

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 # 3 - 1132 Lakeshore Road West, Minor Variance Application, A-99/17 – 60.81.5268.
NPCA requests deferral of this application until the following is received for review:
a) That the geotechnical assessment address the condition of the toe of the slope and provide confirmation that the minimum factor of safety 1.5 can be achieved.
5. Adoption of the Minutes for the Hearing held on August 23, 2017
6. Application:
 - 1) 175 Rykert Street, Minor Variance Application, A-82/17 – 60.81.5251
 - 2) 177 Rykert Street, Minor Variance Application, A-83/17 – 60.81.5252
 - 179A Rykert Street, Minor Variance Application, A-84/17 – 60.81.5253
 - 179B Rykert Street, Minor Variance Application, A-85/17 – 60.81.5254
 - 181 Rykert Street, Minor Variance Application, A-86/17 – 60.81.5255
 - 183 Rykert Street, Minor Variance Application, A-87/17 – 60.81.5256
 - 185A Rykert Street, Minor Variance Application, A-88/17 – 60.81.5257
 - 185B Rykert Street, Minor Variance Application, A-89/17 – 60.81.5258
 - 4) 463 Geneva Street, Minor Variance Application, A-100/17 – 60.81.5269
 - 5) 252 Pelham Road, Minor Variance Application, A-101/17 – 60.81.5270
7. New Business:
8. Date of next Hearing: October 25, 2017
9. Adjournment

COMMENTS

**1132 Lakeshore Road West
A-99/17 – 60.81.5268**

September 27, 2017



September 11, 2017

Our File No.: PLMV201701022

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Minor Variance
1132 Lakeshore Road West, St. Catharines

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

The application is made pertaining to the City of St. Catharines By-law 2013-283 to allow the owners to rebuild the existing cottage as a 2-storey single detached dwelling with an attached 2-storey shed.

- i) A reduction of the minimum front yard setback to the proposed 2-storey dwelling from 9.0 metres to 5.72 metres.
- ii) A reduction of the minimum interior side yard on the westerly side from 3.0 metres to 2.82 metres.
- iii) A reduction of the front yard setback to the attached 2-storey shed from 9.0 metres to 0 metres.
- iv) A reduction of the interior side yard on the easterly side from 3.0 metres to 1.55 metres.
- v) A reduction of the minimum interior side yard setback on the easterly side from 3.0 metres to 2.2 metres.
- vi) An increase of the maximum lot coverage from 15% to 17.59%.

Niagara Peninsula Conservation Authority Regulations:

The subject property falls within the limit of the Regulated Shoreline associated with Lake Ontario. As such, this property would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (**O. Reg. 155/06**).

In accordance with Policy 3.26.4.2, the redevelopment or addition to habitable dwellings is permitted within the Erosion Allowance provided:

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

The plan submitted indicates proposed addition of a second storey to an existing residential dwelling within the erosion hazard associated with the Lake Ontario shoreline. The NPCA is satisfied that due to the angle of the property, shore protection constructed at the shoreline would not benefit the subject property. While shore protection may not be a suitable option, it would be beneficial to have the geotechnical assessment speak to the condition of the toe of the slope.

The existing and proposed development is shown to be located within the stable slope allowance. The NPCA has reviewed the "Slope Stability Assessment, Proposed House Renovation, 1132 Lakeshore Road West" by Soil-Mat (dated August 16, 2017). Based on our review of the report, NPCA staff are not satisfied that the proposed development meets the minimum factor of safety required. As such, NPCA staff will require confirmation that the minimum factor of safety of 1.5 will be met.

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 subject property has been identified as an Environmental Conservation Area (ECA) for Valley Shoreline on the Region of Niagara's Core Natural Heritage Mapping. Due to the location of the property within the Greenbelt NHS, the ECA features have been classified as Environmental Protection Areas (EPA). In accordance with Regional Policy 7.B.1.28 expansions to existing structures within the Greenbelt NHS may be permitted within an EPA if the proposal is small in scale and has been directed away from the feature as much as possible and negative impacts on the natural feature and ecological functions have been minimized.

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

The subject application indicates that the proposed development is a second storey addition which will take place within the extent of the existing building footprint. As such, NPCA staff are satisfied there will be no significant negative impact to the Core Natural Heritage features as a result of the subject application.

Conclusion:

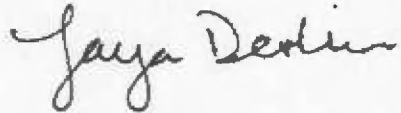
Based on the above, the NPCA requests **deferral** of this application until the following is received for review:

- a. That the geotechnical assessment address the condition of the toe of the slope and provide confirmation that the minimum factor of safety of 1.5 can be achieved.

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

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

Yours truly,

A handwritten signature in cursive script that reads "Taya Devlin".

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

cc: Craig Rohe, Planner, Niagara Region
Carmen Vetrone, Development Approvals Technician, Niagara Region
Charlotte McEwan, Planner I, City of St. Catharines
Wilrik Banda, Planning Technician, City of St. Catharines
Sean House, Student Planner, City of St. Catharines
Darren MacKenzie, Supervisor, Construction Permits and Compliance, NPCA



Legend

- Contours 2010 (1m)
- Shoreline Flood/Erosion Invent**
 - Regulatory Flood Hazard Limit
 - Great Lakes Regulatory Flood Level
 - - - Toe of Bluff
 - - - Stable Slope Allowance
 - - - Regulatory Erosion Hazard Limit
 - - - Regulatory Dynamic Beach Reaches
- Ontario Road Network**
 - Major Highways
 - Arterial Roads
 - Local Roads
- Assessment Parcels
- AIRPORTS
- Campsites
- 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

Via Email Only

September 8, 2017

Our File: MV-17-053

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

Dear Ms. Munro:

Re: Application for Minor Variance
Applicant: Elliot and Shehara Valles
Location: 1132 Lakeshore Road West, City of St. Catharines
Town File: A-99/2017

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

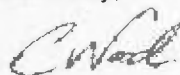
Private Sewage System Review

Private Sewage System staff has reviewed the application for the proposed construction of a second story addition to the existing dwelling. No record was found for the installation of the existing sewage system on the property, and upon our inspection, the location or class of the sewage system could not be determined. Due to the limited usable land on the property, any new construction would require the installation of a Class 5 Holding Tank.

Based on the information provided, the second story addition to the existing 114.7 square metre dwelling would double the square footage of the existing dwelling. According to the Ontario Building Code, only an addition of 15% to the existing living space can be permitted for the property serviced by a Holding Tank.

Therefore, our Department is unable to approve of the Minor Variance application as the proposed second storey addition does not meet Building Code requirements. To move forward with the application, the proposed living space must be reduced to only 15% of the existing dwelling with no change to the number of bedrooms or washrooms within the dwelling, and there will be a condition that a Holding Tank permit is applied for and installed.

Sincerely,



Caitlin Wood
Private Sewage System Inspector
Planning and Development Services

c: Carmen Vetrone, Development Approvals Technician, Development Services Division
Phill Lambert, P. Eng., Associate Director, Infrastructure Planning & Development Engineering

September 1, 2017

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

RPT	ISS	APPD	P.O.S
DATE REC'D →		SEP 11 2017	SCAN <input type="checkbox"/>
FILE NO			

Attention: Elaine Munro

File# 60.81.5268

Re: 1132 Lakeshore Road West

In response to your correspondence date September 5, 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.

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 representative 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 Will Johnson 905-522-6611 ext: 4714 in our Engineering Design Department.

Sincerley,

A handwritten signature in blue ink, appearing to be 'Mark Jakubowski', with a large, sweeping loop at the end.

Mark Jakubowski
Supervisor, Engineering Design

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, August 31, 2017 1:51 PM
To: Banda, Wilrik; Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

Hi Banda

1132 Lakeshore Road West, Minor Variance Application, A-99/17 – 60.81.5268 No issue or concerns

252 Pelham Road, Minor Variance Application, A-101/17 – 60.81.5270 No issue or concerns

Thanks

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

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

From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]

Sent: Thursday, August 31, 2017 1:41 PM

To: Munro, Elaine; Doug Crown

Cc: McEwan, Charlotte; House, Sean

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

Munro, Elaine

From: Sullivan, Kristen
Sent: Wednesday, September 13, 2017 12:42 PM
To: McEwan, Charlotte; House, Sean; Banda, Wilrik; Munro, Elaine
Cc: Cooper, Dan
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing
Attachments: Lakeshore-1132-TreeProtectionNotes.pdf

PRCS has reviewed the application for 1132 Lakeshore Rd. PRCS has no comments on the proposed minor variances, however the committee and the applicant should be aware that the proposed development will have the following implications on trees on the City road allowance:

1. Removal of Tree #1 (as shown on the attached). The applicant will be responsible for the cost of removal and replacement as part of the building permit application.
2. Preservation of Tree #2 (as shown on the attached). The applicant will be responsible for tree protection measures as part of the building permit application. A minimum tree protection zone of 3.6 metres is required.

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145

From: Sullivan, Kristen
Sent: Friday, September 08, 2017 12:58 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

PRCS has no comments on the following applications:

- 175 – 185B Rykert (mv)
- 252 Pelham (mv)
- 463 Geneva (mv)

Comments for 1132 Lakeshore Rd. will be provided on Monday.

