

### **Revised Agenda**

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment
5. Adoption of the Minutes held September 26, 2018
6. Application:
  1. 97 Moffatt Street, Consent Application, B-60/18SC – 60.84.2203  
97 Moffatt Street, Minor Variance Application, A-95/18 – 60.81.5384  
95 Moffatt Street, Minor Variance Application, A-109/18 – 60.81.5398
  2. 21 Lincoln Avenue, Consent Application, B-40/18SC – 60.84.2183  
21 Lincoln Avenue, Minor Variance Application, A-110/18 – 60.81.5399  
23 Lincoln Avenue, Minor Variance Application, A-113/18 – 60.81.5402
  3. \* 16 Prospect Avenue, Consent Application, B-68/18SC – 60.84.2211  
16 Prospect Avenue, Consent Application, B-69/18SC – 60.84.2212
  4. 166 Russell Avenue, Minor Variance Application, A-112/18 – 60.81.5401
  5. 192 Rykert Street, Minor Variance Application, A-114/18 – 60.81.5403
  6. 10 Head Street, Minor Variance Application, A-115/18 – 60.81.5404
  7. \* 121 Rykert Street, Consent Application, B-71/18SC – 60.84.2214  
121 Rykert Street, Minor Variance Application, A-117/18 – 60.81.5406  
123 Rykert Street, Minor Variance Application, A-118/18 – 60.81.5407
  8. 18 Merigold Street, Consent Application, B-72/18SC – 60.84.2215  
18 Merigold Street, Consent Application, B-73/18SC – 60.84.2216  
18A Merigold Street, Minor Variance Application, A-119/18 – 60.81.5408

\*Please note that the Planning Reports will be forwarded and posted on the website on next week. All other Comments including the Planning Report are on the website as of September 21, 2018.

7. New Business:
8. Date of next Hearing: October 31, 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

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# **COMMENTS**

**B-60/18SC (60.84.2203)**

**A-95/18 (60.81.5384)**

**A-109/18 (60.81.5398)**

**95 & 97 Moffatt Street**

**DATE OF HEARING:**

**September 26, 2018**



R. DAVIES  
99 MOFFATT ST.  
ST. CATHARINES  
L2P 2L6

ELAINE MUNRO  
RE. FILE NO.  
60.81 5384  
SUBMISSION NO.  
A-95/18  
LOT. NO 885  
97 MOFFATT ST.

P.D.S.  
REFERRED TO UNIT.  
E. MUNRO  
SEP 20 2018 SCAN ☐  
FILE NO

I HAVE SOME CONCERN ABOUT THIS DEVELOPMENT. I HAVE LIVED AT 99 MOFFATT FOR 23 YEARS, DURING DEMOLITION OF THE OLD HOUSE AT 97 MOFFATT ST. SOME TYPE OF HOLDING OR SEPTIC TANK WAS PUNCTURED DURING EXCAVATION, SOME OF THE SUBSTANCE WAS BROUGHT TO THE SURFACE, THIS TANK REMAINS ON SITE AND IS LOCATED DIRECTLY IN THE NEW BASEMENT. THIS MIGHT BE A HEALTH ISSUE FOR WORKERS AND NEW TENANTS OF THIS BUILDING.

YOURS TRULY





CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** September 20, 2018

**Date of Meeting:** September 26, 2018

**Submission(s):** B-60/18SC  
A-95/18  
A-109/18

**File:** 60.84.2203  
60.81.5384  
60.81.5398

**Subject:** 97 Moffatt Street (95 Moffatt Street)  
97 Moffatt Street  
95 Moffatt Street

### Recommendation

That Submission **B-60/18SC** by Dina Khan, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the owner enters a Development Agreement with the City of St. Catharines, registered on title to lands, to address the following conditions for Part 1:
  - a. Building Permit Plans be subject to review and approval by PBS demonstrating:
    - i. That the garage and driveway for the dwelling unit in Part 1 be located on the south half of the property;
    - ii. That the attached garage for the dwelling unit on Part 1 not project beyond the front façade of the dwelling;
    - iii. That each dwelling unit be visually distinguishable from each other through the use of varied façade materials, colours, and detailing; and,
    - iv. That Planning and Building Services review and approve the building plans to ensure compliance with items i, ii. and iii. above.
2. In accordance with section 69 (2) of the Planning Act (Reduction or Waiver of Fees), the standard fee for a Development Agreement be reduced from \$2457.85 (2018 fees) to \$500.00 since it would be unreasonable to require payment in accordance with the standard fee. A legal fee associated with the registration of the Development Agreement is still required;
3. That the applicant submits 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. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the



Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser; and,

That Submission **A-95/18** by Dina Khan as outlined in the Notice of Hearing, be approved; and,

That Submission **A-109/18** by Dina Khan as outlined in the Notice of Hearing, be denied.

## Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that application **B-60/18SC** is desirable and compatible with the surrounding area and will not result in adverse impact on the surrounding properties. Additionally, having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that the variance requested through application **A-95/18** 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. Staff recommends that the requested consent and minor variance be approved.

Having regard for the matters under Section 45 (1) of the Planning Act, staff is of the opinion that application **A-109/18** is not minor in nature, not desirable for the appropriate use of the land, and the intent and purpose of the Official Plan and Zoning By-law are not being maintained. Staff recommend that the minor variance be denied.

## The Proposal

Application **B-60/18SC** is made for consent to sever 437 m<sup>2</sup> of land (Part 1 on the submitted sketch) to be known as 95 Moffatt Street for the proposed construction of a 2-storey single detached dwelling. A 1,015 m<sup>2</sup> remnant parcel (Part 2) with the 2-storey single detached dwelling currently under construction would be retained for residential use.

Application **A-95/18** is made pertaining to the City of St. Catharines By-Law 2013-283 to increase maximum lot area per dwelling unit from 465 m<sup>2</sup> to 1,015 m<sup>2</sup> for Part 2 in order to facilitate the concurrent consent application **B-60/18SC**.

Application **A-109/18** is made pertaining to the City of St. Catharines By-Law 2013-283 to permit the attached garage to extend past the front of the house for Part 1 for a proposed single detached dwelling.

## Location and Site Description

The subject property is located on the west side of Moffatt Street, south of Disher Street West. The subject property is located adjacent to a place of worship, The Kingdom Hall of Jehovah's Witnesses. The property is located directly across from the Merritt Trail and



the former First and Second Welland Canal System. The surrounding neighbourhood is primarily comprised of single detached houses.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan. The subject property is further designated Low Density Residential as per Schedule E9 of the Garden City Plan. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density 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, quadruplex, fourplex, townhouse dwellings and private road developments.

## **Report**

### *Consent*

Part F, Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

The proposed lots are of appropriate size for each to contain a detached dwelling. Part 1 (473 m<sup>2</sup>) is intended for a proposed 2 storey detached dwelling. Part 2 (1,015 m<sup>2</sup>) contains a 2 storey detached dwelling currently under construction. Lots in the surrounding vicinity are of varying areas and shapes. Both the subject parcel and remnant parcel are similar in sizes to a number of nearby lots, and will achieve a measure of compatibility with the surrounding area. To facilitate the consent to sever, a minor variance is required to increase the maximum lot area per dwelling for Part 2, as the lot area is larger than what is permitted in the Zoning By-law. Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design.

The City's Official Plan has identified priority areas for intensification. These areas have been established to attract a significant portion of population growth. The subject property is located directly adjacent to an identified intensification area. The subject lands are located in a transit supportive environment with a transit stop within 200 m of the proposal. The subject property is located in an appropriate area to accommodate infill development.



Application **B-60/18SC** demonstrates a severance that is compatible with the existing conditions in the surrounding area in terms of lot size, use, and proposed development. Part 2, although larger than what is permitted for a single dwelling unit, is still in keeping with the immediate existing context and is in keeping with the general intent and purpose of the Official Plan.

Section 7.1 (j) of the GCP states that land assembly and configuration will not detract from the potential development or redevelopment on adjacent properties, or create isolated parcels which may otherwise have future development or redevelopment potential. Staff are in support of the irregular shaped parcel (flag shaped lot) as it contributes to potential future development. If the lot were severed as two equal parts, the result would limit future development potential.

Staff advise that a building permit is required for each of the proposed dwellings on Part 1 and Part 2.

#### *Design Review Panel (DRP)*

Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Council further directed that the City routinely require Development Agreements to be registered on title as a condition of consent applications to address conditions for future development design. Staff may recommend conditions of consent approval including a Development Agreement, to implement the advice of the DRP and other City and agency considerations.

The application as originally proposed was submitted to the DRP for review at the meeting of July 3<sup>rd</sup>, 2018. The DRP considered the proposal to sever the property for the construction of two 2-storey single-detached dwellings. The DRP noted that the proposed lot pattern would require approval of a variance for maximum lot size (for the larger of the two lots only), and minimum garage setback. It was noted that the rear yard of the larger lot is intended for future merger with adjacent lands.

The DRP expressed general support for the proposal but requested that architectural variety be provided between the two dwellings, that the garage/driveway for the southerly lot be flipped to create a larger contiguous landscaped area, and that the attached garages not project beyond the front building wall. The Panel moved to support the proposal of the lot creation and proposed development subject to the conditions enforceable through a Development Agreement, as stated above.

It is important to note that the previously existing dwelling on the lot was demolished in June, 2018. A subsequent building permit was issued on July 27, 2018, for a new detached dwelling on the whole of 97 Moffatt. As a result, the recommendations of the DRP relates to the proposed dwelling on Part 1 only. The dwelling on Part 2 is under construction and the building permit issued in accordance with the zoning in effect at the time of building permit issuance.



It is staff's opinion that a Development Agreement is necessary to ensure that the advice of the DRP is adhered to prior to issuance of a building permit for Part 1. Should the application be approved, a Development Agreement should be registered on title in order to address the conditions for future development design of the site. This will ensure plans submitted at the building stage for Part 1 are in accordance with the DRP comments.

The Committee should be aware that they have the authority under the Planning Act to waive fees where it would be unreasonable to charge the standard fee. A Development Agreement as a condition of consent, to ensure the new lot develops in accordance with the recommendations of the DRP and staff, provides the applicable law necessary to regulate the issuance of a building permit. The Development Agreement fee, as approved in the Tariff of Fees approved by Council for 2018, a fee of \$2457.85, is considered unreasonable and excessive in this context. Accordingly, staff is recommending the Committee reduce the Development Agreement fee to \$500.00 to better reflect the costs of processing a Development Agreement as a condition of this application.

#### *Variances*

Zoning By-law 2013-283 requires that the maximum lot area per detached dwelling be no greater than 465 m<sup>2</sup>. The increase in lot area for Part 2 to 1015 sq. metres retains some rear yard lands that may have some development potential in the future, should they merge with an adjacent oversized lot to the west. The requested variance does not pose any adverse impacts on the surrounding area. Approval of this variance is within the general intent and purpose of the Official Plan and Zoning By-law as the severance creates an opportunity for future infill development. The lot areas and frontages are compatible with the surrounding area. This variance is desirable for appropriate development and use of the land and should be approved.

Application **A-109/18** is to permit the attached garage to extend past the front of the house for Part 1 for a proposed single detached dwelling. As stated above, one of the recommendations put forth by the DRP states that the attached garage does not project beyond the front building wall. It is in the opinion of staff that approving this variance will negatively impact the streetscape. From an urban design perspective, allowing for a garage to project beyond the front façade of the dwelling unit creates a negative impact on the streetscape, and rather, their visual impact on the streetscape be minimized in favour of front doors and windows. In the opinion of staff, extending the attached garage past the front of the house does not represent good urban design. Thus, staff recommend that application **A-109/18**, be denied.

## **Conclusion**

Staff is of the opinion that application **B-60/18SC** is compatible with the surrounding area, the policies and provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consent to sever be approved.




Staff is of the opinion that application **A-95/18** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

Staff are not satisfied that the variance requested through **A-109/18** is in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate or desirable for the use of the land. It is staff's recommendation that the variance requested to permit the attached garage to extend past the front of the house for Part 1 be denied.

**Prepared by:**

*For*   
Robertson Soosaar  
Student Planner

**Submitted by:**

*For*   
Kirstin Jensen  
Planner I

**Approved by:**

  
Judy Pihach, MCIP, RPP  
Manager of Planning Services



September 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# 60.84.2203, 60.81.5384 & 60.81.5398

Re: 95 & 97 Moffatt St

In response to your correspondence dated September 4, 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:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ [www.alectrautilities.com](http://www.alectrautilities.com).
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

**Alectra Utilities Corporation**

PO Box 2249 Station LCD 1, Hamilton, ON L8N 3E4

Hamilton 905 522 9200 | St. Catharines 905 984 8961 | tf 1 866 458 1236

[alectrautilities.com](http://alectrautilities.com)



- 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

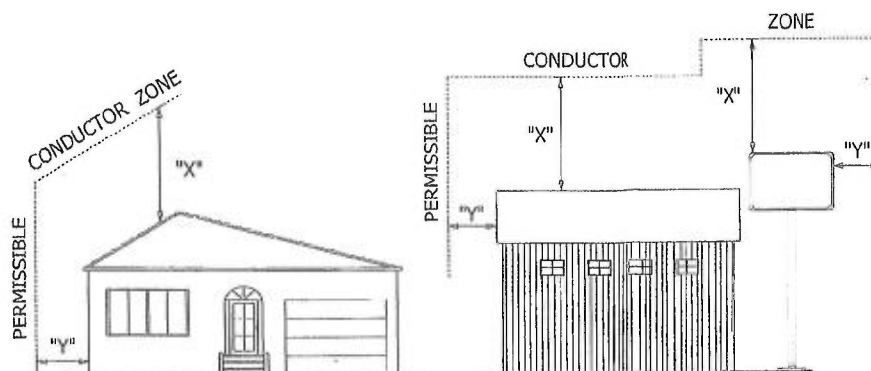
We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,



Mark Jakubowski  
Supervisor, Design, Customer Capital





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

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

\* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.

**horizon**  
UTILITIES *Looking beyond...*

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

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

REFERENCE DRAWINGS:

DRAWING #  
**3-105**

DRAWINGS  
NOT TO SCALE

SHEET #	REVISION #
1	0



**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

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**From:** Boucetta, Alexandra (MTO) [mailto:Alexandra.Boucetta@ontario.ca]  
**Sent:** Monday, September 17, 2018 2:32 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

Dear Elaine,

I apologize for the delay in my response.  
MTO is not concerned with the proposed development for the lots below:  
97 Moffatt Street  
21 Lincoln Avenue  
33 Queen Mary Drive

Have a wonderful day.

Kindest Regards,

***Alexandra Boucetta***

*Corridor Management Officer – Niagara Region*

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**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 1

97 Moffatt  
166 Russell Ave.

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

**Sent:** Friday, August 31, 2018 7:31 AM

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

**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 1

Good Morning Elaine

Email 1

Cogeco has no issues or concerns with this applications.

Thanks

Doug Crown

Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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

7170 Mcleod Rd  
Niagara Falls Ont Canada



Ce courriel provient de [Doug.Crown@cogeco.com](mailto: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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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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## Munro, Elaine

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**From:** Hall, Charleyne <charleyne.hall@bell.ca>  
**Sent:** Friday, August 31, 2018 9:56 AM  
**To:** Munro, Elaine  
**Subject:** 905-18-372 - Consent Application B-60/18SC - 97 Moffatt Street

Good morning Elaine,

Bell Canada has no concerns with Application for Consent B-60/18SC regarding 97 Moffatt Street.

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](mailto:charleyne.hall@bell.ca)

**Bell**

140 Bayfield St. Floor 2  
Barrie Ontario  
L4M 3B1

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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Cassie Sauer  
Planning and Building Services

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

Date: September 11, 2018

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – September 26, 2018 hearing - File No.: 300-036**

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**B-40/18SC – 21 Lincoln Avenue**

Comment:

- Be advised that a building permit is required for the proposed dwelling on Part 2.

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 east face of the existing dwelling on Part 1.
- Existing shed on Part 2 to be removed. A demolition permit is required if it exceeds 10m<sup>2</sup> in building area.

**B-60/18SC – 97 Moffat Street**

Comment:

- Be advised that a building permit is required for each of the proposed dwellings on Part 1 and Part 2.

Condition:

- The existing single detached dwelling and detached garage are to be demolished.

**B-68/18SC – 16 Prospect Avenue**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment



**B-69/18SC – 16 Prospect Avenue**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment

**B-71/18SC – 121 Rykert Street**

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, and 2.

Condition:

- The existing dwelling and detached garage shall be removed. Separate demolition permits are required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

**B-72/18SC – 18 Merigold Street**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- The existing dwelling and detached garage shall be removed. A demolition permit is required for the existing dwelling and for the shed if its area exceeds 10 square metres in building area. Demolition permits shall be completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

**B-73/18SC – 18 Merigold Street**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment

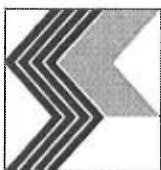


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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## Memorandum

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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: September 11, 2018

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 26, 2018 hearing- File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-95/18	97 Moffat Street	-No Comment
A-109/18	95 Moffat Street	-No Comment
A-110/18	21 Lincoln Avenue	-No Comment
A-112/18	166 Russell Avenue	-No Comment
A-113/18	23 Lincoln Avenue	-No Comment
A-114/18	192 Rykert Street	-Be advised that a building permit is required for any proposed structures exceeding 10m <sup>2</sup> in building area (including pergolas). -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 the these yards.
A-115/18	10 Head Street	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.



