CITY OF
ST. CATHARINES

Committee of Adjustment Public Hearing
June 21, 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

   Item #5 - 42 Lock Street, Consent Application, B-36/17SC – 60.84.2121
   A request for deferral has been received by the Agent and supported by staff, to allow the Owner to meet with the Heritage Committee with regards to the demolition of an existing attached garage prior to the consent being heard.

5. Adoption of the Minutes held May 31, 2017

6. Application:

   1. 80 James Street, Minor Variance Application, A-66/17 – 60.81.5238
   2. 4 Manchester Avenue, Minor Variance Application, A-55/17 – 60.81.5224
   3. 271 Merritt Street, Consent Application, B-60/16SC – 60.84.2079
   4. 173 Rykert Street, Consent Application, B-34/17SC – 60.84.2119
      173 Rykert Street, Minor Variance Application, A-62/17 – 60.81.5231
      175 Rykert Street, Minor Variance Application, A-98/16 – 60.81.5141
   5. 35 John Street, Consent Application, B-35/17SC – 60.84.2120
      35B John Street, Minor Variance Application, A-63/17 – 60.81.5232
      35 John Street, Minor Variance Application, A-64/17 – 60.81.5233
   6. 30 Black Walnut Common, Minor Variance Application, A-65/17 – 60.81.5234

7. New Business:

8. Date of next Hearing: July 12, 2017

9. Adjournment

CITY OF ST. CATHARINES

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

B-36/17SC

42 LOCK STREET

DATE OF HEARING: June 21, 2017

NIAGARA PENINSULA CONSERVATION AUTHORITY

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

June 15, 2017

Our File No.: PLCON201700687

BY E-MAIL ONLY

City of St. Catharines
Committee of Adjustment
50 Church Street
St. Catharines, ON
L2R 7C2

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Consent, (B-36/17SC)
42 Lock Street, St. Catharines

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

The application has been made for consent to sever 360 m² of land (Part 1) creating a new lot to be known as 40 Lock Street for the purpose of constructing a single detached dwelling. A 302 m² remnant parcel with the existing single detached dwelling with attached garage (Part 2) would be retained for continued residential use.

Niagara Peninsula Conservation Authority Regulations:

NPCA mapping identifies that the subject property is impacted by a steep slope associated with Lake Ontario. NPCA staff conducted a site visit on January 24, 2017 and confirmed that the slope impacting the property would be considered a hazard slope. As such, development on the subject property would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O.REG 155/06).

In accordance with Policy 4.2, development and site alteration may only be permitted in Hazard Lands provided that all of the following conditions can be implemented to the satisfaction of the Authority:

a) Appropriate floodproofing measures, protection works and safe and dry access during time of flooding, erosion and other emergencies are provided.
b) No new hazards will be created and existing hazards will not be aggravated.
c) No adverse environmental impacts will result.
d) The development does not include Institutional Uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

The NPCA has reviewed the 'Slope Stability/Geotechnical Assessment, 42 Lock Street, St. Catharines' (dated March 23, 2017) by WSP Canada and has no objection to the report's conclusion that:

1) The location of the Stable Top of Slope is the same as the Physical Top of Slope.
2) Construction of a residence adjacent to the slope will not negatively impact the slope.
3) The NPCA will require that the final design drawings of the structure be reviewed by WSP. WSP shall provide confirmation that the proposed design conforms to the report's recommendations.

Based on the above, the NPCA is satisfied that there is safe access provided to both the lot to be created and the lot to be retained, there is a suitable building envelope on each lot above the top of slope and construction within the identified building envelope will not negatively impact the slope or result in adverse environmental impacts.

Niagara Region Core Natural Heritage Comments:

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

The Region's Core Natural Heritage Mapping identifies an Environmental Conservation Area (ECA) for Valley Shoreline associated with Lake Ontario adjacent to (within 50 metres) the subject property. In accordance with Policy 7.B.1.11, development and site alteration may be permitted within or adjacent to an ECA (within 50 metres) provided it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands over the long term. If a proposed single residential lot is to be located entirely within lands adjacent to an ECA feature, the requirement for an EIS may be waived (Policy 7.B.1.29). The subject application shows all proposed development (lot lines, building envelopes) located within the lands adjacent to the identified ECA feature and separated from the ECA feature by existing development. As such, NPCA staff are satisfied there will be no significant negative impact to the identified ECA feature and the EIS requirement can be waived.

Conclusion:

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

Due to the features identified on site, an NPCA work permit will be required for the proposed development prior to the issuance of a building permit from the City and commencement of works on site. The NPCA will require that the final design drawings of the structure be reviewed by WSP. WSP shall provide confirmation that the proposed design conforms to the report's recommendations.

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

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

Yours truly,

Taya Devlin,
Watershed Planner
(905) 788-3135, ext. 262

cc: Charlotte McEwan, Planner I, City of St. Catharines
Sean House, Student Planner, City of St. Catharines
Craig Rohe, Planner, Niagara Region
Carmen Vetrone, Development Approvals Technician, Niagara Region

NIAGARA PENINSULA CONSERVATION AUTHORITY

42 Lock Street, St. Catharines

Legend

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

Notes

25.4 0 12.70 25.4 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

35 John St
42 Lock St
30 Black Walnut

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Wednesday, June 07, 2017 7:29 AM
To: Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing (2 of 2 emails)

Good morning everyone
Cogeco has no issues or concerns with this application .
Thanks

DOUG CROWN
Network Planning and Design

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

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

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

From: Munro, Elaine [mailto:emunro@stcatharines.ca]
Sent: Friday, June 02, 2017 6:05 PM
To: Doug Crown
Cc: McEwan, Charlotte; House, Sean

horizon UTILITIES Looking beyond...

alectra utilities
Discover the possibilities

June 6, 2017

RPT | PROJ | INSP | P.D.S
REFERRED TO | INIT.
E. MUNRO
DATE REC'D → JUN 14 2017 SCAN ☐
FILE NO

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

Attention: Elaine Munro

File# 60.84.2121

Re: 42 Lock St

In response to your correspondence date June 6, 2017, please be advised that our Engineering Design Department has 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.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra 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 an Alectra Utilities respresentative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra 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 905-522-6611 ext 4907 in our Engineering Design Department.

Sincerley,

Scott Beaudrie
Supervisor, Engineering Design

Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Sean House, Judy Pihach
Planning and Building Services

From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: June 9, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – June 21, 2017 hearing - File No.: 300-036

B-60/16SC – 271 Merritt Street

Comment:
- Be advised that permits are required for any proposed buildings forming part of the development on Parts 6, 9, and 10.

Condition:
- No Comment

B-34/17SC – 173 Rykert Street

Comment:
- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 12 and 13.

Condition:
- No Comment

B-35/17SC – 35 John Street

Comment:
- No Comment

Condition:
- No Comment

B-36/17SC – 42 Lock Street

Comment:

- Be advised that a building permit is required for the single detached dwelling on Part 1.

