

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 April 20, 2016
6. Application:
 1. 34 Cedardale Avenue, Minor Variance Application – A-37/16 – 60.81.5081
 2. 4 Dorchester Blvd S, Minor Variance Application – A-38/16 – 60.81.5082
 3. 126 Dalhousie Avenue, Minor Variance Application – A-40/16 – 60.81.5084
 4. 71A Pelham Road, Consent Application – B-19/16SC – 60.84.2039
71A Pelham Road, Consent Application – B-20/16SC – 60.84.2040
 5. 365 Martindale Road, Consent Application – B-21/SC- 60.84.2041
367 Martindale Road, Consent Application – B-22/SC – 60.84.2042
365 Martindale Road, Minor Variance Application – A-41/16 – 60.81.5085
367 Martindale Road, Minor Variance Application – A-42/16 – 60.81.5086
369 Martindale Road, Minor Variance Application – A-43/16 – 60.81.5087
 5. 56 Henley Drive, Consent Application – B-23/16SC – 60.84.2043
56 Henley Drive, Minor Variance Application – A-44/16 – 60.81.5088
56B Henley Drive, Minor Variance Application – A-45/16 – 60.81.5089
 6. 80 Newport Street, Minor Variance Application – A-46/16 – 60.81.5090
7. New Business:
 - i) Request to have to have a trial run of proposed changes in Procedure at June 2, 2016 Hearing.
8. Adjournment

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

34 Cedardale Avenue

Departmental &
Agency Comments

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, April 26, 2016 4:20 PM
To: Munro, Elaine
Subject: RE: Committee of Adjustment Applications for May 11, 2016 Hearing - City of St. Catharines (1 of 2 emails)

Hi Elaine

1. 34 Cedardale Avenue, Minor Variance Application – A-37/16 – 60.81.5081 No issue or concerns
2. 4 Dorchester Blvd S, Minor Variance Application – A-38/16 – 60.81.5082 No issue or concerns
4. 71A Pelham Road, Consent Application – B-19/16SC – 60.84.2039 Cogeco pedestal located between the property line of 2 Josephine St and 71 Pelham Rd on Municipal property. If owner/developer requires relocation of pedestal, 100% cost recovery to Cogeco by the owner/developer for relocation fees
- 71A Pelham Road, Consent Application – B-20/16SC – 60.84.2040 Cogeco pedestal located between the property line of 2 Josephine St and 71 Pelham Rd on Municipal property. If owner/developer requires relocation of pedestal, 100% cost recovery to Cogeco by the owner/developer for relocation fees
7. 80 Newport Street, Minor Variance Application – A-46/16 – 60.81.5090 No issue or concerns

Thanks

DOUG CROWN

Network Planning and Design

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

7170 McLeod Rd
Niagara Falls Ontario L2G 3H2 Canada
Doug.Crown@cogeco.com



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CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 5, 2016

Date of Meeting: May 11, 2016

Submission(s): A-37/16

File: 60.81.5081

Subject: 34 Cedardale Ave

Recommendation

That Submission **A-37/16** by Shawn Cowan, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that variance A-37/16 is minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

Staff recommends that the requested variance be approved.

Report

Proposed Development

The purpose of the Minor Variance application is to allow the construction of a detached garage.

Application **A-37/16** is requesting a variance from the following requirements of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase of the accessory structure coverage from 10% of the total lot area to 15.12%; and
- 2) An increase of the maximum accessory structure height from 4.5 metres to 4.72 metres.

Location and Site Description

The subject property is located on the south side of Cedardale Avenue. The property is abutted by low density residential uses to the north, south, east and west.

Circulation of Application

The application was circulated to all appropriate departments and agencies, no objections were received.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated as Neighbourhood - Low Density Residential as per Schedule E9 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. Accessory structures, including detached garages, are permitted and are a common accessory use within the Low Density Residential designation.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits a variety of low density residential dwelling types and structures accessory to this use, including the proposed detached garage.

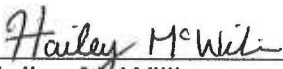
The requested variances are proposing to increase the accessory structure coverage from 10% of the total lot area to 15.12%, and to increase the maximum accessory structure height from 4.5m to 4.72m. Both variances are required to allow the construction of a detached garage.

The proposed detached garage is to be located at the rear of the subject property, partially behind the existing residence; a configuration typical of the surrounding neighbourhood. Staff is of the opinion that the variances are appropriate given the surrounding character of the neighbourhood and that adequate amenity space will be maintained. Given the small scale of the increases in accessory structure coverage and in accessory structure height, no adverse impacts are anticipated. It is staff's opinion that the requested variances are minor in nature, and appropriate and desirable for the area and use of land.

Conclusion

Staff is satisfied that the variances requested through application A-37/16 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 staff's recommendation that the requested variance be approved, as the application represents good planning.

Prepared by:


Hailey McWilliam
Student Planner

Submitted by:



Jessica Button, MCIP, RPP
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



Memorandum

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

Cc: B. Thiessen, Jessica Button, Margaret Josipovic, Judy Pihach
Planning and Building Services

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

Date: May 2, 2016

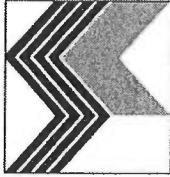
Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 11, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
A-37/16	34 Cedardale Avenue	Please be advised that a building permit is required for the demolition of the existing garage and a separate building permit is required for the proposed new detached garage. Note that spatial separations will be addressed during Building Permit review.
A-38/16	4 Dorchester Blvd. S.	Please be advised that a building permit is required for the proposed new 4 unit townhouse.
A-40/15	126 Dalhousie Avenue	Please be advised that building permits are required for the demolition of the existing house, proposed new dwelling and proposed new detached garage.
A-41/16	365 Martindale Road	No Comment
A-42/16	367 Martindale Road	No Comment
A-43/16	369 Martindale Road	No Comment
A-44/16	56 Henley Drive	No Comment
A-45/16	56B Henley Drive	No Comment
A-46/16	80 Newport Street	Please be advised that a building permit is required for the proposed screened porch.


Mark Lepp, Building Inspector II

Cc: Files, 300-010

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Memorandum

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

Cc: Terrence Glover, Planner II
Planning & Building Services

From: Jim Denham P.Eng., Development Engineering Technologist
Planning and Building Services

Date: April 25th, 2016
Hearing Date: May 11th, 2016

Subject: Engineering Comments to Committee of Adjustment File No's:
A-37/16SC - 34 Cedardale Ave.
A-38/16SC - 4 Dorchester Blvd. S
A-39/16SC - 4 Dorchester Blvd. S
A-40/16SC - 126 Dalhousie Ave.
A-41/16SC - 365 Martindale Rd.
A-42/16SC - 367 Martindale Rd.
A-43/16SC - 369 Martindale Rd.
A-44/16SC - 56 Henley Dr.
A-45/16SC - 56B Henley Dr.

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the variance applications A-37/16SC to A-45/16SC.

If you have any questions or concerns regarding the above please feel free to contact me.

Regards,

Jim Denham P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: April 29, 2016

Subject: Committee of Adjustment
Public Hearings – May 11, 2016
File No. 305-17-01

Upon review of the applications, we have no concerns or requirements. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner
Transportation Technologist
SB/

4 Dorchester Boulevard South

Departmental & Agency Comments

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, April 26, 2016 4:20 PM
To: Munro, Elaine
Subject: RE: Committee of Adjustment Applications for May 11, 2016 Hearing - City of St. Catharines (1 of 2 emails)

Hi Elaine

1. 34 Cedardale Avenue, Minor Variance Application – A-37/16 – 60.81.5081 No issue or concerns

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4. 71A Pelham Road, Consent Application – B-19/16SC – 60.84.2039 Cogeco pedestal located between the property line of 2 Josephine St and 71 Pelham Rd on Municipal property. If owner/developer requires relocation of pedestal, 100% cost recovery to Cogeco by the owner/developer for relocation fees

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7. 80 Newport Street, Minor Variance Application – A-46/16 – 60.81.5090 No issue or concerns

Thanks

DOUG CROWN

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Munro, Elaine

From: Taya Devlin <tdevlin@npca.ca>
Sent: Tuesday, May 03, 2016 2:01 PM
To: Munro, Elaine
Cc: Mancuso, Connie (connie.mancuso@niagararegion.ca); Andrew.fetter@niagararegion.ca
Subject: A-38/16 4 Dorchester Boulevard South, St. Catharines
Attachments: 4 Dorchester Boulevard South Map.pdf

Good Afternoon Elaine,

NPCA staff have reviewed Application A-38/16 for 4 Dorchester Boulevard South, St. Catharines.

The subject application has been made to permit the following:

- 1) A reduction of the minimum required rear yard setback from 6 metres to 5 metres (Lot 27)
- 2) A reduction of the minimum required rear yard setback from 6 metres to 5 metres (Lot 28)
- 3) A reduction of the minimum required front yard setback to the dwelling from 3 metres to 2.79 metres (Lot 28).

The variances are requested for the construction of a 4 unit street townhouse dwelling (Lots 27 & 28 only).

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

In addition to the above NPCA policies, the NPCA comments on the Region of Niagara's Environmental Policies on their behalf for any proposal requiring approvals under the Planning Act. The following is offered in that context.

Regional Core Natural Heritage mapping identifies an Environmental Conservation Area (ECA) Significant Woodland along the southern property line. Based on review of more recent aerial photos, NPCA staff are satisfied that there is no longer an ECA Significant Woodland in this location. As such, the NPCA is satisfied there will be no negative impact to core natural heritage features as a result of the subject application.

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

Please contact me if you have any questions.

Thank you,

Taya Devlin

Watershed Planner

Niagara Peninsula Conservation Authority

250 Thorold Road West, 3rd Floor

Welland, Ontario L3C 3W2

Phone: 905 788 3135 (ext. 262)

Fax: 905 788 1121

Email: tdevlin@npca.ca

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NAD_1983_UTM_Zone_17N

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Legend

-  Campsites
-  Corporate Watershed Divide N
-  ECA: Significant Woodlands
- Ontario Road Network**
 -  Major Highways
 -  Arterial Roads
 -  Local Roads
-  Assessment Parcels
-  2K HydroPoly
-  2K Hydrography
-  AIRPORTS
- SWOOP_2015**
 -  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

Notes



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 5, 2016

Date of Meeting: May 11, 2016

Submission(s): A-38/16

File: 60.81.5082

Subject: 4 Dorchester Blvd South

Recommendation

That minor variance 3 of Submission **A-38/16** by Cosmopolitan Homes (Niagara) Ltd., as outlined in the Notice of Hearing, be approved.

That minor variance 1 and 2 of Submission **A-38/16** by Cosmopolitan Homes (Niagara) Ltd., as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that variance 3 of submission A-38/16 is minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

Report

Proposed Development

The purpose of this minor variance application is to permit the construction of a 4-unit street townhouse dwelling.

Application **A-38/16** is requesting a variance for two of the four proposed townhouse units from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the required minimum rear yard setback from 6.0 metres to 5.0 metres (Lot 27);
- 2) A reduction of the required minimum rear yard setback from 6.0 metres to 5.0 metres (Lot 28); and
- 3) A reduction of the minimum required front yard setback to the dwelling from 3 metres to 2.79 metres.

Location and Site Description

The subject property is located on the east side of Dorchester Boulevard South being Part of Block 3 Registered Plan 30M421, Lots 27 and 28 as identified on the plan submitted with the application. The property is abutted by vacant lots intended for future residential development, and with medium density residential uses and commercial uses in close proximity to the subject lands.

Circulation of Application

The application was circulated to all appropriate departments and agencies, no objections were received.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated as Neighbourhood - Medium Density Residential as per Schedule E3 of the Garden City Plan. This designation permits a variety of medium density residential dwelling types at a density between 33 and 99 units per hectare, subject to the policies of the Garden City Plan.

Zoning By-law (2013-283)

The subject land is zoned Medium Density Residential – Traditional Neighbourhood (R3-81). The R3 zone permits a variety of residential dwelling types including the proposed townhouse dwelling. Special Provision 81 dictates that landscape buffers will be planted to provide a visual barrier along Welland Avenue and also provides specific accessory use standards for the site.

The variances requested are presumably in response to the alignment of Dorchester Boulevard South, which curves and creates pinch points for the southerly two units of the four unit block. Staff do not support the reduction in minimum rear yard setback for Lots 27 and 28. Staff prefer the unit be reduced in size to maintain the minimum rear yard setback of 6.0 metres. The high density proposed for the entire development is acceptable provided adequate amenity space is maintained for each unit. It is noted that the northern two townhouse units meet the provisions of the zoning by-law. A smaller townhouse unit could be constructed to meet the 6.0m setback requirement, therefore staff are not supportive of this variance.

The variance requested to reduce the minimum front yard setback to the dwelling from 3.0m to 2.79m is required to permit the construction of the townhouse dwelling on lot 28 due to the configuration of Dorchester Boulevard South. The reduction of 0.21 metres is a pinch point and relatively minor in nature and will allow for the continuation of the Dorchester Boulevard streetscape. No adverse impacts are anticipated.

Conclusion

Staff is satisfied that minor variance 3 requested through application A-38/16 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is

appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved, as the application represents good planning.


However, staff is unable to support minor variance 1 and 2, as they are not considered to be in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, and are not appropriate nor desirable for the use of the land. Thus, it is staff's recommendation that they be denied.