NO.	ADDRESS	COMMENTS
A-117/18	123 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-118/18	121 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-119/18	18A Merigold	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed 3 unit townhouse. dwelling.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\17 bcoa memo-mv-September 26, 2018.docx



**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

97 Moffatt, 21 Lincoln

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**From:** Vasko, Dennis  
**Sent:** Tuesday, September 11, 2018 2:45 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

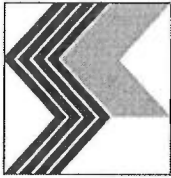
Hi Elaine, there are no concerns with these properties. The ones at 21 and 23 Lincoln is in the vicinity of the old landfill at the Golf Course but far enough away.

Regards,  
Dennis

**Dennis Vasko**  
Fill Site Technician  
**Email:** [dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)  
**Tel:** 905.688.5601 x2163

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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** September 7, 2018  
**Subject:** Committee of Adjustment Hearing – Sept 26, 2018

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1. 97 Moffatt Street, Consent Application, B-60/18SC – 60.84.2203  
97 Moffatt Street, Minor Variance Application, A-95/18 – 60.81.5384  
95 Moffatt Street, Minor Variance Application, A-109/18 – 60.81.5398

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

2. 21 Lincoln Avenue, Consent Application, B-40/18SC – 60.84.2183  
21 Lincoln Avenue, Minor Variance Application, A-110/18 – 60.81.5399  
23 Lincoln Avenue, Minor Variance Application, A-113/18 – 60.81.5402



Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

3. 16 Prospect Avenue, Consent Application, B-68/18SC – 60.84.2211  
16 Prospect Avenue, Consent Application, B-69/18SC – 60.84.2212

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

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

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

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



4. 166 Russell Avenue, Minor Variance Application, A-112/18 –  
60.81.5401  
No comment.

5. 192 Rykert Street, Minor Variance Application, A-114/18 –  
60.81.5403  
No comment.

6. 10 Head Street, Minor Variance Application, A-115/18 – 60.81.5404  
No comment.

7. 121 Rykert Street, Consent Application, B-71/18SC – 60.84.2214  
121 Rykert Street, Minor Variance Application, A-117/18 –  
60.81.5406  
123 Rykert Street, Minor Variance Application, A-118/18 –  
60.81.5407

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

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

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

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

8. 18 Merigold Street, Consent Application, B-72/18SC – 60.84.2215  
18 Merigold Street, Consent Application, B-73/18SC – 60.84.2216  
18A Merigold Street, Minor Variance Application, A-119/18 –  
60.81.5408

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of **each** 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.

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

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

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



**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-60/18SC**



September 14, 2018

**ENGINEERING FILE 300-36**

**Hearing Date:** September 26, 2018

**Applicant:** Dina Khan

**Location:** 97 Moffatt Street

**MUNICIPAL SERVICES**      **Moffatt Street**

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

**Sanitary Sewer:** 750mm (30") Regional Trunk  
150mm (6") Clay (Local)

**Storm Sewer:** None

**Sidewalks:** Yes - Curb-faced

**Road Allowance Width:** Varies – 20.0m ±

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

**Comment(s):** It is noted that the Applicant proposes to sever Part 1 on the submitted sketch creating a new lot to be known as 95 Moffatt Street for the purpose of constructing a 2-storey single detached dwelling. A remnant parcel with the existing 2-storey detached dwelling currently under construction, would be retained for future residential use.

**Roads**

Moffatt Street is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.0m (66'). It's current width along this frontage is sufficient and varies in width due to the Welland Canal Valley lands to the east, therefore the City shall not require any road widenings from the Applicant with respect to this application. It must be noted that Moffatt Street is due to be subject to a full road reconstruction in 2019.

**Sidewalks**

Sidewalks exist along the frontage of the property and damage deposits shall be obtained through the Building Permit process for protection of these services during construction of the proposed dwelling, prior to the Moffatt Street reconstruction occurring.

**Engineering Services**

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



Sump pump flows typically discharge to grade when no opportunities to connect to a storm sewer in the road allowance exist. Since storm sewers do not exist along Moffatt Street, foundation weeping tile flows shall be collected and discharged to grade via sump pump. The discharge location shall be towards the front of the lot only, not towards the side lot lines.

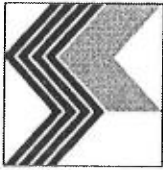
Condition(s): Development Engineering have no further comments or conditions to impose at this time.



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

c. Sandra Burrows, PBS  
James Denham, PBS





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## Memorandum

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

**Cc:** Kirstin Jensen, Planner I  
Jim Denham, Development Engineering Technologist

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

**Date:** September 14<sup>th</sup>, 2018

**Hearing Date:** September 26<sup>th</sup>, 2018

**Subject:** Engineering Comments Regarding Minor Variance applications for the following;  
97 & 95 Moffatt Street, A-95&109/18SC  
21 & 23 Lincoln Avenue, A-110&113/18SC  
166 Russell Avenue, A-112/18SC  
192 Rykert Street, A-114/18SC  
10 Head Street, A-115/18SC  
121-123 Rykert Street, A-117-118/18SC  
18A, 18B & 18C Merigold Street, A-119-121/18SC

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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;

**166 Russell Avenue, A-112/18SC:**

Development Engineering has concerns whether or not roof and surface drainage from the proposed parking spots can be achieved without negatively impacting the adjacent properties. A proposed grading plan for the rear yard identifying existing grades on the abutting property and existing and proposed grades on the subject property shall be prepared and certified by a qualified Engineer or Ontario Land Surveyor and be submitted to City Staff for review and approval prior to a Building permit being issued.

**10 Head Street, A-115/18SC:**

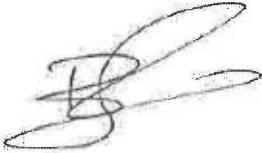
Considering Head Street is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0m, and although we recognize its current width is severely deficient at approximately 10.06m wide in accordance with Registrar's Compiled Plan 2, the City has decided an 18.0m right-of-way width is more acceptable in these instances. We require the proposed lot be redesigned to accommodate a future road widening of 3.97m and revise proposed building setbacks accordingly.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision do not have suitable drainage



outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Quite often, side yard drainage tends to conflict with proposed walkways, window wells and air conditioning units, as a result of building design. In order to ensure that drainage is adequately addressed, a Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff prior to Minor Variances being granted. The Grading & Drainage Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties. In addition, it shall take into consideration the design and function of the new buildings, proposed side yard walkways, landings, window wells, decks, etc. and the impact of these elements on the proposed lot drainage and existing neighbouring properties.

Prepared by:

A handwritten signature in black ink, appearing to be 'Brad Johnston', written over a light grey circular stamp.

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

BJ





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 7, 2018

**Subject:** Committee of Adjustment  
Public Hearings – September 26, 2018  
File No. 305-17-01

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### A-112/18 – 166 Russell Avenue

The proposed parking space adjacent to the building will be difficult to access due to the lack of maneuvering space. It shouldn't be counted towards the required parking for the site.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist  
SB/



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

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

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# **COMMENTS**

**B-40/18SC (60.84.2183)**

**A-110/18 (60.81.5399)**

**A-113/18 (60.81.5402)**

**21 & 23 Lincoln Avenue**

**DATE OF HEARING:**  
**September 26, 2018**





CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** September 20, 2018

**Date of Meeting:** September 26, 2018

**Submission(s):** B-40/18SC

A-110/18

A-113/18

**File:** 60.84.2183

60.81.5399

60.81.5402

**Subject:** 21 Lincoln Avenue (23 Lincoln Avenue)

21 Lincoln Avenue

23 Lincoln Avenue

### Recommendation

That Submission **B-40/18SC** by Branko Sabljic and Michael Sekvlic as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the owner enters a Development Agreement with the City of St. Catharines, registered on title to the lands, to address the following conditions for Part 2
  - i) That the attached garage for the new dwelling not project beyond the front face of the dwelling;
  - ii) That the driveway within Part 2 be located on the east side of the lot and in a location that preserves the long term viability of the existing boulevard trees, subject to review and approval by PRCS
  - iii) That the dwelling height not exceed two storeys.
2. In accordance with section 69 (2) of the Planning Act (Reduction or Waiver of Fees), the standard fee for a Development Agreement be reduced from \$2457.85 (2018 fees) to \$500.00 since it would be unreasonable to require payment in accordance with the standard fee. A fee associated with the registration of the Development Agreement is still required.
3. That the applicant submits 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. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given' and that the appraisal be completed by a qualified appraiser;



5. Pay to the City the fee to locate and trace the existing water service and sanitary sewer lateral to ensure they do not cross any future lot lines;
6. Pay for and have City Crews relocate if necessary, the existing sewer lateral and/or water service within the right-of-way of Lincoln Avenue, that are identified as crossing property lines to be created as a result of these severances;
7. Carry out all necessary relocation work on private property for the sanitary lateral and water service identified as crossing future property lines as a result of these severances through a Plumbing Only permit;
8. Prepare a draft reference plan for the City's review and approval identifying the proposed parts to be dedicated to the City as Public Highway known as Lincoln Avenue; and
9. Dedicate to the City free and clear of any encumbrances a 0.80m road widening to be declared as Public Highway known as Lincoln Avenue;
10. That 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 east face of the existing dwelling on Part 1; and,
11. That the existing shed on Part 2 to be removed. A demolition permit is required if it exceeds 10m<sup>2</sup> in building area.

That Submission **A-110/18 (Part 1)**, by Branko Sabljic and Michael Sekvlic, as outlined in the Notice of Hearing, be approved.

And that Submission **A-113/18 (Part 3)**, by Branko Sabljic and Michael Sekvlic, as outlined in the Notice of Hearing, be approved for Variance 1 and Variance 2 be denied.

## Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that application **B-60/18SC** is desirable and compatible with the surrounding area and will not result in adverse impact on the surrounding properties. Staff recommends that the requested consent be approved.

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through application **A-110/18** and **A-113/18** are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained, except for Variance 2 of application **A-113/SC**. Staff recommends that the requested variances of **A-110/18** be approved, and that Variance 1 of **A-113/SC** be approved, excluding the request to permit the attached garage to extend past the front façade on the house on Part 2.



## Proposed Development

Application **B-40/18SC** is made for consent to a partial discharge of mortgage and to sever 387 m<sup>2</sup> of land (Part 2 on the submitted sketch) to be known as 23 Lincoln Avenue for the proposed construction of a single detached dwelling. A 713 m<sup>2</sup> remnant parcel (Part 1) with the existing 2-storey single detached dwelling is to be retained for residential use. There are concurrent minor variance applications **A-110/18** and **A-113/18**.

Application **A-110/18** has been made to vary Zoning By-law 2013-283 for the following variances for Part 1 in order to facilitate the concurrent consent application, **B-40/18SC** to sever the lot for a proposed single-detached dwelling:

1. An increase of the maximum lot area per dwelling unit from 465 m<sup>2</sup> to 713 m<sup>2</sup>; and,
2. A reduction of the minimum setback from the interior side lot line to the uncovered deck that is 0.4 m high from grade from 1.2 m to 0.27 m.

Application **A-113/18** has been made to vary Zoning By-law 2013-283 the following variances for Part 2 in order to facilitate the concurrent consent application, **B-40/18SC** to sever the lot for a proposed single-detached dwelling:

1. A reduction of the minimum lot frontage from 10 m to 9.14 m; and,
2. A request for the attached garage to be permitted to extend beyond the face of the proposed dwelling.

## Location and Site Description

The subject property is located on the north side of Lincoln Avenue, to the east of Philip Street. The lot is primarily surrounded by single detached homes. There are industrial buildings to the east of the property, as well as the Garden City Golf Course further east down Lincoln Avenue.

## Circulation of Application

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

## Planning Analysis

*Official Plan (Garden City Plan)*

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan. The subject property is further designated Low Density Residential as per Schedule E9 of the Garden City Plan. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally between 20 and 32 units per hectare, subject to the policies of the Garden City Plan.

*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, quadruplex, fourplex, townhouse dwellings and private road developments.

## Report

### *Consent*

Part F, Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of areas that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

The proposed lots are of appropriate size for each to contain a detached dwelling. Part 1 (713 m<sup>2</sup>) contains a 2-storey detached dwelling. Part 2 (387 m<sup>2</sup>) is intended for a proposed raised bungalow. Part 1 will be slightly larger in size than most of the surrounding residential lots, whereas Part 2 will be generally consistent in size with surrounding lots. Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design.

The subject property is located in an appropriate area to accommodate infill development.

Lincoln Avenue is designated a Collector Road in the City's Official Plan with a desired right-of-way width of 20m. Its current width along the frontage of the subject lands is deficient at an approximate width of 18.4m, and therefore a road widening of 0.8m is required.

Application **B-40/18SC** demonstrates a severance that is compatible with the existing conditions in the surrounding area in terms of lot size, use, and proposed development. Part 1 and Part 2 are consistent with the immediate existing context and are in keeping with the general intent and purpose of the Official Plan. Building staff have advised that a building permit will be required for the proposed dwelling on Part 2.

The City's Development Engineering Services department notes that increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established neighbourhoods do not have suitable drainage outlets in place. Individual lot grading plans are a requirement for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage scheme of the future lot conveys storm run-off to a suitable outlet and does not adversely affect abutting properties nor the City boulevard.

Sump pump flows are permitted to be discharged to grade when no opportunities are available to connect to an existing storm sewer. Since there is an existing storm sewer on Lincoln Avenue across the frontage of the subject property, sump pump flows shall be discharged to the storm sewer via a new storm sewer lateral for the new lot.



The Owner shall pay a fee to have City Crews locate and trace the existing water service and sanitary sewer laterals to the existing dwelling at 21 Lincoln Avenue to ensure they do not cross future property lines created as a result of the severance. The size and condition of the existing services shall also be confirmed at that time to determine suitability for reuse.

*Design Review Panel (DRP)*

Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Council further directed that the City routinely require Development Agreements to be registered on title as a condition of consent applications to address conditions for future development design. Staff may recommend conditions of consent approval including a Development Agreement, to implement the advice of the DRP and other City and agency considerations.

The application as originally proposed was submitted to the DRP for review at the meeting of July 3<sup>rd</sup>, 2018. The DRP considered a proposal to sever the side yard of the existing home to facilitate the construction of a new detached dwelling. The DRP noted that the new lot would require variances for minimum lot frontages and garage setbacks and that the retained home would require a variance for maximum lot area. The DRP noted that the building designs provided by the applicant were conceptual only and did not necessarily reflect his intended building form.

The DRP expressed general support for the proposed severance, but requested that any future building be designed such that the garage would not project beyond the front building wall, that the new driveway be located to the east side of the lot, that the building height will not exceed the existing home, that a landscape plan be prepared, and that the new driveway for the existing home be placed in a location that will minimize the removal of existing boulevard trees. The DRP requested that final plans for the new home be brought back to the Panel for review prior to issuance of a building permit, however that is beyond the mandate of the DRP. Similarly, staff consider a landscape plan to be unreasonable and are not recommending approval for same.

The Panel moved to support the proposal of the lot creation for the purpose of constructing a new detached dwelling, subject to the conditions set above.

It is staff's opinion that a Development Agreement is necessary to ensure that the advice of the DRP is adhered to prior to issuance of a building permit. Should the application be approved, a Development Agreement should be registered on title in order to address the conditions for future development design of the site. This will ensure plans submitted at the building stage are in accordance with the site details and building elevations supported by the DRP and staff.

The Committee should be aware that they have the authority under the Planning Act to waive fees where it would be unreasonable to charge the standard fee. A Development



Agreement as a condition of consent, to ensure the new lot develops generally in accordance with the architectural plans submitted with the application, and in accordance with the recommendations of the DRP and staff, provides the applicable law necessary to bind the architectural plans submitted with this application to the issuance of a building permit. The Development Agreement fee, as approved in the Tariff of Fees approved by Council for 2018, a fee of \$2457.85, is considered unreasonable and excessive in this context. Accordingly, staff is recommending the Committee reduce the Development Agreement fee to \$500.00 to better reflect the costs of processing a Development Agreement as a condition of this application.

### *Variances*

Application **A-110/18** requests an increase in lot area for Part 1 and a reduction to the minimum interior side yard setback from 1.2 m to 0.27 m to accommodate an uncovered deck, a long standing existing condition.

The maximum lot increase reduction for Part 1 is the outcome of an oversized lot being severed to create one additional lot and the remnant parcel still being above the maximum lot size. Staff consider the variance to have little, if any, impact on the neighbourhood. The reduction in the interior side yard reflects an existing condition and is similarly not expected to have any impact. Staff recommend both variances be approved.

Variance 1 in application **A-113/18** for Part 2 requests a reduction in the minimum lot frontage from 10 m to 9.14 m to facilitate the proposed severance for a proposed single dwelling. The reduced frontage does not significantly impact the neighbourhood. The required frontage is not able to be met because of the configuration of the remnant lot and the existing dwelling on Part 1. Staff recommend approval of the minor variance to reduce the minimum lot frontage.

Variance 2 in application **A-113/18** requires permission for a garage to extend beyond the front face of the dwelling. As stated above, one of the recommendations put forth by the DRP requests that the attached garage does not project beyond the front building wall. It is in the opinion of staff that approving this variance will negatively impact the streetscape. From an urban design perspective, allowing for a garage to project beyond the front façade of the dwelling unit creates a negative impact on the streetscape, and rather, their visual impact on the streetscape should be minimized in favour of front doors and windows.

In the opinion of staff, extending the attached garage past the front of the house does not represent good urban design. Thus, staff recommend that Variance 2 in application **A-113/18** be denied.

