



CITY OF
ST. CATHARINES

Committee of Adjustment Public Hearing
February 15, 2017
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. Adoption of the Minutes held January 25, 2017
6. Application:
 - * 1. 168A Martindale Road, Consent Application, B-10/17SC – 60.84.2093
168A Martindale Road, Minor Variance Application, A-05/17 – 60.81.5174
7 Tulip Tree Common, Minor Variance Application, A-14/17 – 60.81.5183
 2. 473 Carlton Street, Minor Variance Application, A-15/17 – 60.81.5184
 3. 21 Duke Street, Consent Application, B-11/17SC – 60.84.2096
 4. 31 Henry Street, Minor Variance Application, A-16/17, 60.81.5185
 5. 27 Christie Street, Consent Application, B-12/17SC, 60.84.2097
31 Christie Street, Consent Application, B-13/17SC, 60.84.2098
27 Christie Street, Minor Variance Application, A-17/17, 60.81.5186
31 Christie Street, Minor Variance Application, A-18/17, 60.81.5187
 6. 20 Neptune Drive, Minor Variance Application, A-19/17, 60.81.5188

Please Note: The Planning Report will be available by Tuesday, February 14, 2017.

7. New Business:
8. Date of next Hearing: March 8, 2016 @ 5:00 p.m.
9. Adjournment

168A Martindale
Road

Departmental &
Agency Comments

Munro, Elaine

From: Taya Devlin <tdevlin@npca.ca>
Sent: Wednesday, January 18, 2017 10:14 AM
To: Munro, Elaine
Cc: Mancuso, Connie (connie.mancuso@niagararegion.ca); Motchka, Adam; 'Rohe, Craig'
Subject: 168A Martindale Road, St. Catharines (B10, A05, A14/17)
Attachments: 168A Martindale Road Map.pdf

Good Morning Elaine,

NPCA staff have reviewed Application B-10/17SC, A05/17 and A14/17 which have been made for 168A Martindale Road, St. Catharines.

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

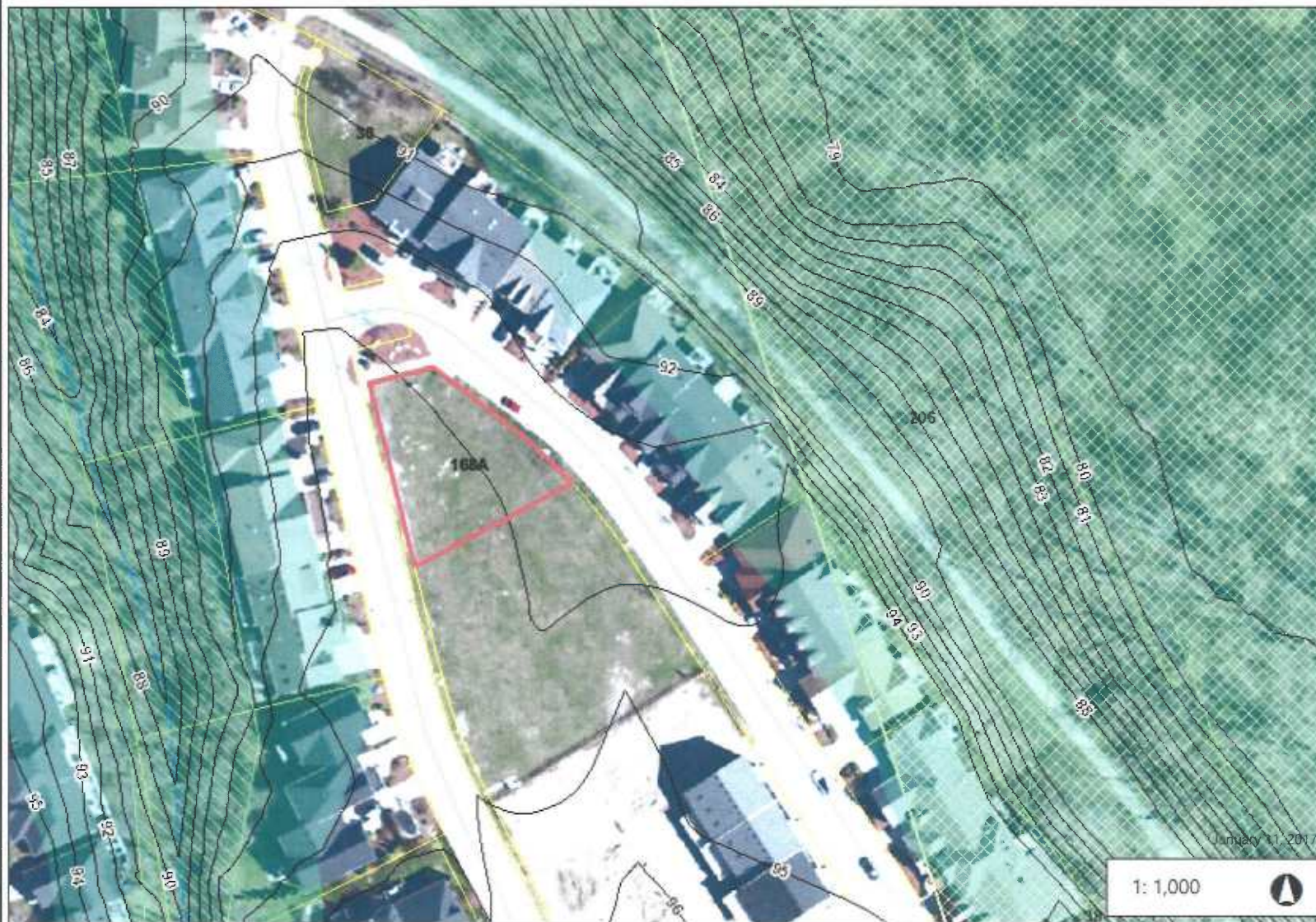
In addition to commenting on proposals with respect to the Conservation Authority's regulations noted above, this agency has entered into a Memorandum of Understanding (MOU) with the Region of Niagara. In accordance with this MOU, the Conservation Authority has a responsibility to review and provide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

The Region of Niagara's Core Natural Heritage Map has identified the adjacent valley slope as an Environmental Conservation Area (ECA) due to the presence of a valley shoreline and significant woodland. In accordance with Regional Policies, development and site alterations may be permitted within an ECA, or on lands adjacent to (within 50 metres) an ECA if it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands. The subject lands are separated from the identified ECA features by existing development and roads, and as such, NPCA staff are satisfied there will be no significant negative impact to the features as a result of the subject applications.

Based on the above, the NPCA offers no objections to the subject applications.

Please contact me if you have any questions.
Thank you,

Taya Devlin
Watershed Planner
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario L3C 3W2
Phone: 905 788 3135 (ext. 262)
Fax: 905 788 1121
Email: tdevlin@npca.ca



Legend

- Contours 2010 (1m)
- Corporate Watershed Divide N
- NPCA APPROXIMATE REGULATED AREAS
- NHS - Potential Corridors
- ECA: Valley Shoreline Buffer
- ECA: Significant Woodlands
- Ontario Road Network
 - Major Highways
 - Arterial Roads
 - Local Roads
- Assessment Parcels
 - 2K HydroPoly
 - 2K Hydrography
- AIRPORTS
- Campsites
- SWOOP_2015
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Notes

50.8 0 25.40 50.8 Meters

NAD_1983_UTM_Zone_17N

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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

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, January 31, 2017 4:00 PM
To: Munro, Elaine
Subject: RE: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 1 of 2 emails)

Hi Elaine
Cogeco has no issues or concerns on this adjustment applications
Have a great week

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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- Contact us

Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

From: Munro, Elaine [mailto:emunro@stcatharines.ca]

Sent: Tuesday, January 31, 2017 2:03 PM

To: Doug Crown

Subject: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 1 of 2 emails)

February 2, 2017

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

Attention: Elaine Munro

File# 60.84.2093, 60.81.5174 & 60.81.5183

Re: 168A Martindale Ave & 7 Tulip Tree Common

In response to your correspondence(s) dated January 31, 2017, 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

P.D.S	
DATE	INIT.
REC'D	REferred TO
	E. Munro
DATE	SCAN
FEB - 8 2017	<input type="checkbox"/>
FILE NO	

- C22.3 No. 7- 10 Underground Systems

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

Sincerely,

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

Scott Beaudrie
Supervisor, Engineering Design



Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Doug Pateman, Judy Pihach
Planning and Building Services

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

Date: February 08, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – February 15, 2017 hearing - File No.: 300-036

B-10/17SC – 168A Martindale Road

Comment:

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

Condition:

- No Comment

B-11/17SC – 21 Duke Street

Comment:

- No Comment

Condition:

- No Comment

B-12/17SC – 27 Christie Street

Comment:

- No Comment

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall

construction meet the requirements of subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code for the northwest face of the existing dwelling unit on Part 1.