Prepared by:



Hailey McWilliam
Student Planner

Submitted by:

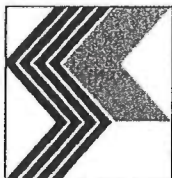


Jessica Button, MCIP, RPP
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



Memorandum

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

Cc: B. Thiessen, Jessica Button, Margaret Josipovic, Judy Pihach
Planning and Building Services

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

Date: May 2, 2016

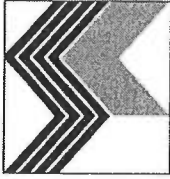
Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 11, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
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A-38/16	4 Dorchester Blvd. S.	Please be advised that a building permit is required for the proposed new 4 unit townhouse.
A-40/15	126 Dalhousie Avenue	Please be advised that building permits are required for the demolition of the existing house, proposed new dwelling and proposed new detached garage.
A-41/16	365 Martindale Road	No Comment
A-42/16	367 Martindale Road	No Comment
A-43/16	369 Martindale Road	No Comment
A-44/16	56 Henley Drive	No Comment
A-45/16	56B Henley Drive	No Comment
A-46/16	80 Newport Street	Please be advised that a building permit is required for the proposed screened porch.

Mark Lepp, Building Inspector II

Cc: Files, 300-010

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Memorandum

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

Cc: Terrence Glover, Planner II
Planning & Building Services

From: Jim Denham P.Eng., Development Engineering Technologist
Planning and Building Services

Date: April 25th, 2016
Hearing Date: May 11th, 2016

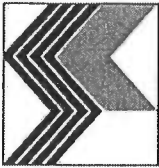
Subject: Engineering Comments to Committee of Adjustment File No's:
A-37/16SC - 34 Cedardale Ave.
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A-39/16SC - 4 Dorchester Blvd. S
A-40/16SC - 126 Dalhousie Ave.
A-41/16SC - 365 Martindale Rd.
A-42/16SC - 367 Martindale Rd.
A-43/16SC - 369 Martindale Rd.
A-44/16SC - 56 Henley Dr.
A-45/16SC - 56B Henley Dr.

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the variance applications A-37/16SC to A-45/16SC.

If you have any questions or concerns regarding the above please feel free to contact me.

Regards,

Jim Denham P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: April 29, 2016

Subject: Committee of Adjustment
Public Hearings – May 11, 2016
File No. 305-17-01

Upon review of the applications, we have no concerns or requirements. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner
Transportation Technologist
SB/

126 Dalhousie
Avenue

Departmental &
Agency Comments

Munro, Elaine

Subject: RE: Last MV Application RE: Committee of Adjustment Applications for May 11, 2016
Hearing - City of St. Catharines (1 of 2 emails)

Re: 126 Dalhousie Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Friday, April 29, 2016 11:30 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Last MV Application RE: Committee of Adjustment Applications for May 11, 2016 Hearing - City of St. Catharines (1 of 2 emails)

Hi Elaine

I have no issue or concerns with this last one

Thanks

DOUG CROWN

Network Planning and Design

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

7170 McLeod Rd

Niagara Falls Ontario L2G 3H2 Canada

Doug.Crown@cogeco.com



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

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CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 6, 2016

Date of Meeting: May 11 2015

Submission: A-40/16

File: 60.81.5084

Subject: 126 Dalhousie Avenue

Recommendation

That Submission **A-40/16** by Woodward Ernest W Nickerson, as outlined in the Notice of Hearing, be approved subject to the following condition;

1. That no windows or dormers be located on the north or east side of the structure.

Summary

The purpose of this application is to facilitate the construction of a 6.81m high detached garage.

Having regard for the matters under and subsection 45 (1) of the Planning Act, staff is satisfied that the requested variances are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

Staff recommends granting the requested variance, subject to the condition outlined in the recommendation.

Report

Proposed Development

The owner seeks to construct a garage which exceeds the maximum height limit by 2.32 metres. The variance requested is:

1. An increase of the maximum height of an accessory structure (detached garage) from 4.5m to 6.81m.

Location and Site Description

The subject property is located on the north west side of Dalhousie Avenue. The property is abutted by detached dwellings with and apartment building located to the east.

Circulation of Application

The application was circulated to all appropriate departments and agencies, no objections were received.

Planning Analysis

Official Plan

The Garden City Plan (GCP) designates the land as Low Density Residential, which permits a variety of residential dwelling types including the proposed single detached dwelling, at a density range generally between 20 and 32 units per hectare, subject to the policies of the GCP. Accessory structures, including detached garages are a typical accessory use within the Low Density Residential designation.

Zoning By-law

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2) pursuant to By-law 2013-283, which permits a variety of residential dwelling types and structures accessory to this use, including detached garages. Accessory structures are defined as being incidental and secondary to the principal use on the same lot.

The requested variance is to increase the height of the detached garage. The garage is located at the rear of the subject property, partially behind the proposed two storey dwelling, and at the end of a long driveway. This configuration is typical of the surrounding traditional neighborhood and is supported by the heritage guidelines for the area. The garage will be setback and buffered from the street and will not impact the existing streetscape. The large lot is of adequate size to maintain extensive amenity space.

The applicant has submitted elevations for the proposed garage which demonstrate a roof line designed to match that of the proposed dwelling. The elevations additionally show dormers and windows located on the front of the garage. No dormers or windows are located on the side or rear of the structure. Adjacent properties feature large backyard amenity areas, however to limit impacts on privacy and overlook, staff recommend that no windows or dormers be located on the north or east side of the structure.

Finally, staff note that the zoning by-law does not permit accessory structures to be used as a dwelling unit. It is staff's understanding that the space is to be used for storage space, at no time is this space to be used for human habitation.

Conclusion

Staff are supportive of the requested variance, subject to the condition outlined in the recommendation. The proposal will not adversely affect the character of the surrounding neighbourhood or the streetscape, and meet the intent and purpose of the

GCP and Zoning By-law. They are minor in nature. Staff recommends approval of the requested variance, subject to limits on windows and dormers as outlined in the recommendation.

Prepared by:



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

Approved by:



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

Munro, Elaine

Subject: RE: Minor Variance application - 126 Dalhousie Avenue - May 11, 2016 Hearing

From: Blozowski, Kevin

Sent: Tuesday, May 03, 2016 8:07 AM

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

Cc: Button, Jessica <jbutton@stcatharines.ca>

Subject: RE: Minor Variance application - 126 Dalhousie Avenue - May 11, 2016 Hearing

Thanks Elaine

I do not have any concerns with respect to the revised plans

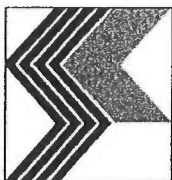
Kevin

Kevin Blozowski M.C.I.P., R.P.P.

Planner I (Special Projects)

Email: kblozowski@stcatharines.ca

Tel: 905.688.5601 x1710



Memorandum

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

Cc: B. Thiessen, Jessica Button, Margaret Josipovic, Judy Pihach
Planning and Building Services

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

Date: May 2, 2016

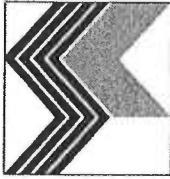
Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 11, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
A-37/16	34 Cedardale Avenue	Please be advised that a building permit is required for the demolition of the existing garage and a separate building permit is required for the proposed new detached garage. Note that spatial separations will be addressed during Building Permit review.
A-38/16	4 Dorchester Blvd. S.	Please be advised that a building permit is required for the proposed new 4 unit townhouse.
A-40/15	126 Dalhousie Avenue	Please be advised that building permits are required for the demolition of the existing house, proposed new dwelling and proposed new detached garage.
A-41/16	365 Martindale Road	No Comment
A-42/16	367 Martindale Road	No Comment
A-43/16	369 Martindale Road	No Comment
A-44/16	56 Henley Drive	No Comment
A-45/16	56B Henley Drive	No Comment
A-46/16	80 Newport Street	Please be advised that a building permit is required for the proposed screened porch.

Mark Lepp, Building Inspector II

Cc: Files, 300-010

g:\pbs-building & development\committee of adjustment\bldg memo 2016\13 bcoa memo-mv-May 11, 2016.docx



Memorandum

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

Cc: Terrence Glover, Planner II
Planning & Building Services

From: Jim Denham P.Eng., Development Engineering Technologist
Planning and Building Services

Date: April 25th, 2016
Hearing Date: May 11th, 2016

Subject: Engineering Comments to Committee of Adjustment File No's:
A-37/16SC - 34 Cedardale Ave.
A-38/16SC - 4 Dorchester Blvd. S
A-39/16SC - 4 Dorchester Blvd. S
A-40/16SC - 126 Dalhousie Ave.
A-41/16SC - 365 Martindale Rd.
A-42/16SC - 367 Martindale Rd.
A-43/16SC - 369 Martindale Rd.
A-44/16SC - 56 Henley Dr.
A-45/16SC - 56B Henley Dr.

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the variance applications A-37/16SC to A-45/16SC.

If you have any questions or concerns regarding the above please feel free to contact me.

Regards,

Jim Denham P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: April 29, 2016

Subject: Committee of Adjustment
Public Hearings – May 11, 2016
File No. 305-17-01

Upon review of the applications, we have no concerns or requirements. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner
Transportation Technologist
SB/

71A Pelham Road
(B-19/16SC &
B-20/16SC)

Departmental &
Agency Comments

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, April 26, 2016 4:20 PM
To: Munro, Elaine
Subject: RE: Committee of Adjustment Applications for May 11, 2016 Hearing - City of St. Catharines (1 of 2 emails)

Hi Elaine

1. 34 Cedardale Avenue, Minor Variance Application – A-37/16 – 60.81.5081 No issue or concerns
2. 4 Dorchester Blvd S, Minor Variance Application – A-38/16 – 60.81.5082 No issue or concerns
4. 71A Pelham Road, Consent Application – B-19/16SC – 60.84.2039 Cogeco pedestal located between the property line of 2 Josephine St and 71 Pelham Rd on Municipal property. If owner/developer requires relocation of pedestal, 100% cost recovery to Cogeco by the owner/developer for relocation fees
- 71A Pelham Road, Consent Application – B-20/16SC – 60.84.2040 Cogeco pedestal located between the property line of 2 Josephine St and 71 Pelham Rd on Municipal property. If owner/developer requires relocation of pedestal, 100% cost recovery to Cogeco by the owner/developer for relocation fees
7. 80 Newport Street, Minor Variance Application – A-46/16 – 60.81.5090 No issue or concerns

Thanks

DOUG CROWN

Network Planning and Design

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

7170 McLeod Rd

Niagara Falls Ontario L2G 3H2 Canada

Doug.Crown@cogeco.com



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May 3, 2016

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

Attention: Elaine Munro

File# 60.84.2040 & 60.84.2039

Re: 71A Pelham Rd

In response to your correspondence(s) dated April 26, 2016, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

- C22.3 No. 7- 10 Underground Systems

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

Sincerely,

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

Scott Beaudrie
Supervisor, Engineering Design



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 6, 2016

Date of Meeting: May 11, 2016

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

File: 60.84.2039
60.84.2040

Subject: 71A Pelham Road

Recommendation

That Submission **B-19/16SC** by Chris Phelan and Wayne Allen, as outlined in the Notice of Hearing, be approved subject to the following conditions:

That the owner:

- 1) 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.
- 2) Submit payment of 5% of the appraised value of the new lot (Part 2) 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 provisional consent was given'. That the appraisal be completed by a qualified appraiser.
- 3) Enter into a Development Agreement and provide Engineering Drawings to the City for review and approval. The drawings shall identify the proposed servicing and grading works required to accommodate the development. All works shall be designed and installed to the satisfaction of the City Engineer. The agreement shall be registered on title.
- 4) Prepare a Reference Plan for review and approval by the City identifying the Part(s) to be dedicated to the City as Public Highway.
- 5) Dedicate road widenings of 0.85m along the frontages of Rykert Street and Josephine Street, and 2.25m along the frontage of Pelham Road, which are to be conveyed gratuitously to the City of St. Catharines. The land is to be conveyed free and clear of any mortgages, liens or encumbrances.

And that Submission **B-20/16SC** by Chris Phelan and Wayne Allen as outlined in the Notice of Hearing be approved, subject to the following conditions:

That the owner:

- 1) 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.
- 2) Submit payment of 5% of the appraised value of the new lot (Part 3) 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 provisional consent was given'. That the appraisal be completed by a qualified appraiser.
- 3) Enter into a Development Agreement and provide Engineering Drawings to the City for review and approval. The drawings shall identify the proposed servicing and grading works required to accommodate the development. All works shall be designed and installed to the satisfaction of the City Engineer. The agreement shall be registered on title.
- 4) Prepare a Reference Plan for review and approval by the City identifying the Part(s) to be dedicated to the City as Public Highway.
- 5) Dedicate road widenings of 0.85m along the frontages of Rykert Street and Josephine Street, and 2.25m along the frontage of Pelham Road, which are to be conveyed gratuitously to the City of St. Catharines. The land is to be conveyed free and clear of any mortgages, liens or encumbrances.

Summary

Having regard for the matters under Sections 51 (24) of the Planning Act, staff is satisfied that consents B-19/16SC and B-20/16SC are desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal maintains the intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans.

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

Background

Previous Applications B-15/15SC, B-16/15SC for consent and A-17/15 for minor variances were approved by the Committee on February 18, 2015. The consent approval has since lapsed, however the minor variances remain in place. The proposal remains unchanged.

Report

Proposed Development

The purpose of the Consent applications are to create three lots – two lots for two single detached dwellings and one lot for a semi-detached dwelling.

A Minor Variance required to facilitate the consents was previously approved by the Committee of Adjustment in 2015.

Application **B-19/16SC** is requesting a consent to sever 370m² of land (Part 2 on the submitted sketch) to create a new lot known as 2C Josephine Street for the purpose of constructing a single detached dwelling. As a result a 444m² remnant parcel of land (Part 1) would be retained for residential use.