## **Conclusion**

Staff are of the opinion that applications **B-40/18SC**, **A-110/18**, and Variance 1 of **A-113/18**, are compatible with the surrounding area, meet the general intent of the policies and provisions of the Zoning By-law and Official Plan, and will have no potential adverse



impacts on the surrounding area and the environment. It is Staff's recommendation that the requested consent to sever and minor variances be approved.

Staff are not satisfied that Variance 2 requested through **A-113/18**, regarding extending the attached garage beyond the front façade, is in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate or desirable for the use of the land. It is staff's recommendation that the variance requested to permit the attached garage to extend past the front of the house for Part 2, be denied.

**Prepared by:**

  
Robertson Soosaar  
Student Planner

**Submitted by:**

  
Kirstin Jensen  
Planner I

**Approved by:**

  
Judy Pihach, MCIP, RPP  
Manager of Planning Services



**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

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**From:** Boucetta, Alexandra (MTO) [mailto:Alexandra.Boucetta@ontario.ca]  
**Sent:** Monday, September 17, 2018 2:32 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

Dear Elaine,

I apologize for the delay in my response.  
MTO is not concerned with the proposed development for the lots below:  
97 Moffatt Street  
21 Lincoln Avenue  
33 Queen Mary Drive

Have a wonderful day.

Kindest Regards,

***Alexandra Boucetta***

*Corridor Management Officer – Niagara Region*

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September 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# 60.84.2183, 60.81.5399 & 60.81.5402

Re: 21 & 23 Lincoln Ave

In response to your correspondence dated September 4, 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:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ [www.alectrautilities.com](http://www.alectrautilities.com).
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

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

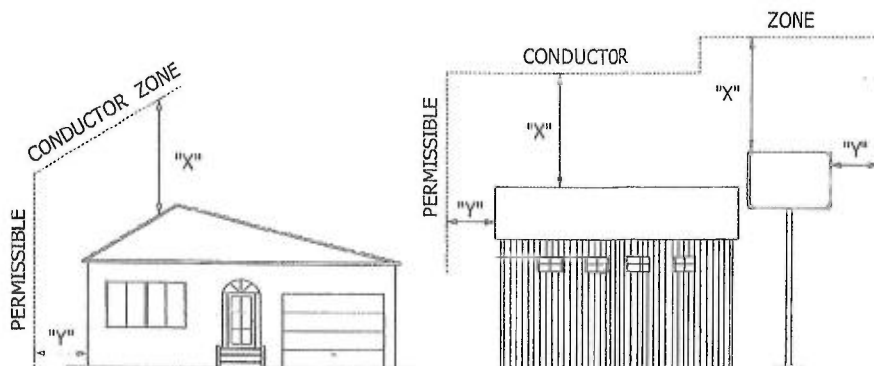
We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,



Mark Jakubowski  
Supervisor, Design, Customer Capital





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

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

\* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.

**horizon**  
UTILITIES *Looking beyond...*

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

**MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS**

(EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)

REFERENCE DRAWINGS:

DRAWINGS NOT TO SCALE

DRAWING #  
**3-105**

SHEET #  
**1**

REVISION #  
**0**



**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

21 Lincoln  
192 Rykert

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

**Sent:** Friday, August 31, 2018 7:33 AM

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

**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

Good Morning Elaine

Email 2

Cogeco has no issues or concerns with this applications.

Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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

7170 Mcleod Rd  
Niagara Falls Ont Canada



Ce courriel provient de [Doug.Crown@cogeco.com](mailto: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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## Munro, Elaine

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**From:** Hall, Charleyne <charleyne.hall@bell.ca>  
**Sent:** Tuesday, September 04, 2018 10:46 AM  
**To:** Munro, Elaine  
**Subject:** 905-18-375 - Consent Application B-40/18SC - 21 Lincoln Avenue

Good morning Elaine,

Bell Canada has no concerns with Application for Consent B-40/18SC regarding 21 Lincoln 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](mailto:charleyne.hall@bell.ca)

**Bell**

140 Bayfield St. Floor 2  
Barrie Ontario  
L4M 3B1

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



**Munro, Elaine**

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**Subject:**

RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

97 Moffatt, 21 Lincoln

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**From:** Vasko, Dennis

**Sent:** Tuesday, September 11, 2018 2:45 PM

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

**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

Hi Elaine, there are no concerns with these properties. The ones at 21 and 23 Lincoln is in the vicinity of the old landfill at the Golf Course but far enough away.

Regards,  
Dennis

**Dennis Vasko**

Fill Site Technician

**Email:** [dvasko@stcatharines.ca](mailto:dvasko@stcatharines.ca)

**Tel:** 905.688.5601 x2163

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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Cassie Sauer  
Planning and Building Services

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

Date: September 11, 2018

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – September 26, 2018 hearing - File No.: 300-036**

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**B-40/18SC – 21 Lincoln Avenue**

Comment:

- Be advised that a building permit is required for the proposed dwelling on Part 2.

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 east face of the existing dwelling on Part 1.
- Existing shed on Part 2 to be removed. A demolition permit is required if it exceeds 10m<sup>2</sup> in building area.

**B-60/18SC – 97 Moffat Street**

Comment:

- Be advised that a building permit is required for each of the proposed dwellings on Part 1 and Part 2.

Condition:

- The existing single detached dwelling and detached garage are to be demolished.

**B-68/18SC – 16 Prospect Avenue**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment



**B-69/18SC – 16 Prospect Avenue**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment

**B-71/18SC – 121 Rykert Street**

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, and 2.

Condition:

- The existing dwelling and detached garage shall be removed. Separate demolition permits are required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

**B-72/18SC – 18 Merigold Street**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- The existing dwelling and detached garage shall be removed. A demolition permit is required for the existing dwelling and for the shed if its area exceeds 10 square metres in building area. Demolition permits shall be completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

**B-73/18SC – 18 Merigold Street**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment

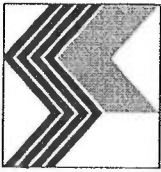


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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## Memorandum

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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: September 11, 2018


Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 26, 2018 hearing- File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-95/18	97 Moffat Street	-No Comment
A-109/18	95 Moffat Street	-No Comment
A-110/18	21 Lincoln Avenue	-No Comment
A-112/18	166 Russell Avenue	-No Comment
A-113/18	23 Lincoln Avenue	-No Comment
A-114/18	192 Rykert Street	-Be advised that a building permit is required for any proposed structures exceeding 10m <sup>2</sup> in building area (including pergolas). -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 the these yards.
A-115/18	10 Head Street	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.



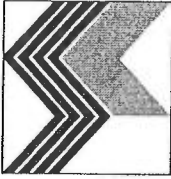
NO.	ADDRESS	COMMENTS
A-117/18	123 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-118/18	121 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-119/18	18A Merigold	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed 3 unit townhouse. dwelling.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\17 bcoa memo-mv-September 26, 2018.docx





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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** September 7, 2018  
**Subject:** Committee of Adjustment Hearing – Sept 26, 2018

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1. 97 Moffatt Street, Consent Application, B-60/18SC – 60.84.2203  
97 Moffatt Street, Minor Variance Application, A-95/18 – 60.81.5384  
95 Moffatt Street, Minor Variance Application, A-109/18 – 60.81.5398

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

2. 21 Lincoln Avenue, Consent Application, B-40/18SC – 60.84.2183  
21 Lincoln Avenue, Minor Variance Application, A-110/18 – 60.81.5399  
23 Lincoln Avenue, Minor Variance Application, A-113/18 – 60.81.5402



Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

3. 16 Prospect Avenue, Consent Application, B-68/18SC – 60.84.2211  
16 Prospect Avenue, Consent Application, B-69/18SC – 60.84.2212

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

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

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

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



4. 166 Russell Avenue, Minor Variance Application, A-112/18 –  
60.81.5401  
No comment.

5. 192 Rykert Street, Minor Variance Application, A-114/18 –  
60.81.5403  
No comment.

6. 10 Head Street, Minor Variance Application, A-115/18 – 60.81.5404  
No comment.

7. 121 Rykert Street, Consent Application, B-71/18SC – 60.84.2214  
121 Rykert Street, Minor Variance Application, A-117/18 –  
60.81.5406  
123 Rykert Street, Minor Variance Application, A-118/18 –  
60.81.5407

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

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

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

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

8. 18 Merigold Street, Consent Application, B-72/18SC – 60.84.2215  
18 Merigold Street, Consent Application, B-73/18SC – 60.84.2216  
18A Merigold Street, Minor Variance Application, A-119/18 –  
60.81.5408

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of **each** 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.

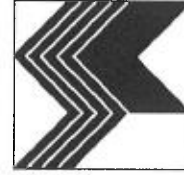
If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance:

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

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



**REPORT TO PLANNING DEPARTMENT**  
**Re: LAND DIVISION APPLICATION NUMBER B-40/18SC**



September 14<sup>th</sup>, 2018

**ENGINEERING FILE 300-36**

**Hearing Date:** September 26<sup>th</sup>, 2018

**Applicant:** Branko Sabljic & Michael Sekulic

**Location:** 21 Lincoln Avenue

**EXISTING MUNICIPAL SERVICES**

**21 Lincoln**

**Water:** 300mm Ductile Iron  
**Sanitary Sewer:** 200mm AC +/-2.6m Depth  
**Storm Sewer:** 200mm Material Unknown +/-2.5m Depth  
**Sidewalks:** Yes, both sides of the Lincoln Avenue  
**Road Allowance Width:** +/-18.4m

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

**Comment(s):** It is noted that the Applicant proposes to create one new lot for the purpose of constructing one new single family dwelling.

**Roads**

Lincoln Avenue is designated a Collector Road in the City's Official Plan with a desired right-of-way width of 20m. Its current width along the frontage of the subject lands is +/-18.4m, therefore a widening of 0.8m be required.

**Municipal Services**

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

Sump pump flows are permitted to be discharged to grade when no opportunities are available to connect to an existing storm sewer. Since there is an existing storm sewer on Lincoln Avenue across the frontage of the subject property, sump pump flows shall be discharged to the storm sewer via a new storm sewer laterals for the new lot.

The Owner shall pay a fee to have City Crews locate and trace the existing water service and sanitary sewer laterals to the existing dwelling at 21 Lincoln Avenue to ensure they do not cross future property lines to be created as a result of the severances. The size and condition of the existing services shall also be confirmed at that time to determine suitability for reuse. The fee charged for this investigation shall be in



accordance with the City's current Schedule of Rates & Fees and payment shall be made as a condition of severance.

If the located existing sewer lateral and/or the existing water service are confirmed as crossing future property lines they shall be addressed via termination and/or relocation to ensure separate independent services exist for each properties. Any relocation works shall be carried out prior to finalization of the severance. Such work within the Lincoln Avenue right-of-way shall be carried out by City Crews at the Owner's expense. If additional works to relocate the sewer laterals or water services are required on private property those works shall be completed by the Owner through a Plumbing Only Permit application, also at the Owner's expense.

The Owner shall pay the City to have one new sanitary lateral installed by City Crews from the municipal sanitary sewer on Lincoln Avenue to the front property line. The fees charged shall be in accordance with the City's Schedule of Rates & Fees in place at the time and shall be paid at the Building Permit Application stage.


The Owner shall pay the City to have one new storm lateral installed by City Crews from the municipal storm sewer on Lincoln Avenue to the front property line. The fees charged shall be in accordance with the City's Schedule of Rates & Fees in place at the time and shall be paid at the Building Permit Application stage.

The Owner shall also pay to have one new water service installed by City Crews from the municipal watermain on Lincoln Avenue to the front property line. The fee charged shall be in accordance with the City's Schedule of Rates & Fees in place at the time and shall be paid at the Building Permit application stage. If the existing water service is undersized and/or deemed unsuitable for reuse, it will be upgraded at approximately the same location to 25mm at no charge to the owner.

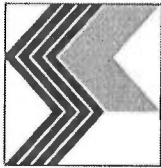
**Condition(s):**

Prior to the severance finalization the Owner shall;

- Pay to the City the fee to locate and trace the existing water service and sanitary sewer lateral to ensure they do not cross any future lot lines; and
- Pay for and have City Crews relocate if necessary, the existing sewer lateral and/or water service within the right-of-way of Lincoln Avenue, that are identified as crossing property lines to be created as a result of these severances; and
- Carry out all necessary relocation work on private property for the sanitary lateral and water service identified as crossing future property lines as a result of these severances through a Plumbing Only permit
- Prepare a draft reference plan for the City's review and approval identifying the proposed parts to be dedicated to the City as Public Highway known as Lincoln Avenue; and
- Dedicate to the City free and clear of any encumbrances a 0.80m road widening to be declared as Public Highway known as Lincoln Avenue;

Prepared By:   
James R. Denham P.Eng.  
Development Engineering Technologist





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## Memorandum

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

**Cc:** Kirstin Jensen, Planner I  
Jim Denham, Development Engineering Technologist

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

**Date:** September 14<sup>th</sup>, 2018

**Hearing Date:** September 26<sup>th</sup>, 2018

**Subject:** Engineering Comments Regarding Minor Variance applications for the following;  
97 & 95 Moffatt Street, A-95&109/18SC  
21 & 23 Lincoln Avenue, A-110&113/18SC  
166 Russell Avenue, A-112/18SC  
192 Rykert Street, A-114/18SC  
10 Head Street, A-115/18SC  
121-123 Rykert Street, A-117-118/18SC  
18A, 18B & 18C Merigold Street, A-119-121/18SC

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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;

**166 Russell Avenue, A-112/18SC:**

Development Engineering has concerns whether or not roof and surface drainage from the proposed parking spots can be achieved without negatively impacting the adjacent properties. A proposed grading plan for the rear yard identifying existing grades on the abutting property and existing and proposed grades on the subject property shall be prepared and certified by a qualified Engineer or Ontario Land Surveyor and be submitted to City Staff for review and approval prior to a Building permit being issued.

**10 Head Street, A-115/18SC:**

Considering Head Street is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0m, and although we recognize its current width is severely deficient at approximately 10.06m wide in accordance with Registrar's Compiled Plan 2, the City has decided an 18.0m right-of-way width is more acceptable in these instances. We require the proposed lot be redesigned to accommodate a future road widening of 3.97m and revise proposed building setbacks accordingly.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision do not have suitable drainage



outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Quite often, side yard drainage tends to conflict with proposed walkways, window wells and air conditioning units, as a result of building design. In order to ensure that drainage is adequately addressed, a Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff prior to Minor Variances being granted. The Grading & Drainage Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties. In addition, it shall take into consideration the design and function of the new buildings, proposed side yard walkways, landings, window wells, decks, etc. and the impact of these elements on the proposed lot drainage and existing neighbouring properties.

Prepared by:

A handwritten signature in black ink, appearing to be 'BJ' or 'Brad Johnston', written in a cursive style.

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

BJ





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 7, 2018

**Subject:** Committee of Adjustment  
Public Hearings – September 26, 2018  
File No. 305-17-01

---

### A-112/18 – 166 Russell Avenue

The proposed parking space adjacent to the building will be difficult to access due to the lack of maneuvering space. It shouldn't be counted towards the required parking for the site.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist  
SB/



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

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

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# **COMMENTS**

**B-68/18SC (60.84.2211)**  
**B-69/18SC (60.84.2212)**

**16 Prospect Avenue**

**DATE OF HEARING:**  
**September 26, 2018**



September 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# 60.84.2211 & 60.84.2212

**Re: 16 & 16A Prospect Ave**

In response to your correspondence dated September 4, 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:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ [www.alectrautilities.com](http://www.alectrautilities.com).
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

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 stylized, overlapping loops and a long horizontal stroke extending to the right.

Mark Jakubowski  
Supervisor, Design, Customer Capital



**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 3

16 Prospect  
10 Head St.

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**From:** Doug Crown [mailto:Doug.Crown@cogeco.com]  
**Sent:** Friday, August 31, 2018 7:34 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 3

Good Morning Elaine  
Email 3  
Cogeco has no issues or concerns with this applications.  
Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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

7170 Mcleod Rd  
Niagara Falls Ont Canada



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Politique en matière de protection des renseignements personnels de Cogeco et Engagement en matière d'anti-spam – Contactez-nous



## Munro, Elaine

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**From:** Hall, Charleyne <charleyne.hall@bell.ca>  
**Sent:** Tuesday, September 11, 2018 11:08 AM  
**To:** Munro, Elaine  
**Subject:** 905-18-374 - Consent Application B-68/18SC - 16 Prospect Avenue

Good morning Elaine,

Bell Canada has no concerns with Application for Consent B-68/18SC and B-69/18SC regarding 16 Prospect 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](mailto:charleyne.hall@bell.ca)

**Bell**

140 Bayfield St. Floor 2  
Barrie Ontario  
L4M 3B1

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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Cassie Sauer  
Planning and Building Services

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

Date: September 11, 2018

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – September 26, 2018 hearing - File No.: 300-036**

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**B-40/18SC – 21 Lincoln Avenue**

Comment:

- Be advised that a building permit is required for the proposed dwelling on Part 2.

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 east face of the existing dwelling on Part 1.
- Existing shed on Part 2 to be removed. A demolition permit is required if it exceeds 10m<sup>2</sup> in building area.

**B-60/18SC – 97 Moffat Street**

Comment:

- Be advised that a building permit is required for each of the proposed dwellings on Part 1 and Part 2.

Condition:

- The existing single detached dwelling and detached garage are to be demolished.

**B-68/18SC – 16 Prospect Avenue**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment



**B-69/18SC – 16 Prospect Avenue**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment

**B-71/18SC – 121 Rykert Street**

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, and 2.

