



CITY OF
ST. CATHARINES

Committee of Adjustment Public Hearing
December 13, 2017
Council Chambers, City Hall - 5:00 p.m.

2nd Revised Agenda

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment
5. Adoption of the Minutes held November 29, 2017
6. Application:
 1. 8 Graham Avenue, Consent Application, 60.84.2141 – B-56/17SC
 - 8 Graham Avenue, Consent Application, 60.84.2142 – B-57/17SC
 - 8 Graham Avenue, Minor Variance Application, 60.81.5283 – A-115/17
 - 3 Considine Avenue, Minor Variance Application, 60.81.5286 – A-118/17
 - 5 Considine Avenue, Minor Variance Application, 60.81.5287 – A-119/17
 2. 79 Simpson Road, Minor Variance Application, 60.81.5285 – A-117/17
 3. 1250 Lakeshore Road West, Minor Variance Application, 60.81.5284 – A-116/17
8. New Business:
9. Date of next Hearing: January 31, 2018
10. Adjournment

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

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

COMMENTS

**B-56/17SC (60.84.2141), B-57/17SC
(60.84.2142) & A-115/17 (60.81.5283)**

8 Graham Avenue

**DATE OF HEARING:
December 13, 2017**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 6, 2017

Date of Meeting: December 13, 2017

Submission(s): B-56/17SC
B-57/17SC
A-115/17
A-118/17
A-119/17

File: 60.84.2141
60.84.2142
60.81.5283
60.81.5286
60.81-5287

Subject: 8 Graham Avenue
3 & 5 Considine Avenue

Recommendation

That Submission **B-56/17SC** and **B-57/17SC** by Louis Famelos & Deborah Famelos, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. Pay to the City the fees to locate and trace the existing water and sewer laterals from the existing home to ensure they do not cross existing and future potential lot lines, and pay for and complete works on private property in order for each property to be serviced individually if determined not to be.
2. That a road widening dedication of 2.40 metres (8') along the frontage of Considine Street be conveyed gratuitously to the City of St. Catharines. The land is to be conveyed free and clear of any mortgages, liens or encumbrances.
3. That payment of 5% of the appraised value of the new lots (Part 2 and Part 3) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser, reviewed and approved by the City.
4. That the applicant submit a payment of \$433.00 for deposit in the general tree planting reserve fund, in accordance with the 2017 Schedule of Rates and Fees.
5. That final approval for the necessary minor variance applications be received.
6. That the applicant satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall

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

7. That the following be removed:

- i) The rear portion of the existing dwelling that is identified on the sketch “to be removed” within Parts 1 and 2.
- ii) The largest shed located within Part 2.
- iii) The swimming pool within Part 3 identified on the sketch for removal
- iv) The privacy fence located along Considine Avenue.

The owner shall be required to apply for demolition permits and building permits prior to completion of the above works and the works shall be completed to the satisfaction of the Chief Building Official, prior to clearance of this condition.

That variance 1 and 2 of Submission **A-115/17** by Louis Famelos & Deborah Famelos, as outlined in the Notice of Hearing, be approved subject to the condition that a 6.0 metre minimum interior side yard on the south side be maintained as amenity space. Variance 3 be denied..

That Submission **A-118/17** by Louis Famelos & Deborah Famelos, as outlined in the Notice of Hearing, be approved.

That Submission **A-119/17** by Louis Famelos & Deborah Famelos, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 51 (24) of the Planning Act, staff is satisfied that applications **B-56/17SC** and **B-57/17SC** are desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances 1 and 2 requested through application **A-115/17**, **A-118/17** and **A-119/17** are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. That variance 3 of application **A-115/17** be denied.

Staff recommend that the requested consent and variances be approved, subject to the conditions outlined in the recommendation and that variance 3 of application **A-115/17** be denied.

Proposed Development

Application **B-56/17SC** is made for consent to a partial discharge of mortgage and for consent to sever 232m² of land (Part 3 on the submitted sketch) for the purpose of constructing a single detached dwelling to be known as 3 Considine Street. A 602.3m² remnant parcel (Part 1) with the existing single detached dwelling would be retained for continued residential use.

Application **B-57/17SC** is made for consent to a partial discharge of mortgage and for consent to sever 232m² of land (Part 2 on the submitted sketch) for the purpose of constructing a single detached dwelling to be known as 5 Considine Street. A 602.3m² remnant parcel (Part 1) with the existing single detached dwelling would be retained for continued residential use.

Application **A-115/17** is made pertaining to the City of St. Catharines By-law 2013-283 for:

1. An increase of the minimum lot area per dwelling unit from 465m² to 602m² (Part 1).
2. A reduction of the minimum rear yard setback from 6 metres to 1.68 metres.
3. A reduction of the minimum interior side yard setback to the new proposed front yard addition from 1.2 metres to 0.88 metres.

The variances are requested to facilitate a concurrent consent applications B-56/17SC and B-57/17SC and for the proposed one storey front yard addition.

Application **A-118/17** is made pertaining the City of St. Catharines By-law 2013-283 for:

1. A reduction of the minimum lot area per dwelling unit of 300m² to 190m² (Part 3).
2. A reduction of the minimum front yard setback to the dwelling from 3 metres to 0.5 metres.
3. A reduction of the minimum rear yard setback at the southerly side only from 6 metres to 4.68 metres.
4. A reduction of the minimum setback from the front lot line for platform structure from 3 metres to 0.5 metres.

The variances are requested to facilitate a concurrent consent application B-56/17SC to construct the proposed single detached dwelling.

Application **A-119/17** is made pertaining the City of St. Catharines By-law 2013-283 for:

1. A reduction of the minimum lot area per dwelling unit from 300m² to 190m².
2. A reduction of the minimum front yard setback to the dwelling from 3 metres to 0.5 metres.
3. A reduction of the minimum setback to the front lot line for a platform structure from 3 metres to 0.5 metres.

The variances are requested to facilitate a concurrent consent application B-57/17SC to construct the proposed single detached dwelling.

Location and Site Description

The subject property is located on the east side of Graham Avenue, north of Bayview Avenue, within the Port Dalhousie Heritage District. The property is surrounded by single detached dwellings in all directions.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP). The subject property is further designated Low Density Residential as per Schedule E1 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, 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 – Traditional Neighbourhood (R2-7). The R2-7 zone permits a variety of low density residential dwelling types including detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings, and private road developments. The special provision 7 limits the maximum height of buildings to 9 metres.

The 2 new detached dwellings and 1 existing dwelling are permitted uses in the Official Plan and Zoning By-law.

Consent Applications B-56/17SC and B-57/17SC

Applications **B-56/17SC** and **B-57/17SC** are made for consent to sever to create 2 new lots for the purpose of constructing 2 single detached dwellings (Parts 3 and 5 & 2 and 64 on the submitted sketch). The current lot is 1,066.3m² in size. The proposed consents would create two 190m² lots and a 602.3m² remnant parcel (Part 1) with the existing single storey dwelling would be retained for continued residential use.

Part D, Section 7.1 of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site and context sensitive design to ensure the integration of compatible building form with adjacent buildings, properties and the surrounding neighbourhood. Part F, Section 16.11. 3. of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of optimum development of the surrounding area.

The proposed new lots will be compatible and appropriate use of the land as the surrounding properties consist of smaller lots with reduced setbacks. The proposed new lots will be of similar depth as other properties on Considine Avenue. While lands immediately adjacent (1 and 11 Considine Avenue) are somewhat wider than what is being proposed the new lots will be of similar width to a number of others along Considine Avenue.

Part C, Section 3.2.7. of The GCP states that in reviewing proposals for construction, demolition, or removal of buildings and structures or the alteration of existing buildings, the City shall be guided by the applicable heritage district plan where there is potential to impact any cultural heritage resources. The subject lands are located within the Port Dalhousie Heritage District. Changes within the district are considered in accordance

with the Ontario Heritage Act and are guided by the applicable policies of the GCP and the Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change (2001).