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 on Parts 2.
- An alteration permit shall be obtained from the City Building Section for the removal of the existing deck which crosses part 1 and Part 2 as shown on the plan and completed to the satisfaction of the Chief Building Officia

Mark Lepp, Senior Plans Examiner / Building Inspector
Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2017\18 bcoa memo-sev-Jun 21, 2017.docx

Memorandum

To: Charlotte McEwan, Planning and Building Services
Sean House, Planning and Building Services

CC: Elaine Munro, Planning and Building Services

From: Kristen Sullivan, Parks, Recreation and Culture Services

Date: June 13, 2017

Subject: Notice of Hearing: Consent to Sever
Address: 42 Lock St.
File No: 60.84.2121

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

An arborist has inspected the existing trees within the Lock St. road allowance. In order to accommodate the proposed building the most northern tree will need to be removed. If this application is approved, the applicant will be responsible for the cost of the removal and replacement, to be completed by the City or its contractor in accordance with the Schedule of Rates and Fees, through the building permit. The further south tree can be retained and the applicant will be required to install tree protection fencing as part of the building permit.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-36/17SC

June 9, 2017 **ENGINEERING FILE 300-36**

Hearing Date: June 21, 2017

Applicant: Alan McLean

Location: 42 Lock Street

MUNICIPAL SERVICES

Water:	150mm (6") 300mm (12")
Sanitary Sewer:	450mm (18")
Storm Sewer:	None
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 Owner proposes to sever Part 1 on the submitted sketch creating a new lot known as 40 Lock Street for the purposes of constructing a single-detached dwelling. A remnant parcel, Part 2 would be retained for the continued residential use of an existing single -detached dwelling and attached garage.

Roads

Lock Street is designated a Local road as per the City's Official Plan with a desired right of-way width of 20.12m (66'). A road widening across the frontage of this property shall not be obtained at this time.

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 there is no adequate storm sewer outlet available on Lock Street, sump pump flows shall be discharged to grade from the front of the dwelling to outlet towards Lock Street. The Owner shall pay the fees for City crews to provide a sanitary lateral and a water service lateral to the property at the time of Building Permit application, the fees in accordance with the City's current Schedule of Rates & Fees.

Condition(s): The Development Engineering section have no conditions to impose at and have no objection to the approval of this Consent application.

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: June 9, 2017

Subject: Committee of Adjustment
Public Hearings – June 21, 2017
File No. 305-17-01

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

A-098/16 – 175 Rykert Street

The proposed reduction of the width of the parking area in the garage from 3.5 metres to 2.75 metres has the potential to compromise the feasibility of having sufficient space to use the garage for parking. As such, we wouldn't support the proposed reduction.

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

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

A-66/17

80 JAMES STREET

DATE OF HEARING: June 21, 2017

4 Manchester
80 James St

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Monday, June 12, 2017 8:19 AM
To: Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: Last MV application & additional MV application RE: City of St. Catharines Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing (1 of 2 emails)

Happy Monday Moring

Cogeco has no issues or concerns with this applications

Thanks

DOUG CROWN
Network Planning and Design

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

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

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Munro, Elaine

To: Bittner, Steve
Subject: RE: Update - Additional Minor Variance Application Added RE: Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing

From: Bittner, Steve
Sent: Friday, June 09, 2017 3:30 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>
Subject: RE: Update - Additional Minor Variance Application Added RE: Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing

No concerns with the application for 80 James Street.

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

CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 16, 2017 **Date of Meeting:** June 21, 2017

Submission(s): **A-66/17** **File:** **60.81.5235**

Subject: 80 James Street

Recommendation

That Submission **A-66/17** by 2292600 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 satisfied that the variance requested through application **A-66/17** 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 is made pertaining to the City of St. Catharines By-law 2013-283 to vary the definition of an attached building, being a building which "shares a roof or wall in common with an adjacent building or buildings". The variance would recognize a subterranean structure (concrete tunnel) as also falling within the definition. The variance is requested for the construction of a proposed addition to a student residence. There is a concurrent Site Plan Application.

Location and Site Description

The property is located on the north side of James Street, west of King Street. The property is surrounded by institutional uses to the north, west and south; and commercial uses to the east.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Downtown as per Schedule D1 of the Garden City Plan (GCP) and further designated Commercial Core as per Schedule E10 of the GCP.

Permitted uses within the Commercial Core designation include retail and service commercial uses, institutional, education, civic, government, office, finance, recreation, creative and cultural uses, hospitality, restaurants, entertainment, and residential apartment units.

Zoning By-law (2016-283)
The subject land is zoned Downtown Commercial Core (C5-92). The C5 zone permits a variety of commercial, residential, institutional and entertainment uses. Special provision 92 exempts the area from the parking requirements of Sections 3.12.1, 3.12.2 and 3.15 of the Bylaw.

Application A-66/17

The variance requests to vary the definition of an attached building to include a subterranean structure (concrete service tunnel). Currently, Section 12 of the Zoning By-law defines attached building as a building which shares a roof or wall in common with an adjacent building or buildings. The proposed development is to be connected to an adjacent building via subterranean structure. The proposed development is a four-storey residential building containing four dwelling units. Varying the definition would bring the proposed development in compliance with the Zoning By-law.

As a standalone building, this development would be considered a fourplex, which is not a permitted use in the subject zone. The building is proposed to be connected to an existing mixed-use building and provide additional apartment units on the property.

The requested variance is considered minor in nature. The definition of an attached building refers to a shared wall or roof, but does not extend to foundation walls. In this case, the subterranean walls and service corridor function much like they would at grade. The proposed hallway will provide service access between an existing building and the proposed building. While the access is underground, it does not change the impact of the proposed development on surrounding land uses. Staff are satisfied that the intent of the Official Plan and Zoning By-law are being upheld.

The variance is appropriate for the use of the subject lands, as it facilitates the construction of a development that would bring increased density to the Downtown, a recognized Urban Growth Centre in the Provincial Growth Plan. Both the GCP and Provincial Growth Plan set the goal of increasing density. Part D, Section 11.1 of the GCP states the Downtown land use designation is intended to attract and accommodate the highest concentration, mix, and range of activity and transit supportive residential and employment accommodation within the municipality. The proposed development is surrounded by existing residential, commercial and institutional uses. A residential development would add to the mix and range of uses in the immediate area.

Conclusion

Staff is of the opinion that application **A-66/17**, is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate for the

desirable use of the land. It is staff's recommendation that the requested variance be approved.