Condition:

- The existing dwelling and detached garage shall be removed. Separate demolition permits are required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

**B-72/18SC – 18 Merigold Street**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- The existing dwelling and detached garage shall be removed. A demolition permit is required for the existing dwelling and for the shed if its area exceeds 10 square metres in building area. Demolition permits shall be completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

**B-73/18SC – 18 Merigold Street**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment

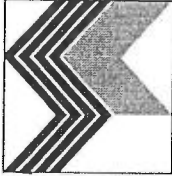


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bgd memo 2018/16bcoa memo-sev-September 26,2018.docx





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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** September 7, 2018  
**Subject:** Committee of Adjustment Hearing – Sept 26, 2018

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1. 97 Moffatt Street, Consent Application, B-60/18SC – 60.84.2203  
97 Moffatt Street, Minor Variance Application, A-95/18 – 60.81.5384  
95 Moffatt Street, Minor Variance Application, A-109/18 – 60.81.5398

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

2. 21 Lincoln Avenue, Consent Application, B-40/18SC – 60.84.2183  
21 Lincoln Avenue, Minor Variance Application, A-110/18 – 60.81.5399  
23 Lincoln Avenue, Minor Variance Application, A-113/18 – 60.81.5402



Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

3. 16 Prospect Avenue, Consent Application, B-68/18SC – 60.84.2211  
16 Prospect Avenue, Consent Application, B-69/18SC – 60.84.2212

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

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

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

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



4. 166 Russell Avenue, Minor Variance Application, A-112/18 –  
60.81.5401  
No comment.

5. 192 Rykert Street, Minor Variance Application, A-114/18 –  
60.81.5403  
No comment.

6. 10 Head Street, Minor Variance Application, A-115/18 – 60.81.5404  
No comment.

7. 121 Rykert Street, Consent Application, B-71/18SC – 60.84.2214  
121 Rykert Street, Minor Variance Application, A-117/18 –  
60.81.5406  
123 Rykert Street, Minor Variance Application, A-118/18 –  
60.81.5407

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

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

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

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

8. 18 Merigold Street, Consent Application, B-72/18SC – 60.84.2215  
18 Merigold Street, Consent Application, B-73/18SC – 60.84.2216  
18A Merigold Street, Minor Variance Application, A-119/18 –  
60.81.5408

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of **each** 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.

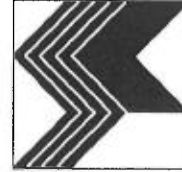
If Planning and Building Services determines that parkland dedication can be collected for this application PRCS requests the following condition of severance:

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

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



**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-68-69/18SC**



September 14, 2018

**ENGINEERING FILE 300-36**

**Hearing Date:** September 26, 2018

**Owner:** 1346704 Ontario Inc.

**Location:** 16 Prospect Avenue

**MUNICIPAL SERVICES** Prospect Avenue

**Water:** 150mm P.V.C.

**Sanitary Sewer:** 200mm Clay  
Combined Sewer

**Storm Sewer:** None

**Sidewalks:** Yes

**Existing Road Allowance Width:** +/-15.24m

**GENERAL COMMENTS:**

It is noted that the Owner wishes to sever Parts 2 & 3 to be known as 16B & 16A Prospect Avenue for the purposes of constructing a 3-unit street town development. A remnant parcel (Part 1) is to be retained for future residential use for the third unit of the street town development to be known as 16C Prospect Avenue.

**Roads**

Prospect Avenue is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0m. Its current width along the Applicant's frontage is deficient at 15.24m in accordance with Registered Plan 114, however the City has decided an 18.0m right-of-way width is more acceptable in these instances, therefore the Owner shall dedicate to the City gratuitously a 1.38m road widening along the frontage of the subject lands, free and clear of any encumbrances, to be known as Public Highway Prospect Avenue.

**Engineering Services**

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision do not have suitable drainage outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Quite often, side yard drainage tends to conflict with proposed walkways, window wells and air conditioning units, as a result of building design. In order to ensure that drainage is adequately addressed, a Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff prior to the finalization of the severance. The Grading & Drainage Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties. In addition, it shall take into consideration the design and function of the new buildings, proposed side yard walkways, landings, window wells, decks, etc. and



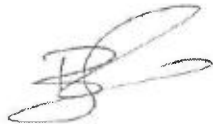
the impact of these elements on the proposed lot drainage and existing neighbouring properties.

Subsequently to the above comments, sump pump flows typically discharge to grade when no opportunities to connect to a storm sewer in the road allowance exist. Since storm sewers do not exist along Prospect Avenue fronting the subject lands, foundation weeping tile flows shall be collected and discharged to grade via sump pump. The discharge location shall be towards the front of the lot only, not towards the side lot lines. These challenging factors shall also be considered and addressed on the required Master Grading Plan for the development.

The Owner shall be responsible to pay the City the fees to install the additional water and sanitary sewer laterals required for the units, through the building permit process. The fees shall be in accordance with the City's current Schedule of Rates and Fees.

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

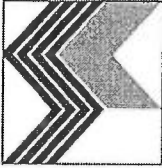
- Prepare a draft reference plan for review and approval prior to the submission into the Land Registry Office with respect to the proposed 1.38m road widening along the frontage of the subject lands;
- Dedicate gratuitously and at the Owner's expense, a 1.38m road widening across the entire frontage of the subject lands, free and clear of any mortgages, liens or encumbrances, to the City to be declared as Public Highway Prospect Avenue;
- Submit for review and approval, a Grading & Drainage Plan prepared by an Ontario Land Surveyor or Professional Engineer identifying the above noted items to the satisfaction of the City Engineer



Prepared By: \_\_\_\_\_

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





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 7, 2018

**Subject:** Committee of Adjustment  
Public Hearings – September 26, 2018  
File No. 305-17-01

---

### A-112/18 – 166 Russell Avenue

The proposed parking space adjacent to the building will be difficult to access due to the lack of maneuvering space. It shouldn't be counted towards the required parking for the site.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist  
SB/



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

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

---

# **COMMENTS**

**A-112/18 (60.81.5401)**

**166 Russell Avenue**

**DATE OF HEARING:**  
**September 26, 2018**



## Munro, Elaine

---

**Subject:**

RE: re 166 russell ave variance application mtg sept26

---

**From:** ddsloan ddsloan [mailto:]

**Sent:** Tuesday, September 11, 2018 9:16 PM

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

**Subject:** re 166 russell ave variance application mtg sept26

To: Committee of Adjustment

Contact: Elaine Munro, Secretary-treasurer, [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca), 905-688-5601 x1715

Meeting: Wed. 2018, Sept.26 at 5:00pm

Regarding: 166 Russell Ave Minor variance application File No. 60.81.5401

To Whom It May Concern, the following are my comments, concerns, objections and questions:

1. I request a copy of the notice of decision.
2. I am pleased the rehabilitation of the building envelope is finally moving forward. It appears to have a pleasing design. Changing the top floor to one residential unit will suit the character of the neighbourhood. In my opinion this is desirable so I have no objection. Plus the addition of a new covered porch will also suit the character of the neighbourhood and appears to have a pleasing design. In my opinion this is desirable so I have no objection.
3. Changing the main floor to one commercial unit needs further explanation regarding the type of commercial business. It appears to be a type of restaurant which will have a lot of public visitation but that is not explained in the application. This raises several concerns especially regarding parking and noise.
4. A previous approved variance of this property changed the Bylaw to permit a dwelling beside the business. Does this require a variance to change it once more?
5. Variance 1 is regarding the edge of the new covered porch addition and the east side property line. In my opinion it is a reasonable variance so I have no objection.
6. Variance 2 is between the new proposed parking spaces and the west and south property lines and residences. I have many comments, concerns, objections and questions as detailed below.
7. The two drawings supplied are very difficult to read so it increases the need for clarifications.
8. On Drawing A3.3, the four elevation views indicate the proposed rehabilitation of the building envelope. It appears to suit the character of the neighbourhood. It has a pleasing appearance. The Maibec wood siding will provide a suitable appearance for the neighbourhood.
9. On Drawing A3.3, the west and south elevation views indicate there is no signage on these two sides of the building. The signage on the east and north sides seems suitable to the proposed building. In my opinion this is suitable for both situations. I request a condition be included in the decision that there will be no signage permitted on the west or south sides.
10. On Drawing A3.3, the west elevation view indicates two eaves trough downspouts. This is a concern as water drainage at this location is very poor and will cause flooding of basements especially since the house on the west side is only 3.4 feet from the property line. Remediation for water flow must be considered. Also there is a sidewalk on this side and any protuberances may interfere with egress from



the back yard. Note, permission from owner and tenant on west side for access during construction will need to be coordinated as this is the only egress from their backyard.

11. On Drawing A3.3, the west elevation view does not indicate what ground cover is planned for grade next to and between the adjacent buildings. This is a concern as water drainage at this location is very poor and will cause flooding of basements especially since the house on the west side is only 3.4 feet from the property line. Remediation for water flow must be considered. Also there is a sidewalk on this side and any protuberances may interfere with egress from the back yard. Note, permission from owner and tenant on west side for access during construction will need to be coordinated as this is the only egress from their backyard.
12. On Drawing A3.3, the west elevation view indicates the existing bushes and cedars on the North West corner will be removed. In my opinion this is desirable so I have no objection. Note, permission from owner and tenant on west side for access during construction will need to be coordinated as this is the only egress from their backyard.
13. On Drawing A3.3, the elevation views do not indicate the location of the HVAC units for the residential or the commercial units. This is a concern for the adjacent residences on the west and south sides especially regarding noise and odours. This is especially true regarding size and location of the HVAC for the commercial unit. What are the plans to mitigate these concerns?
14. On the other Drawing, the artist drawings indicate the building will have a pleasing appearance and will suit the character of the neighbourhood. Also, the site plan indicates an addition of a new covered porch. This addition will suit the character of the neighbourhood and appears to have a pleasing design. This is regarding Variance 1. In my opinion it is a reasonable variance so I have no objection. Does this require a variance to increase the maximum lot coverage from the existing 42%?
15. On the other Drawing, the site plan indicates a hedge on the south side of the lot. This is part of variance 2. Is this the existing hedge? Will there be any additional landscaping in this 1 meter buffer? Is parking allowed to encroach on this 1 meter buffer? How would that be prevented? A fence in this 1 meter buffer would be objected to by the next door residents. How will snow accumulation and piling of snow be affected by this 1 meter buffer? Especially if it includes landscaping with a hedge, shrubs or plants. Where will snow be piled?
16. On the other Drawing, the site plan indicates the existing fence on the west side will be removed. There are two fences on the west side. The north fence is on 166 Russell property and the south fence is on 164 Russell property. The site plan does not indicate any landscaping in this 1 meter buffer. Is this permitted? Is parking allowed to encroach on this 1 meter buffer? How would that be prevented? How will snow accumulation and piling of snow be affected by this 1 meter buffer? Especially if it includes landscaping with shrubs or plants. Also the addition of multi-car parking facing the west is a major concern to the residence at 164 Russell. Perhaps a new fence would be appropriate from the SW corner of the property to the SW corner of the building. Also a fence would help security by limiting opportunity of trespassers accessing through this space into other residential properties. What are the plans to mitigate these concerns?
17. On the other Drawing, the site plan indicates four parking spaces and a driveway expansion. Does this require a variance to change from one parking space which is what a previous approved variance of this property allowed? What is the planned surface for the parking area and driveway? A large asphalt surface would be visually detracting to the residences on the south and west sides and would be objected to. A fence on the west side may help. It would also affect water drainage in the area. Perhaps concrete turf blocks or gravel would be considered. What are the plans to mitigate these concerns?
18. On the other Drawing, the site plan does not indicate where garbage will be stored. This is a concern for the residences next door. A commercial business such as a restaurant type will generate lots of waste and odours which will attract vermin and insects and will be a visual detraction. Frequently, large garbage bins are used that are emptied by a large garbage truck. How will they access the bins and when? Where will the garbage bins be located or stored for the upstairs residence? What are the plans to mitigate these concerns?



19. It is obvious parking will be the major concern between the operation of the commercial business and the neighbourhood. In this neighbourhood street parking is the norm for residences but the addition of a commercial business increases the number of vehicles looking for parking. What are the plans to mitigate these parking concerns?

Regards,

David Sloan, 25 Wolseley Av., L2R 4T4

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CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** September 20, 2018

**Date of Meeting:** September 26, 2018

**Submission(s):** A-112/18

**File:** 60.81.5401

**Subject:** 166 Russell Avenue

### Recommendation

That Submission **A-112/18** by 2407410 Ontario Inc. as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands, ensuring that the following conditions are met.
  - i) That the parking spaces proposed to face the west lot line be rotated to horizontally align with the back wall of the building in order to maintain the required minimum landscape buffer along the southern property line and minimize the impacts of vehicular lights onto neighbouring properties, subject to review and approval by the Urban Design Planner,
  - ii) That a proposed grading plan for the rear yard identifying existing grades on the abutting property and existing and proposed grades on the subject property shall be prepared and certified by a qualified Engineer or Ontario Land Surveyor and be submitted for review and approval, based on the realignment of the parking area outlined in i) above,
- 2 In accordance with section 69(2) of the Planning Act (Reduction or Waiver of Fees), the standard fee for a Development Agreement be reduced from \$2457.85 (2018 fees) to \$500.00 since it would be unreasonable to require payment in accordance with the standard fee. A fee associated with the registration of the Development Agreement is still required;
- 3 For variance 2, that the reduction of the minimum landscape buffer abutting a residential zone from 3 m to 1 m be approved for the parking area adjacent to the westerly lot line only.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through application **A-112/18** are minor in nature,



desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained.

## **The Proposal**

Application **A-112/18** has been made pertaining to the City of St. Catharines Zoning By-law 2013-283 for the following variances in order to construct a covered balcony to be in alignment with the building. There would be one residential unit on the top floor and a commercial unit on the main floor:

1. A reduction of the minimum exterior side yard setback from 3.0 m to 0.3 m
2. A reduction of the minimum landscape buffer abutting a residential zone from 3 m to 1 m.

## **Location and Site Description**

Part of Lots 59 & 60, Plan 51 is located on the southwest corner of Russell Avenue and Wolseley Avenue. The subject property is located in a single detached residential neighbourhood.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan. The subject property is further designated Low Density Residential as per Schedule E4 of the Garden City Plan. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally between 20 and 32 units per hectare, subject to the policies of the Garden City Plan.

### *Zoning By-law (2013-283)*

The subject land is zoned Local Convenience Commercial (C1). The C1 zone permits a variety of commercial establishments including but not limited to: day cares, offices, restaurants, retail stores, and apartment dwelling units.

## **Report**

### *Variances*

Zoning By-law 2013-283 requires that the minimum exterior side yard setback be 3.0 m. The intent of the exterior side yard setback is to ensure adequate amenity space is provided on site between a structure and the road, 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 applicant is requesting the minimum exterior side yard setback be reduced to 0.3 m. The current structure on the site, a long



standing existing condition, has current exterior side yard setback of 0.44 m. The addition of a covered balcony requires the setback be reduced to 0.3 m.

Staff are of the opinion that application **A-112/18** is compatible with the surrounding character of the area, will not negatively affect the streetscape or sightlines, and will not have any adverse impacts on the neighbourhood. Staff recommend approval of Variance 1.

Zoning By-law 2013-283 requires that the minimum landscape buffer abutting a residential zone be 3 m. This is to ensure appropriate separation distance is provided between potentially conflicting uses, while also improving overall streetscape and landscape design of the site. Application **A-112/18** requires a reduction of the minimum landscape buffer from 3 m to 1 m to accommodate four required parking spaces on the site. The existing structure on the property is positioned less than 1 m from the property line, and a 1 m buffer along the westerly property line to facilitate the required parking spaces is considered acceptable based on the existing conditions of the site. Transportation and Environmental Services note that the proposed parking space located adjacent to the building (labelled as Space 4) will be difficult to access due to a lack of sufficient maneuverability on site. Resultantly, the parking space is advised to not be counted towards the required parking for the site.

Staff is of the opinion that the parking on site should be rotated to 90 degrees to align with the rear of the structure on the site, so as not to be facing the westerly property line but rather to be parallel with the westerly property line. The intent of this revision is to minimize the amount of vehicular light that will be directed into neighbouring residential properties as well as to ensure that the required landscape buffer of 3 metres can be provided along the southerly lot line of the property. This being said, staff is of the opinion that the way to achieve the intents of the zoning by-law is to require that the applicant enter into a development agreement as a condition of the approval of the minor variance. On the condition that the proposed recommendations by Planning Staff are approved by the Committee, the minor variance application to reduce the landscape buffer is considered compatible with the prevailing character of the neighbourhood, will not create any adverse impacts on the surrounding area, and will have little impact on streetscape and driver sightlines. Staff recommend to approve Variance 2, subject to the requested changes.

Development Engineering has concerns whether or not roof and surface drainage from the proposed parking spots can be achieved without negatively impacting the adjacent properties. A proposed grading plan for the rear yard identifying existing grades on the abutting property and existing and proposed grades on the subject property shall be prepared and certified by a qualified Engineer or Ontario Land Surveyor and be submitted to City Staff for review and approval prior to a Building permit being issued.

A Development Agreement is necessary to implement the recommendations of staff, as indicated in the recommendation.

The Committee should be aware that they have the authority under the Planning Act to waive fees where it would be unreasonable to charge the standard fee. A Development



Agreement as a condition of minor variance, to ensure the new lot develops generally in accordance with the recommendations of the City's Planning Staff, provides the applicable law necessary to bind approved plans with the issuance of a building permit. The Development Agreement fee, as approved in the Tariff of Fees approved by Council for 2018, a fee of \$2,457.85, is considered unreasonable and excessive in this context. Accordingly, staff is recommending the Committee reduce the Development Agreement fee to \$500.00 to better reflect the costs of processing a Development Agreement as a condition of this application.