B-13/17SC – 31 Christie Street

Comment:

- No Comment

Condition:

- No Comment

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

Mark Lepp, Building Inspector II

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2017\06 bcoa memo-sev-Feb15, 2017.docx

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

From: Sullivan, Kristen

Sent: Friday, February 03, 2017 10:34 AM

To: McEwan, Charlotte <cmcewan@stcatharines.ca>; Pateman, Douglas <dpateman@stcatharines.ca>

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

PRCS has no comments on the following applications:

- 168A Martindale Rd (ld and mv)
- 21 Duke (ld)
- 31 Henry (mv)
- 20 Neptune (mv)
- 31 Christie (mv)
- 27 Christie (mv)

Comments are still being prepared for 27 and 31 Christie (ld).

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-10-17SC



January 31, 2017

ENGINEERING FILE 300-36

Hearing Date: February 15, 2017

Applicant: Lynn Valley Properties Limited

Location: 168A Martindale Road

ENGINEERING SERVICES

	Tulip Tree Common (NNSCP No. 189)	Black Walnut Common (NNSCP No. 165)
Water:	150mm (6")	150mm (6")
Sanitary Sewer:	200mm (8")	200mm (8")
Storm Sewer:	300mm (12")	300mm (12")
Sidewalks:	Yes (Curb faced along both frontages in favour of NNSCP No. 189)	
Road Allowance Width:	10.0m (33') Private Road Development	

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

Comment(s): It is noted that the Applicant proposes to sever the lot creating Parts 1 & 2 for a future single detached dwelling (Part 1) and a semi-detached dwelling (Part 2) within the existing residential condominium development.

Engineering Services

The subject parcel is currently noted as an existing lot of record, as Pt Lot 3, 30M-167 known as Parts 30 & 31 Plan 30R-11396. The lot is currently serviced by two 20mm (3/4") water laterals from Tulip Tree Common and both a 200mm (8") storm and a 150mm (6") sanitary lateral from Black Walnut Common. The sanitary lateral is further branched into three 100mm (4") laterals at the property line.

The servicing and grading scheme of the development will be completed through a Building Permit application process, to which engineering specifics will be further detailed and reviewed through the design submission of the Consultant package.

Condition(s): Prior to severance finalization the Owner shall;

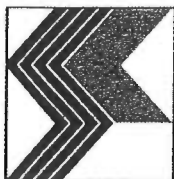
- Verify and confirm the parcel has become additionally subject to the existing Shared Facilities Agreement and the Reciprocal Agreement between the Condominium lands abutting the existing lot of record, update the agreements accordingly to reflect the proposed unit layout and forward a copy to the City for our records; and

- confirm the Shared Facilities Agreement and Reciprocal Agreement has been registered on the title of the subject lands and abutting condominium lands



Prepared By:

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



Memorandum

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

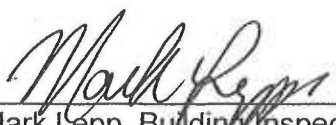
Cc: B. Thiessen, Charlotte McEwan, Doug Pateman, Judy Pihach
Planning and Building Services

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

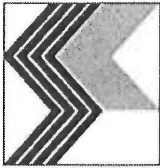
Date: February 8, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 15, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-05/17	168A Martindale Rd.	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-14/17	168A Martindale Rd.	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-15/17	473 Carlton Street	No Comment
A-16/17	31 Henry Street	Be advised that a building permit is required for the proposed addition and that openings and wall construction type and ratings shall meet the requirements of OBC 9.10.15.
A-17/17	27 Christie Street	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-18/17	31 Christie Street	No Comment
A-19/17	20 Neptune Drive	Be advised that a building permit is required for the proposed addition and that openings and wall construction type and ratings shall meet the requirements of OBC 9.10.15.


Mark Lepp, Building Inspector II

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2017\05 bcoa memo-mv-Feb15, 2017.docx



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 3, 2017

Subject: Committee of Adjustment
Public Hearings – February 15, 2017
File No. 305-17-01

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

A-05/17 – 168A Martindale Road
A-014/17 – 7 Tulip Tree Common

The applicant should make sure that the reduced set back doesn't impede sightlines. Once a driver has cleared the inside of the garage in order to see any pedestrians on a sidewalk or vehicles on the road, the vehicle may have already crossed a sidewalk or entered the road.

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

Steve Bittner
Transportation Technologist
SB/

473 Carlton Street

Departmental &
Agency Comments



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 10, 2017

Date of Meeting: February 15, 2017

Submission(s): A-15/17

File: 60.81.5184

Subject: 473 Carlton Street

Recommendation

That Submission **A-15/17** by 2559165 Ontario Inc 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 the variance requested through application **A-15/17** 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.

Proposed Development

Application **A-15/17** is made pertaining to the City of St. Catharines By-Law 2013-283 for a reduction of the minimum density per hectare from 25 units/ha to 22 units/ha.

Location and Site Description

The property is located on the north side of Carlton Street west of Grantham Avenue. The property is surrounded by a recreation center to the west, medium density apartment buildings to the north and east, and detached dwellings and medium density apartment buildings 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 subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan. The subject property is further designated Medium Density Residential as per Schedule E3 of the Garden City Plan. The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally between 25 and 99 units per hectare, subject to the policies of the Garden City Plan. The proposed density of 22 units per hectare is generally in keeping with the GCP.

Zoning By-law (2016-283)

The subject land is zoned Medium Density Residential (R3). The R3 zone permits a variety of low density residential dwelling types including detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings, private road developments, apartment buildings, and long term care facilities. The proposed private road development is permitted at a density between 25 and 99 units per hectare.

Application A-15/17

Application **A-15/17** requests a reduction in the minimum density from 25 units/ha to 22 units/ha for the purpose of constructing a five unit residential development. The surrounding neighborhood is comprised of a mix of low and medium density uses. Two single detached dwellings currently occupy the subject lands. The proposed 5 unit development increases the density while remaining compatible with the low density residential properties in the surrounding area. The decrease in the minimum required density from 25 units/ha to 22 units/ha is considered to be minor in nature. The proposed development will be subject to site plan approval to ensure a compatible fit with the surrounding neighbourhood. Staff are satisfied the reduction in minimum density will not have adverse impacts on the surrounding area, and that the intent of the Official Plan and Zoning By-law are being maintained.

Conclusion

Staff is of the opinion that application **A-15/17** 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:



Douglas Pateman
Student Planner

Submitted by:



Charlotte McEwan
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Friday, February 03, 2017 1:12 PM
To: Munro, Elaine
Subject: RE: Additional Minor Variance Application for RE: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 2 of 2 emails)

Hi Elaine
Cogeco has not issues or concerns with this minor variance
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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Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

From: Munro, Elaine [<mailto:emunro@stcatharines.ca>]

Sent: Friday, February 03, 2017 12:13 PM

To: Doug Crown

Subject: Additional Minor Variance Application for RE: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 2 of 2 emails)



February 7, 2017

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

Attention: Elaine Munro

File# 60.81.5184

Re: 473 Carlton St

In response to your correspondence(s) dated February 3, 2017, 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.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.

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

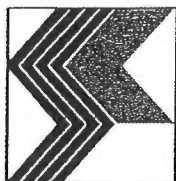
- C22.3 No. 7- 10 Underground Systems

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, stylized initial 'S'.

Scott Beaudrie
Supervisor, Engineering Design



Memorandum

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

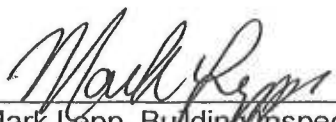
Cc: B. Thiessen, Charlotte McEwan, Doug Pateman, Judy Pihach
Planning and Building Services

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

Date: February 8, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 15, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-05/17	168A Martindale Rd.	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-14/17	168A Martindale Rd.	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-15/17	473 Carlton Street	No Comment
A-16/17	31 Henry Street	Be advised that a building permit is required for the proposed addition and that openings and wall construction type and ratings shall meet the requirements of OBC 9.10.15.
A-17/17	27 Christie Street	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-18/17	31 Christie Street	No Comment
A-19/17	20 Neptune Drive	Be advised that a building permit is required for the proposed addition and that openings and wall construction type and ratings shall meet the requirements of OBC 9.10.15.