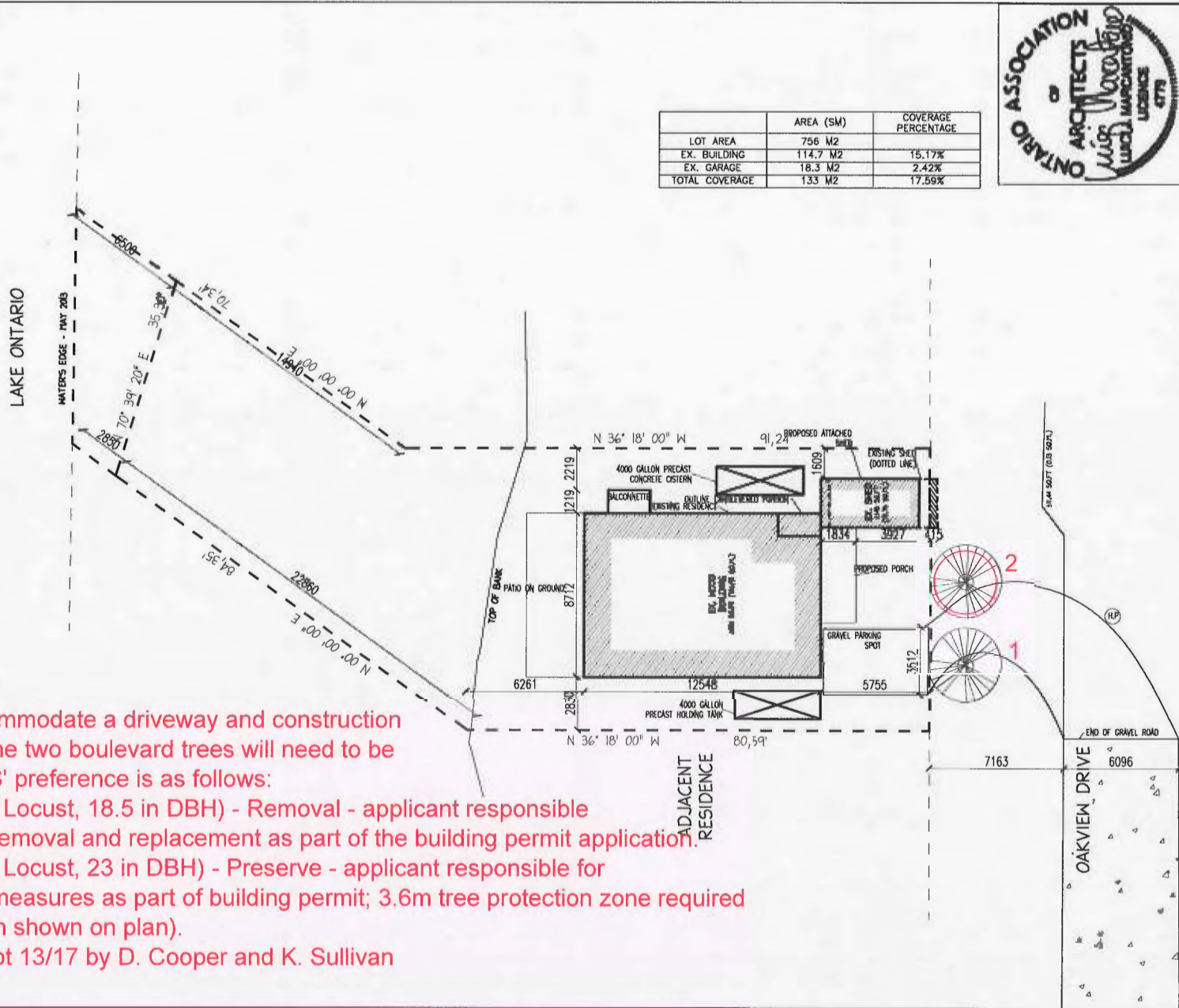
From: Banda, Wilrik
Sent: Thursday, August 31, 2017 11:23 AM
To: Munro, Elaine <emunro@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Pihach, Judy <jpihach@stcatharines.ca>; Sullivan, Kristen <ksullivan@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Melin, Nathan <nmelin@stcatharines.ca>; Lepp, Mark <mlepp@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Mills, Sabrina <smills@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>

In order to accommodate a driveway and construction access one of the two boulevard trees will need to be removed. PRCS' preference is as follows:

Tree #1 (Honey Locust, 18.5 in DBH) - Removal - applicant responsible for cost of tree removal and replacement as part of the building permit application.

Tree #2 (Honey Locust, 23 in DBH) - Preserve - applicant responsible for tree protection measures as part of building permit; 3.6m tree protection zone required (approx. location shown on plan).

- site visited Sept 13/17 by D. Cooper and K. Sullivan



	AREA (SM)	COVERAGE PERCENTAGE
LOT AREA	756 M2	
EX. BUILDING	114.7 M2	15.17%
EX. GARAGE	18.3 M2	2.42%
TOTAL COVERAGE	133 M2	17.59%



SITE PLAN

SCALE: 1:200

A1		ADDITIONS & ALTERATIONS 1132 LAKESHORE ROAD W ST. CATHARINES, ONTARIO		SITE PLAN	
PROJECT NO: 17-40 DRAWING NO: 101		DATE: JUNE 29, 2017 SCALE: AS SHOWN		2M architects inc. 115 Lake Street St. Catharines, ON Canada L2R 5X7 Tel: 905-687-9777 Fax: 905-687-9987 2M architects inc. is a registered professional corporation under the Business Corporations Act (R.S.O. 1990, c. B.16).	
PREPARED BY: J. COOPER CHECKED BY: K. SULLIVAN DATE: JAN 23, 2017		DESIGNED BY: J. COOPER CHECKED BY: K. SULLIVAN DATE: JAN 23, 2017		REVIEWED BY: J. COOPER CHECKED BY: K. SULLIVAN DATE: JAN 23, 2017	



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: September 11, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 27, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-82/17	175 Rykert Street	No Comment
A-83/17	177 Rykert Street	No Comment
A-84/17	179A Rykert Street	No Comment
A-85/17	179B Rykert Street	No Comment
A-86/17	181 Rykert Street	No Comment
A-87/17	183 Rykert Street	No Comment
A-88/17	185A Rykert Street	No Comment
A-89/17	185B Rykert Street	No Comment
A-99/17	1132 Lakeshore Road West	Be advised that a building permit is required for the proposed construction and that the front yard setback will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of wall construction facing that yard.
A-100/17	463 Geneva Street	Be advised that a building permit is required for the proposed construction.
A-101/17	252 Pelham Road	Be advised that a building permit is required for the proposed addition and that reductions of yard setbacks will have spatial separation implications affecting the permitted area of glazed openings facing that yard.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx



Memorandum

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

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

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

Date: September 20, 2017
Hearing Date: September 27, 2017

Subject: Engineering Comments to the Committee of Adjustment (Revised)
File No's: A-82-89/17SC – 175-185B Rykert Street
A-99/17SC – 1132 Lakeshore Road W
A-100/17SC – 463 Geneva Street
A-101/17SC – 252 Pelham Road

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of applications A-82-89/17 SC, A-100/17SC and A-101/17 SC.

Regarding application A-99/17 SC for 1132 Lakeshore Road West, the location of the proposed driveway will need to be confirmed at the time of building permit application and a license agreement and/or servicing agreement may be required for the construction of the driveway on City lands.

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: September 5, 2017

Subject: Committee of Adjustment
Public Hearings – September 27, 2017
File No. 305-17-01

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

A-99/17 – 1132 Lakeshore Road West

The proposed layout of the driveway is very circuitous, as such, we question the feasibility of the driveway layout. The driveway should be redesigned to achieve a more standardized layout. This may necessitate the removal of one or both of the trees or the relocation of the utility pole.

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/

COMMENTS

**175 Rykert Street
A-82/17 – 60.81.5251**

September 27, 2017



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 11, 2017 **Date of Meeting:** September 27, 2017

Submission(s): A-82/17 **File:** 60.81.5251

Subject: 175 Rykert Street

Recommendation

That Submission **A-82/17** by 1876441 Ontario Ltd. as outlined in the Notice of Hearing, be approved subject to the condition that the accessory dwelling unit area be limited to a maximum of 55m².

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that the variance requested through application **A-82/17** 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-82/17** is made pertaining to the City of St. Catharines By-law 2013-283 for a reduction of the minimum required parking space from 1 to 0 for an accessory unit only. The variance is requested to eliminate the parking requirements for an interior accessory dwelling unit, permitted in the current zoning. The approval of this application will eliminate the provision of parking for the accessory dwelling unit and provide for 1 parking space in the driveway dedicated to the principle dwelling unit (the garage is undersized and is not considered to be a legitimate parking space according to the zoning by-law).

Minor variance application A-98/16 was previously approved, which included a reduction of the minimum parking spaces for the principle dwelling unit from 2 spaces to 1 parking space. This reduction reflects the current parking standard for single dwellings. The proposed garage does not meet the minimum 3.5 metre width required in the zoning by-law and accordingly is not recognized as a legitimate parking space, for the purposes of zoning compliance. Staff acknowledge that the garage space, albeit undersized in relation to the zoning by-law, *may* still be used for parking purposes by occupants of the dwelling.

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. This application is one of eight similar requests for the same relief from parking for accessory dwelling units. The applications all relate to new lots already approved.

Circulation of Application

The application was circulated to all 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), 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 (2016-283)

The subject land is split-zoned Medium Density Residential (R3-23) and Low Density Residential – Suburban Neighbourhood (R1). 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. Accessory dwelling units are permitted providing they meet zone provisions designed to keep accessory units small in scale in relation to the primary dwelling unit.

Application A-55/17

Application A-55/17 requests a reduction of parking spaces from 1 to 0 for an interior accessory dwelling unit. The reduction would allow for an interior accessory dwelling unit without providing any parking for the accessory dwelling unit. Taken together with similar applications on the neighbouring properties' (minor variance applications A-83/17 to A-89/17), the reduction of parking spaces from 175 to 185B Rykert Street would total 8.

Part C, Subsection 5.4.2(ii) of the GCP states that the City may consider the reduction or elimination of parking requirements under certain criteria. Two of these criteria apply to this context as follows:

i) *Where shared parking is possible*

Shared parking cannot be guaranteed in this context, but it certainly is possible. Should the occupant of the accessory dwelling unit own a vehicle, renting a parking space on private property within close proximity is potentially viable since many driveways in the area have plenty of parking and could easily accommodate an extra vehicle without compromising access for that homeowner. The City cannot guarantee that outcome since it would be an arrangement between two parties, however, the expansive driveways for many homes in the area would certainly make that arrangement possible.

ii) *Where transit is readily available or where transit facilities are provided*

Staff note that there are five active transit stops within 400 metres (3-6 minute walk) with access to two bus routes, which carry passengers to the Downtown Terminal, the Pen Centre, the commercial area along Fourth Avenue and the GO and Via Rail station.

Staff consider these two criteria to be met.

Part C, Subsection 5.4.2, however, also states that the applicant must adequately demonstrate that the reduced parking standards will not aggravate the parking supply, and not result in unacceptable levels of spill-over parking in adjacent areas to cause negative impact to travel, traffic, and parking management.

Should this application be approved, the potential impact will be the use of on street parking by the occupant of the accessory dwelling unit, if they own a vehicle. Should that outcome materialize, the impact will be less availability of public on-street parking. On street parking is not exclusive use parking for abutting homeowners but public parking based on a first come, first served basis. A potential for higher demand for on-street parking will not negatively impact travel or traffic on Rykert Street, nor will it trigger unauthorized parking on private property. It may inconvenience existing residents who have become accustomed to using on street parking for their exclusive use.

A parking brief submitted with the application demonstrates that there are 35 on-street parking spaces in the vicinity of the site. The worst case scenario (if each of the eight accessory dwelling units have 1 vehicle) is that 8 of those 35 on street parking spaces would routinely be used by residents of the accessory units that do not have on-site parking. Staff consider that outcome to be acceptable.

Although the applicant anticipates that only half of the accessory dwelling units will trigger a demand for a parking space, there is no evidence to justify that outcome and accordingly staff's evaluation is based on all of the accessory dwelling units triggering the need for one on street parking space.

The applicant also indicates the accessory dwelling unit may provide affordable housing, in which case the incidence of car ownership is minimal, and therefore the demand for parking minimal. Since there is no evidence that the accessory dwelling units will be affordable based on the City's definition of affordability, staff are not putting any weight in that assertion.

As a condition of approval, staff are recommending the accessory unit be capped at 55 square metres to increase the probability that no more than one vehicle be attributed to the accessory dwelling unit. A larger accessory unit size may contribute to more than one vehicle associated with the accessory unit, and accordingly, more demand for on street parking. Staff consider this condition to be reasonable given the eight applications requesting the same relief.

Staff note that the applicant states that the proposed 3 metre wide garage is an adequately sized parking space, even though it does not meet the zoning by-law requirement, and has suggested that the owner could include a requirement in the lease agreement for tenants of the upper unit to park inside the garage to leave space in the driveway. The garage could provide a "tight" parking space even though it does not qualify as parking under the zoning by-law. However, the City has no way of implementing a condition of a lease agreement and therefore this approach carries little weight from a staff perspective.