Staff is of the opinion that application **A-112/18** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved, subject to conditions.

**Prepared by:**

  
Robertson Soosaar  
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 September 26/18 CofA Hearing, City of St. Catharines - Email 1

97 Moffatt  
166 Russell Ave.

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**From:** Doug Crown [mailto:Doug.Crown@cogeco.com]  
**Sent:** Friday, August 31, 2018 7:31 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 1

Good Morning Elaine  
Email 1  
Cogeco has no issues or concerns with this applications.  
Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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

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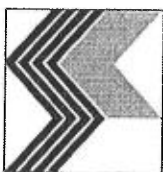
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## Memorandum

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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: September 11, 2018


Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 26, 2018 hearing- File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-95/18	97 Moffat Street	-No Comment
A-109/18	95 Moffat Street	-No Comment
A-110/18	21 Lincoln Avenue	-No Comment
A-112/18	166 Russell Avenue	-No Comment
A-113/18	23 Lincoln Avenue	-No Comment
A-114/18	192 Rykert Street	-Be advised that a building permit is required for any proposed structures exceeding 10m <sup>2</sup> in building area (including pergolas). -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 the these yards.
A-115/18	10 Head Street	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.



NO.	ADDRESS	COMMENTS
A-117/18	123 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-118/18	121 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-119/18	18A Merigold	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed 3 unit townhouse. dwelling.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2018\17 bcoa memo-mv-September 26, 2018.docx





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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** September 7, 2018  
**Subject:** Committee of Adjustment Hearing – Sept 26, 2018

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1. 97 Moffatt Street, Consent Application, B-60/18SC – 60.84.2203  
97 Moffatt Street, Minor Variance Application, A-95/18 – 60.81.5384  
95 Moffatt Street, Minor Variance Application, A-109/18 – 60.81.5398

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

2. 21 Lincoln Avenue, Consent Application, B-40/18SC – 60.84.2183  
21 Lincoln Avenue, Minor Variance Application, A-110/18 – 60.81.5399  
23 Lincoln Avenue, Minor Variance Application, A-113/18 – 60.81.5402



Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

3. 16 Prospect Avenue, Consent Application, B-68/18SC – 60.84.2211  
16 Prospect Avenue, Consent Application, B-69/18SC – 60.84.2212

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

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

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

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



4. 166 Russell Avenue, Minor Variance Application, A-112/18 –  
60.81.5401  
No comment.

5. 192 Rykert Street, Minor Variance Application, A-114/18 –  
60.81.5403  
No comment.

6. 10 Head Street, Minor Variance Application, A-115/18 – 60.81.5404  
No comment.

7. 121 Rykert Street, Consent Application, B-71/18SC – 60.84.2214  
121 Rykert Street, Minor Variance Application, A-117/18 –  
60.81.5406  
123 Rykert Street, Minor Variance Application, A-118/18 –  
60.81.5407

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

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

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

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

8. 18 Merigold Street, Consent Application, B-72/18SC – 60.84.2215  
18 Merigold Street, Consent Application, B-73/18SC – 60.84.2216  
18A Merigold Street, Minor Variance Application, A-119/18 –  
60.81.5408

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of **each** 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.

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

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

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





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## Memorandum

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

**Cc:** Kirstin Jensen, Planner I  
Jim Denham, Development Engineering Technologist

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

**Date:** September 14<sup>th</sup>, 2018

**Hearing Date:** September 26<sup>th</sup>, 2018

**Subject:** Engineering Comments Regarding Minor Variance applications for the following;  
97 & 95 Moffatt Street, A-95&109/18SC  
21 & 23 Lincoln Avenue, A-110&113/18SC  
166 Russell Avenue, A-112/18SC  
192 Rykert Street, A-114/18SC  
10 Head Street, A-115/18SC  
121-123 Rykert Street, A-117-118/18SC  
18A, 18B & 18C Merigold Street, A-119-121/18SC

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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;

**166 Russell Avenue, A-112/18SC:**

Development Engineering has concerns whether or not roof and surface drainage from the proposed parking spots can be achieved without negatively impacting the adjacent properties. A proposed grading plan for the rear yard identifying existing grades on the abutting property and existing and proposed grades on the subject property shall be prepared and certified by a qualified Engineer or Ontario Land Surveyor and be submitted to City Staff for review and approval prior to a Building permit being issued.

**10 Head Street, A-115/18SC:**

Considering Head Street is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0m, and although we recognize its current width is severely deficient at approximately 10.06m wide in accordance with Registrar's Compiled Plan 2, the City has decided an 18.0m right-of-way width is more acceptable in these instances. We require the proposed lot be redesigned to accommodate a future road widening of 3.97m and revise proposed building setbacks accordingly.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision do not have suitable drainage



outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Quite often, side yard drainage tends to conflict with proposed walkways, window wells and air conditioning units, as a result of building design. In order to ensure that drainage is adequately addressed, a Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff prior to Minor Variances being granted. The Grading & Drainage Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties. In addition, it shall take into consideration the design and function of the new buildings, proposed side yard walkways, landings, window wells, decks, etc. and the impact of these elements on the proposed lot drainage and existing neighbouring properties.

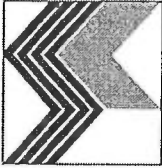
Prepared by:

A handwritten signature in black ink, appearing to be 'BJ' with a stylized flourish.

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

BJ





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 7, 2018

**Subject:** Committee of Adjustment  
Public Hearings – September 26, 2018  
File No. 305-17-01

---

### A-112/18 – 166 Russell Avenue

The proposed parking space adjacent to the building will be difficult to access due to the lack of maneuvering space. It shouldn't be counted towards the required parking for the site.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist  
SB/



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

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

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# **COMMENTS**

**A-114/18 (60.81.5403)**

**192 Rykert Street**

**DATE OF HEARING:**  
**September 26, 2018**





CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** September 20, 2018 **Date of Meeting:** September 26, 2018

**Submission(s):** A-114/18 **File:** 60.81.5403

**Subject:** 192 Rykert Street

### Recommendation

That Submission **A-114/18** by Kenneth Ltd. and Lynn Valley Properties Ltd. as outlined in the Notice of Hearing, be decided as follows:

Variances 1, 2, 4 and 6 be approved

Variance 3 be denied.

That Variance 5 be approved on condition that the Urban Design Planner confirms that the landscape plan, approved as part of site plan approval required on this site, adequately addresses landscaping in the yards in front of Units 2-8 inclusive.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through application **A-114/18** (excluding Variance 3), are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommend that the requested variances be approved, subject to the condition outlined in the recommendation.

### The Proposal

Application **A-114/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283 for the following variances for the proposed 8-unit private road development:

1. A reduction in minimum width of the landscape buffer from 3 m to 1.8 m (end of private road).
2. A reduction in the minimum width of the landscape strip from 3m to 2m (east side of private road along drive entrance).
3. A reduction in the minimum interior side yard from the end wall from 3 m to 1 m.
4. A reduction in the minimum width of the parking space obstructed on one side from 3m to 2.75m.
5. Increase in the maximum driveway width from 50% of the dwelling unit to 96%. (Units 2 to 8).



6. A reduction in the minimum distance from the private road to the dwelling unit from 3.0 m to 1.2 m.

## **Location and Site Description**

The subject property is located on the north side of Rykert Street, west of Westland Street. The surrounding area consists of a mix of single detached homes and townhouses.

## **Circulation of Application**

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

## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan. The subject property is further designated Low Density Residential as per Schedule E7 of the Garden City Plan. 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.

### *Zoning By-law (2013-283)*

The subject land is zoned Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits a variety of low density residential dwelling types including detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse dwellings and private road developments.

## **Report**

### *Variances*

Variance 1 requests a reduction in the minimum width of the landscape buffer from 3 m to 1.8 m (at the end of the private road). The request reflects a pinch point, is necessary to provide adequate access to Unit 21, and has triggered no concerns from Parks, Recreation and Culture Services. Staff consider this variance to be minor. The reduced landscape buffer will not negatively impact the surrounding area. The variance is within the general intent of the Official Plan and Zoning By-law and is desirable for the appropriate development of the land. Staff support Variance 1.

Variance 2 requests a reduction in the minimum width of the landscape strip from 3m to 2m (along the east side of the private road). The variance is required to accommodate the private road along the west portion of the property line while supporting a 3 m buffer between the west side of the private road and the west property line. The reduced landscape buffer will not negatively impact the surrounding area. Parks, Recreation and Culture Services also offers no objection to a reduction at this location. The variance is within the general intent of the Official Plan and Zoning By-law and is desirable for appropriate development of the land. Staff recommend this variance also be approved.



Variance 3 requests a reduction from 3 metres to 1.0 metre for the minimum interior side yard setback from the end wall to the property line, within a private road development.

The request is necessary to accommodate the intended design for Unit 2. The intent of a 3.0 metre setback in this instance is to provide some buffer space between existing residential dwellings and new infill development. The rear yards of dwellings at 188 Rykert and 190 Rykert face the interior side yard proposed for reduction. Staff are of the opinion that approving Variance 3 will result in inadequate separation distance and have greater potential for adverse impacts on neighbouring properties. Staff prefer the dwelling unit be reduced in size to meet the 3.0 metre setback, and accordingly denial of Variance 3.

Variance 4 requests a reduction in the minimum width of a parking space obstructed on one side from 3m to 2.75m. The variance is required to accommodate driveway parking spaces for Units 15, 17, 19 and 21, that are obstructed on one side by the neighbouring dwelling units or accompanying porches. The site provides adequate maneuvering space for vehicles to use the reduced sized parking space. Transportation and Environmental Services has no objection to the reduction of the parking space size. Staff recommend to approve Variance 4.

Variance 5 seeks a reduction in the maximum driveway width from 50% of the width of the dwelling unit to 96% of the width of a dwelling unit for Units 2 to 8 inclusive. From an urban design perspective, allowing a driveway larger than 50% of the dwelling unit diminishes the experience of the public realm due to a lack of vegetation and amenity space. As a result of the development fronting onto a private road that will not be visible to the public, staff are generally supportive of the requested variance, under the condition that some form of landscaping or outdoor amenity space be provided between the driveways and the dwelling units impacted by the increased driveway widths, to reduce the impacts imposed by the oversized driveway. Staff suggest the landscaping plan required as part of the site plan approval required for this development, be revised accordingly and a condition to that end be included as a condition of this approval.

Variance 6 requests a reduction in the minimum distance from the private road to the dwelling unit from 3.0 m to 1.2 m. The variance is requested to accommodate a visitor parking space on the private road adjacent to Unit 8. Staff are supportive of this variance as the portion of the road is intended for a visitor parking space, will not have adverse impacts on the surrounding area and will not significantly reduce the amenity space of the adjacent unit's lot.

## **Conclusion**

Staff is of the opinion that variances requested through application **A-114/18** (excluding Variance 3), are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's



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

**Prepared by:**

for   
Robertson Soosaar  
Student Planner

**Submitted by:**

for   
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 September 26/18 CofA Hearing, City of St. Catharines - Email 2

21 Lincoln  
192 Rykert

---

**From:** Doug Crown [mailto:Doug.Crown@cogeco.com]  
**Sent:** Friday, August 31, 2018 7:33 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 2

Good Morning Elaine  
Email 2  
Cogeco has no issues or concerns with this applications.  
Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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

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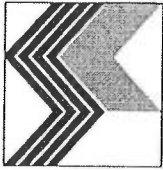
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## Memorandum

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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: September 11, 2018

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 26, 2018 hearing- File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-95/18	97 Moffat Street	-No Comment
A-109/18	95 Moffat Street	-No Comment
A-110/18	21 Lincoln Avenue	-No Comment
A-112/18	166 Russell Avenue	-No Comment
A-113/18	23 Lincoln Avenue	-No Comment
A-114/18	192 Rykert Street	-Be advised that a building permit is required for any proposed structures exceeding 10m <sup>2</sup> in building area (including pergolas). -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 the these yards.
A-115/18	10 Head Street	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.



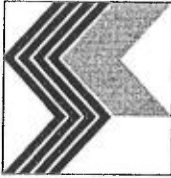
NO.	ADDRESS	COMMENTS
A-117/18	123 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-118/18	121 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-119/18	18A Merigold	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed 3 unit townhouse. dwelling.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2018\17 bcoa memo-mv-September 26, 2018.docx





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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** September 7, 2018  
**Subject:** Committee of Adjustment Hearing – Sept 26, 2018

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1. 97 Moffatt Street, Consent Application, B-60/18SC – 60.84.2203  
97 Moffatt Street, Minor Variance Application, A-95/18 – 60.81.5384  
95 Moffatt Street, Minor Variance Application, A-109/18 – 60.81.5398

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

2. 21 Lincoln Avenue, Consent Application, B-40/18SC – 60.84.2183  
21 Lincoln Avenue, Minor Variance Application, A-110/18 – 60.81.5399  
23 Lincoln Avenue, Minor Variance Application, A-113/18 – 60.81.5402



Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

3. 16 Prospect Avenue, Consent Application, B-68/18SC – 60.84.2211  
16 Prospect Avenue, Consent Application, B-69/18SC – 60.84.2212

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

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

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

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



4. 166 Russell Avenue, Minor Variance Application, A-112/18 –  
60.81.5401  
No comment.

5. 192 Rykert Street, Minor Variance Application, A-114/18 –  
60.81.5403  
No comment.

6. 10 Head Street, Minor Variance Application, A-115/18 – 60.81.5404  
No comment.

7. 121 Rykert Street, Consent Application, B-71/18SC – 60.84.2214  
121 Rykert Street, Minor Variance Application, A-117/18 –  
60.81.5406  
123 Rykert Street, Minor Variance Application, A-118/18 –  
60.81.5407

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

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

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

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

8. 18 Merigold Street, Consent Application, B-72/18SC – 60.84.2215  
18 Merigold Street, Consent Application, B-73/18SC – 60.84.2216  
18A Merigold Street, Minor Variance Application, A-119/18 –  
60.81.5408

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



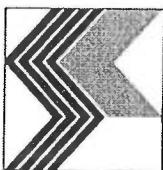
That the applicant submit a payment of \$451.40 for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees.

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

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

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





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## Memorandum

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

**Cc:** Kirstin Jensen, Planner I  
Jim Denham, Development Engineering Technologist

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

**Date:** September 14<sup>th</sup>, 2018

**Hearing Date:** September 26<sup>th</sup>, 2018

**Subject:** Engineering Comments Regarding Minor Variance applications for the following;  
97 & 95 Moffatt Street, A-95&109/18SC  
21 & 23 Lincoln Avenue, A-110&113/18SC  
166 Russell Avenue, A-112/18SC  
192 Rykert Street, A-114/18SC  
10 Head Street, A-115/18SC  
121-123 Rykert Street, A-117-118/18SC  
18A, 18B & 18C Merigold Street, A-119-121/18SC

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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;

**166 Russell Avenue, A-112/18SC:**

Development Engineering has concerns whether or not roof and surface drainage from the proposed parking spots can be achieved without negatively impacting the adjacent properties. A proposed grading plan for the rear yard identifying existing grades on the abutting property and existing and proposed grades on the subject property shall be prepared and certified by a qualified Engineer or Ontario Land Surveyor and be submitted to City Staff for review and approval prior to a Building permit being issued.

**10 Head Street, A-115/18SC:**

Considering Head Street is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0m, and although we recognize its current width is severely deficient at approximately 10.06m wide in accordance with Registrar's Compiled Plan 2, the City has decided an 18.0m right-of-way width is more acceptable in these instances. We require the proposed lot be redesigned to accommodate a future road widening of 3.97m and revise proposed building setbacks accordingly.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision do not have suitable drainage



outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Quite often, side yard drainage tends to conflict with proposed walkways, window wells and air conditioning units, as a result of building design. In order to ensure that drainage is adequately addressed, a Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff prior to Minor Variances being granted. The Grading & Drainage Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties. In addition, it shall take into consideration the design and function of the new buildings, proposed side yard walkways, landings, window wells, decks, etc. and the impact of these elements on the proposed lot drainage and existing neighbouring properties.

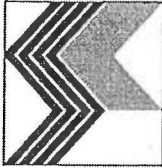
Prepared by:

A handwritten signature in black ink, appearing to be 'Brad Johnston', written over a light grey grid background.

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

BJ





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 7, 2018

**Subject:** Committee of Adjustment  
Public Hearings – September 26, 2018  
File No. 305-17-01

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### A-112/18 – 166 Russell Avenue

The proposed parking space adjacent to the building will be difficult to access due to the lack of maneuvering space. It shouldn't be counted towards the required parking for the site.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist  
SB/



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

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

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# **COMMENTS**

**A-115/18 (60.81.5404)**

**10 Head Street**

**DATE OF HEARING:**  
**September 26, 2018**





CITY OF  
ST. CATHARINES

## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** September 20, 2018

**Date of Meeting:** September 26, 2018

**Submission(s):** A-115/18

**File:** 60.81.5404

**Subject:** 10 Head Street

### Recommendation

That Submission **A-115/18** by Grigg & Associates Ltd. as outlined in the Notice of Hearing, be approved for each dwelling unit in the semi-detached dwelling, subject to the following condition being met:

- 1 A Grading and Drainage Plan be submitted, reviewed and approved by the City.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variance requested through application **A-115/18** 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. Staff recommends that the requested variance be approved for each dwelling unit in the proposed semi-detached dwelling, subject to the submission review and approval of a Grading and Drainage Plan to the satisfaction of the City.

