
Agenda

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment

Item #5 - 54 Wellington Street, Minor Variance Application, A-90/18 – 60.81.5379

A request has been received by staff to adjourn the minor variance application until additional information is received from the Agent confirming setbacks.

5. Request for Change of Conditions:

4 Lloyd Street, Consent Application, B-26/18SC, 60.84.2169 & B-27/18SC,
60.84.2170

A request has been received for a minor Change to Conditions to amend conditions 2 for both consent applications from a 2 metre road widening to 0.92 metre road widening as supported by Development staff.

6. Adoption of the Minutes held May 30, 2018 and June 27, 2018

7. Application:

1. 1 Dexter Street, Minor Variance Application, A-86/18 – 60.81.5375
2. 43 York Street, Minor Variance Application, A-87/18 - 60.81.5376
3. 28 Trent Court, Minor Variance Application, A-88/18 – 60.81.5377
4. 37 Ormonde Avenue, Consent Application, B-58/18SC – 60.84.2201
37 Ormonde Avenue, Minor Variance Application, A-89/18 – 60.81.5378
41 Ormonde Avenue, Minor Variance Application, A-93/18 – 60.81.5382
6. 61A Village Road, Minor Variance Application, A-91/18 – 60.81.5380
7. 94 Grapeview Drive, Minor Variance Application, A-92/18 – 60.81.5381
8. 8 Haynes Avenue, Consent Application, B-59/18SC – 60.64.2202

7. New Business:

8. Date of next Hearing: August 29, 2018
9. 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

A-90/18 (60.81.5379)

54 Wellington Street

DATE OF HEARING:
July 25, 2018



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 18, 2018

Date of Hearing: July 25, 2018

Submission(s): A-90/18

File: 60.81.5379

Subject: 54 Wellington Street

Recommendation

That Submission **A-90/18** by Sabrina Spencer, as outlined in the Notice of Hearing, be deferred.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that more information is necessary to adequately assess application **A-90/18** before a planning recommendation can be provided.

The Proposal

Application **A-90/18** is requesting to vary the Zoning By-law as amended, for the following variances for the proposed renovation by extending 2nd floor ceiling walls of the existing house:

1. A reduction of the minimum interior side yard setback (north side) from 1.2m to 0.8m.
2. A reduction of minimum interior side yard setback (south side) from 1.2m to 0.6m.
3. A reduction of minimum setback from the interior lot line to the balcony from 1.2m to 0.5m.
4. A reduction of the minimum required lot area per dwelling unit from 275m² to 158m².
5. A reduction of the minimum required front yard setback to the dwelling from 3m to 2.2m.

Location and Site Description

The subject property is located on the northeast side of Wellington Street, south of Welland Avenue, and is surrounded by detached dwellings in all directions.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Downtown as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per Schedule E10 of the GCP. The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land.

Zoning By-law (2013-283)

The subject land is zoned Medium Density Residential (R3). The R3 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings, apartment buildings, as well as private road development and long-term care facilities.

Report

Upon initial review of the proposal at 54 Wellington Street, it was identified that there was some discrepancies between the submitted sketch and both the City's and Region's mapping systems for the subject property. Given the discrepancies regarding the lot boundaries and position of the dwelling on the lot, staff requires a legal property survey be submitted to ensure all variances are identified accurately. This documentation has not yet been submitted and the application should be deferred accordingly.

Conclusion

It is Staff's recommendation that the application be deferred.

Prepared by:

for 
Shannon Labelle
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 1

1 Dexter Street
43 York Street
54 Wellington Street
61A Village Road

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Monday, July 09, 2018 3:08 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 1

Hi Elaine
Email 1
No concerns or issues
Thanks

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

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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Shannon Labelle
Planning and Building Services

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

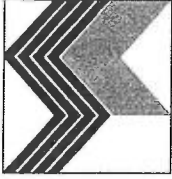
Date: July 5, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – July 25, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-86/18	1 Dexter Street	Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards. Be advised that a building permit is required for the proposed construction of the 4 storey residential building.
A-87/18	43 York Street	Be advised that a building permit is required for the conversion to a triplex.
A-88/18	28 Trent Court	Be advised that a reduction in the required yard may have spatial separation implications affecting the permitted area of glazed openings. Be advised that a building permit is required for the proposed construction.
A-89/18	37 Ormonde Avenue	No Comment
A-90/18	54 Wellington Street	Be advised that a building permit is required for the proposed alterations.
A-91/18	61A Village Road	Be advised that a building permit is required for the proposed building.
A-92/18	94 Grapeview Drive	Be advised that a building permit is required for the conversion to a triplex. Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards.
A-93/18	41 Ormonde Avenue	No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\13 bcoa memo-mv-July25, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: July 10, 2018
Subject: Committee of Adjustment Hearing – May 30, 2018

1. 1 Dexter Street, Minor Variance Application, A-86/18 – 60.81.5375

River rock is not considered to be landscaping. Should space be available a minimum of 1.5m is typically required to sustain landscaping. Privacy fencing along the lot line will be addressed through the site plan agreement.

2. 43 York Street, Minor Variance Application, A-87/18 - 60.81.5376
No comment.
3. 37 Ormonde Avenue, Consent Application, B-58/18SC – 60.84.2201
37 Ormonde Avenue, Minor Variance Application, A-89/18 – 60.81.5378
41 Ormonde Avenue, Minor Variance Application, A-93/18 – 60.81.5382

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

4. 54 Wellington Street, Minor Variance Application, A-90/18 – 60.81.5379
No Comment.
5. 61A Village Road, Minor Variance Application, A-91/18 – 60.81.5380
No Comment.
6. 94 Grapeview Drive, Minor Variance Application, A-92/18 – 60.81.5381
No comment.
7. 8 Haynes Avenue, Consent Application, B-59/18SC – 60.64.2202

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

8. 28 Trent Court, Minor Variance Application, A-88/18 – 60.81.5377
No comment.

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, C.E.T., Development Technologist
Shannon Labelle

From: Jim Denham P.Eng., Development Engineering Technologist

Date: July 6th, 2018

Hearing Date: July 24th, 2018

Subject: Engineering Comments regarding C of A Minor Variances for the following;

1 Dexter Street, A-86/18
43 York Street, A-87/18
28 Trent Court, A-88/18
37 & 41 Ormonde Avenue, A-89 & 93/18
54 Wellington Street, A-90/18
61A Village Road, A-91/18
94 Grapeview Drive, A-92/18

Development Engineering have reviewed the above noted applications for Minor Variance requests. We have no comments or conditions to the approval of the above variance applications with the following exceptions;

Comments:

1 Dexter Street, A86/18:

Servicing and Grading issues will be handled through the Site Plan Agreement process.

28 Trent Street, A88/18:

Development Engineering notes that a revised sketch was submitted showing the rear yard setback at 3.1 meters to eliminate a potential conflict with the sewer easement.

37 & 41 Ormonde Avenue, A89 & 93/18:

It is noted that road widenings and a day lighting triangle are being taken through severance B-58/18SC.

Condition(s):

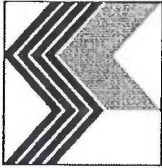
None

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read "James R. Denham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James R. Denham P.Eng.,
Development Engineering Technologist

JD/jd



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 4, 2018

Subject: Committee of Adjustment
Public Hearings – July 25, 2018
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/

60.81.5375
60.81.5376
60.84.2201
60.81.5378
60.81.5382
✓ 60.81.5379
60.81.5380
60.81.5381
60.84.2202

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-86/18 (60.81.5375)

1 Dexter Street

DATE OF HEARING:
July 25, 2018



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 18, 2018

Date of Hearing: July 25, 2018

Submission(s): A-86/18

File: 60.81.5375

Subject: 1 Dexter Street

Recommendation

That Submission **A-86/18** by Fourth Avenue Inc., as outlined in the Notice of Hearing, be approved, except for Variance 3 regarding landscaped open space coverage (no longer required in accordance with a revised sketch)

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-86/18** is minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

Proposed Development

Application **A-86/18** is requesting to vary the Zoning By-law as amended, for the following variances for a proposed 4 storey, 14-unit residential building. There is a concurrent Site Plan 60.51.709 (Vol. 3):

1. A reduction of the minimum front yard setback from 6 metres to the balcony to 5.0 metres.
2. A reduction of the minimum exterior side yard setback from 6 metres to 2.14 metres.
3. A reduction of the minimum landscaped open space coverage from 20% to 19.3%.
4. A reduction of the minimum landscape buffer (east side) with parking area under 20 parking spaces with lot line abutting a public road from 3 metres to 2.39 metres.
5. A reduction of the minimum interior side yard setback from 3 metres to 2.54 metres.
6. A reduction of the minimum required parking spaces from 18 spaces to 16 spaces.
7. A reduction of the minimum lot area per dwelling unit from 100m² to 84.6m².

8. A reduction of the minimum rear yard setback (height of building) from 14.22 metres to 13.25 metres.

Location and Site Description

The subject property is located on the northwest corner of Dexter Street and St. Paul Street West. The subject property is surrounded by detached and townhouse dwellings to the north, a pharmacy to the east, a church to the south, and a brain injury clinic and detached dwellings to the west.

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 Mixed Use as per Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Use as per Schedule E6 of the GCP. The Mixed Use designation is intended to provide for a broad array and mix of medium and higher density housing, work live accommodation, commercial, local office, institutional, indoor recreation, and cultural uses intended to primarily serve the immediate neighbourhood and community population. The subject land is also located within the St. Catharines GO Transit Station Secondary Plan (GTSSP) area, and is designated Mixed Use 1 under Schedule E to By-law 2018-121 for the GTSSP.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Mixed Use (M1). The M1 zone permits animal care establishments, apartment buildings, car wash, cultural facilities, day cares, apartment dwelling units, fourplex and triplex dwellings, emergency service facilities, hospitals, hotels/motels, and long-term care facilities.

Report

This subject site was once a part of the former St. Mary's School (later Grey Gables School). The school was removed and the site was redeveloped into several parcels. One storey townhomes were constructed along Dexter Street and Permilla Street, and a residential group home for brain injured residents sits adjacent to the subject site on St. Paul St West. The applicant is proposing a 4-storey, 14-unit residential apartment building and is currently undergoing the site plan approval process concurrently. Variances are requested for the front yard setback, exterior side yard setback, minimum landscaped open space, landscape buffers for parking areas, interior side yard setback, required parking, minimum rear yard setback and lot area per dwelling unit.