The Port Dalhousie Heritage Conservation District Plan provides guidance for proposed changes in the area. Section 5.4 states that where new lots are to be created within the Port Dalhousie Heritage Conservation District they should be of similar width and depth as adjacent occupied lots. Currently there is a privacy fence along the rear of 8 Graham Avenue along Considine Avenue. The proposed new lots would result in the removal of the fence and provide an opportunity to strengthen the residential character of this part of the Cottage Area within the heritage district.

The applicant should be aware that any demolition and building permits will have to be reviewed by the Heritage Committee. Should this application be approved, it does not bind the Heritage Committee to the proposed developments outlined in this application (eg the addition to the front of the existing dwelling).

The City's Development Engineering Section noted that Considine Avenue is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.12m (66'). Its current width is deficient at 5.00m (16') and would require a minimum road widening of 2.4m (8.0') along the Considine Avenue frontage, dedicated gratuitously, free and clear of any encumbrances as Public Highway to be known as Considine Avenue. This is equal to the width of lands dedicated to the City from the parcels abutting the easterly limit of Considine Avenue. The road widening reduces the proposed lot areas of 232m² to 190m². Staff further noted that the applicant is encouraged to consider protecting the existing trees on private property through the new construction. Staff recommend that the consents be approved.

Variance Application A-115/17

Application **A-115/17** (Part 1) requests an increase in the minimum lot area per dwelling unit from 465m² to 602m², a reduction of the minimum rear yard setback from 6 metres to 1.68 metres and a reduction of the minimum interior side yard setback to the new proposed front yard addition from 1.2 metres to 0.88 metres.

Variance 1 requests an increase of the maximum lot area per dwelling unit from 465m² to 602². Staff note that the proposed lot size will bring the subject lands closer to conformity with the Zoning By-law in terms of lot area. The requested increase is considered minor in nature, as it will not significantly impact the subject or surrounding properties. Staff are supportive of the proposed increase in lot area.

Variance 2 requests a reduction of the minimum rear yard setback from 6 metres to 1.68 metres. Staff note that the proposed rear yard cannot effectively be used as a rear yard, however the interior side yard to the south provides adequate amenity space. Staff recommend that a minimum of 6 metres interior side yard on the south side only, be maintained as amenity space to compensate for the loss of a standard rear yard. The impact of the reduction is considered minimal and the reduction is minor. The variance

is considered appropriate for the desirable use of the land, and in keeping with the intent of the Official Plan and Zoning By-law. Staff recommends that the variance be approved.

Variance 3 requests a reduction of the minimum interior side yard setback from 1.2 metres to 0.88 metres on the north side for a proposed addition. The purpose of a minimum interior yard setback is to allow adequate separation distance and access to the rear yard. The single storey addition is of a similar height to the neighbouring dwelling to the north, along the affected property line. The neighbouring property at 10 Graham Avenue will be directly impacted by a reduced setback as there are two windows that will face the proposed front addition. Staff consider that the front addition to the existing dwelling maintain a 1.2 metre setback as required by the zoning by-law and not support a reduction to 0.88 metres, as requested. This is the opportunity to better comply with the zoning by-law and to be sensitive to the abutting residential use to the north.

Staff are of the opinion that the standard 1.2 metre side yard should be met and the variance denied.

The Heritage Committee will be reviewing the proposed addition at the building permit application stage.

Variance Application A-118/17

Application **A-118/17** (Part 3) is requesting a reduction of the minimum lot area per dwelling unit of 300m² to 190m², a reduction of the minimum front yard setback to the dwelling from 3 metres to 0.5 metres, a reduction of the minimum rear yard setback at the southerly side only from 6 metres to 4.68 metres and a reduction of the minimum setback from the front lot line for platform structure from 3 metres to 0.5 metres.

Variance 1 requests a reduction of the minimum lot area per dwelling unit from 300m² to 190m². The proposed lot area is consistent with the lot area pattern in the Port Dalhousie Cottage Area along Considine Avenue. The proposed lot meets all the other requirements of the Zoning By-law with the exception of the rear yard that is deficient in the south corner. The front yard setback provision is not met as a result of a required road widening by the City. Staff are supportive of the proposed variance.

Variance 2 and 4 request a reduction of the minimum front yard setback to the dwelling from 3 metres to 0.5 metres and a reduction of the minimum setback from the front lot line for platform structure from 3 metres to 0.5 metres. The proposed setbacks are not out of character with the neighbourhood, where there are significantly reduced front yard setbacks. The proposed setbacks will be similar or greater than neighbouring properties and the variances are requested as a result of a required road widening by the City that will visually provide the desired setback. Staff are supportive of the proposed variances.

Variance 3 requests a reduction of the minimum rear yard setback at the southerly side only from 6 metres to 4.68 metres. The reduced setback only exists along a portion of

the rear yard, with the majority of the rear yard meeting the required 6 metre minimum. This reduction is considered appropriate for the use of the lands. Staff are supportive of the proposed variance.

Variance Application A-119/17

Application **A-119/17** (Part 2) requests a reduction of the minimum lot area per dwelling unit from 300m² to 190m², a reduction of the minimum front yard setback to the dwelling from 3 metres to 0.5 metres and a reduction of the minimum setback to the front lot line for a platform structure from 3.0 metres to 0.5 metres.

Variance 1 requests a reduction of the minimum lot area per dwelling unit from 300m² to 190m². The proposed lot area is consistent with the lot area pattern in the Port Dalhousie Cottage Area along Considine Avenue. The proposed lot meets all the other requirements of the Zoning By-law with the exception of the front yard setback provision that is not met as a result of a required road widening by the City. Staff are supportive of the proposed variance.

Variance 2 and 3 request a reduction of the minimum front yard setback to the dwelling from 3 metres to 0.5 metres and a reduction of the minimum setback from the front lot line for platform structure from 3 metres to 0.5 metres. The proposed setbacks are not out of character with the neighbourhood, where there are significantly reduced front yard setbacks. The proposed setbacks will be similar or greater than neighbouring properties and the variances are requested as a result of a required road widening by the City that will visually provide the desired setback. Staff are supportive of the proposed variances.

Conclusion

Staff are satisfied that the consents requested through application **B-56/17SC** and **B-57/17SC** are desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. Additionally, staff is satisfied that variance 1 and 2 of Submission **A-115/17** and Submissions **A-118/17** and **A-119/17** are in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and appropriate and desirable for the use of the land. It is staff's recommendation that the requested consents and variances be approved. Staff are not satisfied that variance 3 of Submission **A-115/17** is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and appropriate and desirable for the use of the land. Staff recommend variance 3 be denied.

Prepared and Submitted by:

A handwritten signature in blue ink, appearing to read 'Wilrik Banda', written over a horizontal line.

Wilrik Banda
Planner I

Approved by:

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

Judy Pinach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Submission A-118/17 3 Considine and A-119/17 5 Considine

From: Ron Wright [mailto:]

Sent: Sunday, December 10, 2017 12:28 PM

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

Subject: Fwd: Submission A-118/17 3 Considine and A-119/17 5 Considine

----- Forwarded Message -----

Subject: Submission A-118/17 3 Considine and A-119/17 5 Considine

Date: Sun, 10 Dec 2017 12:19:02 -0500

From: Ron Wright <>

To: emunro@stcatharines.ca

Ron and Noreen Wright

20 Peel St St Catharines On

L2N 7N8

Elaine Munro

We have resided at 20 Peel for 19 years. The narrow streets on Paxton and Considine can be a challenge at times. Any front yard setback that would not allow an average size car to be parked

on the above properties without encroaching over curb line should not be allowed. Our only way is on Paxton, some vehicles hang into roadway. Our normal way out is on Considine, we don't

need any more hazards on Considine. We strongly oppose this variance because of traffic flow, pedestrian safety, utility services, and general hazards to area that may occur.

Ron and Noreen Wright

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Munro, Elaine

Subject: RE: Considine Ave

From: Julie Predovich [mailto:]
Sent: Sunday, December 10, 2017 10:44 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Riddell, Jim <jriddell@stcatharines.ca>
Subject: Considine Ave

Dear city staff:

I cannot attend the hearing on December 13th regarding the proposed severing of 8 Graham Ave so I just wanted to send a couple of comments.