The applicant suggests a parking permit system for on street parking. Staff do not believe this is necessary since there is adequate available on-street parking within a reasonable distance.

Given the availability of on street parking in the area, the possibility of shared parking with private property owners in the area, and the proximity to two transit routes, together with a limitation on the size of an accessory dwelling unit, staff consider the impact of the approval of this application to be minimal. On-street parking is available to absorb any impact, without incurring significant impacts on the neighbourhood. This variance is supported, subject to a condition that the accessory dwelling unit be limited in size to 55m².

Conclusion

Staff is of the opinion that Application **A-82/17** is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and appropriate for the desirable use of the land. It is staff's recommendation that the requested variance be approved, subject to the condition outlined in the recommendation.

Prepared and Submitted by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: FILE NO 60.81.5252 - 60.81.5258

From: Pollock, Jack [mailto:]
Sent: Thursday, July 27, 2017 8:40 AM
To: Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>; Williamson, Bruce <bwilliamson@stcatharines.ca>; Harris, Matthew <mharris@stcatharines.ca>; Kushner, Joe <jkushner@stcatharines.ca>
Cc:
Subject: FILE NO 60.81.5252 - 60.81.5258

FROM:
JACK & SHANNON POLLOCK
143 WESTLAND STREET,
ST. CATHARINES, ON
L2S 3Z3
PHONE:
E-MAIL:

IMMEDIATE ISSUE

My family is very concerned about the reduction of on-site parking being requested for the lots on Rykert Street. It will only force additional cars to park on either Rykert, Frederick or Westland (closest side streets).

The angle at which Westland Street joins to Rykert already creates vision issues for cars turning left onto Rykert. Any additional vehicles parked on either street will only make that a bigger issue. City buses use both Rykert and Westland; turning at that corner will be significant harder with additional street parking .

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This parcel of land, the last remaining from a beautiful development of mixed property types (townhouse, four-plex, semi and single family house) by Mountainview Homes has been requested increase density starting with zoning applications years ago.

The original plan (Mountainview) for the property was for 22 townhouse units (similar development to corner of Rykert and Vansickle). This plan matched the neighborhood and was part of the reason I purchased the lot at 143 Westland.

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Now a request to reduce parking to 0 for the potential to allow each dwelling to add an additional unit (increasing the density again).

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During the original rezoning application, the city had a Western Hill in-filling policy (not sure if it still exist) that at the core any development it was supposed to match the surrounding area. With every application made by this developer the development gets further and further away from the surrounding area to the point there is no way it can fit into the neighborhood.

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Jack Pollock

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Munro, Elaine

Subject:

RE: Notice of Hearing, file No. 60.81.5252-60.81.5258 & 60.81.5251

From: Brad Giroux [mailto:]

Sent: Wednesday, August 02, 2017 9:01 AM

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

Subject: Notice of Hearing, file No. 60.81.5252-60.81.5258 & 60.81.5251

Good morning Elaine,

My family and I live across the street from the properties in question. We have lived at this address for 20 years and have seen a great deal of development around us. This development has created a vibrant community, consisting of families, individuals and businesses which have thrived based on mutual respect for each other's property and due to appropriate planning by the City of St Catharines.

The application for reduction of parking from 1 to 0 in regards to the interior accessory dwelling units shows a lack of respect for the surrounding neighbours and the neighbourhood in general. There is already insufficient parking in this area with many residents parking on the streets. If resident density increases without making accommodations for parking on their own property it will likely cause friction between neighbours and adjacent residents on Rykert St, Westland St and Frederick St as they will likely be negatively impacted by the increased parking congestion.

Based on the site plans will there be sufficient room for these residents to park in front of their own homes or will they be forced to park in front of other neighbours homes, using up space that is already in high demand from existing residents? It is one thing for these residents to be forced to park on the street during the summer, however where will they park during the winter when there is significant snow fall and the parking ban on city streets is implemented? They will most likely be forced to park in nearby businesses impeding their snow removal and impacting the safety of their customers.

I would urge the City of St Catharines to not grant these requests for variances to reduce parking from 1 space to 0, in order to maintain resident harmony, public safety and sound municipal practices.

Best regards,

Brad & Pam Giroux
168 Rykert St
St Catharines, ON
L2S 2B7

Have a great day!!

Brad Giroux



Memorandum

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

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

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

Date: September 20, 2017

Hearing Date: September 27, 2017

Subject: Engineering Comments to the Committee of Adjustment (Revised)
File No's: A-82-89/17SC – 175-185B Rykert Street
A-99/17SC – 1132 Lakeshore Road W
A-100/17SC – 463 Geneva Street
A-101/17SC – 252 Pelham Road

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of applications A-82-89/17 SC, A-100/17SC and A-101/17 SC.

Regarding application A-99/17 SC for 1132 Lakeshore Road West, the location of the proposed driveway will need to be confirmed at the time of building permit application and a license agreement and/or servicing agreement may be required for the construction of the driveway on City lands.

Regards,

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

Munro, Elaine

To: Sullivan, Kristen
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

From: Sullivan, Kristen
Sent: Friday, September 08, 2017 12:58 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

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- 175 – 185B Rykert (mv)
- 252 Pelham (mv)
- 463 Geneva (mv)

Comments for 1132 Lakeshore Rd. will be provided on Monday.

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



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: September 11, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 27, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-82/17	175 Rykert Street	No Comment
A-83/17	177 Rykert Street	No Comment
A-84/17	179A Rykert Street	No Comment
A-85/17	179B Rykert Street	No Comment
A-86/17	181 Rykert Street	No Comment
A-87/17	183 Rykert Street	No Comment
A-88/17	185A Rykert Street	No Comment
A-89/17	185B Rykert Street	No Comment
A-99/17	1132 Lakeshore Road West	Be advised that a building permit is required for the proposed construction and that the front yard setback will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of wall construction facing that yard.
A-100/17	463 Geneva Street	Be advised that a building permit is required for the proposed construction.
A-101/17	252 Pelham Road	Be advised that a building permit is required for the proposed addition and that reductions of yard setbacks will have spatial separation implications affecting the permitted area of glazed openings facing that yard.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx

Munro, Elaine

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the August 23/17 CofA Hearing

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Tuesday, September 05, 2017 10:55 AM
To: Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the August 23/17 CofA Hearing

Hello Banda
Cogeco has no issue or concerns with this adjustment notice .
Thanks

The information in this message, including in all attachments, is confidential or privileged. In the event you have received this message in error and are not the intended recipient, you are hereby advised that any use, copying or reproduction of this document is strictly forbidden. Please notify immediately the sender of this error and destroy this message, including its attachments, as the case may be.

L'information apparaissant dans ce message électronique et dans les documents qui y sont joints est de nature confidentielle ou privilégiée. Si ce message vous est parvenu par erreur et que vous n'en êtes pas le destinataire visé, vous êtes par les présentes avisé que toute utilisation, copie ou distribution de ce message est strictement interdite. Vous êtes donc prié d'en informer immédiatement l'expéditeur et de détruire ce message, ainsi que les documents qui y sont joints, le cas échéant.

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

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

Politique en matière de protection des renseignements personnels de Cogeco et Engagement en matière d'anti-spam - Contactez-nous
Cogeco Câble Canada, 5 Place Ville-Marie, Bureau 1700, Montréal, Québec, H3B 0B3

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

COMMENTS

177 – 185B Rykert Street

A-83/17 – A-89/17

60.81.5252 – 60.81.5258

September 27, 2017



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 11, 2017

Date of Meeting: September 27, 2017

Submission(s): A-83/17
A-84/17
A-85/17
A-86/17
A-87/17
A-88/17
A-89/17

File: 60.81.5251
60.81.5253
60.81.5254
60.81.5255
60.81.5256
60.81.5257
60.81.5258

Subject: 177 Rykert Street
179A Rykert Street
179B Rykert Street
181 Rykert Street
183 Rykert Street
185A Rykert Street
185B Rykert Street

Recommendation

That Submission **A-83/17** to **A-89/17** by 1333664 Ontario Inc.as outlined in the Notice of Hearing, be approved subject to the condition that the accessory dwelling unit area be limited to a maximum of 55m².

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is satisfied that the variances requested for applications **A-83/17** through **A-89/17** inclusive 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 variances be approved.

Proposed Development

Applications **A-83/17** to **A-89/17** are made pertaining to the City of St. Catharines By-Law 2013-283 for a reduction of the minimum required parking spaces from 1 to 0 for an interior accessory dwelling unit. The variances are requested to eliminate the parking requirements for an interior accessory dwelling unit, permitted in the current zoning. The approval of this application will eliminate the provision of parking for the accessory dwelling units and provide for 1 parking space in the driveway dedicated to the principle dwelling units (the garages are undersized and not considered to be a legitimate parking space according to the Zoning By-law).

Minor variance applications A-40/17 – A47/17 were previously approved, and included a reduction of the minimum parking spaces for the principle dwelling unit from 2 spaces to 1 parking space. This reduction reflects the current parking standard for single dwellings. The proposed garages do not meet the minimum 3.5 metre width required in the zoning by-law and accordingly are not recognized as legitimate parking spaces, for the purposes of zoning compliance. Staff acknowledge that the garage space, albeit undersized in relation to the zoning by-law, *may* still be used for parking purposes by occupants of the dwellings.

Location and Site Description

The 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 south.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated 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 (R3-23). The R3 zone permits a variety of low density residential dwelling types including detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings, private road developments, apartment buildings, and long term care facilities. 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. Accessory dwelling units are permitted provided they meet zone provisions designed to keep accessory units small in scale in relation to the primary dwelling unit.

Applications A-83/17 to A-89/17

The variances request a reduction in minimum required parking spaces from 1 to 0 for an interior accessory dwelling unit on each lot. The reduction would allow for the construction of an interior accessory dwelling unit in each of the proposed dwellings. Taken together with neighbouring property's current minor variance application (A-

82/17), the reduction in parking over the 8 abutting lots on this side of Rykert (175 to 185B Rykert Street) would total 8.

Part C, Subsection 5.4.2(ii) of the GCP states that the City may consider the reduction or elimination of parking requirements under certain criteria. Two of these criteria apply to this context.as follows:

- i) *Where shared parking is possible*
Shared parking cannot be guaranteed in this context, but it certainly is possible. Should the occupant of the accessory dwelling unit own a vehicle, renting a parking space on private property within close proximity is potentially viable since many driveways in the area have plenty of parking and could easily accommodate an extra vehicle without compromising access for that homeowner. The City cannot guarantee that outcome since it would be an arrangement between two parties, however, the expansive driveways for many homes in the area would certainly make that arrangement possible.
- ii) *Where transit is readily available or where transit facilities are provided*
Staff note that there are five active transit stops within 400 metres (3-6 minute walk) with access to two bus routes, which carry passengers to the Downtown Terminal, the Pen Centre, the commercial area along Fourth Avenue and the GO and Via Rail station.

Staff consider these two criteria to be met.

Part C, Subsection 5.4.2, however, also states that the applicant must adequately demonstrate that the reduced parking standards will not aggravate the parking supply, and not result in unacceptable levels of spill-over parking in adjacent areas to cause negative impact to travel, traffic, and parking management.