It should be noted that the variance requested for the minimum landscaped open space (Variance 3) is no longer necessary. The applicant has since determined that more landscaping on site can be provided, and the minimum requirement of 20% is able to be met. The site now exceeds the requirement at an amount of 26.9%.

In regards to the requested variances for the front yard, rear yard, exterior side yard, interior side yard, and reduced landscape buffer abutting a public road, the variances are a function of the orientation of the apartment building and the size of the lot. The principal entrance of the building is off Dexter Street, whereas the frontage of the lot is on St. Paul Street West. The GTSSP envisions transit-supportive development in close proximity to the GO Transit station. The secondary plan area is meant to provide for a full range of residential, commercial, employment and community functions, all coexisting in a mutually beneficial manner. New developments in the area are to be largely in the form of higher density rental and condominium apartments. The proposal for 1 Dexter Street meets that intent.

The GTSSP also directs that developments in the Mixed Use 1 area will provide street animated facades in medium density format that supports the character of the existing neighbourhood. By permitting the building to be developed slightly closer to both streets, it facilitates better engagement with the respective streetscapes. The variances to the required yards will facilitate the development of this site in order to meet the intents of the GTSSP to achieve intensification and transit supportive uses along key transit corridors. Staff support these variances.

The requested reduction of the minimum lot area per dwelling unit allows for an increase in the number of units that can be provided within the apartment building. The Mixed Use Area 1 designation is planned to accommodate a minimum development density equivalent to 100 people and jobs per hectare. The proposal for 14 units achieves a density of 118 people and jobs per hectare, which exceeds the intent of the GTSSP. Therefore, staff are supportive of the requested variance to minimum lot area per dwelling unit.

Part C, Section 5.4.2 of the GCP states that the City may consider the reduction or the elimination of vehicular parking requirements where transit is readily available or where transit facilities are provided. As mentioned, the subject site is in very close proximity to the GO Transit station. The subject land also has access to a number of transit stops within a short walk of the property, which serves a number of bus routes. It is also a short walk to Downtown St. Catharines. There are a number of amenities within walking distance of the development including convenience stores, a pharmacy, restaurants and retail. Considerable on street parking is also permitted on the east side of Dexter Street and south side of St. Paul Street West. Given the availability of nearby transit and the provision of on street parking, staff is supportive of the required parking reduction.

The City's building staff have advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards. As well, the applicant should be advised that a building permit is required for the proposed construction of the 4 storey residential building.

Conclusion

Staff are satisfied that the variances requested through Submission **A-86/18** support compatible development with the surrounding area, are in keeping with the general intent of the Official Plan and Zoning By-law, and are minor in nature and appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

Prepared by:


Shannon Labelle
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 1

1 Dexter Street
43 York Street
54 Wellington Street
61A Village Road

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Monday, July 09, 2018 3:08 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 1

Hi Elaine
Email 1
No concerns or issues
Thanks

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✓ 60.81.5375
60.84.2202

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing,
City of St. Catharines

From: Vasko, Dennis
Sent: Wednesday, July 04, 2018 10:06 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines

Hi Elaine,

There are no concerns with these properties in respect to closed landfills.

Regards,
Dennis

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



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Shannon Labelle
Planning and Building Services

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

Date: July 5, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – July 25, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-86/18	1 Dexter Street	Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards. Be advised that a building permit is required for the proposed construction of the 4 storey residential building.
A-87/18	43 York Street	Be advised that a building permit is required for the conversion to a triplex.
A-88/18	28 Trent Court	Be advised that a reduction in the required yard may have spatial separation implications affecting the permitted area of glazed openings. Be advised that a building permit is required for the proposed construction.
A-89/18	37 Ormonde Avenue	No Comment
A-90/18	54 Wellington Street	Be advised that a building permit is required for the proposed alterations.
A-91/18	61A Village Road	Be advised that a building permit is required for the proposed building.
A-92/18	94 Grapeview Drive	Be advised that a building permit is required for the conversion to a triplex. Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards.
A-93/18	41 Ormonde Avenue	No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2018\13 bcoa memo-mv-July25, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: July 10, 2018
Subject: Committee of Adjustment Hearing – May 30, 2018

1. 1 Dexter Street, Minor Variance Application, A-86/18 – 60.81.5375

River rock is not considered to be landscaping. Should space be available a minimum of 1.5m is typically required to sustain landscaping. Privacy fencing along the lot line will be addressed through the site plan agreement.

2. 43 York Street, Minor Variance Application, A-87/18 - 60.81.5376
No comment.

3. 37 Ormonde Avenue, Consent Application, B-58/18SC – 60.84.2201
37 Ormonde Avenue, Minor Variance Application, A-89/18 – 60.81.5378
41 Ormonde Avenue, Minor Variance Application, A-93/18 – 60.81.5382

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

4. 54 Wellington Street, Minor Variance Application, A-90/18 – 60.81.5379
No Comment.
5. 61A Village Road, Minor Variance Application, A-91/18 – 60.81.5380
No Comment.
6. 94 Grapeview Drive, Minor Variance Application, A-92/18 – 60.81.5381
No comment.
7. 8 Haynes Avenue, Consent Application, B-59/18SC – 60.64.2202

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

8. 28 Trent Court, Minor Variance Application, A-88/18 – 60.81.5377
No comment.

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, C.E.T., Development Technologist
Shannon Labelle

From: Jim Denham P.Eng., Development Engineering Technologist

Date: July 6th, 2018

Hearing Date: July 24th, 2018

Subject: Engineering Comments regarding C of A Minor Variances for the following;

1 Dexter Street, A-86/18
43 York Street, A-87/18
28 Trent Court, A-88/18
37 & 41 Ormonde Avenue, A-89 & 93/18
54 Wellington Street, A-90/18
61A Village Road, A-91/18
94 Grapeview Drive, A-92/18

Development Engineering have reviewed the above noted applications for Minor Variance requests. We have no comments or conditions to the approval of the above variance applications with the following exceptions;

Comments:

1 Dexter Street, A86/18:

Servicing and Grading issues will be handled through the Site Plan Agreement process.

28 Trent Street, A88/18:

Development Engineering notes that a revised sketch was submitted showing the rear yard setback at 3.1 meters to eliminate a potential conflict with the sewer easement.

37 & 41 Ormonde Avenue, A89 & 93/18:

It is noted that road widenings and a day lighting triangle are being taken through severance B-58/18SC.

Condition(s):

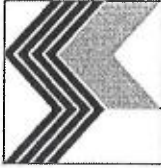
None

Respectfully Submitted by:

A handwritten signature in dark ink, appearing to read "James R. Denham", with a long, sweeping horizontal stroke extending to the right.

James R. Denham P.Eng.,
Development Engineering Technologist

JD/jd



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 4, 2018

Subject: Committee of Adjustment
Public Hearings – July 25, 2018
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/

✓ 60.81.5375
60.81.5376
60.84.2201
60.81.5378
60.81.5382
60.81.5379
60.81.5380
60.81.5381
60.84.2202

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-87/18 (60.81.5376)

43 York Street

DATE OF HEARING:
July 25, 2018



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 18, 2018

Date of Hearing: July 25, 2018

Submission(s): A-87/18

File: 60.81.5376

Subject: 43 York Street

Recommendation

That Submission **A-87/18** by 1687587 Ontario Ltd., as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-87/18** is not minor in nature, not desirable for the appropriate use of the land, and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained.

The Proposal

Application **A-87/18** is requesting to vary the Zoning By-law for the following variances for the proposed conversion of an existing 2-storey duplex to a triplex:

1. A reduction of the minimum lot frontage from 16 metres to 12.5 metres.
2. A reduction of the minimum required parking spaces from 3 spaces to 2 spaces.
3. A reduction of the minimum lot area per dwelling per unit from 420m² to 287m².

Location and Site Description

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

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and Medium Density Residential as per schedule E4 of the GCP. The Medium Density Residential designation permits detached, semi-detached, duplex,

triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land.

Zoning By-law (2013-283)

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

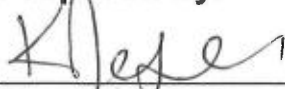
Report

The applicant is proposing to convert the existing duplex dwelling into a legal triplex dwelling. Variances are required for the minimum lot area per dwelling unit and the minimum lot frontage necessary for a triplex dwelling. The intent of the minimum lot area and lot frontage requirements of the Zoning By-law are to ensure a dwelling can fit comfortably on a parcel of land for the proposed use, to ensure that sufficient parking and amenity space can be provided on the site in balance with the building envelope, and to ensure it achieves a level of compatibility with the surrounding neighbourhood. The applicant has also applied for a variance to reduce the number of required parking spaces for a triplex dwelling from 3 spaces to 2. Staff are of the opinion that the combination of the requested variances are indicative of an overdevelopment of the subject property and are not in support of the requested variances. The requested variance for the minimum lot area per dwelling unit for 287m² is a significant departure from the required 420m² of lot area per dwelling unit. The requested unit sizes are more in line with the requirements of a duplex dwelling, which require 280m² of lot area per dwelling unit. In addition, the required lot frontage for a duplex dwelling is 12 metres, whereas the subject property has 12.5 metres of lot frontage. The existing frontage is better suited for a duplex dwelling. Further, the applicant has demonstrated that 2 parking spaces can adequately be provided on the property, whereas the 3 required for a triplex cannot be provided. As such, it is staff's opinion that the dwelling on the subject property should remain a duplex dwelling; as the departures from the zoning by-law are considered too great to allow for a triplex dwelling, and a triplex would not be a desirable use of the site or achieve compatibility with the surround neighbourhood. Staff are not supportive of the proposed variances.

Conclusion

Staff are not satisfied that the variances requested through Submission **A-87/18** are in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, and are not appropriate or desirable for the use of the land. It is staff's recommendation that the requested variances be denied.

Prepared by:



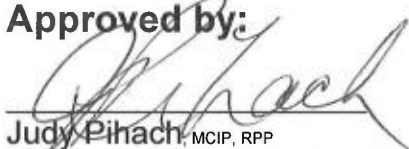
Shannon Labelle
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: re 43 York St.

From: annette urlocker [mailto:]
Sent: Wednesday, July 18, 2018 6:03 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: re 43 York St.

I have objections to the proposed alterations on 43 York Street for several reasons.

- 1) It was a relatively average size single family house, and I believe is not adapted into two separate units.
- 2) To have three units there must be a plan to have a unit in the basement and that would not meet fire requirements.
- 3) The lot is already small and lack of space leads to social unrest. I feel that there is not adequate space in this house for 3 units.
- 4) In a neighbourhood with mostly single family homes, this plan would not fit the profile of the neighbourhood.
- 5) Any addition to the parking space takes away from the value of the houses in the neighbourhood because of lack of green space and overcrowding.
- 6) Driveways parking pads/parking areas etc. do not help with the absorption of rain water and often are not properly planned or installed.

