



CITY OF
ST. CATHARINES

Committee of Adjustment Public Hearing
November 16, 2016
Council Chambers, City Hall - 5:00 p.m.

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. Application:
 1. 189 Lockhart Drive, Land Division Application – B-42/16SC – 60.84.2061
 - 113 Marsdale Drive, Land Division Application – B-43/16SC – 60.84.2062
 - 113 Marsdale Drive, Minor Variance Application – A – 73/16 – 60.81.5117
 - 189 Lockhart Drive, Minor Variance Application – A-119/16 – 60.81.5162
 - 187 Lockhart Drive, Minor Variance Application – A-120/16 – 60.81.5163
6. New Business:
7. Date of next Hearing: November 17, 2016
8. Adjournment

189 Lockhart Drive

Departmental &
Agency Comments



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 11, 2016

Date of Meeting: November 16, 2016

Submission(s): B-42/16SC
B-43/16SC
A-73/16
A-119/16
A-120/16

File: 60.84.2061
60.84.2062
60.81.5117
60.81.5162
60.81.5163

Subject: 189 Lockhart Drive

Recommendation

That Submission **B-42/16SC** by Warren Bradshaw, as outlined in the Notice of Hearing, be denied.

And that Submission **B-43/16SC** by Warren Bradshaw, as outlined in the Notice of Hearing, be denied.

And that Submission **A-73/16** by Warren Bradshaw, as outlined in the Notice of Hearing, be denied.

And that Submission **A-119/16** by Warren Bradshaw, as outlined in the Notice of Hearing, be denied.

And that Submission **A-120/16** by Warren Bradshaw, as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the policies of the Official Plan and the matters under Section 51(24) of the Planning Act, Staff is of the opinion that the requested consents are not desirable or compatible with the surrounding area, as proposed. Additionally, having regard for the matters under Section 45(1) of the Planning Act, Staff is not satisfied that the requested variances are minor in nature, desirable for the appropriate use of the land or in keeping with the intent and purpose of the Official Plan and Zoning By-law.

In evaluating the overall context of the proposed consents and related variances, Staff recommends that the requested consents and variances be denied.

Proposed Development

The subject lot is to be severed to create two additional lots (Part 1 and Part 3) for the purposes of constructing a new detached dwelling on each lot. The existing detached dwelling located at 189 Lockhart Drive (Part 2) is to be retained, but the dwelling's existing carport, detached garage and driveway are to be removed. The minor variances are requested to facilitate the proposed consents and construction of the two new detached dwellings.

The Applicant has proposed that Part 4 be dedicated to the City as a parkette, to satisfy the 5% parkland dedication requirement for consents, as set out in the Planning Act. Staff is not supportive of this land dedication, and would instead require the 5% cash-in-lieu provision of the Planning Act for parkland dedication. Staff note that without Part 4, variance 2 of application A-119/16 would no longer be required.

Part 5 is a proposed easement for access over Part 3 for the benefit of Part 1 to provide for a driveway access.

Application **B-42/16SC** is requesting a partial discharge of mortgage and consent to sever 393.9m² of land (Parts 3 and 5 on the submitted sketch) to create a new lot known as 187 Lockhart Drive for the purpose of constructing a detached dwelling, and to create an easement over 86.5m² of land (Part 5) for access to benefit Part 1. A 1,015.9m² remnant parcel (Parts 1 and 2) would be retained for continued residential use of the detached dwelling known as 189 Lockhart Drive.

Application **B-43/16SC** is requesting a partial discharge of mortgage and consent to sever 402.6m² of land (Part 1 on the submitted sketch) to create a new lot known as 113 Marsdale Drive for the purpose of constructing a detached dwelling. A 613.3m² remnant parcel (Part 2) would be retained for continued residential use.

Application **A-73/16** is requesting a variance from the following requirement of the City of St. Catharines Zoning By-law 2013-283 for Part 1:

- 1) A reduction of the minimum lot frontage from 15 metres to 9.42 metres.

Application **A-119/16** is requesting a variance from the following requirements of the City of St. Catharines Zoning By-law 2013-283 for Part 2:

- 1) An increase in maximum lot area per dwelling unit from 490m² to 613.3m².
- 2) A reduction of the minimum lot frontage from 15 metres to 9.92 metres.
- 3) A reduction of the minimum rear yard setback for the dwelling from 7.5 metres to 1.25 metres.
- 4) A reduction of the minimum setback from the proposed rear lot line for the existing roofed deck, 1 metre above grade, from 1.8 metres to 1.25 metres.