Application **B-20/16SC** is requesting a consent to sever 487m² of land (Part 3 on the submitted sketch) to create a new lot known as 2D Josephine Street for the purpose of constructing a semi-detached dwelling. As a result an 814m² remnant parcel of land (Parts 1 & 2) would be retained for continued residential use.

Location and Site Description

The subject property is located on the east side of Pelham Road and is bordered by Rykert Street to the northwest and Josephine Street to the south. The property is surrounded by low and medium density residential uses and commercial uses.

Circulation of Application

The application was circulated to all appropriate departments and agencies, no objections were received. A number of standard conditions were requested by PRCS and the Development Division, which have been included in the recommendation.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated as Neighbourhood - Low Density Residential as per Schedule E7 of the Garden City Plan. This designation permits a variety of low density residential dwelling types including single detached and semi-detached dwellings 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 land is zoned Low Density Residential – Traditional Neighbourhood (R2) pursuant to By-law 2013-283, which permits a variety of residential dwelling types including single and semi-detached dwellings.

The Garden City Plan (GCP) encourages many forms of residential development including infill and intensification, as the City has developed outward to its growth

boundaries. Staff are supportive of modest intensification in accordance with the policies of the GCP. This form of development also promotes the intent of planning documents such as the Places to Grow: Growth Plan for the Greater Golden Horseshoe Plan and the Provincial Policy Statement (PPS) 2014.


The neighbourhood surrounding the subject lands is made up of various lot sizes. The proposed residential dwelling units provide the opportunity to intensify an underutilized parcel of land along Pelham Road and strengthen the streetscape. It is staff's opinion that the proposed infill lot creation maintains the character of the surrounding neighbourhood, and is appropriate.

Application **B-19/16SC** is requesting a consent to sever 487m² of land (Part 3 on the submitted sketch) to create a new remnant lot of 814m² (Parts 1 & 2). Application **B-20/16SC** is requesting a consent to sever 370m² of land (Part 2 on the submitted sketch) to create a new remnant lot of 444m² (Part 1). Zoning provisions are in place to support the requested consents. The surrounding neighbourhood is comprised of a diversity of lot widths and sizes, with many narrow lots of similar sizes in close proximity to the subject lands. In staff's opinion, the request for consent provides adequate space for new dwellings without compromising the established character of the street. No adverse impacts are anticipated.

Conclusion

Staff is satisfied that the consents requested through applications B-19/16SC and B-20/16SC are desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. The proposal maintains the intent and purpose of the Provincial Policy Statement and does not conflict with applicable provincial plans. It staff's recommendation that the requested consents be approved, subject to the conditions outlined in the recommendation, as the application represents good planning.

Prepared by:


Hailey McWilliam
Student Planner

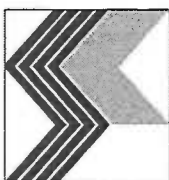
Submitted by:


Jessica Button, MCIP, RPP
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



Memorandum

To: Jessica Button, Planning and Building Services

CC: Elaine Munro, Planning & Development Services

From: Kristen Sullivan, Recreation & Community Services

Date: April 28, 2016

Subject: Notice of Hearing: Consent to Sever
Address: 71A Pelham Rd.
File No: 60.84.2040

Please be advised that we have reviewed the above-noted applications and request the following conditions 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.

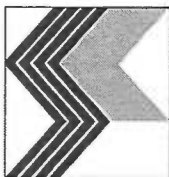
If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance:

That payment of 5% of the appraised value of the new lot (Part 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.

The applicant should be advised that staff will request payment for an additional boulevard tree through any future severance applications for Part 3.

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
Recreation and Community Services



Memorandum

To: Jessica Button, Planning and Building Services

CC: Elaine Munro, Planning & Development Services

From: Kristen Sullivan, Recreation & Community Services

Date: April 28, 2016

Subject: Notice of Hearing: Consent to Sever
Address: 71A Pelham Rd.
File No: 60.84.2039

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

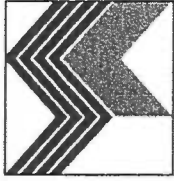
That the applicant submit a payment of \$433.00 for deposit in the general tree planting reserve fund, in accordance with the 2016 Schedule of Rates and Fees.

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 2) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of 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
Recreation and Community Services



Memorandum

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

Cc: B. Thiessen, Jessica Button, Margaret Josipovic, Judy Pihach
Planning and Building Services

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

Date: May 2, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – May 11, 2016 hearing - File No.: 300-036

B-19/16SC – 71A Pelham Road

Comment:

Please be advised that permits are required for the proposed single detached dwellings.

Condition: No Comment

B-20/16SC – 71A Pelham Road

Comment:

Please be advised a permit is required for the proposed 2 semi-detached dwelling.

Condition: No Comment

B-21/16SC – 365 Martindale Road

Comment:

Please be advised a permit is required for the proposed single detached dwelling.

Condition: No Comment

B-22/16SC – 367 Martindale Road

Comment:

Please be advised a permit is required for the proposed single detached dwelling.

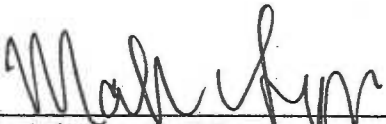
Condition: No Comment

B-23/16SC – 56 Henley Drive

Comment:

Please be advised that permits are required for the proposed single detached dwellings.

Condition: No Comment

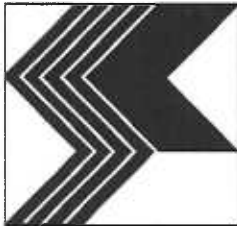
A handwritten signature in black ink, appearing to read 'Mark Lepp', is written over a horizontal line.

Mark Lepp, Building Inspector II

Cc: Files, 300-036

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REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-19&20/16SC



April 26th, 2016

ENGINEERING FILE 300-36

Hearing Date: May 11th, 2016

Applicant: Chris Phelan

Location: 71A Pelham Road

EXISTING MUNICIPAL SERVICES

	<u>Pelham Road</u>	<u>Josephine Street</u>	<u>Rykert Street</u>
Water:	400mm (16")	150mm (6")	150mm (6")
Sanitary Sewer:	None	375mm (15")	200mm (8")
Storm Sewer:	None	375mm (15")	1200mm (48")
Sidewalks:	Yes	Yes	Yes
Road Allowance:	15.5m +/-	18.3m +/-	18.3m +/-

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

Comment(s): It is noted that the Applicant proposes to sever Part 3 (Application B-20/16SC) from Parts 1 & 2 creating a new lot for the purpose of constructing a new semi-detached dwelling known as 2D Josephine Street. Parts 1 & 2 would be retained for future residential construction of single detached dwellings, respectively.

It is also noted that the Applicant proposes to sever Part 2 (Application B-19-16SC) from Part 1 creating a new lot for the purpose of constructing a new single detached dwelling known as 2C Josephine Street. Part 1 would be retained for the purpose of constructing a single detached dwelling.

In the City's Official Plan Rykert Street (18.3m+/-) and Josephine Street (18.3m+/-) are both designated Local, whereas Pelham Road (15.5m+/-) is designated as a Collector. Although differentially classed, all have desired right-of-way widths of 20.0m. The City will be requiring road widening dedications along all street frontages.

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. In order to ensure waterservices, sanitary laterals, and storm drainage are properly provided, the Owner shall enter into a development agreement with the City.

Condition(s): Prior to final consent, the Applicant shall;

- Enter into a Development Agreement and provide Engineering Drawings to the City for review and approval. The drawings shall identify the proposed servicing and grading works required to accommodate the development. All works shall be designed and installed to the satisfaction of the City Engineer. The agreement shall be registered on title.

- Dedicate road widenings of 0.85m along the frontages of Rykert Street and Josephine Street, and 2.25m along the frontage of Pelham Road.
- 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 appropriate Parts(s) to the City of St. Catharines as Public Highway.



Prepared By: _____
James R. Denham, P.Eng.
Development Technologist



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: April 29, 2016

Subject: Committee of Adjustment
Public Hearings – May 11, 2016
File No. 305-17-01

Upon review of the applications, we have no concerns or requirements. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner
Transportation Technologist
SB/

365/367/369
Martindale Road

Departmental &
Agency Comments

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Wednesday, April 27, 2016 8:42 AM
To: Munro, Elaine
Subject: RE: Committee of Adjustment Applications for May 11, 2016 Hearing - City of St. Catharines (2 of 2 emails)

5. 365 Martindale Road, Consent Application – B-21/SC- 60.84.2041 – Email 2 No issue or concerns
- 367 Martindale Road, Consent Application – B-22/SC – 60.84.2042 No issue or concerns
- 365 Martindale Road, Minor Variance Application – A-41/16 – 60.81.5085 No issue or concerns
- 367 Martindale Road, Minor Variance Application – A-42/16 – 60.81.5086 No issue or concerns
- 369 Martindale Road, Minor Variance Application – A-43/16 – 60.81.5087 No issue or concerns
6. 56 Henley Drive, Consent Application – B-23/16SC – 60.84.2043 – Email 2 No issue or concerns
- 56 Henley Drive, Minor Variance Application – A-44/16 – 60.81.5088 No issue or concerns
- 56B Henley Drive, Minor Variance Application – A-45/16 – 60.81.5089 No issue or concerns

Thanks have a wonderful day

DOUG CROWN

Network Planning and Design

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

7170 McLeod Rd
Niagara Falls Ontario L2G 3H2 Canada
Doug.Crown@cogeco.com



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May 6, 2016

File No. MPR 2.13 & 3.13

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

BY EMAIL ONLY

Attn: Elaine Munro, Secretary-Treasurer

Subject: A-41/16, A-42/16, A-43/16, B-21/16SC & B-22/16SC
365, 367 & 369 Martindale Road, St. Catharines

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

B21/16SC

The application has been made for consent to sever 0.04 ha of land (Part 5) creating a new lot to be known as 365 Martindale Road for the purpose of constructing a single detached dwelling. A 0.13 ha remnant parcel (Parts 6, 7 & 8) would be retained for future residential use.

B22/16SC

The application has been made for consent to sever 0.04 ha of land (Part 6) creating a new lot to be known as 367 Martindale Road for the purpose of constructing a single detached dwelling. A 0.09 ha remnant parcel (Part 7 & 8) would be retained for residential use.

A41/16 – 365 Martindale Road (Part 5)

The application has been made to permit:

1. A reduction of the required minimum front yard setback to the dwelling from 6 metres to 4.5 metres.
2. A reduction of the required minimum front yard setback to the garage from 7 metres to 6 metres.
3. A reduction of the required minimum rear yard setback from 7.5 metres to 6 metres.
4. An increase of the maximum driveway width from 7.5 metres to 11.4 metres.
5. An increase of the maximum driveway width from 50% of front yard to 61.3% of front yard.

A42/16 – 367 Martindale Road (Part 6)

The application has been made to permit:

1. A reduction of the required minimum front yard setback to the dwelling from 6 metres to 4.5 metres.
2. A reduction of the required minimum front yard setback to the garage from 7 metres to 6 metres.
3. A reduction of the required minimum rear yard setback from 7.5 metre to 6 metres.
4. An increase of the maximum driveway width from 7.5 metres to 11.4 metres.
5. An increase of the maximum driveway width from 50% of the front yard to 60% of the front yard.

A43/16 – 369 Martindale Road (Parts 7 & 8)

The application has been made to permit:

1. A reduction of the required minimum front yard setback to the dwelling from 6 metres to 4.5 metres.
2. A reduction of the required minimum front yard setback to the garage from 7 metres to 6 metres.
3. A reduction of the required minimum rear yard setback from 7.5 metre to 6 metres.
4. An increase of the maximum driveway width from 7.5 metres to 11.4 metres.
5. An increase of the lot area per dwelling unit from 490 m² to 900 m².

Niagara Peninsula Conservation Authority Regulations:

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

Valley Slope

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

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

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

Within the manicured rear yard, the NPCA can permit mowed lawn, slab on grade patios and sheds less than 100 m², as these works will have no negative impact on the stability of the slope. Any future development or site alterations (i.e. grading, landscaping, pool, structures requiring a building permit) proposed within the 6 metre setback from the stable top of slope will require NPCA review and approval of an NPCA work permit. Possible further studies may be required to satisfy the NPCA that bank stability can be maintained and there will be no adverse environmental impacts in the long term.

The Sketch submitted (dated April 15, 2016 by Suda & Maleszyk Surveying Inc.) shows the proposed building envelope on the remnant parcel (Parts 7 & 8) within 4.5 metres of the top of slope. The Geotechnical Assessment submitted proposed a 6.0 metre setback from the top of bank to all structures. For the purposes of the subject applications, the NPCA is satisfied that there is a suitable building envelope available on the remnant parcel outside of the 6.0 metre setback from the top of bank and offers no objection to the proposed severances and variances with regards to slope stability. However, please note, an NPCA work permit will be required for the proposed development prior to commencement of any works on site. Through the review of the NPCA work permit application, the NPCA will require that all proposed structures be setback a minimum 6 metres from the top of bank, in accordance with the submitted geotechnical assessment.

Provincially Significant Wetland

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

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

Regulatory Floodplain and Fish Habitat

In accordance with Policy 4.1, through review of consent applications, the NPCA shall encourage appropriate lot line setbacks and recommend that the natural features be placed in public ownership. NPCA staff have reviewed previous applications for the subject lands (B46/15SC & B47/15SC) which indicated that the lands below top of bank (Parts 1 & 9) would be dedicated to the City as Natural Area.

