

Agenda

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

Item #5 – 1160 Lakeshore Rd West, Minor Variance Application A-110/16 - 60.81.5153

A request for deferral has been received by the Regional Municipality of Niagara and the NPCA and is supported by City Staff until further studies are received and reviewed by the NPCA.

5. Adoption of the Minutes held October 5, 2016
6. Application:
 1. 53 Leeper Street, Consent Application – B – 61/16SC – 60.84.2080
 - 55 Leeper Street, Minor Variance Application – A-111/16 – 60.81.5154
 - 53 Leeper Street, Minor Variance Application – A-112/16 – 60.81.5155
 2. 40 Spring Garden Blvd, Minor Variance Application – A-107/16 – 60.81.5150
 3. 1767 Third Street, Minor Variance Application - A-108/16 – 60.81.5151
 4. 133 Main Street, Minor Variance Application – A -109/16 – 60.81.5152
7. New Business:
8. Date of next Hearing: November 16, 2016
9. Adjournment

1160 Lakeshore
Road West

Departmental &
Agency Comments

From: [Rohe, Craig](#)
To: [Butler, Aaron](#); [Munro, Elaine](#)
Cc: tdevlin@npca.ca; [Motchka, Adam](#); [Killins, Tanya](#)
Subject: 1160 Lakeshore Road (Firelane 400)
Date: Thursday, October 20, 2016 1:45:51 PM

Hi Aaron/Elaine

Further to our discussion, and as will be outlined in the NPCA's forthcoming letter – additional studies are required to be completed and submitted before development can be considered at 1160 Lakeshore Road (Firelane 400).

From the Regional perspective, we note that the development is proposed within an Environmental Protection Area (Valleyland within the Greenbelt). Development within this feature cannot be supported by the Region. Accordingly, consideration of the minor variances to support this proposed development is premature, as the plan must be revised to meet Regional, Provincial and NPCA policy.

Further, as the building footprint will change in size and location, the Regional Private Sewage System Inspectors prefer to wait until the required studies have been completed and a new building footprint is proposed before conducting an on-site review. Today's planned PSS inspection will be rescheduled.

I trust this brief email in addition to the NPCA's forthcoming letter will be sufficient for the purposes of requesting that the Minor Variance applicant be removed from next week's Committee of Adjustment agenda due to the need for additional information by the Region and NPCA staff.

If you have any questions, please give me a call.

Thanks, C.

Craig Rohe, B.A., M.Pl.
Senior Development Planner (T)
Planning and Development Services
Niagara Region
Phone: 905-980-6000 ext. 3442
Mobile: 905-401-5760
www.niagararegion.ca

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October 20, 2016

File No. PLMV201600229

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

Attn: Elaine Munro, Secretary-Treasurer

Subject: A-110/16
1160 Lakeshore Road West, St. Catharines

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

The application is made pertaining to the City of St. Catharine's By-law 2013-283 to vary Section 2.15.3 to permit the following:

- i) To increase the height of the residential dwelling from 4 metres to 8 metres.
- ii) To increase the building footprint from 123 m² to 275 m²
- iii) To allow a total floor area of 300 m²

The variances are requested for the replacement of the existing dwelling (cottage) which was lawfully constructed prior to the passing of this By-law for the proposed construction of a 2 storey residential dwelling.

Niagara Peninsula Conservation Authority Regulations:

The subject property falls within the limit of the Regulated Shoreline associated with Lake Ontario. It is the Conservation Authority's mandate to ensure protection to life and property for development in or adjacent to flood prone areas and erosion hazards. As such, this property would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

In accordance with Policy 3.26.4.2 c), the construction of habitable dwellings is permitted within the Erosion Allowance provided:

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

The plan submitted indicates proposed development of a 2 storey residential dwelling within the erosion hazard associated with the Lake Ontario shoreline. The NPCA will require the submission of a coastal engineering report to confirm how the erosion hazard will be mitigated (to the satisfaction of the Conservation Authority).

The proposed development is shown to be located within 3 metres of the stable slope allowance. The NPCA will require confirmation from a geotechnical engineer that the proposed development will not have any impacts on the slope stability over the long term. At no time will development be permitted below the top of slope.

Niagara Region Natural Heritage Comments:

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

The Region's Core Natural Heritage Mapping identifies an Environmental Conservation Area (ECA) for Valley Shoreline associated with Lake Ontario. These lands also fall within the Natural Heritage System of the Greenbelt Plan, and as such are classified as an Environmental Protection Area (EPA). In accordance with Regional Policy 7.B.1.11, no development is permitted within an EPA and development may be permitted adjacent to (within 120 metres) an EPA if it has been demonstrated that there will be no significant negative impact to the natural heritage features.

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

The subject application indicates that the proposed building envelope is to be located within the extent of the property mapped as EPA. In accordance with Policy 7.B.1.11, no development is permitted within an EPA. The NPCA will require the submission of an Environmental Impact Study (EIS) to confirm the extent of the EPA Valley Shoreline and recommend the setbacks required to ensure no significant negative impact to the feature as a result of the proposed development.

Conclusion:

Based on the above, the NPCA recommends **deferral** of this application until the following studies are received for review:

- a. A coastal engineering report;
- b. A geotechnical assessment; and,
- c. An environmental impact study.

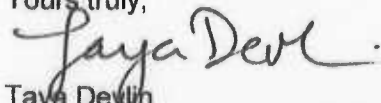
The studies noted above are required to determine the extent of the identified features and appropriate setbacks required to locate a suitable building envelope on the subject property.

Please note, should the proposed building envelope be modified, please circulate the revised plan to this office for review for NPCA staff to confirm the above study requirements.

