreation & Culture Services
Date: March 18, 2016
Subject: Notice of Hearing: Consent to Sever
Address: 30 Lincoln Ave.
File No: 60.84.2030

Please be advised that we have reviewed the above-noted application. Section 5.4.5 of the Garden City Plan is supportive of zoning that controls residential parking and minimizes expansive parking areas in favour of greening initiatives and as requests the following condition:

That the applicant remove the gravel and granular material and place at least 100 millimeters of top soil and sod in the "area to be sodded" as indicated on the sketch submitted with the application. This condition must be satisfied by November 15, 2016 and in order to achieve this timeline it is the applicant's responsibility to lay, water and otherwise maintain the sod for a period of 6 weeks prior to this date to ensure successful inspection and clearance of this condition. The applicant is responsible for advising the City when the sod has been installed.

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

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

Munro, Elaine

From: Sullivan, Kristen
Sent: Friday, March 18, 2016 5:31 PM
To: Glover, Terrance
Cc: Munro, Elaine
Subject: CoA - March 30, 2016 - PRCS Comments
Attachments: Pelham_54_84.2027.doc; Lincoln_30_84.2030.doc; Clifford_3_84.2031.doc

Terrance,

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

- 333 Ontario (mv)
- 54 Pelham (mv)
- 54A Pelham (mv)
- 393 St. Paul (ld)
- 124 Rykert (ld)
- 3 Clifford (mv)
- 168 Lakeshore (mv)
- 33 Parnell (mv)

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



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 28, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 30, 2016 hearing - File No.: 300-036

B-07/16SC – 54 Pelham 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 for the south building face.

B-08/16SC – 54A Pelham Road

Comment:
No Comment

Condition:
No Comment.

B-10/16SC – 30 Lincoln Avenue

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 northeast building face.

B-11/16SC – 3 Clifford Street

Comment:
No Comment

Condition:
No Comment

B-12/16SC – 33 Parnell Road

Comment:
No Comment

Condition:

The existing pool crossing parts 4 and 5 is to be demolished. A permit to demolish the pool shall be obtained from the City Building Department and completed to the satisfaction of the Chief building official.

B-13/16SC – 393 St. Paul Street

Comment:
No Comment

Condition:
No Comment

B-14/16SC – 124 Rykert Street

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 for the rear yard.


Mark Lepp, Building Inspector II

Cc: Files, 300-036



Memorandum

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

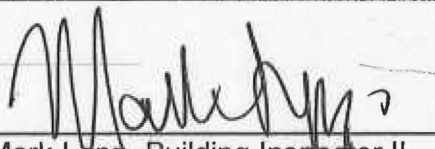
Cc: B. Thiessen, Terrance Glover, Judy Pihach
Planning and Building Services

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

Date: March 28, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – March 30, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
A-11/16	333 Ontario Street	No Comment.
A-19/16	54 Pelham Road	No Comment
A-20/15	54A Pelham Road	No Comment
A-23/16	30 Lincoln Avenue	No Comment
A-24/16	33 Parnell Road	No Comment
A-25/16	168 Lakeshore Road	No Comment
A-26/16	3 Clifford Road	No Comment



Mark Lepp, Building Inspector II

Cc: Files, 300-010

g:\pbs-building & development\committee of adjustment\bldg memo 2016\09 bcoa memo-mv-March 30, 2016.docx

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-10/16SC



March 14, 2016

ENGINEERING FILE 300-36

Hearing Date: March 30, 2016

Applicant: Jerry & Nancy Della Vecchia

Location: 30 & 32 Lincoln Avenue

MUNICIPAL SERVICES

	Lincoln Avenue	Waite Lane
Water:	300mm (12")	150mm (6")
Sanitary Sewer:	300mm (12")	200mm (8")
Storm Sewer:	Boulevard catch basin in existing boulevard asphalt	
Sidewalks:	Yes	
Road Allowance Width:	18.3m±	


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

Comment(s): It is noted that the Applicant proposes to sever 1426.3m² of land (Part 2) which will be added to the abutting the easterly lot known as 32 Lincoln Avenue (Part 3) for continued commercial use. A remnant parcel (Part 1) with the existing two-storey single detached dwelling and shed would be retained for continued residential use.

Waite Lane and Lincoln Avenue are designated Local roads per the City's Official plan with desired right-of-way widths of 20.12m. Although Waite Lane is currently at the desired width, Lincoln Avenue along this section is deficient at 18.29m±. The Applicant shall therefore dedicate 0.914m along the Lincoln Avenue frontage of Parts 1 & 3 to the City as a road widening.