Thank you.
Annette Urlocker
46 Albert St.

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

Munro, Elaine

Subject:

RE: Re File No. 60.81.5376, Submission No. A-87/18

From: Tim Bradbury [mailto:]

Sent: Thursday, July 05, 2018 3:38 PM

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

Subject: Re File No. 60.81.5376, Submission No. A-87/18

Dear Elaine

I am responding regarding the application for minor variances noted above, at 43 York St. I am away on holidays during the hearing so I am e-mailing you instead.

I live next door to this property, at 41 York St., and have lasted through two police raids and endless parades of drug users through it's doors.

The last thing I want to see is that this house be allowed to hold *more* people. In Toronto, where I lived for many years, a lack of adequate parking spaces alone would be reason enough to not even consider the application. I also see no reason to encroach on proper setbacks or to increase the density allowed.

I am opposed to this in every way. Please feel free to contact me.

Tim Bradbury 41 York St.

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

Munro, Elaine

Subject: RE: re:43 York Street

From:

Sent: Saturday, July 07, 2018 11:51 AM

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

Subject: re:43 York Street

I am writing you in reference to 43 York Street as my kitchen window faces their back yard. I really don't feel that the owner takes any time to check his clients. He is more content to have the apartments rented.

I have witnessed everything from couples punching each other and a short time later see them making out, drug dealing and urinating in the back yard—both the renters and their company—I often wondered if the toilet inside was working and when we asked them to stop we just were told off or got the finger.

I have been told by neighbours that passing their house to go to the store is not pleasant.

I don't approve of this landlord making space for more tenants.

Sincerely

Jean Kuzmich

42 Albert Street

St. Catharines, On L2R2G7

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 1

1 Dexter Street
43 York Street
54 Wellington Street
61A Village Road

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Monday, July 09, 2018 3:08 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 1

Hi Elaine
Email 1
No concerns or issues
Thanks

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

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- [Contact us](#)

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

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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Shannon Labelle
Planning and Building Services

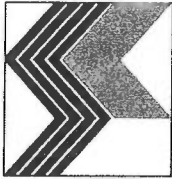
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: July 5, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – July 25, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-86/18	1 Dexter Street	Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards. Be advised that a building permit is required for the proposed construction of the 4 storey residential building.
A-87/18	43 York Street	Be advised that a building permit is required for the conversion to a triplex.
A-88/18	28 Trent Court	Be advised that a reduction in the required yard may have spatial separation implications affecting the permitted area of glazed openings. Be advised that a building permit is required for the proposed construction.
A-89/18	37 Ormonde Avenue	No Comment
A-90/18	54 Wellington Street	Be advised that a building permit is required for the proposed alterations.
A-91/18	61A Village Road	Be advised that a building permit is required for the proposed building.
A-92/18	94 Grapeview Drive	Be advised that a building permit is required for the conversion to a triplex. Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards.
A-93/18	41 Ormonde Avenue	No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: July 10, 2018
Subject: Committee of Adjustment Hearing – May 30, 2018

1. 1 Dexter Street, Minor Variance Application, A-86/18 – 60.81.5375

River rock is not considered to be landscaping. Should space be available a minimum of 1.5m is typically required to sustain landscaping. Privacy fencing along the lot line will be addressed through the site plan agreement.

2. 43 York Street, Minor Variance Application, A-87/18 - 60.81.5376
No comment.
3. 37 Ormonde Avenue, Consent Application, B-58/18SC – 60.84.2201
37 Ormonde Avenue, Minor Variance Application, A-89/18 – 60.81.5378
41 Ormonde Avenue, Minor Variance Application, A-93/18 – 60.81.5382

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

4. 54 Wellington Street, Minor Variance Application, A-90/18 – 60.81.5379
No Comment.
5. 61A Village Road, Minor Variance Application, A-91/18 – 60.81.5380
No Comment.
6. 94 Grapeview Drive, Minor Variance Application, A-92/18 – 60.81.5381
No comment.
7. 8 Haynes Avenue, Consent Application, B-59/18SC – 60.64.2202

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

8. 28 Trent Court, Minor Variance Application, A-88/18 – 60.81.5377
No comment.

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, C.E.T., Development Technologist
Shannon Labelle

From: Jim Denham P.Eng., Development Engineering Technologist

Date: July 6th, 2018

Hearing Date: July 24th, 2018

Subject: Engineering Comments regarding C of A Minor Variances for the following;

1 Dexter Street, A-86/18
43 York Street, A-87/18
28 Trent Court, A-88/18
37 & 41 Ormonde Avenue, A-89 & 93/18
54 Wellington Street, A-90/18
61A Village Road, A-91/18
94 Grapeview Drive, A-92/18

Development Engineering have reviewed the above noted applications for Minor Variance requests. We have no comments or conditions to the approval of the above variance applications with the following exceptions;

Comments:

1 Dexter Street, A86/18:

Servicing and Grading issues will be handled through the Site Plan Agreement process.

28 Trent Street, A88/18:

Development Engineering notes that a revised sketch was submitted showing the rear yard setback at 3.1 meters to eliminate a potential conflict with the sewer easement.

37 & 41 Ormonde Avenue, A89 & 93/18:

It is noted that road widenings and a day lighting triangle are being taken through severance B-58/18SC.

Condition(s):

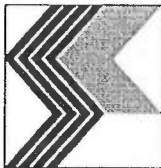
None

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read "James R. Denham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James R. Denham P.Eng.,
Development Engineering Technologist

JD/jd



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 4, 2018

Subject: Committee of Adjustment
Public Hearings – July 25, 2018
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/

60.81.5375
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60.81.5380
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60.84.2202

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-88/18 (60.81.5377)

28 Trent Court

DATE OF HEARING:
July 25, 2018

Munro, Elaine

Subject:

RE: by-law 2013-283

From: Jack and Annette Reuvekamp [mailto:]

Sent: Wednesday, July 11, 2018 2:25 PM

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

Subject: by-law 2013-283

We live at 26 Trent Court and I am questioning the request for a reduction of the minimum rear yard setback from 6 meters, (19.68) feet to 3.1 meters (10.17) feet. We have a window on the side of the house adjacent to the proposed sunroom, we are concerned that the proximity of the sunroom to our property and it being a permanent structure could affect the resale value of our property. We live directly behind the proposed property and we feel this structure will infringe on us.
Thank-you Jack and Annette Reuvekamp



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 18, 2018

Date of Hearing: July 25, 2018

Submission(s): A-88/18

File: 60.81.5377

Subject: 28 Trent Court

Recommendation

That Submission **A-88/18** by Albert Winter and Deborah Winter, as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-88/18** is not minor in nature, not desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained.

The Proposal

Application **A-88/18** is requesting to vary the Zoning By-law for the following variances for the proposed construction of a sunroom:

1. A reduction of the minimum rear yard setback from 6 metres to 3.1 metres.
2. A reduction of the minimum required exterior side yard setback from 4 metres to 3.7 metres.

Location and Site Description

The subject property is located at the north east corner of Trent Court, south of Pelham Road. The subject property is surrounded by townhouse dwellings to the north, east and south and a non-profit organization property to the west.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per schedule E7 of the GCP. The Medium Density Residential designation permits detached,

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

Zoning By-law (2013-283)

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

Report


The subject lot is the end unit of a row of six townhouses fronting onto the portion of Trent Court off of Pelham Road. The unit at 28 Trent Court is a corner lot, with the rear yard area contained by an approximately 6 foot high wood board fence. The intent of the rear yard setback of the zoning by-law is to ensure that a dwelling does not overwhelm the site or neighbouring properties, and that sufficient amenity space is provided on the lot. Similarly, the intent of the exterior side yard setback is also for amenity space on site, as well as to ensure that adequate sight lines are maintained for drivers approaching the corner point and to maintain a degree of distance for safety from the road.

The requested reduction to the rear yard setback for the addition of an attached sunroom in the rear of the townhouse unit is expected to have impacts on neighbouring properties. Although the rear yard and a portion of the exterior side yard are contained by a fence, it is not at a height significant enough to screen the proposed sunroom from the adjacent property at 26 Trent Court. The 3.0 easement at the rear of the property prevents any trees or shrubs from being planted to provide screening, and the abutting dwelling has a window that faces directly into the rear yard of 28 Trent Court. As such, permitting a reduction of almost 50% of the distance of the required rear yard is not supported by staff, as there are no available measures to mitigate the impacts from the sunroom or overlook on neighbouring lots. The proposed construction of a sunroom would not be in keeping with the surrounding character of the neighbourhood.

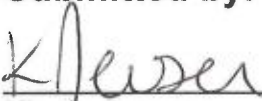
Conclusion

Staff are not satisfied that the variances requested through Submission **A-88/18** are in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, and are not appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be denied.

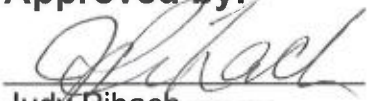
Prepared by:

for 
Shannon Labelle
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

July 17, 2018

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

Attention: Elaine Munro

File# 60.81.5377

Re: 28 Trent Court

In response to your correspondence dated July 5, 2018, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- We have NO objection(s).

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 Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke, enclosed within a large, loose oval shape.

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

Subject: RE: Additional MV Application Added - 28 Trent Court RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 4

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Monday, July 09, 2018 3:24 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Additional MV Application Added - 28 Trent Court RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 4

Email 4
No issues or concerns

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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Shannon Labelle
Planning and Building Services

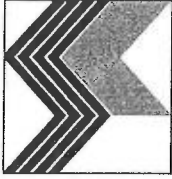
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: July 5, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – July 25, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-86/18	1 Dexter Street	Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards. Be advised that a building permit is required for the proposed construction of the 4 storey residential building.
A-87/18	43 York Street	Be advised that a building permit is required for the conversion to a triplex.
A-88/18	28 Trent Court	Be advised that a reduction in the required yard may have spatial separation implications affecting the permitted area of glazed openings. Be advised that a building permit is required for the proposed construction.
A-89/18	37 Ormonde Avenue	No Comment
A-90/18	54 Wellington Street	Be advised that a building permit is required for the proposed alterations.
A-91/18	61A Village Road	Be advised that a building permit is required for the proposed building.
A-92/18	94 Grapeview Drive	Be advised that a building permit is required for the conversion to a triplex. Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards.
A-93/18	41 Ormonde Avenue	No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: July 10, 2018
Subject: Committee of Adjustment Hearing – May 30, 2018

1. 1 Dexter Street, Minor Variance Application, A-86/18 – 60.81.5375

River rock is not considered to be landscaping. Should space be available a minimum of 1.5m is typically required to sustain landscaping. Privacy fencing along the lot line will be addressed through the site plan agreement.