Lastly, due to the features identified on the property, any works proposed 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 will require a work permit from this office, as well as 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: Craig Rohe, Planner, Niagara Region
 Connie Mancuso, Programs Assistant, Niagara Region
 Darren MacKenzie, Supervisor, Construction Permits and Compliance, NPCA



Legend

-  Campsites
-  Contours 2010 (1m)
- Shoreline Flood/Erosion Invent**
 -  Regulatory Flood Hazard Limit
 -  Great Lakes Regulatory Flood Level
 -  Toe of Bluff
 -  Stable Slope Allowance
 -  Regulatory Erosion Hazard Limit
 -  Regulatory Dynamic Beach Reaches
- Top of Slope Features**
 -  Stable
 -  Unstable
-  Top of Slope Allowance
- OWES WETLANDS**
 -  Non-Provincially Significant Wetland
 -  Provincially Significant Wetland
-  Regulation Wetlands
-  Wetland Allowance
-  EPA: Regional Local Amendm
-  EPA: Provincially Significant W
-  EPA: Provincial Life ANSI
-  EPA: Greenbelt NHS
-  ECA: Valley Shoreline Buffer
-  ECA: Public Conservation Lan
-  ECA: Other Life ANSI
-  ECA: Other Evaluated Wetland

Notes

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

McWilliam, Hailey

From: Munro, Elaine
Sent: Friday, October 14, 2016 11:06 AM
To: McEwan, Charlotte; McWilliam, Hailey
Subject: Cogeco comment for 1160 Lakeshore Rd. W. FW: Last application - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

Elaine Munro ACST
Committee Secretary & Planning Clerk
Email: emunro@stcatharines.ca
Tel: 905.688.5601 x1715

From: Doug Crown [<mailto:Doug.Crown@cogeco.com>]
Sent: Friday, October 14, 2016 10:48 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Last application - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

Hi Elaine
No issue or concerns
Thanks
Have a great weekend

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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Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Hailey McWilliam, Judy Pihach
Planning and Building Services

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

Date: October 20, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 26, 2016 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-107/16	40 Spring Garden Boulevard	Please be advised that a building permit is required for the proposed addition and that spatial separation requirements will be addressed during building permit review.
A-108/16	1767 Third St. Louth	Please be advised that a building permit is required for the proposed porch and ramp areas.
A-109/16	133 Main Street	No Comment
A-110/16	1160 Lakeshore Road West	Please be advised that a building permit is required for the proposed 2 storey dwelling unit and that spatial separation requirements will be addressed during building permit review.
A-111/16	55 Leeper Street	No Comment
A-112/16	53 Leeper Street	No Comment



Mark Lepp, Building Inspector II



Memorandum

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

Cc: Charlotte McEwan, Hailey McWilliam

From: Sabrina Mills C.E.T., Development Engineering Technologist
Planning and Building Services

Date: October 14, 2016

Hearing Date: October 26, 2016

Subject: Engineering Comments to Committee of
Adjustment Files

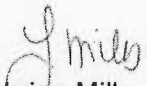
A 111/16SC – 55 Leeper Street
A-112/16SC – 53 Leeper Street
A 107/16SC – 40 Spring Garden
A 108/16SC – 1767 Third Street
A 109/16SC – 133 Main Street
A 110/16SC – 1160 Lakeshore Road W

Development Engineering Services have reviewed the above noted applications for Minor Variance requests.

We have no comments or objections to the approval of the applications noted above.

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

Regards,


Sabrina Mills, C.E.T.
Development Engineering Technologist

Munro, Elaine

To: Sullivan, Kristen
Subject: RE: Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing

From: Sullivan, Kristen
Sent: Thursday, October 13, 2016 4:11 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; McWilliam, Hailey <hmcwilliam@stcatharines.ca>
Cc: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing

Charlotte and Hailey,

Please see the attached comments, I have no comments on the following applications:

- 53 Leeper (mvs)
- 133 Main (mv)
- 1160 Lakeshore (mv)

Let me know if you have any questions.

Thank you,

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

McWilliam, Hailey

From: Munro, Elaine
Sent: Friday, October 14, 2016 10:44 AM
To: McWilliam, Hailey; McEwan, Charlotte
Subject: Comments from traffic FW: Last application - 1160 Lakeshore Rd West going to October 26/16 CofA Hearing

From: Bittner, Steve
Sent: Friday, October 14, 2016 10:32 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Last application - 1160 Lakeshore Rd West going to October 26/16 CofA Hearing

Elaine,

I took a look at this and we have no concerns or requirements. As such, our submitted comments are sufficient.

Steve Bittner
Transportation Technologist
Email: sbittner@stcatharines.ca
Tel: 905.688.5601 x1663

From: Munro, Elaine
Sent: Friday, October 14, 2016 10:22 AM
To: Bittner, Steve <sbittner@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Pihach, Judy <jpihach@stcatharines.ca>; Sullivan, Kristen <ksullivan@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Melin, Nathan <nmelin@stcatharines.ca>; Lepp, Mark <mlepp@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; McWilliam, Hailey <hmcwilliam@stcatharines.ca>; Mills, Sabrina <smills@stcatharines.ca>
Cc: Bellows, Bruce <bbellows@stcatharines.ca>; Stewart, Dave <dstewart@stcatharines.ca>; Kowalski, Emma <ekowalski@stcatharines.ca>; Thiessen, Brian <bthiessen@stcatharines.ca>; Burrows, Sandra <sburrows@stcatharines.ca>
Subject: Last application - 1160 Lakeshore Rd West going to October 26/16 CofA Hearing

The last application for 1160 Lakeshore Rd West is going to the October 26, 2016 Hearing. Please find the application attached and it is also on the L drive.

Thanks, Elaine

Elaine Munro ACST
Committee Secretary & Planning Clerk

53 Leeper Road

Departmental &
Agency Comments



October 13, 2016

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

Attention: Elaine Munro

File# 60.84.2080, 60.81.5155 & 60.81.5154

Re: 53 & 55 Leeper St

In response to your correspondence(s) dated October 11, 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". The signature is fluid and cursive, with a large loop at the end.

Scott Beaudrie
Supervisor, Engineering Design

Munro, Elaine

To: Gordon, Carrie (6055673)
Subject: RE: 905W-16-244 - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

From: Gordon, Carrie (6055673) [mailto:carrie.gordon@bell.ca]
Sent: Thursday, October 13, 2016 9:49 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 905W-16-244 - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

Dear Elaine,

Re file No: B – 61/16SC

Details

- ☐ Consent Application
- ☐ 53 Leeper Street
- ☐ Pt Lot 1948 Corp Plan No 2

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the application.