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

- Prepare a Reference Plan for review and approval by the City identifying the Part(s) to be dedicated to the City as Public Highway; and
- Submit and register the reference plan to dedicate the Part(s) to the City of St. Catharines as Public Highway; and
- Reinstate the existing entrance boulevards behind the sidewalk on the remnant parcel from gravel and asphalt to 100mm topsoil and sod to the City's satisfaction

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



Memorandum

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: March 21, 2016
Hearing Date: March 30, 2016

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-11/16SC – 333 Ontario Street
A-19&20/16SC – 54A Pelham Road
A-23/16SC – 30 Lincoln Avenue
A-24/16SC – 33 Parnell Road
A-25/16SC – 168 Lakeshore Road
A-26/16SC – 3 Clifford Street

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

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

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk
Cc: Development Technologist
From: Steve Bittner
Transportation Technologist
Date: March 28, 2016
Subject: Committee of Adjustment
Public Hearings – March 30, 2016
File No. 305-17-01

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

333 Ontario Street

We have reviewed the amended parking study and have no additional requirements. Based on the information provided in the study, we have no concerns with the proposed reduction in parking.

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

Report from Planning and Building Services, Planning Services

Date of Report: March 24, 2016

Date of Meeting: March 30 2016

Submission(s): B-10/16SC
A-23/16

File: 60.84.2030
60.81.5067

Subject: 30 Lincoln Avenue
(32 Lincoln Avenue)

Proposal

Application **B-10/16SC** is requesting a consent to sever 1,426.3m² of land (Part 2 on the submitted sketch), which is to be added (via lot addition) to the easterly parcel of land municipally known as 32 Lincoln Avenue (Part 3) for continued commercial use. A 931.4m² remnant parcel of land (Part 1) containing an existing single detached dwelling and accessory shed would be retained for continued residential use.

Application **A-23/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase in the maximum lot area per dwelling unit from 370m² to 931.4m².

Recommendation

THAT Submission **B-10/16SC** by Jerry and Nancy Della Vecchia, as outlined in the Notice of Hearing be approved, subject to the following conditions:

Conditions:

1. That the owner submit a Reference Plan prepared by a professional surveyor for review and approval by the City of St. Catharines, identifying a 0.914m road widening along Lincoln Avenue, and the respective Part(s) to be dedicated to the City as Public Highway;
2. That the owner submit and register this Reference Plan, to dedicate the Part(s) to the City of St. Catharines as Public Highway, to the satisfaction of the Manager of Planning Services;

3. That the public boulevards abutting Part 1, excluding the permitted driveway entrance from Lincoln Avenue, within the road allowance of Waite Lane and Lincoln Avenue be reinstated to municipal standards.
4. That the “area to be sodded” as noted on the submitted sketch and being within Part 1 located in the western area of the existing residential driveway, be excavated to a minimum depth of 100mm, reinstated with top-soil, and sodded to the satisfaction of the City.
5. That the reinstatement of the boulevards and installation of sod, as per Conditions 3 and 4, be inspected and approved by municipal Parks staff within the seasonal growing window of May 15 to November 15.
6. That the existing accessory shed associated with the dwelling at located 30 Lincoln Avenue (Parts 1 and 2), be removed or relocated in accordance with the City of St. Catharines Zoning By-law 2013-283.
7. That final approval for the necessary minor variance applications A-23/16 be received.

AND FURTHER THAT Submission **A-23/16** by Jerry and Nancy Della Vecchia, as outlined in the Notice of Hearing be approved, subject to the following conditions:

Condition:

1. That final approval for the necessary consent B-10/16SC be received.

Summary

The subject property is located on the south side of Lincoln Avenue and abuts Waite Lane to the west. The subject property municipally known as 30 Lincoln Avenue contains an existing single detached dwelling and accessory shed. The rear yard of this property has been historically operated as part of the abutting commercial business’s outdoor storage area (32 Lincoln Avenue).

The purpose of the consent application is to sever the rear portion (Part 2 on the survey sketch) on 30 Lincoln Avenue and assemble it with the property to the east municipally known as 32 Lincoln Avenue.

The purpose of the variance application is to increase the maximum permit lot area for the retained lot (Part 1) to facilitate the requested consent.