*Staff note that the existing setback requirement is 3 metres, and as such, the request for variance for the reduction in setback from the proposed rear lot line to the existing roofed deck should be from 3 metres to 1.25 metres.

Application **A-120/16** is requesting a variance from the following requirements of the City of St. Catharines Zoning By-law 2013-283 for Part 3:

- 1) A reduction of the minimum lot area per dwelling unit from 400m² to 393.9m².
- 2) A reduction of the front yard setback to dwelling from 6 metres to 5.79 metres.
- 3) An increase of the maximum driveway coverage from 20% to 27.17% of the total lot area.
- 4) An increase of the maximum driveway width from 7.5 metres to 8.38 metres.

Location and Site Description

The subject property is located on the northeast corner of Lockhart Drive and Marsdale Drive, west of Glenridge Avenue. The property is surrounded by detached dwellings in all directions.

Circulation of Application

The application was circulated to all appropriate departments and agencies. Parks, Recreation and Culture Services included comments, which are to be considered when evaluating the application.

Background

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 E8 of the Garden City Plan. The Low Density Residential designation permits a range of housing types, including 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 GCP establishes a policy direction supporting infill and intensification, but balanced with design principles to support compatible building, site and streetscape context sensitive design, greening, and natural and cultural heritage protection within neighbourhoods.

The GCP contains a number of policies with respect to evaluating development, redevelopment and lot creation as follows:

Part B, Section 2.3.3.3 vii) states that this growth initiative towards infill and intensification must also be balanced with “design initiatives to support: compatible, innovative, efficient and sustainable building and site design; enhanced natural and cultural heritage protection, preservation and conservation; [and] greening”.

Part B, Section 2.3.3.5 iii) recognizes the balance between intensification and compatibility, identifying that “all types of new housing will be provided in a manner not to compromise, but accentuate and enhance the character, structure, function and accessibility of established residential neighbourhoods and other activity areas; cultural and heritage landscapes, buildings and identities; and the City’s network of parks, open space and natural areas, and public realm opportunities”.

- Part C, Section 4.5 of the GCP provides guidance on matters related to built form.

Subsection 4.5.1 states that “as a basis for evaluating compatibility and for achieving design excellence, development/redevelopment will be designed in a manner that ... maximizes compatibility with the surrounding area in terms of the following matters:

- a) building scale, height, gradation of height, and massing.
- b) spacing of buildings.
- h) preservation and enhancement of significant views and vistas.
- i) retention of natural vegetation and other distinctive landscape or streetscape features.
- j) the overall scale of the development as it relates to the surrounding area...”.

- Part D, Section 7.1 of the GCP provides guidance on matters related to development/redevelopment.

Subsection 7.1 c) outlines that development and redevelopment within the Urban Area shall be evaluated having regard for “building, site and streetscape context sensitive design to ensure:

- i) integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;
- ii) adverse impacts on adjacent properties are minimized in regard to grading, drainage, location and design of service utilities and areas, access and circulation, parking, transition in height, privacy, views, vistas, microclimate conditions, and protection of the natural features, functions and hazards.;

- iv) adequacy of lot size, access, on-site facilities and outdoor amenity areas to accommodate use”.

Subsection 7.1 k) states that “alternative and innovative lottage patterns are supported provided that compatible street, building and site context design with adjacent properties and the surrounding neighbourhood can be achieved...”.

- Part F, Section 16.11 of the Garden City Plan 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:
 - b) they contribute to the infilling of areas that are already substantially developed
 - c) 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”.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1). The 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. For detached dwellings in an R1 zone, the zoning provisions are as follows:

- Lot area per dwelling unit - 400m² minimum and 490m² maximum
- Minimum lot frontage - 15 metres
- Front yard setback to dwelling - 6 metres
- Minimum rear yard - 7.5 metres
- Minimum interior side yard - 1.2 metres
- Minimum exterior side yard - 4 metres
- Maximum building height - 11 metres
- Minimum landscaped open space requirement - 25%

Previous Applications

Previous applications to sever the subject property were considered by the Committee of Adjustment in 2005 and 2006.

Application B-25/05SC was considered by the Committee of Adjustment at the June 22, 2005 hearing. The proposal was to sever a 464.5m² lot with 13.7 metres of frontage, both of which required variances to the Zoning By-law requirements in effect at that time. The retained parcel was 1045m² in size; no variances were required. Planning Staff recommended that the application be approved. The Committee of Adjustment denied the application.