2. 43 York Street, Minor Variance Application, A-87/18 - 60.81.5376
No comment.

3. 37 Ormonde Avenue, Consent Application, B-58/18SC – 60.84.2201
37 Ormonde Avenue, Minor Variance Application, A-89/18 – 60.81.5378
41 Ormonde Avenue, Minor Variance Application, A-93/18 – 60.81.5382

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

4. 54 Wellington Street, Minor Variance Application, A-90/18 – 60.81.5379
No Comment.
5. 61A Village Road, Minor Variance Application, A-91/18 – 60.81.5380
No Comment.
6. 94 Grapeview Drive, Minor Variance Application, A-92/18 – 60.81.5381
No comment.
7. 8 Haynes Avenue, Consent Application, B-59/18SC – 60.64.2202

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

8. 28 Trent Court, Minor Variance Application, A-88/18 – 60.81.5377
No comment.

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, C.E.T., Development Technologist
Shannon Labelle

From: Jim Denham P.Eng., Development Engineering Technologist

Date: July 6th, 2018

Hearing Date: July 24th, 2018

Subject: Engineering Comments regarding C of A Minor Variances for the following;

1 Dexter Street, A-86/18
43 York Street, A-87/18
28 Trent Court, A-88/18
37 & 41 Ormonde Avenue, A-89 & 93/18
54 Wellington Street, A-90/18
61A Village Road, A-91/18
94 Grapeview Drive, A-92/18

Development Engineering have reviewed the above noted applications for Minor Variance requests. We have no comments or conditions to the approval of the above variance applications with the following exceptions;

Comments:

1 Dexter Street, A86/18:

Servicing and Grading issues will be handled through the Site Plan Agreement process.

28 Trent Street, A88/18:

Development Engineering notes that a revised sketch was submitted showing the rear yard setback at 3.1 meters to eliminate a potential conflict with the sewer easement.

37 & 41 Ormonde Avenue, A89 & 93/18:

It is noted that road widenings and a day lighting triangle are being taken through severance B-58/18SC.

Condition(s):

None

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read 'James R. Denham', with a long horizontal flourish extending to the right.

James R. Denham P.Eng.,
Development Engineering Technologist

JD/jd

Munro, Elaine

To: Bittner, Steve
Cc: Jensen, Kirstin; Labelle, Shannon
Subject: RE: Additional MV Added - 28 Trent Court RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing

From: Bittner, Steve
Sent: Thursday, July 05, 2018 10:19 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Jensen, Kirstin <kjensen@stcatharines.ca>; Labelle, Shannon <slabelle@stcatharines.ca>
Subject: RE: Additional MV Added - 28 Trent Court RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing

Elaine,

No issues with 28 Trent Court, so my original comments are still valid.

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

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-58/18SC (60.84.2201),
A-89/18 (60.81.5378)
& A-93/18 (60.81.5382)**

37 & 41 Ormonde Street

**DATE OF HEARING:
July 25, 2018**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 18, 2018

Date of Meeting: July 25, 2018

Submission(s): B-58/18SC
A-89/18
A-93/18

File: 60.84.2201
60.81.5378
60.81.5379

Subject: 37 Ormonde Avenue
41 Ormonde Avenue

Recommendation

That Submission **B-58/18SC** by Gino and Michael DiFrancesco, as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees;
2. The applicant shall dedicate as Public Highway, to the City gratuitously, free and clear of any encumbrances and at the Owner's expense, a 1.0m road widening across the entire frontage of both Garnet Street and Ormonde Avenue; and
3. Dedicate as Public Highway, to the City Gratuitously, free and clear of any encumbrances and at the Owner's expense, a 2.0m daylighting triangle at the intersection of Garnet Street and Ormonde Avenue.

That Submission **A-89/18**, by Gino and Michael DiFrancesco, as outlined in the Notice of Hearing, be approved.

And that Submission **A-93/18**, by Gino and Michael DiFrancesco, as outlined in the Notice of Hearing, be approved.

The Proposal

Application **B-58/18SC** is made for consent to sever 219.2m² of land (Part 1 on the submitted sketch) creating a new lot to be known as 41 Ormonde Avenue for the purpose of severing one-half of a semi-detached dwelling currently under construction. A 211.8m² remnant parcel would be retained for the other half of the semi-detached dwelling. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately. There are concurrent minor variance applications **A-89/18** and **A-93/18**.

Application **A-89/18** is made to vary the Zoning By-law for the following variances to facilitate the concurrent consent application, for Part 2 to sever a semi-detached dwelling currently under construction:

1. A reduction of the minimum lot area per dwelling unit from 280m² to 211.8m²;
2. A reduction of the minimum width of a standard parking space obstructed on 2 sides from 3.5m to 3.29m; and,
3. A reduction of the minimum required front yard setback to the garage from 6 metres to 5.2 metres.

Application **A-93/18** is made to vary the Zoning By-law for the following variances to facilitate the concurrent consent application, for Part 1 to sever a semi-detached dwelling currently under construction. A previous minor variance application, **A-75/17** was approved:

1. A reduction of the minimum lot area per dwelling per unit from 280m² to 219.2m²;
2. A reduction of the minimum width of a standard parking space obstructed on 2 sides from 3.5m to 3.24m;
3. A reduction of the minimum required exterior side yard setback from 1.83m to 0.87m; and,
4. A reduction of the minimum required front yard setback to the garage from 6 metres to 5.26 metres.

Location and Site Description

The subject property is located on the southwest corner of Garnet Street and Ormonde Avenue and is surrounded by detached dwellings in all directions.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E3 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 (2013-283)

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

Report

The building permit for this semi-detached dwelling was issued under section 2.15.1.1 of the zoning by-law (By-law 2013-283) which permits various dwelling types permitted by the applicable zone, on existing undersized lots which are under the required lot area or under the required lot frontage as per the zoning by-law.

In the circumstances that prevail on this application, being a building permit has been issued in accordance with the zoning at the time the building permit was issued, and recognizing the dwelling is under construction or possibly completed, there is nothing to be gained by withholding the severance to recognize each half of the semi-detached dwelling on its own lot, nor the related variances.

Staff recommend that the consents and minor variances be approved, subject to the conditions outlined in the recommendation.

The City's Development Engineering Section noted that Ormonde Avenue is designated a Local road per the City's Official Plan with a desired right-of-way width of 20m. Its current width is deficient at +/- 15m. Since the building is already under construction and situated close to the existing right-of-way limit, the City will not require the full 2.5m widening. As a compromise, the City will require the Owner to dedicate a 1.0m road widening across the frontage of this property and a 2.0m daylighting triangle at the intersection of Garnet Street and Ormonde Avenue.

Similarly, Garnet Street is also designated a Local road per the City's Official Plan with a desired right-of-way width of 20m. Its current width is deficient at +/- 15m. Since the building is already under construction and situated close to the existing right-of-way limit, the City will not require the full 2.5m widening. As a compromise, the City will require the Owner to dedicate a 1.0m road widening across the frontage of this property, in addition to the daylighting triangle previously mentioned. These are to be dedicated as public highway, to the City gratuitously, free and clear of an encumbrances and at the Owner's expense.

Conditions are included in the recommendation to address road widenings.

The City's Parks, Recreation and Culture Services section requires that a tree deposit be provided for every new lot created throughout the City. As such, the applicant is required to submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees. This condition is reflected in the recommendation.

Design Review Panel (DRP)

Since a building permit for a semi-detached dwelling on a single lot was issued March 19 2018, and is now under construction, the severance application to split the dwelling into two lots is exempt from review by the DRP.

Previous Variances Granted

In July 2017, the subject property was granted a variance for a reduction to the exterior side yard setback along Garnet Street at the three pinch-points from 3 metres to 1.83 metres (A-75/17). Due to the requested road widening by the City's Development Engineering section along Garnet Street, further variances to the exterior side yard setback are required. The requested road widening along Ormonde Avenue has also resulted in the need for variances to the front yard setback to the garage on both parts.

Similar to the above comments on the consent application, there is nothing to be gained by denying the minor variances requested. The building permit is issued and the building under construction or completed. The variances simply facilitate the selling of each half of the semi on its own lot.

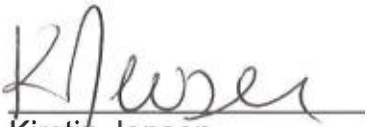
Conclusion

Given a building permit has been issued in accordance with the zoning in effect at the time, and the building is under construction, staff have no objection to the creation of a lot for each half of the semi-detached dwelling and the related variances.

Prepared by:

for 
Shannon Labelle
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 3 (Last)

37 Ormonde Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Monday, July 09, 2018 3:07 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 3 (Last)

Hi Elaine
Email 3
No concerns or issues
Thanks
I had a great one and you ?

*
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 Connexion, 5 Place Ville-Marie, Bureau 1700, Montréal, Québec, H3B 0B3

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This email is from Doug.Crown@cogeco.com . To ensure the delivery of future emails, please add the current email address to your address book or safe senders list.

If you no longer wish to receive promotional emails from Cogeco, please forward this message to unsubscribe@cogeco.com. Thank you!
Privacy Policy and Anti-spam Commitment

- [Contact us](#)

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

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

Munro, Elaine

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Thursday, July 05, 2018 3:21 PM
To: Munro, Elaine
Subject: 905-18-299 - Consent Application B-58/18SC - 37 Ormonde Avenue

Good afternoon Elaine,

Bell Canada has no concerns with Application for Consent B-58/18SC, regarding 37 Ormonde Avenue.