Should this application be approved, the potential impact will be the use of on street parking by the occupant of the accessory dwelling unit, if they own a vehicle. Should that outcome materialize, the impact will be less availability of public on-street parking. On street parking is not exclusive use parking for abutting homeowners but public parking based on a first come, first served basis. A potential for higher demand for on-street parking will not negatively impact travel or traffic on Rykert Street, nor will it trigger unauthorized parking on private property. It may inconvenience existing residents who have become accustomed to using on street parking for their exclusive use.

A parking brief submitted with the application demonstrates that there are 35 on-street parking spaces in the vicinity of the site. The worst case scenario (if each of the eight accessory dwelling units have 1 vehicle) is that 8 of those 35 on street parking spaces would routinely be used by residents of the accessory units that do not have on-site parking. Staff consider that outcome to be acceptable.

Although the applicant anticipates that only half of the accessory dwelling units will trigger a demand for a parking space, there is no evidence to justify that outcome and accordingly staff's evaluation is based on all of the accessory dwelling units triggering the need for one on street parking space.

The applicant also indicates the accessory dwelling unit may provide affordable housing, in which case the incidence of car ownership is minimal, and therefore the demand for parking minimal. Since there is no evidence that the accessory dwelling units will be affordable based on the City's definition of affordability, staff are not putting any weight in that assertion.

As a condition of approval, staff are recommending the accessory unit be capped at 55 square metres to increase the probability that no more than one vehicle be attributed to the accessory dwelling unit. A larger accessory unit size may contribute to more than one vehicle associated with the accessory unit, and accordingly, more demand for on street parking. Staff consider this condition to be reasonable given the eight applications requesting the same relief.

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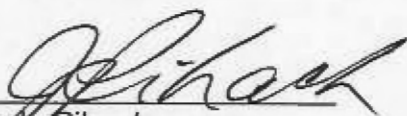
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Conclusion

Staff is of the opinion that applications **A-83/17** through **A-89/17** are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and appropriate for the desirable use of the land. It is staff's recommendation that the requested variance be approved, subject to the condition outlined in the recommendation.

Prepared and Submitted by:

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

Judy Pihach, MCIP, RPP

Manager of Planning Services

Munro, Elaine

Subject: RE: FILE NO 60.81.5252 - 60.81.5258

From: Pollock, Jack [mailto:]
Sent: Thursday, July 27, 2017 8:40 AM
To: Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>; Williamson, Bruce <bwilliamson@stcatharines.ca>; Harris, Matthew <mharris@stcatharines.ca>; Kushner, Joe <jkushner@stcatharines.ca>
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168 Rykert St
St Catharines, ON
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Have a great day!!

Brad Giroux



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

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Date: September 20, 2017

Hearing Date: September 27, 2017

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



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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: September 11, 2017

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Minor Variance – September 27, 2017 hearing- File No.: 300-010

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A-85/17	179B Rykert Street	No Comment
A-86/17	181 Rykert Street	No Comment
A-87/17	183 Rykert Street	No Comment
A-88/17	185A Rykert Street	No Comment
A-89/17	185B Rykert Street	No Comment
A-99/17	1132 Lakeshore Road West	Be advised that a building permit is required for the proposed construction and that the front yard setback will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of wall construction facing that yard.
A-100/17	463 Geneva Street	Be advised that a building permit is required for the proposed construction.
A-101/17	252 Pelham Road	Be advised that a building permit is required for the proposed addition and that reductions of yard setbacks will have spatial separation implications affecting the permitted area of glazed openings facing that yard.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx

Munro, Elaine

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

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

Sent: Thursday, August 31, 2017 1:25 PM

To: Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>

Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

Hi Banda

Here are the application I received today

175 Rykert Street, Minor Variance Application, A-82/17 – 60.81.5251
177 Rykert Street, Minor Variance Application, A-83/17 – 60.81.5252
179A Rykert Street, Minor Variance Application, A-84/17 – 60.81.5253
179B Rykert Street, Minor Variance Application, A-85/17 – 60.81.5254 No issues or concerns
181 Rykert Street, Minor Variance Application, A-86/17 – 60.81.5255 No issues or concerns
183 Rykert Street, Minor Variance Application, A-87/17 – 60.81.5256 No issues or concerns
185A Rykert Street, Minor Variance Application, A-88/17 – 60.81.5257 No issues or concerns
185B Rykert Street, Minor Variance Application, A-88/17 – 60.81.5258 No issues or concerns

Thanks

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Munro, Elaine

Subject:

RE: City of St. Catharines Committee of Adjustment Notices and Applications for the August 23/17 CofA Hearing

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

Sent: Tuesday, September 05, 2017 10:55 AM

To: Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>

Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the August 23/17 CofA Hearing

Hello Banda

Cogeco has no issue or concerns with this adjustment notice .

Thanks

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

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

COMMENTS

**1132 Lakeshore Road West
A-99/17 – 60.81.5268**

September 27, 2017



September 11, 2017

Our File No.: PLMV201701022

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Minor Variance
1132 Lakeshore Road West, St. Catharines

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

The application is made pertaining to the City of St. Catharines By-law 2013-283 to allow the owners to rebuild the existing cottage as a 2-storey single detached dwelling with an attached 2-storey shed.

- i) A reduction of the minimum front yard setback to the proposed 2-storey dwelling from 9.0 metres to 5.72 metres.
- ii) A reduction of the minimum interior side yard on the westerly side from 3.0 metres to 2.82 metres.
- iii) A reduction of the front yard setback to the attached 2-storey shed from 9.0 metres to 0 metres.
- iv) A reduction of the interior side yard on the easterly side from 3.0 metres to 1.55 metres.
- v) A reduction of the minimum interior side yard setback on the easterly side from 3.0 metres to 2.2 metres.
- vi) An increase of the maximum lot coverage from 15% to 17.59%.

Niagara Peninsula Conservation Authority Regulations:

The subject property falls within the limit of the Regulated Shoreline associated with Lake Ontario. As such, this property would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

In accordance with Policy 3.26.4.2, the redevelopment or addition to habitable dwellings is permitted within the Erosion Allowance provided:

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

The plan submitted indicates proposed addition of a second storey to an existing residential dwelling within the erosion hazard associated with the Lake Ontario shoreline. The NPCA is satisfied that due to the angle of the property, shore protection constructed at the shoreline would not benefit the subject property. While shore protection may not be a suitable option, it would be beneficial to have the geotechnical assessment speak to the condition of the toe of the slope.

The existing and proposed development is shown to be located within the stable slope allowance. The NPCA has reviewed the "Slope Stability Assessment, Proposed House Renovation, 1132 Lakeshore Road West" by Soil-Mat (dated August 16, 2017). Based on our review of the report, NPCA staff are not satisfied that the proposed development meets the minimum factor of safety required. As such, NPCA staff will require confirmation that the minimum factor of safety of 1.5 will be met.

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 subject property has been identified as an Environmental Conservation Area (ECA) for Valley Shoreline on the Region of Niagara's Core Natural Heritage Mapping. Due to the location of the property within the Greenbelt NHS, the ECA features have been classified as Environmental Protection Areas (EPA). In accordance with Regional Policy 7.B.1.28 expansions to existing structures within the Greenbelt NHS may be permitted within an EPA if the proposal is small in scale and has been directed away from the feature as much as possible and negative impacts on the natural feature and ecological functions have been minimized.

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

The subject application indicates that the proposed development is a second storey addition which will take place within the extent of the existing building footprint. As such, NPCA staff are satisfied there will be no significant negative impact to the Core Natural Heritage features as a result of the subject application.

Conclusion:

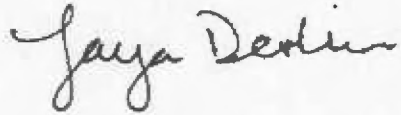
Based on the above, the NPCA requests **deferral** of this application until the following is received for review:

- a. That the geotechnical assessment address the condition of the toe of the slope and provide confirmation that the minimum factor of safety of 1.5 can be achieved.

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

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

Yours truly,

A handwritten signature in cursive script that reads "Taya Devlin".

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

cc: Craig Rohe, Planner, Niagara Region
Carmen Vetrone, Development Approvals Technician, Niagara Region
Charlotte McEwan, Planner I, City of St. Catharines
Wilrik Banda, Planning Technician, City of St. Catharines
Sean House, Student Planner, City of St. Catharines
Darren MacKenzie, Supervisor, Construction Permits and Compliance, NPCA



Legend

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

1: 500



25.4 0 12.70 25.4 Meters

NAD_1983_UTM_Zone_17N

© NPCA, Niagara Region, LIO, MPAC & Teranet

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

Notes

Via Email Only

September 8, 2017

Our File: MV-17-053

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

Dear Ms. Munro:

Re: Application for Minor Variance
Applicant: Elliot and Shehara Valles
Location: 1132 Lakeshore Road West, City of St. Catharines
Town File: A-99/2017

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

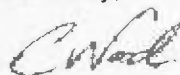
Private Sewage System Review

Private Sewage System staff has reviewed the application for the proposed construction of a second story addition to the existing dwelling. No record was found for the installation of the existing sewage system on the property, and upon our inspection, the location or class of the sewage system could not be determined. Due to the limited usable land on the property, any new construction would require the installation of a Class 5 Holding Tank.

Based on the information provided, the second story addition to the existing 114.7 square metre dwelling would double the square footage of the existing dwelling. According to the Ontario Building Code, only an addition of 15% to the existing living space can be permitted for the property serviced by a Holding Tank.

Therefore, our Department is unable to approve of the Minor Variance application as the proposed second storey addition does not meet Building Code requirements. To move forward with the application, the proposed living space must be reduced to only 15% of the existing dwelling with no change to the number of bedrooms or washrooms within the dwelling, and there will be a condition that a Holding Tank permit is applied for and installed.

Sincerely,



Caitlin Wood
Private Sewage System Inspector
Planning and Development Services

c: Carmen Vetrone, Development Approvals Technician, Development Services Division
Phill Lambert, P. Eng., Associate Director, Infrastructure Planning & Development Engineering

September 1, 2017

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

RPT	ISS	APPD	P.O.S
DATE REC'D →		SEP 11 2017	SCAN <input type="checkbox"/>
FILE NO			

Attention: Elaine Munro

File# 60.81.5268

Re: 1132 Lakeshore Road West

In response to your correspondence date September 5, 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.

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 representative 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 Will Johnson 905-522-6611 ext: 4714 in our Engineering Design Department.

Sincerley,

A handwritten signature in blue ink, appearing to read 'Mark Jakubowski', with a large, sweeping loop at the end.

Mark Jakubowski
Supervisor, Engineering Design

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, August 31, 2017 1:51 PM
To: Banda, Wilrik; Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

Hi Banda

1132 Lakeshore Road West, Minor Variance Application, A-99/17 – 60.81.5268 No issue or concerns

252 Pelham Road, Minor Variance Application, A-101/17 – 60.81.5270 No issue or concerns

Thanks

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

From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]

Sent: Thursday, August 31, 2017 1:41 PM

To: Munro, Elaine; Doug Crown

Cc: McEwan, Charlotte; House, Sean

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

Munro, Elaine

From: Sullivan, Kristen
Sent: Wednesday, September 13, 2017 12:42 PM
To: McEwan, Charlotte; House, Sean; Banda, Wilrik; Munro, Elaine
Cc: Cooper, Dan
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing
Attachments: Lakeshore-1132-TreeProtectionNotes.pdf

PRCS has reviewed the application for 1132 Lakeshore Rd. PRCS has no comments on the proposed minor variances, however the committee and the applicant should be aware that the proposed development will have the following implications on trees on the City road allowance:

1. Removal of Tree #1 (as shown on the attached). The applicant will be responsible for the cost of removal and replacement as part of the building permit application.
2. Preservation of Tree #2 (as shown on the attached). The applicant will be responsible for tree protection measures as part of the building permit application. A minimum tree protection zone of 3.6 metres is required.