Application B-49/06SC was considered by the Committee of Adjustment at the August 2, 2006 hearing. The proposal was to sever a 633.6m² lot, with the remnant parcel being 876m² in size. Both parcels met lot area and frontage requirements of the Zoning

By-law in effect at that time. Planning Staff recommended that the application be approved. The Committee of Adjustment denied the application. The owner appealed the Committee's decision to the Ontario Municipal Board (OMB) but withdrew the appeal before the OMB hearing.

Staff note that the previous applications were considered under different provincial, regional and local policies that have since been amended to reflect the Province's current planning direction and emphasis towards appropriate infill and intensification.

Planning Analysis

When evaluating consents, Staff considers the proposal in relation to conformity with the intent, purpose and policies of the Official Plan, the provisions of the Zoning By-law, if it is desirable for the appropriate use of the land, and compatibility in regards to the surrounding area and the potential for adverse impacts.

Regard must also be had for Section 51(24) of the Planning Act when considering consents.

Official Plan

The subject lands are within an established residential neighbourhood characterized primarily by large lots with similar frontages and lot sizes, large detached homes, and in the immediate area, by sprawling bungalows that sit on large lots that far exceed the maximum lot area requirement of the Zoning By-law. With few exceptions, the dwellings in the area have ample space between each and are well setback from the street.

Staff acknowledge that intensification in the form of infill is necessary if the City is to accommodate projected growth within the Urban Area. However, intensification must be balanced so as not to compromise the character of an established neighbourhood, or result in incompatible design of development and adverse effects on adjacent properties including vegetation.

Staff have undertaken a cursory review of the existing lottage pattern in the neighbourhood, extending east and west of the subject lot for a distance of approximately 350 metres, north for a distance of approximately 200 metres, and to the south on Leawood Court and Camelot Court. The average lot size in this area is approximately 1200 m², and the average lot frontage approximately 24 metres.

The lot areas of all three proposed lots are significantly less than the neighbourhood average. The size of Part 2 is approximately half of the average, and the size of Part 1 and Part 3 (including Part 5) is approximately one-third of the average lot size in the neighbourhood.

The proposed lot frontage for Part 1 is approximately 42.5% of the neighbourhood average, and as proposed, is not wide enough to accommodate a dwelling with its own driveway access to support parking on the site. The proposed parcel fabric for Part 1

would enable construction of a dwelling at a maximum width of 7.02 metres, well below the average width of 21 metres for existing detached dwellings in the immediate area.

The proposal would result in the creation of lots that are significantly smaller than the existing lots in the area and would represent a significant difference in the existing lotage pattern. In the opinion of staff, the creation of the lots as proposed will compromise the ability to construct new dwellings in a manner to support compatible site design, built form, spacing, orientation and massing of dwellings in relation to the surrounding properties.

Many lots in the immediate area feature large, mature trees that enhance the character of the established residential neighbourhood and create a distinctive streetscape. The subject lot is no exception, with many mature trees existing on site and along the adjacent boulevard, most specifically along Lockhart Drive. The creation of three lots would necessitate the siting and orientation of buildings that would result in a significant loss of the existing tree cover on the subject lands. Further, there is concerns that the construction of the proposed garage on Part 2, the new dwelling on Part 3, and the orientation of the driveway on Part 5, may compromise the ability to maintain the long-term health and preservation of the existing trees on the property and the Lockhart Drive boulevard. Parks, Recreation and Cultural Services staff have advised that an arborist has inspected the existing trees along Lockhart Drive and Marsdale Drive road allowances and is not supportive of the trees being removed or damaged.

In the opinion of Staff, the existing tree canopy on the subject lot and adjacent boulevard are defining landscape and streetscape features in the neighbourhood. The proposed removal of trees on the subject lands, and the potential impacts to boulevard trees, would compromise the character of the neighbourhood and would not uphold the values set out in the GCP as they relate to compatibility of new development and preservation of natural heritage.

Staff is not satisfied that the proposed consents will result in a parcel fabric, and subsequent site design and built form, that facilitate the design principles enshrined in the GCP as they relate to infill development in established residential neighbourhoods, and in support of site, streetscape and neighbourhood context sensitive design.

Staff are concerned that the approval of the consents may set a negative precedent in regards to the amount and character of infill and intensification development suitable for the area.