Should you have any questions or concerns, please contact me.

Thank you,

Carrie Gordon
External Liaison
Bell Canada Right of Way



140 Bayfield St. FL 2
Barrie, ON, L4M 3B1
P: 705-722-2244
F: 705-722-2263
1-800-289-3657
carrie.gordon@bell.ca

Munro, Elaine

Subject: RE: Disregard previous email... Resent with all Applications - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Wednesday, October 12, 2016 7:43 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Disregard previous email... Resent with all Applications - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

Good Morning Elaine
Cogeco has no issues or concerns with this applications
Thanks and have a great day

DOUG CROWN

Network Planning and Design

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CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 20, 2016

Date of Meeting: October 26, 2016

Submission(s): B-61/16SC
A-111/16
A-112/16

File: 60.84.2080
60.81.5154
60.81.5155

Subject: 53 Leeper Street

Recommendation

That Submission **B-61/16SC** by Paul Bartel, Bruno Bartel & Richard Bartel, 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 a road widening dedication of approximately 0.856 metres across the frontage of CP 2 PT LOT 1948 designated as Parts 1 & 2 along Leeper Street to be conveyed gratuitously for a nominal fee of two dollars (\$2) to the City of St. Catharines in order to establish a road allowance having a nominal perpendicular width of 20.0 metres centered on the original road allowance. The land is to be conveyed free and clear of any mortgages, liens or encumbrances. A preliminary copy of the Plan of Survey must be provided to the City of St. Catharines for approval prior to filing in the Land Registry Office.
- 3) That final approval for the necessary minor variances be received.

And that Submission **A-111/16** by Paul Bartel, Bruno Bartel & Richard Bartel, as outlined in the Notice of Hearing, be approved as follows:

A reduction of the minimum lot area per dwelling unit (Part 1) from 280m² to 243m².

And that Submission **A-112/16** by Paul Bartel, Bruno Bartel & Richard Bartel, as outlined in the Notice of Hearing, be approved as follows:

A reduction of the minimum lot area per dwelling unit (Part 2) from 280m² to 253m².

Summary

Having regard for the matters under Section 51 (24) of the Planning Act, Staff is of the opinion that the consent 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-111/16 and A-112/16 are minor in nature, 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.

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

Proposed Development

Application **B-61/16SC** is requesting a consent to sever 252m² of land (Part 1 on the submitted sketch) to create a new lot to be known as 55 Leeper Street. A 263m² remnant parcel (Part 2) would be retained for residential use. The application would allow each unit of the existing semi-detached dwelling to be owned and/or sold separately.

Location and Site Description

The subject property is located on the east side of Leeper Street. The property is surrounded by detached dwellings to the north, south and west and an apartment building 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 Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP). The subject property is further designated Low Density Residential as per Schedule E7 of the Garden City Plan. The Low Density Residential designation permits detached, semi-detached, duplex, and ground oriented multiple-attached 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). The R2 zone permits a variety of low density residential dwelling types including detached, semi-detached, duplex, triplex, fourplex, and quadruplex dwellings, townhouses and private road developments.

Part F, Section 16.11 of the GCP provides guidance on lot creation. Subsections b) and c) of Section 16.11.3 state that consents to sever individual parcels of land will only be

given where they contribute to the infilling of areas that are already substantially developed and where the size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

Staff is satisfied that the requested consent will allow for a desirable amount of intensification in a substantially developed area. The proposed lots are considered appropriate for the area, as the neighbourhood consists of parcels that range in size from 257m² to 1104m² for low density residential uses. Further, lots in the area have frontages that range from 9.1 metres to 20.5 metres. The subject property currently has one of the wider frontages found on the Leeper Street at 20 metres wide. The consent would result in the creation of two lots with frontages more in line with some of the narrower frontages on the street. Staff is satisfied that the shape and size of the proposed lots are appropriate for the use proposed and in terms of the optimum development of the surrounding area. Staff is of the opinion that the proposal upholds the policies of Section 16.11.3 b) and c) of the Garden City Plan. No adverse impacts are anticipated as a result of the proposed consent.

The variances proposed through applications A-111/16 and A-112/16 request a reduction of the minimum lot area per dwelling unit from 280m² to 252m² for Part 1 and 263m² for Part 2. With the road widening requested by Staff, the lot area per dwelling unit would become 243m² for Part 1 and 253m² for Part 2. The variances are required to facilitate the proposed consent. The two proposed lots will be similar in size to some of the smaller lots that exist in the area. Staff is satisfied that adequate amenity space will be maintained and that the lots will be compatible with the surrounding area. It is the opinion of Staff that the recommended reduction in lot area is minor in nature.

Staff note that a 6 metre front yard setback to garage is required in the R2 zone. The semi-detached unit located on Part 2 has a 6.45 metre setback from the front yard to the garage, however after the road widening, the setback will be 5.59 metres.

Section 2.15.2 of the Zoning By-law states that where the area of a lot is reduced by means of acquisition of a public agency and where such acquisition causes the lot or any building or structure existing lawfully on the lot on the date of such acquisition not to comply with the requirements of this By-law, the lot and/or any building or structure shall be deemed to comply. As such, a minor variance is not required for the reduction in front yard setback to garage, as the building lawfully exists.

Conclusion

Staff is satisfied that the consent requested through application B-61/16SC 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 is of the opinion that the variances requested through applications A-111/16 and A-112/16 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, as amended, subject to the conditions outlined in the recommendation.