Prepared by:

Sean House
Student Planner

Submitted by:

Charlotte McEwan
Planner I

Approved by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

CITY OF ST. CATHARINES

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

A-55/17

4 MANCHESTER AVENUE

DATE OF HEARING: June 21, 2017

4 Manchester
80 James St

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Monday, June 12, 2017 8:19 AM
To: Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: Last MV application & additional MV application RE: City of St. Catharines Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing (1 of 2 emails)

Happy Monday Moring

Cogeco has no issues or concerns with this applications

Thanks

DOUG CROWN
Network Planning and Design

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

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

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing

From: Sullivan, Kristen
Sent: Monday, June 12, 2017 3:59 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>
Cc: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing

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

- 4 Manchester (mv)
- 271 Merritt (ld)
- 173 and 175 Rykert (mv)
- 35 and 35B John (mv)
- 30 Black Walnut

I have reminded the arborist to submit comments on 42 Lock St. and will share as soon as available....

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician

Cc: Charlotte McEwan, Planner 1
Sean House, Planning Co-op Student

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

Date: June 9, 2017
Hearing Date: June 21, 2017

Subject: Engineering Comments to the Committee of Adjustment
File No's: ✓ A-55/17SC – 4 Manchester Avenue
A-62/17SC – 173 Rykert Street
A-63/17SC – 35B John Street
A-64/17SC – 35 John Street
A-65/17SC – 30 Black Walnut Common
A-98/16SC – 175 Rykert 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 conditional on:

- The Owner of 4 Manchester Avenue submit to the City for review and acceptance, a Stormwater Management Report prepared by a Professional Civil Engineer which will identify how post-development flows created from the proposed expansion of the parking lot will be controlled to pre-development flows up to and including the 5-year event on-site, so as not to adversely affect abutting properties;
- The Owner of 4 Manchester Avenue through the Building Permit application documents, provide a grading design for the expanded parking lot prepared by a Professional Engineer or Ontario Land Surveyor, to the satisfaction of the City of St. Catharines.

Regards,

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

G:\PBS-Building & Development\Development Correspondence\CofA\Minor Variances\2017\June 21, 2017\A.62-65 & 98-2017 - B.Johnston Devmemo C of A June 21, 2017.docx

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 9, 2017

Subject: Committee of Adjustment
Public Hearings – June 21, 2017
File No. 305-17-01

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

A-098/16 – 175 Rykert Street

The proposed reduction of the width of the parking area in the garage from 3.5 metres to 2.75 metres has the potential to compromise the feasibility of having sufficient space to use the garage for parking. As such, we wouldn't support the proposed reduction.

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: June 16, 2017 **Date of Meeting:** June 21, 2017

Submission(s): **A-55/17** **File:** **60.81.5224**

Subject: 4 Manchester Avenue

Recommendation

That Submission **A-55/17** by 8778132 Canada 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 satisfied that the variance requested through application **A-55/17** 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

Revised Application **A-55/17** is made pertaining to the City of St. Catharines By-law 2013-283 for a decrease of the required parking spaces from 3 spaces to 1 space. The variance is requested for the proposed conversion of the existing duplex dwelling to a triplex dwelling.

Location and Site Description

The property is located on the south side of Manchester Avenue, east of Ontario Street. The property is surrounded by commercial uses to the north, west and south; and a residential dwelling and green space 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) and further designated Medium Density Residential as per Schedule E4 of the GCP. The Medium Density Residential designation permits

detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range between 25 and 99 units per hectare.

Zoning By-law (2016-283)
The subject land is zoned Medium Density Residential (R3). The R3 zone permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings, private road developments, apartment buildings, and long term care facilities.

Application A-55/17

The variance requests a reduction in minimum required parking spaces from 3 to 1. The reduction would allow the conversion of the existing duplex into a triplex.

Part C, Subsection 5.4.2(ii) states that the City may consider the reduction or elimination of parking requirements where transit is readily available. There are two active transit stops within 500 metres (3-6 minute walk) with access to two bus routes, which carry passengers to the downtown terminal, up to Lakeshore Road, and to the Fairview Mall commercial area. Additionally, a wide variety of services and amenities including groceries, restaurants, medical offices, retail, and places of worship are available within a 10 to 15 minute walk from the property.

Staff note that 7 on-street parking spaces across from the subject land were approved by Council on April 10, 2017.

Given that the location of the property is considered appropriate for a parking reduction, the reduction in parking is not expected to have adverse impacts on the surrounding area, and the intent of the Official Plan and Zoning By-law are being maintained.

Conclusion

Staff is of the opinion that application **A-55/17**, is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate for the desirable use of the land. It is staff's recommendation that the requested variance be approved.

Prepared by:

Sean House
Student Planner

Submitted by:

Charlotte McEwan
Planner I

Approved by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

CITY OF ST. CATHARINES

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

B-34/17SC, A-98/16 & A-62/17

173/175 RYKERT STREET

DATE OF HEARING:
June 21, 2017

CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 16, 2017 **Date of Meeting:** June 21, 2017

Submission(s): **B-34/17SC**
A-62/17
A-98/16

File: **60.84.2119**
60.81.5231
60.81.5141

Subject: 173 Rykert Street
175 Rykert Street

Recommendation

That Submission **B-34/17SC** by 1876441 Ontario Ltd., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1) That the owner submit to the City the cash-in-lieu fees for a 1.50m wide concrete side for future construction, along the frontage of the Applicant property, the fee in accordance with the City's current Schedule of Rates & Fees.

2) 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.

3) That the owner submit a payment of 5% of the appraised value of the new lots (Part 12) 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.

4) That approval for the necessary minor variances be obtained

That Submission **A-62/17 (Part 13)** and Variances 1-5 of Submission **A-98/16 (Part 12)** by 187664 Ontario Ltd., as outlined in the Notice of Hearing, be approved.

That Variance 6 of Submission **A-98/16 (Part 12)** by 1876441 Ontario Ltd., as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the matters under Section 51 (24) of the Planning Act, staff is satisfied that the requested consent is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that submissions **A-62/17 (Part 13)** and **A-98/16 (Part 12)** 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.

Having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that Variance 6 requested through application **A-98/16** is not minor in nature, not desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained.

Staff recommends approval of the requested consent and variance **A-62/17**and **A-98/16** parts 1-5 subject to the conditions outlined in the recommendations, and that Variance 6 of application **A-98/16** be denied.

Proposed Development

Application B-34/17SC is made for consent to sever 230 m2 of land (Part 12 on the submitted sketch) creating a new lot to be known as 173 Rykert Street for the purpose of constructing 1/2 of a semi-detached dwelling. A 518m2 remnant parcel of land (Part 13) would be retained for the purpose of constructing the other 1/2 of a semi-detached dwelling with detached garage. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately.

Application A-62/17 (Part 13) is made pertaining to the City of St. Catharines By-law 2013.283 for the following:

1. An increase of the maximum paved driveway coverage from 20% to 29%.
2. An increase of the maximum lot area per dwelling unit from 350m² (R3-23) and from 465m² (R1) to 518m².
3. A reduction of the minimum lot frontage from 11 metres to 10.9 metres.