Background

Planning Context

Location & Site Context

The subject lands (30-32 Lincoln Avenue) are located within an existing neighbourhood primarily comprised of low density dwellings. The property municipally known as 30 Lincoln Avenue fronts both Lincoln Avenue and Waite Lane while the property municipally known as 32 Lincoln Avenue fronts Lincoln Avenue and abuts Crater Creek and an adjacent rail corridor to the east. The Garden City Plan designates Lincoln Avenue as a Collector Road and Waite Lane as a Local Road.

The subject lands (being both properties) have historically and collectively been operated as a commercial garage with accessory outdoor storage and associated residence. The existing commercial garage and accessory outdoor storage are considered legal non-conforming uses due to their legal establishment prior to the passing of the Zoning By-law.

Crater Creek is a headwater tributary that is (development) regulated by the Niagara Peninsula Conservation Authority (NPCA). Any development or site alteration within 15m of the creek will require an O. Reg 155/06 Conservation Development Permit.

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 lands are designated Neighbourhood Residential – Medium Density Residential as per Schedules D1 & E9 of the Garden City Plan (GCP). The Medium Density designation permits a variety of residential dwelling types including detached dwellings, at a density between 25 and 99 units per hectare. The subject lands abut a portion of Carter Creek as per Schedule F4 (Natural Heritage Plan) of the GCP, and as such a Niagara Peninsula Conservation Authority Development Permit (O. Reg. 155/06) will be required prior to any development or site alteration within 15m of the creek.

Zoning By-law (2013-283)

The subject lands are zoned Holding - Medium Density Residential (R3-H1). The R3-H1 zone permits a variety of medium density residential dwelling types, including detached dwellings. The Holding provision as per Zoning By-law 2013-283, requires a Record of Site Condition (RSC) prior to any development. The current consent (i.e. boundary adjustment) and variance applications are not considered development or lot creation, and therefore are not prohibited by the current Holding provision or required an RSC. However, should any development be proposed on the lands in the future, an RSC will be required prior to the removal of the Holding Provision and the underlying zoning taking effect so that a building permit may be issued.

Report

Consent Requested

Application **B-10/16SC** is requesting a consent to sever 1,426.3m² of land (Part 2 on the submitted sketch), which is to be added (via boundary adjustment) to the easterly parcel of land municipally known as 32 Lincoln Avenue (Part 3) for continued commercial use. A 931.4m² remnant parcel of land (Part 1) containing an existing detached dwelling and accessory shed would be retained for continued residential use.

In staff's opinion this request for boundary adjustment to merge Part 2 with Part 3, is rationalized by the historic commercial use of property (Part 2), and will set the land parcels in their correct ownership/use. As well, staff are generally supportive of the principle of land assembly, as long as remnant parcels remain functional, practical, and in general character of the surrounding area. In this instance, the proposed land assembly recognizes the existing use of the property, and establishes a residential lot for an existing dwelling that more logically fits the surrounding neighbourhood and existing commercial/residential situation.

In staff's opinion, the requested consent are appropriate and desirable.

On this basis, staff recommends approval of the requested consent B-10/16SC, subject to the conditions outlined in the recommendation.

Variance Requested

Application **A-23/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase in the maximum lot area per dwelling unit from 370m² to 931.4m².**

The applicant is requesting the above noted variance to increase the maximum lot area per dwelling. Although the existing residential lot (Part 1) will be reduced in size due to the severance and assembly of Parts 2 & 3, it will remain larger than what is currently permitted under the City's Zoning By-law. To resolve this discrepancy, the applicant has applied for the above noted minor variance to facilitate the consent. It should also be noted that in staff's opinion, the proposed remnant lot will more closely resemble existing lotting pattern of the area.

It is staff's opinion that the requested variance is minor in nature, appropriate and desirable, and meets the general intent of the Official Plan and Zoning By-law.



As such staff recommends approval of the requested variance for application A-23/16.

Conclusion

Having regard for the matters under Sections 51 (24) and 45 (1) of the Planning Act, and comments received as of March 24th 2016, staff is satisfied that consents B-10/16SC and respective variance A-23/16 are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of land. Furthermore, staff supports the severance and minor variance as they represents good planning.