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145

From: Sullivan, Kristen
Sent: Friday, September 08, 2017 12:58 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

PRCS has no comments on the following applications:

- 175 – 185B Rykert (mv)
- 252 Pelham (mv)
- 463 Geneva (mv)

Comments for 1132 Lakeshore Rd. will be provided on Monday.

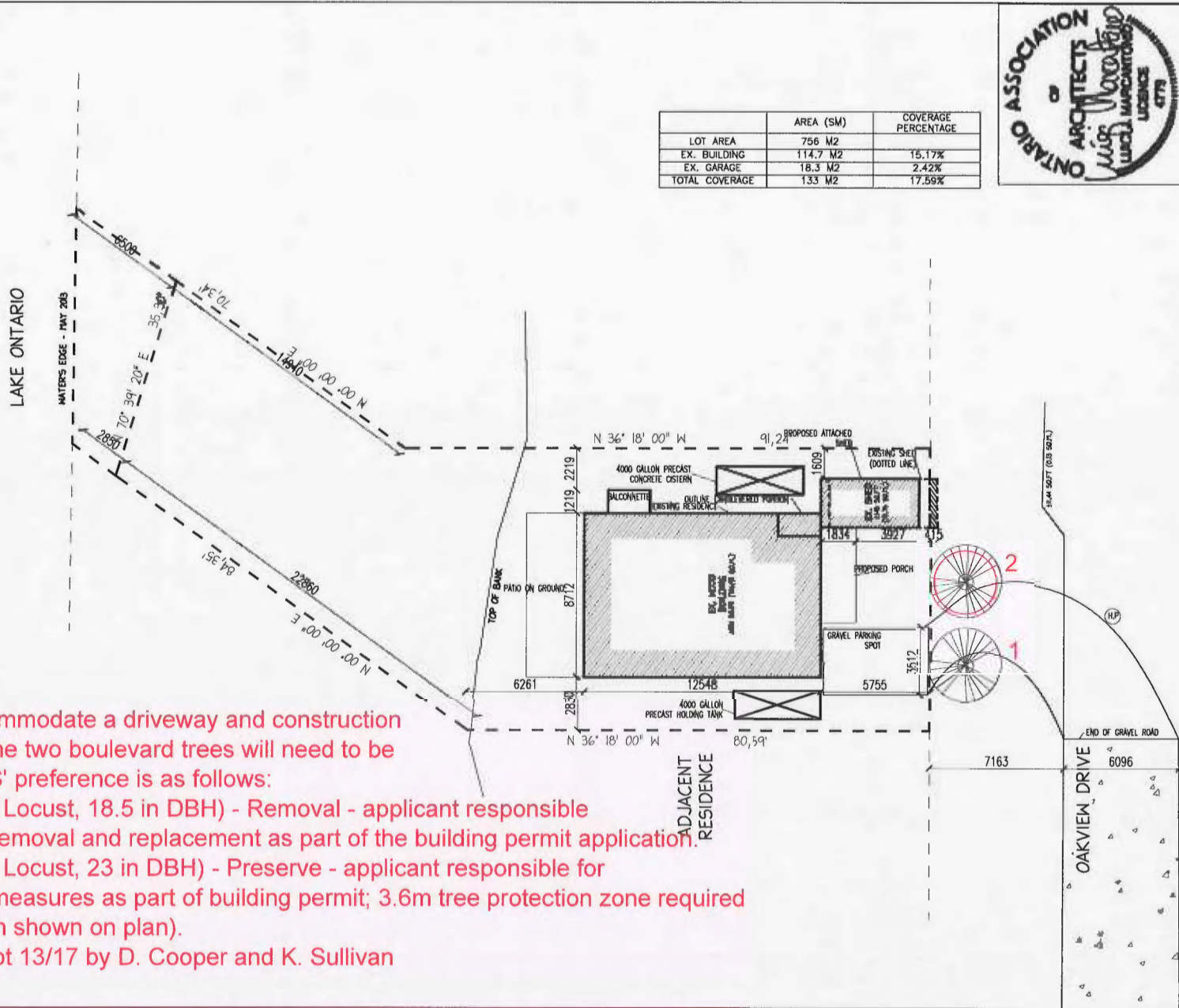
From: Banda, Wilrik
Sent: Thursday, August 31, 2017 11:23 AM
To: Munro, Elaine <emunro@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Pihach, Judy <jpihach@stcatharines.ca>; Sullivan, Kristen <ksullivan@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Melin, Nathan <nmelin@stcatharines.ca>; Lepp, Mark <mlepp@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Mills, Sabrina <smills@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>

In order to accommodate a driveway and construction access one of the two boulevard trees will need to be removed. PRCS' preference is as follows:

Tree #1 (Honey Locust, 18.5 in DBH) - Removal - applicant responsible for cost of tree removal and replacement as part of the building permit application.

Tree #2 (Honey Locust, 23 in DBH) - Preserve - applicant responsible for tree protection measures as part of building permit; 3.6m tree protection zone required (approx. location shown on plan).

- site visited Sept 13/17 by D. Cooper and K. Sullivan



	AREA (SM)	COVERAGE PERCENTAGE
LOT AREA	756 M2	
EX. BUILDING	114.7 M2	15.17%
EX. GARAGE	18.3 M2	2.42%
TOTAL COVERAGE	133 M2	17.59%



SITE PLAN

SCALE: 1:200

A1		ADDITIONS & ALTERATIONS 1132 LAKESHORE ROAD W ST. CATHARINES, ONTARIO		SITE PLAN	
PROJECT NO: 17-40 DRAWING NO: 101		DATE: JUNE 29, 2017 AS NOTED		2M architects inc. 115 Lake Street St. Catharines, ON Canada L2R 5X7 Tel: 905-687-9777 Fax: 905-687-9987 2M architects inc. is a registered professional corporation under the Business Corporations Act (R.S.O. 1990, c. 1) and is a member of the Ontario Association of Architects (OAA).	
PREPARED BY: J. COOPER CHECKED BY: K. SULLIVAN DATE: JAN 23, 2017		DESIGNED BY: J. COOPER CHECKED BY: K. SULLIVAN DATE: JAN 23, 2017		ISSUED BY: J. COOPER CHECKED BY: K. SULLIVAN DATE: JAN 23, 2017	



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: September 11, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 27, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-82/17	175 Rykert Street	No Comment
A-83/17	177 Rykert Street	No Comment
A-84/17	179A Rykert Street	No Comment
A-85/17	179B Rykert Street	No Comment
A-86/17	181 Rykert Street	No Comment
A-87/17	183 Rykert Street	No Comment
A-88/17	185A Rykert Street	No Comment
A-89/17	185B Rykert Street	No Comment
A-99/17	1132 Lakeshore Road West	Be advised that a building permit is required for the proposed construction and that the front yard setback will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of wall construction facing that yard.
A-100/17	463 Geneva Street	Be advised that a building permit is required for the proposed construction.
A-101/17	252 Pelham Road	Be advised that a building permit is required for the proposed addition and that reductions of yard setbacks will have spatial separation implications affecting the permitted area of glazed openings facing that yard.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx



Memorandum

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

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

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

Date: September 20, 2017
Hearing Date: September 27, 2017

Subject: Engineering Comments to the Committee of Adjustment (Revised)
File No's: A-82-89/17SC – 175-185B Rykert Street
A-99/17SC – 1132 Lakeshore Road W
A-100/17SC – 463 Geneva Street
A-101/17SC – 252 Pelham Road

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of applications A-82-89/17 SC, A-100/17SC and A-101/17 SC.

Regarding application A-99/17 SC for 1132 Lakeshore Road West, the location of the proposed driveway will need to be confirmed at the time of building permit application and a license agreement and/or servicing agreement may be required for the construction of the driveway on City lands.

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: September 5, 2017

Subject: Committee of Adjustment
Public Hearings – September 27, 2017
File No. 305-17-01

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

A-99/17 – 1132 Lakeshore Road West

The proposed layout of the driveway is very circuitous, as such, we question the feasibility of the driveway layout. The driveway should be redesigned to achieve a more standardized layout. This may necessitate the removal of one or both of the trees or the relocation of the utility pole.

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/

COMMENTS

**463 Geneva Street
A-100/17 – 60.81.5269**

September 27, 2017



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 20, 2017

Date of Hearing: September 27, 2017

Submission(s): A-100/17

File: 60.81.5269

Subject: 463 Geneva Street

Recommendation

That Submission **A-100/17** by Norma Howes-Benoit & Laura Jane-Benoit, 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-100/17** 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-100/17 is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for an increase in the maximum size of an interior accessory dwelling unit from 60m² to 84m².

The variance is to permit the construction of an addition to be used as an interior accessory dwelling unit.

Location and Site Description

The subject property is located on the southwest corner of Geneva Street and Baraniuk Crescent and is surrounded by single detached residential units to the north, east and west, as well as a church to the south.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E8 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

Zoning By-law (2016-283)

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

Application A-100/17

Application **A-100/17** requests an increase in the maximum size of an interior accessory dwelling unit from 60m² to 84m². The variance is to permit the construction of an addition to be used as an interior accessory dwelling unit. Section 2.2.1 b) of the Zoning By-Law states that one interior accessory dwelling unit is permitted in any detached dwelling, provided that it does not exceed 60m² or 40% of the dwelling's floor area (whichever is less). The intent of this section of the Zoning By-law is to ensure that an interior accessory dwelling unit is secondary to the primary residential dwelling. Although the requested 84m² exceeds the cap of 60m², the floor area of the proposed accessory unit accounts for only 30% of the combined floor area of both units and is clearly in accessory to the primary dwelling unit. The proposed accessory unit is single level, further ensuring it as secondary to the principle unit, which has a basement, and an above ground level. This is in keeping with the intent and purpose of the Official Plan and Zoning By-law.

Staff note that the side-by-side layout is similar to that of a semi-detached dwelling, which would be a permitted use in the R1 zone. Due to the fact that the units are connected by an interior door, the unit is accessory rather than a distinct principle dwelling. The proposed accessory unit is appropriate for the use of the land. The increase in maximum floor area is considered minor.

Conclusion

Staff is of the opinion that Application **A-100/17** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and appropriate for the desirable use of the land. It is staff's recommendation that the requested variance be approved.

Prepared by:

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

Dylan Prowse
Student Planner

Submitted by:

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

Charlotte McEwan
Planner I

Approved by:

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

Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

To: Sullivan, Kristen
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

From: Sullivan, Kristen
Sent: Friday, September 08, 2017 12:58 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

PRCS has no comments on the following applications:

- 175 – 185B Rykert (mv)
- 252 Pelham (mv)
- 463 Geneva (mv)

Comments for 1132 Lakeshore Rd. will be provided on Monday.