Application A-98/16 (Part 12) is made pertaining to the City of St. Catharines By-law 2013-283 for the following:

1. An increase of the maximum lot coverage from 45% to 46%.
2. A reduction of the minimum parking spaces per dwelling unit from 2 spaces to 1 space per unit.
3. A reduction of the rear yard setback from 7.5 metres to 6 metres.
4. A reduction of the minimum lot area per dwelling unit from 370m²(R1) to 230m².
5. A reduction of the minimum lot frontage from 11 metres to 8.6 metres.
6. A reduction of the parking space width (inside garage) obstructed on 2 sides from 3.5 metres to 2.75 metres.

Location and Site Description

The subject property is located on the south side of Rykert Street, east of Westland Street. The subject property is surrounded by detached dwellings to the north and west, a mix of detached, semi-detached and townhouse dwellings to the east and south, and a hydro corridor to the southeast. Eight new dwelling units directly west of the subject property have been approved for development.

Circulation of Application

The application was circulated to all departments and agencies: Traffic staff object to Variance 6 of Application A-98/16, being the proposed reduction of the width of the parking area in the garage from 3.5 metres to 2.75 metres, as the reduction has the potential to compromise the feasibility of having sufficient space to use the garage for parking.

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP), and further partially designated Low Density Residential and Medium Density Residential as per Schedule E7 of the GCP. The Low Density Residential designation permits dwellings at a density generally between 20 and 32 units per hectare, while the Medium Density designation permits a density generally between 25 to 99 units per hectare.

Zoning By-law (2013-283)

The subject land is split-zoned Medium Density Residential (R3-23) and Low Density Residential – Suburban Neighbourhood (R1). Both Parts 12 and 13 have split zoning. The R1 zone permits detached, semi-detached, quadruplex, and townhouse dwellings and private road developments. The R3 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings, private road developments, apartment buildings, and long-term care facilities. Special Provision 23 applies a number of provisions to the lands based on previous zoning standards and variances received through the old Zoning By-law that have been carried forward in the City's current By-law.

Consent Application

Application B-34/17SC is requesting a consent to sever Parts 12 and 13 on the submitted sketch for the purpose of constructing a semi-detached dwelling. Approval of the application would allow each unit of the semi-detached dwelling to be owned and sold separately.

The GCP contains a number of policies with respect to evaluating development, redevelopment and lot creation within residential neighborhoods. 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 terms of the optimum development of the surrounding area. The subject consents would result in two developable lots of different sizes. Part 12 is proposed to be similar in size and width to medium density lots located to the west. Part 13 is an L-shaped lot which is appropriately sized to allow a similar site layout to the adjacent lot to the east. It is the opinion of staff

that the size and shape of the proposed parcels are suitable for the use proposed, support the optimum use of the subject lands, and are compatible with the surrounding residential neighbourhood.

Variance Application A-62/17 (Part 13)

Variance 1 requests an increase of the maximum paved driveway coverage from 20% to 29%. The proposed driveway is compatible with its surroundings and allows access to a rear yard garage, which contributes to a streetscape that is not overwhelmed by garage facades. Staff are satisfied that this variance is minor in nature, desirable for the use of the land, and that the intent and purpose of the Official Plan and Zoning By-law are being maintained

Variance 2 requests an increase of the maximum lot area per dwelling unit from 350m² (R3-23) and from 465m² to 518m² (R1). The lot is split-zoned, so both zones must be varied to recognize the proposed lot area. Staff note that the proposed lot size will bring the subject lands closer to conformity with the Zoning By-law in terms of lot area. The increase is minor in nature, and maintains the intent and purpose of the GCP and Zoning By-law. The increased maximum lot size will not impact surrounding lands. Staff are supportive of the variance.

Variance 3 requests a reduction of the minimum lot frontage from 11 metres to 10.9 metres. The decrease of 10 cm is minor in nature. The variance will allow adequate access to the lot, and is in keeping with the prevailing character of the neighbourhood.

Variance Application A-98/16 (Part 12)

Variance 1 requests an increase of the maximum lot coverage from 45% to 46%. The 45% provision was carried forward from the previous zoning by-law through Special Provision 23. The current R3 zoning provisions do not regulate lot coverage. The 1% increase is considered minor in nature. No adverse impacts are anticipated as a result of the increase in lot coverage. Staff are supportive of the requested variance.

Variance 2 requests a reduction of the minimum parking spaces per dwelling unit from 2 spaces to 1 space per unit. The current requirements are established by Special Provision 23, and represent variances to standards established under the previous zoning by-law. The current R3 zone permits 1 parking space for a detached or semi-detached unit. Staff recommend that the variance be approved.

Variance 3 requests a reduction of the rear yard setback from 7.5 metres (R1 requirement) to 6 metres, the current R3 requirement. The variance is required due to a small portion of the rear of Part 12 that is zoned R1.The reduction in setback maintains adequate amenity spaces, and is in line with recently approved lots to the west. Staff recommend approval of the proposed reduction in rear yard setback.

Variance 4 requests a reduction in minimum lot area per dwelling unit from 370m² to 230 m². This is a similar size to the recently approved lots to the west. The minimum lot area per dwelling unit is based on R1 zoning, however only a small portion of Part 12 is

zoned R1, and the majority is zoned R3-23. The minimum lot area for R3-23 is 226m², which part 12 meets .The requested reduction is minor in nature, and will not negatively impact surrounding properties. Staff are supportive of the proposed reductions in lot area.

Variance 5 requests a reduction of the minimum lot frontage from 11 metres to 8.6 metres. The reduction of 2.4 metres is minor in nature. The variance will allow adequate access to the property, and is in keeping with the character of the neighbourhood.

Variance 6 requests a reduction of the parking space width (inside garage) obstructed on 2 sides from 3.5 metres to 2.75 metres. The required 3.5 metre width is intended to ensure that a vehicle door can be opened and to ensure that entrance and egress of the vehicle is possible. Traffic staff have advised that the proposed 2.75 metre width may compromise the functionality of the garage. 2.75 metres is not considered to be sufficient for the purpose of parking in a space that is obstructed on both sides. Accordingly, this variance is not considered to be minor, nor does it meet the intent of the Official Plan and Zoning By-law. Staff does not support the proposed reduction in parking space width.

Conclusion

In summary, Staff is supportive of applications **B-34/17SC, A-62/17** and Variances 1-5 of application **A-96/18**. The subject consent and variances are appropriate and desirable for the use of the land and the intent and purpose of the Official Plan and Zoning By-law are being maintained. The variances are minor in nature. It is the opinion of staff that the consents and variances be approved, subject to the conditions outlined in the recommendation.

Variance 6 of application **A-98/16** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate for the desirable use of the land. It is staff's recommendation that the requested variance be denied.