First off, I am absolutely against this development. I live across the street from Considine Ave on Johnston Street and I already witnessed the ridiculous development that the city previously allowed down at the end of Considine Ave. Considine Ave is a street with mostly small, single story homes (many were cottages). Considine Ave does not need to have more three story homes added to it to tower over the current residents.

Furthermore, Considine Ave is a small, narrow, one-way street that does not need to have TWO single family dwellings added to it. There is also no parking allowed on this street so I wonder where families with multiple cars are going to park their vehicles. I also wonder how this proposal fits with the city's new infill policy.

As planners, you need to look at what is best for the area, not what is best for the wallets of the people looking to sever off their land while the opportunity is there. Please quit allowing people to sell off/sever their land to tear down homes, cut down old trees and build monster homes that do not fit into the spaces effectively.

Regards,

Julie Predovich

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To: Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall

From: Paul and Ardell Schooley
Owner/Residents of 11 Considine Avenue
St. Catharines, ON L2N 5K1

Re: Proposed Zoning By-law change regarding:
a.) 3 Considine Ave File No. 60.81.5286 Submission No. A-118/17
b.) 5 Considine Ave File No. 60.81.528 Submission No. A -119/17

By the owner/residents of 8 Considine with further By-law adjustment request for that property

c.) File No. 60.81.5283 Submission No. A-115/17

We respectfully request that the comments below be read at the December 13th hearing as our health prohibits us from attending.

We are vehemently opposed to the By-law amendment applications regarding Considine Avenue for the following reason:

The City of St. Catharines decided that Considine Avenue should be an extremely narrow one way street. The homes that are set up under the existing By-laws on the side opposite to the proposal have so little parking space that the rear of their visitor's cars can be seen protruding onto the street. Older people walking to maintain their ambulatory status have to step up when cars drive up. Reducing the front yard setback from 3 metres to 0.5 metres for a platform structure may indeed give the lots a slight view of the lake but would not be beneficial for any other residents on this street. Our home which was built in 1920 and is on the same side as the ones in these proposals has a few feet of the house with a lesser set back but then we have three 40 foot lots. Even so there is so little space to put materials out on garbage day that we need to use our driveway. You would truly need to drive up Considine from Peel Street to Bayview Street to understand the lack of street space as things exist.

This request is also asking for the minimum lot area per dwelling to be reduced by more than one third of the area now required. In response to this I need to say that my family has owned 11 Considine since 1943 and I grew up in this area when it was derogatorily referred to as "the Camps". The Corbett Subdivision which is what the area was called was designed for summer cottages on smaller lots which were for the most part 40 feet by 50 feet deep. The lot size as well as the quality of the homes created the negative concept of the area. We bought the family home to prevent just such a thing as this happening to the neighbourhood which we cherish.

We respectfully request a "NO" vote from the Committee of Adjustment at this hearing.

Donald Paul Schooley and Ardell Laurene Schooley

Munro, Elaine

Subject: RE: Notice of Hearing 3 & 5 Considine Ave. and 8 Graham Ave.

From: Phil Metrailler [mailto:]

Sent: Sunday, December 03, 2017 9:07 PM

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

Cc: Andrea Buttery

Subject: Notice of Hearing 3 & 5 Considine Ave. and 8 Graham Ave.

RE: File No. 60.84.2141 Submission No. B-56/17SC Roll No. 269060043051000000

File No. 60.81.5283 Submission No. A-115/17

File No. 60.84.2142 Submission No. B-57/17SC Roll No. 2629060043051000000

File No. 60.81.5287 Submission No. A-119/17

File No. 60.81.5286 Submission No. A-118/17

Dear Elaine,

We are writing to express our strong objection to these numerous requests for variances concerning 3 and 5 Considine Ave. What is being called a minor variance is not in our opinion minor. We purchased 18 Considine Ave. and moved in a year ago and would like to explain why we are opposed.

1. In particular, the 2 new lots on Considine Ave. are looking for a reduction of the minimum lot area from 300 square meters to 190 square meters. That is a reduction of 37%. This is a major variance.
2. Then there is the request to reduce the minimum front yard setback to the dwelling from 3 meters to 0.5 meters. This is a reduction of 83%. This is a major variance and will affect the safety of pedestrians and motorists on Considine Ave.
3. Then there is the request for the minimum rear yard setback at the southerly side from 6 meters to 4.68 meters. This is a reduction of 22%. This could possibly be considered a minor variance and it doesn't affect the passage of vehicles and their interaction with pedestrians.
4. Then there is the request for a reduction of the minimum setback to the front lot line for a platform structure from 3 meters to 0.5 meters is also a reduction of 83%. This is a major variance and again it will affect the safety of pedestrians and motorists on Considine Ave.

These are not minor variances and considering that Considine at that point is only a small lane that barely accommodates one car is ludicrous. There is no sidewalk and even now, seniors and children have to climb on to the curb to avoid being run over when a vehicle goes through. If these requests for variances are approved, it only make a dangerous situation worse.

We live a lovely Heritage District and if we allow developers to shoehorn new dwellings on postage-stamp sized lots for only one reason, profit, we are going to lose much of our small town ambience.

I am sure the original by-laws that these rules and regulations were decided on with much consultation and sober thought and I am also sure they would not have approved such large/major variances from their Zoning By-law 2013-283.

Unfortunately, we will be out of the country and we will not be able to attend the Dec. 13th Hearing. If you have any questions please feel free to send us an email.

Yours truly,

Munro, Elaine

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing (1 of 2 emails)

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Monday, November 20, 2017 8:12 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing (1 of 2 emails)

Good Morning Elaine
Cogeco has no issues or concerns with this applications.
Hope you have a great Monday

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

Munro, Elaine

Subject: RE: File # 60.84.2141

From: Barbara Luciani [mailto:]
Sent: Monday, November 27, 2017 1:52 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc:
Subject: File # 60.84.2141

File # 60.84.2141
Submission No. B-56/17SC
Roll Number: 2629060043051000000

Good afternoon,

I live at 8 Considine Avenue on a very narrow one way street and I have concerns regarding the application of Consent by Deborah Famelos and Louis Famelos of 8 Graham Avenue, requesting to sever land creating 2 separate two storey houses facing my home on Considine Avenue.

The following are my concerns:

- given the difficult access that already exists on the one way only segment of Considine where I am located and the fact that the construction of 2 new houses will take a few years to build, I would surmise, I want to be **assured** that digging machinery and any type of large machinery, large flatbed deliveries and the like will be entering the said property from 8 Graham Avenue, owned by D. and L. Famelos. This is their land and the building of these 2 extra structures to their financial benefit, hence I do believe that it is from their property entrance (Graham Avenue, a two way street) from which the machinery and deliveries should and all else house build related originate .
- I am a senior, not a young one to say the least, and I need access to my small driveway for the unloading of items such as groceries and any other items that I transport. I believe that I should not be expected to, on a daily basis, find parking from which I would need to make several trips to deliver any items both small and large to my home or simply access my car. I am talking any season here, but even more importantly, during the winter. I do pay property taxes and should be guaranteed of access to my one way street and driveway. We are also talking safety concerns here as well. This is not an easy street to maneuver on. Service people will definitely attest to this fact. A large majority of them have to park their vehicles on Bayview after having dropped off their equipment (ladders, tools, and the like).

- Thirdly, the two potential housing units will be two storey units. All of the houses on this one segment of Considine are, with one exception, either one level homes or in my case, a raised bungalow. When considering the placement of both units side by side, the light coming into the front of my home will be **substantially** restricted, especially given their incredible proximity to the road. I believe that they should not be 2 full storey homes, especially since they are to be sitting so close to the curb of the roadway.

Respectfully,

Barbara Luciani, owner of 8 Considine Avenue, St. Catharines, ON

_____ Information from ESET NOD32 Antivirus, version of detection engine 16479 (20171127)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

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

November 23, 2017

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

Attention: Elaine Munro

File# 60.84.2141, 60.84.2142 & 60.81.5283

Re: 8 Graham Ave

In response to your correspondence date November 17, 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.
- For Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-521-4907
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Developers are to ensure that Alectra Utilities has access to the hydro poles along Considine Ave.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.