Prepared by:


Hailey McWilliam
Student Planner

Submitted by:


Charlotte McEwan
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, Charlotte McEwan, Hailey McWilliam, Judy Pihach
Planning and Building Services

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

Date: October 20, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 26, 2016 hearing - File No.: 300-036

B-61/16SC – 53 Leeper Street

Comment: No Comment

Condition: No Comment


Mark Lepp, Building Inspector II

Cc: Files, 300-036



Memorandum

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

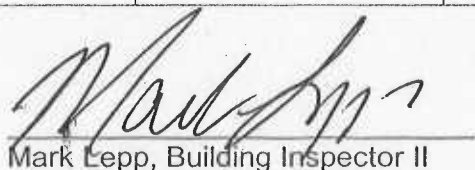
Cc: B. Thiessen, Charlotte McEwan, Hailey McWilliam, Judy Pihach
Planning and Building Services

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

Date: October 20, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 26, 2016 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-107/16	40 Spring Garden Boulevard	Please be advised that a building permit is required for the proposed addition and that spatial separation requirements will be addressed during building permit review.
A-108/16	1767 Third St. Louth	Please be advised that a building permit is required for the proposed porch and ramp areas.
A-109/16	133 Main Street	No Comment
A-110/16	1160 Lakeshore Road West	Please be advised that a building permit is required for the proposed 2 storey dwelling unit and that spatial separation requirements will be addressed during building permit review.
A-111/16	55 Leeper Street	No Comment
A-112/16	53 Leeper Street	No Comment



Mark Lepp, Building Inspector II



Memorandum

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

Cc: Charlotte McEwan, Hailey McWilliam

From: Sabrina Mills C.E.T., Development Engineering Technologist
Planning and Building Services

Date: October 14, 2016

Hearing Date: October 26, 2016

Subject: Engineering Comments to Committee of
Adjustment Files

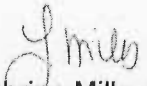
A 111/16SC – 55 Leeper Street
A-112/16SC – 53 Leeper Street
A 107/16SC – 40 Spring Garden
A 108/16SC – 1767 Third Street
A 109/16SC – 133 Main Street
A 110/16SC – 1160 Lakeshore Road W

Development Engineering Services have reviewed the above noted applications for Minor Variance requests.

We have no comments or objections to the approval of the applications noted above.

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

Regards,


Sabrina Mills, C.E.T.
Development Engineering Technologist

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-61/16SC



October 14, 2016

ENGINEERING FILE 300-36

Hearing Date: October 26, 2016

Applicant: Paul, Bruno & Richard Bartel

Location: 53 Leeper Street

MUNICIPAL SERVICES

Water: 150mm (6") PVC

Sanitary Sewer: 250mm (10")

Storm Sewer: None

Sidewalks: Yes

Road Allowance Width: 18.00±

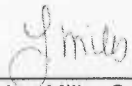
**GENERAL COMMENTS AND ENGINEERING CONDITIONS TO BE IMPOSED IF
CONSENT GRANTED:**

Comment(s): It is noted that the Applicant proposes to sever 252 m² of land (Part 1) creating a new lot to be known as 55 Leeper Street. A 263 m² remnant parcel of land (Part 2) to be known as 53 Leeper Street would be retained for residential use. The application would allow each unit of the semi-detached dwelling currently under construction to be owned and/or sold separately.

Leeper Street is designated a Local road as per the City's Official Plan with a desired width of 20.12m (66'). Its current width is 18.29m, therefore the City will require a widening of 0.856m across the frontage of parts 1 and 2 at this time.

Condition(s): That a road widening dedication of approximately 0.856 metres across the frontage of CP 2 PT LOT 1948 designated as Parts 1 & 2 along Leeper Street to be conveyed gratuitously for a nominal fee of two dollars (\$2) to the City of St. Catharines in order to establish a road allowance having a nominal perpendicular width of 20.0 metres centered on the original road allowance. The land is to be conveyed free and clear of any mortgages, liens or encumbrances. A preliminary copy of the Plan of Survey must be provided to the City of St. Catharines for approval prior to filing in the Land Registry Office.

Prepared By:


Sabrina Mills, C.E.T.
Development Engineering Technologist

Munro, Elaine

To: Sullivan, Kristen
Subject: RE: Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing

From: Sullivan, Kristen
Sent: Thursday, October 13, 2016 4:11 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; McWilliam, Hailey <hmcwilliam@stcatharines.ca>
Cc: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing

Charlotte and Hailey,

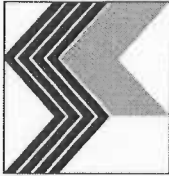
Please see the attached comments, I have no comments on the following applications:

- 53 Leeper (mvs)
- 133 Main (mv)
- 1160 Lakeshore (mv)

Let me know if you have any questions.

Thank you,

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



Memorandum

To: Charlotte McEwan, Planning and Building Services
Hailey McWilliam, Planning and Building Services
CC: Elaine Munro, Planning and Building Services
From: Kristen Sullivan, Parks, Recreation and Culture Services
Date: October 13, 2016
Subject: Notice of Hearing: Consent to Sever
Address: 53 Leeper St.
File No: 60.84.2080

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

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

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: October 12, 2016

Subject: Committee of Adjustment
Public Hearings – October 26, 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/

40 Spring Garden
Blvd

Departmental &
Agency Comments

Munro, Elaine

Subject:

RE: Disregard previous email... Resent with all Applications - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

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

Sent: Wednesday, October 12, 2016 7:43 AM

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

Subject: RE: Disregard previous email... Resent with all Applications - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

Good Morning Elaine

Cogeco has no issues or concerns with this applications

Thanks and have a great 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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Cogeco Câble Canada, 5 Place Ville-Marie, Bureau 1700, Montréal, Québec, H3B 0B3

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October 20, 2016

File No. PLMV201600205

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

Attn: Elaine Munro, Secretary-Treasurer

Subject: A-107/16
40 Spring Garden Boulevard, St. Catharines

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

The subject application has been made pertaining to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of the minimum front yard setback to the garage from 7 metres to 5.176 metres.
2. A reduction of the minimum southerly interior side yard setback from 1.2 metres to 0.39 metres.

The variances are requested for the proposed conversion of part of the existing garage for a rec room (304 ft²) and for the proposed extension of the garage into the front yard.

Niagara Peninsula Conservation Authority Regulations:

The subject property is located adjacent to Spring Garden Creek and impacted by the associated floodplain. 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 4.2, no new development or site alterations are permitted within the limit of the Regulatory Floodplain. The Regulatory Floodplain elevation for this section of the Creek is 82.89 metres.