Prepared by:

for

Sean House
Student Planner

Submitted by:

for

Charlotte McEwan
Planner I

Approved by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

271 merritt
173/175 Ry Port

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Wednesday, June 07, 2017 7:26 AM
To: Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing (1 of 2 emails)

Good morning everyone
Cogeco has no issue or concerns with this applications .
Thanks

DOUG CROWN
Network Planning and Design

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

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

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

From: Munro, Elaine [mailto:emunro@stcatharines.ca]
Sent: Friday, June 02, 2017 6:04 PM

horizon UTILITIES Looking beyond...

alectra utilities
Discover the possibilities

June 6, 2017

RPT | ACTION | COPY | P.D.S
REFERRED TO | INIT.
E. MUNRO
DATE RECD → JUN 14 2017 SCAN ☐
FILE NO

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

Attention: Elaine Munro

File# 60.84.2119, 60.81.5221 & 60.81.5141

Re: 173 & 175 Rykert St

In response to your correspondence date June 6, 2017, please be advised that our Engineering Design Department has 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.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra 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 an Alectra Utilities respresentative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra 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 905-522-6611 ext 4907 in our Engineering Design Department.

Sincerley,

Scott Beaudrie
Supervisor, Engineering Design

Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services
Cc: B. Thiessen, Charlotte McEwan, Sean House, Judy Pihach
Planning and Building Services
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services
Date: June 9, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – June 21, 2017 hearing - File No.: 300-036

B-60/16SC – 271 Merritt Street

Comment:
- Be advised that permits are required for any proposed buildings forming part of the development on Parts 6, 9, and 10.

Condition:
- No Comment

B-34/17SC – 173 Rykert Street

Comment:
- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 12 and 13.

Condition:
- No Comment

B-35/17SC – 35 John Street

Comment:
- No Comment

Condition:
- No Comment

B-36/17SC – 42 Lock Street

Comment:

- Be advised that a building permit is required for the single detached dwelling on Part 1.

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 on Parts 2.
- An alteration permit shall be obtained from the City Building Section for the removal of the existing deck which crosses part 1 and Part 2 as shown on the plan and completed to the satisfaction of the Chief Building Officia

Mark Lepp, Senior Plans Examiner / Building Inspector
Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2017\18 bcoa memo-sev-Jun 21, 2017.docx

Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Sean House, Judy Pihach
Planning and Building Services

From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: June 9, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 21, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-98/16	175 Rykert Street	Be advised that a building permit is required for the proposed building and that reductions of yard setbacks may have spatial separation implications affecting the permitted area of glazed openings facing that yard.
A-62/17	173 Rykert Street	No Comment
A-63/17	35B John Street	No Comment
A-64/17	35 John Street	No Comment.
A-65/17	30 Black Walnut Common	No Comment

Mark Lepp

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\17 bcoa memo-mv-Jun21, 2017.docx

Memorandum

To: Charlotte McEwan, Planning and Building Services
Sean House, Planning and Building Services

CC: Elaine Munro, Planning and Building Services

From: Kristen Sullivan, Parks, Recreation and Culture Services

Date: June 12, 2017

Subject: Notice of Hearing: Consent to Sever
Address: 172 Rykert St.
File No: 60.84.2119

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 lots (Part 12) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing

From: Sullivan, Kristen
Sent: Monday, June 12, 2017 3:59 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>
Cc: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing

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

- 4 Manchester (mv)
- 271 Merritt (ld)
- 173 and 175 Rykert (mv)
- 35 and 35B John (mv)
- 30 Black Walnut

I have reminded the arborist to submit comments on 42 Lock St. and will share as soon as available….

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-34/17SC

June 9, 2017 **ENGINEERING FILE 300-36**

Hearing Date: June 21, 2017

Applicant: 1876441 Ontario Ltd.

Location: 173 Rykert Street

MUNICIPAL SERVICES

Water:	250mm (10") P.V.C.
Sanitary Sewer:	200mm (8")
Storm Sewer:	450mm (18")
Sidewalks:	No
Road Allowance Width:	20.12m (66')

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

Comment(s):

It is noted that the Owner proposes to sever Part 12 on the submitted sketch creating a new lot known as 173 Rykert Street for the purposes of constructing ½ of a semi-detached dwelling. A remnant parcel, Part 13 would be retained for the prupose of constructing the other ½ of a semi-detached dwelling with detached garage. The application would allow each unit of the semi-detached dwelling to be sold separately.

Roads

Rykert Street is designated a Local Collector road as per the City's Official Plan with a desired right of-way width of 26.21m (86'). A road widening across the frontage of this property of 0.85m (2.7') was transferred with a previous severance application and therefore no further widths shall be obtained at this time.

In maintaining the City's requirement for sidewalks with respect to Council's policy for 'walkable communities', the Owner shall pay to the City the cash-in-lieu fee to construct a future 1.5m wide sidewalk across the frontage of the property, in accordance with the City's current Schedule of Rates & fees.

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 there an adequate storm sewer outlet available on Rykert Street, sump pump flows shall be discharged to the Rykert Street storm sewer via storm sewer lateral. The Owner shall pay the fees for City crews to provide both a storm and sanitary lateral to the property at the time of Building Permit application, in

addition to a water service lateral, the fees in accordance with the City's current Schedule of Rates & Fees.

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

- Submit to the City the cash-in-lieu fees for a 1.50m wide concrete side for future construction, along the frontage of the Applicant property, the fee in accordance with the City's current Schedule of Rates & Fees.

Prepared By: _____

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician

Cc: Charlotte McEwan, Planner 1
Sean House, Planning Co-op Student

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

Date: June 9, 2017
Hearing Date: June 21, 2017

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-55/17SC – 4 Manchester Avenue
A-62/17SC – 173 Rykert Street
A-63/17SC – 35B John Street
A-64/17SC – 35 John Street
A-65/17SC – 30 Black Walnut Common
A-98/16SC – 175 Rykert 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 conditional on:

- The Owner of 4 Manchester Avenue submit to the City for review and acceptance, a Stormwater Management Report prepared by a Professional Civil Engineer which will identify how post-development flows created from the proposed expansion of the parking lot will be controlled to pre-development flows up to and including the 5-year event on-site, so as not to adversely affect abutting properties;
- The Owner of 4 Manchester Avenue through the Building Permit application documents, provide a grading design for the expanded parking lot prepared by a Professional Engineer or Ontario Land Surveyor, to the satisfaction of the City of St. Catharines.

Regards,

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

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 9, 2017

Subject: Committee of Adjustment
Public Hearings – June 21, 2017
File No. 305-17-01

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

A-098/16 – 175 Rykert Street

The proposed reduction of the width of the parking area in the garage from 3.5 metres to 2.75 metres has the potential to compromise the feasibility of having sufficient space to use the garage for parking. As such, we wouldn't support the proposed reduction.