Zoning By-law

The City's new Zoning By-law 2013-283 was approved in December of 2013. It represents a significant difference from previous zoning in the City. All three of the proposed lots require variances to the Zoning By-law provisions and on two of the lots (Part 2 and 3) the siting of the dwellings to be located on the proposed lots also require variances.

Zoning By-law regulations and standards are intended to enshrine the policies established in the GCP. With the policy direction established in the GCP towards intensification, the Zoning By-law lot area and lot frontage requirements were lowered from previous zoning to support the GCP direction.

However, through a continuous monitoring program of the Zoning By-law since its adoption, it has been identified that in a number of residential neighbourhoods, current Zoning By-law standards may not be appropriate to support and ensure compatible infill development.

On September 12, 2016, Council passed a resolution directing staff to review Official Plan policy and Zoning By-law standards with respect to infill and intensification within established neighbourhoods.

The resolution is as follows:

“Whereas intensification is a desirable principle which reduces urban sprawl and more efficient use of infrastructure; and

Whereas intensification should not be used by developers as the sole rationale for every development proposal, but instead be used only if the development is compatible with the neighbourhood; and

Whereas some proposed severances may result in incompatible development within neighbourhoods; and

Whereas some neighbourhoods are being targeted for severances that are not compatible with their neighbourhoods, and

Whereas we have examples of severances whereby housing is being constructed to the detriment of neighbourhoods;

Therefore Be It Resolved that the City’s Official Plan policy and Zoning by-law standards for infill development within neighbourhoods be reviewed and that staff consider criteria to evaluate severance applications including, but not limited to, the following:

- site layout including building footprint, parking area location, landscaped areas
- architectural elevations
- proposed building material
- similar design criteria which contribute to infill development that is sensitive to the established neighbourhood; and
- compatibility with neighbouring properties

Be It Further Resolved that staff examine the merits of establishing a design review committee consisting of staff and knowledgeable volunteers to provide

input into the review of development applications using Council approved planning policy and design guidelines as the basis for review, and

Be It Further Resolved that the review of the severance procedures be such that there will be an opportunity for citizens to give their input into the process; and

Be It Further Resolved that staff be directed to report back to Council regarding the items in this motion, and the possibility of immediately applying the urban design policies that are already in place for developments of over four (4) units to properties less than four (4) units including single lot severances to ensure compatibility with the neighbourhood.”

Staff are currently undertaking this review, which is anticipated to be complete by January/February, 2017. Through this review, proposed changes to current Official Plan policies and Zoning By-law requirements, and associated processes to evaluate infill and intensification development proposals, may be recommended.

Application A-73/16 (Part 1)

Application A-73/16 requests a reduction of the minimum required lot frontage for a detached dwelling from 15 metres to 9.42 metres. In the surrounding neighbourhood, lots well exceed the Zoning By-law minimum lot frontage requirements, as frontages in the immediate area average approximately 24 metres. Staff is of the opinion that the 9.42 metre frontage is not compatible with the neighbourhood’s existing lottage pattern and will adversely impact the established streetscape as the reduction in frontage would enable detached dwellings to be located much closer together than the current neighbourhood character.

The reduced lot frontage also compromises the ability to provide independent driveway access on the lot, and as such, an easement (Part 5) over the proposed lot (Part 3) would be required to facilitate driveway access to Part 1.

Application A-119/16 (Part 2)

Variance 1 requests an increase in maximum lot area per dwelling unit from 490m² to 613.3m². The proposed lot size is still considerably smaller than the lots currently found in the established neighbourhood. In the immediate area, lots average 1200 m² in size. The smallest lot in the neighbourhood is 714 m² in size.

Variance 2 requests a reduction of the minimum lot frontage from 15 metres to 9.92 metres. Staff notes that the variance is required because the Zoning By-law defines frontage as being the shortest lot line abutting a public road. As such, Lockhart Drive is the lot’s technical frontage despite the property’s 26.56 metres of frontage on Marsdale Drive, which will serve as the properties functional frontage. As previously mentioned, the applicant has proposed that Part 4 be dedicated to the City as parkland dedication. City Staff are not supportive of the dedication of Part 4, and therefore the requested variance for frontage would then not be required, as Part 2 would have the required minimum 15 metres of frontage along Lockhart Drive.

Variance 3 requests a reduction of the minimum rear yard setback from 7.5 metres to 1.25 metres. In the immediate area, dwellings are situated on large lots that allow for large setbacks, which generally exceed the required yard setbacks in the Zoning By-law. The large setbacks existing in the area has resulted in a streetscape that is characterized by ample space between abutting dwellings. Due to the proposed location of the detached dwellings on the submitted sketch, the requested 1.25 metre setback would allow for the existing dwelling on Part 2 and the proposed dwelling on Part 3 to be located 2.55 metres apart. Staff does not consider the 2.55 metre separation to be compatible with the existing neighbourhood.