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

NPCA mapping identifies that the property is impacted by a valley slope associated with the Creek. Authority objectives when reviewing applications and proposals on lots adjacent to steep slopes or valleys 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. The NPCA regulates all development and site alterations within 15 metres of a steep slope.

The subject application has been made to facilitate the proposed conversion of part of the existing garage for a rec room (304 ft²) and for the proposed extension of the garage into the front yard. The proposed works are shown outside of the regulatory floodplain associated with the Creek and more than 15 metres of the top of slope. In addition, the proposed addition is located on the western portion of the property, separated from the Creek by the existing house.

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 the subject property as being an Environmental Conservation Area (ECA) for Valley Shoreline. Policy 7.B.1.11 of the Region's Policies permits development within and adjacent to (within 50 metres) an ECA if it has been demonstrated that there will be no significant negative impact to the Core Natural Heritage System. NPCA staff are satisfied that the proposed development is separated from the Creek and valley by the existing dwelling and located no closer to the feature than the existing development. As such, there will be no significant negative impact on the ECA feature.

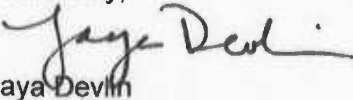
Conclusion:

Based on the above, the NPCA offers no objections to the proposed variances.

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

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

Yours truly,



Taya Devlin
Watershed Planner (ext. 262)

Cc: Connie Mancuso, Niagara Region
Craig Rohe, Planner, Niagara Region



Legend

-  Campsites
-  Contours 2010 (1m)
- Regulated Floodplain Extent**
 -  Advisory (CWR)
 -  Regulated
- Shoreline Flood/Erosion Invent**
 -  Regulatory Flood Hazard Limit
 -  Great Lakes Regulatory Flood Level
 -  Toe of Bluff
 -  Stable Slope Allowance
 -  Regulatory Erosion Hazard Limit
 -  Regulatory Dynamic Beach Reach
- Top of Slope Features**
 -  Stable
 -  Unstable
-  Top of Slope Allowance
-  EPA: Greenbelt NHS
-  ECA: Valley Shoreline Buffer
- Ontario Road Network**
 -  Major Highways
 -  Arterial Roads
 -  Local Roads
-  Assessment Parcels
-  AIRPORTS
- SWOOP_2015**
 -  Red: Band_1

1: 1,000



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

Notes



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 18, 2016

Date of Meeting: October 26, 2016

Submission(s): A-107/16

File: 60.81.5150

Subject: 40 Spring Garden Boulevard

Recommendation

That variance 1 of Application **A-107/16**, by Rolph De Groot & Lindsey De Groot, as outlined in the Notice of Hearing, be denied.

And that variance 2 of Application **A-107/16**, by Rolph De Groot & Lindsey De Groot, 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 of the opinion that variance 1 of application A-107/16 is not minor in nature, nor desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained.

Staff recommends that the requested variance be denied.

Having regard for the matters under Section 45 (1) of the Planning Act, Staff is of the opinion that variance 2 of application A-107/16 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

Application **A-107/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the minimum required front yard setback to the garage from 7 metres to 5.17 metres.
- 2) A reduction of the minimum southerly interior side yard setback from 1.2 metres to 0.39 metres.

The variances are requested to permit the conversion of part of the existing garage to a recreation room and to permit the construction of an extension of the garage, which is to be located within the front yard.

Location and Site Description

The subject lands are located on the east side of Spring Garden Boulevard, south of Old Coach Road. The lands are surrounded by detached dwellings to the north, south, and west, and a ravine to the east.

Circulation of Application

The application was circulated to all appropriate departments and agencies.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential and Natural Area as per Schedule D1 of the Garden City Plan. The subject property is further designated Low Density Residential and Natural Areas as per Schedule E2 of the Garden City Plan. The Low Density Residential designation permits detached, semi-detached, duplex, and ground oriented multiple-attached dwellings at a density between 20 and 32 units per hectare, subject to the policies of the Garden City Plan. The Natural Areas designation promotes the protection, preservation, restoration, maintenance, and where possible, the improvement of a diverse, connected and integrated system of natural areas, features, hazard lands, habitats, corridors and associated biological and ecological functions.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1) and Conservation/ Natural Area (G1). R1 zone permits a variety of low density residential dwelling types including detached, semi-detached, duplex, triplex, fourplex, and quadruplex dwellings, townhouses and private road developments. The G1 zone permits passive recreation and a variety of accessory uses including boat ramps, picnic areas and shelters and trails.

Variance 1 requests a reduction of the minimum required front yard setback to the garage from 7 metres to 5.17 metres.

Part D, Section 7.1 c) i) of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site and streetscape context sensitive design to ensure the integration of compatible building form, scale, massing, height, setbacks, spacing and siting with adjacent buildings, properties and the surrounding neighbourhood.

Due to the alignment of Spring Garden Boulevard, the existing dwelling and garage on the subject property are set forward considerably more than the dwelling on the abutting property to the south. The proposed addition would further increase the distance between the setbacks of the two dwellings by 4.3 metres. The proposal does not

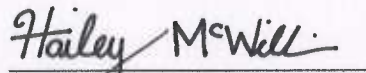
represent context sensitive design in terms of setbacks and Staff is of the opinion that the reduced setback will negatively impact the streetscape and that it does not uphold Section 7.1 c) i) of the GCP. Staff recommend that variance 1 be denied.

Variance 2 requests a reduction of the minimum required interior side yard setback from 1.20 metres to 0.39 metres. The existing attached garage has an interior side yard of 0.39 metres. The applicant is applying to vary the side yard for the proposed extension in order to enable the applicant to build in line with the existing garage. Although Staff is not supportive of the reduction in front yard setback, Staff is satisfied that the reduction in interior side yard of .81 metres will not adversely impact the streetscape, as it will allow the owner to build in line with the existing garage. The variance is considered minor in nature and no adverse impacts are anticipated.