Richardson Creek is also noted as Type 1 (Critical) Fish Habitat and there is an extensive floodplain associated with this section of the Creek. However, since new development proposed on these lands will not be permitted below the top of the bank, the very steep valley acts as an appropriate natural buffer from the floodplain and Type 1 watercourse. In addition, the lands below top of bank (Parts 1 & 9) are being dedicated to the City. As such, NPCA staff are satisfied that the floodplain and fisheries setbacks will not be a concern for this proposal and will be adequately protected.

Niagara Region Core Natural Heritage Comments:

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

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

The subject applications propose the creation of two new lots (Lot 1: Part 5, Lot 2: Parts 6) for residential development and retention of an existing residential lot (Parts 7 & 8) within the portion of the property in the urban area and within the adjacent lands to the EPA and ECA features identified above. NPCA staff have

reviewed the "Environmental Impact Study, 357 Martindale Road, St. Catharines" by Beacon Environmental (dated November 2015). The NPCA is satisfied that the recommendations for the application of natural heritage features under Regional Policy as outlined above are appropriate, including the delineation of ECA Significant Woodland, and the addition of ECA Significant Wildlife Habitat on site.

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

Conclusion:

Based on the above, the NPCA is satisfied that a suitable building envelope has been identified on the two new lots to be created (Lot 1: Part 5, Lot 2: Parts 6) and a suitable building envelope can be located outside of the 6.0 metre setback from top of bank on the lot to be retained (Parts 7 & 8). In addition, NPCA staff are satisfied that the natural features (Parts 1 & 9) will be brought into public ownership. NPCA staff are satisfied that the recommendations and mitigation measures, as outlined in the studies submitted (Geotechnical and EIS) can be addressed through the review of an NPCA work permit. As such, the NPCA offers no objections to the subject applications subject to the following condition:

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

Through the review of the NPCA work permit application, the NPCA will require that all proposed structures be setback a minimum 6 metres from the top of bank, in accordance with the submitted geotechnical assessment.

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

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

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

Yours truly,



Taya Devlin

Watershed Planner (ext. 262)

Cc: Morgan Casciani, Senior Planner, Development, Niagara Region
 Andrew Fetter, Development Approval Technician, Niagara Region
 Connie Mancuso, Program Assistant, Niagara Region
 David Deluce, Supervisor, Development Reviews, NPCA
 Darren MacKenzie, Supervisor, Construction Permits and Compliance, NPCA



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

357 Martindale Road, St. Catharines



1: 1,999

101.5 50.77 101.5 Meters

NAD_1983_UTM_Zone_17N

© NPCA, Niagara Region, LIO, MPAC & Teranet

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

Notes

Legend

- Contours 2010 (1m)
- Regulated Floodplain Extent
 - Advisory (CWR)
 - Regulated
- Top of Slope Features
 - Stable
 - Unstable
- OWES WETLANDS
 - Non-Provincially Significant Wetland
 - Provincially Significant Wetland
- Wetland Allowance
- Ontario Road Network
 - Major Highways
 - Arterial Roads
 - Local Roads
- Assessment Parcels
- AIRPORTS
 - 1km176540477002010MAPCC
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - 1km176550477002010MAPCC
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - 1km176560477002010MAPCC



1: 1,999

101.5 Meters



NAD_1983_UTM_Zone_17N

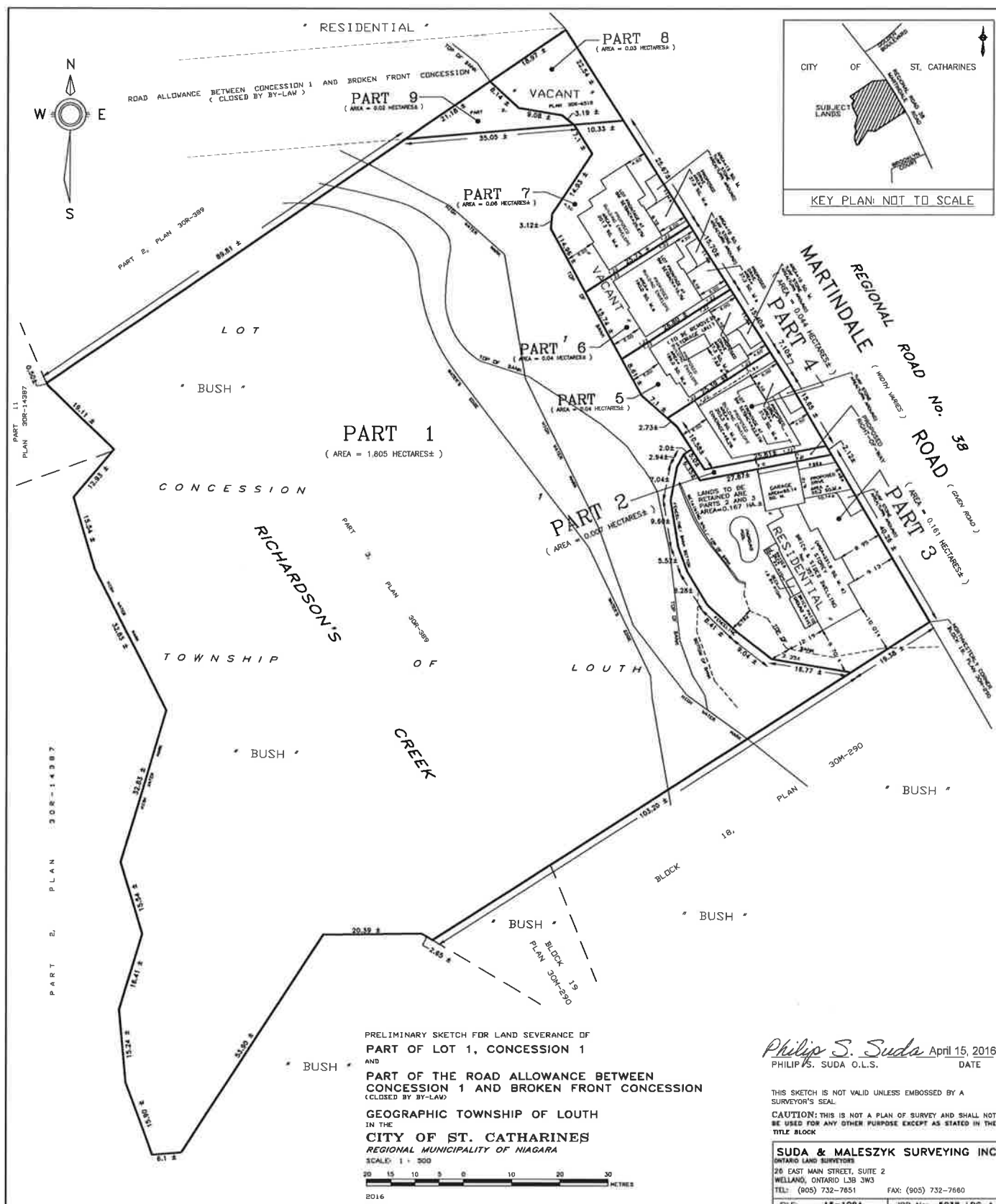
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Notes

Legend

- Contours 2010 (1m)
- NHS - Fish Habitat
- EPA: Provincially Significant V
- EPA: Greenbelt NHS
- ECA: Valley Shoreline Buffer
- ECA: Significant Woodlands
- ECA: Significant Wildlife Habitat
- Ontario Road Network
- Major Highways
- Arterial Roads
- Local Roads
- Assessment Parcels
- AIRPORTS
- 1km176540477002010MAPCC
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- 1km176550477002010MAPCC
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- 1km176560477002010MAPCC
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- 1km176570477002010MAPCC





May 3, 2016

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

Attention: Elaine Munro

File# 60.84.2042 & 60.81.5086

Re: 367 Martindale Rd

In response to your correspondence(s) dated April 26, 2016, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

www.horizonutilities.com

Horizon Utilities Corporation
55 John Street North, Hamilton, ON – Tel: 1-866-458-1236
Mail to: PO Box 2249 STN LCD 1, Hamilton, ON L8N 3E4

- C22.3 No. 7- 10 Underground Systems

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

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie", with a stylized flourish at the end.

Scott Beaudrie
Supervisor, Engineering Design



May 3, 2016

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

Attention: Elaine Munro

File# 60.81.5087

Re: 369 Martindale Rd

In response to your correspondence(s) dated April 26, 2016, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

www.horizonutilities.com

Horizon Utilities Corporation
55 John Street North, Hamilton, ON – Tel: 1-866-458-1236
Mail to: PO Box 2249 STN LCD 1, Hamilton, ON L8N 3E4

- C22.3 No. 7- 10 Underground Systems

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

Sincerely,

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

Scott Beaudrie
Supervisor, Engineering Design



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 6, 2016

Date of Meeting: May 11, 2016

Submission(s): B-21/16SC
B-22/16SC
A-41/16
A-42/16
A-43/16

File: 60.84.2041
60.84.2042
60.81.5085
60.81.5086
60.81.5087

Subject: 365, 367 & 369 Martindale Road

Recommendation

That Submission **B-21/16SC** by 1473941 ONTARIO LIMITED, as outlined in the Notice of Hearing, be approved subject to the following conditions:

- 1) That the owner submit a payment of \$433.00 for deposit in the general tree planting reserve fund, in accordance with the 2016 Schedule of Rates and Fees.
- 2) That the owner submit payment of 5% of the appraised value of the new lot (Part 5) 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 provisional consent was given'. That the appraisal be completed by a qualified appraiser.
- 3) That the owner enter into a Development Agreement with the City of St. Catharines to address boulevard tree planting, lot servicing, lot grading, stormwater management and geotechnical requirements for the proposed development to the satisfaction of the City of St. Catharines.
- 4) That the Development Agreement be executed and registered on the property's title prior to any development of the lands.
- 5) That the consents requested through previous Applications B-46/16SC and B-47/16SC be finalized.

And that Submission **B-22/16SC** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be approved, subject to the following conditions:

- 1) That the owner submit a payment of \$433.00 for deposit in the general tree planting reserve fund, in accordance with the 2016 Schedule of Rates and Fees.
- 2) That the owner submit payment of 5% of the appraised value of the new lot (Part 6) 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 provisional consent was given'. That the appraisal be completed by a qualified appraiser.
- 3) That the owner enter into a Development Agreement with the City of St. Catharines to address the boulevard tree planting, lot servicing, lot grading, stormwater management and geotechnical requirements for the proposed development to the satisfaction of the City of St. Catharines.
- 4) That the Development Agreement be executed and registered on the property's title prior to any development of the lands.
- 5) That final approval for the necessary consent B-21/16SC be received.
- 6) That the consents requested through previous Applications B-46/16SC and B-47/16SC be finalized.

And that variances 1, 2, and 3 of Application **A-41/16** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be approved.

And that variances 1, 2, and 3 of Application **A-42/16** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be approved.

And that variances 1, 2, 3 and 5 of Application **A-43/16** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be approved.

And that variances 4 and 5 of Application **A-41/16** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be denied.

And that variances 4 and 5 of Application **A-42/16** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be denied.

And that variance 4 of Application **A-43/16** by 1473941 ONTARIO LIMITED as outlined in the Notice of Hearing be denied.

Summary

Having regard for the matters under Sections 51 (24) and 45 (1) of the Planning Act, staff is satisfied that consents B-21/16SC and B-22/16SC, and variances 1, 2 and 3 of

Application A-41/16, variances 1, 2, and 3 of Application A-42/16, and variances 1, 2, 3 and 5 of Application A-43/16 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 represent good planning.

Background

At the March 9th, 2016 Committee of Adjustment hearing, the Committee approved Applications B-46/15SC, B-47/15SC, A-90/15, A-91/15, and A-92/15 by Applicant 1473941 ONTARIO LIMITED, effectively allowing two (2) new lots, for a total of three (3) to be created on the property known as 357 Martindale Road.

The lots previously approved are identified as being Parts 2, 3 and 4 and with Part 1 and 9 being dedicated to the city, and Parts 5, 6, 7 and 8 being the remnant parcel on the sketch submitted with this application.

Report

Proposed Development

The purpose of the concurrent applications for both consent and minor variance is to create two (2) additional new lots identified as Parts 5 and 6, with Parts 7 & 8 being the remnant lot. The consents are requested to create the lots, while the minor variances are requested to adjust the current zoning requirements to facilitate the lot creations and permit the construction of the proposed single detached dwellings with attached garages.

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-21/16SC** is requesting a consent to sever 400m² of land (Part 5 on the submitted sketch) to create a new lot. As a result a 1,300m² remnant parcel of land (Parts 6, 7 and 8) would be retained for residential use.

Application **B-22/16SC** is requesting a consent to sever 400m² of land (Part 6 on the submitted sketch) to create a new lot. As a result a 900m² remnant parcel of land (Parts 7 and 8) would be retained for residential use.

Application **A-41/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283, for Part 5:

- 1) A reduction of the required minimum front yard setback to the dwelling from 6.0 metres to 4.5 metres;
- 2) A reduction of the required minimum front yard setback to the garage from 7.0 metres to 6.0 metres;

- 3) A reduction of the required minimum rear yard setback from 7.5 metres to 6 metres;
- 4) An increase of the maximum driveway width from 7.5 metres to 11.4 metres; and
- 5) An increase of the maximum driveway width from 50% of front yard to 61.3% of front yard.