Variance 4 requests a reduction of the minimum setback from the rear lot line for the existing roofed deck, which is 1 metre above grade, from 1.8 metres to 1.25 metres. As noted earlier, the setback required by the Zoning By-law is actually 3 metres, and therefore the required variance is from 3 metres to 1.25 metres.

Staff note that the required 3 metre setback, together with the required 7.5 metre rear yard setback for the dwelling, exists to protect against overlook and privacy concerns, to provide adequate buffer space between adjacent dwellings, and also to support opportunities for adequate and appropriate outdoor amenity space. Staff is of the opinion that the proposed rear yard setback for the dwelling, and the setback for the roofed deck, does not adequately provide for privacy and buffering between the adjacent dwellings on Part 1 and Part 2, and detracts from the ability to provide adequately situated and appropriate outdoor amenity space on Part 2.

In the opinion of staff, the reduction in setback for the dwelling and roofed deck would compromise outdoor amenity space on the lot, and in effect, drive available opportunity for amenity space to the front and exterior side yards of the property which is not an optimum situation and out of character within the established neighbourhood.

Application A-120/16 (Parts 3 and 5)

Variance 1 of application A-120/16 requests a reduction of the minimum lot area per dwelling unit from 400m² to 393.9m². The proposed size of the lot is approximately one-third of the average lot size in the neighbourhood, and in this respect, is not in keeping with the existing lottage pattern in the neighbourhood.

Variance 2 requests a reduction of the front yard setback to the dwelling from 6 metres to 5.79 metres. The siting of the proposed dwelling on Part 3 at this location may detract from established sight lines along Lockhart Drive enjoyed by properties to the east.

Variance 3 and 4 relate to the proposed driveway located on Part 3 and 5. Variance 3 requests an increase of the maximum driveway coverage from 20% to 27.17% of the total lot area. Variance 4 requests an increase of the maximum driveway width from 7.5 metres to 8.38 metres.

Both of these variances are because the proposed lot, identified as Part 1 on the sketch provided, cannot accommodate an independent driveway access, and, as such,

driveway access for both Part 1 and Part 3 will be provided on Part 3 and Part 5 (being a proposed easement over Part 3). As noted previously, staff have concerns that the proposed lot frontage of Part 1 is not sufficiently sized to accommodate an independent driveway access to support the proposed dwelling. Staff also note that within the immediate neighbourhood along the Lockhart Drive streetscape, the average percentage of driveway coverage in relation to lot area is approximately 12%. In the opinion of staff, the proposed increase in driveway coverage is not in keeping with the existing standards established in the immediate area.

The Parks, Recreation and Culture Services Department has also expressed concern that the proposed driveway can be constructed as proposed on Part 5 without negatively impacting the health of the existing boulevard tree on Lockhart Drive.

Parkland Dedication

The Parks, Recreation and Culture Services Department has advised that they do not support the dedication of Part 4 to the City as a parkette. This land does not meet the minimum standards for a park, does not have any environmental or natural features, and provides no recreational or cultural benefit to the community.

The Planning Act

There are a number of criteria set out in Section 51(24) of the Planning Act to which regard must be given when considering consent applications. This criteria include whether the plan conforms to the Official Plan and adjacent plans of subdivision, the suitability of the land for the purposes for which it is to be subdivided, the dimensions and shapes of the proposed lots, and conservation of natural resources and flood control.

For the reasons stated in this report, Staff is of the opinion that the proposed consents do not satisfy all of the criteria for consent as set out in Section 51(24) of the Planning Act.

Conclusion

Staff is not satisfied that the consents requested through applications B-42/16SC and B-43/16SC are desirable or compatible with the surrounding area. In the opinion of staff, the proposed consents do not meet the intent, purpose or policies of the GCP for infill development, nor satisfy all of the criteria for consents established in Section 51(24) of the Planning Act. It is staff's recommendation that the requested consents be denied. Further, staff is not satisfied that the variances requested through applications A-73/16, A-119/16 and A-120/16 are minor in nature, are desirable for the appropriate use of the land, or maintain the intent, purpose or policies of the GCP and Zoning By-law.

In evaluating the overall context of the proposed consents and related variances, staff do not recommend approval of the requested consents and variances.