Conclusion

Staff is not satisfied that variance 1 of application A-107/16 is in keeping with the general intent of the Official Plan and Zoning By-law, that it is minor in nature, or that it is appropriate and desirable for the use of the land. It is Staff's recommendation that the requested variance be denied. Additionally, Staff is satisfied that variance 2 of application A-107/16 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.

Prepared by:



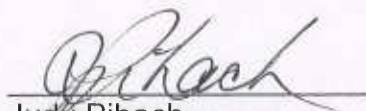
Hailey McWilliam
Student Planner

Submitted by:



Charlotte McEwan
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, Charlotte McEwan, Hailey McWilliam, Judy Pihach
Planning and Building Services

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

Date: October 20, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 26, 2016 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-107/16	40 Spring Garden Boulevard	Please be advised that a building permit is required for the proposed addition and that spatial separation requirements will be addressed during building permit review.
A-108/16	1767 Third St. Louth	Please be advised that a building permit is required for the proposed porch and ramp areas.
A-109/16	133 Main Street	No Comment
A-110/16	1160 Lakeshore Road West	Please be advised that a building permit is required for the proposed 2 storey dwelling unit and that spatial separation requirements will be addressed during building permit review.
A-111/16	55 Leeper Street	No Comment
A-112/16	53 Leeper Street	No Comment


Mark Lepp, Building Inspector II



Memorandum

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

Cc: Charlotte McEwan, Hailey McWilliam

From: Sabrina Mills C.E.T., Development Engineering Technologist
Planning and Building Services

Date: October 14, 2016
Hearing Date: October 26, 2016

Subject: Engineering Comments to Committee of
Adjustment Files

A 111/16SC – 55 Leeper Street
A-112/16SC – 53 Leeper Street
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A 108/16SC – 1767 Third Street
A 109/16SC – 133 Main Street
A 110/16SC – 1160 Lakeshore Road W

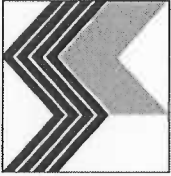
Development Engineering Services have reviewed the above noted applications for Minor Variance requests.

We have no comments or objections to the approval of the applications noted above.

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

Regards,

Sabrina Mills, C.E.T.
Development Engineering Technologist



Memorandum

To: Charlotte Mcewan, Planning and Building Services
Hailey McWilliam, Planning and Building Services

CC: Elaine Munro, Planning and Building Services

From: Kristen Sullivan, Parks, Recreation and Culture Services

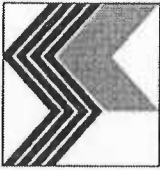
Date: October 13, 2016

Subject: Notice of Hearing: Minor Variance
Address: 40 Spring Garden Blvd
File No: 60.81.5150

Please be advised that we have reviewed the above-noted application and have no comments to provide on the proposed minor variances. Given the existing trees near the property boundary the applicant should be aware of their obligations under the Ontario Forestry Act in regards to boundary trees, specifically that "Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act".

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: October 12, 2016

Subject: Committee of Adjustment
Public Hearings – October 26, 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/

1767 Third Street
Louth

Departmental &
Agency Comments

Via Email Only

October 21, 2016

Our File: MV-16-050

Elaine Munro
Secretary-Treasurer, Committee of Adjustment
City of St. Catharines
50 Church Street, P.O. Box 3012
St. Catharines ON L2R 7C2

Dear Ms. Munro,

Re: Application for Minor Variance
Applicant: Carl R Vaughan & Rachel H Vaughan
Location: 1767 Third Street Louth, St. Catharines
Town File: A-108/16

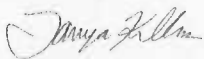
Niagara Region Development Services Division has reviewed the information circulated for the above-noted application and provides the following comments to assist the City in its consideration of this application.

Private Sewage System Review

Private Sewage System inspection staff have inspected the property and reviewed the application to construct a foyer, screened-in porch, and a covered open porch. At the time of our inspection, a 2-compartment, plastic septic tank was located behind the house, underneath the deck. While access is provided by a cut-out of the deck boards, please note that this does not meet Ontario Building Code requirements and any changes to the sewage system will require the septic tank to be moved to meet with current regulations. The existing legal non-conforming leaching bed appears to be located in the rear yard and no visible defects were found. It is also noted that there is limited available land on the property that could be used for any replacement sewage system installation.

Since the proposed development will not result in any increase to existing sewage flows (no washrooms or living space included) and meets with the setback requirements of the sewage system, we would have no objections to the proposed minor variance application.

Yours truly,



Tanya Killins
Inspector, Private Sewage Systems (BCIN #36235)

c: Adam Motchka, Development Approvals Technician

Munro, Elaine

Subject: RE: Disregard previous email... Resent with all Applications - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Wednesday, October 12, 2016 7:43 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Disregard previous email... Resent with all Applications - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

Good Morning Elaine
Cogeco has no issues or concerns with this applications
Thanks and have a great 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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CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 19, 2016

Date of Meeting: October 26, 2016

Submission(s): A-108/16

File: 60.81.5151

Subject: 1767 Third Street Louth

Recommendation

That Application **A-108/16**, by Carl Vaughan & Rachel Vaughan, 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 of the opinion that variance A-108/16 is minor in nature, is 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

Application **A-108/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the minimum front yard setback from 9 metres to 8 metres.
- 2) A reduction of the minimum setback from the interior side lot line to the platform structure from 3 metres to 2.25 metres.

The variances are requested for the proposed construction of a foyer, screened-in porch and covered open porch.

Location and Site Description

The subject lands are located on the west side of Third Street Louth, south of Third Avenue. The lands are surrounded by detached dwellings to the north, south, and east and an agricultural field to the 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 Agriculture as per Schedule D1 and Schedule E11 of the Garden City Plan. The Agriculture designation permits a range of agriculture uses including vineyards, livestock, field crops, fruits, vegetables, greenhouses and horticultural specialties, and secondary uses incidental and subordinate to the main agriculture operation. Existing detached dwellings are also permitted.