Thank you,

Char Hall

External Liaison
Bell Canada Right of Way
P: 705-722-2264
F: 705-726-4600
1-888-646-4817
charleyne.hall@bell.ca

Bell

140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

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



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Shannon Labelle
Planning and Building Services

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

Date: July 5, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – July 25, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-86/18	1 Dexter Street	Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards. Be advised that a building permit is required for the proposed construction of the 4 storey residential building.
A-87/18	43 York Street	Be advised that a building permit is required for the conversion to a triplex.
A-88/18	28 Trent Court	Be advised that a reduction in the required yard may have spatial separation implications affecting the permitted area of glazed openings. Be advised that a building permit is required for the proposed construction.
A-89/18	37 Ormonde Avenue	No Comment
A-90/18	54 Wellington Street	Be advised that a building permit is required for the proposed alterations.
A-91/18	61A Village Road	Be advised that a building permit is required for the proposed building.
A-92/18	94 Grapeview Drive	Be advised that a building permit is required for the conversion to a triplex. Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards.
A-93/18	41 Ormonde Avenue	No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Shannon Labelle
Planning and Building Services

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

Date: July 5, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – July 25, 2018 hearing - File No.: 300-036

B-58/18SC – 37 Ormonde Avenue

Comment:

- No Comment

Condition:

- No Comment

B-59/18SC – 8 Haynes Avenue

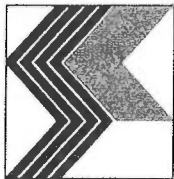
Comment:

- No Comment

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction meets the requirements for subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code for the south and east faces of the existing dwelling and detached garage on Part 1.

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: July 10, 2018
Subject: Committee of Adjustment Hearing – May 30, 2018

1. 1 Dexter Street, Minor Variance Application, A-86/18 – 60.81.5375

River rock is not considered to be landscaping. Should space be available a minimum of 1.5m is typically required to sustain landscaping. Privacy fencing along the lot line will be addressed through the site plan agreement.

2. 43 York Street, Minor Variance Application, A-87/18 - 60.81.5376
No comment.

3. 37 Ormonde Avenue, Consent Application, B-58/18SC – 60.84.2201
37 Ormonde Avenue, Minor Variance Application, A-89/18 – 60.81.5378
41 Ormonde Avenue, Minor Variance Application, A-93/18 – 60.81.5382

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

4. 54 Wellington Street, Minor Variance Application, A-90/18 – 60.81.5379
No Comment.
5. 61A Village Road, Minor Variance Application, A-91/18 – 60.81.5380
No Comment.
6. 94 Grapeview Drive, Minor Variance Application, A-92/18 – 60.81.5381
No comment.
7. 8 Haynes Avenue, Consent Application, B-59/18SC – 60.64.2202

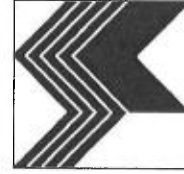
Please be advised that we have reviewed the above-noted applications and request the following be included as a condition of the severance:

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

8. 28 Trent Court, Minor Variance Application, A-88/18 – 60.81.5377
No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-58/18SC



Date: July 5th, 2018

Development Engineering File: 300-36

Hearing Date: July 24th, 2018

Applicant: Gino & Michael DiFrancesco

Location: 37 & 41 Ormonde Avenue

MUNICIPAL SERVICES

	Ormonde Avenue	Garnet Street
Water:	150mm P.V.C.	150mm C.I.
Sanitary Sewer:	200mm Clay +/-3.5m Depth	300mm Clay +/-4m Depth
Storm Sewer:	None	375mm +/-2.4m Depth
Sidewalks:	Yes	Yes
Road Allowance Width:	+/-15m	+/-15m

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

It is noted that the Owner proposes to create two Semi Detached lots (Part 1 and Part 2) on the submitted sketch. The new lots will be known as 37 and 41 Ormonde Avenue. The application will allow each half of the semi-detached dwelling to be sold separately. It is recognized that the units are already under construction.

Comments:

Roads

Ormonde Avenue is designated in the City's Official Plan as a Local Road with a desired right-of-way width of 20m. The existing right-of-way width is +/-15m. Since the building is already under construction and situated close to the existing right-of-way limit the City will not require the full 2.5m widening. As a compromise the City will require the Owner to dedicate a 1.0m road widening across the frontage of this property and a 2.0m daylighting triangle at the intersection of Garnet Street and Ormonde Avenue.

Garnet Street is also designated in the City's Official Plan as a Local Road with a desired right-of-way width of 20m. The existing right-of-way width is +/-15m. Since the building is already under construction and situated close to the existing right-of-way limit the City will not require the full 2.5m widening. As a compromise the City will require the Owner to dedicate a 1.0m road widening across the frontage of this property.

Sidewalks

Sidewalks and curbs exist along these sections of Garnet Street and Ormonde Avenue. A sidewalk deposit was taken at the building permit stage.

Engineering Services

Servicing requirements (sewer laterals and water services) have already been addressed at the building permit application stage.

Development Engineering have no further comment and no objection to the approval of the above noted consent subject to the following

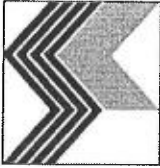
Condition(s): Prior to finalizing the consent the Applicant shall;

- Dedicate as Public Highway, to the City gratuitously, free and clear of any encumbrances and at the Owner's expense, a 1.0m road widening across the entire frontage of both Garnet Street and Ormonde Avenue;
- Dedicate as Public Highway, to the City gratuitously, free and clear of any encumbrances and at the Owner's expense, a 2.0m daylighting triangle at the intersection of Garnet Street and Ormonde Avenue.



Prepared By: _____

James Denham, P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

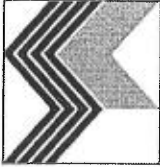
Date: July 4, 2018

Subject: Committee of Adjustment
Public Hearings – July 25, 2018
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/

60.81.5375
60.81.5376
✓ 60.84.2201
60.81.5378
60.81.5382
60.81.5379
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60.84.2202



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 4, 2018

Subject: Committee of Adjustment
Public Hearings – July 25, 2018
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✓ 60.81.5378
60.81.5382
60.81.5379
60.81.5380
60.81.5381
60.84.2202



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, C.E.T., Development Technologist
Shannon Labelle

From: Jim Denham P.Eng., Development Engineering Technologist

Date: July 6th, 2018

Hearing Date: July 24th, 2018

Subject: Engineering Comments regarding C of A Minor Variances for the following;

1 Dexter Street, A-86/18
43 York Street, A-87/18
28 Trent Court, A-88/18
37 & 41 Ormonde Avenue, A-89 & 93/18
54 Wellington Street, A-90/18
61A Village Road, A-91/18
94 Grapeview Drive, A-92/18

Development Engineering have reviewed the above noted applications for Minor Variance requests. We have no comments or conditions to the approval of the above variance applications with the following exceptions;

Comments:

1 Dexter Street, A86/18:

Servicing and Grading issues will be handled through the Site Plan Agreement process.

28 Trent Street, A88/18:

Development Engineering notes that a revised sketch was submitted showing the rear yard setback at 3.1 meters to eliminate a potential conflict with the sewer easement.

37 & 41 Ormonde Avenue, A89 & 93/18:

It is noted that road widenings and a day lighting triangle are being taken through severance B-58/18SC.

Condition(s):

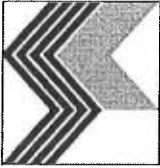
None

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read "James R. Denham", with a long horizontal flourish extending to the right.

James R. Denham P.Eng.,
Development Engineering Technologist

JD/jd



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 4, 2018

Subject: Committee of Adjustment
Public Hearings – July 25, 2018
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/

60.81.5375
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60.84.2201
60.81.5378
✓ 60.81.5382
60.81.5379
60.81.5380
60.81.5381
60.84.2202

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-91/18 (60.81.5380)

61A Village Road

DATE OF HEARING:
July 25, 2018

Munro, Elaine

Subject:

RE: File No. 60.81.5360 AKA 61A Village Road

From: DaveRose [mailto:]

Sent: Monday, July 09, 2018 9:21 AM

To: Munro, Elaine <emunro@stcatharines.ca>; Harris, Matthew <mharris@stcatharines.ca>; Kushner, Joe <jkushner@stcatharines.ca>

Subject: File No. 60.81.5360 AKA 61A Village Road

Elaine,

I will not be able to attend the hearing on July 25th at 5pm but I would still like to voice my objection over the request for minor variance of zoning **By-law 2013-283**. I have bolded the by-law on purpose of emphasis. The purpose of this hearing I believe is to consider a variance to this by-law not how new zoning rules may impact it. If the developer wants to use existing zoning as a argument for this "minor variance" then I say they must go back to the drawing board and resubmit the entire development under the new zoning. Not picking and choosing from one by-law to suit another. The height of the development and the architectural nature of the development is not in harmony with the rest of the neighbourhood and this variance should not be considered. It is still not minor. The developer is still adding 23% to the height approved by the OMB. It will still impact the environmentally protected area, it will still impact other surrounding properties and perhaps beyond due to sound echoing off this barrier. Has CN Rail been approached this for their approval as I did not see that as part of the circulation this time or last. Please in my absence consider this as evidence that this development should not proceed without further oversight and careful consideration by our planning department as it is not welcome with our neighbourhood and this oversight should start with ensuring that correct information is submitted and circulated. The drawing circulated as part of this Notice of Hearing is incorrect as it still is showing 17.4 Metres. My neighbour also received this incorrect drawing. I checked it against the one posted on the site and they are definitely two different drawings although the title block is identical with no version or date changed. This is just poor management on part of the developer yet the city should make sure and hold them to a higher standard.

I will eagerly awaiting the outcome of this hearing when I return and want to be assured that my voice and the voice of my family is heard. Please make sure this becomes part of the official record.

Thank you.

Dave

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FRONT ELEVATION

1 : 200



FRONT PERSPECTIVE

GENERAL NOTES

DATE REVISION BY COMMISSION

ARBOURVALE
CONDOMINIUM
DEVELOPMENT

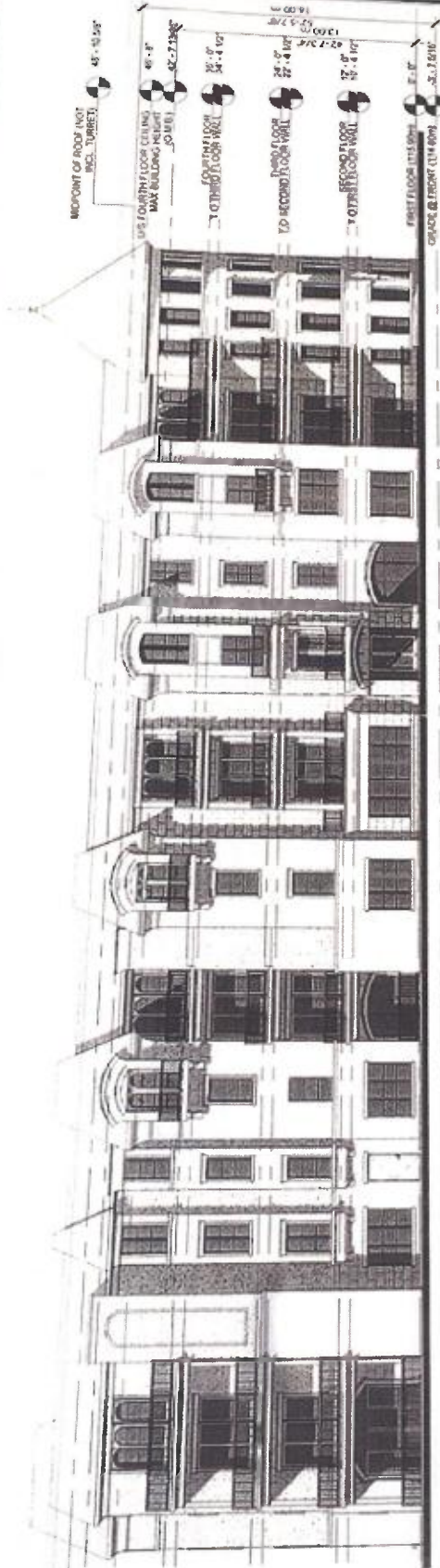
ARBOURVALE CONDOMINIUM, ST. CATHERINES,
Q.N.