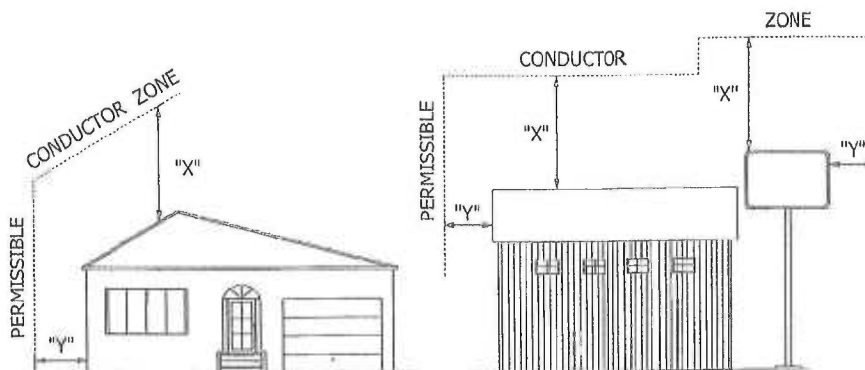
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, 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 Chris Jolie at 905-522-6611 ext: 2265 in our Engineering Design Department.

Sincerley,



Mark Jakubowski
Supervisor, Design, Customer Capital



- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

| SYSTEM VOLTAGE | MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y" | MINIMUM VERTICAL CLEARANCE DIMENSION "X" |
|--------------------|--|--|
| 0 - 750 V* | 2.0 m (SEE NOTE 1) | 4.5 m (SEE NOTE 3) |
| OVER 750 - 50000 V | 4.0 m (SEE NOTE 2) | 7.0 m (SEE NOTE 4) |

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
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horizon
UTILITIES *Looking beyond...*

| | | |
|----------------|----|---------------|
| DRAWING STATUS | BY | DATE DD/MM/YY |
| REDRAWN: | JM | 12/06/07 |
| CHECKED: | ND | 26/04/05 |
| APPROVED: | CR | 26/04/05 |

MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS
(EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)

REFERENCE DRAWINGS:

DRAWING #
3-105

DRAWINGS NOT TO SCALE

| SHEET # | REVISION # |
|---------|------------|
| 1 | 0 |

November 23, 2017

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

Attention: Elaine Munro

File# 60.81.5286

Re: 3 Considine Ave

In response to your correspondence date November 17, 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.
- For Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-521-4907
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Developers are to ensure that Alectra Utilities has access to the hydro poles along Considine Ave.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.

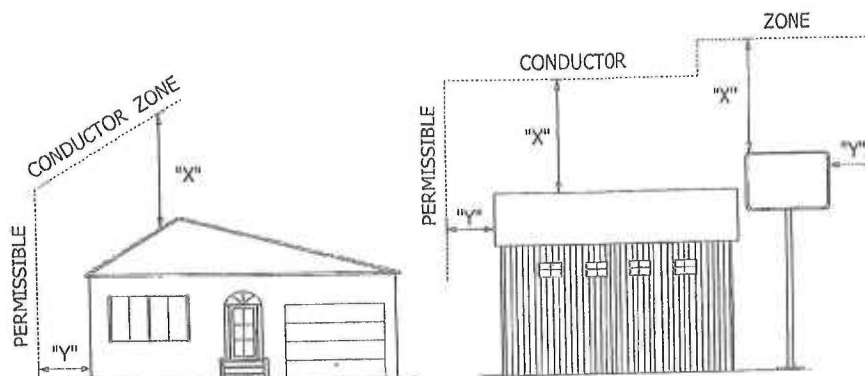
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, 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 Chris Jolie at 905-522-6611 ext: 2265 in our Engineering Design Department.

Sincerley,



Mark Jakubowski
Supervisor, Design, Customer Capital



- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

| SYSTEM VOLTAGE | MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y" | MINIMUM VERTICAL CLEARANCE DIMENSION "X" |
|--------------------|--|--|
| 0 - 750 V* | 2.0 m (SEE NOTE 1) | 4.5 m (SEE NOTE 3) |
| OVER 750 - 50000 V | 4.0 m (SEE NOTE 2) | 7.0 m (SEE NOTE 4) |

* - INCLUDES MULTI-GROUNDED NEUTRALS

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horizon
UTILITIES *Looking beyond...*

| DRAWING STATUS | BY | DATE DD/MM/YY |
|----------------|----|---------------|
| REDRAWN: | JM | 12/06/07 |
| CHECKED: | ND | 26/04/05 |
| APPROVED: | CR | 26/04/05 |

MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS
(EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)

REFERENCE DRAWINGS:

DRAWING #
3-105

DRAWINGS NOT TO SCALE

| SHEET# | REVISION# |
|--------|-----------|
| 1 | 0 |

November 24, 2017

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

Attention: Elaine Munro

File# 60.81.5287

Re: 5 Considine Ave

In response to your correspondence date November 17, 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.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- Hydro easement is to remain clear of encroachment of any kind.

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.

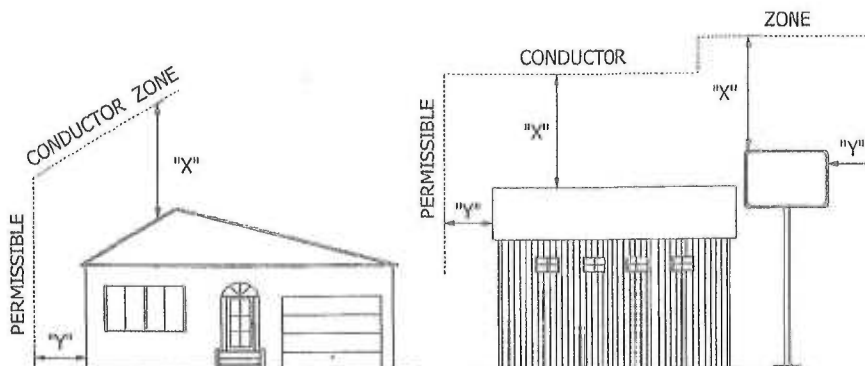
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 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-10, Overhead System
 - C22.3 No. 7-10 Underground Systems

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,



Mark Jakubowski
Supervisor, Design, Customer Capital



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horizon
UTILITIES *Looking beyond...*

| DRAWING STATUS | BY | DATE DD/MM/YY |
|----------------|----|---------------|
| REDRAWN: | JM | 12/06/07 |
| CHECKED: | ND | 26/04/05 |
| APPROVED: | CR | 26/04/05 |

MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS
(EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)

REFERENCE DRAWINGS:

DRAWINGS NOT TO SCALE

DRAWING #
3-105

SHEET#
1

REVISION#
0

Subject: RE: Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing - 8 Graham Avenue

From: Blozowski, Kevin

Sent: Wednesday, November 29, 2017 8:26 AM

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

Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Prowse, Dylan <dprowse@stcatharines.ca>

Subject: RE: Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing - 8 Graham Avenue

The applications for severance and variances are intended to allow for the creation of two new lots on Considine Avenue. Minor variances (lot area) are required to enable the creation of the proposed new lots.

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

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

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

The proposed new lots will be of similar depth as other properties on Considine Avenue. While lands immediately adjacent (1 and 11 Considine Avenue) are somewhat wider than what is being proposed the new lots will be of similar width to a number of others along Considine Avenue. Currently there is a privacy fence along the rear of 8 Graham Avenue along Considine Avenue. The proposed new lots would result in the removal of the fence and provide an opportunity to strengthen the residential character of this part of the Cottage Area within the heritage district. The sketches submitted with the application also indicate that a future one storey addition to the front of the existing dwelling at 8

Graham Avenue is being considered. This will similarly provide the opportunity to more closely align the existing dwelling with adjacent homes along the Graham Avenue streetscape.

Heritage permit approval (HPA) will be required for any new construction and demolitions should these applications be approved. Application for HPA is made to the Planning and Building Services (PBS) Department and is circulated to the St. Catharines Heritage Permit Advisory Committee (SHPAC) for consideration and recommendation based on the policies and guidelines of the Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change. HPA is granted by the PBS for all types of applications except for demolitions, which are considered by City Council. There is a \$150.00 fee for HPA (2017).