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
Will Banda, Planning Technician

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

Date: September 20, 2017

Hearing Date: September 27, 2017

Subject: Engineering Comments to the Committee of Adjustment (Revised)
File No's: A-82-89/17SC – 175-185B Rykert Street
A-99/17SC – 1132 Lakeshore Road W
A-100/17SC – 463 Geneva Street
A-101/17SC – 252 Pelham Road

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of applications A-82-89/17 SC, A-100/17SC and A-101/17 SC.

Regarding application A-99/17 SC for 1132 Lakeshore Road West, the location of the proposed driveway will need to be confirmed at the time of building permit application and a license agreement and/or servicing agreement may be required for the construction of the driveway on City lands.

Regards,

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



Memorandum

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

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

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

Date: September 11, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 27, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-82/17	175 Rykert Street	No Comment
A-83/17	177 Rykert Street	No Comment
A-84/17	179A Rykert Street	No Comment
A-85/17	179B Rykert Street	No Comment
A-86/17	181 Rykert Street	No Comment
A-87/17	183 Rykert Street	No Comment
A-88/17	185A Rykert Street	No Comment
A-89/17	185B Rykert Street	No Comment
A-99/17	1132 Lakeshore Road West	Be advised that a building permit is required for the proposed construction and that the front yard setback will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of wall construction facing that yard.
A-100/17	463 Geneva Street	Be advised that a building permit is required for the proposed construction.
A-101/17	252 Pelham Road	Be advised that a building permit is required for the proposed addition and that reductions of yard setbacks will have spatial separation implications affecting the permitted area of glazed openings facing that yard.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx

Munro, Elaine

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the August 23/17 CofA Hearing

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Tuesday, September 05, 2017 10:55 AM
To: Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the August 23/17 CofA Hearing

Hello Banda
Cogeco has no issue or concerns with this adjustment notice .
Thanks

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

COMMENTS

**252 Pelham Road
A-101/17 – 60.81.5270**

September 27, 2017



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 20, 2017

Date of Hearing: September 27, 2017

Submission(s): A-101/17

File: 60.81.5270

Subject: 252 Pelham Road

Recommendation

That Submission **A-101/17** by Carole Barry and Christopher Barry as outlined in the Notice of Hearing, be approved, subject to the condition:

1. That the interior side yard setback be a minimum of 7.5 metres.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that the variance requested through application **A-101/17** 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-101/17 is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for a reduction of the rear yard setback from 6 metres to 1.8 metres.

The variance is requested to facilitate the construction of an attached garage.

Location and Site Description

The subject property is located on the northwest corner of Greenock Circle and Pelham Road and is surrounded by detached dwellings to the north, east, and west, and townhouses to the south.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

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

E7 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

Zoning By-law (2016-283)

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

Application A-101/17

Application **A-101/17** requests reduction to the rear yard setback from 6 metres to 1.8 metres. The variance is requested to facilitate the construction of an attached garage. The proposed location of the garage is within the technical rear yard of the property. Due to the orientation of the existing dwelling, and the property's location on a corner it serves functionally as an interior side yard which requires a minimum setback of just 1.2 metres. The proposed 1.8m metre setback is not expected to have any adverse impact on the neighbouring properties. The technical interior side yard which serves as a rear yard, has a depth of 7.8 metres, exceeding the 7.5 metre minimum requirement for a rear yard, and providing adequate amenity space for the dwelling. The proposed Variance is in keeping with the intent and purpose of the Official Plan and Zoning By-law, provided that the interior side yard setback be a minimum of 7.5 metres. Additionally, the proposed garage is in conformity with the established building line of the surrounding properties. The reduction of 4.2 metres is considered minor in nature and staff are supportive of the variance.

Conclusion


Staff is of the opinion that Application **A-101/17** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and appropriate for the desirable use of the land. It is staff's recommendation that the requested variance be approved subject to the condition outlined in the recommendation.

Prepared by:



Dylan Prowse
Student Planner

Submitted by:



Charlotte McEwan
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



Memorandum

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

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

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

Date: September 20, 2017

Hearing Date: September 27, 2017

Subject: Engineering Comments to the Committee of Adjustment (Revised)
File No's: A-82-89/17SC – 175-185B Rykert Street
A-99/17SC – 1132 Lakeshore Road W
A-100/17SC – 463 Geneva Street
A-101/17SC – 252 Pelham Road

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of applications A-82-89/17 SC, A-100/17SC and A-101/17 SC.

Regarding application A-99/17 SC for 1132 Lakeshore Road West, the location of the proposed driveway will need to be confirmed at the time of building permit application and a license agreement and/or servicing agreement may be required for the construction of the driveway on City lands.

Regards,

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

Munro, Elaine

To: Sullivan, Kristen
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

From: Sullivan, Kristen
Sent: Friday, September 08, 2017 12:58 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

PRCS has no comments on the following applications:

- 175 – 185B Rykert (mv)
- 252 Pelham (mv)
- 463 Geneva (mv)

Comments for 1132 Lakeshore Rd. will be provided on Monday.

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



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: September 11, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 27, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-82/17	175 Rykert Street	No Comment
A-83/17	177 Rykert Street	No Comment
A-84/17	179A Rykert Street	No Comment
A-85/17	179B Rykert Street	No Comment
A-86/17	181 Rykert Street	No Comment
A-87/17	183 Rykert Street	No Comment
A-88/17	185A Rykert Street	No Comment
A-89/17	185B Rykert Street	No Comment
A-99/17	1132 Lakeshore Road West	Be advised that a building permit is required for the proposed construction and that the front yard setback will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of wall construction facing that yard.
A-100/17	463 Geneva Street	Be advised that a building permit is required for the proposed construction.
A-101/17	252 Pelham Road	Be advised that a building permit is required for the proposed addition and that reductions of yard setbacks will have spatial separation implications affecting the permitted area of glazed openings facing that yard.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, August 31, 2017 1:51 PM
To: Banda, Wilrik; Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

Hi Banda

1132 Lakeshore Road West, Minor Variance Application, A-99/17 – 60.81.5268 No issue or concerns

252 Pelham Road, Minor Variance Application, A-101/17 – 60.81.5270 No issue or concerns

Thanks

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

From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]

Sent: Thursday, August 31, 2017 1:41 PM

To: Munro, Elaine; Doug Crown

Cc: McEwan, Charlotte; House, Sean

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

COMMENTS

**463 Geneva Street
A-100/17 – 60.81.5269**

September 27, 2017



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 20, 2017

Date of Hearing: September 27, 2017

Submission(s): A-100/17

File: 60.81.5269

Subject: 463 Geneva Street

Recommendation

That Submission **A-100/17** by Norma Howes-Benoit & Laura Jane-Benoit, 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-100/17** 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-100/17 is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for an increase in the maximum size of an interior accessory dwelling unit from 60m² to 84m².

The variance is to permit the construction of an addition to be used as an interior accessory dwelling unit.

Location and Site Description

The subject property is located on the southwest corner of Geneva Street and Baraniuk Crescent and is surrounded by single detached residential units to the north, east and west, as well as a church to the south.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E8 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

Zoning By-law (2016-283)

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

Application A-100/17

Application **A-100/17** requests an increase in the maximum size of an interior accessory dwelling unit from 60m² to 84m². The variance is to permit the construction of an addition to be used as an interior accessory dwelling unit. Section 2.2.1 b) of the Zoning By-Law states that one interior accessory dwelling unit is permitted in any detached dwelling, provided that it does not exceed 60m² or 40% of the dwelling's floor area (whichever is less). The intent of this section of the Zoning By-law is to ensure that an interior accessory dwelling unit is secondary to the primary residential dwelling. Although the requested 84m² exceeds the cap of 60m², the floor area of the proposed accessory unit accounts for only 30% of the combined floor area of both units and is clearly in accessory to the primary dwelling unit. The proposed accessory unit is single level, further ensuring it as secondary to the principle unit, which has a basement, and an above ground level. This is in keeping with the intent and purpose of the Official Plan and Zoning By-law.

Staff note that the side-by-side layout is similar to that of a semi-detached dwelling, which would be a permitted use in the R1 zone. Due to the fact that the units are connected by an interior door, the unit is accessory rather than a distinct principle dwelling. The proposed accessory unit is appropriate for the use of the land. The increase in maximum floor area is considered minor.

Conclusion

Staff is of the opinion that Application **A-100/17** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and appropriate for the desirable use of the land. It is staff's recommendation that the requested variance be approved.

Prepared by:

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

Dylan Prowse
Student Planner

Submitted by:

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

Charlotte McEwan
Planner I

Approved by:

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

Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

To: Sullivan, Kristen
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

From: Sullivan, Kristen
Sent: Friday, September 08, 2017 12:58 PM
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Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

PRCS has no comments on the following applications:

- 175 – 185B Rykert (mv)
- 252 Pelham (mv)
- 463 Geneva (mv)

Comments for 1132 Lakeshore Rd. will be provided on Monday.

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
Will Banda, Planning Technician

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

Date: September 20, 2017

Hearing Date: September 27, 2017

Subject: Engineering Comments to the Committee of Adjustment (Revised)
File No's: A-82-89/17SC – 175-185B Rykert Street
A-99/17SC – 1132 Lakeshore Road W
A-100/17SC – 463 Geneva Street
A-101/17SC – 252 Pelham Road

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of applications A-82-89/17 SC, A-100/17SC and A-101/17 SC.

Regarding application A-99/17 SC for 1132 Lakeshore Road West, the location of the proposed driveway will need to be confirmed at the time of building permit application and a license agreement and/or servicing agreement may be required for the construction of the driveway on City lands.

Regards,

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



Memorandum

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

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

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

Date: September 11, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 27, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-82/17	175 Rykert Street	No Comment
A-83/17	177 Rykert Street	No Comment
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A-85/17	179B Rykert Street	No Comment
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Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx

Munro, Elaine

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the August 23/17 CofA Hearing

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Tuesday, September 05, 2017 10:55 AM
To: Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the August 23/17 CofA Hearing

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

COMMENTS

**252 Pelham Road
A-101/17 – 60.81.5270**

September 27, 2017



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 20, 2017

Date of Hearing: September 27, 2017

Submission(s): A-101/17

File: 60.81.5270

Subject: 252 Pelham Road

Recommendation

That Submission **A-101/17** by Carole Barry and Christopher Barry as outlined in the Notice of Hearing, be approved, subject to the condition:

1. That the interior side yard setback be a minimum of 7.5 metres.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that the variance requested through application **A-101/17** 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-101/17 is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for a reduction of the rear yard setback from 6 metres to 1.8 metres.

The variance is requested to facilitate the construction of an attached garage.