A | C | K
architects
www.ackarchitects.com

SHEET TITLE

FRONT ELEVATION

Project No.	100000000
Location	St. Catharines, Ont.
Client	Arbourvale Condominium Development
Architect	A.C.K. Architects
Scale	1:200
Date	2010
Sheet No.	A.1



FRONT ELEVATION

1:200



FRONT PERSPECTIVE

A/C/K
ARCHITECTS

FRONT ELEVATION

A1

ARBOURVALE
CONDOMINIUM
DEVELOPMENT

GENERAL NOTES

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Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 18, 2018

Date of Hearing: July 25, 2018

Submission(s): A-91/18

File: 60.81.5380

Subject: 61A Village Road

Recommendation

That Submission **A-91/18** by Pinewood Homes (Niagara) Ltd., as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-91/18** 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.

The Proposal

Application **A-91/18** is requesting to vary the Zoning By-law for an increase of the maximum building height from 13 metres to 16 metres (measured from grade at the front entrance to the midpoint of mansard roof and not including turret roof) for the proposed 4-storey condominium apartments.

Background

The Committee may recall a recent minor variance application (A-57/18) requesting a similar variance to height for this site. The earlier variance, requesting permission for a maximum height of 17.4 metres, was recommended by staff but denied by the Committee. That decision has since been appealed by the applicant to the Local Planning Appeal Tribunal (LPAT). LPAT has not yet heard the appeal.

In the meantime, the applicant has submitted this second request for a variance to maximum height, now requesting a lower maximum height, being 16.0 metres. Staff presume, that should this second request be approved by the Committee, the current appeal before LPAT would be withdrawn. Ultimately, that outcome is at the discretion of the applicant.

Location and Site Description

The subject property is located on the south side of Glen Morris Drive, west of Jacobson Avenue and east of Village Road. The subject property is surrounded by detached

dwelling and a secondary school to the north, and detached dwellings to the south, east and west.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per Schedule E8 of the GCP. The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land.

Zoning By-law (2013-283)

The subject land is split zoned Medium Density Residential with a special provision (R3-28) and Conservation/Natural Area (G1). The R3 zone permits a variety of residential uses including detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings, as well as private road developments, apartment buildings and long-term care facilities. The special provision (28) outlines additional site specific provisions for the subject property. The G1 zone applicable to this site reflects the ravine lands within the site and limits the area as a naturalized space.

Report

Section 7.1 c) of the Garden City Plan requires development to be evaluated based on the building, site and streetscape context sensitive design to ensure integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties, and the surrounding neighbourhood.

The applicant is now requesting an increase to the maximum building height from 13 metres to 16 metres (reduced by 1.4 metres from the earlier application). Presumably, the applicant's architect has reviewed the plans and determined a 16 metre maximum height limit is acceptable to construct the proposed building. The architect has advised that the increase allows for a 3 metre floor to ceiling height for the condominium apartments proposed, and the integration of an architecturally detailed roof design (chateaux style mansard) to provide the desired look for the building as well as to conceal the rooftop mechanicals.

The proposed building remains at 4 storeys, which is the original number of storeys permitted by the zoning by-law. The Committee is reminded that staff recommended the earlier minor variance request for a maximum height limit of 17.4 metres and continues to recommend approval of an increase to 16.0 metres, as requested in this application. Staff consider the increase in height to be minimal. The design of the site is such that


shadows do not impact existing abutting residential uses to the south and east. The site plan provides for landscaping and building design features that minimize overlook of abutting residential uses (strategic placement of windows and balconies for example), and these features are secured through site plan approval. The ravine lands provide a significant buffer to certain abutting residential uses and a small increase in height will have a minimal impact. Approval of the requested variance to maximum height maintains a development that will be integrated in a compatible manner with the existing streetscape and is in keeping with the general intent and purpose of the Official Plan.

The requested variance is considered desirable and appropriate for the use of the land and conforms to the general intent and purpose of the Official Plan and Zoning By-law.


Conclusion

Staff are satisfied that the variance requested through application **A-69/18** is minor in nature, and desirable and compatible with the surrounding area. Staff recommend that the application be approved.

Prepared by:


Shannon Labelle
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Additional Minor Variance Application - 61A Village Road RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines

From: Susanne Glenn-Rigny [mailto:Susanne.Glenn-Rigny@cn.ca] **On Behalf Of** Proximity

Sent: Monday, July 16, 2018 2:39 PM

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

Subject: RE: Additional Minor Variance Application - 61A Village Road RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines

Good afternoon Elaine,

Thank you for circulating this notice to CN Rail. I have reviewed the application and site location. This is not in proximity to CN's line, so we have no comments.

Regards

Susanne

Susanne Glenn-Rigny, MCIP, RPP, OUQ

Agente principale/Senior Officer

Planification et développement communautaires/

Community Planning and Development



Affaires juridiques/Law Department

935, rue de La Gauchetière Ouest

15e étage

Montréal (Québec) H3B 2M9

Téléphone: (514) 399-7844

Télécopieur: (514) 399-4296

Cell (514) 919-7844

Email: susanne.glenn-rigny@cn.ca

Munro, Elaine

Subject: RE: Corrected Notice of Hearing RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - 61A Village Road

From: Sarah Mastroianni [mailto:smastroianni@npca.ca]

Sent: Tuesday, July 10, 2018 10:27 AM

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

Subject: RE: Corrected Notice of Hearing RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - 61A Village Road

Hi Elaine,

The NPCA has no concerns with the variance for the height of the building.

Thank you.

Sarah Mastroianni

Watershed Planner

Niagara Peninsula Conservation Authority

250 Thorold Road West, 3rd Floor

Welland, Ontario L3C 3W2

Phone: 905 788 3135 (ext. 249)

Fax: 905 788 1121

email: smastroianni@npca.ca

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 1

1 Dexter Street
43 York Street
54 Wellington Street
61A Village Road

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Monday, July 09, 2018 3:08 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 1

Hi Elaine
Email 1
No concerns or issues
Thanks

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.
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Cogeco Connexion, 5 Place Ville-Marie, Bureau 1700, Montréal, Québec, H3B 0B3

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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Shannon Labelle
Planning and Building Services

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

Date: July 5, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – July 25, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-86/18	1 Dexter Street	Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards. Be advised that a building permit is required for the proposed construction of the 4 storey residential building.
A-87/18	43 York Street	Be advised that a building permit is required for the conversion to a triplex.
A-88/18	28 Trent Court	Be advised that a reduction in the required yard may have spatial separation implications affecting the permitted area of glazed openings. Be advised that a building permit is required for the proposed construction.
A-89/18	37 Ormonde Avenue	No Comment
A-90/18	54 Wellington Street	Be advised that a building permit is required for the proposed alterations.
A-91/18	61A Village Road	Be advised that a building permit is required for the proposed building.
A-92/18	94 Grapeview Drive	Be advised that a building permit is required for the conversion to a triplex. Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards.
A-93/18	41 Ormonde Avenue	No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: July 10, 2018
Subject: Committee of Adjustment Hearing – May 30, 2018

1. 1 Dexter Street, Minor Variance Application, A-86/18 – 60.81.5375

River rock is not considered to be landscaping. Should space be available a minimum of 1.5m is typically required to sustain landscaping. Privacy fencing along the lot line will be addressed through the site plan agreement.

2. 43 York Street, Minor Variance Application, A-87/18 - 60.81.5376
No comment.
3. 37 Ormonde Avenue, Consent Application, B-58/18SC – 60.84.2201
37 Ormonde Avenue, Minor Variance Application, A-89/18 – 60.81.5378
41 Ormonde Avenue, Minor Variance Application, A-93/18 – 60.81.5382

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

4. 54 Wellington Street, Minor Variance Application, A-90/18 – 60.81.5379
No Comment.
5. 61A Village Road, Minor Variance Application, A-91/18 – 60.81.5380
No Comment.
6. 94 Grapeview Drive, Minor Variance Application, A-92/18 – 60.81.5381
No comment.
7. 8 Haynes Avenue, Consent Application, B-59/18SC – 60.64.2202

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

8. 28 Trent Court, Minor Variance Application, A-88/18 – 60.81.5377
No comment.

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, C.E.T., Development Technologist
Shannon Labelle

From: Jim Denham P.Eng., Development Engineering Technologist

Date: July 6th, 2018

Hearing Date: July 24th, 2018

Subject: Engineering Comments regarding C of A Minor Variances for the following;

1 Dexter Street, A-86/18
43 York Street, A-87/18
28 Trent Court, A-88/18
37 & 41 Ormonde Avenue, A-89 & 93/18
54 Wellington Street, A-90/18
61A Village Road, A-91/18
94 Grapeview Drive, A-92/18

Development Engineering have reviewed the above noted applications for Minor Variance requests. We have no comments or conditions to the approval of the above variance applications with the following exceptions;

Comments:

1 Dexter Street, A86/18:

Servicing and Grading issues will be handled through the Site Plan Agreement process.

28 Trent Street, A88/18:

Development Engineering notes that a revised sketch was submitted showing the rear yard setback at 3.1 meters to eliminate a potential conflict with the sewer easement.

37 & 41 Ormonde Avenue, A89 & 93/18:

It is noted that road widenings and a day lighting triangle are being taken through severance B-58/18SC.