Kevin

Kevin Blozowski M.C.I.P., R.P.P.

Heritage Planner

Email: kblozowski@stcatharines.ca

Tel: 905.688.5601 x1710



Memorandum

To: Charlotte McEwan, Planning and Building Services
Dylan Prowse, Planning and Building Services
Wilrik Banda, Planning and Building Services

CC: Elaine Munro, Planning and Building Services

From: Jessica Button, Parks, Recreation and Culture Services

Date: November 27, 2017

Subject: Notices of Hearing: Consent to Sever
Address: 8 Graham Avenue
Consent Application, 60.84.2141 – B-56/17SC
Consent Application, 60.84.2142 – B-57/17SC
Minor Variance Application, 60.81.5283 – A-115/17
Minor Variance Application, 60.81.5286 – A-118/17
Minor Variance Application, 60.81.5287 – A-119/17

Please be advised that we have reviewed the above-noted applications and request the following be included as a condition of severance in each severance application:

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

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

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

The applicant is encouraged to consider protecting the existing trees on private property through the new construction.

Staff offer no objections to the associated minor variance application.

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

Jessica Button
Project and Development Planner
Parks, Recreation and Culture Services



Memorandum

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

Cc: Charlotte McEwan, Planner 1
Dylan Prowse, Planning Co-op Student
Will Banda, Planning Technician
Judy Pihach, Manager of Planning

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

Date: December 4, 2017
Hearing Date: December 13, 2017

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-115/17SC – 8 Graham Avenue
A-116/17SC – 1250 Lakeshore Road West
A-117/17SC – 79 Simpson Road
A-118/17SC – 3 Considine Avenue
A-119/17SC – 5 Considine Avenue

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

Regards,

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-56&57-17SC



December 5, 2017

ENGINEERING FILE 300-36

Hearing Date: December 13, 2017

Applicant: Deborah & Louis Famelos

Location: 8 Graham Avenue

| <u>MUNICIPAL SERVICES</u> | Graham Avenue | Considine Avenue |
|------------------------------|----------------------|-------------------------|
| Water: | 150mm (6") | 150mm (6") |
| Sanitary Sewer: | 200mm (8") | 200mm (8") |
| Storm Sewer: | None | None |
| Sidewalks: | None | None |
| Road Allowance Width: | 20.12m (66') ± | 15.21m (50') |

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

Comment(s): It is noted that the Applicant proposes to sever Parts 2 and 3 creating two new lots to be known as 5 & 3 Considine Avenue respectively, for the purposes of constructing two single detached dwellings. A remnant parcel with the existing single detached dwelling (Part 1) would be retained for continued residential use.

Roads

Graham Avenue is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.12m (66'). Its current width along this section is sufficient at 20.12m (66').

Considine Avenue is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.12m (66') as well. Its current width is deficient at 5.00m (16'). In order to achieve the City's Complete Streets and Walkable Communities initiative, which includes bike lanes, adequate boulevard space for tree plantings, utility plant infrastructure upgrades/relocations and accessibility requirements with respect to sidewalks, we would require a minimum road widening of 2.4m (8.0') along the Considine Avenue frontage, dedicated gratuitously, free and clear of any encumbrances as Public Highway to be known as Considine Avenue. This is equal to the width of lands expropriated from the parcels abutting the easterly limit of Considine Avenue and is equitable to request a similar widening from these lands for the reasons above.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision sometimes do not have suitable drainage outlets in place. Individual lot drainage plans are a requirement for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet, and does not adversely affect abutting properties.

Sump pump flows typically discharge to grade when no opportunities to connect to a storm sewer in the road allowance exist. Since storm sewers do not exist on Considine Avenue, foundation weeping tile flows shall be discharged at grade towards Considine Avenue.

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

Condition(s):

Prior to consent the Applicant shall;

- Dedicate to the City gratuitously, free and clear of any encumbrances, a 2.40m (8') road widening along the Applicant frontage of Considine Avenue as Public Highway to be known as Considine Avenue;
- Pay to the City the fees to locate and trace the existing water and sewer laterals from the existing home to ensure they do not cross existing and future potential lot lines, and pay for and complete works on private property in order for each property to be serviced individually if determined not to be



Prepared By:

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 22, 2017

Subject: Committee of Adjustment
Public Hearings – December 13, 2017
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

A-117/17 (60.81.5285)

79 Simpson Road

DATE OF HEARING:
December 13, 2017



CITY OF
ST. CATHARINES

Revised Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 7, 2017

Date of Hearing: December 13, 2017

Submission(s): A-117/17

File: 60.81.5285

Subject: 79 Simpson Road

Recommendation

That Submission **A-117/17** by Tammy Ferguson as outlined in the Notice of Hearing, be approved, for an increase in height, size and volume as generally outlined on certain plans submitted with the application, namely:

- i) Partial Site Plan, John Willmott Architect, dated November 1 2017
- ii) Overall Site Plan, John Willmott Architect, dated Nov 1 2017
- iii) Site Statistics, John Willmott Architect, date November 1 2017

attached to this report as Appendix 1,2 and 3 respectively and recommended to form part of the decision of the Committee.

Summary

Having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that application **A-117/17** 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 is being maintained.

Proposed Development

Application **A-117/17** is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for the following:

The applicant is requesting permission to vary Section 2.15.3 Rebuilding, of the zoning by-law to permit the construction of a new detached dwelling and attached garage to replace the existing detached dwelling. The new dwelling proposes an increase in height, size and volume compared to the existing detached dwelling that will be demolished.

Location and Site Description

The subject property is located on the north side of Watersedge Circle, west of Simpson Road, and is surrounded by detached dwellings to the south, east, west and Lake Ontario to the north.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Neighbourhood Residential as per Schedule D1 and Low Density/Natural Areas as per Schedule E1 of the Garden City Plan (GCP). The Low Density Residential designation permits dwellings at a density generally between 20 and 32 units per hectare. The Natural Area designation, applicable to the sloped lands forming the shoreline to Lake Ontario, is intended to protect and preserve natural areas and hazard lands.

Zoning By-law (2016-283)

The subject land is split-zoned Low Density Residential (R1) and Conservation/Natural Area (G1). The R1 zone permits detached, semi-detached, quadruplex, townhouse and private road development. The G1 zone reflects natural areas and permits related uses such as trails, boat ramps, and picnic shelters.

The proposed residential use is permitted by both the Official Plan and the Zoning By-law as the proposed dwelling will be located in the R1 zoned portion of the property and maintains a significant rear yard setback to the shoreline of 50.90 metres.

The unique characteristic of this property is that it does not have lot frontage on a public road but rather an easement over private lands for access to a public road (being Simpson Road). Section 2.6 of the zoning by-law requires lots for residential use have frontage on a public road. Since the existing situation has prevailed for many years, predates the current zoning by-law and likely the former zoning by-law, and is proposed to continue should this application be approved, staff have determined that section 2.15.3 may apply for the purposes of replacing the existing dwelling.

Application A-117/17

Application **A-117/17** proposes the construction of a single detached dwelling and attached garage with an increase in height, size and volume from the existing single detached dwelling that will be demolished.

The Niagara Peninsula Conservation Authority (NPCA) noted that the proposal, given the building's location falls within the Erosion Hazard Limit. Shoreline protection mitigation measures may need to be taken and will be identified through a work permit that will need to be obtained from the NPCA. The NPCA further noted that the shoreline is affected by the Environmental Conservation Area (ECA), but that the proposed works are set back sufficiently and no negative impacts on the ECA are anticipated.

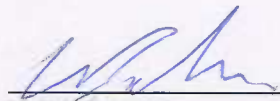
The proposed detached dwelling, to replace the existing detached dwelling, largely conforms to the requirements of the current R1 zoning regulations, except for an

overage in lot area (an existing condition), a slight exceedance in the deck and balcony permissions, and except for the absence of frontage on a public road (also an existing condition). Accordingly the impact of the increase in height, size and volume compared the existing detached dwelling is considered to be acceptable and certainly compatible with similar lakefront homes in the vicinity.