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

Prepared & Submitted by:

Terrance Glover, MCIP, RPP, CPT
Senior Planner

393 St. Paul Street

Departmental &
Agency Comments

Munro, Elaine

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

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

Sent: Wednesday, March 16, 2016 8:06 AM

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

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

Hi Elaine

1. 3 Clifford Street, Consent Application – B-11/16SC – 60.84.2031 No issues or concerns
33 Parnell Road, Consent Application – B-12/16SC – 60.84.2032 No issues or concerns
33 Parnell Road, Minor Variance Application – A-24/16 – 60.81.5068 No issues or concerns
168 Lakeshore Road, Minor Variance Application – A-25/16 – 60.81.5069 No issues or concerns
3 Clifford Road, Minor Variance Application – A-26/16 – 60.81.5070 No issues or concerns
2. 333 Ontario Street, Minor Variance Application – A-11/16 – 60.81.5055 **(Revised)** No issues or concerns
3. 54 Pelham Road, Consent Application – B-07/16SC – 60.84.2027 No issues or concerns
54A Pelham Road, Consent Application – B-08/16SC – 60.84.2028 No issues or concerns
54 Pelham Road, Minor Variance Application – A-19/16 – 60.81.5063 No issues or concerns
54A Pelham Road, Minor Variance Application – A-20/16 – 60.81.5064 No issues or concerns
4. 30 Lincoln Avenue, Consent Application – B-10/16SC – 60.84.2030 No issues or concerns
30 Lincoln Avenue, Minor Variance Application – A-23/16 – 60.81.5067 No issues or concerns
5. 393 St. Paul Street, Consent Application – B-13/16SC – 60.84.2033 No issues or concerns
6. 124 Rykert Street, Consent Application – B-14/16SC – 60.84.2034 No issues or concerns
7. 16 Northdale Drive, Minor Variance Application – A-27/16 – 60.81.5071 ****AWAITING ADDITIONAL INFORMATION, MAY SEND TOMORROW****

Thanks

Munro, Elaine

Subject: RE: 393 St. Paul Street, St. Catharines

From: Glofcheskie, Christopher (MTO) [mailto:Christopher.Glofcheskie@ontario.ca]

Sent: Wednesday, March 16, 2016 12:05 PM

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

Subject: 393 St. Paul Street, St. Catharines

Ms. Elaine Munro,

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

Address: 393 St. Paul Street

File No. 60.84.2033

Submission No. B-13/16SC

Roll No. 2629040003119000000

Chris Glofcheskie C. Tech

Corridor Management Officer

Niagara Region

Ministry of Transportation

159 Sir William Hearst Avenue, 7th Floor,

Toronto, Ontario M3M 0B7

Tel: (416) 235-5560

Email: christopher.glofcheskie@ontario.ca

Munro, Elaine

From: Vasko, Dennis
Sent: Wednesday, March 16, 2016 8:35 AM
To: Munro, Elaine
Subject: RE: Notice of Hearing for March 30/16 Hearing - City of St. Catharines

Hi Elaine,

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

Regards,

Dennis

Dennis Vasko

Fill Site Technician

Email: dvasko@stcatharines.ca

Tel: 905.688.5601 x2163

From: Munro, Elaine
Sent: Tuesday, March 15, 2016 4:31 PM
To: Vasko, Dennis
Subject: Notice of Hearing for March 30/16 Hearing - City of St. Catharines

Hi Dennis:

Attached please find the Notice of Hearing application (via email only) for the March 30, 2016 Committee of Adjustment Hearing.

393 St. Paul Street, Consent Application – B-13/16SC – 60.84.2033

Any questions, please don't hesitate to contact me.

Thanks,

Elaine Munro ACST

Committee Secretary & Planning Clerk

Email: emunro@stcatharines.ca

Tel: 905.688.5601 x1715

Munro, Elaine

From: Sullivan, Kristen
Sent: Friday, March 18, 2016 5:31 PM
To: Glover, Terrance
Cc: Munro, Elaine
Subject: CoA - March 30, 2016 - PRCS Comments
Attachments: Pelham_54_84.2027.doc; Lincoln_30_84.2030.doc; Clifford_3_84.2031.doc

Terrance,

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

- 333 Ontario (mv)
- 54 Pelham (mv)
- 54A Pelham (mv)
- 393 St. Paul (ld)
- 124 Rykert (ld)
- 3 Clifford (mv)
- 168 Lakeshore (mv)
- 33 Parnell (mv)

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145



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 28, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 30, 2016 hearing - File No.: 300-036

B-07/16SC – 54 Pelham 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 for the south building face.

B-08/16SC – 54A Pelham Road

Comment:
No Comment

Condition:
No Comment.

B-10/16SC – 30 Lincoln Avenue

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 northeast building face.