Condition(s):

None

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read "James R. Denham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James R. Denham P.Eng.,
Development Engineering Technologist

JD/jd



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 4, 2018

Subject: Committee of Adjustment
Public Hearings – July 25, 2018
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/

60.81.5375
60.81.5376
60.84.2201
60.81.5378
60.81.5382
60.81.5379
✓ 60.81.5380
60.81.5381
60.84.2202

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-92/18 (60.81.5381)

94 Grapeview Drive

DATE OF HEARING:
July 25, 2018



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 18, 2018

Date of Hearing: July 25, 2018

Submission(s): A-92/18

File: 60.81.5381

Subject: 94 Grapeview Drive

Recommendation

That Submission **A-92/18** by Matthias Bremer, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-92/18** 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-92/18** is requesting to vary the Zoning By-law as amended, for the following variances to allow for a 2nd storey addition to the existing house and attached garage:

1. A reduction of front yard setback to the dwelling from 6 metres to 4 metres;
2. A reduction of front yard setback to the garage from 7 metres to 6 metres; and,
3. A reduction of minimum setback from the interior lot line for a platform structure (existing deck) from 1.2 metres to 0.4 metres.

Location and Site Description

The subject property is located on the northeast corner of Grapeview Drive and First Street. The subject property is surrounded by detached dwellings to the north, east and south, a baseball field to the north, and an elementary school to the west.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E6 of the GCP. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential (R1). The R1 zone permits detached, semi-detached, quadruplex and townhouse dwellings as well as private road development.

Report

The applicant is requesting variances for the front yard setback to both the garage and the dwelling in order to facilitate the construction of a second storey addition above both the house and the garage. These variances reflect the existing footprint of the dwelling and no additional development is proposed beyond the existing footprint.

The detached dwelling on the property was constructed in 1995. The site was created through a severance application in 1994 (B-188/94) in accordance with the zoning by-law in effect at that time. The requested variances are necessary to permit a second storey addition. The existing building envelope is being retained.

The reduced setback for the garage reflects the existing condition and is not anticipated to be problematic from the perspective of vehicles projecting onto the sidewalk on Grapeview. There appears to be adequate boulevard space between the lot line and the sidewalk. The reduction in front yard setback to the dwelling reflects a pinch point and does not reflect the full front yard. Minimal impact is anticipated.

Staff are supportive of both variances relating to front yard setback.

The applicant is also requesting a variance for the interior side yard setback to an existing platform structure (deck) from 1.2 metres to 0.4 metres. The applicant has also constructed a deck in the rear yard of the property. The deck has been built 0.46 metres from the interior side yard property line, whereas any platform structure is required to provide the same interior side yard of the principal building, being 1.2 metres. The deck is a height of 0.2 metres (8 inches). The intent of the required setbacks for platform structures are to ensure that structures in the rear yard do not overwhelm the amenity space of the rear yard or enable overlook into neighbouring properties if built too close to the property lines. By maintaining the same interior side yard as the principal building, it also ensures that adequate access is maintained into the rear yard along both the dwelling and platform structure.

The zoning by-law stipulates that a platform structure less than 0.15 m above grade is defined as Landscaped Open Space. The deck is only slightly greater in height than this provision. It is not expected that the deck will have any impacts on surrounding properties, nor will it allow for any overlook into the neighbouring property, even at a reduced setback to the property line. Staff are supportive of the proposed variance to the interior side yard setback for a platform structure.

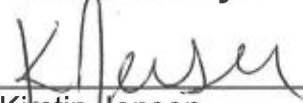
Conclusion

Staff are satisfied that the variances requested through Submission **A-92/18** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved.

Prepared by:

for 
Shannon Labelle
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 2

94 Grapeview
8 Haynes Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Monday, July 09, 2018 3:05 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 2

Hi Elaine
Email 2
No concerns or issues
Thanks

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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Shannon Labelle
Planning and Building Services

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

Date: July 5, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – July 25, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-86/18	1 Dexter Street	Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards. Be advised that a building permit is required for the proposed construction of the 4 storey residential building.
A-87/18	43 York Street	Be advised that a building permit is required for the conversion to a triplex.
A-88/18	28 Trent Court	Be advised that a reduction in the required yard may have spatial separation implications affecting the permitted area of glazed openings. Be advised that a building permit is required for the proposed construction.
A-89/18	37 Ormonde Avenue	No Comment
A-90/18	54 Wellington Street	Be advised that a building permit is required for the proposed alterations.
A-91/18	61A Village Road	Be advised that a building permit is required for the proposed building.
A-92/18	94 Grapeview Drive	Be advised that a building permit is required for the conversion to a triplex. Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards.
A-93/18	41 Ormonde Avenue	No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: July 10, 2018
Subject: Committee of Adjustment Hearing – May 30, 2018

1. 1 Dexter Street, Minor Variance Application, A-86/18 – 60.81.5375

River rock is not considered to be landscaping. Should space be available a minimum of 1.5m is typically required to sustain landscaping. Privacy fencing along the lot line will be addressed through the site plan agreement.

2. 43 York Street, Minor Variance Application, A-87/18 - 60.81.5376
No comment.

3. 37 Ormonde Avenue, Consent Application, B-58/18SC – 60.84.2201
37 Ormonde Avenue, Minor Variance Application, A-89/18 – 60.81.5378
41 Ormonde Avenue, Minor Variance Application, A-93/18 – 60.81.5382

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

4. 54 Wellington Street, Minor Variance Application, A-90/18 – 60.81.5379
No Comment.
5. 61A Village Road, Minor Variance Application, A-91/18 – 60.81.5380
No Comment.
6. 94 Grapeview Drive, Minor Variance Application, A-92/18 – 60.81.5381
No comment.
7. 8 Haynes Avenue, Consent Application, B-59/18SC – 60.64.2202

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

8. 28 Trent Court, Minor Variance Application, A-88/18 – 60.81.5377
No comment.

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, C.E.T., Development Technologist
Shannon Labelle

From: Jim Denham P.Eng., Development Engineering Technologist

Date: July 6th, 2018

Hearing Date: July 24th, 2018

Subject: Engineering Comments regarding C of A Minor Variances for the following;

1 Dexter Street, A-86/18
43 York Street, A-87/18
28 Trent Court, A-88/18
37 & 41 Ormonde Avenue, A-89 & 93/18
54 Wellington Street, A-90/18
61A Village Road, A-91/18
94 Grapeview Drive, A-92/18

Development Engineering have reviewed the above noted applications for Minor Variance requests. We have no comments or conditions to the approval of the above variance applications with the following exceptions;

Comments:

1 Dexter Street, A86/18:

Servicing and Grading issues will be handled through the Site Plan Agreement process.

28 Trent Street, A88/18:

Development Engineering notes that a revised sketch was submitted showing the rear yard setback at 3.1 meters to eliminate a potential conflict with the sewer easement.

37 & 41 Ormonde Avenue, A89 & 93/18:

It is noted that road widenings and a day lighting triangle are being taken through severance B-58/18SC.

Condition(s):

None

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read "James R. Denham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James R. Denham P.Eng.,
Development Engineering Technologist

JD/jd



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 4, 2018

Subject: Committee of Adjustment
Public Hearings – July 25, 2018
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/

60.81.5375
60.81.5376
60.84.2201
60.81.5378
60.81.5382
60.81.5379
60.81.5380
✓ 60.81.5381
60.84.2202

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-59/18SC (60.84.2202)

8 Haynes Avenue

DATE OF HEARING:
July 25, 2018



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: July 18, 2018

Date of Hearing: July 25, 2018

Submission(s): B-59/18SC

File: 60.84.2202

Subject: 8 Haynes Avenue

Recommendation

That Submission **B-59/18SC** by Dennis Fortis and Georgia Fortis, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction meets the requirements for subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code for the south and east faces of the existing dwelling and detached garage on Part 1; and,
2. That the applicant submit a payment of \$451.40 for deposit in the general tree planting fund, in accordance with the 2018 Schedule of Rates and Fees.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff are satisfied that application **B-59/18SC** is desirable for the appropriate use of the land and upholds the intent and purpose of the Official Plan.

The Proposal

Application **B-59/18SC** is made for consent to partial discharge of mortgage and for consent to sever 253m² of land (Part 1 on the submitted sketch) known as 8 Haynes Avenue with an existing 1½ storey single detached dwelling and detached garage. A 2,205m² remnant parcel (Part 2), known as 135 and 137 Queenston Street, containing the existing restaurant and 5 apartment units above, as well as a detached garage on site, would be retained.

Location and Site Description

The subject properties are located on the north east corner of Haynes Avenue and Queenston Street. The subject property is surrounded by detached dwellings to the north, and commercial buildings, parking areas, and a restaurant to the south, east and west.

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 Mixed Use as per Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Use as per Schedule E5 of the GCP. The Mixed Use designation is intended to provide for a broad array and mix of medium and higher density housing, work live accommodation, commercial, local office, institutional, indoor recreation, and cultural uses intended to primarily serve the immediate neighbourhood and community population. The existing restaurant and residential units above are permitted within the Mixed Use designation. The stand-alone detached dwelling is not permitted in the Mixed Use designation, however has existed on the property since the early 1900s.

Zoning By-law (2013-283)

The subject lands are zoned Medium Density Mixed Use (M1). The M1 zone permits a variety of dwelling types including triplex, fourplex and apartment dwellings, as well as commercial, institutional and recreational uses. A restaurant is a permitted use within the M1 zone. The detached dwelling on the property is not a permitted use, however it has existed on the property since 1920 and is considered a legal non-conforming use.

Report

The application is requesting to correct the inadvertent merging of the property at 8 Haynes Avenue (Part 1) with 135 and 137 Queenston Street (Part 2), which merged as a result of the title of all properties being under the same name of ownership. The consent for Part 1 will also include the portion of the driveway that serves the 8 Haynes Avenue property that was previously encroaching onto the Queenston Street lands.

The dwelling at 8 Haynes Avenue was built in 1920, predating the current M1 zoning on the subject property. The use is considered to be a legal non-conforming use, as a detached dwelling is not a permitted use within the M1 zone. The proposed lots are considered appropriate as they were previously existing. No impacts are anticipated on the surrounding area, as no new development is being proposed. The overall function of the commercial restaurant buildings will not change and there will be no impact on surrounding uses. The consent will also address a former encroachment situation. The driveway for 8 Haynes Avenue was previously part of the Queenston Street sites. Part 1 now includes the driveway. The proposed lots are of similar sizes to many of the lots in the surrounding area of the subject property. The proposal is in keeping with the character of the neighbourhood.

Both the new and remnant parcels conform to the provisions of the Zoning By-law and Official Plan. Staff are supportive of the proposed consent.

