
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
 - i) Item No. 5 - 1429 Gregory Road, Minor Variance Application, A-122/18 – 60.81.5411

A request has been received from the Owner to defer the applications until they can work with the Region to update their septic service as noted in the Region's comments.

- ii) Item No. 10 - 37 Henley Drive, Consent Application, B-76/18SC – 60.84.2219;
37B Henley Drive, Consent Application, B-77/18SC – 60.84.2220

A request has been received from the Owner as recommended by staff to defer the applications until staff can discuss the requested easement further.

5. Request for Refund of Application Fees
Deferred at the July 12, 2017 as requested by the MTO to allow time for applicant to revise plan their requirements. Applicant is requesting a refund of application fees. 9 Gladman Avenue, Consent Application, B-38/17SC – 60.84.2123; 9A Gladman Avenue, Minor Variance Application, A-67/17 – 60.81.5236; 9 Gladman Avenue, Minor Variance Application, A-68/17 – 60.81.5237.
6. Adoption of the Minutes held September 26, 2018 will not be approved at this hearing but at the November 29, 2018 Hearing.
7. Application:
 1. 75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393
 2. 11 Glenbarr Road, Consent Application, B-79/18SC – 60.84.2222
9 Glenbarr Road, Minor Variance Application, A-128/18 – 60.81.5417
11 Glenbarr Road, Minor Variance Application, A-129/18 – 60.81.5418
 3. 10 Head Street, Consent Application, B-70/18SC – 60.84.2213
10 Head Street, Minor Variance Application, A-116/18 – 60.81.5405

4. 66 Currie Street, Consent Application, B-80/18SC – 60.84.2223
66 Currie Street, Minor Variance Application, A-131/18 – 60.81.5420
64 Currie Street, Minor Variance Application, A-132/18 – 60.81.5421
6. 6 Leeson Street, Consent Application, B-74/18SC – 60.84.2217
6A Leeson Street, Minor Variance Application, A-125/18 – 60.81.5414
6B Leeson Street, Minor Variance Application, A-126/18 – 60.81.5415
7. 1 Waverley Road, Minor Variance Application, A-123/18 – 60.81.5412

8. 436 Grantham Avenue, Minor Variance Application, A-124/18 – 60.81.5413
9. 26 Pelham Road, Consent Application, B-75/18SC – 60.84.2218
11. 5 Michigan Avenue, Minor Variance Application, A-127/18 – 60.81.5416
12. 12.124 St. David's Road, Consent Application, B-81/18SC – 60.84.2224
124 St. David's Road, Consent Application, B-82/18SC – 60.84.2225
124C St. David's Road, Minor Variance Application, A-133/18 – 60.81.5422
124B St. David's Road, Minor Variance Application, A--134/18 – 60.81.5423
124A St. David's Road, Minor Variance Application, A-135/18 – 60.81.5424

7. New Business:

- i) Request to Confirm Corrected Minor Variance - 54 Wellington Street – Minor Variance – A-90/18, 60.81.5379

8. Date of next Hearing: Thursday, November 29, 2018 @ 4:30pm

9. Adjournment

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

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

COMMENTS

A-122/18 (60.81.5411)

1429 Gregory Road

DATE OF HEARING:
October 31, 2018

Munro, Elaine

Subject:

RE: File No. 60.81.5411 Submission No. A-122/18 Roll No. 2629040043021000000

From: JAMES MCMICKING [mailto:]

Sent: Monday, October 29, 2018 3:49 PM

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

Cc: niki

Subject: File No. 60.81.5411 Submission No. A-122/18 Roll No. 2629040043021000000

Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

We are writing to you today in support of the application to allow the existing dog grooming, training, kennel and day care facility
at 1429 Gregory Road St Catharines.

We have been attending Niki Fowler's dog obedience classes (DOGS Walk, Play Love) since it began in 2016. This operation provides fantastic opportunities for dog owners to have their pets trained through obedience but also socially. Niki and her staff of trainers are all competent and certified trainers taking dogs from "Novice" to "Expert" level.

Candidate dogs must be licenced and vaccinated to participate. Barking is not allowed.

Our own experience with "Dogs" has proven very rewarding. Not just for us but other citizens of St Catharines as our dog Henry is a member of Therapeutic Dogs of Canada. Henry visits the Walker Cancer Center on Mondays, the Mental Health Unit on Fridays, EMS on Friday, Chartwell Nursing Home on Tuesday and several times a year at both Brock University and Ridley College. There are many more dogs doing this community work as a result of Niki and staff's training. To take this opportunity away would be taking smiles away from seniors, patients and students when they really need one.

We must also have to say that we have never had occasion to witness any reason for neighborhood complaints. Niki and her staff have always appeared ensure minimum noise, kept the facility and grounds clean, and were prepared to work with neighbors.

We realize that there are by law issues concerning the set back distance, however the distance from the facility to the neighbors homes to the west and east is approximately 300 feet. With the minimum noise produced it should not be an issue at that distance.

By not allowing this amendment, you will be forcing "DOGS" out to a more distant rural location which will no doubt result in a loss of clients and business for this establishment doing GOOD COMMUNITY WORK.