B-11/16SC – 3 Clifford Street

Comment:
No Comment

Condition:
No Comment

B-12/16SC – 33 Parnell Road

Comment:
No Comment

Condition:

The existing pool crossing parts 4 and 5 is to be demolished. A permit to demolish the pool shall be obtained from the City Building Department and completed to the satisfaction of the Chief building official.

B-13/16SC – 393 St. Paul Street

Comment:
No Comment

Condition:
No Comment

B-14/16SC – 124 Rykert Street

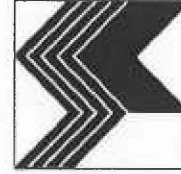
Comment:
No Comment

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 for the rear yard.


Mark Lepp, Building Inspector II

Cc: Files, 300-036

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-13/16SC



March 14, 2016

ENGINEERING FILE 300-36

Hearing Date: March 30, 2016

Applicant: 406765 Ontario Ltd.

Location: 393-399 St. Paul Street

MUNICIPAL SERVICES

	St. Paul Street	Court Alley
Water:	300mm (12")	150mm (6")
Sanitary Sewer:	300mm (12") 450mm (18")	None
Storm Sewer:	900mm (36")	300mm (12")
Sidewalks:	Yes	N/A
Road Allowance Width:	21.0m±	5.50m±

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

Comment(s): It is noted that the Applicant proposes to sever 370m² of land (Part 2) for an existing lot known as 399 St. Paul Street for continued commercial use. A 296m² remnant parcel with the existing 2-storey building will be retained for continued commercial/residential use.

St. Paul Street is designated an Arterial road per the City's Official plan with a desired right-of-way width of 26.2m. Understanding that current building locations have zero lot line setbacks and are familiar in this area of the downtown core, and given that St. Paul Street's current width along this section is 21.0m ±, the City will not be requiring a road widening be dedicated by the Applicant.

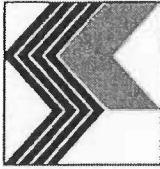
The Applicant must be advised that current building facades, namely stone building structures, eaves and an awning, appear to encroach on the City right-of-way.

Condition(s): The Applicant shall;

- Identify existing encroachments, if any, and to establish these and any further required encroachments through an Encroachment Agreement with the City of St. Catharines

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk
Cc: Development Technologist
From: Steve Bittner
Transportation Technologist
Date: March 28, 2016
Subject: Committee of Adjustment
Public Hearings – March 30, 2016
File No. 305-17-01

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

333 Ontario Street

We have reviewed the amended parking study and have no additional requirements. Based on the information provided in the study, we have no concerns with the proposed reduction in parking.

We have no concerns or requirements with the remaining applications.

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

Steve Bittner
Transportation Technologist
SB/



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 24, 2016

Date of Meeting: March 30 2016

Submission(s): B-13/16SC

File: 60.84.2033

Subject: 393 St. Paul Street
(399 St. Paul Street)

Proposal

Application **B-13/16SC** is requesting a consent to sever 370m² of land (Part 2 on the submitted sketch), for a lot containing an existing 2 storey building and municipally known as 399 St. Paul Street, for a continued commercial/residential use. A 296m² remnant parcel of land (Part 1) municipally known as 393 St. Paul Street, containing an existing 2 storey building would be retained for continued commercial/residential use.

Recommendation

THAT Submission **B-13/16SC** by Lana T. Sgambelluri, on behalf of the owner 406765 Ontario Ltd., as outlined in the Notice of Hearing be approved, subject to the following conditions:

Conditions:

1. That the owner submit a Plan identifying any/all existing and proposed encroachments (including awnings) to the satisfaction of the City of St. Catharines;
2. That the owner establish the identified encroachments through an Encroachment Agreement with the City of St. Catharines, to the satisfaction of the City; and,
3. That the owner close-up all internal openings in the common wall forming the boundary of Parts 1 and 2 in accordance with requirements of the Ontario Building Code.

Summary

The subject property(s) are municipally known as 393 & 399 St. Paul Street and are located on the north side of St. Paul Street in Downtown St. Catharines. The property(s) have rear yard access through a public laneway known as Court Alley. The subject property(s) are in the form of an attached building that contains existing commercial and residential uses.

The purpose of the consent application is to sever the attached building into two parcels (buildings) being municipally known as 393 St. Paul Street and 399 St. Paul Street.

Background

Planning Context

Location & Site Context

The subject property (393-399 St. Paul; St.) is located within an existing mixed use downtown neighbourhood. Both building units front onto St. Paul Street but also have rear yard access with associated parking through a laneway known as Court Alley. The Garden City Plan designates St. Paul Street as an Arterial Road and Court Alley as a Local Road/Laneway.