Zoning By-law (2013-283)

The subject land is zoned Agriculture (A1). The A1 zone permits a variety of agriculture related uses including agriculture farms and related commercial and industrial uses, detached dwellings and kennels.


Variance 1 requests a reduction in the minimum front yard setback from 9 metres to 8 metres. The variance is requested to permit the construction of a new foyer that is proposed to be 2.86m² in size. The majority of the dwelling will continue to meet the required front yard setback of 9 metres. There is great variation in the front yard setbacks of the detached dwellings in the surrounding area, as they range from approximately 4 metres to 20 metres. Staff is of the opinion that the proposed front yard reduction is compatible with the surrounding area and minor in nature. No adverse impacts are expected as a result of the variance.

Variance 2 requests a reduction in the northerly interior side yard setback from 3 metres to 2.25 metres. The variance is requested to permit the construction of a screened in porch. The northerly side yard, for which the variance is requested, abuts the rear yard of the detached dwelling located to the north of the subject property. Staff do not anticipate that the variance will affect the ability of the abutting property to use and enjoy their rear yard. The reduction in the interior side yard is considered minor in nature and Staff is satisfied that adequate separation distance will be maintained.

Conclusion

Staff is satisfied application A-108/16 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 variances be approved.

Prepared by:

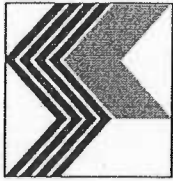

Hailey McWilliam
Student Planner

Submitted by:


Charlotte McEwan
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, Charlotte McEwan, Hailey McWilliam, Judy Pihach
Planning and Building Services

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

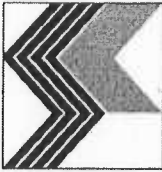
Date: October 20, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 26, 2016 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-107/16	40 Spring Garden Boulevard	Please be advised that a building permit is required for the proposed addition and that spatial separation requirements will be addressed during building permit review.
A-108/16	1767 Third St. Louth	Please be advised that a building permit is required for the proposed porch and ramp areas.
A-109/16	133 Main Street	No Comment
A-110/16	1160 Lakeshore Road West	Please be advised that a building permit is required for the proposed 2 storey dwelling unit and that spatial separation requirements will be addressed during building permit review.
A-111/16	55 Leeper Street	No Comment
A-112/16	53 Leeper Street	No Comment



Mark Lepp, Building Inspector II



Memorandum

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

Cc: Charlotte McEwan, Hailey McWilliam

From: Sabrina Mills C.E.T., Development Engineering Technologist
Planning and Building Services

Date: October 14, 2016

Hearing Date: October 26, 2016

Subject: Engineering Comments to Committee of
Adjustment Files

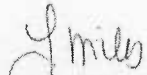
A 111/16SC – 55 Leeper Street
A-112/16SC – 53 Leeper Street
A 107/16SC – 40 Spring Garden
A 108/16SC – 1767 Third Street
A 109/16SC – 133 Main Street
A 110/16SC – 1160 Lakeshore Road W

Development Engineering Services have reviewed the above noted applications for Minor Variance requests.

We have no comments or objections to the approval of the applications noted above.

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

Regards,


Sabrina Mills, C.E.T.
Development Engineering Technologist



Memorandum

To: Charlotte Mcewan, Planning and Building Services
Hailey McWilliam, Planning and Building Services

CC: Elaine Munro, Planning and Building Services

From: Kristen Sullivan, Parks, Recreation and Culture Services

Date: October 13, 2016

Subject: Notice of Hearing: Minor Variance
Address: 1767 Third St. Louth
File No: 60.81.5151

Please be advised that we have reviewed the above-noted application and have no comments to provide on the proposed minor variances. Given the existing trees near the property boundary the applicant should be aware of their obligations under the Ontario Forestry Act in regards to boundary trees, specifically that "Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act".

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: October 12, 2016

Subject: Committee of Adjustment
Public Hearings – October 26, 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/

133 Main Street

Departmental &
Agency Comments



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

October 20, 2016

File No. PLMV201600206

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

Attn: Elaine Munro, Secretary-Treasurer

Subject: A-109/16
133 Main Street, St. Catharines

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

The subject application is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction of the minimum interior side yard setback from 1.2 metres to 0.33 metres.

The variance is requested to recognize the location of the existing detached carport.

Niagara Peninsula Conservation Authority Regulations:

The subject property is impacted by a steep valley slope and Provincially Significant Wetland (PSW) associated with Martindale Pond. 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).

NPCA mapping identifies that the property is impacted by a valley slope associated with the Martindale Pond. Authority objectives when reviewing applications and proposals on lots adjacent to steep slopes or valleys 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. The NPCA regulates all development and site alterations within 15 metres of a steep slope.

The property is impacted by Provincially Significant Martindale Barnesdale Marsh Wetland Complex (PSW). No development is permitted within a PSW and a minimum 30 metre buffer is required from a PSW to all development and site alterations (including lot lines, grading, structures, pools).

Martindale Pond has been identified by the Ministry of Natural Resources and Forestry (MNR) 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 application has been made to reduce the minimum interior side yard setback to recognize the location of an existing carport. The carport is located more than 15 metres from the top of slope and shown to be located no closer to the identified features than existing development on the subject property. However, the carport is shown to be located within 30 metres of the PSW, and as such, will require written approval from this office.

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 portions of the subject property as an Environmental Protection Area (EPA) associated with the PSW and Environmental Conservation Area (ECA) for a 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. The subject application has been made for a reduction of the minimum interior side yard setback to recognize the location of an existing carport. NPCA staff are satisfied that the carport is shown to be located no closer to the identified features than the previously existing development on site. As such, the NPCA is satisfied that the subject variances will have no significant negative impact on the ECA and EPA features.