Prepared by:

Hailey McWilliam

Hailey McWilliam
Student Planner

Submitted by:

Bruce Bellows

Bruce Bellows
Planner II

Approved by:

James N. Riddell

FaR

James N. Riddell, MCIP, RPP
Director of Planning and Building Services

Munro, Elaine

To: Kilian, Martin (MNRF)
Subject: RE: Notices of Hearing - November 16, 2016 Committee of Adjustment, City of St. Catharines

From: Kilian, Martin (MNRF) [mailto:martin.kilian@ontario.ca]
Sent: Wednesday, November 02, 2016 5:14 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Notices of Hearing - November 16, 2016 Committee of Adjustment, City of St. Catharines

Elaine:

Please be advised that my comments provided on August 11, 2016 remain applicable to the proposed new development arrangements associated with these new/revised applications.

Martin Kilian, Planner
Niagara Escarpment Commission
232 Guelph St.
Georgetown Tel. 905-877-7524
St. Catharines Tel. 905-704-3917
www.escarpment.org
[Follow the NEC on Twitter](#)

From: Munro, Elaine [mailto:emunro@stcatharines.ca]
Sent: November-01-16 2:51 PM
To: Kilian, Martin (MNRF)
Subject: Notices of Hearing - November 16, 2016 Committee of Adjustment, City of St. Catharines

Good Afternoon Martin:

Attached please find the Notices of Hearing for the November 16, 2016 Committee of Adjustment Hearing.

1. 189 Lockhart Drive, Consent Application – B-42/16SC – 60.84.2061
189 Lockhart Drive, Consent Application – B-43/16SC – 60.54.2062
113 Marsdale Drive, Minor Variance Application – A-73/16 – 60.81.5117
189 Lockhart Drive, Minor Variance Application – A-119/16 – 60.81.5162
187 Lockhart Drive, Minor Variance Application – A-120/16 – 60.81.5163

Have a great afternoon. Thanks, Elaine

Elaine Munro ACST

Munro, Elaine

Subject: RE: Notices of Hearing - August 24, 2016 Committee of Adjustment, City of St. Catharines - 189 Lockhart Drive

From: Kilian, Martin (MNRF) [mailto:martin.kilian@ontario.ca]

Sent: Thursday, August 11, 2016 5:27 PM

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

Subject: RE: Notices of Hearing - August 24, 2016 Committee of Adjustment, City of St. Catharines - 189 Lockhart Drive

Elaine:

The subject property involved in these three applications is designated "Urban Area" in the Niagara Escarpment Plan (NEP). Therefore, Niagara Escarpment Commission (NEC) staff has reviewed these applications which would transform the site into 3 residential building lots each for single units. Given the site conditions, the character of the surrounding built form, and the site's separation from natural heritage features associated with the Escarpment, NEC staff hereby concludes that the proposal will comfortably satisfy the relevant policies of this designation. However, the Committee should also be satisfied that the development will meet Part 2.2.4 of the NEP which states:

Any development permitted should be designed and located in such a manner as to preserve the natural, visual and cultural characteristics of the area.

Martin Kilian, Planner

Niagara Escarpment Commission

232 Guelph St.

Georgetown Tel. 905-877-7524

St. Catharines Tel. 905-704-3917

www.escarpment.org

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Munro, Elaine

To: Doug Crown
Subject: RE: Notices of Hearing - November 16, 2016 Committee of Adjustment, City of St. Catharines

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Wednesday, November 02, 2016 10:31 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Notices of Hearing - November 16, 2016 Committee of Adjustment, City of St. Catharines

Hi Elaine
Cogeco has no issue or concerns with this notices of Hearing
Thanks
Can't wait until tomorrow to get more

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

Munro, Elaine

To: Vasko, Dennis
Subject: RE: Notices of Hearing - November 16, 2016 Committee of Adjustment, City of St. Catharines - 189 Lockhart Drive

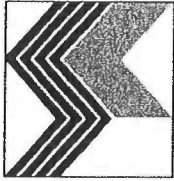
From: Vasko, Dennis
Sent: Wednesday, November 02, 2016 9:57 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Notices of Hearing - November 16, 2016 Committee of Adjustment, City of St. Catharines - 189 Lockhart Drive

Hi Elaine,

No concerns with these properties in respect to closed landfills.