### The Proposal

Application **A-115/18** has been made pertaining to the City of St. Catharines Zoning By-law 2013-283 for the following variances for the proposed construction of a semi-detached dwelling with interior accessory dwelling units in each semi:

1. A reduction of the minimum required front yard setback from 3 m to 2.4 m.
2. To permit stairs to the lower level to encroach into the required front yard from 1.2 m to 1.7 m.

### Location and Site Description

The subject lot is located on the southeast side of Head Street, southwest of Bond Street. The property is located in the Downtown planning district and is surrounded by a variety of commercial and residential properties.

### Circulation of Application

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



## **Planning Analysis**

### *Official Plan (Garden City Plan)*

The subject property is designated "Downtown" as per Schedule D1 of the Garden City Plan. The subject property is further designated Mixed Medium High Density Residential/Commercial as per Schedule E10 of the Garden City Plan. The Mixed Medium-High Density Residential/Commercial designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 60 and 198 units per hectare of land.

The subject property is also located within the Urban Growth Centre.

### *Zoning By-law (2013-283)*

The subject land is zoned Medium/High Density Mixed Use (M2-92). The M2 zone permits a variety of commercial, institutional and residential uses including detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings. The special provision (92) omits this area from certain parking requirements.

## **Report**

The City of St. Catharines Zoning By-law requires that the minimum front yard setback be 3.0 m. This is to ensure a balanced streetscape that is not overwhelmed by built form. Variance 1 requests a reduction of the front yard setback to 2.4 m for the proposed construction of a semi-detached dwelling.

It is of staff's opinion that Variance 1 will not negatively impact the streetscape and the surrounding area. The reduction in the front yard will help to facilitate the construction of a semi-detached dwelling on the subject property while maintaining the required rear yard and side yard setbacks. The reduction would set the proposed development back further from the sidewalk than the existing 1-storey dwelling on the property and is in keeping with the established building line of other medium density building on Head Street. Staff are of the opinion that the requested reduction is minor in nature, and in conformity with the Official Plan and general intent of the Zoning By-law, is desirable for the appropriate development of the land. Staff recommend Variance 1 to be approved.

The Zoning By-law permits a 1.2 m encroachment of a staircase into the required front yard. Variance 2 requests an increase from a 1.2 m to a 1.7 m encroachment into the required front yard, to accommodate two staircases for two separate basement accessory dwelling units.

The subject property is located in the Downtown district and is designated as Mixed Medium-High Density Residential/Commercial which permits between 60-198 units per hectare. The proposed 4-unit development will consist of a density of 175 units per hectare, which is in keeping with the suggested density for the area. The subject property also falls within the Downtown St. Catharines Urban Growth Centre (UGC), as outlined in the Provincial Growth Plan. The UGC is planned to focus significant



residential and employment growth within its boundaries. These mixed-use areas should be planned to include a variety of complimentary land uses, with an emphasis on medium and high-density development. It is staff's opinion that Variance 2 will facilitate 2 additional units being provided on this property, which was previously underutilized. The variance to permit the walkout stairs to be closer to the front lot line will not impact the streetscape or the surrounding area. Variance 2 is in conformity with the Official Plan and the general intent of the Zoning By-law, is desirable for the appropriate development of the land, and is minor in nature. Staff recommend Variance 2 to be approved.

The subject property has received a previous minor variance approval to permit the construction of a 3-storey, 6-unit residential building.

Variances 1 and 2 should be varied for "each" dwelling unit to enable the approval to be retained should the lot be severed into two lots, one for each dwelling unit, at some point in the future.

Building staff have advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m<sup>2</sup> in building area; that a building permit is required for the proposed semi-detached dwelling; and, that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards.

The City's Development Engineering Services division have stated that Head Street is a local road as per the City's Official Plan, with a desired right-of-way width of 20 metres. The current width of the street is deficient at 10.06 metres. Staff has requested that the proposed lot be redesigned to accommodate a future road widening of 3.97 metres and that the proposed building setbacks be revised accordingly. Planning staff are aware that this site has previously undergone a minor variance application as well as a site plan control submission, and the deficiency in road width was not identified at either of those instances of planning application. As well the buildings on Head Street sit very close to the front property line making the any road upgrades requiring a wider road right of way, highly unlikely. Therefore, staff are of the opinion that it is not reasonable to require a road widening in this instance.

The applicant should further be aware that increased drainage challenges occur in these types of in-fill lot developments, where existing lots may not have suitable drainage outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Since yard reductions are being requested in this application, and since section 45(9) of the Planning Act grants the Committee the authority to impose conditions to a minor variance application, staff is recommending a condition to the minor variance be approved to ensue adequate drainage. A Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff as a condition to be met prior to Minor Variance taking full effect. The Grading & Drainage Plan shall be prepared by an



Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. The applicant should be aware the final approval of the severance is based on the final approval by the City of the required Grading and Drainage Plan.

## **Conclusion**

Staff is of the opinion that application **A-115/18** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved, subject to conditions.

### **Prepared by:**

  
Robertson Soosaar  
Student Planner

### **Submitted by:**

  
Kirstin Jensen  
Planner I

### **Approved by:**

  
Judy Pihach, MCIP, RPP  
Manager of Planning Services



**Munro, Elaine**

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**Subject:** RE: Site Plan Control - 10 Head Street - MTO comments

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**From:** Boucetta, Alexandra (MTO) [mailto:Alexandra.Boucetta@ontario.ca]  
**Sent:** Monday, September 17, 2018 2:23 PM  
**To:** McEwan, Charlotte <cmcewan@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>  
**Cc:** Polus, Asia (MTO) <Asia.Polus@ontario.ca>;  
**Subject:** Site Plan Control - 10 Head Street - MTO comments

**Re: 10 Head Street  
St. Catharines**

Good afternoon Charlotte and Elaine,

Thank you for circulating the minor variances application to MTO. I reviewed the updated site plan for the above noted development on subject land.  
Please note that MTO drainage requirements are still applicable as per the email below. Let me know if municipality still requires a site plan application.

Do not hesitate to contact me if you have any questions.

Kindest Regards,

*Alexandra Boucetta*

*Corridor Management Officer – Niagara Region*

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**From:** Boucetta, Alexandra (MTO)  
**Sent:** April 11, 2018 3:02 PM  
**To:** McEwan, Charlotte  
**Cc:** Polus, Asia (MTO);  
**Subject:** RE: Request for comments: Site Plan Control - 10 Head Street - MTO comments

Hi Charlotte,

Below are the comments from our drainage department concerning subject property:  
MTO requires post to pre development quantity control of 5, 10, 25, 50 and 100 year storm events. This is to ensure that the proposed development will not impact MTO's drainage system. In previous email this assessment was asked for by MTO. Response provided by Engineer in attached letter indicate that there is no impact on MTO's drainage system as all uncontrolled flows outlet into tricell culvert under Highway 406 which connects Welland Canal. I believe MTO's drainage system also outlets into this culvert and any additional flows from the proposed development could surcharge in MTO's land and adjacent properties? Provide a sketch indicating major flow route and outlet from the proposed development to culvert under Highway 406.

Please do not hesitate to contact me should you have any questions or concern.

Kindest Regards,

*Alexandra Boucetta*

*Corridor Management Officer – Niagara Region*



September 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# 60.81.5404

**Re: 10 Head St**

In response to your correspondence dated September 4, 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:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ [www.alectrautilities.com](http://www.alectrautilities.com).
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

**Alectra Utilities Corporation**

PO Box 2249 Station LCD 1, Hamilton, ON L8N 3E4

Hamilton 905 522 9200 | St. Catharines 905 984 8961 | tf 1 866 458 1236

[alectrautilities.com](http://alectrautilities.com)



- 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

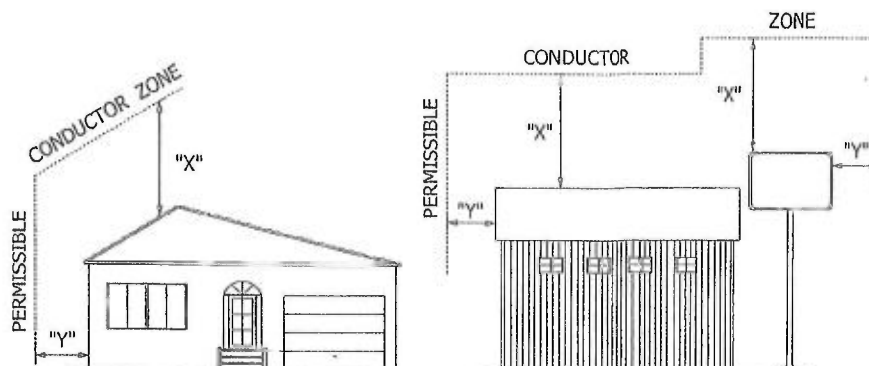
We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,



Mark Jakubowski  
Supervisor, Design, Customer Capital





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

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

\* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.

**horizon**  
UTILITIES *Looking beyond...*

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

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

REFERENCE DRAWINGS:

DRAWINGS  
NOT TO SCALE

DRAWING #

3-105

SHEET #

1

REVISION #

0



**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 3

16 Prospect  
10 Head St.

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**From:** Doug Crown [mailto:Doug.Crown@cogeco.com]  
**Sent:** Friday, August 31, 2018 7:34 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 3

Good Morning Elaine  
Email 3  
Cogeco has no issues or concerns with this applications.  
Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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

7170 Mcleod Rd  
Niagara Falls Ont Canada



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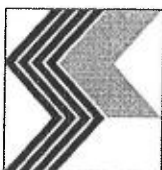
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## Memorandum

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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: September 11, 2018

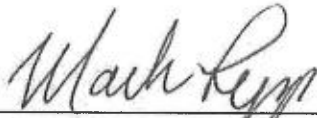
Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 26, 2018 hearing- File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-95/18	97 Moffat Street	-No Comment
A-109/18	95 Moffat Street	-No Comment
A-110/18	21 Lincoln Avenue	-No Comment
A-112/18	166 Russell Avenue	-No Comment
A-113/18	23 Lincoln Avenue	-No Comment
A-114/18	192 Rykert Street	-Be advised that a building permit is required for any proposed structures exceeding 10m <sup>2</sup> in building area (including pergolas). -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 the these yards.
A-115/18	10 Head Street	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.



NO.	ADDRESS	COMMENTS
A-117/18	123 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-118/18	121 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-119/18	18A Merigold	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed 3 unit townhouse. dwelling.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\17 bcoa memo-mv-September 26, 2018.docx





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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** September 7, 2018  
**Subject:** Committee of Adjustment Hearing – Sept 26, 2018

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1. 97 Moffatt Street, Consent Application, B-60/18SC – 60.84.2203  
97 Moffatt Street, Minor Variance Application, A-95/18 – 60.81.5384  
95 Moffatt Street, Minor Variance Application, A-109/18 – 60.81.5398

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

2. 21 Lincoln Avenue, Consent Application, B-40/18SC – 60.84.2183  
21 Lincoln Avenue, Minor Variance Application, A-110/18 – 60.81.5399  
23 Lincoln Avenue, Minor Variance Application, A-113/18 – 60.81.5402



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

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3. 16 Prospect Avenue, Consent Application, B-68/18SC – 60.84.2211  
16 Prospect Avenue, Consent Application, B-69/18SC – 60.84.2212

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

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

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4. 166 Russell Avenue, Minor Variance Application, A-112/18 –  
60.81.5401  
No comment.

5. 192 Rykert Street, Minor Variance Application, A-114/18 –  
60.81.5403  
No comment.

6. 10 Head Street, Minor Variance Application, A-115/18 – 60.81.5404  
No comment.

7. 121 Rykert Street, Consent Application, B-71/18SC – 60.84.2214  
121 Rykert Street, Minor Variance Application, A-117/18 –  
60.81.5406  
123 Rykert Street, Minor Variance Application, A-118/18 –  
60.81.5407

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

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8. 18 Merigold Street, Consent Application, B-72/18SC – 60.84.2215  
18 Merigold Street, Consent Application, B-73/18SC – 60.84.2216  
18A Merigold Street, Minor Variance Application, A-119/18 –  
60.81.5408

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



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





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## Memorandum

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

**Cc:** Kirstin Jensen, Planner I  
Jim Denham, Development Engineering Technologist

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

**Date:** September 14<sup>th</sup>, 2018

**Hearing Date:** September 26<sup>th</sup>, 2018

**Subject:** Engineering Comments Regarding Minor Variance applications for the following;  
97 & 95 Moffatt Street, A-95&109/18SC  
21 & 23 Lincoln Avenue, A-110&113/18SC  
166 Russell Avenue, A-112/18SC  
192 Rykert Street, A-114/18SC  
10 Head Street, A-115/18SC  
121-123 Rykert Street, A-117-118/18SC  
18A, 18B & 18C Merigold Street, A-119-121/18SC

---

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;

**166 Russell Avenue, A-112/18SC:**

Development Engineering has concerns whether or not roof and surface drainage from the proposed parking spots can be achieved without negatively impacting the adjacent properties. A proposed grading plan for the rear yard identifying existing grades on the abutting property and existing and proposed grades on the subject property shall be prepared and certified by a qualified Engineer or Ontario Land Surveyor and be submitted to City Staff for review and approval prior to a Building permit being issued.

**10 Head Street, A-115/18SC:**

Considering Head Street is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0m, and although we recognize its current width is severely deficient at approximately 10.06m wide in accordance with Registrar's Compiled Plan 2, the City has decided an 18.0m right-of-way width is more acceptable in these instances. We require the proposed lot be redesigned to accommodate a future road widening of 3.97m and revise proposed building setbacks accordingly.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision do not have suitable drainage



outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Quite often, side yard drainage tends to conflict with proposed walkways, window wells and air conditioning units, as a result of building design. In order to ensure that drainage is adequately addressed, a Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff prior to Minor Variances being granted. The Grading & Drainage Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties. In addition, it shall take into consideration the design and function of the new buildings, proposed side yard walkways, landings, window wells, decks, etc. and the impact of these elements on the proposed lot drainage and existing neighbouring properties.

Prepared by:

A handwritten signature in black ink, appearing to be 'BJ' with a stylized flourish.

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

BJ





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 7, 2018

**Subject:** Committee of Adjustment  
Public Hearings – September 26, 2018  
File No. 305-17-01

---

### A-112/18 – 166 Russell Avenue

The proposed parking space adjacent to the building will be difficult to access due to the lack of maneuvering space. It shouldn't be counted towards the required parking for the site.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist  
SB/



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

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

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# **COMMENTS**

**B-71/18SC (60.84.2214)**

**A-117/18 (60.81.5406)**

**A-118/18 (60.81.5407)**

**121 & 123 Rykert Street**

**DATE OF HEARING:**

**September 26, 2018**



September 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# 60.84.2214, 60.81.5407 & 60.81.5406

Re: 121 & 123 Rykert St

In response to your correspondence dated September 4, 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:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ [www.alectrautilities.com](http://www.alectrautilities.com).
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.
- Existing overhead secondary service to 125 Rykert St will be in conflict with proposed new municipal address lots and will have to be relocated prior to construction of 121 & 123 Rykert St.

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,



Mark Jakubowski  
Supervisor, Design, Customer Capital



## Munro, Elaine

---

**From:** Hall, Charleyne <charleyne.hall@bell.ca>  
**Sent:** Friday, August 31, 2018 10:27 AM  
**To:** Munro, Elaine  
**Subject:** 905-18-373 - Consent Application B-71/18SC - 121 Rykert Street

Good morning Elaine,

Bell Canada has no concerns with Application for Consent B-71/18SC regarding 121 Rykert Street; however, we would like to note that we have many facilities in the road allowance that the property owner (or any potential builder) should be aware of. If relocation of these facilities is necessary, construction costs will be at the property owners expense.

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](mailto:charleyne.hall@bell.ca)

**Bell**

140 Bayfield St. Floor 2  
Barrie Ontario  
L4M 3B1

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



**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 4

121 Rykert St.

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

**Sent:** Friday, August 31, 2018 7:39 AM

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

**Subject:** RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines - Email 4

Good Morning Elaine

Email 4

Cogeco has no issues or concerns with this applications.

Thanks

I will have a great extended long weekend as I will be off the rest of the week too.

Hope you enjoy this weekend too.

Talk soon

Doug Crown

Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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

7170 Mcleod Rd  
Niagara Falls Ont Canada



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





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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Cassie Sauer  
Planning and Building Services

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

Date: September 11, 2018

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – September 26, 2018 hearing - File No.: 300-036**

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**B-40/18SC – 21 Lincoln Avenue**

Comment:

- Be advised that a building permit is required for the proposed dwelling on Part 2.

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 east face of the existing dwelling on Part 1.
- Existing shed on Part 2 to be removed. A demolition permit is required if it exceeds 10m<sup>2</sup> in building area.

**B-60/18SC – 97 Moffat Street**

Comment:

- Be advised that a building permit is required for each of the proposed dwellings on Part 1 and Part 2.

Condition:

- The existing single detached dwelling and detached garage are to be demolished.

**B-68/18SC – 16 Prospect Avenue**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment



**B-69/18SC – 16 Prospect Avenue**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment

**B-71/18SC – 121 Rykert Street**

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, and 2.