Mark Lepp, Building Inspector II

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\05 bcoa memo-mv-Feb15, 2017.docx

Munro, Elaine

Subject: RE: UPDATE! Additional MV added to Hearing re: 473-475 Carlton Street RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

From: Sullivan, Kristen

Sent: Friday, February 03, 2017 12:05 PM

To: Pateman, Douglas <dpateman@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>

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

Subject: RE: UPDATE! Additional MV added to Hearing re: 473-475 Carlton Street RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

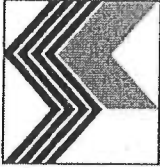
PRCS has no comments on the minor variance application for 473 Carlton.

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: February 3, 2017

Subject: Committee of Adjustment
Public Hearings – February 15, 2017
File No. 305-17-01

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

A-05/17 – 168A Martindale Road

A-014/17 – 7 Tulip Tree Common

The applicant should make sure that the reduced set back doesn't impede sightlines. Once a driver has cleared the inside of the garage in order to see any pedestrians on a sidewalk or vehicles on the road, the vehicle may have already crossed a sidewalk or entered the road.

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

Steve Bittner
Transportation Technologist
SB/

21 Duke Street

Departmental &
Agency Comments



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 10, 2017

Date of Meeting: February 15, 2017

Submission(s): B-11/17SC

File: 60.84.2096

Subject: 21 Duke Street

Recommendation

That Submission **B-11/17SC** by Frank M. Marotta and Patricia Ann Marotta as outlined in the Notice of Hearing, be approved, subject to the following condition:

- 1) That the owner register the easement documents on title of the properties.

Summary

Having regard for the matters under Section 51 (24) of the Planning Act, staff is satisfied that application **B-11/17SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Staff recommends that the requested consent be approved, subject to the condition outlined in the recommendation.

Proposed Development

Application **B-11/17SC** is made for consent to establish a right-of-way/easement, in perpetuity, over 31.5m² of land (Part 2 on the sketch) for the benefit of the southerly abutting lot Part 3, known as 19 & 17 Duke Street for access purposes.

Location and Site Description

The property is located on the north side of Duke Street, west of Wellington Street. The property is surrounded by detached dwellings to the north, detached dwellings and office uses to the east, and west, and a parking lot 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 subject property is designated Downtown as per Schedule D1 of the Garden City Plan. The subject property is further designated Mixed Medium High Density Residential/Commercial as per Schedule E10 of the Garden City Plan. The designation

permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally between 60 and 198 units per hectare, and a variety of institutional, commercial and office uses, subject to the policies of the Garden City Plan.

Zoning By-law (2016-283)

The subject land is zoned Medium/High Density Mixed Use (M2). The M2 zone permits a variety of uses including a range of residential dwelling types, animal care establishments, cultural facilities, day cares, emergency service facilities, hotels, long term care facilities, offices, places of assembly, restaurants, retail stores, schools and theatres.

Application B-11/17SC

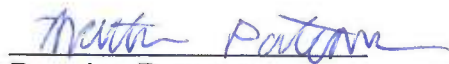
Application **B-11/17SC** requests consent to establish a right-of-way/easement over 31.5m² of land (Part 2 on the submitted sketch). The purpose of the consent is to provide rear access to the property known as 17-19 Duke Street (Part 3).

Due to the size and location of the existing building on Part 3, it is not possible to provide vehicular access to the property from Duke Street. The establishment of the proposed easement will formally recognize a long standing existing access from Wellington Street. Staff notes that there are existing easements over the rear portions of 23 and 25 Duke Street to the north (Parts 6 and 7, Plan 59R-14804, as outlined on the submitted sketch), which are in favour of Part 3. The requested easement will formally complete the established access from Wellington Street to Part 3. No adverse impacts are anticipated as a result of the proposal.

Conclusion

Staff is satisfied that the consent requested through application **B-11/1SC** 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. Staff recommend that the application be approved, subject to the condition as outlined in the recommendation.

Prepared by:


Douglas Pateman
Student Planner

Submitted by:


Charlotte McEwan
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Friday, February 03, 2017 9:12 AM
To: Munro, Elaine
Subject: 905-17-106 - 21 Duke St. - B-11/17SC File No. 60.84.2096
Attachments: 905-17-106.pdf; SCHEDULE968SE0403.doc

Hi Elaine,

Please see the attached letter, confirming that Bell Canada requests a transfer of easement over the lands noted. We respectfully request a copy of the decision to be forwarded to our office for our files.

Details:

- ☐ Application for Consent
- ☐ Lot 800 Corp. Plan 2 - 21 Duke St.
- ☐ B-11/17SC File No. 60.84.2096

If there are any questions or concerns, please do not hesitate to contact me.

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



140 Bayfield St. FL 2
Barrie, ON, L4M 3B1
P: 705-722-2636
F: 705-722-2263
1-844-857-7942
jacqueline.moyle@bell.ca

Click [here](#) to report this email as spam.

Right of Way
FI-2, 140 Bayfield Street
Barrie, ON L4M 3B1

Tel: 1-844-857-7942
Fax: 705-722-2263
E-mail: jacqueline.moyle@bell.ca



February 3, 2017

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

Email only: emunro@stcatharines.ca

Dear Ms. Munro:

**Subject: Consent Application –21 Duke Street,
 Lot 800, Corporation Plan No. 2,
 City of St. Catharines File: 60.84.2096, B-11/17SC Bell File: 905-17-106**

Subsequent to review of the above noted Application for Consent by our Engineering Department, it has been identified that Bell Canada will require a 3m wide easement to be measured 1.5m on either side of our aerial and buried facilities, as can be accommodated. The approximate location of our facilities has been identified on the enclosed sketch. In regards to the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its exact location.

Since the easement is required in order to provide and sustain service, all costs associated with this transaction will be the responsibility of the Owner, and compensation is to be set at a nominal amount of \$2 for the acquisition of these easement rights. Bell Canada also requires separate, registered postponements for any mortgages and certification of title.

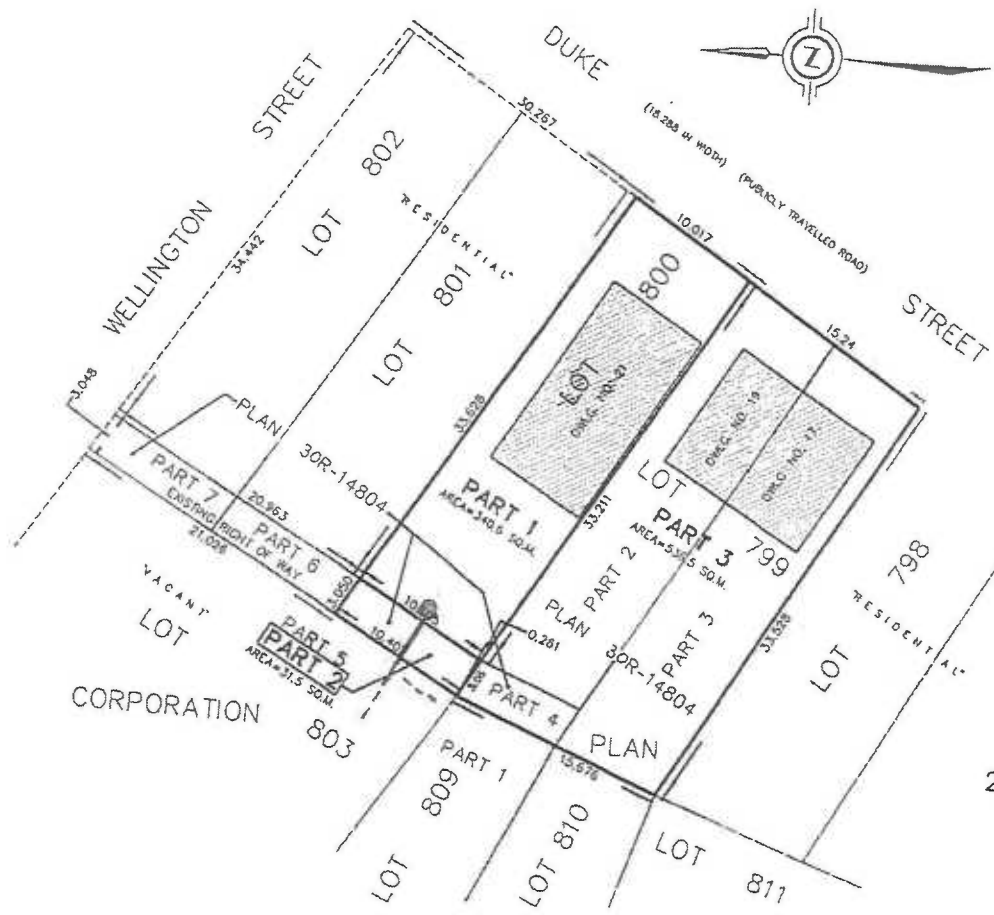
Please find enclosed a copy of the easement Schedule that should be used for this transaction. We kindly request the inclusion of the additional comment "Transfer of Easement for a Utility Line as Defined in the Ontario Energy Board Act, 1998" in section 4 of the Land Transfer Tax Statement and confirm that the undersigned will be taking said Affidavit. Our address for service will be that of this office.