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

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

B-35/17SC, A-63/17 & A-64/17

35 JOHN STREET

DATE OF HEARING: June 21, 2017

CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 16, 2017 **Date of Meeting:** June 21, 2017

Submission(s): **B-35/17SC**
A-63/17
A-64/17

File: **60.84.2120**
60.81.5232
60.81.5233

Subject: 35 John Street
35B John Street

Recommendation

That Submission **B-35/17SC** by 1302758 Ontario Ltd., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. 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.

2. That approval for the necessary minor variances be obtained.

That Submission **A-63/17** by 1302758 Ontario Ltd., as outlined in the Notice of Hearing, be approved.

That Submission **A-64/17** by 1302758 Ontario Ltd., 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 application **B-35/17SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through applications **A-63/17** and **A-64/17** 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 consent and variances be approved, subject to the conditions outlined in the recommendation.

Proposed Development

Application **B-35/17SC** is made for consent to sever 176m² of land (Part 1 on the submitted sketch) creating a new lot known as 35A John Street for the purpose of

recognizing one half of the existing 2 storey semi-detached dwelling. A 193m² remnant parcel with the existing other half of the 2 storey semi-detached dwelling would be retained for continued residential use.

Application **A-63/17** is made pertaining to the City of St. Catharines Bylaw 2013-283 for the following:

1. A reduction of the minimum lot area per dwelling unit from 280m² to 175m².
2. A reduction of the minimum lot frontage from 7.5 metres to 6.5 metres.

Application **A-64/17** is made pertaining to the City of St. Catharines Bylaw 2013-283 for the following:

1. A reduction of the minimum lot frontage from 7.5 metres to 6.4 metres.
2. A reduction of the minimum lot area per dwelling unit from 280m² to 192m².
3. An increase of the maximum driveway width from 50% of the lot frontage of 3.225 metres to 3.4 metres.

Location and Site Description

The subject property is located on the south side of John Street, east of Michigan Avenue. The property is surrounded by single detached dwellings in all directions. There is an existing semi-detached dwelling on the site.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP). The subject property is further designated Medium Density Residential as per Schedule E1 of the GCP. The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare.

Zoning By-law (2016-283)

The subject land is zoned Low Density Residential – Traditional Neighbourhood (R2) pursuant to By-law 2013-283, The R2 Zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings, and private road developments.

Consent Application B-35/17SC

Application **B-35/17C** requests consent to sever the lot in order to recognize each half of an existing semi-detached dwelling. The current lot is 390m² in size. The proposed consent would create one 176m² lot and a second 193m² lot.

The GCP contains a number of policies with respect to evaluating development, redevelopment and lot creation within residential neighborhoods. 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 lots are suitable for the purpose for which they are being proposed, as they each contain half of the semi-detached dwelling that is currently occupying the property. All required setbacks are met. The proposed severance will allow the existing units to be owned and sold separately. There is no added impact imposed on the surrounding area by the creation of the proposed lots, and they are appropriate in terms of the optimum development of the area. The intent of the Official Plan is being upheld. Staff is supportive of the proposed consent.

Variance Applications A-63/17 and A-64/17

Application **A-63/27** (Part 1) requests a reduction in the minimum lot area per dwelling unit from 280m² to 175m², and a reduction of the minimum lot frontage from 7.5 metres to 6.5 metres. Application **A-64/17** (Part 2) requests a reduction of minimum lot frontage from 7.5 metres to 6.4 metres, a reduction of the minimum lot area per dwelling unit from 280m² to 192², and an increase in the maximum driveway width from 50% of the lot frontage (3.225 metres) to 3.4 metres. The variances are requested to permit the individual units of the semi-detached dwelling to exist on individual lots.

The area surrounding the subject property features a range of lot sizes. The proposed lot areas of 176m² and 193m² will be two of the smallest in the neighbourhood, however there are similar lot sizes northwest on Michigan Avenue. The proposed reduction in lot area will have no added impact on the surrounding properties.

Similarly, the proposed frontages of 6.5 metres and 6.4 metres represent some of the narrowest frontages in the surrounding neighbourhood. There are similar frontages on nearby properties along John Street. In general the proposed frontages are in keeping with the character of the surrounding neighbourhood.

The requested increase in driveway width on Part 2 from 3.2 metres to 3.4 metres is considered minor in nature. The variance is requested to recognize the existing driveway as a result of the proposed lot line, which is straight and uniform as opposed to bending to evenly split the existing driveway. Staff consider the proposed lot line to be in keeping with the optimum development of the lands, as it splits the existing lot uniformly. The dwelling units and driveway are existing, and no added impacts are anticipated as a result of recognizing the size of the proposed lots and existing driveway. Staff are supportive of the requested variances.

Conclusion

Staff is satisfied that the subject consent and variances are appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. It is the opinion of Staff that the consent be approved,

subject to the conditions outlined in the recommendation, and that the variances be approved.

Prepared by:

Sean House
Student Planner

Submitted by:

Charlotte McEwan
Planner I

Approved by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

35 John St
42 Luck St
30 Black Walnut

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Wednesday, June 07, 2017 7:29 AM
To: Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing (2 of 2 emails)

Good morning everyone
Cogeco has no issues or concerns with this application .
Thanks

DOUG CROWN
Network Planning and Design

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

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

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Cogeco Câble Canada, 5 Place Ville-Marie, Bureau 1700, Montréal, Québec, H3B 0B3
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- Contact us
Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

From: Munro, Elaine [mailto:emunro@stcatharines.ca]
Sent: Friday, June 02, 2017 6:05 PM
To: Doug Crown
Cc: McEwan, Charlotte; House, Sean

Memorandum

To: Elaine Munro, Committee Secretary & Planning Clerk
Planning and Building Services
Cc: B. Thiessen, Charlotte McEwan, Sean House, Judy Pihach
Planning and Building Services
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services
Date: June 9, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – June 21, 2017 hearing - File No.: 300-036

B-60/16SC – 271 Merritt Street

Comment:
- Be advised that permits are required for any proposed buildings forming part of the development on Parts 6, 9, and 10.

Condition:
- No Comment

B-34/17SC – 173 Rykert Street

Comment:
- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 12 and 13.

Condition:
- No Comment

B-35/17SC – 35 John Street

Comment:
- No Comment

Condition:
- No Comment

B-36/17SC – 42 Lock Street

Comment:

- Be advised that a building permit is required for the single detached dwelling on Part 1.