Condition:

- The existing dwelling and detached garage shall be removed. Separate demolition permits are required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

**B-72/18SC – 18 Merigold Street**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- The existing dwelling and detached garage shall be removed. A demolition permit is required for the existing dwelling and for the shed if its area exceeds 10 square metres in building area. Demolition permits shall be completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

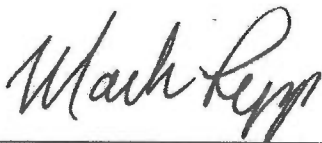
**B-73/18SC – 18 Merigold Street**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment

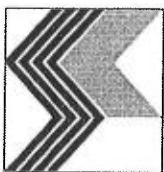


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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## Memorandum

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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: September 11, 2018

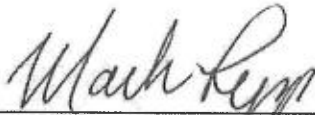
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**Minor Variance – September 26, 2018 hearing- File No.: 300-010**

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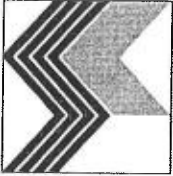
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Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2018\17 bcoa memo-mv-September 26, 2018.docx





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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** September 7, 2018  
**Subject:** Committee of Adjustment Hearing – Sept 26, 2018

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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.

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

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

3. 16 Prospect Avenue, Consent Application, B-68/18SC – 60.84.2211  
16 Prospect Avenue, Consent Application, B-69/18SC – 60.84.2212

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

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

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

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



4. 166 Russell Avenue, Minor Variance Application, A-112/18 –  
60.81.5401  
No comment.

5. 192 Rykert Street, Minor Variance Application, A-114/18 –  
60.81.5403  
No comment.

6. 10 Head Street, Minor Variance Application, A-115/18 – 60.81.5404  
No comment.

7. 121 Rykert Street, Consent Application, B-71/18SC – 60.84.2214  
121 Rykert Street, Minor Variance Application, A-117/18 –  
60.81.5406  
123 Rykert Street, Minor Variance Application, A-118/18 –  
60.81.5407

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

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

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

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

8. 18 Merigold Street, Consent Application, B-72/18SC – 60.84.2215  
18 Merigold Street, Consent Application, B-73/18SC – 60.84.2216  
18A Merigold Street, Minor Variance Application, A-119/18 –  
60.81.5408

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of **each** 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.

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

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

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



**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-71/18SC**



September 14, 2018

**ENGINEERING FILE 300-36**

**Hearing Date:** September 26, 2018

**Owner:** 2575115 Ontario Inc.

**Location:** 121 Rykert Street

**MUNICIPAL SERVICES**

**Rykert Street**

**Water:** 200mm (8") P.V.C.

**Sanitary Sewer:** 200mm (8") A.C.

**Storm Sewer:** 1050mm (36") Concrete

**Sidewalks:** None

**Existing Road Allowance Width:** +/-18.0m

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

**Comment(s):** It is noted that the applicant wishes to sever Part 1 on the attached sketch creating a new lot to be known as 123 Rykert Street for the purposes of constructing a semi-detached dwelling. A remnant parcel (Part 2) will be retained for the other half of the semi-detached dwelling.

**Roads**

Rykert Street is currently designated a local Collector road per the City's Official Plan, with a desired right-of-way width of 20.0m (66'). The City has previously taken 0.91m (3') widenings along Rykert Street, therefore the City shall require a 0.91m (3') road widening along the Applicant frontage, in accordance with Parts 7 & 8 Plan 30R-8591 to be dedicated gratuitously, free and clear of any encumbrances as Public Highway to be known as Rykert Street.

**Municipal Services**

A sidewalk shall be required along the entire frontage length at a 1.5m width to the satisfaction of the City. A cash deposit for the future 1.50m wide concrete sidewalk has been made by the applicant to guarantee its required construction through the neighbouring condominium development process.

The Owner shall pay a fee to have City crews locate and trace the existing water service and sanitary sewer lateral from the existing dwelling to ensure they do not cross future property lines or existing abutting property lines. The size and condition of the existing services shall also be confirmed at that time to determine suitability for reuse. The fee charged for this investigation shall be in accordance with the City's current Schedule of Rates & Fees and payment shall be made as a condition of severance.

Any sewer laterals or water services that are identified to outlet across future or abutting property lines shall be addressed via termination and/or relocation to ensure separate independent services exist for each lot. Any relocation works shall be carried



out prior to finalization of the severance. Such work within the right-of-way shall be carried out by City Crews at the Owner's expense. If additional works to relocate the sewer laterals or water services are required on private property those works shall be completed by the Owner through a Plumbing Only Permit application, also at the Owner's expense.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision do not have suitable drainage outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Quite often, side yard drainage tends to conflict with proposed walkways, window wells and air conditioning units, as a result of building design. In order to ensure that drainage is adequately addressed, a Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff prior to the finalization of the severance. The Grading & Drainage Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties. In addition, it shall take into consideration the design and function of the new buildings, proposed side yard walkways, landings, window wells, decks, etc. and the impact of these elements on the proposed lot drainage and existing neighbouring properties.

Subsequently to the above comments, sump pump flows typically discharge to grade when no opportunities to connect to a storm sewer in the road allowance exist. Since storm sewers do exist along Rykert Street fronting the subject lands, foundation weeping tile flows shall be collected and discharged via sump pump to a storm lateral for each unit. The Owner shall be responsible to pay the City the fees to install the additional water, sanitary and storm sewer laterals required for the units, through the building permit process. The fees shall be in accordance with the City's current Schedule of Rates and Fees.

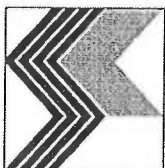
**CONDITION (s):** Prior to the finalization of this severance the Owner shall;

- Pay to the City the fee to locate and trace the existing water service and sanitary sewer lateral to the existing home to ensure they do not cross any future lot lines; and
- Pay to have City crews relocate, if necessary, any existing sewer laterals or water services within the right-of-way identified to cross future and/or abutting property lines; and
- Prepare a draft reference plan for the City's review and approval identifying the proposed parts to be dedicated to the City as Public Highway known as Rykert Street; and
- Dedicate to the City free and clear of any encumbrances a 0.90m (3') road widening to be declared as Public Highway known as Rykert Street;
- Submit for review and approval, a Grading & Drainage Plan prepared by an Ontario Land Surveyor or Professional Engineer identifying the above noted items to the satisfaction of the City Engineer

Prepared By:

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





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## Memorandum

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

**Cc:** Kirstin Jensen, Planner I  
Jim Denham, Development Engineering Technologist

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

**Date:** September 14<sup>th</sup>, 2018

**Hearing Date:** September 26<sup>th</sup>, 2018

**Subject:** Engineering Comments Regarding Minor Variance applications for the following;  
97 & 95 Moffatt Street, A-95&109/18SC  
21 & 23 Lincoln Avenue, A-110&113/18SC  
166 Russell Avenue, A-112/18SC  
192 Rykert Street, A-114/18SC  
10 Head Street, A-115/18SC  
121-123 Rykert Street, A-117-118/18SC  
18A, 18B & 18C Merigold Street, A-119-121/18SC

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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;

**166 Russell Avenue, A-112/18SC:**

Development Engineering has concerns whether or not roof and surface drainage from the proposed parking spots can be achieved without negatively impacting the adjacent properties. A proposed grading plan for the rear yard identifying existing grades on the abutting property and existing and proposed grades on the subject property shall be prepared and certified by a qualified Engineer or Ontario Land Surveyor and be submitted to City Staff for review and approval prior to a Building permit being issued.

**10 Head Street, A-115/18SC:**

Considering Head Street is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0m, and although we recognize its current width is severely deficient at approximately 10.06m wide in accordance with Registrar's Compiled Plan 2, the City has decided an 18.0m right-of-way width is more acceptable in these instances. We require the proposed lot be redesigned to accommodate a future road widening of 3.97m and revise proposed building setbacks accordingly.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision do not have suitable drainage



outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Quite often, side yard drainage tends to conflict with proposed walkways, window wells and air conditioning units, as a result of building design. In order to ensure that drainage is adequately addressed, a Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff prior to Minor Variances being granted. The Grading & Drainage Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties. In addition, it shall take into consideration the design and function of the new buildings, proposed side yard walkways, landings, window wells, decks, etc. and the impact of these elements on the proposed lot drainage and existing neighbouring properties.

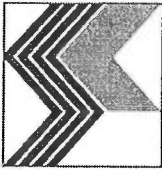
Prepared by:

A handwritten signature in black ink, appearing to be 'Brad Johnston', written over a light grey grid background.

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

BJ





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 7, 2018

**Subject:** Committee of Adjustment  
Public Hearings – September 26, 2018  
File No. 305-17-01

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### A-112/18 – 166 Russell Avenue

The proposed parking space adjacent to the building will be difficult to access due to the lack of maneuvering space. It shouldn't be counted towards the required parking for the site.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist  
SB/



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

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

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# **COMMENTS**

**B-72/18SC (60.84.2215)**

**B-73/18SC (60.84.2216)**

**A-119/18 (60.81.5408)**

**18 & 18A Merigold Street**

**DATE OF HEARING:**  
**September 26, 2018**





CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** September 20, 2018

**Date of Meeting:** September 26, 2018

**Submission(s):** B-72/18SC  
B-73/18SC  
A-119/18

**File:** 60.84.2215  
60.84.2216  
60.81.5408

**Subject:** 18 Merigold Street  
18 Merigold Street  
18A Merigold Street

### Recommendation

That Submissions **B-72/18SC** and **B-73/18SC** by 2494551 Ontario Inc., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands (Parts 1, 2 and 3), to address the following conditions:
  - a. Building Permit Plans be subject to review and approval by PBS demonstrating:
    - i. That the dwelling units have staggered setbacks from the front lot line, increasing in setback adjacent to the park, in order to reduce the bulk/mass of the structure and improve views of the park; and,
    - ii. That the end wall facing Lincoln Park (Part 3 only) include enhanced architectural detailing, including larger windows and materials that are consistent with the front façade of the dwelling unit on Part 3.
    - iii. That the building permit issued is generally in accordance with the front elevation plans submitted with the application.
2. In accordance with section 69 (2) of the Planning Act (Reduction or Waiver of Fees), the standard fee for a Development Agreement be reduced from \$2457.85 (2018 fees) to \$500.00 since it would be unreasonable to require payment in accordance with the standard fee. A fee associated with the registration of the Development Agreement is still required;
3. That the applicant submits a payment of \$902.80 (\$451.40 per new lot) for deposit in the general tree planting reserve fund, in accordance with the 2018 Schedule of Rates and Fees;



4. That payment of 5% of the appraised value of the new lots (Parts 2 and 3) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given', and that the appraisal be completed by a qualified appraiser;
5. Pay the fee for City crews to locate the existing sewer and water services;
6. If the sewer lateral and/or water service crosses any future side property lines, all relocation works shall be completed and paid for to the satisfaction of the City Engineer;
7. That the Owner submits, for review and approval, a Grading & Drainage Plan, prepared by an Ontario Land Surveyor or Professional Engineer, ensuring that drainage is adequately addressed, and identify existing grades on the subject property, sufficient grades on abutting lots, and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties, as well as discharge locations for sump pump flows, to the satisfaction of the City Engineer; and,
8. The existing dwelling and detached garage shall be removed. A demolition permit is required for the existing dwelling and for the shed if its area exceeds 10 square metres in building area. Demolition permits shall be completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

That Submission **A-119/18** by 2494551 Ontario Inc., as outlined in the Notice of Hearing, be approved.

## Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that applications **B-72/18SC** and **B-73/18SC** are desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties.

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variance requested through application **A-119/18** 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.

Staff recommends that the requested variance and consent applications be approved.

## Proposed Development



Application **B-72/18SC** is made for a consent to sever 197 m<sup>2</sup> of land (Part 2 on the submitted sketch) to be known as 18B Merigold Street for the proposed construction of a three-unit townhouse. A 536.43 m<sup>2</sup> remnant parcel (Part 1) of the proposed 3-unit townhouse is to be retained for future residential use. The application would allow each unit of the 3-unit townhouse to be owned and/or sold separately. There is a concurrent consent application **B-73/18SC** and minor variance **A-119/18**.

Application **B-73/18SC** is made for a consent to sever 232.74 m<sup>2</sup> of land (Part 3 on the submitted sketch) to be known as 18C Merigold Street for the proposed construction of a three-unit townhouse. A 733.83 m<sup>2</sup> remnant parcel (Parts 1 & 2) of the proposed 3-unit townhouse is to be retained for future residential use. The application would allow each unit of the 3-unit townhouse to be owned and/or sold separately. There is a concurrent consent application **B-72/18SC**.

Application **A-119/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283 for an increase in maximum lot area per dwelling unit from 250m<sup>2</sup> to 536.43m<sup>2</sup> for Part 1 to facilitate the concurrent consent applications **B-72/18SC** & **B-73/18SC**.

## Location and Site Description

Lot 1842 of Corporation Plan No. 2 is located on the west side of Merigold Street, north of Chetwood Street. Lincoln Park is located directly south of the subject property. The surrounding area consists of a combination of single detached houses, commercial and industrial properties.

## 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. The subject property is further designated Mixed Use 1 within the GO Transit Station Secondary Plan (GTSSP), as per schedule E6/7 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. Permitted uses in the Mixed Use 1 designation include triplex, fourplex, townhouse and apartment dwellings as well as retail, service commercial, office, institutional, indoor recreation and community and cultural facilities.

### *Zoning By-law (2013-283)*



The subject property is zoned Medium Density Mixed Use (M1). The M1 zone permits a variety of dwelling types including triplex, fourplex, townhouse and apartment dwellings, as well as commercial, institutional and recreational uses.

## Report

### *Consent*

Part F, Section 16.11.3 of the GCP states that consents to sever will only be given where they contribute to the infilling of area that are already substantially developed and the size and shape of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

The proposed lots brought forth in applications **B-72/18SC** and **B-73/18SC** are appropriate in size to accommodate three townhouse units. Part 2 (197 m<sup>2</sup>), to be known as 18B Merigold Street, is intended for Unit 2 of a three-unit townhouse. A 536.43 m<sup>2</sup> remnant parcel (Part 1) of the proposed 3-unit townhouse is to be retained for future residential use (Unit 1). Part 3 (232.74 m<sup>2</sup>), to be known as 18C Merigold Street, is intended for Unit 3 of the three-unit townhouse. Lots in the surrounding vicinity vary in area and shape. The proposed parcels, Parts 2 and 3, are slightly smaller in size than nearby lots in the immediate vicinity; however, consents of a similar nature for townhouse uses are becoming increasingly more common in this neighbourhood and as such, the new dwellings are expected to achieve a measure of compatibility with the surrounding area.

The City's Official Plan has identified priority areas for intensification. These areas have been established to attract a significant portion of population growth. The subject property is located directly adjacent to an identified intensification area. The subject lands are located in a transit supportive environment with a transit stop within 150 m of the proposal. The subject property is located in an appropriate area to accommodate infill development of this nature.

Section 7.1(j) of the GCP states that land assembly and configuration should not detract from the potential development or redevelopment on adjacent properties, or create isolated parcels which may otherwise have future development or redevelopment potential. Staff are in support of the irregular shaped parcel (flag shaped lot) as proposed for Part 1, as it retains the future opportunity for merging with a large abutting parcel to the north and west, maximizing development potential of that abutting lot. If the subject lot were to be severed into three equal parts, the result would limit future development potential of the subject lot and would not be in line with the intent of the Garden City Plan for this neighbourhood.

Applications **B-72/18SC** and **B-73/18SC** both demonstrate severances that are compatible with the existing conditions in the surrounding area in terms of lot size, use, and proposed development. The creation of Parts 1, 2, and 3 is consistent with the existing context of the surrounding area and is in keeping with the general intent and



purposes of the Official Plan. Staff recommend approval of both consent applications **B-72/18SC & B-73/18SC**.

The City's Development Engineering staff have advised that increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision do not have suitable drainage outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Quite often, side yard drainage tends to conflict with proposed walkways, window wells and air conditioning units, as a result of building design. In order to ensure that drainage is adequately addressed, a Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff prior to the finalization of the severance. Similarly, sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does exist on Merigold Street, sump pump flows shall be discharged to individual storm laterals to be provided for each of the townhouse units. The Owner shall pay the fee to have City forces install the portion of the laterals within the Merigold Street road allowance. These fees will be paid at the time of issuance of the building permit(s) and the Applicant shall be responsible to install the portion of the storm lateral on private property.

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 \$902.80 (\$451.40 per new lot) 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)*

Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Council further directed that the City routinely require Development Agreements to be registered on title as a condition of consent applications to address conditions for future development design. Staff may recommend conditions of consent approval including a Development Agreement, to implement the advice of the DRP and other City or agency considerations.

The application as originally proposed was submitted to the DRP for review at the meeting of July 31, 2018. The DRP considered a proposal to demolish the existing home and to sever the property into three parts for three two-storey townhouse units. The DRP noted that the proposed unit width and driveway width for the middle unit would not conform to the City's zoning by-law, nor would the lot area for each of the three lots. The DRP expressed general support for the proposal and discussed the merits of staggering the unit setbacks in order to reduce building bulk and to improve views into the adjacent park. Staggering the units may also improve privacy for the proposed decks and porches. The DRP also discussed the potential merits of reducing the side yard adjacent to the park in order to widen the middle unit as well as the possible removal of the garage for the middle unit.



As a result of further consultation with City staff, the applicant has revised the configuration of the lots in order to maximize development potential. The submission includes a reconfiguration of the lotting pattern, from that which was presented to the DRP, such that development potential for surplus rear yard is retained with Part 1. The flag lot configuration of Part 1 preserves the option of merging surplus rear lands with an abutting parcel to the north and west, should those lands redevelop at some point in the future.