We hope this proposal meets with your approval and look forward to receipt of the draft easement documents for our review and approval prior to registration as well as the Acknowledgement and Direction for our execution. If there are any questions or concerns, please do not hesitate to contact me.

Yours truly,

Jacqueline Moyle
Right of Way Associate
Encl.





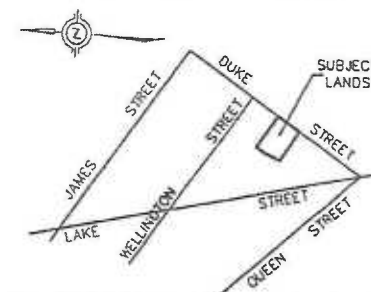
Note: This sketch is NOT a Plan of Survey.
SKETCH FOR COMMITTEE OF ADJUSTMENT PURPOSES ONLY

LOTS 799 & 800,
CORPORATION PLAN 2
CITY OF ST. CATHARINES

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

SCALE 1 : 300
5 0 5 10 20 metres
2017

KEY PLAN (not to scale)



METRIC NOTE

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

JANUARY 10, 2017
DATE

Allan J. Heywood
ALLAN J. HEYWOOD
ONTARIO LAND SURVEYOR



MATTHEWS, CAMERON,
HEYWOOD - KERRY T. HOWE
SURVEYING LIMITED
A wholly owned subsidiary of L.D. Barnes Limited
231 STINLEY AVENUE UNIT 1 NIAGARA FALLS, ONT. L2G 1T1
P (905) 745-3001 F (905) 726-4224 www.photonet.ca

SURVEYING
MAPPING
GIS

SS	DRAWN
A.J.H.	CHECKED
01/10/2017	DATED
16-16-553-01	Plot No.

C:\16-16-553\000\p-ss.dwg 16-16-553-01-LDC.dgn
PLOTTED 11/01/2017

WHEREAS the Transferee is the owner in fee simple of those lands and premises (the "Transferee's lands") being composed of Parts of Town Lots 5 and 6 on the North side of Adelaide Street West according to the Plan of the Town of York and designated as Parts 1 and 2, Plan 63R-545, City of Toronto.

WHEREAS the Transferor is the owner in fee simple of lands described as

(the "Property").

THE TRANSFEROR grants and transfers to the Transferee, its successors and assigns to be used and enjoyed as appurtenant to the Transferee's lands, a free and unencumbered easement (the "Easement") in perpetuity upon, over, in, under and across lands more particularly described under Properties on Page 1 attached (the "Easement Lands"):

1. the right to construct, operate, maintain, repair, replace, renew, or make additions at all times to telecommunications facilities (the "Facilities") or any part thereof forming part of continuous lines between the Transferee's lands and other lands including, without limitation, all necessary cable and wires (both buried and aerial), conduits, conduit structures, markers, poles, anchors, guys, maintenance holes, fixtures, equipment, and all appurtenances thereto.
2. the right of free and unimpeded access at all times to the Transferee, its contractors, agents, employees, vehicles, equipment, and supplies to and over the Easement Lands.
3. the right of free and unimpeded access at all times to the Easement Lands from and over the Property or abutting road allowances or abutting rights of way for the purpose of exercising the rights hereby granted.
4. the right to remove, trim, sever, or fell any obstructions such as trees, roots, brush, stumps, boulders or rock encountered during the course of construction or subsequent maintenance of the Facilities.

THE TRANSFEROR shall have the right to fully use and enjoy the Easement Lands provided that without the prior written consent of the Transferee, such consent not to be unreasonably withheld, the Transferor shall not place any buildings or other structures or dig, drill, pave or excavate within the Easement Lands.

THE TRANSFEEEEE shall:

1. be responsible for any damage caused at any time by its agents or employees to the Property. When practical, the Transferee, after any of its activities, shall restore the Property appropriately. The subsequent maintenance of the Property shall be the responsibility of the Transferor.
2. indemnify and save the Transferor harmless from all actions, causes of actions, suits, claims and demands of every nature and kind whatsoever which may be made against the Transferor relating to or arising out of the placement of the Facilities by the Transferee and for which the Transferee, in law, is responsible.
3. at its sole discretion, be permitted to attach, or permit the attachment of, wires, cables and equipment of any other company or commission for the purposes only of supplying a service to the public.

NOTWITHSTANDING any rule of law or equity and even though any of the Facilities may become annexed or affixed to the Easement Lands, title to the Facilities shall nevertheless remain in the Transferee.

THIS AGREEMENT including all rights, privileges, and benefits herein contained shall extend to, be binding upon, and enure to the benefit of, the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

THE TRANSFEEEEE, in the event it grants a release of Easement, may abandon the Facilities annexed/affixed to the Easement Lands at its option.

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, January 31, 2017 4:00 PM
To: Munro, Elaine
Subject: RE: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 1 of 2 emails)

Hi Elaine
Cogeco has no issues or concerns on this adjustment applications
Have a great week

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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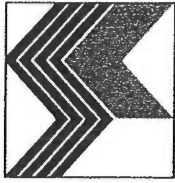
Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

From: Munro, Elaine [mailto:emunro@stcatharines.ca]

Sent: Tuesday, January 31, 2017 2:03 PM

To: Doug Crown

Subject: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 1 of 2 emails)



Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Doug Pateman, Judy Pihach
Planning and Building Services

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

Date: February 08, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – February 15, 2017 hearing - File No.: 300-036

B-10/17SC – 168A Martindale Road

Comment:

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

Condition:

- No Comment

B-11/17SC – 21 Duke Street

Comment:

- No Comment

Condition:

- No Comment

B-12/17SC – 27 Christie Street

Comment:

- No Comment

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall

construction meet the requirements of subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code for the northwest face of the existing dwelling unit on Part 1.

B-13/17SC – 31 Christie Street

Comment:

- No Comment

Condition:

- No Comment

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

Mark Lepp, Building Inspector II

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2017\06 bcoa memo-sev-Feb15, 2017.docx

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

From: Sullivan, Kristen

Sent: Friday, February 03, 2017 10:34 AM

To: McEwan, Charlotte <cmcewan@stcatharines.ca>; Pateman, Douglas <dpateman@stcatharines.ca>

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

PRCS has no comments on the following applications:

- 168A Martindale Rd (ld and mv)
- 21 Duke (ld)
- 31 Henry (mv)
- 20 Neptune (mv)
- 31 Christie (mv)
- 27 Christie (mv)

Comments are still being prepared for 27 and 31 Christie (ld).

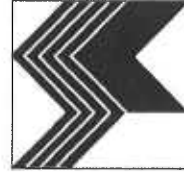
Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-11/17SC



January 31, 2017

ENGINEERING FILE 300-36

Hearing Date: February 15, 2017

Applicant: Frank M. Marotta & Patricia Ann Marotta

Location: 21 Duke Street

MUNICIPAL SERVICES

Duke Street

Water: 150mm (6") D.I.
Sanitary Sewer: 250mm (10") P.V.C.
Storm Sewer: None
Sidewalks: Yes
Road Allowance Width: 18.28m (60')

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

Comment(s): It is noted that the Applicant proposes to establish a right-of-way/easement (Part 2), in perpetuity, over Part 1 for the benefit of Part 3 (17 Duke Street) for access/egress rights purposes. A remnant Parcel (Part 1) with the existing dwelling (law office) shall be retained.

Roads

Duke Street is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.0m (66'). Its current width along the Applicant frontage is deficient at 18.28m (60'), therefore the City shall require a 0.86m (2.8') road widening be dedicated along the frontage of Parts 1 & 3.

The acquisition of the required road widening by the City may involve the need for encroachment agreement(s) being entered into to address the front porches and a wrought iron decorative fence remaining within the dedicated portions of property.

Engineering Services

There are no proposed nor required services related to the application, therefore there are no comments in this regard.