Regional Official Plan

The Regional Official Plan designates the subject property as Downtown St. Catharines Urban Growth Centre which generally supports intensification through development.

Official Plan (Garden City Plan)

The subject property is designated Provincial Growth Plan - Urban Growth Centre as per Schedule D, Downtown as per Schedule D1, and Commercial Core as per Schedule E10 of the Garden City Plan.

The Urban Growth Centre designation is intended to be an area that accommodates the majority of projected population, housing and employment for the City.

The Downtown designation represents the City's intent to evolve the area into a compact, multi-functional activity centre that provides the highest concentration of density, range and mix of office, commercial, entertainment, civic, government, institutional, recreational, creative and cultural employment, and residential accommodation.

The Commercial Core designation permits retail and service commercial, institutional, education, civic, government, office, finance, indoor recreation, creative and cultural uses, hospitality, restaurants, entertainment, and residential apartment uses within buildings that are a minimum of two (2) storeys in height.

Zoning By-law (2013-283)

The subject lands are zoned Site Specific Downtown Traditional Main Street (C6-92). The C6-92 zone permits a range of retail and service commercial, institutional, education,

civic, government, office, indoor recreation, creative and cultural uses, hospitality, restaurants, entertainment, and residential apartment uses. The 'site specific' zoning provision (-92) exempts the lands, being located in the downtown core, from required parking.

Report

Consent Requested

Application **B-13/16SC** is requesting a consent to sever 370m² of land (Part 2 on the submitted sketch), for a lot containing an existing 2 storey building and municipally known as 399 St. Paul Street, for a continued commercial/residential use. A 296m² remnant parcel of land (Part 1) municipally known as 393 St. Paul Street, containing an existing 2 storey building would be retained for continued commercial/residential use.

The property has historically been established as two (2) lots with different owners; however due to a recent and inadvertent merger in title resulting from the registration of a common ownership name, the two (2) lots legally became one (1) lot. The owner is proposing to sever the current single lot to re-establish the previous lot division.

In staff's opinion, this requested consent is a technical matter. The lots have historically been separate and only merged due to an inadvertent registration on title. No physical changes to the property(s) are proposed, and the proposed consent will only result in the creation of lots that once independently existed. As such it is staff's opinion that the proposed consent is appropriate.

On this basis, staff recommends approval of the requested consent B-13/16SC, subject to the conditions outlined in the recommendation.

Conclusion

Having regard for the matters under Sections 51 (24) of the Planning Act, and comments received as of March 24th 2016, staff is satisfied that consent B-13/16SC is in keeping with the general intent of the Official Plan and Zoning By-law, and is appropriate. Furthermore, staff supports the severance as it represents good planning.

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

Prepared & Submitted by:


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

124 Rykert Street

Departmental &
Agency Comments

Munro, Elaine

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

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

Sent: Wednesday, March 16, 2016 8:06 AM

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

Subject: RE: Notices of Hearing for March 30/16 Hearing - City of St. Catharines (Part 1 of 2 emails)

Hi Elaine

1. 3 Clifford Street, Consent Application – B-11/16SC – 60.84.2031 No issues or concerns
33 Parnell Road, Consent Application – B-12/16SC – 60.84.2032 No issues or concerns
33 Parnell Road, Minor Variance Application – A-24/16 – 60.81.5068 No issues or concerns
168 Lakeshore Road, Minor Variance Application – A-25/16 – 60.81.5069 No issues or concerns
3 Clifford Road, Minor Variance Application – A-26/16 – 60.81.5070 No issues or concerns
2. 333 Ontario Street, Minor Variance Application – A-11/16 – 60.81.5055 (**Revised**) No issues or concerns
3. 54 Pelham Road, Consent Application – B-07/16SC – 60.84.2027 No issues or concerns
54A Pelham Road, Consent Application – B-08/16SC – 60.84.2028 No issues or concerns
54 Pelham Road, Minor Variance Application – A-19/16 – 60.81.5063 No issues or concerns
54A Pelham Road, Minor Variance Application – A-20/16 – 60.81.5064 No issues or concerns
4. 30 Lincoln Avenue, Consent Application – B-10/16SC – 60.84.2030 No issues or concerns
30 Lincoln Avenue, Minor Variance Application – A-23/16 – 60.81.5067 No issues or concerns
5. 393 St. Paul Street, Consent Application – B-13/16SC – 60.84.2033 No issues or concerns
6. 124 Rykert Street, Consent Application – B-14/16SC – 60.84.2034 No issues or concerns
7. 16 Northdale Drive, Minor Variance Application – A-27/16 – 60.81.5071 ****AWAITING ADDITIONAL INFORMATION, MAY SEND TOMORROW****