The proposal is consistent with the Official Plan and the Zoning By-law and the proposed increases in size, height and volume are considered to be minor, providing they generally reflect the plans submitted with this application. Staff are supportive of the application providing a condition is approved limiting the increases in height, size and volume of the building to that generally outlined in the plans. This condition is necessary to define the limits of the increase in height, size and volume.

Staff is of the opinion that Application **A-117/17** 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 this application be approved as outlined in the Notice of Hearing, subject to a condition to reflect the proposed dwelling.

Prepared and Submitted by:

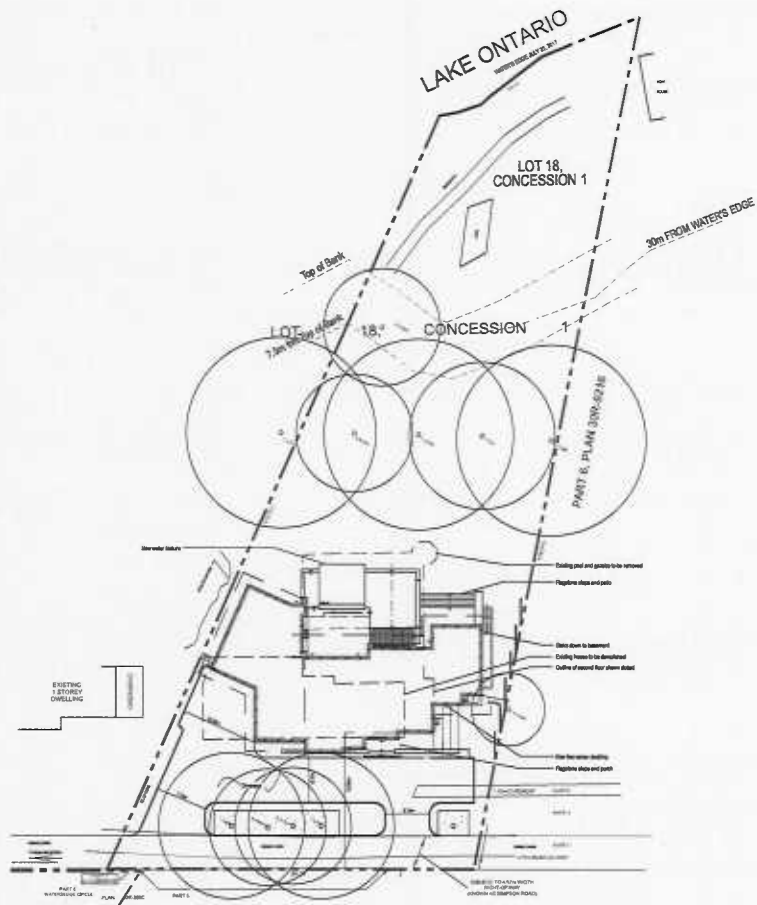


Wilrik Banda
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services



FERGUSON WATSON RESIDENCE

Overall Site Plan • 1:500 • CAV Application • 79 Simpson Road, St. Catharines, ON • November 1, 2017

JOHN WILLMOTT
ARCHITECT, INC.

| SITE STATS | | | | |
|-------------------------------------|-------------|---------------|-------|--------------|
| 79 Simpson Road, St. Catharines, ON | | | | |
| Zoning | | | | |
| Lot Area | 4,034.83 m2 | 43,430.53 ft2 | | |
| Lot Frontage | 0.00 m | 0.00 ft | | |
| Lot Coverage | | | | |
| New Dwelling | 619.10 m2 | 6663.94 ft2 | | |
| Total | 619.10 m2 | 6663.94 ft2 | 15.3% | |
| Floor Area Ratio | | | | |
| Ground Floor (Rear) | 290.29 m2 | 3124.64 ft2 | | |
| Second Floor | 212.75 m2 | 2289.97 ft2 | | |
| Total | 503.03 m2 | 5414.61 ft2 | 12.5% | |
| Platform Area | | | | |
| Ground Floor Terrace (Front) | 21.33 m2 | 229.62 ft2 | | |
| Ground Floor Terrace (Rear) | 219.15 m2 | 2358.95 ft2 | | |
| Second Floor Balcony | 46.75 m2 | 503.16 ft2 | | |
| Total | 287.23 m2 | 3091.73 ft2 | | 30m2 (max) |
| Building Height | | | | |
| New Dwelling Height | 9.00 m | 29.53 ft | | 11.0 m (max) |
| Setbacks | | | | |
| Front Yard | 15.96 m | 52.35 ft | | 6.0 m (min) |
| Rear Yard | 50.90 m | 167.01 ft | | 7.5 m (min) |
| Interior Side Yard (W) | 1.83 m | 6.00 ft | | 1.2 m (min) |
| Interior Side Yard (E) | 3.47 m | 11.37 ft | | 1.2 m (min) |

FERGUSON WATSON RESIDENCE

Site Statistics • CAV Application • 79 Simpson Road, St. Catharines, ON • November 1, 2017



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

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

November 28, 2017

Our File No.: PLMV201701412

BY E-MAIL ONLY

CITY OF ST CATHARINES
P. O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Minor Variance, (A-117/17)
CON 1 PT LOT 18
79 Simpson Road St. Catharines ON

Further to our review of this file, the following is offered for your information.

This minor variance application has been made to permit the construction of new dwelling and attached garage with an increase in height, size and volume from the existing dwelling which will be demolished.

NPCA Regulations:

The subject property backs onto the Lake Ontario Shoreline which may be prone to property damage due to erosion processes and slope stability concerns. The Regulatory flood level for this section of the shoreline is 76.15m. The proposed works will be located outside of the Flood Hazard as well as the Stable Slope Allowance plus the required 7.5m setback from that point.

The entire property falls within the Erosion Hazard Limit. Development and site alterations are permitted within the Erosion Hazard provided the hazard has been appropriately mitigated (through shoreline protection). This can be dealt with through the NPCA work permit process.

Given that works are proposed within an area regulated by the NPCA, a Work Permit from this office will be required prior to the commencement of the works on site.

Niagara Region's Environmental Policies:

The Region of Niagara's Core Natural Heritage Map has identified the area along the shoreline as being an Environmental Conservation Area (ECA)—Valley Shoreline Buffer. In accordance with Regional Policies, any new development proposed within or adjacent to an ECA may be permitted provided it is demonstrated that the proposed works will not have any negative impact to the feature or its ecological functions.

In this instance, the proposed works will be set back sufficiently from this ECA. As such, NPCA staff are of the opinion that this proposal will not negatively impact the ECA.

Conclusion:

The NPCA offers no objections to the approval of this application. However, please note that our approval of this minor variance application does not imply our approval of the building permit. As such, the NPCA must be circulated the Building Permit application for this development for our review and approval prior to the issuance of a building permit through the Municipality. A work permit from this office will be required

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

Yours truly,

A handwritten signature in cursive script that reads "S. Mastroianni".

Sarah Mastroianni,
Watershed Planner

Munro, Elaine

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing (2 of 2 emails)

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

Sent: Monday, November 20, 2017 8:15 AM

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

Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Prowse, Dylan <dprorowse@stcatharines.ca>

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing (2 of 2 emails)

Good Morning Elaine

Cogeco has no issues or concerns with this applications.

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.

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

Si vous ne souhaitez plus recevoir de messages promotionnels de la part de Cogeco, veuillez transférer ce courriel à

desabonnement@cogeco.com. Merci!

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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Privacy Policy and Anti-spam Commitment

- [Contact us](#)

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

November 24, 2017

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

Attention: Elaine Munro

File# 60.81.5285

Re: 79 Simpson Rd

In response to your correspondence date November 17, 2017, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- Hydro easement is to remain clear of encroachment of any kind.