Condition(s): Prior to the severance finalization the Owner shall;

- Dedicate a road widening of approximately 0.86 metres along the Parts 1 & 3 frontage of Duke Street, conveyed gratuitously for a nominal fee of two dollars (\$2.00) to the City of St. Catharines in order to establish a road allowance having a nominal perpendicular width of 20.12 metres centred 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

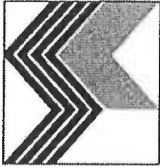
of Survey must be provided to the City of St. Catharines for approval prior to filing in the Land Registry Office; and

- Provide verification to the City that 17 Duke Street (Part 3) has existing easement rights over the existing right of way on 21, 23 & 25 Duke Street (Parts 5, 6 & 7, Plan 30R-14804); and
- Provide verification to the City that 21 Duke Street (Part 1) has existing easement rights over the existing right of way on 23 & 25 Duke Street (Parts 6 & 7, Plan 30R-14804); and
- Register the easement documents on title of the properties



Prepared By:

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 3, 2017

Subject: Committee of Adjustment
Public Hearings – February 15, 2017
File No. 305-17-01

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

A-05/17 – 168A Martindale Road
A-014/17 – 7 Tulip Tree Common

The applicant should make sure that the reduced set back doesn't impede sightlines. Once a driver has cleared the inside of the garage in order to see any pedestrians on a sidewalk or vehicles on the road, the vehicle may have already crossed a sidewalk or entered the road.

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

Steve Bittner
Transportation Technologist
SB/

31 Henry Street

Departmental &
Agency Comments



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 10, 2017

Date of Meeting: February 15, 2017

Submission(s): A-16/17

File: 60.81.5185

Subject: 31 Henry Street

Recommendation

That Submission **A-16/17** by Eli Serbina as outlined in the Notice of Hearing, be approved subject to the following condition:

- 1) That the building height within 1.2 metres of the northerly lot line not exceed one storey, to a maximum height of 4.52 metres to the mid-point of the roof.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that the variances requested through application **A-16/17**, as amended, are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

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

Proposed Development

Application **A-16/17** is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

1. A reduction of northerly interior side yard setback from 1.2 metres to 0.58 metres (1' 10 7/8").
2. A reduction of minimum setback from the front lot line for the front porch from 3 metres to 2.26 metres (7' 5/8").

Location and Site Description

The property is located on the west side of Henry Street, south of Albert Street. The property is surrounded by single detached dwellings in all directions.

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 Neighborhood Residential as per Schedule D1 of the Garden City Plan (GCP). The subject property is further designated Low Density Residential as per Schedule E4 of the GCP. The Low Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land.

Zoning By-law (2016-283)

The subject land is zoned Low Density Residential – Traditional Neighborhood (R2). The R2 zone permits a variety of low density residential dwelling types including detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings, and private road developments.

Application A-16/17

Variance 1 requests a reduction of the northerly interior side yard setback from 1.2m to 0.58m to allow a proposed addition to be constructed in line with the existing dwelling. The reduction is minor in nature and would not result in any additional impacts on the surrounding properties, provided that the height of the addition within 1.2m of the northerly property line does not exceed the single storey proposed, to a maximum height equal to that of the existing dwelling. The existing dwelling has a height of 4.52m to the mid-point of the roof. Staff are supportive of the proposed variance subject to a conditional height limit.

Variance 2 requests a reduction in the minimum setback from the front lot line to the front porch from 3m to 2.6m. The reduction is required to recognize the location of an existing porch that was constructed without a building permit. In order to obtain a permit the porch must first comply with the Zoning By-law. Several dwellings in the surrounding neighborhood have front porches with varying setbacks, both greater and smaller than the proposed 2.6m. The reduction is considered minor in nature. The porch is compatible as it conforms to the prevailing character of the neighborhood. The variance is appropriate and in keeping with the intent of the Official Plan and Zoning by-law

Conclusion

Staff is of the opinion that application **A-16/17** 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, subject to a height limitation, as outlined in the recommendation

Prepared by:



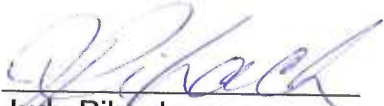
Douglas Pateman
Student Planner

Submitted by:



Charlotte McEwan
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, January 31, 2017 4:00 PM
To: Munro, Elaine
Subject: RE: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 1 of 2 emails)

Hi Elaine
Cogeco has no issues or concerns on this adjustment applications
Have a great week

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 Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

From: Munro, Elaine [mailto:emunro@stcatharines.ca]

Sent: Tuesday, January 31, 2017 2:03 PM

To: Doug Crown

Subject: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 1 of 2 emails)



Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Doug Pateman, Judy Pihach
Planning and Building Services

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

Date: February 8, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 15, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-05/17	168A Martindale Rd.	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-14/17	168A Martindale Rd.	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-15/17	473 Carlton Street	No Comment
A-16/17	31 Henry Street	Be advised that a building permit is required for the proposed addition and that openings and wall construction type and ratings shall meet the requirements of OBC 9.10.15.
A-17/17	27 Christie Street	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-18/17	31 Christie Street	No Comment
A-19/17	20 Neptune Drive	Be advised that a building permit is required for the proposed addition and that openings and wall construction type and ratings shall meet the requirements of OBC 9.10.15.

Mark Lepp, Building Inspector II

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\05 bcoa memo-mv-Feb15, 2017.docx



Memorandum

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

Cc: Charlotte McEwan, Planner 1
Douglas Pateman, Planning Coop Student

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

Date: February 3, 2017
Hearing Date: February 15, 2017

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-05&14/17SC – 168A Martindale Road
A-16/17SC – 31 Henry Street
A-17&18/17SC – 27 & 31 Christie Street

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications, although it must be noted that 168A Martindale Road is an existing lot of record, abutting parcels of condominium and may not form part of the condominium parcels. It may not possess frontage along a public road.

Regards,

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

From: Sullivan, Kristen

Sent: Friday, February 03, 2017 10:34 AM

To: McEwan, Charlotte <cmcewan@stcatharines.ca>; Pateman, Douglas <dpateman@stcatharines.ca>

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

PRCS has no comments on the following applications:

- 168A Martindale Rd (ld and mv)
- 21 Duke (ld)
- 31 Henry (mv)
- 20 Neptune (mv)
- 31 Christie (mv)
- 27 Christie (mv)

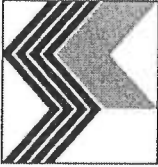
Comments are still being prepared for 27 and 31 Christie (ld).

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: February 3, 2017

Subject: Committee of Adjustment
Public Hearings – February 15, 2017
File No. 305-17-01

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

A-05/17 – 168A Martindale Road
A-014/17 – 7 Tulip Tree Common

The applicant should make sure that the reduced set back doesn't impede sightlines. Once a driver has cleared the inside of the garage in order to see any pedestrians on a sidewalk or vehicles on the road, the vehicle may have already crossed a sidewalk or entered the road.

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

Steve Bittner
Transportation Technologist
SB/

27 & 31 Christie
Street

Departmental &
Agency Comments



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 10, 2017

Date of Meeting: February 15, 2017

Submission(s): B-12/17SC
B-13/17SC
A-17/17
A-18/17

File: 60.84.2097
60.84.2098
60.81.5186
60.81.5187

Subject: 27 Christie Street
31 Christie Street

Recommendation

That Submission **B-12/17SC**, by Patrick O'Leary and Lorraine McKenzie as outlined in the Notice of Hearing, be approved subject to the following conditions:

- 1) That the owner submit payment of 5% of the appraised value of the new lot (Parts 2 and 3) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.
- 2) That the owner be responsible for the cost of locating the sewer and water laterals servicing the existing building on Part 1. The sewer and water service for Part 1 must be independent and not cross an adjacent property line. If either or both sewer and water services servicing Part 1 cross onto the other parts, separate services must be installed to the satisfaction of the City Engineer.
- 3) That the owner submit a payment of \$443.00 for deposit in the general tree planting reserve fund, in accordance with the 2017 Schedule of Rates and Fees.
- 4) That Part 2 merge with Part 3. Pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and Part 2 on the submitted sketch will be merged with Part 3 on the submitted sketch and that together they will become one parcel of land.

- 5) That the owner satisfy the Chief Building Official for the City of St. Catharines that the spatial separation 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 northwest face of the existing dwelling unit on Part 1.
- 6) That final approval for the necessary minor variance applications be received.