It is staff's opinion that a Development Agreement, registered on title to Parts 1, 2 & 3, is required to address the improvements recommended by the DRP, namely the staggering of the front facades of each dwelling unit, ensuring the end wall of the unit abutting Lincoln Park includes architectural detailing, larger windows and materials that are consistent with the front façade of the end unit (for Part 3 only) and that building permits issued are generally in accordance with the front elevation plans submitted with this application.

The Committee should be aware that they have the authority under the Planning Act to waive fees where it would be unreasonable to charge the standard fee. A Development Agreement as a condition of consent, to ensure the new lots develop generally in accordance with the plans submitted with the application, and in accordance with the recommendations of the DRP, provides the applicable law necessary to bind the plans submitted with this application to the issuance of a building permit. The Development Agreement fee, as approved in the Tariff of Fees approved by Council for 2018, a fee of \$2,457.85, is considered unreasonable and excessive in this context. Accordingly, staff is recommending the Committee reduce the Development Agreement fee to \$500.00 to better reflect the costs of processing a Development Agreement as a condition of these applications.

#### *Variance*

Zoning By-law 2013-283 permits a maximum of 250 m<sup>2</sup> of lot area per dwelling unit for a townhouse unit. This is to achieve appropriate and efficient use of land. Part 1 of the proposed development is 536.43m<sup>2</sup>, which exceeds the maximum area permitted per dwelling unit. A minor variance is required to facilitate the concurrent consent applications **B-72/18SC & B-73/18SC**.

Application **A-119/18** to permit a maximum lot area of 536.43 m<sup>2</sup> is compatible with the prevailing character of the neighbourhood and will not detract from the streetscape. The request for a larger parcel on Part 1 is a result of the future development potential of the adjacent site to the west, which could include a consequent severance of the rear portion of Part 1 plus a lot addition to the adjacent site. The size of the lot provides for an optimum opportunity for development of the subject and adjacent parcels of land, which supports the City's Official Plan policies for residential infill and intensification and is an efficient use of the subject land. It is staff's opinion that this application is in conformity with the Official Plan and Zoning By-law, is desirable for the appropriate development of the land, and will have no measurable adverse impacts on the surrounding area. Staff recommend approval of the application for a minor variance (**A-119/18**).



## Conclusion

Staff is of the opinion that applications **B-72/18SC** & **B-73/18SC** are compatible with the surrounding area, the policies and provisions of the Zoning By-law and Official Plan, and will have no potential adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consents to sever be approved, subject to the conditions listed in the recommendation.

Staff is of the opinion that application **A-119/18** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

### Prepared by:

  
for Robertson Soosaar  
Student Planner

### Submitted by:

  
for Kirstin Jensen  
Planner I

### Approved by:

  
Judy Pihach, MCIP, RPP  
Manager of Planning Services



September 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# 60.84.2215, 60.84.2216 & 60.81.5408

Re: 18 & 18A Merigold St

In response to your correspondence dated September 6, 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:

- For Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-521-4907.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

**Alectra Utilities Corporation**

PO Box 2249 Station LCD 1, Hamilton, ON L8N 3E4

Hamilton 905 522 9200 | St. Catharines 905 984 8961 | tf 1 866 458 1236

[alectrautilities.com](http://alectrautilities.com)



- 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

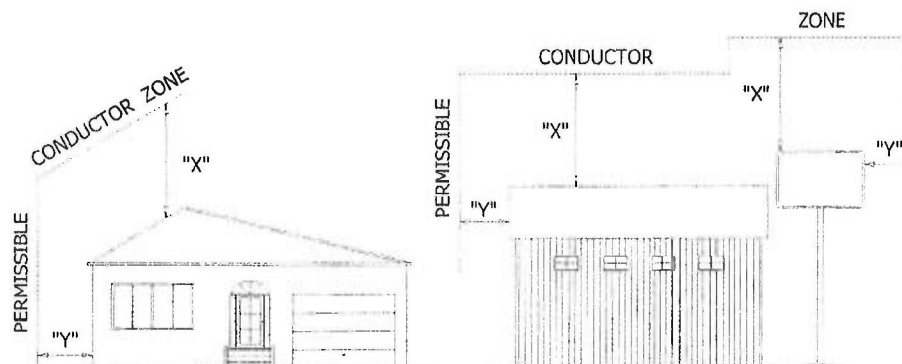
We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-522-6611 ext: 4729 in our Engineering Design Department.

Sincerely,



Mark Jakubowski  
Supervisor, Design, Customer Capital





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

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

\* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE, TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.

**horizon**  
UTILITIES *Looking beyond...*

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

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

REFERENCE DRAWINGS:

DRAWING #  
**3-105**

DRAWINGS NOT TO SCALE

SHEET #	REVISION #
1	0



## Munro, Elaine

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**From:** Hall, Charleyne <charleyne.hall@bell.ca>  
**Sent:** Monday, September 17, 2018 11:25 AM  
**To:** Munro, Elaine  
**Subject:** 905-18-380 - Consent Application B72/18 and B73/18 - 18 Merigold Street

Good morning Elaine,

Bell Canada has no concerns with Applications for Consent B72/18 and B73/18 regarding 18 Merigold Street.

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](mailto:charleyne.hall@bell.ca)

**Bell**

140 Bayfield St. Floor 2  
Barrie Ontario  
L4M 3B1

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



**Munro, Elaine**

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**Subject:** Cogeco Comments - 18 Merigold

18 Merigold

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**From:** Doug Crown [mailto:Doug.Crown@cogeco.com]  
**Sent:** Monday, September 10, 2018 2:34 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Last Applications - 18 Merigold RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines

Hi Elaine  
Cogeco has no issues or concerns with the adjustment notices  
Thanks

Doug Crown  
Network Planning Department

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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

7170 Mcleod Rd  
Niagara Falls Ont Canada



Ce courriel provient de [Doug.Crown@cogeco.com](mailto: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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**Munro, Elaine**

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**Subject:** RE: Another Application - 18 Merigold RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines

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**From:** Susanne Glenn-Rigny [mailto:Susanne.Glenn-Rigny@cn.ca] **On Behalf Of** Proximity  
**Sent:** Friday, September 07, 2018 8:54 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** RE: Another Application - 18 Merigold RE: Committee of Adjustment Notices and Applications for the September 26/18 CofA Hearing, City of St. Catharines

Good morning Elaine,

Thank you for circulating CN Rail on the application for 18 Merigold.

This project is within the 300 meter proximity where we normally request a development agreement and environmental easement for noise. However, given the size of the project and the amount of residential development in the area, we will not require these for this project.

We have no comments on this project.

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](mailto:susanne.glenn-rigny@cn.ca)

**Precision Railroading:** Doing it well and always improving





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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Cassie Sauer  
Planning and Building Services

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

Date: September 11, 2018

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – September 26, 2018 hearing - File No.: 300-036**

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**B-40/18SC – 21 Lincoln Avenue**

Comment:

- Be advised that a building permit is required for the proposed dwelling on Part 2.

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 east face of the existing dwelling on Part 1.
- Existing shed on Part 2 to be removed. A demolition permit is required if it exceeds 10m<sup>2</sup> in building area.

**B-60/18SC – 97 Moffat Street**

Comment:

- Be advised that a building permit is required for each of the proposed dwellings on Part 1 and Part 2.

Condition:

- The existing single detached dwelling and detached garage are to be demolished.

**B-68/18SC – 16 Prospect Avenue**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment



**B-69/18SC – 16 Prospect Avenue**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment

**B-71/18SC – 121 Rykert Street**

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, and 2.

Condition:

- The existing dwelling and detached garage shall be removed. Separate demolition permits are required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

**B-72/18SC – 18 Merigold Street**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- The existing dwelling and detached garage shall be removed. A demolition permit is required for the existing dwelling and for the shed if its area exceeds 10 square metres in building area. Demolition permits shall be completed to the satisfaction of the Chief Building Official for the City of St. Catharines.

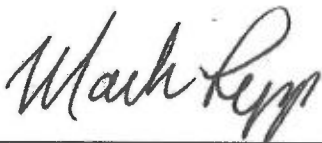
**B-73/18SC – 18 Merigold Street**

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, and 3.

Condition:

- No Comment

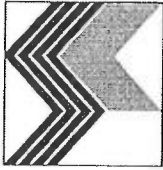


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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## Memorandum

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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: September 11, 2018

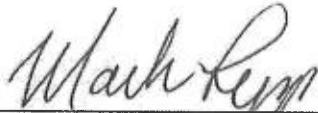
Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance – September 26, 2018 hearing- File No.: 300-010**

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NO.	ADDRESS	COMMENTS
A-95/18	97 Moffat Street	-No Comment
A-109/18	95 Moffat Street	-No Comment
A-110/18	21 Lincoln Avenue	-No Comment
A-112/18	166 Russell Avenue	-No Comment
A-113/18	23 Lincoln Avenue	-No Comment
A-114/18	192 Rykert Street	-Be advised that a building permit is required for any proposed structures exceeding 10m <sup>2</sup> in building area (including pergolas). -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 the these yards.
A-115/18	10 Head Street	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.



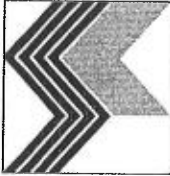
NO.	ADDRESS	COMMENTS
A-117/18	123 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-118/18	121 Rykert Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing the these yards.
A-119/18	18A Merigold	-Be advised that the existing structures are to be removed and a demolition permit is required for each structure which exceed 10m <sup>2</sup> in building area. -Be advised that a building permit is required for the proposed 3 unit townhouse. dwelling.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2018\17 bcoa memo-mv-September 26, 2018.docx





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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** September 7, 2018  
**Subject:** Committee of Adjustment Hearing – Sept 26, 2018

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1. 97 Moffatt Street, Consent Application, B-60/18SC – 60.84.2203  
97 Moffatt Street, Minor Variance Application, A-95/18 – 60.81.5384  
95 Moffatt Street, Minor Variance Application, A-109/18 – 60.81.5398

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

2. 21 Lincoln Avenue, Consent Application, B-40/18SC – 60.84.2183  
21 Lincoln Avenue, Minor Variance Application, A-110/18 – 60.81.5399  
23 Lincoln Avenue, Minor Variance Application, A-113/18 – 60.81.5402



Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of 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.

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

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

3. 16 Prospect Avenue, Consent Application, B-68/18SC – 60.84.2211  
16 Prospect Avenue, Consent Application, B-69/18SC – 60.84.2212

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

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

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

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



4. 166 Russell Avenue, Minor Variance Application, A-112/18 –  
60.81.5401  
No comment.

5. 192 Rykert Street, Minor Variance Application, A-114/18 –  
60.81.5403  
No comment.

6. 10 Head Street, Minor Variance Application, A-115/18 – 60.81.5404  
No comment.

7. 121 Rykert Street, Consent Application, B-71/18SC – 60.84.2214  
121 Rykert Street, Minor Variance Application, A-117/18 –  
60.81.5406  
123 Rykert Street, Minor Variance Application, A-118/18 –  
60.81.5407

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

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

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

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

8. 18 Merigold Street, Consent Application, B-72/18SC – 60.84.2215  
18 Merigold Street, Consent Application, B-73/18SC – 60.84.2216  
18A Merigold Street, Minor Variance Application, A-119/18 –  
60.81.5408

Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of **each** 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.

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

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

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







prepared and submitted for review and approval by City staff prior to the finalization of the severance. The Grading & Drainage Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties. In addition, it shall take into consideration the design and function of the new buildings, proposed side yard walkways, landings, window wells, decks, etc. and the impact of these elements on the proposed lot drainage and existing neighbouring properties.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does exist on Merigold Street, sump pump flows shall be discharged to individual storm laterals to be provided for each of the townhouse units. The Owner shall pay the fee to have City forces install the portion of the laterals within the Merigold Street road allowance. These fees will be paid at the time of issuance of the building permit(s). The fees charged shall be in accordance with the City's Schedule of Rates and Fees in place at the time. The Applicant shall be responsible to install the portion of the storm lateral on private property.

In accordance with City By-law 91-364, a detailed lot grading and drainage plan must be submitted at the building permit application stage.

#### Sanitary Sewage

Since the existing sewer lateral is almost 100 years old, the City strongly recommends replacing it. Prior to finalizing the severance, the Owner is required to pay a fee to have the City locate and determine the condition of the existing sanitary lateral. If it is in good condition and will not cross one of the new or existing side property lines it could be reused for one of the new townhouse units. However, if the location of the existing sewer will result in it crossing any property line it must be relocated at the Owner's expense. If it is deemed unsuitable for reuse due to the condition of the sewer, the City will have the portion of the sewer lateral within the road allowance replaced. The Owner must replace the portion of the existing sanitary lateral on private property. The fees charged shall be in accordance with the City's Schedule of Rates and Fees in place at the time.

The Owner shall also be required to pay a fee to the City to install two new sanitary sewer laterals for the other townhouse units. These fees shall be charged in accordance with the City's Schedule of Rates and Fees in place at the time of issuance of the building permit(s). The Applicant shall be responsible to install the portion of all services on private property.

#### Water Service

The portion of the original water service within the road allowance was replaced with 19mm copper in 1944. One of the new townhouse units could possibly use this service. Prior to finalizing the severance, the Owner shall pay City forces a fee to locate the existing water service and order confirm its condition and whether or not it crosses any future side property line. If it does cross a future side property line the City will



require that the water service be relocated at the Owner's expense prior to finalization of the severance. All fees referred to above shall be in accordance with the City's Schedule of Rates and Fees in place at the time. The Owner is responsible to relocate any portion of the water service on private property.

The Owner shall also be required to pay a fee to the City to install new water services for the remaining two townhouse units. The Owner shall pay the fee to have City forces install the portion of the new water services within the Merigold Street road allowance. This fee shall be paid at the time of issuance of the building permit. The fees charged shall be in accordance with the City's Schedule of Rates and Fees in place at the time of the application for building permit(s).

The Owner shall be responsible to install the portion of the new water services on private property, and replace the portion of the existing water service on private property with 19mm copper if that has not already been done.

It should be noted that a Plumbing Only Permit will be required for all servicing works identified above which are to be carried out on private property.

**Condition(s):**

Prior to the severance finalization the Owner shall;

- Pay the fee for City crews to locate the existing sewer and water services.
- If the sewer lateral and/or water service crosses any future side property line, all relocation works shall be completed and paid for to the satisfaction of the City Engineer.
- Submit for review and approval, a Grading & Drainage Plan prepared by an Ontario Land Surveyor or Professional Engineer identifying the above noted items to the satisfaction of the City Engineer

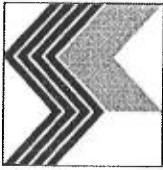
**Prepared By:**



Jim Denham, P.Eng.  
Development Engineering Technologist

JD:jd





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## Memorandum

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

**Cc:** Kirstin Jensen, Planner I  
Jim Denham, Development Engineering Technologist

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

**Date:** September 14<sup>th</sup>, 2018

**Hearing Date:** September 26<sup>th</sup>, 2018

**Subject:** Engineering Comments Regarding Minor Variance applications for the following;  
97 & 95 Moffatt Street, A-95&109/18SC  
21 & 23 Lincoln Avenue, A-110&113/18SC  
166 Russell Avenue, A-112/18SC  
192 Rykert Street, A-114/18SC  
10 Head Street, A-115/18SC  
121-123 Rykert Street, A-117-118/18SC  
18A, 18B & 18C Merigold Street, A-119-121/18SC

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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;

**166 Russell Avenue, A-112/18SC:**

Development Engineering has concerns whether or not roof and surface drainage from the proposed parking spots can be achieved without negatively impacting the adjacent properties. A proposed grading plan for the rear yard identifying existing grades on the abutting property and existing and proposed grades on the subject property shall be prepared and certified by a qualified Engineer or Ontario Land Surveyor and be submitted to City Staff for review and approval prior to a Building permit being issued.

**10 Head Street, A-115/18SC:**

Considering Head Street is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0m, and although we recognize its current width is severely deficient at approximately 10.06m wide in accordance with Registrar's Compiled Plan 2, the City has decided an 18.0m right-of-way width is more acceptable in these instances. We require the proposed lot be redesigned to accommodate a future road widening of 3.97m and revise proposed building setbacks accordingly.

Increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision do not have suitable drainage



outlets in place. Individual lot drainage plans are typically a requirement for review and approval at the building permit stage. Quite often, side yard drainage tends to conflict with proposed walkways, window wells and air conditioning units, as a result of building design. In order to ensure that drainage is adequately addressed, a Grading & Drainage Plan for the entire property shall be prepared and submitted for review and approval by City staff prior to Minor Variances being granted. The Grading & Drainage Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer, and identify existing grades on the subject property and sufficient grades on abutting lots and rights-of-way to determine current drainage patterns. It shall also show the proposed grading scheme for the new development and demonstrate how proposed drainage flows will be directed to a suitable outlet while not adversely affecting abutting properties. In addition, it shall take into consideration the design and function of the new buildings, proposed side yard walkways, landings, window wells, decks, etc. and the impact of these elements on the proposed lot drainage and existing neighbouring properties.

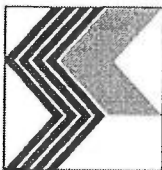
Prepared by:

A handwritten signature in black ink, appearing to be 'BJ' with a stylized flourish.

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

BJ





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** September 7, 2018

**Subject:** Committee of Adjustment  
Public Hearings – September 26, 2018  
File No. 305-17-01

---

### A-112/18 – 166 Russell Avenue

The proposed parking space adjacent to the building will be difficult to access due to the lack of maneuvering space. It shouldn't be counted towards the required parking for the site.

We have no concerns or requirements with the remaining applications.

Steve Bittner  
Transportation Technologist  
SB/