Application **A-42/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283 for Part 6:

- 1) A reduction of the required minimum front yard setback to the dwelling from 6.0 metres to 4.5 metres;
- 2) A reduction of the required minimum front yard setback to the garage from 7.0 metres to 6.0 metres;
- 3) A reduction of the required minimum rear yard setback from 7.5 metres to 6.0 metres;
- 4) An increase of the maximum driveway width from 7.5 metres to 11.4 metres; and
- 5) An increase of the maximum driveway width from 50% of the front yard to 60% of the front yard.

Application **A-43/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283 for Parts 7 & 8:

- 1) A reduction of the required minimum front yard setback to the dwelling from 6.0 metres to 4.5 metres;
- 2) A reduction of the required minimum front yard setback to the garage from 7.0 metres to 6.0 metres;
- 3) A reduction of the required minimum rear yard setback from 7.5 metres to 6.0 metres;
- 4) An increase of the maximum driveway width from 7.5 metres to 11.4 metres; and
- 5) An increase of the maximum lot area per dwelling unit from 490m² to 900 m².

Location and Site Description

The subject properties are located on the west side of Martindale Road. The properties are surrounded by established low density residential uses and conservation/natural area.

Circulation of Application

The application was circulated to all appropriate departments and agencies, no objections were received. Parks, Recreation and Culture Services and the Development Division provided standards comments, which are included in the recommendation section.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated as Neighbourhood – Residential, and more specifically, Low Density Residential and Natural Areas, as per Schedule E1 of the Garden City Plan. The Neighbourhood - Low Density Residential designation permits a variety of low density residential dwelling types, including single detached dwellings, at a density between 20 and 32 units per hectare. The Natural Areas designation permits passive recreation uses such as trails, walkways and bicycle paths.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1) and Conservation/Natural Area (G1). The R1 zone permits a variety of low density residential dwelling types, including single detached dwellings, on lots between 400m² to 490m², while the G1 zone permits limited passive recreational and conservation uses.

The subject property is located on the west side of Martindale Road and currently contains a portion of a tributary of Martindale Pond (Richardson's Creek). The proposed consents and ultimate development of the lots, are planned for the tablelands above the stable top of bank, as supported by the submitted Geotechnical Report and as determined acceptable by the Niagara Peninsula Conservation Authority (NPCA) for the purposes of a Conservation Permit.

The neighbourhood surrounding the subject lands is made up of an eclectic group of dwellings being of various built form designs and sizes, which exist on lots of various sizes.

Application **B-21/16SC** is requesting a consent to sever 400m² of land (Part 5 on the submitted sketch) from the remnant lot being parts 6, 7 and 8. The remnant lots will be oversized in terms of the zoning requirements, however the severed lots meet the zoning by-law requirements. In staff's opinion the creation of the new lot (Part 5) and remnant lot (Parts 6, 7 and 8), will provide adequate space for new dwellings without compromising the established character of the street. It is staff's opinion that there will be no negative impact on surrounding lands. The remnant lot (Parts 6, 7 and 8) is to be further severed through application B-22/16SC.

Application **B-22/16SC** is requesting a consent to sever 440m² of land (Part 6 on the submitted sketch) from the remnant lot being parts 7 & 8 (900m²). The remnant lot will remain oversized, while the severed lot will meet the zoning requirements for lot size. Given the existing diversity of lot widths and sizes in the immediate area, it is staff's opinion that the proposed consent is in character of the surrounding neighbourhood and is appropriate. In staff's opinion, the request for consent provides adequate space for new dwellings without compromising the established character of the street. It is also staff's opinion that there will be no negative impact on surrounding lands.

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

Requested variance 1 of Applications **A-41/16** (Part 5), **A-42/16** (Part 6), and **A-43/16** (Parts 7 and 8) is proposing to decrease the required front yard setback to a dwelling from 6.0m to 4.5m. Given the range of built form in the surrounding neighbourhood, the applicant has proposed to move the building envelop forward by 1.5m. The boulevard on Martindale Road is of sufficient size that the decreased set back will not negatively impact the streetscape. Acknowledging the limited impact of a 1.5m setback reduction, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

Requested variance 2 of Applications **A-41/16** (Part 5), **A-42/16** (Part 6), and **A-43/16** (Parts 7 and 8) is proposing to decrease the current front yard setback to the garage requirement from 7.0m to 6.0m. This reduced setback will complement the proposed 1.5m reduced setback for the dwelling and will result in the garage being 1.0m closer to the street than is currently permitted. The intent of the zoning by-law is to ensure that the garage is setback farther than the dwelling. The reduction will maintain the ability to park a vehicle in the front driveway in addition to the garage. Acknowledging the limited impact of a 1.0m setback reduction for the garage, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

Requested variance 3 of Applications **A-41/16** (Part 5), **A-42/16** (Part 6), and **A-43/16** (Parts 7 and 8) is proposing to decrease the current rear yard setback requirement from 7.5m to 6.0m. The owner is to dedicate the G1 zoned lands to the rear of the property and provide an easement for access and maintenance purposes to the City as a condition of their previous application submitted to the Committee on March 9th, 2016. The location of the G1 lands to the rear ensures that the reduction in rear yard setback will not result in privacy issues. Given the size of the non-developable area to the rear of the property as a result of the dedication, as well as acknowledging the limited impact of a 1.5m rear yard setback reduction, it is staff's opinion that the requested variance is supportable.

Requested variance 4 of Applications **A-41/16** (Part 5), **A-42/16** (Part 6), and **A-43/16** (Parts 7 and 8) is proposing to increase the maximum driveway width from 7.5m to

11.4m, in order to provide a vehicle turn-around on site. As a result, requested variance 5 for application **A-41/16** (Part 5) and **A-42/16** (Part 6) would be required to permit the increase in the maximum driveway width from 50% of front yard to 61.3% for **A-41/16** (Part 5), and for an increase in the maximum driveway width from 50% to 60% of front yard for **A-42/16** (Part 6). No increase in maximum driveway width is requested for Application **A-43/16** (Parts 7 and 8). Although the Committee of Adjustment approved variances requesting an increase in the maximum driveway width in the owners previous submission (Applications A-90/16 and A-91/16), staff are not supportive of the requested variances. Staff are of the opinion that the requested driveway widths of 11.4m, with the requested reduction of the front yard setback to dwelling and front yard setback to garage, will negatively impact the streetscape. Additionally, Section 4.5.2 of the Garden City Plan states that driveway widths are to be minimized to prevent impacts to the surrounding area and environment. Therefore, staff recommend denial of variances 4 and 5 of Application **A-41/16** and **A-42/16** and variance 4 of Application **A-43/16** on the grounds that the requested variances are not minor in nature, do not maintain general intent of the Official Plan and Zoning By-law, and are not appropriate nor desirable for the use of the land.

Requested variance 5 of Application **A-43/16** (Parts 7 and 8) is proposing to increase the maximum required lot area from 490m² to 900m². The lot will be oversized, however due to the location of the G1 zone and the top of the bank, Part 8 is virtually undevelopable. The variance will also be bringing the lot closer to conformance with the zoning by-law. Given the diversity of lot frontages and lot areas in the surrounding neighbourhood, it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

Due to the proximity of the subject lands to Martindale Pond, the sensitive environmental features located on the embankment in the G1 zone, and the shape and slope of the lot, as a condition of this Application the owner is required to enter into a Development Agreement with the City of St. Catharines. The Development Agreement allows the City to ensure that the placement of the boulevard trees and services, as well as the lot grading, stormwater management and geotechnical requirements of the development are done to the satisfaction of the City.

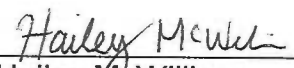
Conclusion

Staff is satisfied that the consents requested through applications B-21/16SC and B-22/16SC, and variances 1, 2 and 3 of Application A-41/16, variances 1, 2 and 3 of Application A-42/16, and variances 1, 2, 3 and 5 of Application A-43/16 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 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.

Staff are of the opinion that variances 4 and 5 of Applications A-41/16 and A-42/16 and variance 4 of Application A-43/16 are not minor in nature, are not appropriate nor

desirable for the use of the land, and do not maintain the intent of the Official Plan or Zoning By-law. Therefore, staff recommend denial of these requested variances.


Prepared by:

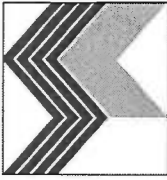

Hailey McWilliam
Student Planner

Submitted by:


Margaret Josipovic
Planner I

Approved by:

for. 
Judy Pihach, MCIP, RPP
Manager of Planning Services



Memorandum

To: Margaret Josipovic, Planning and Building Services

CC: Elaine Munro, Planning & Development Services

From: Kristen Sullivan, Recreation & Community Services

Date: April 28, 2016

Subject: Notice of Hearing: Consent to Sever
Address: 365 Martindale Rd.
File No: 60.84.2041

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

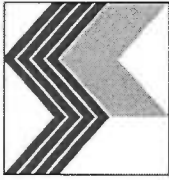
That the applicant submit a payment of \$433.00 for deposit in the general tree planting reserve fund, in accordance with the 2016 Schedule of Rates and Fees.

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 5) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of 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
Recreation and Community Services



Memorandum

To: Margaret Josipovic, Planning and Building Services

CC: Elaine Munro, Planning & Development Services

From: Kristen Sullivan, Recreation & Community Services

Date: April 28, 2016

Subject: Notice of Hearing: Consent to Sever
Address: 367 Martindale Rd.
File No: 60.84.2042

Please be advised that we have reviewed the above-noted applications and request the following conditions 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 6) 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
Recreation and Community Services

ENGINEERING FILE 300-36

Location: 365 and 369 Martindale Road

Martindale Road

Road Allowance Width: 26.2m± (Regional)

It is noted that the Applicant proposes to sever Parts 5 and 6 on plan File 15-109A dated April 6th, 2016 prepared by Suda Maleszyk. A remnant parcel (Part 7 & 8) would be retained for future residential development.

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

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

One connection to the Regional 300mm watermain to provide a single local Municipal watermain for Parts 4 to 7 will be required and must be designed and constructed in accordance with City standards in order to provide individual waterservices to each of the lots. The design and construction of these services shall be at the entire cost of the Applicant.

Individual sanitary lateral connections to all four new lots (Parts 4 to 7)

are to be installed at the Owner's expense.

Grading & Drainage

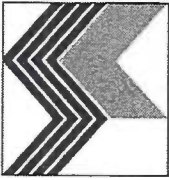
Drainage of the lands must be addressed to convey flows on each property to a sufficient outlet, while at the same time not adversely affecting abutting properties. The Applicant shall be responsible to submit to the City for review and approval a Master Grading Control Plan for the entire development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

Condition(s): Prior to final consent, the Applicant shall;

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



Prepared By: _____
James R. Denham, P.Eng.
Development Engineering Technologist



Memorandum

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

Cc: Terrence Glover, Planner II
Planning & Building Services

From: Jim Denham P.Eng., Development Engineering Technologist
Planning and Building Services

Date: April 25th, 2016
Hearing Date: May 11th, 2016

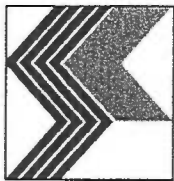
Subject: Engineering Comments to Committee of Adjustment File No's:
A-37/16SC - 34 Cedardale Ave.
A-38/16SC - 4 Dorchester Blvd. S
A-39/16SC - 4 Dorchester Blvd. S
A-40/16SC - 126 Dalhousie Ave.
A-41/16SC - 365 Martindale Rd.
A-42/16SC - 367 Martindale Rd.
A-43/16SC - 369 Martindale Rd.
A-44/16SC - 56 Henley Dr.
A-45/16SC - 56B Henley Dr.

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the variance applications A-37/16SC to A-45/16SC.

If you have any questions or concerns regarding the above please feel free to contact me.

Regards,

Jim Denham P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services
Cc: B. Thiessen, Jessica Button, Margaret Josipovic, Judy Pihach
Planning and Building Services
From: Mark Lepp, Building Inspector II
Planning and Building Services
Date: May 2, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – May 11, 2016 hearing - File No.: 300-036

B-19/16SC – 71A Pelham Road

Comment:

Please be advised that permits are required for the proposed single detached dwellings.

Condition: No Comment

B-20/16SC – 71A Pelham Road

Comment:

Please be advised a permit is required for the proposed 2 semi-detached dwelling.

Condition: No Comment

B-21/16SC – 365 Martindale Road

Comment:

Please be advised a permit is required for the proposed single detached dwelling.

Condition: No Comment

B-22/16SC – 367 Martindale Road

Comment:

Please be advised a permit is required for the proposed single detached dwelling.

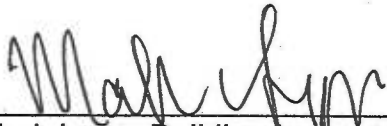
Condition: No Comment

B-23/16SC – 56 Henley Drive

Comment:

Please be advised that permits are required for the proposed single detached dwellings.

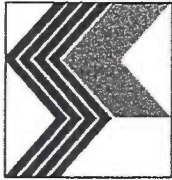
Condition: No Comment

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

Mark Lepp, Building Inspector II

Cc: Files, 300-036

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Memorandum

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


Cc: B. Thiessen, Jessica Button, Margaret Josipovic, Judy Pihach
Planning and Building Services

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

Date: May 2, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 11, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
A-37/16	34 Cedardale Avenue	Please be advised that a building permit is required for the demolition of the existing garage and a separate building permit is required for the proposed new detached garage. Note that spatial separations will be addressed during Building Permit review.
A-38/16	4 Dorchester Blvd. S.	Please be advised that a building permit is required for the proposed new 4 unit townhouse.
A-40/15	126 Dalhousie Avenue	Please be advised that building permits are required for the demolition of the existing house, proposed new dwelling and proposed new detached garage.
A-41/16	365 Martindale Road	No Comment
A-42/16	367 Martindale Road	No Comment
A-43/16	369 Martindale Road	No Comment
A-44/16	56 Henley Drive	No Comment
A-45/16	56B Henley Drive	No Comment
A-46/16	80 Newport Street	Please be advised that a building permit is required for the proposed screened porch.