The City's Parks, Recreation and Culture Services section requires that a tree deposit be provided for every new lot created throughout the City. As such, the applicant is required to submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees. This condition is reflected in the recommendation.

The City's Building division has advised that the applicant must satisfy the Chief Building Official for the City that the spatial separation requirements for glazed openings and wall construction meet the Ontario Building Code for the south and east faces of the existing dwelling and detached garage at 8 Haynes Avenue. This has also been reflected in the conditions of the recommendation.


Design Review Panel (DRP)

Consent applications received after September 14, 2017 to create new residential lots are required to first go before the Design Review Panel prior to submitting the complete application. In this instance, no new development is proposed for the new lot. The subject application was therefore exempt from review by the DRP.


Conclusion

Staff are satisfied that the consent requested through application **B-59/18SC** is desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the approval of the proposed lots. Staff find that the application upholds the intent and purpose of the Official Plan and Zoning By-law, and it is staff's recommendation that the requested consent be approved.

Prepared by:

for 
Shannon Labelle
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 2

94 Grapeview
8 Haynes Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Monday, July 09, 2018 3:05 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines - Email 2

Hi Elaine
Email 2
No concerns or issues
Thanks

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

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Privacy Policy and Anti-spam Commitment

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

Bell Canada
Right of Way
Floor 2, 140 Bayfield Street
Barrie, Ontario
L4M 3B1

Tel: 705-722-2264
Fax: 705-722-2263
E-mail: charleyne.hall@bell.ca



July 5, 2018

St. Catharines
Committee of Adjustment
PO Box 3012
St. Catharines, Ontario
L2R 7C2

E-mail Only: Elaine Munro (emunro@stcatharines.ca)

Subject: Application for Consent B-59/18SC
8 Haynes Avenue
St. Catharines
Bell File: 905-18-300

We acknowledge receipt and thank you for your correspondence dated July 3, 2018.

Subsequent to review by our local engineering department, Bell Canada has identified that we require protection for existing aerial facilities.

On the attached sketch, the red line indicates the approximate location of our facilities. Bell Canada requests a 3m wide strip to measure 1.5m on either side of the buried installation to extend from the buried cable to a minimum of 1m past any existing installations, as reasonably permitted. In regards to the buried plant, it may be necessary for a surveyor to arrange for a cable locate to identify its precise location.

Since the easement is required in order to protect the integrity of the existing facilities and preserve service, all cost associated with the transaction is the responsibility of the owner.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owner's solicitor contacting us.

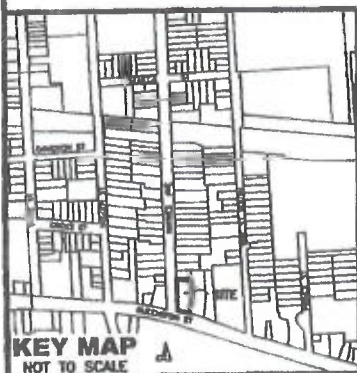
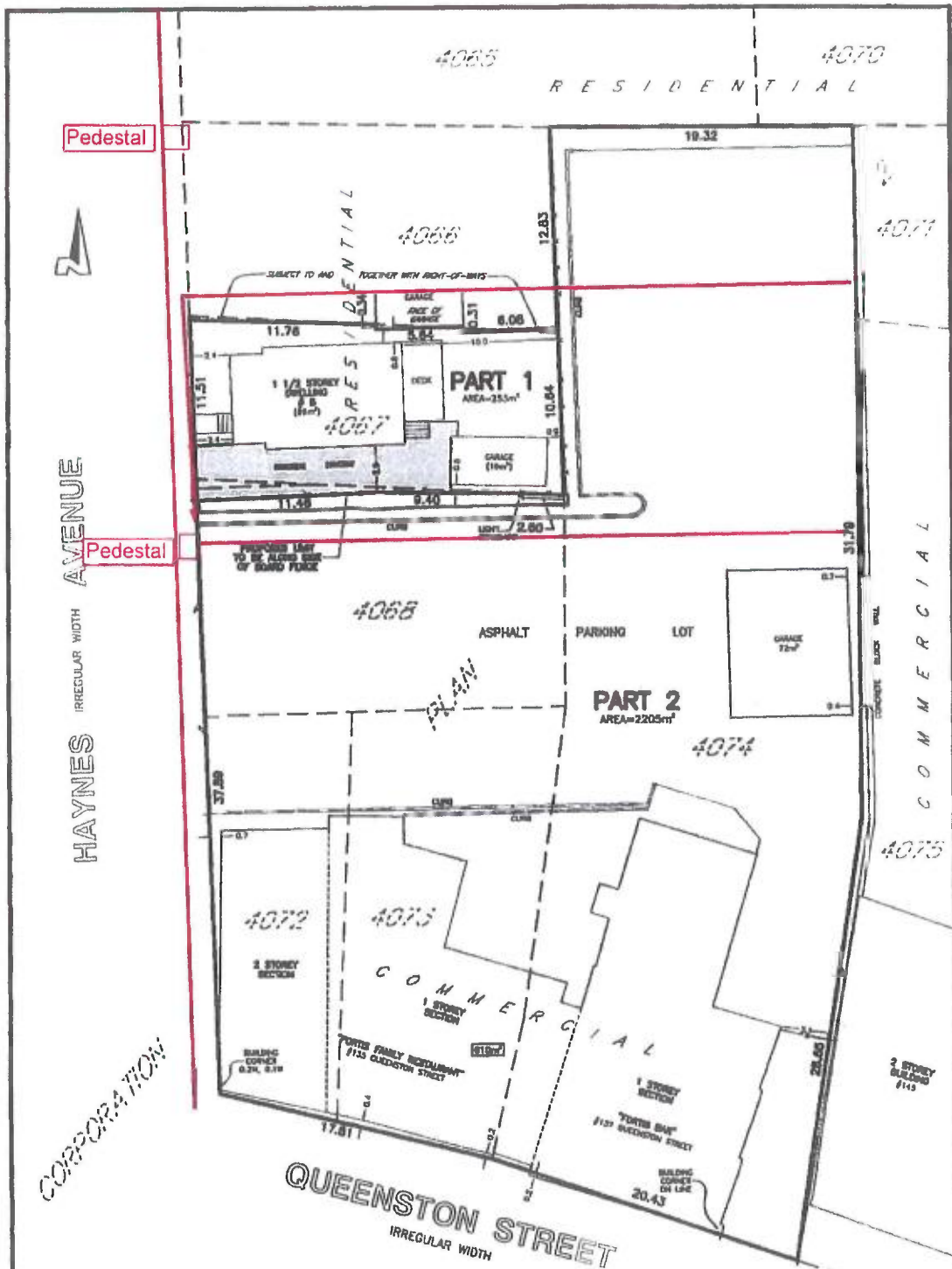
If you have any questions or concerns, please feel free to contact me.

Yours truly,

A handwritten signature in blue ink that reads "Charleyne Hall".

Charleyne Hall
Right of Way Associate





SKETCH

PREPARED FOR SEVERANCE APPLICATION

LOTS 4068, 4072, 4073 AND 4074,
AND PART OF LOTS 4066 AND 4087
CORPORATION PLAN No 2

IN THE
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 300 (METRIC)

NOTE! THIS SKETCH IS PREPARED FROM COMPILED AND
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May 31, 2018
DATE
BRIAN G. CHAMBERS, B.Sc., O.L.S.

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www.chambers-surveying.com

DWG 18021_SEV FILE 18-21

60.81.5375
✓ 60.84.2202

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing,
City of St. Catharines

From: Vasko, Dennis
Sent: Wednesday, July 04, 2018 10:06 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the July 25/18 CofA Hearing, City of St. Catharines

Hi Elaine,

There are no concerns with these properties in respect to closed landfills.

Regards,
Dennis

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



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Shannon Labelle
Planning and Building Services

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

Date: July 5, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – July 25, 2018 hearing - File No.: 300-036

B-58/18SC – 37 Ormonde Avenue

Comment:

- No Comment

Condition:

- No Comment

B-59/18SC – 8 Haynes Avenue

Comment:

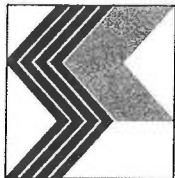
- No Comment

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction meets the requirements for subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code for the south and east faces of the existing dwelling and detached garage on Part 1.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: July 10, 2018
Subject: Committee of Adjustment Hearing – May 30, 2018

1. 1 Dexter Street, Minor Variance Application, A-86/18 – 60.81.5375

River rock is not considered to be landscaping. Should space be available a minimum of 1.5m is typically required to sustain landscaping. Privacy fencing along the lot line will be addressed through the site plan agreement.

2. 43 York Street, Minor Variance Application, A-87/18 - 60.81.5376
No comment.

3. 37 Ormonde Avenue, Consent Application, B-58/18SC – 60.84.2201
37 Ormonde Avenue, Minor Variance Application, A-89/18 – 60.81.5378
41 Ormonde Avenue, Minor Variance Application, A-93/18 – 60.81.5382

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

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

4. 54 Wellington Street, Minor Variance Application, A-90/18 – 60.81.5379
No Comment.
5. 61A Village Road, Minor Variance Application, A-91/18 – 60.81.5380
No Comment.
6. 94 Grapeview Drive, Minor Variance Application, A-92/18 – 60.81.5381
No comment.
7. 8 Haynes Avenue, Consent Application, B-59/18SC – 60.64.2202

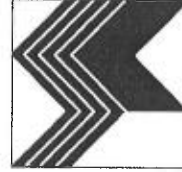
Please be advised that we have reviewed the above-noted applications and request the following be included as a condition of the severance:

That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

8. 28 Trent Court, Minor Variance Application, A-88/18 – 60.81.5377
No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-59/18SC



Date: July 5th, 2018

Development Engineering File: 300-36

Hearing Date: July 24th, 2018

Applicant: Dennis & Georgia Fortis

Location: 8 Haynes Avenue

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

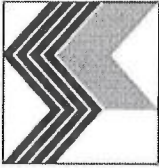
It is noted that the Owner proposes to sever 8 Haynes from 135/137 Queenston Street. The properties were separate properties in the past but were merged through common ownership.

Comments:

This is a property line adjustment. Development Engineering has no comments or concerns regarding this application.

Condition(s): None

Prepared By: _____
James Denham, P.Eng.
Development Engineering Technologist



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: July 4, 2018

Subject: Committee of Adjustment
Public Hearings – July 25, 2018
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/

60.81.5375
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