Location and Site Description

The subject property is located on the northwest corner of Greenock Circle and Pelham Road and is surrounded by detached dwellings to the north, east, and west, and townhouses to the south.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

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

E7 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

Zoning By-law (2016-283)

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

Application A-101/17

Application **A-101/17** requests reduction to the rear yard setback from 6 metres to 1.8 metres. The variance is requested to facilitate the construction of an attached garage. The proposed location of the garage is within the technical rear yard of the property. Due to the orientation of the existing dwelling, and the property's location on a corner it serves functionally as an interior side yard which requires a minimum setback of just 1.2 metres. The proposed 1.8m metre setback is not expected to have any adverse impact on the neighbouring properties. The technical interior side yard which serves as a rear yard, has a depth of 7.8 metres, exceeding the 7.5 metre minimum requirement for a rear yard, and providing adequate amenity space for the dwelling. The proposed Variance is in keeping with the intent and purpose of the Official Plan and Zoning By-law, provided that the interior side yard setback be a minimum of 7.5 metres. Additionally, the proposed garage is in conformity with the established building line of the surrounding properties. The reduction of 4.2 metres is considered minor in nature and staff are supportive of the variance.

Conclusion


Staff is of the opinion that Application **A-101/17** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and appropriate for the desirable use of the land. It is staff's recommendation that the requested variance be approved subject to the condition outlined in the recommendation.

Prepared by:



Dylan Prowse
Student Planner

Submitted by:



Charlotte McEwan
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



Memorandum

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

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

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

Date: September 20, 2017
Hearing Date: September 27, 2017

Subject: Engineering Comments to the Committee of Adjustment (Revised)
File No's: A-82-89/17SC – 175-185B Rykert Street
A-99/17SC – 1132 Lakeshore Road W
A-100/17SC – 463 Geneva Street
A-101/17SC – 252 Pelham Road

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of applications A-82-89/17 SC, A-100/17SC and A-101/17 SC.

Regarding application A-99/17 SC for 1132 Lakeshore Road West, the location of the proposed driveway will need to be confirmed at the time of building permit application and a license agreement and/or servicing agreement may be required for the construction of the driveway on City lands.

Regards,

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

Munro, Elaine

To: Sullivan, Kristen
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

From: Sullivan, Kristen
Sent: Friday, September 08, 2017 12:58 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

PRCS has no comments on the following applications:

- 175 – 185B Rykert (mv)
- 252 Pelham (mv)
- 463 Geneva (mv)

Comments for 1132 Lakeshore Rd. will be provided on Monday.

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



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: September 11, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 27, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-82/17	175 Rykert Street	No Comment
A-83/17	177 Rykert Street	No Comment
A-84/17	179A Rykert Street	No Comment
A-85/17	179B Rykert Street	No Comment
A-86/17	181 Rykert Street	No Comment
A-87/17	183 Rykert Street	No Comment
A-88/17	185A Rykert Street	No Comment
A-89/17	185B Rykert Street	No Comment
A-99/17	1132 Lakeshore Road West	Be advised that a building permit is required for the proposed construction and that the front yard setback will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of wall construction facing that yard.
A-100/17	463 Geneva Street	Be advised that a building permit is required for the proposed construction.
A-101/17	252 Pelham Road	Be advised that a building permit is required for the proposed addition and that reductions of yard setbacks will have spatial separation implications affecting the permitted area of glazed openings facing that yard.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, August 31, 2017 1:51 PM
To: Banda, Wilrik; Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

Hi Banda

1132 Lakeshore Road West, Minor Variance Application, A-99/17 – 60.81.5268 No issue or concerns

252 Pelham Road, Minor Variance Application, A-101/17 – 60.81.5270 No issue or concerns

Thanks

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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: Banda, Wilrik [mailto:wbanda@stcatharines.ca]

Sent: Thursday, August 31, 2017 1:41 PM

To: Munro, Elaine; Doug Crown

Cc: McEwan, Charlotte; House, Sean

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

COMMENTS

**1132 Lakeshore Road West
A-99/17 – 60.81.5268**

September 27, 2017



September 11, 2017

Our File No.: PLMV201701022

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Minor Variance
1132 Lakeshore Road West, St. Catharines

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

The application is made pertaining to the City of St. Catharines By-law 2013-283 to allow the owners to rebuild the existing cottage as a 2-storey single detached dwelling with an attached 2-storey shed.

- i) A reduction of the minimum front yard setback to the proposed 2-storey dwelling from 9.0 metres to 5.72 metres.
- ii) A reduction of the minimum interior side yard on the westerly side from 3.0 metres to 2.82 metres.
- iii) A reduction of the front yard setback to the attached 2-storey shed from 9.0 metres to 0 metres.
- iv) A reduction of the interior side yard on the easterly side from 3.0 metres to 1.55 metres.
- v) A reduction of the minimum interior side yard setback on the easterly side from 3.0 metres to 2.2 metres.
- vi) An increase of the maximum lot coverage from 15% to 17.59%.

Niagara Peninsula Conservation Authority Regulations:

The subject property falls within the limit of the Regulated Shoreline associated with Lake Ontario. As such, this property would be subject to the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

In accordance with Policy 3.26.4.2, the redevelopment or addition to habitable dwellings is permitted within the Erosion Allowance provided:

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

The plan submitted indicates proposed addition of a second storey to an existing residential dwelling within the erosion hazard associated with the Lake Ontario shoreline. The NPCA is satisfied that due to the angle of the property, shore protection constructed at the shoreline would not benefit the subject property. While shore protection may not be a suitable option, it would be beneficial to have the geotechnical assessment speak to the condition of the toe of the slope.

The existing and proposed development is shown to be located within the stable slope allowance. The NPCA has reviewed the "Slope Stability Assessment, Proposed House Renovation, 1132 Lakeshore Road West" by Soil-Mat (dated August 16, 2017). Based on our review of the report, NPCA staff are not satisfied that the proposed development meets the minimum factor of safety required. As such, NPCA staff will require confirmation that the minimum factor of safety of 1.5 will be met.

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 subject property has been identified as an Environmental Conservation Area (ECA) for Valley Shoreline on the Region of Niagara's Core Natural Heritage Mapping. Due to the location of the property within the Greenbelt NHS, the ECA features have been classified as Environmental Protection Areas (EPA). In accordance with Regional Policy 7.B.1.28 expansions to existing structures within the Greenbelt NHS may be permitted within an EPA if the proposal is small in scale and has been directed away from the feature as much as possible and negative impacts on the natural feature and ecological functions have been minimized.

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

The subject application indicates that the proposed development is a second storey addition which will take place within the extent of the existing building footprint. As such, NPCA staff are satisfied there will be no significant negative impact to the Core Natural Heritage features as a result of the subject application.

Conclusion:

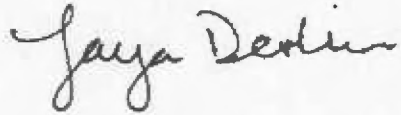
Based on the above, the NPCA requests **deferral** of this application until the following is received for review:

- a. That the geotechnical assessment address the condition of the toe of the slope and provide confirmation that the minimum factor of safety of 1.5 can be achieved.

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

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

Yours truly,

A handwritten signature in cursive script that reads "Taya Devlin".

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

cc: Craig Rohe, Planner, Niagara Region
Carmen Vetrone, Development Approvals Technician, Niagara Region
Charlotte McEwan, Planner I, City of St. Catharines
Wilrik Banda, Planning Technician, City of St. Catharines
Sean House, Student Planner, City of St. Catharines
Darren MacKenzie, Supervisor, Construction Permits and Compliance, NPCA



- Legend**
- Contours 2010 (1m)
 - Shoreline Flood/Erosion Invent**
 - Regulatory Flood Hazard Limit
 - Great Lakes Regulatory Flood Level
 - - - Toe of Bluff
 - - - Stable Slope Allowance
 - - - Regulatory Erosion Hazard Limit
 - - - Regulatory Dynamic Beach Reaches
 - Ontario Road Network**
 - Major Highways
 - Arterial Roads
 - Local Roads
 - Assessment Parcels
 - AIRPORTS
 - Campsites
 - 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

Via Email Only

September 8, 2017

Our File: MV-17-053

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

Dear Ms. Munro:

Re: Application for Minor Variance
Applicant: Elliot and Shehara Valles
Location: 1132 Lakeshore Road West, City of St. Catharines
Town File: A-99/2017

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

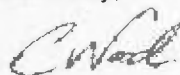
Private Sewage System Review

Private Sewage System staff has reviewed the application for the proposed construction of a second story addition to the existing dwelling. No record was found for the installation of the existing sewage system on the property, and upon our inspection, the location or class of the sewage system could not be determined. Due to the limited usable land on the property, any new construction would require the installation of a Class 5 Holding Tank.

Based on the information provided, the second story addition to the existing 114.7 square metre dwelling would double the square footage of the existing dwelling. According to the Ontario Building Code, only an addition of 15% to the existing living space can be permitted for the property serviced by a Holding Tank.

Therefore, our Department is unable to approve of the Minor Variance application as the proposed second storey addition does not meet Building Code requirements. To move forward with the application, the proposed living space must be reduced to only 15% of the existing dwelling with no change to the number of bedrooms or washrooms within the dwelling, and there will be a condition that a Holding Tank permit is applied for and installed.

Sincerely,



Caitlin Wood
Private Sewage System Inspector
Planning and Development Services

c: Carmen Vetrone, Development Approvals Technician, Development Services Division
Phill Lambert, P. Eng., Associate Director, Infrastructure Planning & Development Engineering

September 1, 2017

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

RPT	ISS	APPD	P.O.S
DATE REC'D →		SEP 11 2017	SCAN <input type="checkbox"/>
FILE NO			

Attention: Elaine Munro

File# 60.81.5268

Re: 1132 Lakeshore Road West

In response to your correspondence date September 5, 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.

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 representative 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 Will Johnson 905-522-6611 ext: 4714 in our Engineering Design Department.

Sincerley,

A handwritten signature in blue ink, appearing to be 'Mark Jakubowski', with a large, sweeping loop at the end.

Mark Jakubowski
Supervisor, Engineering Design

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, August 31, 2017 1:51 PM
To: Banda, Wilrik; Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

Hi Banda

1132 Lakeshore Road West, Minor Variance Application, A-99/17 – 60.81.5268 No issue or concerns

252 Pelham Road, Minor Variance Application, A-101/17 – 60.81.5270 No issue or concerns

Thanks

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

From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]

Sent: Thursday, August 31, 2017 1:41 PM

To: Munro, Elaine; Doug Crown

Cc: McEwan, Charlotte; House, Sean

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

Munro, Elaine

From: Sullivan, Kristen
Sent: Wednesday, September 13, 2017 12:42 PM
To: McEwan, Charlotte; House, Sean; Banda, Wilrik; Munro, Elaine
Cc: Cooper, Dan
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing
Attachments: Lakeshore-1132-TreeProtectionNotes.pdf

PRCS has reviewed the application for 1132 Lakeshore Rd. PRCS has no comments on the proposed minor variances, however the committee and the applicant should be aware that the proposed development will have the following implications on trees on the City road allowance:

1. Removal of Tree #1 (as shown on the attached). The applicant will be responsible for the cost of removal and replacement as part of the building permit application.
2. Preservation of Tree #2 (as shown on the attached). The applicant will be responsible for tree protection measures as part of the building permit application. A minimum tree protection zone of 3.6 metres is required.

Kristen Sullivan

Project & Development Planner

Email: ksullivan@stcatharines.ca

Tel: 905.688.5601 x3145

From: Sullivan, Kristen
Sent: Friday, September 08, 2017 12:58 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

PRCS has no comments on the following applications:

- 175 – 185B Rykert (mv)
- 252 Pelham (mv)
- 463 Geneva (mv)

Comments for 1132 Lakeshore Rd. will be provided on Monday.