Mark Lepp, Building Inspector II

Cc: Files, 300-010

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Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: April 29, 2016

Subject: Committee of Adjustment
Public Hearings – May 11, 2016
File No. 305-17-01

Upon review of the applications, we have no concerns or requirements. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner
Transportation Technologist
SB/

56 Henley Drive

Departmental &
Agency Comments

Munro, Elaine

Subject: RE: Committee of Adjustment Applications for May 11, 2016 Hearing - City of St. Catharines (2 of 2 emails)

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Wednesday, April 27, 2016 8:42 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Applications for May 11, 2016 Hearing - City of St. Catharines (2 of 2 emails)

- 5. 365 Martindale Road, Consent Application – B-21/SC- 60.84.2041 – Email 2 No issue or concerns

367 Martindale Road, Consent Application – B-22/SC – 60.84.2042 No issue or concerns

365 Martindale Road, Minor Variance Application – A-41/16 – 60.81.5085 No issue or concerns

367 Martindale Road, Minor Variance Application – A-42/16 – 60.81.5086 No issue or concerns

369 Martindale Road, Minor Variance Application – A-43/16 – 60.81.5087 No issue or concerns
- 6. 56 Henley Drive, Consent Application – B-23/16SC – 60.84.2043 – Email 2 No issue or concerns

56 Henley Drive, Minor Variance Application – A-44/16 – 60.81.5088 No issue or concerns

56B Henley Drive, Minor Variance Application – A-45/16 – 60.81.5089 No issue or concerns

Thanks have a wonderful day

DOUG CROWN
Network Planning and Design
T 289-296-6266 | C 905-401-9967

7170 McLeod Rd
Niagara Falls Ontario L2G 3H2 Canada
Doug.Crown@cogeco.com



Munro, Elaine

Subject: RE: Committee of Adjustment Applications for May 11, 2016 Hearing - City of St. Catharines

From: Glofcheskie, Christopher (MTO) [mailto:Christopher.Glofcheskie@ontario.ca]
Sent: Wednesday, April 27, 2016 9:41 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Applications for May 11, 2016 Hearing - City of St. Catharines

Ms. Elaine Munro,

Address: 56 & 56B Henley Drive
File No. 60.84.2043, 60.81.5088, 60.81.5089
Submission No. B-23/16SC, A-44/16, A-45/16

The Ministry has reviewed the following files in accordance with the requirements of the Highway Access Management Guidelines and the Public Transportation and Highway Improvement Act and offer the following comments for your information.

- The Ministry in principle does not object to the application proposed.
- The subject site is within the Ministry's Permit Control Area and prior to developing either properties the Ministry would require a Building and Land Use Permit.
- No direct access will be granted to either properties via QEW.
- Please circulate the Ministry on all applications for this site.

Information with respect to the Ministry's Permit Application process can be found at the following link:
<http://www.mto.gov.on.ca/english/engineering/management/corridor/index.shtml>

Please do not hesitate to contact me if you have any questions.

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

May 5, 2016

File No. MPR 2.13 & 3.13

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

Attn: Elaine Munro, Secretary-Treasurer

Subject: A-44/16, A-45/16 & B-23/16SC
56 & 56B Henley Drive, St. Catharines

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

B-23/16SC

The application has been made for consent to sever 544.6 m² of land (Parts 2 & 5) for the purpose of constructing a single detached dwelling, subject to an easement, in perpetuity, over 72.3 m² of land (Part 5) for the benefit of the southwest abutting lot (Part 4) for access and maintenance purposes. A 507.6 m² remnant parcel (Part 1) would be retained for residential use for the purpose of constructing a single detached dwelling. Part 4 will be dedicated to the City as Natural Area.

A-44/16

The application has been made to permit an increase of the maximum lot area per dwelling unit for a single detached dwelling from 490 m² to 507.6 m² (Part 1).

A-45/16

The application has been made to permit an increase of the maximum lot area per dwelling unit for a single detached dwelling from 490 m² to 544.6 m² (Part 2).

Niagara Peninsula Conservation Authority Regulations:

The rear (western) portion of the subject property is impacted by a steep valley slope and Provincially Significant Wetland (PSW) associated with Martindale Pond. As such, the property is subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (**O. Reg. 155/06**).

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

NPCA staff have reviewed the "Slope Stability Assessment, Proposed Residential Dwellings, 56 Henley Drive, St. Catharines" (dated June 11, 2013) by Soil-Mat Engineers and Consultants Ltd. Based on our review, NPCA staff provide the following comments.

- 1) NPCA staff offer no objection to the location of the stable top of slope as noted in the report and as delineated on the Sketch, Reference Number 14-16-241-00 (dated April 6, 2016), by Matthews, Cameron, Heywood – Kerry T. Howe Surveying Limited.
- 2) NPCA staff offer no objection to the report's conclusion that the slope will remain stable in the long term.

NPCA mapping identifies Provincially Significant Martindale Barnesdale Marsh Wetland Complex (PSW) along the bank of the pond, adjacent to the rear (southwest) of the property. In accordance with Policy 3.24.1 c), development will not be permitted within 30 metres of a PSW unless it has been demonstrated to the satisfaction of the NPCA that there will be no negative impacts on natural features or their ecological functions.

Martindale Pond has been identified by the Ministry of Natural Resources and Forestry (MNRF) as Type 1 (Critical) Fish Habitat. A development setback buffer of 30 metres measured from the edge of the watercourse is required for all new development.

The subject applications have located a suitable building envelope, outside of the identified regulated features and setback a minimum of 7.5 metres from the stable top of bank, on both the lot to be created and the lot to be retained. In addition, no development (including lot lines) is proposed beyond the stable top of bank, and the natural features will be maintained within Part 4, which is to be dedicated to the City as Natural area.

Niagara Region Natural Heritage Comments:

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

Regional Core Natural Heritage mapping identifies portions of the subject property as an Environmental Protection Area (EPA) associated with the PSW and an Environmental Conservation Area (ECA) for Significant Woodland and Valley Shoreline. In accordance with Policy 7.B.1.11, development is not permitted within an EPA. Development may be permitted within an ECA or adjacent to (within 50 metres) an ECA or EPA (within 120 metres) if it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage system or adjacent lands.

NPCA staff are satisfied that the EPA and ECA features are located within the lands below top of bank (Part 4). As such, the development proposed is located entirely within the lands adjacent to the identified features. In addition, as part of the subject application, the lands below top of bank (Part 4) are to be dedicated to the City as Natural Area. As such, the NPCA is satisfied that the subject applications will have no significant negative impact on the ECA and EPA features.

Conclusion:

Based on the above, the NPCA is satisfied that a suitable building envelope has been identified on the lot to be created (Parts 2 & 5) and the lot to be retained (Parts 1) and that the natural features (Part 4) will be dedicated to the City as Natural Area. As such, the NPCA offers no objections to the subject applications.

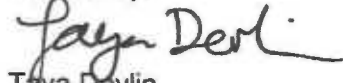
Please note, due to the features identified, an NPCA work permit will be required for the proposed development prior to the issuance of a building permit from the City and commencement of works on site. Any future works proposed on the properties will require NPCA review and approvals prior to the commencement of the works on site and any works proposed within a regulated feature or its buffer (i.e.

within 7.5 metres of the stable top of bank) will require a work permit from this office, and possible further studies, in accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06)".

Please send notice of your Council's decision.

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

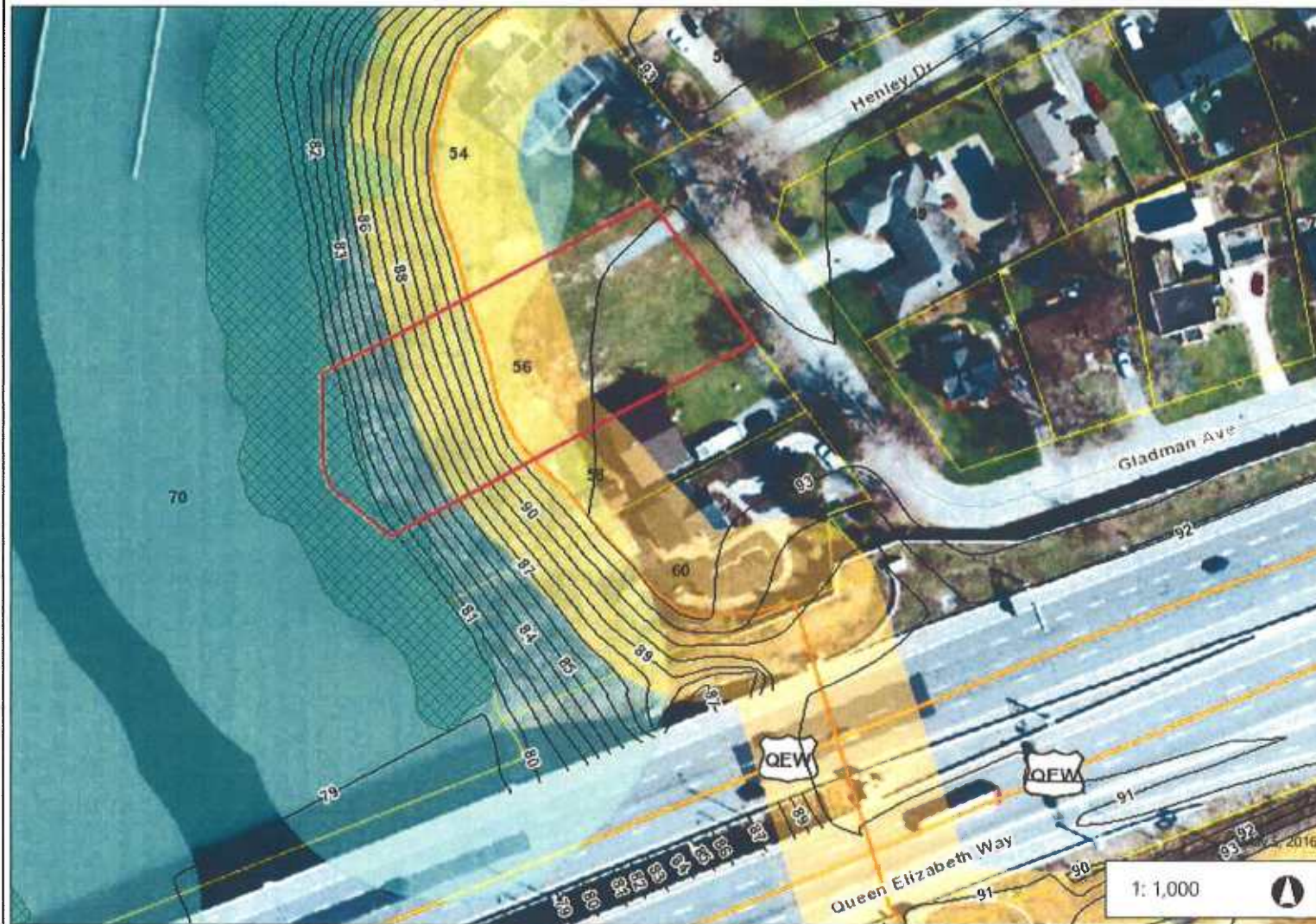
Yours truly,



Taya Devlin

Watershed Planner (ext. 262)

Cc: Morgan Casciani, Senior Planner, Development, Niagara Region
Andrew Fetter, Development Approval Technician, Niagara Region
Connie Mancuso, Program Assistant, Niagara Region
Darren Mackenzie, Supervisor, Construction Permits and Compliance, NPCA



50.8 0 25.40 50.8 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.