Dennis

Dennis Vasko
Fill Site Technician
Email: dvasko@stcatharines.ca
Tel: 905.688.5601 x2163



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: November 8, 2016

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – November 16, 2016 hearing - File No.: 300-036

B-42/16SC – 189 Lockhart Drive

Comment:

- Be advised that a permit is required for the proposed 2 storey dwelling on Part 3 and 5 and for the alteration of the existing dwelling to remove the carport and garage on parts 1,2,3, and 5.

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separations requirements for glazed openings and wall construction meet the requirements of subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code for the east faces of the existing dwelling on Part 2 and for the south face of the easterly projection of the existing dwelling on Part 2.

B-42/16SC – 113 Marsdale Drive

Comment:

- Be advised that a permit is required for the proposed 2 storey dwelling and detached garage on Part 1 and the proposed detached garage on Part 2.

Condition:

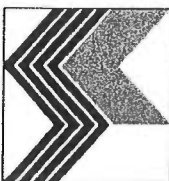
- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separations requirements for glazed openings and wall construction meet the requirements of subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code for the north face of the existing dwelling on Part 2.



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

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

Date: November 8, 2016

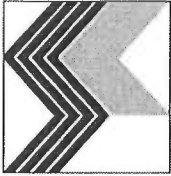
Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 16, 2016 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-73/16	113 Marsdale Drive	No Comment
A-119/16	189 Lockhart Drive	Please be advised that the reduction in setbacks will impact the spatial separation requirements to be satisfied as a condition of the severances relating to Parts 1 and 2.
A-120/16	187 Lockhart Drive	No Comment



Mark Lepp, Building Inspector II

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2016\31 bcoa memo-mv-Nov16, 2016.docx



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: November 1, 2016
Subject: Notice of Hearing: Consent to Sever
Address: 189 Lockhart Dr.
File No: 60.84.2061

Please be advised that Parks, Recreation and Cultural Services is not supportive of the above-noted application for the following reasons:

An arborist has inspected the existing trees along the Lockhart Dr. and Marsdale Dr. road allowances and is not supportive of these trees being removed or damaged. It does not appear that a driveway can be constructed in Part 5 without negatively impacting the health of the existing boulevard tree.

Parks, Recreation and Culture Services does not support the dedication of Part 4 to the City as a parkette. This land does not meet the minimum standards for a park, does not have any environmental or natural features, and provides no recreational or cultural benefit to the community.

If the severance is approved, PRCS requests the following condition of severance:

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

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

That payment of 5% of the appraised value of the new lots (Part 3 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.

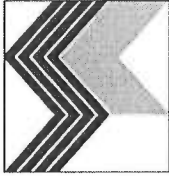
Given the existing trees near the property boundary the applicant should be aware of their obligations under the Ontario Forestry Act in regards to boundary trees, specifically that "Every person who injures or destroys a tree growing on the

boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act”.

Further, the applicant should be advised that Parks, Recreation and Culture Services is not supportive of the existing trees along the Lockhart Dr. and Marsdale Dr. being removed or damaged during construction of the proposed dwelling. As part of the building permit the applicant will be required to install tree protection fencing generally as shown on Attachment 1; these requirements may change depending on City policies and procedures at the time that the building permit is reviewed.

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: 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: November 1, 2016
Subject: Notice of Hearing: Consent to Sever
Address: 189 Lockhart Dr.
File No: 60.84.2062

Please be advised that Parks, Recreation and Cultural Services is not supportive of the above-noted application for the following reasons:

An arborist has inspected the existing trees along the Lockhart Dr. and Marsdale Dr. road allowances and is not supportive of these trees being removed or damaged. It does not appear that a driveway can be constructed as proposed in Part 5 without negatively impacting the health of the existing boulevard tree.

Parks, Recreation and Culture Services does not support the dedication of Part 4 to the City as a parkette. This land does not meet the minimum standards for a park, does not have any environmental or natural features, and provides no recreational or cultural benefit to the community.

If the severance is approved, PRCS requests the following condition of severance:

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

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

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

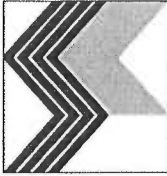
Given the existing trees near the property boundary the applicant should be aware of their obligations under the Ontario Forestry Act in regards to boundary trees, specifically that "Every person who injures or destroys a tree growing on the

boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act”.

Further, the applicant should be advised that Parks, Recreation and Culture Services is not supportive of the existing trees along the Lockhart Dr. and Marsdale Dr. being removed or damaged during construction of the proposed dwelling. As part of the building permit the applicant will be required to install tree protection fencing generally as shown on Attachment 1; these requirements may change depending on City policies and procedures at the time that the building permit is reviewed.