That Submission **B-13/17SC**, by Patrick O'Leary and Lorraine McKenzie as outlined in the Notice of Hearing, be approved subject to the following conditions:

- 1) That the owner submit payment of 5% of the appraised value of the new lot (Parts 2 and 3) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined' as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.
- 2) That the owner be responsible for the cost of locating the sewer and water laterals servicing the existing building on Part 4. The sewer and water service for Part 4 must be independent and not cross an adjacent property line. If either or both sewer and water services servicing Part 4 cross onto the other parts, separate services must be installed to the satisfaction of the City Engineer.
- 3) That the applicant submit a payment of \$443.00 for deposit in the general tree planting reserve fund, in accordance with the 2017 Schedule of Rates and Fees.
- 4) That Part 2 merge with Part 3. Pursuant to Section 50(12) of the Planning Act, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the applicant will provide the Secretary-Treasurer with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and Part 2 on the submitted sketch will be merged with Part 3 on the submitted sketch and that together they will become one parcel of land.
- 5) That final approval for the necessary minor variance applications be received.

That Submission **A-17/17**, by Patrick O'Leary and Lorraine McKenzie as outlined in the Notice of Hearing, be approved.

That Submission **A-18/17**, by Patrick O'Leary and Lorraine McKenzie as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 51 (24) of the Planning Act, staff is satisfied that applications **B-12/17SC** and **B-13/17SC** are 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 the variances requested through application **A-17/17** and **A-18/17** are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

Staff recommends that the requested consents and variances be approved, as outlined in the recommendation.

Proposed Development

Application **B-12/17SC** is made for consent to a partial discharge of mortgage and for consent to sever 131.5m² of land (Part 2 on the submitted sketch) which will be added to the abutting northerly parcel of land known as 31 Christie Street (Part 3). A 461.5m² remnant parcel with the existing single detached dwelling would be retained (Part 1) for continued residential use. The application would result in a boundary adjustment between the two parcels of land creating a new lot to be known as 29 Christie Street.

Application **B-13/17SC** is made for consent to a partial discharge of mortgage and for consent to sever 168.7m² of land (Part 3 on the submitted sketch) which will be added to the abutting southerly parcel of land known as 27 Christie Street (Part 2). A 297m² remnant parcel with the existing single detached dwelling would be retained (Part 4). The application would result in a boundary adjustment between the two parcels of land creating a new lot to be known as 29 Christie Street.

Application **A-17/17** is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction of the minimum rear yard setback from 6 metres to 1.21 metres (Part 1).

Application **A-18/17** is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction of the minimum lot area per dwelling unit from 300m² to 297m² (Part 4).

Location and Site Description

The property is located on the west side of Christie Street, north of Dalhousie Avenue. The property is surrounded by detached dwellings in all directions.

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 Neighborhood Residential as per Schedule D1 of the Garden City Plan (GCP). The subject property is further designated Low Density Residential as per Schedule E1 of the GCP. The Low Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land.

Zoning By-law (2016-283)

The subject land is zoned Low Density Residential – Traditional Neighborhood (R2). The R2 zone permits a variety of low density residential dwelling types including detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings, and private road developments.

Heritage permit approval (HPA) will be required for any new construction and demolitions should these applications be approved. Application for HPA is made to the Planning and Building Services (PBS) Department and is circulated to the St. Catharines Heritage Permit Advisory Committee (SHPAC) for consideration and recommendation based on the policies and guidelines of the Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change. HPA is granted by staff for all types of applications except for demolitions, which are considered by City Council.

Applications B-12/17SC and B-13/17SC

Application **B-12/17SC** is requesting consent to sever 131.5m² of land (Part 2 on the submitted sketch). Application **B-13/17SC** is requesting consent to sever 168.7m² of land (Part 3 on the submitted sketch). Together, Parts 2 and 3 will merge to create a new lot to be known as 29 Christie Street.

The subject lands are located within the Port Dalhousie Heritage District. The heritage district designation was approved in 2003. Building permits within the district are considered in accordance with the Ontario Heritage Act and are guided by the applicable policies of the Garden City Plan and the Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change (2001).

The GCP contains a number of policies with respect to evaluating development, redevelopment and lot creation within residential neighbourhoods. Section 16.11.c) states that requests to sever individual parcels of land will only be given where the size and shape of the parcel is appropriate for the use proposed and in the terms of optimum development of the surrounding area.

The Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change provide further guidance. Section 5.4 states that where new lots are to be created within the Port Dalhousie Heritage Conservation District they should be of similar width and depth as adjacent occupied lots.

The established neighbourhood is comprised of a diverse mix of lot shapes and sizes and the proposed lots are very similar in size and width to the existing lots on the opposite side of Christie Street. Staff consider the new lot to be an appropriate shape and size for development of the subject lands. Staff is satisfied that the proposed new lot is appropriate given the existing lotting pattern in the neighbourhood. Staff is of the opinion that the proposed lot will be compatible with the surrounding area, that the new lot meets the intent of the Official Plan, and that there will be minimal impacts on adjacent properties as a result of the creation of a new lot.

Application A-17/17 (Part 1)

Application **A17/17** requests the reduction of the rear yard setback from 6 metres to 1.21 metres. With the severance of Part 2 to create a new lot with Part 3, the rear yard for Part 1 is reduced to 1.21 metres, as identified on the sketch. Staff recommend approval of this reduction for the following reasons:

- The dwelling faces Christie Street, making the rear yard actually function as a side yard.
- The front yard setback from Dalhousie Avenue, at 8.7m, provides a substantial yard and exceeds minimum by-law requirements.
- The setback from Christie Street at 4.7m and 8.4m provides more yard area than the minimum by-law requirements.
- The side yard (which actually functions as the rear yard) ranges from 2.5m to 7.3m.

Collectively, the yards surrounding the dwelling on Part 1 continue to be sufficient. They meet or exceed the minimum yard requirements, justifying the requested variance.


Application A-18/17 (Part 4)

Variance **A-18/17** requested would allow for a reduction in minimum lot area from 300m² to 297.0m². The area surrounding the subject property features a range of lot sizes, many of which are well below the minimum lot area per dwelling unit permitted in the R2 zone. In the immediate area, lots range in size from 179m² to 775m². Staff is of the opinion that the proposal will result in a lot size that is compatible with the prevailing character of the neighbourhood. No adverse impacts are anticipated as a result of the variance.

Conclusion


Staff is satisfied that the consents requested through applications **B-12/17SC** and **B-13/17SC** are 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 satisfied that applications **A-17/17** and **A-18/17** are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and appropriate and desirable for the use of the land. It is staff's recommendation that the requested consents and variances be approved.

Prepared by:



Douglas Pateman
Student Planner

Submitted by:



Charlotte McEwan
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, January 31, 2017 4:00 PM
To: Munro, Elaine
Subject: RE: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 1 of 2 emails)

Hi Elaine

Cogeco has no issues or concerns on this adjustment applications
Have a great week

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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Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

From: Munro, Elaine [mailto:emunro@stcatharines.ca]

Sent: Tuesday, January 31, 2017 2:03 PM

To: Doug Crown

Subject: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 1 of 2 emails)

Munro, Elaine

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Thursday, February 02, 2017 8:40 AM
To: Munro, Elaine
Subject: 905-17-107 - 27 Christie St. - B-12/17SC File No. 60.84.2096

Hi Elaine,

Re file No: B-12/17SC File No. 60.84.2096

Details

- ☐ Consent Application
- ☐ 27 Christie St.
- ☐ Lot 52 Reg Plan 703

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.

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



140 Bayfield St. FL 2
Barrie, ON, L4M 3B1
P: 705-722-2636
F: 705-722-2263
1-844-857-7942
jacqueline.moyle@bell.ca

Click [here](#) to report this email as spam.

Munro, Elaine

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Thursday, February 02, 2017 8:42 AM
To: Munro, Elaine
Subject: 905-17-108 - 31 Christie St. - B-13/17SC File No. 60.84.2098

Hi Elaine,

Re file No: B-13/17SC File No. 60.84.2098

Details

- ☐ Consent Application
- ☐ 31 Christie St.
- ☐ Lot 79 Reg Plan 703

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.

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



140 Bayfield St. FL 2
Barrie, ON, L4M 3B1
P: 705-722-2636
F: 705-722-2263
1-844-857-7942
jacqueline.moyle@bell.ca

Click [here](#) to report this email as spam.

February 2, 2017

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

RPT	STATUS	INFO	P.D.S.	UNIT
			REPORTED TO	
			E. MUNRO	
DATE	RECD		FEB - 8 2017	SCAN <input type="checkbox"/>
FILE NO				

Attention: Elaine Munro

File# 60.84.2098, 60.81.5187, 60.81.5186 & 60.84.2096

Re: 27 & 31 Christie St

In response to your correspondence(s) dated January 31, 2017, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.horizonutilities.com.