Conclusion:

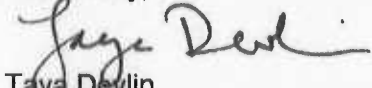
Based on the above, the NPCA offers no objection to the subject application which has been made to permit a reduction of the minimum interior side yard setback from 1.2 metres to 0.33 metres, subject to the following condition:

1. That written approval be obtained from the NPCA for the carport, shown to be located within 30 metres of a PSW.

Lastly, please note that due to the identified features impacting the property, any future works proposed on site 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: Connie Mancuso, Programs Assistant, Niagara Region
 Craig Rohe, Planner, Niagara Region
 Darren MacKenzie, Supervisor, Construction Permits and Compliance, NPCA



Munro, Elaine

Subject: RE: Disregard previous email... Resent with all Applications - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Wednesday, October 12, 2016 7:43 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Disregard previous email... Resent with all Applications - Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing - City of St. Catharines

Good Morning Elaine
Cogeco has no issues or concerns with this applications
Thanks and have a great 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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CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 19, 2016

Date of Meeting: October 26, 2016

Submission(s): A-109/16

File: 60.81.5152

Subject: 133 Main Street

Recommendation

That Submission **A-109/16** by Madeline Gurczenski, 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 Application A-109/16 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 variance be approved, subject to the conditions outlined in the recommendation.

Report

Proposed Development

The purpose of the minor variance application is to recognize the location of an existing carport.

Application **A-109/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283:

- 1) A reduction of the accessory structure setback from 1.2 metres to .33 metres from the interior side lot line.

Location and Site Description

The subject property is located on the southeast side of Main Street, east of Christie Street. The property is surrounded by detached dwellings to the north, east and west and Martindale Pond to the South.

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 property is designated Neighbourhood Residential and Natural Areas as per Schedule D1 of the Garden City Plan (GCP). The subject property is further designated Low Density Residential and Natural Areas as per Schedule E1 of the Garden City Plan. The Low Density Residential designation permits detached, semi-detached, duplex, and ground oriented multiple-attached dwellings including triplexes at a density between 20 and 32 units per hectare, subject to the policies of the Garden City Plan. The Natural Areas designation promotes the protection, preservation, restoration, maintenance, and where possible, the improvement of a diverse, connected and integrated system of natural areas, features, hazard lands, habitats, corridors and associated biological and ecological functions.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2-7) and Conservation/Natural Area (G1). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings and private road developments. Special Provision 7 states that dwellings are to be a maximum of 9 metres in height. The G1 zone permits passive recreation and a variety of accessory uses including boat ramps, picnic areas and shelters and trails.

The owner is requesting the minor variance to recognize the location of the existing carport, which was constructed without a permit. The reduction in side yard is requested to permit the carport to cover the existing driveway.


The surrounding neighbourhood is comprised of a diverse mix of residential dwelling styles. The dwellings are accompanied by an equally varied mix of attached and detached garages and sheds to service the dwellings. The proposed side yard reduction is considered compatible with the prevailing character of the neighbourhood. Staff is satisfied that the reduction in interior side yard is minor in nature and that it does not negatively impact the streetscape or create adverse impacts on the adjacent property.

Staff note that the property is located within the Port Dalhousie Heritage District. As a result, the applicant must obtain a Heritage Permit for the carport in order to obtain a building permit.


Conclusion

Staff is of the opinion that the variance requested through applications A-109/16 is in keeping with the general intent of the Official Plan and Zoning By-law, 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.

Prepared by:

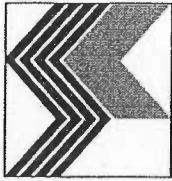

Hailey McWilliam
Student Planner

Submitted by:


Charlotte McEwan
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services



Memorandum

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

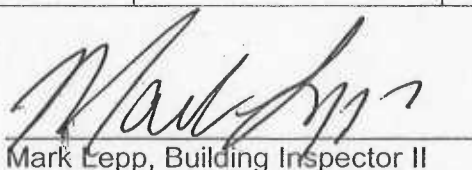
Cc: B. Thiessen, Charlotte McEwan, Hailey McWilliam, Judy Pihach
Planning and Building Services

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

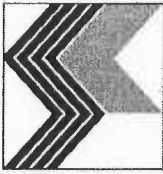
Date: October 20, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 26, 2016 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-107/16	40 Spring Garden Boulevard	Please be advised that a building permit is required for the proposed addition and that spatial separation requirements will be addressed during building permit review.
A-108/16	1767 Third St. Louth	Please be advised that a building permit is required for the proposed porch and ramp areas.
A-109/16	133 Main Street	No Comment
A-110/16	1160 Lakeshore Road West	Please be advised that a building permit is required for the proposed 2 storey dwelling unit and that spatial separation requirements will be addressed during building permit review.
A-111/16	55 Leeper Street	No Comment
A-112/16	53 Leeper Street	No Comment



Mark Lepp, Building Inspector II



Memorandum

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

Cc: Charlotte McEwan, Hailey McWilliam

From: Sabrina Mills C.E.T., Development Engineering Technologist
Planning and Building Services

Date: October 14, 2016
Hearing Date: October 26, 2016

Subject: Engineering Comments to Committee of
Adjustment Files

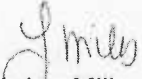
A 111/16SC – 55 Leeper Street
A-112/16SC – 53 Leeper Street
A 107/16SC – 40 Spring Garden
A 108/16SC – 1767 Third Street
A 109/16SC – 133 Main Street
A 110/16SC – 1160 Lakeshore Road W

Development Engineering Services have reviewed the above noted applications for Minor Variance requests.

We have no comments or objections to the approval of the applications noted above.

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

Regards,


Sabrina Mills, C.E.T.
Development Engineering Technologist

Munro, Elaine

To: Sullivan, Kristen
Subject: RE: Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing

From: Sullivan, Kristen
Sent: Thursday, October 13, 2016 4:11 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; McWilliam, Hailey <hmcwilliam@stcatharines.ca>
Cc: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 26/16 CofA Hearing

Charlotte and Hailey,

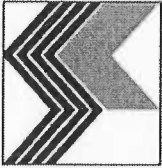
Please see the attached comments, I have no comments on the following applications:

- 53 Leeper (mvs)
- 133 Main (mv)
- 1160 Lakeshore (mv)

Let me know if you have any questions.

Thank you,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: October 12, 2016

Subject: Committee of Adjustment
Public Hearings – October 26, 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/