Thanks

Munro, Elaine

From: Sullivan, Kristen
Sent: Friday, March 18, 2016 5:31 PM
To: Glover, Terrance
Cc: Munro, Elaine
Subject: CoA - March 30, 2016 - PRCS Comments
Attachments: Pelham_54_84.2027.doc; Lincoln_30_84.2030.doc; Clifford_3_84.2031.doc

Terrance,

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

- 333 Ontario (mv)
- 54 Pelham (mv)
- 54A Pelham (mv)
- 393 St. Paul (ld)
- 124 Rykert (ld)
- 3 Clifford (mv)
- 168 Lakeshore (mv)
- 33 Parnell (mv)

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145



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 28, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 30, 2016 hearing - File No.: 300-036

B-07/16SC – 54 Pelham 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 for the south building face.

B-08/16SC – 54A Pelham Road

Comment:
No Comment

Condition:
No Comment.

B-10/16SC – 30 Lincoln Avenue

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 northeast building face.

B-11/16SC – 3 Clifford Street

Comment:

No Comment

Condition:

No Comment

B-12/16SC – 33 Parnell Road

Comment:

No Comment

Condition:

The existing pool crossing parts 4 and 5 is to be demolished. A permit to demolish the pool shall be obtained from the City Building Department and completed to the satisfaction of the Chief building official.

B-13/16SC – 393 St. Paul Street

Comment:

No Comment

Condition:

No Comment

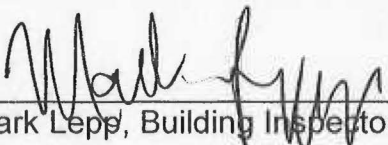
B-14/16SC – 124 Rykert Street

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 for the rear yard.


Mark Lepp, Building Inspector II

Cc: Files, 300-036

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-14/16SC



March 14, 2016

ENGINEERING FILE 300-36

Hearing Date: March 30, 2016

Applicant: Elmer & Marivic Tubig

Location: 124 Rykert Street

MUNICIPAL SERVICES


	Rykert Street	Louth Street (Regional)
Water:	200mm (8")	200mm (8")
Sanitary Sewer:	200mm (8")	250mm (10")
Storm Sewer:	1050mm (42")	None
Sidewalks:	Yes	
Road Allowance Width:	21.0m±	

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

Comment(s): It is noted that the Applicant proposes to sever 156m² of land (Part 2) which will be added to the abutting northerly parcel of land known as 141 Louth Street (Part 1) for a future residential development. A 646m² remnant parcel with the existing 2-storey building would be retained (Part 3) for continued commercial/residential use. The application would result in a boundary adjustment between the two parcels of land.

Rykert Street is designated a Local road per the City's Official plan with a desired right-of-way width of 20.12m, its existing width across the frontage of this property. Louth Street however, is designated a Regional Arterial road per the City's Official Plan with a desired right-of-way width of 26.2m. Although the City will not be requiring the Applicant to dedicate a road widening along Rykert Street, the Applicant may be required to dedicate a road widening along Louth Street, at the discretion of the Regional Municipality of Niagara.

Condition(s): The Development Engineering Section have no further comment and no conditions to impose for this application.

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc: Development Technologist

From: Steve Bittner
Transportation Technologist

Date: March 28, 2016

Subject: Committee of Adjustment
Public Hearings – March 30, 2016
File No. 305-17-01

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

333 Ontario Street

We have reviewed the amended parking study and have no additional requirements. Based on the information provided in the study, we have no concerns with the proposed reduction in parking.

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

Report from Planning and Building Services, Planning Services

Date of Report: March 24, 2016

Date of Meeting: March 30 2016

Submission(s): B-14/16SC

File: 60.84.2034

Subject: 124 Rykert Street
(141 Louth Street)

Proposal

Application **B-14/16SC** is requesting a consent to sever 156m² of land (Part 2 on the submitted sketch) from property municipally known as 124 Rykert Street (Part 3), and assembling it with the northerly abutting property municipally known as 141 Louth Street (Part 1). A remnant parcel of 646m² (Part 3) will be retained for continued residential/commercial use.