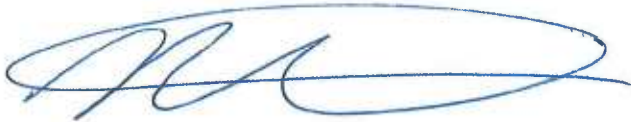
We would also like to stipulate the following:

- 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,



Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

To: Button, Jessica; McEwan, Charlotte; Prowse, Dylan; Banda, Wilrik
Subject: RE: Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing

From: Button, Jessica

Sent: Monday, November 27, 2017 10:13 AM

To: Munro, Elaine <emunro@stcatharines.ca>; McEwan, Charlotte <mcewan@stcatharines.ca>; Prowse, Dylan <dprowse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>

Subject: RE: Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing

79 Simpson Road – No Comment.

1250 Lakeshore Road West – Comment.

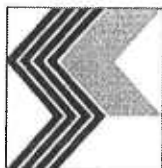
8 Grantham Avenue – Comments attached.

Jessica Button

Project and Development Planner

Email: jbutton@stcatharines.ca

Tel: 905.688.5601 x3145



Memorandum

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

Cc: Charlotte McEwan, Planner 1
Dylan Prowse, Planning Co-op Student
Will Banda, Planning Technician
Judy Pihach, Manager of Planning

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

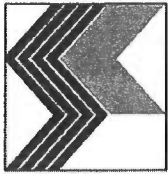
Date: December 4, 2017
Hearing Date: December 13, 2017

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-115/17SC – 8 Graham Avenue
A-116/17SC – 1250 Lakeshore Road West
A-117/17SC – 79 Simpson Road
A-118/17SC – 3 Considine Avenue
A-119/17SC – 5 Considine Avenue

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

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 22, 2017

Subject: Committee of Adjustment
Public Hearings – December 13, 2017
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

A-116/17 (60.81.5284)

1250 Lakeshore Road West

DATE OF HEARING:
December 13, 2017



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 8, 2017

Date of Hearing: December 13, 2017

Submission(s): A-116/17

File: 60.81.5284

Subject: 1250 Lakeshore Road West

Recommendation

That Submission **A-116/17** by Carmen Stoltz-Dupasquier, John Edward Stoltz, Oscar Dupasquier & Solange Dupasquier as outlined in the Notice of Hearing, be deferred until such time as the Region confirms an acceptable sewage system permit may be issued to reflect the proposed development, without compromising the applicable environmental land use policies .

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-116/17** is premature.

Proposed Development

Application **A-116/17** is made for permission to extend a legal non-conforming use by allowing a new single detached dwelling to be constructed on the same footprint as the existing dwelling that will be demolished and to permit the addition of an attached 2-car garage, second floor area and second floor deck on the north side.

The use does not conform to the current Zoning By-law because the existing detached dwelling unit is not permitted in a G1 zone, however, according to the applicants, the detached dwelling existed prior to the passage of the current Zoning By-law 2013-283.

Location and Site Description

The property is located on the north side of Lakeshore Road West, west of Seventh Street Louth. The property is surrounded by single detached dwellings to the east and west, agriculture to the south and Lake Ontario to the north.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Agriculture as per Schedule D1 of the Garden City Plan (GCP) and further designated Natural Area as per Schedule E11 of the GCP. The Natural Area designation is intended to protect and preserve natural areas and hazard lands.

Zoning By-law (2016-283)

The subject land is zoned Conservation/Natural Area (G1). The G1 zone permits trails, boat ramps, and picnic shelters.

Notwithstanding a new residential dwelling is not permitted by the current land use policies and zoning by-law, the existing residential dwelling predates these policies and zoning permissions and therefore is considered a legal non-conforming use. This application requests an extension of that use, a jurisdiction of the Committee of Adjustment under the Planning Act.

Application A-101/17

The variance through Application **A-116/17** is requested to facilitate the construction of a new detached dwelling on the footprint of the existing dwelling and to permit an attached garage and second floor area and deck.

Niagara Region noted that the property contains several designated natural heritage features that are considered significant due to the subject lands being within the Greenbelt. The Region has no concerns with the proposed redevelopment provided that there will be no additional expansion beyond the existing footprint with the exception of the proposed attached garage. Since there is no information on the location of a septic system to service this dwelling, no comment has been made in that regard.

Niagara Region has advised that no sewage system permit has been submitted, reviewed or issued for the proposed dwelling.

Accordingly staff has no information on how that may/may not impact the request for an extension of the legal non-conforming use. (e.g. is the existing septic system adequate, is a new tile bed required and if so where)

The Niagara Peninsula Conservation Authority (NPCA) confirmed that the proposed dwelling will be constructed on lands adjacent to an Environmental Protection Areas (EPA) and has no concerns with the proposal provided that a Work Permit from the NPCA is obtained prior to the commencement of any on-site work.

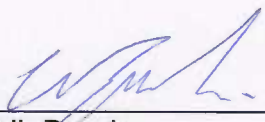
Given the absence of any information on the location and adequacy of a suitable septic system for the proposed dwelling, staff consider it premature to make a determination on the extension of the legal nonconforming use. The approval of a new septic system may have an impact on the location of new development on the site, namely the new garage which is proposed outside of the foundation/footprint of the existing dwelling.

Given the residential land use restrictions on this site, staff recommends the application be deferred pending confirmation from the Region regarding the location of a suitable septic system to service the proposed residential use and that the location of the septic system is acceptable given the land use restrictions on expanded residential use of this property.

Conclusion

Staff is of the opinion that approval of application **A-116/17**, is premature at this time and that the application be deferred pending confirmation from the Region that the septic system associated with the expanded residential use is acceptable, and there are no related issues with NPCA.

Prepared and Submitted by:



Wilrik Banda
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Wood, Caitlin <Caitlin.Wood@niagararegion.ca>
Sent: Friday, December 08, 2017 9:37 AM
To: Banda, Wilrik
Cc: 'chrisattema@gmail.com'
Subject: RE: 1250 Lakeshore Road West

Wilrik,

The Region of Niagara has received a sewage system design for 1250 Lakeshore Road West in St. Catharines. Based on the house plans submitted, the proposed new dwelling is to be 300 square meters and contain 4 bedrooms and 31.5 fixture units. Our department has no objection to the proposed application provided a sewage system permit is applied for and installed. Please note, the Niagara Peninsula Conservation Authority will not require phosphorous removal as part of the sewage system design. If there are any questions do not hesitate to contact me.

Caitlin Wood

Private Sewage System Inspector
Planning and Development Services
Niagara Region
Phone: 905-980-6000 ext. 3323 Toll-free: 1-800-263-7215
Fax: 905-687-8056
www.niagararegion.ca

From: Jayme Campbell
Sent: Thursday, December 07, 2017 11:03 AM
To: Sarah Mastroianni <smastroianni@npca.ca>
Subject: RE: 1250 Lakeshore Proposed Sewage System

Good morning Sarah,

Based on the "local" soil conditions provided by Mr. Attema, the need for phosphorus removal can be waived. However, I am not sure why nitrogen removal is being installed.

With respect to water supply, please notify the applicant they:

- (i) Should ensure that their water well contractor develop their well following drilling until the water at the end of pump testing is clear, the water levels are recorded during the pumping test, the depth of casing noted on the log as well as the bentonite casing seal and ensure the well is no closer than 15 m from surface water (this was not done on the previous well record attached);
- (ii) Should have their new well tested for general potability using the Ontario Groundwater Association WellWise testing for metals, minerals and salts (<http://www.ogwa.ca/Well-Wise-Testing>) as well as the free Niagara Region Health Unit testing (<https://www.niagararegion.ca/living/water/testing/well-water-sample-instructions.aspx>); and
- (iii) May want to apply for grant funding from NPCA to have their well decommissioned by a licensed water well contractor.

Jayme Campbell, P.Eng. | Supervisor, Special Projects

Watershed Management | Watershed Projects Division
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor, Welland, ON L3C 3W2
Phone: 905-788-3135 ext. 261 | Fax: 905-788-1121
www.npca.ca | www.sourceprotection-niagara.ca



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

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

November 29, 2017

Our File No.: PLMV201701411

BY E-MAIL ONLY

CITY OF ST CATHARINES
P. O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Minor Variance, (A-116/17)
1250 West Lakeshore Road St. Catharines ON L2R6P9

The Conservation Authority has reviewed the above noted application and offers the following comments and recommendations for your hearing.

This application has been made to permit the extension of the legal non-conforming use at the subject property by allowing a new single detached dwelling to be constructed on the same footprint as the existing dwelling and to add a second storey to the dwelling and the addition of a two car attached garage. Based on our review and understanding of this application, we offer the following information.