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: 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: November 2, 2016
Subject: Notice of Hearing: Minor Variance
Address: 187 Lockhart
File No: 60.81.5163

Please be advised that staff from Parks, Recreation and Culture Services has reviewed the above-noted application and have no comments to provide on the proposed minor variances 1 and 2. We have a concern with minor variances 3 and 4, being an increase in the driveway coverage and the maximum driveway width, as it appears that the driveway construction will negatively impact the health of the existing boulevard tree located east of the driveway. An arborist has inspected this tree and is not supportive of it being removed or damaged.

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

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

Munro, Elaine

To: Sullivan, Kristen; McEwan, Charlotte; McWilliam, Hailey
Subject: RE: Committee of Adjustment Notices and Applications for the November 16/16 CofA Hearing

From: Sullivan, Kristen
Sent: Wednesday, November 02, 2016 4:42 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 November 16/16 CofA Hearing

Please find our comments attached. PRCS has no comment on the following applications:

- 189 Lockhart (mv)
- 113 Marsdale (mv)

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-42 &43/16SC



November 4, 2016

ENGINEERING FILE 300-36

Hearing Date: November 16, 2016

Applicant: Warren Bradshaw

Location: 189 Lockhart Drive

MUNICIPAL SERVICES

Water: 200mm PVC Watermain on **Lockhart Drive**
200mm PVC watermain on **Marsdale Drive**

Sanitary Sewer: 250mm Sanitary Sewer on **Lockhart Drive**
525mm Sanitary Sewer on **Marsdale Drive**

Storm Sewer: 250mm Storm Sewer on **Marsdale Drive**
525mm Storm Sewer on **Lockhart Drive**

Sidewalks: None on either frontage

Road Allowance Width(s): 20.12m (66')

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

Comment(s):

It is noted that the Owner proposes to sever lands at 189 Lockhart Drive to create two new single detached lots.

Lockhart Drive and Marsdale Drive are both designated as Local roads per the City's Official Plan with desired rights-of-way widths of 20.12m (66'). Their current widths along this section are sufficient at 20.12m (66'), therefore widenings are not required along the 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. Individual Lot Grading Plans for Parts 1-3 shall be prepared by a qualified Professional Engineer or Ontario Land Surveyor to ensure that the drainage schemes of the future lots convey drainage flows to suitable outlets and do not adversely affect any abutting properties, or City lands. The Lot Grading Plans shall be submitted to the City for review and approval at the time building permits are applied for on the individual lots.

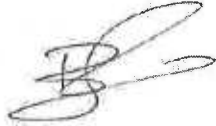
Sump pump flows are typically discharged to grade when no opportunities exist to connect to a storm sewer in the road allowance. Since adequately sized storm sewers exist on both Lockhart Drive and Marsdale Drive, individual storm laterals shall be installed to each lot and sump pump flows shall be discharged via these laterals to storm sewers. Storm lateral servicing costs shall be borne by the Applicant of the building permit.

A 100mm (4") PVC sanitary lateral and a 20mm (3/4") water lateral currently services this property. They could be reused for one of the lots, provided they are in good condition and do not cross any existing or future lots to service the others. Two new sanitary sewer laterals as well as two new water service laterals shall be required for the new lots, at the cost of the Applicant of the building permit. The sizes of these new water services shall be

verified by the designer based on the number of fixture units for the new dwellings.

Upon application for a building permit the Owner will be required to pay for the City to install that portion of any new sanitary lateral, new storm lateral, and new water service within the road allowance.

Condition(s): The Applicant pay to the City the fee for City crews to inspect the existing sanitary lateral for reuse, as well as trace the existing sanitary lateral and existing water service from the new dwelling, to identify their location to ensure they does not cross any existing or future property lines.



Prepared By:

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



Memorandum

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

Cc: Charlotte McEwan, Planner I
Hailey McWilliam, Planning Co-op Student

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

Date: November 4, 2016
Hearing Date: November 16, 2016

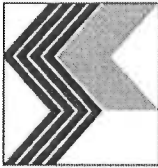
Subject: Engineering Comments to the Committee of Adjustment
File No's: A-73/16SC – 113 Marsdale Drive
A-119/16SC – 189 Lockhart Drive
A-120/16SC – 187 Lockhart Drive

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

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

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 2, 2016

Subject: Committee of Adjustment
Public Hearings – November 16, 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/