From: Banda, Wilrik
Sent: Thursday, August 31, 2017 11:23 AM
To: Munro, Elaine <emunro@stcatharines.ca>; Bittner, Steve <sbittner@stcatharines.ca>; Ritchie, Scott <sritchie@stcatharines.ca>; Pihach, Judy <jpihach@stcatharines.ca>; Sullivan, Kristen <ksullivan@stcatharines.ca>; Johnston, Brad <bjohnston@stcatharines.ca>; Melin, Nathan <nmelin@stcatharines.ca>; Lepp, Mark <mlepp@stcatharines.ca>; McEwan, Charlotte <cmcewan@stcatharines.ca>; Mills, Sabrina <smills@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>



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: September 11, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 27, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-82/17	175 Rykert Street	No Comment
A-83/17	177 Rykert Street	No Comment
A-84/17	179A Rykert Street	No Comment
A-85/17	179B Rykert Street	No Comment
A-86/17	181 Rykert Street	No Comment
A-87/17	183 Rykert Street	No Comment
A-88/17	185A Rykert Street	No Comment
A-89/17	185B Rykert Street	No Comment
A-99/17	1132 Lakeshore Road West	Be advised that a building permit is required for the proposed construction and that the front yard setback will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of wall construction facing that yard.
A-100/17	463 Geneva Street	Be advised that a building permit is required for the proposed construction.
A-101/17	252 Pelham Road	Be advised that a building permit is required for the proposed addition and that reductions of yard setbacks will have spatial separation implications affecting the permitted area of glazed openings facing that yard.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx



Memorandum

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

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

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

Date: September 20, 2017
Hearing Date: September 27, 2017

Subject: Engineering Comments to the Committee of Adjustment (Revised)
File No's: A-82-89/17SC – 175-185B Rykert Street
A-99/17SC – 1132 Lakeshore Road W
A-100/17SC – 463 Geneva Street
A-101/17SC – 252 Pelham Road

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of applications A-82-89/17 SC, A-100/17SC and A-101/17 SC.

Regarding application A-99/17 SC for 1132 Lakeshore Road West, the location of the proposed driveway will need to be confirmed at the time of building permit application and a license agreement and/or servicing agreement may be required for the construction of the driveway on City lands.

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: September 5, 2017

Subject: Committee of Adjustment
Public Hearings – September 27, 2017
File No. 305-17-01

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

A-99/17 – 1132 Lakeshore Road West

The proposed layout of the driveway is very circuitous, as such, we question the feasibility of the driveway layout. The driveway should be redesigned to achieve a more standardized layout. This may necessitate the removal of one or both of the trees or the relocation of the utility pole.

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/

COMMENTS

**463 Geneva Street
A-100/17 – 60.81.5269**

September 27, 2017



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 20, 2017

Date of Hearing: September 27, 2017

Submission(s): A-100/17

File: 60.81.5269

Subject: 463 Geneva Street

Recommendation

That Submission **A-100/17** by Norma Howes-Benoit & Laura Jane-Benoit, 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-100/17** 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-100/17 is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for an increase in the maximum size of an interior accessory dwelling unit from 60m² to 84m².

The variance is to permit the construction of an addition to be used as an interior accessory dwelling unit.

Location and Site Description

The subject property is located on the southwest corner of Geneva Street and Baraniuk Crescent and is surrounded by single detached residential units to the north, east and west, as well as a church to the south.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E8 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

Zoning By-law (2016-283)

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

Application A-100/17

Application **A-100/17** requests an increase in the maximum size of an interior accessory dwelling unit from 60m² to 84m². The variance is to permit the construction of an addition to be used as an interior accessory dwelling unit. Section 2.2.1 b) of the Zoning By-Law states that one interior accessory dwelling unit is permitted in any detached dwelling, provided that it does not exceed 60m² or 40% of the dwelling's floor area (whichever is less). The intent of this section of the Zoning By-law is to ensure that an interior accessory dwelling unit is secondary to the primary residential dwelling. Although the requested 84m² exceeds the cap of 60m², the floor area of the proposed accessory unit accounts for only 30% of the combined floor area of both units and is clearly in accessory to the primary dwelling unit. The proposed accessory unit is single level, further ensuring it as secondary to the principle unit, which has a basement, and an above ground level. This is in keeping with the intent and purpose of the Official Plan and Zoning By-law.

Staff note that the side-by-side layout is similar to that of a semi-detached dwelling, which would be a permitted use in the R1 zone. Due to the fact that the units are connected by an interior door, the unit is accessory rather than a distinct principle dwelling. The proposed accessory unit is appropriate for the use of the land. The increase in maximum floor area is considered minor.

Conclusion

Staff is of the opinion that Application **A-100/17** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and appropriate for the desirable use of the land. It is staff's recommendation that the requested variance be approved.

Prepared by:

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

Dylan Prowse
Student Planner

Submitted by:

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

Charlotte McEwan
Planner I

Approved by:

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

Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

To: Sullivan, Kristen
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

From: Sullivan, Kristen
Sent: Friday, September 08, 2017 12:58 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

PRCS has no comments on the following applications:

- 175 – 185B Rykert (mv)
- 252 Pelham (mv)
- 463 Geneva (mv)

Comments for 1132 Lakeshore Rd. will be provided on Monday.

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
Will Banda, Planning Technician

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

Date: September 20, 2017

Hearing Date: September 27, 2017

Subject: Engineering Comments to the Committee of Adjustment (Revised)
File No's: A-82-89/17SC – 175-185B Rykert Street
A-99/17SC – 1132 Lakeshore Road W
A-100/17SC – 463 Geneva Street
A-101/17SC – 252 Pelham Road

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of applications A-82-89/17 SC, A-100/17SC and A-101/17 SC.

Regarding application A-99/17 SC for 1132 Lakeshore Road West, the location of the proposed driveway will need to be confirmed at the time of building permit application and a license agreement and/or servicing agreement may be required for the construction of the driveway on City lands.

Regards,

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



Memorandum

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

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

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

Date: September 11, 2017

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – September 27, 2017 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-82/17	175 Rykert Street	No Comment
A-83/17	177 Rykert Street	No Comment
A-84/17	179A Rykert Street	No Comment
A-85/17	179B Rykert Street	No Comment
A-86/17	181 Rykert Street	No Comment
A-87/17	183 Rykert Street	No Comment
A-88/17	185A Rykert Street	No Comment
A-89/17	185B Rykert Street	No Comment
A-99/17	1132 Lakeshore Road West	Be advised that a building permit is required for the proposed construction and that the front yard setback will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of wall construction facing that yard.
A-100/17	463 Geneva Street	Be advised that a building permit is required for the proposed construction.
A-101/17	252 Pelham Road	Be advised that a building permit is required for the proposed addition and that reductions of yard setbacks will have spatial separation implications affecting the permitted area of glazed openings facing that yard.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx

Munro, Elaine

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the August 23/17 CofA Hearing

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Tuesday, September 05, 2017 10:55 AM
To: Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the August 23/17 CofA Hearing

Hello Banda
Cogeco has no issue or concerns with this adjustment notice .
Thanks

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

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

COMMENTS

**252 Pelham Road
A-101/17 – 60.81.5270**

September 27, 2017



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: September 20, 2017

Date of Hearing: September 27, 2017

Submission(s): A-101/17

File: 60.81.5270

Subject: 252 Pelham Road

Recommendation

That Submission **A-101/17** by Carole Barry and Christopher Barry as outlined in the Notice of Hearing, be approved, subject to the condition:

1. That the interior side yard setback be a minimum of 7.5 metres.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that the variance requested through application **A-101/17** 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-101/17 is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for a reduction of the rear yard setback from 6 metres to 1.8 metres.

The variance is requested to facilitate the construction of an attached garage.

Location and Site Description

The subject property is located on the northwest corner of Greenock Circle and Pelham Road and is surrounded by detached dwellings to the north, east, and west, and townhouses to the south.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

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

E7 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings at a density range generally between 20 and 32 units per hectare.

Zoning By-law (2016-283)

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

Application A-101/17

Application **A-101/17** requests reduction to the rear yard setback from 6 metres to 1.8 metres. The variance is requested to facilitate the construction of an attached garage. The proposed location of the garage is within the technical rear yard of the property. Due to the orientation of the existing dwelling, and the property's location on a corner it serves functionally as an interior side yard which requires a minimum setback of just 1.2 metres. The proposed 1.8m metre setback is not expected to have any adverse impact on the neighbouring properties. The technical interior side yard which serves as a rear yard, has a depth of 7.8 metres, exceeding the 7.5 metre minimum requirement for a rear yard, and providing adequate amenity space for the dwelling. The proposed Variance is in keeping with the intent and purpose of the Official Plan and Zoning By-law, provided that the interior side yard setback be a minimum of 7.5 metres. Additionally, the proposed garage is in conformity with the established building line of the surrounding properties. The reduction of 4.2 metres is considered minor in nature and staff are supportive of the variance.

Conclusion


Staff is of the opinion that Application **A-101/17** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and appropriate for the desirable use of the land. It is staff's recommendation that the requested variance be approved subject to the condition outlined in the recommendation.

Prepared by:



Dylan Prowse
Student Planner

Submitted by:



Charlotte McEwan
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



Memorandum

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

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

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

Date: September 20, 2017

Hearing Date: September 27, 2017

Subject: Engineering Comments to the Committee of Adjustment (Revised)
File No's: A-82-89/17SC – 175-185B Rykert Street
A-99/17SC – 1132 Lakeshore Road W
A-100/17SC – 463 Geneva Street
A-101/17SC – 252 Pelham Road

Development Engineering Services have reviewed the above noted applications for Minor Variance requests. We have no comments or objections to the approval of applications A-82-89/17 SC, A-100/17SC and A-101/17 SC.

Regarding application A-99/17 SC for 1132 Lakeshore Road West, the location of the proposed driveway will need to be confirmed at the time of building permit application and a license agreement and/or servicing agreement may be required for the construction of the driveway on City lands.

Regards,

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

Munro, Elaine

To: Sullivan, Kristen
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

From: Sullivan, Kristen
Sent: Friday, September 08, 2017 12:58 PM
To: McEwan, Charlotte <cmcewan@stcatharines.ca>; House, Sean <shouse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing

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- 252 Pelham (mv)
- 463 Geneva (mv)

Comments for 1132 Lakeshore Rd. will be provided on Monday.

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



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: September 11, 2017

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Minor Variance – September 27, 2017 hearing- File No.: 300-010

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Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2017\21 bcoa memo-mv-Sep27, 2017.docx

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, August 31, 2017 1:51 PM
To: Banda, Wilrik; Munro, Elaine
Cc: McEwan, Charlotte; House, Sean
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3

Hi Banda

1132 Lakeshore Road West, Minor Variance Application, A-99/17 – 60.81.5268 No issue or concerns

252 Pelham Road, Minor Variance Application, A-101/17 – 60.81.5270 No issue or concerns

Thanks

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From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]

Sent: Thursday, August 31, 2017 1:41 PM

To: Munro, Elaine; Doug Crown

Cc: McEwan, Charlotte; House, Sean

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the September 27/17 CofA Hearing 3 of 3