NPCA comments:

The subject property backs onto the Lake Ontario Shoreline which may be prone to property damage due to erosion processes and slope stability concerns. The regulatory flood level for this section of the shoreline is 76.15m. The proposed works will be located outside of the Flood Hazard.

The majority of the property falls within the Erosion Hazard Limit. Development and site alterations are permitted within the Erosion Hazard provided the hazard has been appropriately mitigated (through shoreline protection). NPCA staff have record and have conducted a site inspection to confirm that the subject property has adequate shore protection installed (approved through a NPCA work permit). As such, the Erosion Hazard has been mitigated and does not impact this proposal.

The proposed works will fall within the Stable Slope Allowance and wave up-rush limit however NPCA Shoreline Policies permit the replacement of structures within these limits provided the new structure is located on the same foot print and is the same use and a Permit is obtained from the NPCA.

The proposed development is located very close to the toe of the adjacent slope to the east. Depending on the scope and extent of the works/grading in this area, slope stability concerns may have to be addressed. As such, and since the proposed works are located within the regulated area along the shoreline, a Work Permit from this office is required prior to the issuance of a building permit from the City. Through the Work Permit process, NPCA staff will review this proposal to ensure long term slope stability and protection of the property from the shoreline hazards.

Region of Niagara's Natural Heritage Comments:

The Region's Core Natural Heritage Mapping has identified two Environmental Conservation Areas (ECAs) at this property (Valley Shoreline Buffer and Significant Woodland). As this property falls within the Greenbelt Natural Heritage System, these ECAs become Environmental Protection Areas (EPAs) under Regional Policy. It should be noted that a site visit has confirmed that the proposed works will lie within the adjacent lands of the EPA- Significant Woodland feature. The proposed dwelling and garage do not appear to be proposed within the woodland feature itself.

Regional and Provincial policies allow for expansions or alterations to existing uses within key natural features and their associated buffers provided it is demonstrated that there is no alternative location and the expansion or alteration into the feature is minimized or directed away from the feature to the maximum extent possible.

In this case, the applicants intend to use the existing footprint for the proposed dwelling which will not create any more of an impact than what has existed previously. The expansion of the two car garage will occur on the south side of the dwelling, away from the shoreline and EPA feature. The garage is also not located within the significant woodland area EPA. Any mitigation measures to ensure protection to the surrounding natural areas over the long term can be implemented through future building permits for this property.

Lastly, the property has been mapped as a Highly Vulnerable Aquifer (HVA). Regional Policy 7.A.2.9 requires that all proposals for development not have any significant negative impact to the sensitive groundwater features of the area. NPCA staff have reviewed this proposal and would note that since the soils in this area are sandy and the proposed system will only be set back 15m from surface water, staff are of the opinion that in order to comply with this policy, the proposed septic system should be equipped with CAN-BNQ tertiary/level IV treatment for P-II phosphorus removal. By copy of this letter to Regional Staff, we are recommending that the above be taken into consideration when reviewing the septic design of this proposal.

Conclusion:

In light of the above, this office offers no objections to the approval of this application subject to the applicants obtaining a Work Permit from the NPCA for the proposed development prior to the commencement of any works on site.

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

Yours truly,



Sarah Mastroianni,
Watershed Planner

CC: Craig Rohe, Planner, Niagara Region
Tanya Killins, Private Sewage Inspector, Niagara Region

Via Email Only

November 28, 2017

Our File: MV-17-066

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: John Edward Stoltz, Carmen Stoltz-Dupasquier, Osacar Dupasquier & Solange Dupasquier
Location: 1250 Lakeshore Road West, City of St. Catharines
Town File: A-116/17

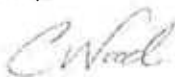
Niagara Region Development Services Division has reviewed the above Minor Variance application and provides the following comments to assist the City in its consideration of this application.

Private Sewage System Review

No record was found for the installation of the existing sewage system on the property, and upon our inspection, the location or type of sewage system could not be determined. It is proposed to construct a second storey and a new garage, however, this would reduce the amount of usable land available for any future sewage system installation that may be required.

Therefore, our department cannot approve of the application until a detailed sewage system design plan is submitted by a qualified designer for review from our department. Please note, the detailed design must meet Building Code requirements and house plans must be provided to confirm the sewage flow rate used in the calculations.

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

Munro, Elaine

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing (2 of 2 emails)

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

Sent: Monday, November 20, 2017 8:15 AM

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

Cc: McEwan, Charlotte <cmcewan@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Prowse, Dylan <dprorowse@stcatharines.ca>

Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing (2 of 2 emails)

Good Morning Elaine

Cogeco has no issues or concerns with this applications.

Thanks

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

November 24, 2017

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

Attention: Elaine Munro

File# 60.81.5284

Re: 1250 Lakeshore Rd W

In response to your correspondence date November 17, 2017, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.
- Upon re-building the house, your existing electrical service may not be reconnected as it currently runs through your neighbor's property. Instead, a new service path will need to be made, solely on your property from the street. Depending on distance, this may include a pad-mounted transformer on your property. Please contact our customer connections department at 905-317-4746 for more information.

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,



Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

From: Boucetta, Alexandra (MTO) <Alexandra.Boucetta@ontario.ca>
Sent: Wednesday, November 22, 2017 4:19 PM
To: Munro, Elaine
Subject: RE: City of St. Catharines Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing - 1250 Lakeshore Road West

Hi Elaine,

The subject property is outside MTO permit control area. MTO is not concerned with the proposed minor variance.

Kindest Regards,

Alexandra Boucetta

Corridor Management Officer – Niagara Region

From: Munro, Elaine [mailto:emunro@stcatharines.ca]
Sent: November 17, 2017 4:11 PM
To: Boucetta, Alexandra (MTO)
Cc: McEwan, Charlotte; Banda, Wilrik; Prowse, Dylan
Subject: City of St. Catharines Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing - 1250 Lakeshore Road West

Good Afternoon, :

The applications are being heard at the City of St. Catharines December 13, 2017 Committee of Adjustment Hearing.

It would be greatly appreciated if you could forward your comments to me, Charlotte McEwan, Planner, Dylan Prowse, Student Planner and Wil Banda, Planner by **Wednesday, November 29, 2017.**

1. 1250 Lakeshore Road West, Minor Variance Application, 60.81.5284 – A-116/17

Have a great weekend.

Thanks, Elaine

Elaine Munro ACST

Committee Secretary and Planning Technician

Email: emunro@stcatharines.ca **Visit:** www.stcatharines.ca

Phone: 905.688.5601 x1715 **TTY:** 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



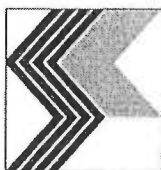
Munro, Elaine

To: Button, Jessica; McEwan, Charlotte; Prowse, Dylan; Banda, Wilrik
Subject: RE: Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing

From: Button, Jessica
Sent: Monday, November 27, 2017 10:13 AM
To: Munro, Elaine <emunro@stcatharines.ca>; McEwan, Charlotte <mcewan@stcatharines.ca>; Prowse, Dylan <dprowse@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the December 13/17 CofA Hearing

79 Simpson Road – No Comment.
1250 Lakeshore Road West – Comment.
8 Grantham Avenue – Comments attached.

Jessica Button
Project and Development Planner
Email: jbutton@stcatharines.ca
Tel: 905.688.5601 x3145



Memorandum

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

Cc: Charlotte McEwan, Planner 1
Dylan Prowse, Planning Co-op Student
Will Banda, Planning Technician
Judy Pihach, Manager of Planning

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

Date: December 4, 2017
Hearing Date: December 13, 2017

Subject: Engineering Comments to the Committee of Adjustment
File No's: A-115/17SC – 8 Graham Avenue
A-116/17SC – 1250 Lakeshore Road West
A-117/17SC – 79 Simpson Road
A-118/17SC – 3 Considine Avenue
A-119/17SC – 5 Considine Avenue

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

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 22, 2017

Subject: Committee of Adjustment
Public Hearings – December 13, 2017
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/