Legend

-  Campsites
-  Contours 2010 (1m)
- Top of Slope Features**
 -  Stable
 -  Unstable
-  Top of Slope Allowance
- OWES WETLANDS**
 -  Non-Provincially Significant Wetland
 -  Provincially Significant Wetland
-  Regulation Wetlands
-  Wetland Allowance
- Ontario Road Network**
 -  Major Highways
 -  Arterial Roads
 -  Local Roads
-  Assessment Parcels
- AIRPORTS**
- SWOOP_2015**
 -  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

Notes



Legend

-  Campsites
-  Contours 2010 (1m)
-  EPA: Provincially Significant Wetlands
-  ECA: Valley Shoreline Buffer
-  ECA: Significant Woodlands
- Ontario Road Network**
 -  Major Highways
 -  Arterial Roads
 -  Local Roads
- Assessment Parcels**
-  AIRPORTS
- SWOOP_2015**
 -  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

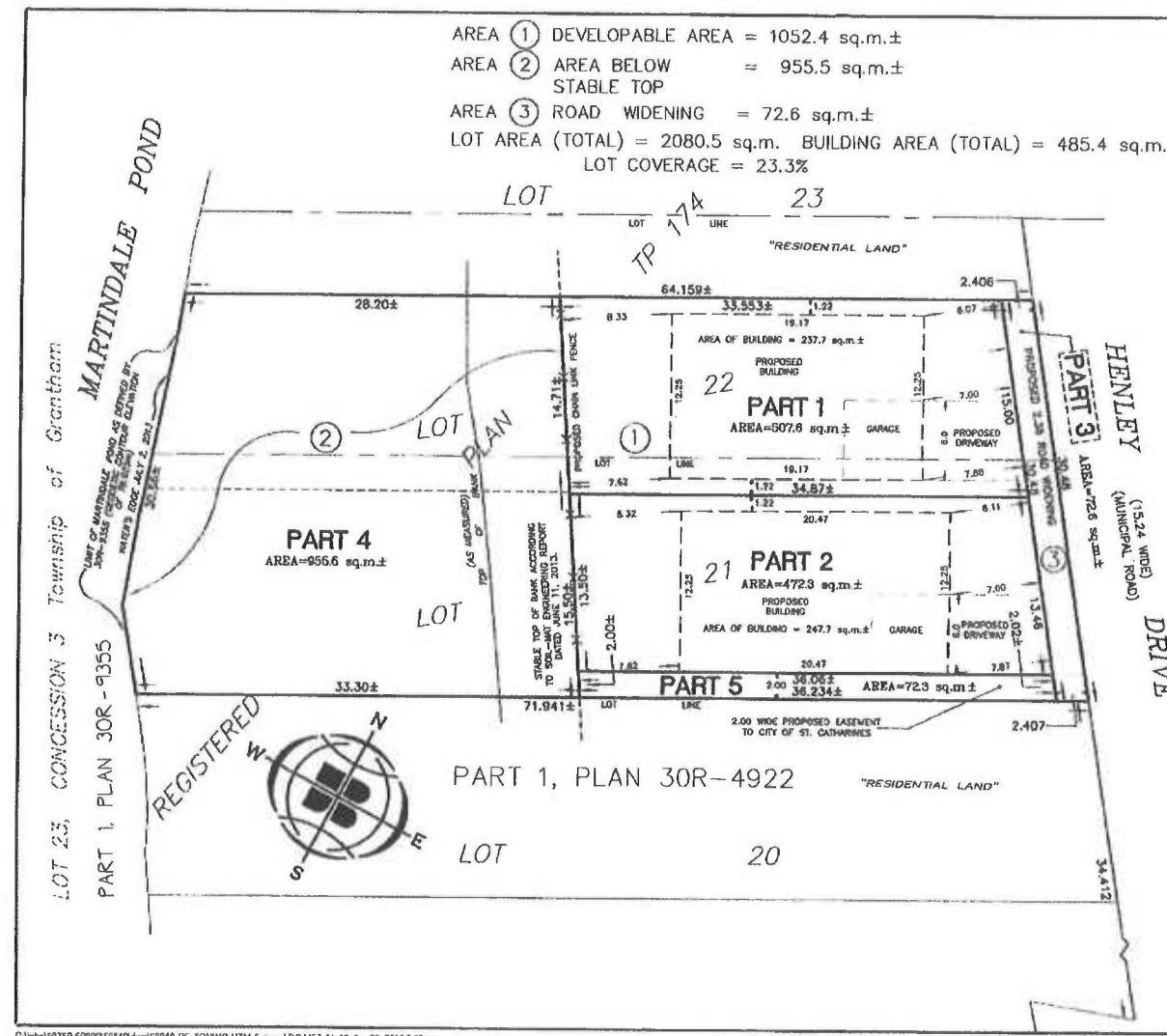
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NAD_1983_UTM_Zone_17N

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Notes



Note: This sketch is NOT a Plan of Survey.

SKETCH FOR COMMITTEE OF ADJUSTMENT PURPOSES ONLY

**LOT 21, PART OF LOT 22
REGISTERED PLAN TP174**

CITY OF ST. CATHARINES

REGIONAL MUNICIPALITY OF NIAGARA
MATTHEWS, CAMERON, HEYWOOD - KERRY T. HOWE SURVEYING LTD.

2016

KEY PLAN (not to scale)

MARTINDALE POND
SUBJECT LANDS
HENLEY DRIVE
ONTARIO STREET
GLADMAN AVE.
GREEN GARDEN WAY
MARTINDALE ROAD

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

April 6, 2016
DATE

ALLAN J. HEYWOOD
Ontario Land Surveyor

MATTHEWS, CAMERON
HEYWOOD - KERRY T. HOWE
SURVEYING LTD.
A wholly owned subsidiary of D. Howe Limited
1235 STANLEY AVENUE, SUITE 4, NIAGARA FALLS, ONT. L2E 7C7
Niagara Falls (905) 338-1611 St. Catharines (905) 683-3388 www.jhllm.com

AT/SS
A.J.H.
14-16-241-00

LLN 55840 FILE : ATTACHED



May 3, 2016

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

Attention: Elaine Munro

File# 60.81.5088, 60.84.2043 & 60.81.5089

Re: 56 & 56B Henley Drive

In response to your correspondence(s) dated April 26, 2016, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

We would also like to stipulate the following:

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

www.horizonutilities.com

Horizon Utilities Corporation
55 John Street North, Hamilton, ON – Tel: 1-866-458-1236
Mail to: PO Box 2249 STN LCD 1, Hamilton, ON L8N 3E4

- C22.3 No. 7- 10 Underground Systems

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

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie", with a stylized flourish at the end.

Scott Beaudrie
Supervisor, Engineering Design



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 6, 2016

Date of Meeting: May 11, 2016

Submission(s): B-23/16SC
A-44/16
A-45/16

File: 60.84.2043
60.81.5088
60.81.5089

Subject: 56 & 56B Henley Drive

Recommendation

That Submission **B-23/16SC** by Shane Webber, as outlined in the Notice of Hearing, be approved subject to the following conditions:

That the owner:

- 1) Dedicate Part 4 of the submitted sketch to the City as Natural Area to be conveyed gratuitously to the City of St. Catharines. The land is to be conveyed free and clear of any mortgages, liens or encumbrances.
- 2) Install a 1.8 metre chain link fence on lands to be dedicated to the City along the eastern boundary of Part 4. This fence shall be installed to OPSD 972.130 standards to the satisfaction of the Director of Parks, Recreation and Culture.
- 3) Submit a payment of \$433.00 for deposit in the general tree planting reserve fund, in accordance with the 2016 Schedule of Rates and Fees.
- 4) Submit payment of 5% of the appraised value of the new lot (Parts 2 and 5) 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 provisional consent was given'. That the appraisal be completed by a qualified appraiser.
- 5) Prepare a Reference Plan for review and approval by the City identifying Part 3 to be dedicated to the City as Public Highway.
- 6) Dedicate road widenings of approximately 2.38m along the frontage of Henley Drive to be conveyed gratuitously to the City of St. Catharines. The land is to be conveyed free and clear of any mortgages, liens or encumbrances.

- 7) Submit for review and receive approval by the City, of a Master Grading Control Plan addressing lot grading and all the recommendations of the Slope Stability Report dated June 11th, 2013 prepared by Soil-Mat Engineering & Consulting.

And that, **A-44/16** and **A-45/16**, by Shane Webber, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 51 (24) of the Planning Act, staff is satisfied that consent B-23/16SC is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Additionally, having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that variances A-44/16 and A-45/16, are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

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

Background

Application A-44/15 was approved by the Committee on June 4, 2015, to permit four (4) townhouse units. The applicant now wishes to obtain approvals for two (2) single detached dwellings.

Report

Proposed Development

The purpose of the consent and minor variance applications are to create two (2) lots for the purposes of constructing two single detached dwellings.

Application **B-23/16SC** is requesting a consent to sever 544.6m² of land (Parts 2 & 5 on the submitted sketch) to create a new lot known as 56B Henley Drive for the purpose of constructing a single detached dwelling. As a result a 507.6m² remnant parcel of land (Part 1) would be retained for residential use.

Application **A-44/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase of the maximum lot area per dwelling unit for a single detached dwelling from 490m² to 507.6m².

Application **A-45/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) An increase of the maximum lot area per dwelling unit for a single detached dwelling from 490m² to 544.6m².

Location and Site Description

The subject property is located on the west side of Henley Drive. The property is abutted by low density residential uses to the north, south, and east, and Martindale Pond to the west.

Circulation of Application

The application was circulated to all appropriate departments and agencies, no objections were received. Parks, Recreation and Culture Services and the Development Division requested a number of conditions, which have been included in the recommendation.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated as Neighbourhood - Low Density Residential and Natural Areas as per Schedule E1 of the Garden City Plan (GCP). The Neighbourhood - Low Density Residential designation permits a variety of low density residential dwelling types, including single detached dwellings, at a density between 20 and 32 units per hectare, subject to the policies of the Garden City Plan. The Natural Areas designation permits passive recreation features such as trails, walkways, and bicycle paths.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1) (Parts 1, 2, 3 and 5) and Conservation/Natural Area (G1) (Part 4). The R1 zone permits a variety of low density residential dwelling types including single detached dwellings, while the G1 zone permits limited passive recreational and conservation uses.

Application **B-23/16SC** is requesting a consent to sever 544.6m² of land (Parts 2 & 5 on the submitted sketch) to create a new remnant lot of 507.6m² (Part 1). Both the new and remnant lots will remain oversized. However, the consent will bring the lot sizes closer into compliance with the current Zoning By-law. The surrounding neighbourhood is comprised of lots of varying widths and sizes, including lots that are similar in size and width to the proposed application. Given the existing diversity of lots in the immediate area, it is staff's opinion that the proposed consent is consistent with the character of the surrounding neighbourhood and is appropriate. Overall the density of 19 units per hectare is generally within keeping of the Garden City Plan density requirements.

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

As requested by PRCS and in accordance with Section 13.2.2.10 of the GCP, Part 4 on the land is to be dedicated to the City as Natural Area. An easement (Part 5) of 72.3m² will be established in perpetuity to provide access to the natural area. The dedication of the slope embankment of Martindale Pond will allow the important natural features to remain preserved in public ownership. In staff's opinion, the request for consent and

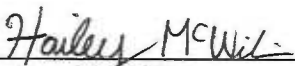
easement provides adequate space for the proposed new dwellings without compromising the established character of the street. No adverse impacts are anticipated.

The requested variances are proposed to facilitate the requested consent application. The variances are required as the lots will remain oversized, however the variances would bring the lot sizes closer into compliance with the zoning by-law than what currently exists. Additionally, staff note that the proposed development will result in a lower density development compared to the previously approved four townhouse units. Staff are satisfied that the overall density remains consistent with the Low Density Residential designation, as well as the established larger lots in the surrounding area. Staff is of the opinion that the variances are appropriate given the existing diversity of lots in the immediate area and that adequate amenity space will be maintained for the proposed new dwellings. No adverse impacts are anticipated. It is staff's opinion that the requested variances are minor in nature, appropriate and desirable for the area and use of land.

Conclusion

Staff is satisfied that the consent requested through application B-23/16SC is desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. Additionally, staff are of the opinion that applications A-44/16 and A-45/16 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 staff's recommendation that the requested consent and variances be approved, subject to the conditions outlined in the recommendation, as the application represents good planning.

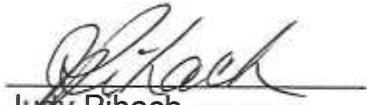
Prepared by:


Hailey McWilliam
Student Planner

Submitted by:

Jessica Button, MCIP, RPP
Planner I

Approved by:

A handwritten signature in black ink, appearing to read 'J. Pihach', written over a horizontal line.

Judy Pihach, MCIP, RPP

Manager of Planning Services



Memorandum

To: Jessica Button, Planning and Building Services
CC: Elaine Munro, Planning & Development Services
From: Kristen Sullivan, Recreation & Community Services
Date: April 29, 2016
Subject: Notice of Hearing: Consent to Sever
Address: 56 Henley Dr.
File No: 60.84.2043

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

That the applicant dedicate Part 4 of the submitted sketch to the City as Natural Area and that the applicant be responsible for satisfying any conditions related to this dedication.

That an easement be registered over Part 5 of the submitted sketch for the benefit of Part 4 for access and maintenance purposes.

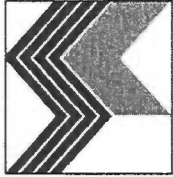
That the applicant install a 1.8 metre chain link fence on lands to be dedicated to the City along the eastern boundary of Part 4. This fence shall be installed to OPSD 972.130 standards to the satisfaction of the Director of Parks, Recreation and Culture.

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 2 and 5) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of 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.



Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services
Cc: B. Thiessen, Jessica Button, Margaret Josipovic, Judy Pihach
Planning and Building Services
From: Mark Lepp, Building Inspector II
Planning and Building Services
Date: May 2, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – May 11, 2016 hearing - File No.: 300-036

B-19/16SC – 71A Pelham Road

Comment:

Please be advised that permits are required for the proposed single detached dwellings.

Condition: No Comment

B-20/16SC – 71A Pelham Road

Comment:

Please be advised a permit is required for the proposed 2 semi-detached dwelling.

Condition: No Comment

B-21/16SC – 365 Martindale Road

Comment:

Please be advised a permit is required for the proposed single detached dwelling.

Condition: No Comment

B-22/16SC – 367 Martindale Road

Comment:

Please be advised a permit is required for the proposed single detached dwelling.


Condition: No Comment

B-23/16SC – 56 Henley Drive

Comment:

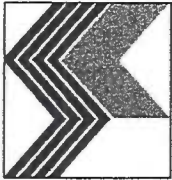
Please be advised that permits are required for the proposed single detached dwellings.