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 on Parts 2.
- An alteration permit shall be obtained from the City Building Section for the removal of the existing deck which crosses part 1 and Part 2 as shown on the plan and completed to the satisfaction of the Chief Building Officia

Mark Lepp

Mark Lepp, Senior Plans Examiner / Building Inspector
Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2017\18 bcoa memo-sev-Jun 21, 2017.docx

Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Sean House, Judy Pihach
Planning and Building Services

From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: June 9, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 21, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-98/16	175 Rykert Street	Be advised that a building permit is required for the proposed building and that reductions of yard setbacks may have spatial separation implications affecting the permitted area of glazed openings facing that yard.
A-62/17	173 Rykert Street	No Comment
A-63/17	35B John Street	No Comment
A-64/17	35 John Street	No Comment.
A-65/17	30 Black Walnut Common	No Comment

Mark Lepp

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\17 bcoa memo-mv-Jun21, 2017.docx

Memorandum

To: Charlotte McEwan, Planning and Building Services
Sean House, Planning and Building Services

CC: Elaine Munro, Planning and Building Services

From: Kristen Sullivan, Parks, Recreation and Culture Services

Date: June 12, 2017

Subject: Notice of Hearing: Consent to Sever
Address: 35 John St.
File No: 60.84.2120

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 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 June 21/17 CofA Hearing

From: Sullivan, Kristen
Sent: Monday, June 12, 2017 3:59 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>
Cc: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing

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

- 4 Manchester (mv)
- 271 Merritt (ld)
- 173 and 175 Rykert (mv)
- 35 and 35B John (mv)
- 30 Black Walnut

I have reminded the arborist to submit comments on 42 Lock St. and will share as soon as available....

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-35/17SC

June 9, 2017 **ENGINEERING FILE 300-36**

Hearing Date: June 21, 2017

Applicant: 1302758 Ontario Ltd.

Location: 35 John Street

MUNICIPAL SERVICES

Water:	150mm (6") P.V.C.
Sanitary Sewer:	250mm (10")
Storm Sewer:	375mm (15")
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 Owner proposes to sever Part 1 on the submitted sketch creating a new lot known as 35A John Street for the purposes of recognizing ½ of a semi-detached dwelling. A remnant parcel, Part 2 would be retained for the continued residential use of the ½ of a semi-detached dwelling. The application would allow each unit of the semi-detached dwelling to be sold separately.

Roads

John Street is designated a Local road as per the City's Official Plan with a desired right of-way width of 20.12m (66'). A road widening across the frontage of this property shall not be obtained at this time.

Condition(s): The Development Engineering section have no conditions to impose at and have no objection to the approval of this Consent application.

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician

Cc: Charlotte McEwan, Planner 1
Sean House, Planning Co-op Student

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

Date: June 9, 2017
Hearing Date: June 21, 2017

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-55/17SC – 4 Manchester Avenue
A-62/17SC – 173 Rykert Street
A-63/17SC – 35B John Street
A-64/17SC – 35 John Street
A-65/17SC – 30 Black Walnut Common
A-98/16SC – 175 Rykert 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 conditional on:

- The Owner of 4 Manchester Avenue submit to the City for review and acceptance, a Stormwater Management Report prepared by a Professional Civil Engineer which will identify how post-development flows created from the proposed expansion of the parking lot will be controlled to pre-development flows up to and including the 5-year event on-site, so as not to adversely affect abutting properties;
- The Owner of 4 Manchester Avenue through the Building Permit application documents, provide a grading design for the expanded parking lot prepared by a Professional Engineer or Ontario Land Surveyor, to the satisfaction of the City of St. Catharines.

Regards,

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

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 9, 2017

Subject: Committee of Adjustment
Public Hearings – June 21, 2017
File No. 305-17-01

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

A-098/16 – 175 Rykert Street

The proposed reduction of the width of the parking area in the garage from 3.5 metres to 2.75 metres has the potential to compromise the feasibility of having sufficient space to use the garage for parking. As such, we wouldn't support the proposed reduction.

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

COMMITTEE OF ADJUSTMENT
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905-688-5600, Ext 1715
TTY: 905-688-4889
Fax: 905-688-5873

COMMENTS

A-65/17

30 BLACK WALNUT COMMON

DATE OF HEARING:
June 21, 2017

CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: June 16, 2017 **Date of Report:** June 21, 2017

Submission(s): **A-65/17** **File:** **60.81.5234**

Subject: 30 Black Walnut Common

Recommendation

That Submission **A-65/17** by Paul DiFelice and Rita DiFelice, 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-65/17** 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-65/17** is made pertaining to the City of St. Catharines By-law 2013-283 for permission to construct a single detached dwelling on a private road whereas Section 2.6 of the Zoning By-law states that no development or construction of a building or structure, and otherwise use any lot unless the lot fronts on a public road.

Location and Site Description

The subject property is located on the northeast corner of Black Walnut Common. The private road is accessed off of Martindale Road. The property is surrounded by condominium townhouses to the east and west, vacant land intended for a future residential development to the south, and Merritt trail and green space to the north.

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 lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per

Schedule E6 of the GCP. The Medium Density Residential designation permits detached, semi-detached, triplex, fourplex, quadruplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land.

Zoning By-law (2016-283)
The subject land is zoned Medium Density Residential (R3-19). The R3 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings. The R3 zone also permits, private road development and apartment building/long term care facilities. Special Provision 19 provides site specific zoning requirements for private road development on the subject lands.

Application B-19/17SC

The variance requested by application **A-65/17** would allow for the construction of a single detached dwelling on a lot with frontage on a private road. Section 2.6 of Zoning By-law 2016-283 states that no person shall develop or construct a building or structure or otherwise use any lot unless the lot fronts on a public road.

The purpose of Section 2.6 is, in part, to ensure that no lot can be developed without access to a public road. The City is satisfied that the subject lands will maintain consistent and adequate access to Martindale Road (a public road) over the private roads, within the Village on the Twelve Condominium complex, where this lot is located. Existing easements/right-of-ways and an existing Shared Facilities Agreement and Reciprocal Agreement are registered on title of the subject lands. The Agreements ensure the right to travel over the private road fronting this lot, as well as the private roads throughout the Village on the Twelve Condominium complex, thereby providing access to Martindale Road. Staff are satisfied that these Agreements meet the intent of Section 2.6 of the Zoning By-law, and accordingly the variance is minor in nature, appropriate for the desirable use of the land, and in keeping with the intent of the Official Plan and Zoning By-law.

Conclusion

Staff is satisfied that the subject variance is appropriate and desirable for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommend that the variance be approved.

Prepared by:

Sean House
Student Planner

Submitted by:

Charlotte McEwan
Planner I

Approved by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

From: Taya Devlin <tdevlin@npca.ca>
Sent: Wednesday, June 14, 2017 1:47 PM
To: Munro, Elaine
Cc: McEwan, Charlotte; House, Sean; 'craig.rohe@niagararegion.ca'; devtplanningapplications@niagararegion.ca
Subject: A-65/17 30 Black Walnut Common, St. Catharines

Good Afternoon Elaine,

NPCA staff have reviewed application A-65/17 which has been made for permission to construct a single detached dwelling on a private road whereas Section 2.6 of the Zoning By-law states that no development or construction of a building or structure, and otherwise use any lot unless the lot fronts on a public road.

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 Core Natural Heritage System Policies within the Regional Official Plan.