Recommendation

THAT Submission **B-14/16SC** by Mark Mirabella, on behalf of the owners Marivic and Elmer Tubig, as outlined in the Notice of Hearing be approved, subject to the follow condition:

- 1) That the owner establish a 3m wide landscape strip along the entire length of the rear yard property line for the property municipally known as 124 Rykert Street, to the satisfaction of the City, and the planting strip be inspected by City Park's staff between the seasonal growing season of March 15 and November 15.

Summary

The subject property is municipally known as 124 Rykert Street and is located on the north side of Rykert Street, just west of the Rykert Street/Louth Street intersection. The property contains a two (2) storey building that is used for ground floor commercial and second floor residential uses.

The purpose of the consent is to sever a portion of the 124 Rykert Street's rear yard, being 156m² in size, and assembling it with the property municipally known as 141 Louth Street to the north. The consent will result in a decreased lot area for 124 Rykert Street, and an increase to the lot area for 141 Louth Street, to maximize 141 Louth Street's redevelopment potential.

Having regard for the matters under Sections 51 (24) of the Planning Act, and comments received as of March 24th 2016, staff is satisfied that consents B-14/16SC is appropriate. Furthermore, staff supports the severance as it represents good planning.

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

Background (Planning Context)

Location & Site Context

The subject property (124 Rykert Street) is located on the north side of Rykert Street, just west of the Rykert Street/Louth Street intersection. The property contains an existing two (2) storey building with a ground floor commercial and second floor residential use.

The property is municipally known as 141 Louth Street, and is comprised of municipal addresses 141, 141B, and 143 Louth Street. The site contains an existing two (2) storey apartment building, an existing detached dwelling and accessory garage. The owner has expressed a desire to demolish all existing buildings (at 141 Louth Street) to accommodate future residential development.

The Garden City Plan designates Rykert Street as a Collector Road, and Louth Street 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 lands are 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 at a density between 20 and 32 units per hectare subject to the policies of the Garden City Plan.

Zoning By-law (2013-283)

The subject property (124 Rykert Street) is zoned Local Convenience Commercial (C1), while the property known as 141 Louth Street is zoned Low Density Residential – Suburban Neighbourhood (R1).

The Local Convenience Commercial (C1) zone permits a range of commercial uses as well as residential apartments on the second floor.

The Low Density Residential – Suburban Neighbourhood zone (R1) permits a range of low density residential uses, such as detached, semi-detached, quadruplex, townhouse and private road developments. Due to the creation of a dual-zoned lot at 141 Louth Street as a result of this consent, a future Zoning By-law Amendment application may be required to facilitate redevelopment the property.

Report

Consent Requested

Application **B-14/16SC** is requesting a consent to sever 156m² of land (Part 2 on the submitted sketch) from property municipally known as 124 Rykert Street (Part 3), and assembling it with the northerly abutting property municipally known as 141 Louth Street (Part 1). A remnant parcel of 646m² (Part 3) will be retained for continued commercial/residential use.

The applicant is requesting a land assembly of Parts 1 and 2, to provide increased opportunity for future residential infill development of the site. Depending on the form of this future development, a zoning by-law amendment may be required. It should also be noted, that the proposed land to be severed (Part 3), was historically part of the property known as 141 Louth Street, but was severed and assembled with 124 Rykert Street a number of years ago. The current owners now wish to reverse this previous decision and re-assemble Part 2, being of similar yet technically different size and shape, with 141 Louth Street.

Although the remnant parcel of land (Part 3) will be reduced in lot area, in staff's opinion no change to the character of the neighbourhood will result since the land to be severed/assembled (Part 2) is located at the rear of the property and no physical alteration to the existing building is necessary. In addition, the owner has agreed to establish a 3m landscape strip along the new rear yard lot line of 124 Rykert Street, in anticipation of future residential development and possible zone change at 141 Louth Street. As such it is staff's opinion that the proposed consent is appropriate.

On this basis, staff recommends approval of the requested consent B-14/16SC, subject to the condition outlined in the recommendation.

Conclusion

Having regard for the matters under Sections 51 (24) of the Planning Act, and comments received as of March 24th 2016, staff is satisfied that consent B-14/16SC is in keeping with the general intent of the Official Plan and Zoning By-law, and is appropriate. Furthermore, staff supports the severance as it represents good planning.

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

Prepared & Submitted by:



Terrance Glover, MCIP, RPP, CPT
Senior Planner