We would also like to stipulate the following:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Beaudrie". The signature is fluid and cursive, with a large loop at the end.

Scott Beaudrie
Supervisor, Engineering Design

Munro, Elaine

Subject: RE: Committee of Adjustment Applications for February 15, 2017 Hearing - 27 & 31 Christie Street

From: Blozowski, Kevin
Sent: Wednesday, February 01, 2017 10:49 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; Pateman, Douglas <dpateman@stcatharines.ca>
Subject: RE: Committee of Adjustment Applications for February 15, 2017 Hearing - 27 & 31 Christie Street

Elaine

My comments regarding 27 and 31 Christie Street are as follows

The applications for severance and variances are intended to allow for the creation of a new lot through boundary adjustments between 27 and 31 Christie Street. Minor variances are required to enable the creation of the proposed new lot.

The subject lands are located within the Port Dalhousie Heritage District. The heritage district designation was approved in 2003. Changes within the district are considered in accordance with the Ontario Heritage Act and are guided by the applicable policies of the Garden City Plan and the Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change (2001). The Port Dalhousie Heritage Conservation District Study Heritage Assessment Report (2000) provides background information that supported the district designation. These documents are available on the City's website or on request.

Part C, Section 3, of The Garden City Plan (the City's Official Plan) provides Cultural Heritage policies. Section 3.2.7 states that in reviewing proposals for construction, demolition, or removal of buildings and structures or the alteration of existing buildings, the City shall be guided by the applicable heritage district plan and the following general principles where there is potential to impact any cultural heritage resources: New construction and/or infilling should be compatible with surrounding buildings and streetscapes by being generally of the same height, width and orientation of adjacent buildings; being of similar setback; and using similarly proportioned windows, doors, and roof shape(3.2.7 (d)).

The Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change provide further guidance as set out in the Garden City Plan. Section 5.4 states that where new lots are to be created within the Port Dalhousie Heritage Conservation District they should be of similar width and depth as adjacent occupied lots.

In this regard the proposed new lot (29 Christie Street) will be of similar width and depth as immediately adjacent lands (27 and 31 Christie Street), lands across the road to the east (36 and 40 Christie Street, and 144 Dalhousie Avenue), and others in the vicinity of Dalhousie Avenue and Christie Street.

Heritage permit approval (HPA) will be required for any new construction and demolitions (the sketch submitted with the application indicates that the dwelling at 31 Christie Street is to be removed) should these applications be approved. Application for HPA is made to the Planning and Building

Services (PBS) Department and is circulated to the St. Catharines Heritage Permit Advisory Committee (SCHPAC) for consideration and recommendation based on the policies and guidelines of the Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change. HPA is granted by the PBS for all types of applications except for demolitions, which are considered by City Council. There is a \$150.00 fee for HPA (2017).

Kevin Blozowski M.C.I.P., R.P.P.
Planner I (Special Projects)
Email: kblozowski@stcatharines.ca
Tel: 905.688.5601 x1710

From: Munro, Elaine
Sent: Tuesday, January 31, 2017 2:07 PM
To: Blozowski, Kevin
Subject: Committee of Adjustment Applications for February 15, 2017 Hearing - 27 & 31 Christie Street

Hi Kevin:

Attached please find the Notices of Hearing for the February 15, 2017 Committee of Adjustment Hearing for:

1. 27 Christie Street, Consent Application, B-12/17SC, 60.84.2097
31 Christie Street, Consent Application, B-13/17SC, 60.84.2098
27 Christie Street, Minor Variance Application, A-17/17, 60.81.5186
31 Christie Street, Minor Variance Application, A-18/17, 60.81.5187

Thanks,
Elaine

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



Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Doug Pateman, Judy Pihach
Planning and Building Services

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

Date: February 08, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – February 15, 2017 hearing - File No.: 300-036

B-10/17SC – 168A Martindale Road

Comment:

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

Condition:

- No Comment

B-11/17SC – 21 Duke Street

Comment:

- No Comment

Condition:

- No Comment

B-12/17SC – 27 Christie Street

Comment:

- No Comment

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall

construction meet the requirements of subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code for the northwest face of the existing dwelling unit on Part 1.

B-13/17SC – 31 Christie Street

Comment:

- No Comment

Condition:

- No Comment

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

Mark Lepp, Building Inspector II

Cc: Files, 300-036

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Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Doug Pateman, Judy Pihach
Planning and Building Services

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

Date: February 8, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 15, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-05/17	168A Martindale Rd.	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-14/17	168A Martindale Rd.	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-15/17	473 Carlton Street	No Comment
A-16/17	31 Henry Street	Be advised that a building permit is required for the proposed addition and that openings and wall construction type and ratings shall meet the requirements of OBC 9.10.15.
A-17/17	27 Christie Street	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-18/17	31 Christie Street	No Comment
A-19/17	20 Neptune Drive	Be advised that a building permit is required for the proposed addition and that openings and wall construction type and ratings shall meet the requirements of OBC 9.10.15.


Mark Lepp, Building Inspector II

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\05 bcoa memo-mv-Feb15, 2017.docx



Memorandum

To: Charlotte McEwan, Planning and Building Services
Doug Pateman, Planning and Building Services
CC: Elaine Munro, Planning and Building Services
From: Kristen Sullivan, Parks, Recreation and Culture Services
Date: February 6, 2017
Subject: Notice of Hearing: Consent to Sever
Address: 37 and 31 Christie St.
File No: 60.84.2096 and 60.84.2098

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

That the applicant submit a payment of \$443.00 for deposit in the general tree planting reserve fund, in accordance with the 2017 Schedule of Rates and Fees.

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

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

As part of the building permit the applicant will be required to install tree protection fencing for the existing chestnut tree on the Christie St. road allowance. No construction, servicing or changes to the driveway will be permitted within this tree protection area. The proposed plans indicate that this setback can be achieved.

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

From: Sullivan, Kristen
Sent: Friday, February 03, 2017 10:34 AM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; Pateman, Douglas <dpateman@stcatharines.ca>
Cc: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

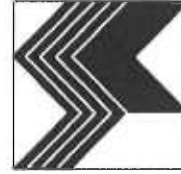
PRCS has no comments on the following applications:

- 168A Martindale Rd (ld and mv)
- 21 Duke (ld)
- 31 Henry (mv)
- 20 Neptune (mv)
- 31 Christie (mv)
- 27 Christie (mv)

Comments are still being prepared for 27 and 31 Christie (ld).

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-12/17SC



February 3, 2017

ENGINEERING FILE 300-36

Hearing Date: February 15, 2017

Applicant: Patrick O'Leary & Lorraine McKenzie

Location: 27 Christie Street

MUNICIPAL SERVICES

	Christie Street	Dalhousie Avenue
Water:	150mm (6") P.V.C.	150mm (6") D.I.
Sanitary Sewer:	250mm (10") Clay	250mm (10") Clay
Storm Sewer:	None. Road-side ditching	None. Road-side ditching
Sidewalks:	Yes	Yes
Road Allowance Width:	20.12m± (66')	20.12m± (66')

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 to be added to the abutting northerly parcel known as 31 Christie Street (Part 3). A remnant parcel of land would be retained (Part 1) for continued residential dwelling use. The application would result in a boundary adjustment between the two parcels of land creating a new lot to be known as 29 Christie Street.

Roads

Christie Street and Dalhousie Avenue are both designated Local roads per the City's Official Plan with desired rights-of-way widths of 20.12m (66'). Their current widths along the Applicant frontage are sufficient for the City's needs at this time, therefore the City shall not require road widenings be dedicated via this application.

Engineering Services

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision sometimes do not have suitable drainage outlets in place. Individual lot drainage plans are a requirement for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties, nor the City boulevard.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does not exist on Christie Street, sump pump flows shall be discharged to grade away from abutting properties and to the front of the dwelling towards the road allowance.

May it also be noted that the existing sanitary sewer on Christie Street is

roughly 2.20m (7') deep and full basements may not be achievable without a sewer ejector pump being installed.

The Owner shall be responsible to pay the City the fee to locate and trace the existing water and sewer laterals from the existing home to ensure it does not cross any future potential lot lines. If these services are determined to cross future potential lot lines, the Owner shall be responsible complete works on private property so as not to continue private service crossings over future lot lines, and pay the City the fees to provide new services within the road allowance to the property lines in order for each property to be serviced individually.