Regional Core Natural Heritage mapping identifies an Environmental Conservation Area (ECA) for Significant Woodland adjacent to (within 50 metres) the subject property. In accordance with Policy 7.B.1.11 development may be permitted within or adjacent to an ECA if it has been demonstrated there will be no significant negative impact to the feature. NPCA staff are satisfied the subject property is separated from the feature by an existing trail and there will be no significant negative impact to the ECA as a result of the subject application.

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

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

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

WHAT IS THE ROLE OF THE NPCA?

- **Regulatory Authority**: *Section 28* of the *Conservation Authorities Act* empowers Conservation Authorities to prohibit, restrict, regulate or give permission for certain activities in and adjacent to watercourses, including valleylands, wetlands, shorelines and other hazardous lands. In this capacity, the NPCA acts as an approval authority for development within its regulated areas. Through Section 28-1 (c), Conservation Authorities have the power to prohibit, regulate or require permission for development, where flooding, erosion, dynamic beaches, pollution, or the conservation of land may be affected by the development. Section 28 of the Conservation Authorities Act is also applicable law under the Ontario Building Code.

Building officials need to ensure that Section 28 of the *Conservation Authorities Act* is not contravened prior to issuing a building or demolition permit.

- ☐. **Representative of the Province of Ontario**: Conservation Authorities have delegated provincial interest for Section 3.1 of the *Provincial Policy Statement* (Natural Hazards) and act on behalf of the Province. In this capacity, the NPCA is responsible for providing comments on municipal policies (Official Plans) and zoning by-laws, as well as development applications submitted under the *Planning Act*. There is a Memorandum of Understanding (MOU) between the Ministry of Natural Resources and Forestry, Ministry of Municipal Affairs and Housing and Conservation Authorities in Ontario (January 2001) regarding delegated Provincial Responsibility.

- ☐. **Resource Management Agency:** Sections 20 and 21 of the *Conservation Authorities Act* empower conservation authorities to develop programs that reflect local resource management needs within the watershed. These programs and/or policies are approved by the conservation authority board.

- ☐. **Public Commenting Body:** Under the *Planning Act*, conservation authorities are considered a public commenting body and, as such, are to be notified of municipal policy plan changes and development applications. The NPCA provides comments within the context of the board-approved policies (Policy Document).

- ☐. **Service Provider:** Conservation authorities may enter into agreements with other levels of government to undertake regulatory or approval responsibilities. The NPCA acts as a service provider to a number of area municipalities within the watershed through Memoranda of Understanding signed with Niagara Region, the City of Hamilton, and Haldimand County 2 March 30, 2017 respectively. All of these MOU's are approved by the NPCA Board. These agreements are generally for the review of planning act applications regarding environmental features. There is an additional service agreement with the Region of Niagara to implement and enforce the Region's Tree and Forest Conservation By-law.

- ☐. **Landowner:** Conservation authorities are also landowners, and can be involved in the planning and development process as either a proponent or as a landowner impacted by adjacent development.

For more information, please contact:
Michael Reles, Communications Specialist
905.788.3135 ext.263
Mobile: 905-325-7334
mreles@npca.ca

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35 John St
42 Luck St
30 Black Walnut

Munro, Elaine

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Wednesday, June 07, 2017 7:29 AM
To: Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing (2 of 2 emails)

Good morning everyone
Cogeco has no issues or concerns with this application .
Thanks

DOUG CROWN
Network Planning and Design

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

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

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

From: Munro, Elaine [mailto:emunro@stcatharines.ca]
Sent: Friday, June 02, 2017 6:05 PM
To: Doug Crown
Cc: McEwan, Charlotte; House, Sean

horizon UTILITIES Looking beyond...

alectra utilities
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June 6, 2017

RPT	ACTION	INFO	P.D.S REFERRED TO	INIT.
			E. Munro	
DATE REC'D → JUN 14 2017			SCAN ☐	
FILE NO				

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

Attention: Elaine Munro

File# 60.81.5234

Re: 30 Black Walnut Common

In response to your correspondence date June 6, 2017, please be advised that our Engineering Design Department has 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.alectrautilities.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 an Alectra Utilities respresentative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra 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 905-522-6611 ext 4907 in our Engineering Design Department.

Sincerley,

Scott Beaudrie
Supervisor, Engineering Design

Memorandum

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

Cc: B. Thiessen, Charlotte McEwan, Sean House, Judy Pihach
Planning and Building Services

From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: June 9, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – June 21, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-98/16	175 Rykert Street	Be advised that a building permit is required for the proposed building and that reductions of yard setbacks may have spatial separation implications affecting the permitted area of glazed openings facing that yard.
A-62/17	173 Rykert Street	No Comment
A-63/17	35B John Street	No Comment
A-64/17	35 John Street	No Comment.
A-65/17	30 Black Walnut Common	No Comment

Mark Lepp

Mark Lepp, Senior Plans Examiner / Building Inspector
Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\17 bcoa memo-mv-Jun21, 2017.docx

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing

From: Sullivan, Kristen
Sent: Monday, June 12, 2017 3:59 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>
Cc: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the June 21/17 CofA Hearing

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

- 4 Manchester (mv)
- 271 Merritt (ld)
- 173 and 175 Rykert (mv)
- 35 and 35B John (mv)
- 30 Black Walnut

I have reminded the arborist to submit comments on 42 Lock St. and will share as soon as available….

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

Memorandum

To: Elaine Munro, ACST, Committee Secretary & Planning Technician

Cc: Charlotte McEwan, Planner 1
Sean House, Planning Co-op Student

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

Date: June 9, 2017
Hearing Date: June 21, 2017

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-55/17SC – 4 Manchester Avenue
A-62/17SC – 173 Rykert Street
A-63/17SC – 35B John Street
A-64/17SC – 35 John Street
A-65/17SC – 30 Black Walnut Common
A-98/16SC – 175 Rykert 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 conditional on:

- The Owner of 4 Manchester Avenue submit to the City for review and acceptance, a Stormwater Management Report prepared by a Professional Civil Engineer which will identify how post-development flows created from the proposed expansion of the parking lot will be controlled to pre-development flows up to and including the 5-year event on-site, so as not to adversely affect abutting properties;
- The Owner of 4 Manchester Avenue through the Building Permit application documents, provide a grading design for the expanded parking lot prepared by a Professional Engineer or Ontario Land Surveyor, to the satisfaction of the City of St. Catharines.

Regards,

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

G:\PBS-Building & Development\Development Correspondence\CofA\Minor Variances\2017\June 21, 2017\A.62-65 & 98-2017 - B.Johnston Devmemo C of A June 21, 2017.docx

Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: June 9, 2017

Subject: Committee of Adjustment
Public Hearings – June 21, 2017
File No. 305-17-01

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

A-098/16 – 175 Rykert Street

The proposed reduction of the width of the parking area in the garage from 3.5 metres to 2.75 metres has the potential to compromise the feasibility of having sufficient space to use the garage for parking. As such, we wouldn't support the proposed reduction.

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/