Condition: No Comment


Mark Lepp, Building Inspector II

Cc: Files, 300-036

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Memorandum

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

Cc: B. Thiessen, Jessica Button, Margaret Josipovic, Judy Pihach
Planning and Building Services

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

Date: May 2, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 11, 2016 hearing - File No.: 300-010

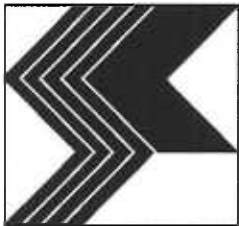
NO.	ADDRESS	COMMENTS
A-37/16	34 Cedardale Avenue	Please be advised that a building permit is required for the demolition of the existing garage and a separate building permit is required for the proposed new detached garage. Note that spatial separations will be addressed during Building Permit review.
A-38/16	4 Dorchester Blvd. S.	Please be advised that a building permit is required for the proposed new 4 unit townhouse.
A-40/15	126 Dalhousie Avenue	Please be advised that building permits are required for the demolition of the existing house, proposed new dwelling and proposed new detached garage.
A-41/16	365 Martindale Road	No Comment
A-42/16	367 Martindale Road	No Comment
A-43/16	369 Martindale Road	No Comment
A-44/16	56 Henley Drive	No Comment
A-45/16	56B Henley Drive	No Comment
A-46/16	80 Newport Street	Please be advised that a building permit is required for the proposed screened porch.

Mark Lepp, Building Inspector II

Cc: Files, 300-010

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REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-18/16SC



April 26th, 2016 **ENGINEERING FILE 300-36**

Hearing Date: May 11th, 2016

Applicant: Shane Webber

Location: 56 Henley Drive

MUNICIPAL SERVICES

Henley Drive

Water: 150mm (6")

Sanitary Sewer: 200mm (8")

Storm Sewer: 300mm (12")

Sidewalks: Yes

Road Allowance Width: 15.24m±

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

Roads:

It is noted that the Applicant proposes to sever 544.6m² of land (Parts 2 & 5) with a frontage of 15.46m and a depth of 71.94m. The Retained lands (Part 1) will have an area of 507.6m² with a frontage of 15.00m and a depth of 34.87m.

Henley Drive is currently designated as a Local road in the City's Official Plan along the applicant frontage, with a semi-urban cross section and a current right-of-way width of 15.24m. The current width is undersized and will therefore require a road widening which will establish a road allowance of 20.0m wide.

Sidewalks & Curbs:

Sidewalks do not exist along this section of Henley Drive, nor do curbs. Sidewalks currently end at the east limit of Henley Drive at Gladman Avenue, with the intent future sidewalks will be installed westerly along with the reconstruction of Henley Drive to a full urban cross-section. The applicant will be required to submit a cash payment for the installation of future sidewalks across the frontage of the property as per the City's Approved Schedule of Rates and Fees.

Municipal Services

The following Municipal Services are available to service the proposed site along Henley Drive:

Water:

The waterservice from the existing dwelling may be used for one of the proposed lots fronting Henley Drive provided the size is adequate. The adequacy of the existing service will be determined at the time the building permit is applied for. The other

freehold unit will required a new Type K copper service. The size of this service will also be determined at the time the building permit is applied for.

Sanitary Services:

The existing sanitary lateral from the existing dwelling may be used for one of the proposed lots fronting Henley Drive, if it is in suitable condition based on the result of an inspection carried out by the City at the time of demolition. The cost of the investigation shall be paid for by the Applicant prior to issuance of the Demolition Permit. The other lot will require a new 100mm sanitary lateral. The cost of this will be paid for by the Applicant prior to the building permit being issued.

Storm Services:

It is expected that this site will be required to control or eliminate concentrated flows from any proposed drainage flowing west to Martindale Pond. Downspouts are encouraged to be directed to the front yard only, whereas sump pumps shall be installed by means of an outlet through the front foundation walls and connected into the City storm sewer on Henley Drive. Sump pumps must be equipped with a backup, as well as a breather at grade to allow for overland discharge when required. The Applicant will be required to install a new 100mm storm lateral for each lot.

Grading & Drainage

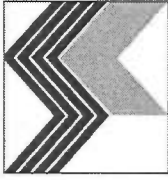
The Owner has submitted a Geotechnical Report dated June 11th, 2013 prepared by Soil-Mat Engineers & Consultants. This report addresses soil slope stability and drainage. The Owner must retain the services of a qualified Professional Engineer to prepare a lot grading design for each lot. The design shall be shown on a Grading Control Plan. This plan shall clearly show the proposed detailed drainage patterns on both lots. The Plan shall also include details on how all of the recommendations contained in the Slope Stability Report will be dealt with. The Grading Design Plan shall be submitted to the City for review and approval. Any application for a building permit shall include a site specific grading plan that conforms to the approved Master Grading Control Plan.

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

- 1/ Prepare a Reference Plan for review and approval by the City identifying Part 3 to be dedicated to the City as Public Highway and,
- 2/ Provide a road widening dedication of approximately 2.38m (7.81') along the frontage of Henley Drive to be conveyed gratuitously to the City of St. Catharines. The land is to be conveyed free and clear of any mortgages, liens or encumbrances.
- 3/ Submit for review and receive approval by the City, of a Master Grading Control Plan addressing lot grading and all the recommendations of the Slope Stability Report dated June 11th, 2013 prepared by Soil-Mat Engineering & Consulting.
- 5/ Pay \$10,522.50 to the City of St. Catharines for the future sidewalk on Henley Drive.



Prepared By: _____
James R Denham, P.Eng.
Development Engineering Technologist



Memorandum

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

Cc: Terrence Glover, Planner II
Planning & Building Services

From: Jim Denham P.Eng., Development Engineering Technologist
Planning and Building Services

Date: April 25th, 2016
Hearing Date: May 11th, 2016

Subject: Engineering Comments to Committee of Adjustment File No's:
A-37/16SC - 34 Cedardale Ave.
A-38/16SC - 4 Dorchester Blvd. S
A-39/16SC - 4 Dorchester Blvd. S
A-40/16SC - 126 Dalhousie Ave.
A-41/16SC - 365 Martindale Rd.
A-42/16SC - 367 Martindale Rd.
A-43/16SC - 369 Martindale Rd.
A-44/16SC - 56 Henley Dr.
A-45/16SC - 56B Henley Dr.

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the variance applications A-37/16SC to A-45/16SC.

If you have any questions or concerns regarding the above please feel free to contact me.

Regards,

Jim Denham P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: April 29, 2016

Subject: Committee of Adjustment
Public Hearings – May 11, 2016
File No. 305-17-01

Upon review of the applications, we have no concerns or requirements. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner
Transportation Technologist
SB/

80 Newport Street

Departmental &
Agency Comments

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, April 26, 2016 4:20 PM
To: Munro, Elaine
Subject: RE: Committee of Adjustment Applications for May 11, 2016 Hearing - City of St. Catharines (1 of 2 emails)

Hi Elaine

1. 34 Cedardale Avenue, Minor Variance Application – A-37/16 – 60.81.5081 No issue or concerns
2. 4 Dorchester Blvd S, Minor Variance Application – A-38/16 – 60.81.5082 No issue or concerns
4. 71A Pelham Road, Consent Application – B-19/16SC – 60.84.2039 Cogeco pedestal located between the property line of 2 Josephine St and 71 Pelham Rd on Municipal property. If owner/developer requires relocation of pedestal, 100% cost recovery to Cogeco by the owner/developer for relocation fees
- 71A Pelham Road, Consent Application – B-20/16SC – 60.84.2040 Cogeco pedestal located between the property line of 2 Josephine St and 71 Pelham Rd on Municipal property. If owner/developer requires relocation of pedestal, 100% cost recovery to Cogeco by the owner/developer for relocation fees
7. 80 Newport Street, Minor Variance Application – A-46/16 – 60.81.5090 No issue or concerns

Thanks

DOUG CROWN

Network Planning and Design

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

7170 McLeod Rd
Niagara Falls Ontario L2G 3H2 Canada
Doug.Crown@cogeco.com



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May 5, 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-46/16
80 Newport Street, St. Catharines

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

- 1) A reduction of the minimum southerly interior side yard setback from 1.2 metres to 0.762 metres.
- 2) A reduction of minimum setback from front lot line to the platform structure from 3 metres to 1.12 metres.

The variances are requested for the proposed installation of a screened porch on the existing deck.

Niagara Peninsula Conservation Authority Regulations:

The subject property falls within the limit of the Erosion hazard associated with the Lake Ontario Shoreline. 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 3.26.4.2 development may be permitted within the erosion allowance provided the hazard has been mitigated to the maximum extent and level possible based on site-specific conditions. The subject property is separated from the shoreline by multiple existing residences and does not include ownership of the shoreline. As such, the NPCA is satisfied that the applicant does not have ownership of the shoreline to mitigate the hazard and the subject proposal is for the enclosure of an existing porch and no addition to the existing footprint is proposed. As such, NPCA staff are satisfied that the erosion hazard has been mitigated to the maximum extent possible based on site specific conditions.

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.

Regional Core Natural Heritage mapping identifies an Environmental Conservation Area (ECA) for Valley Shoreline and Significant Woodland. In accordance with Regional Policy 7.B.1.11, development and site alterations may be permitted within an ECA, or on lands adjacent to (i.e. within 50 metres) an ECA if it has

been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands. The subject proposal is for a reduction of the front yard setback to facilitate enclosure of the front porch. NPCA staff are satisfied that the porch is located on the west side of the existing dwelling, separated from the identified ECA features by existing development, and will therefore have no significant negative impact on the feature or its function.

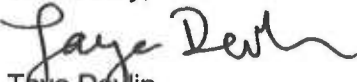
Conclusion:

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



Legend

-  Campsites
-  Contours 2010 (1m)
- Shoreline Flood/Erosion Invent**
 -  Regulatory Flood Hazard Limit
 -  Great Lakes Regulatory Flood Limit
 -  Toe of Bluff
 -  Stable Slope Allowance
 -  Regulatory Erosion Hazard Limit
 -  Regulatory Dynamic Beach Reach
- ECA: Valley Shoreline Buffer**
- ECA: Significant Woodlands**
- Ontario Road Network**
 -  Major Highways
 -  Arterial Roads
 -  Local Roads
- Assessment Parcels**
- AIRPORTS**
- SWOOP_2015**
 -  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

Notes

50.8 0 25.40 50.8 Meters

NAD_1983_UTM_Zone_17N

© NPCA, Niagara Region, LIO, MPAC & Teranet

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



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 5, 2016

Date of Meeting: May 11, 2016

Submission(s): A-46/16

File: 60.81.5090

Subject: 80 Newport Street

Recommendation

That Submission **A-46/16** by Maria Laws, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that variance A-46/16 is minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

Staff recommends that the requested variance be approved.

Report

Proposed Development

The purpose of this Minor Variance application is to allow the installation of a screened porch on an existing deck.

Application **A-46/16** is requesting a variance from the following requirements of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the required minimum southerly side yard setback from 1.2 metres to 0.762 metres; and
- 2) A reduction of the required minimum setback from front lot line to the platform structure from 3.0 metres to 1.12 metres.

Location and Site Description

The subject property is located on the east side of Newport Street. The property is surrounded by established low density residential uses to the north, south and west, and general employment uses to the east.

Circulation of Application

The application was circulated to all appropriate departments and agencies, no objections were received.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated as Neighbourhood - Low Density Residential as per Schedule E2 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 land is zoned Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits a variety of low density residential dwelling types.

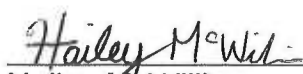
Requested variance 1 is proposing to decrease the southerly side yard setback from 1.2m to 0.762m. This variance is required to recognize the setback of the existing deck and to allow a screened porch to be installed on the structure. There is no increase in footprint proposed. Staff acknowledge the limited impact of a .4m setback reduction and recognize that the structure is existing, therefore it is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

Requested variance 2 is proposing to decrease the setback from the front lot line to the platform structure from 3.0m to 1.12m. This variance is required to recognize the existence of the current deck and to allow a screened porch to be installed on the structure. There is no increase in footprint proposed. The subject lands and surrounding area are characterized as cottage like homes, with close proximity to Lake Ontario, many of which provide large decks, patios and amenity areas in the front yard. The existing deck and proposed screened in porch is consistent with this character. It is staff's opinion that the requested variance is minor in nature, appropriate and desirable for the area and use of land.

Conclusion

Staff is satisfied that the variance requested through applications A-46/16 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved, as the application represents good planning.

Prepared by:


Hailey McWilliam
Student Planner

Submitted by:

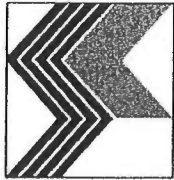


Jessica Button, MCIP, RPP
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



Memorandum

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

Cc: B. Thiessen, Jessica Button, Margaret Josipovic, Judy Pihach
Planning and Building Services

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

Date: May 2, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – May 11, 2016 hearing - File No.: 300-010

NO.	ADDRESS	COMMENTS
A-37/16	34 Cedardale Avenue	Please be advised that a building permit is required for the demolition of the existing garage and a separate building permit is required for the proposed new detached garage. Note that spatial separations will be addressed during Building Permit review.
A-38/16	4 Dorchester Blvd. S.	Please be advised that a building permit is required for the proposed new 4 unit townhouse.
A-40/15	126 Dalhousie Avenue	Please be advised that building permits are required for the demolition of the existing house, proposed new dwelling and proposed new detached garage.
A-41/16	365 Martindale Road	No Comment
A-42/16	367 Martindale Road	No Comment
A-43/16	369 Martindale Road	No Comment
A-44/16	56 Henley Drive	No Comment
A-45/16	56B Henley Drive	No Comment
A-46/16	80 Newport Street	Please be advised that a building permit is required for the proposed screened porch.



Mark Lepp, Building Inspector II

Cc: Files, 300-010

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Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: April 29, 2016

Subject: Committee of Adjustment
Public Hearings – May 11, 2016
File No. 305-17-01

Upon review of the applications, we have no concerns or requirements. If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner
Transportation Technologist
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