Condition(s):

Prior to the severance finalization the Owner shall;

- Be responsible for the cost of locating the sewer and water laterals servicing the existing building on Part 1. The sewer and water service for Part 1 must be independent and not cross an adjacent property line. If either or both sewer and water services servicing Part 1 cross onto the other parts, separate services must be installed to the satisfaction of the City Engineer.



Prepared By: _____

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-13/17SC



February 3, 2017

ENGINEERING FILE 300-36

Hearing Date: February 15, 2017

Applicant: Lorraine McKenzie

Location: 31 Christie Street

MUNICIPAL SERVICES

Christie Street

Water: 150mm (6") P.V.C.

Sanitary Sewer: 250mm (10") Clay

Storm Sewer: None. Road-side ditching

Sidewalks: Yes

Road Allowance Width: 20.12m± (66')

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

Comment(s): It is noted that the Applicant proposes to sever Part 3 to be added to the abutting northerly parcel known as 31 Christie Street (Part 2). A remnant parcel of land would be retained (Part 4) for continued residential dwelling use. The application would result in a boundary adjustment between the two parcels of land creating a new lot to be known as 29 Christie Street.

Roads

Christie Street and Dalhousie Avenue are both designated Local roads per the City's Official Plan with desired rights-of-way widths of 20.12m (66'). Their current widths along the Applicant frontage are sufficient for the City's needs at this time, therefore the City shall not require road widenings be dedicated via this application.

Engineering Services

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision sometimes do not have suitable drainage outlets in place. Individual lot drainage plans are a requirement for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties, nor the City boulevard.

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Condition(s):

Prior to the severance finalization the Owner shall;

- Be responsible for the cost of locating the sewer and water laterals servicing the existing building on Part 4. The sewer and water service for Part 1 must be independent and not cross an adjacent property line. If either or both sewer and water services servicing Part 4 cross onto the other parts, separate services must be installed to the satisfaction of the City Engineer.



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 1
Douglas Pateman, Planning Coop Student

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

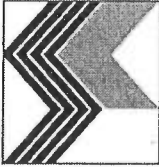
Date: February 3, 2017
Hearing Date: February 15, 2017

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-05&14/17SC – 168A Martindale Road
A-16/17SC – 31 Henry Street
A-17&18/17SC – 27 & 31 Christie Street

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of the above variance applications, although it must be noted that 168A Martindale Road is an existing lot of record, abutting parcels of condominium and may not form part of the condominium parcels. It may not possess frontage along a public road.

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 3, 2017

Subject: Committee of Adjustment
Public Hearings – February 15, 2017
File No. 305-17-01

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

A-05/17 – 168A Martindale Road
A-014/17 – 7 Tulip Tree Common

The applicant should make sure that the reduced set back doesn't impede sightlines. Once a driver has cleared the inside of the garage in order to see any pedestrians on a sidewalk or vehicles on the road, the vehicle may have already crossed a sidewalk or entered the road.

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

Steve Bittner
Transportation Technologist
SB/

20 Neptune Drive

Departmental &
Agency Comments

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, January 31, 2017 4:00 PM
To: Munro, Elaine
Subject: RE: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 1 of 2 emails)

Hi Elaine

Cogeco has no issues or concerns on this adjustment applications
Have a great week

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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Ce courriel provient de Doug.Crown@cogeco.com . Pour assurer la livraison de futurs envois, veuillez inclure la présente adresse courriel à votre carnet d'adresses ou votre liste d'expéditeurs autorisés.

Si vous ne souhaitez plus recevoir de messages promotionnels de la part de Cogeco, veuillez transférer ce courriel à desabonnement@cogeco.com. Merci!

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

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- [Contact us](#)

Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

From: Munro, Elaine [mailto:emunro@stcatharines.ca]

Sent: Tuesday, January 31, 2017 2:03 PM

To: Doug Crown

Subject: City of St. Catharines Committee of Adjustment Applications for February 15, 2017 Hearing (Part 1 of 2 emails)

February 2, 2017

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

Attention: Elaine Munro

File# 60.81.5188

RPT	INCL	INFO	P.D.S
			REFERRED TO
			E. Munro
			INIT.
DATE REC'D →		FEB - 8 2017	
		SCAN <input type="checkbox"/>	
FILE NO			

Re: 20 Neptune Dr

In response to your correspondence(s) dated January 31, 2017, please be advised that our Engineering Design Department have reviewed the information concerning the above noted Consent Application and our comments are as follows:

- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this.

We would also like to stipulate the following:

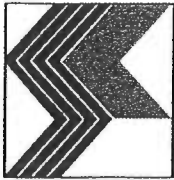
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

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

Sincerely,

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

Scott Beaudrie
Supervisor, Engineering Design



Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Doug Pateman, Judy Pihach
Planning and Building Services

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

Date: February 8, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 15, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-05/17	168A Martindale Rd.	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-14/17	168A Martindale Rd.	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-15/17	473 Carlton Street	No Comment
A-16/17	31 Henry Street	Be advised that a building permit is required for the proposed addition and that openings and wall construction type and ratings shall meet the requirements of OBC 9.10.15.
A-17/17	27 Christie Street	Be advised that the reduced rear yard setback will impact the maximum area of glazed openings permitted on the exterior wall facing the rear yard.
A-18/17	31 Christie Street	No Comment
A-19/17	20 Neptune Drive	Be advised that a building permit is required for the proposed addition and that openings and wall construction type and ratings shall meet the requirements of OBC 9.10.15.


Mark Lepp, Building Inspector II

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\05 bcoa memo-mv-Feb15, 2017.docx

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

From: Sullivan, Kristen

Sent: Friday, February 03, 2017 10:34 AM

To: McEwan, Charlotte <cmcewan@stcatharines.ca>; Pateman, Douglas <dpateman@stcatharines.ca>

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 15/17 CofA Hearing

PRCS has no comments on the following applications:

- 168A Martindale Rd (ld and mv)
- 21 Duke (ld)
- 31 Henry (mv)
- 20 Neptune (mv)
- 31 Christie (mv)
- 27 Christie (mv)

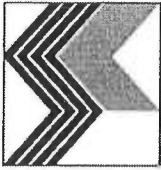
Comments are still being prepared for 27 and 31 Christie (ld).

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: February 3, 2017

Subject: Committee of Adjustment
Public Hearings – February 15, 2017
File No. 305-17-01

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

A-05/17 – 168A Martindale Road
A-014/17 – 7 Tulip Tree Common

The applicant should make sure that the reduced set back doesn't impede sightlines. Once a driver has cleared the inside of the garage in order to see any pedestrians on a sidewalk or vehicles on the road, the vehicle may have already crossed a sidewalk or entered the road.

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

Steve Bittner
Transportation Technologist
SB/



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 10, 2017

Date of Meeting: February 15, 2017

Submission(s): A-19/17

File: 60.81.5188

Subject: 20 Neptune Drive

Recommendation

That Submission **A-19/17** by Donald Haines and Deanna Farnacci as outlined in the Notice of Hearing, be approved subject to the following condition:

- 1) That the height of the attached garage shall not exceed 4.5 metres.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that the variance requested through application **A-19/17** 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 consent and variance be approved, as outlined in the recommendation.

Proposed Development

Application **A-19/17** is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction of the minimum southerly interior side yard setback from 1.2 metres to 0.6 metres. The variance is requested for the proposed construction of an attached garage.

Location and Site Description

The property is located on the east side of Neptune Drive, north of Lockview Crescent. The property is surrounded by single detached dwellings to the north, west, and south, and the Welland Canal 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 Neighborhood Residential as per Schedule D1 of the Garden City Plan (GCP). The subject property is further designated Low Density Residential as per Schedule E3 of the GCP. The Low Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land.

Zoning By-law (2016-283)

The property is zoned Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits detached, semi-detached, quadruplex, and townhouse dwellings, and private road developments.


Application A-19/17

Application **A-19/17** requests a reduction of the minimum southerly interior side yard setback for the purpose of constructing an attached garage. The 0.6 metre reduction is considered minor in nature. The surrounding area is comprised of wide bungalows, many of which have attached garages in similar locations. The proposal is compatible with the prevailing character of the neighbourhood. Staff note that the requested setback for a detached garage is 0.6 metres. Provided that the proposed garage is limited in height to 4.5 metres (the maximum height of a detached garage) the variance is appropriate for the desirable use of the land, and upholds the intention of the GCP and Zoning by-law. No adverse impacts are anticipated as a result of the variance.

Conclusion


Staff is of the opinion that application **A-19/17**, 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, subject to a height limitation, as outlined in the recommendation.

Prepared by:



Douglas Pateman
Student Planner

Submitted by:



Charlotte McEwan
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services