Sincerely

Marian, Jim. and "Henry" McMicking

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Munro, Elaine

Subject:

RE: Nikki Fowlers Dawgs School Gregory Road St.Catharines

From: sjatdmarian [mailto:]

Sent: Monday, October 29, 2018 2:21 PM

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

Subject: Nikki Fowlers Dawgs School Gregory Road St.Catharines

Dear Elaine

We have known Nikki Fowler for over four years. We attend her school with Henry our 4 year old English Golden Retriever on Gregory Road. Nikki is extremely professional and maintains the facility both inside and out with the utmost care. She is very concerned about her neighbours who reside close to the school. The dogs whether in daycare, novice, intermediate or advanced classes are very well behaved. This location is great for us to attend classes 4 times a week. Nikki and her trainers run the school like a well oiled machine. We support Nikki 100% and want her to stay at this location.

Sincerely Marian Mc Micking

Sent from my Galaxy Tab A

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

To Whom It May Concern,

This letter is in regards to Walk, Play, Love (a.k.a. DOGS by Nikki) located at 1429 Gregory Rd., St. Catharines, ON.

Nikki Fowler and her dog school has made a world of difference in the lives of myself and my husband. We had previously attended another dog training school in Niagara Falls, as that is where we live. Sure, we had made strides with our dog at the time- however the difference for us is immeasurable when we began attending Nikki's school 2 years ago. We have never felt so welcomed and listened to- and properly informed as we have since going to Nikki's school. She makes sure that each and every one of her clients is given any and all one-on-one attention that is needed.

Nikki and her staff/school are always professional, courteous, helpful and respectful. She and her staff have always been extremely aware and respectful of the surroundings around her location. She is sure that her training is always in a controlled environment. She always instructs us to have control of our dogs and always be aware. Even if we are walking down the street as a pack, if we stop to do some training (i.e. recalls) with our dogs- she makes sure we have "long lines" ensuring our dogs are still leashed and are in control at all times. If a dog is in need of a muzzle due to behaviour issues- she ensures that that tool is in use. Nikki and her staff NEVER put anyone in unnecessary danger or risk. Even before you start a Novice class with her, there's a mandatory orientation meeting with her clients (without the dogs) going over proper collar usage, and techniques; how to find the right collar/fit for your dog and all proper procedures are in place. She has proper use of crates in her school if needed so that no dogs are unattended at any time. She makes sure that the safety and security of both dogs and humans alike are at the forefront of her school.

As part of the school's endeavor to help as many people and dogs as possible, Nikki and her staff pride themselves on being a part of the community. She is always out doing demonstrations to bring awareness to people of the possibilities of what people can achieve with their dogs. She is always looking for new ways to be a part of the community and help- even being involved in the local parades.

The location of Nikki's school is ideal for us. The size of the school and the building's components are perfect for her dog training school. The building ensures a controlled environment, with the ample space to safely train. Even with us living in Niagara Falls, it is easily accessible to us off of the highway-which is very ideal.

I am unable to properly and accurately relay just how much Nikki and her staff have truly helped us. We unfortunately have a dog who is aggressive to other dogs- never to people- due to an incident. We had thought that we could train him ourselves- but we just don't have the expertise. Even after attending a training school in Niagara Falls- we still weren't comfortable with our dog's progress and had a hard time having that trust between our dog and us. We decided to go try another school, when Nikki opened, having met her previously through the last dog school. It was within a month or two of being with Nikki at her school that things started to completely change for us. The strength and patience that Nikki and her staff had not only shown but given us was just incredible. We had never been so at ease with our dog or around other dogs as we were and are at her school. From the beginning Nikki and staff

took all proper precautions with us and our dog- so we wouldn't have to worry or be tense all the time. She and her staff gave us so much valuable information and the PROPER tools in training to use to ensure that we could have a happy life with our dog and our dog could also have a happy life. Nikki and her team made such a difference with us and our dog- that they afforded us the opportunity to rescue another dog and bring her into our home without fear of incident. We have had our second dog for nearly two years now- and both our dogs live happily together and with us. There was never even a possibility of us even thinking about getting another dog until Nikki and her staff/school changed our lives. Of course, immediately after we rescued our second dog- we enrolled her in Nikki's training classes so right away we would have a happy, healthy, well socialized dog. Her school offers all of us a chance to properly socialize our dogs with both humans and other dogs- again in a proper and controlled environment. This is a great skill for owners and dogs to have- to make dogs less aggressive to both other people and dogs. Too many times lately there are owners that do not take proper responsibility with their dogs. Nikki and her staff ensure that at her dog school we learn how to properly handle situations that may arise with our dogs and how to read the signs in our dogs and other people's dogs to help avoid situations all together.

Nikki and her staff/school are so incredibly dedicated to giving both humans and dogs alike, the best care and training possible so we are all able to have productive and happy lives with our dogs. It would be an incredible disservice to her clients, the dogs and the community if she and her school were not who and where they are. As stated earlier, she has not only changed and helped our lives, but countless others in her aspiration and ambition to give people the best and most positive training and experience. I have proudly and confidently referred others to her and her school- and they have had an amazing experience as well. We have and will continue to attend DOGS (Walk Play Love) in furthering both our training as humans and our dogs' training. It certainly doesn't take long until you feel like family at DOGS.

Sincerely,

Paul & Sarah Zeifert

Niagara Falls, ON

Munro, Elaine

Subject: RE: On Behalf of DOGS

From: Sonya Duggan [mailto:]
Sent: Monday, October 29, 2018 10:05 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: nikki
Subject: On Behalf of DOGS

RE: On Behalf of DOGS-Dog Obedience & Guidance School

To the Secretary-Treasurer of the Committee of Adjustment,

City of St. Catharines,

Ms. Elaine Munro;

It is our pleasure to write to you on behalf of Nikki Fowler and her dog training school, DOGS-Dogs Obedience and Guidance School. We are the owners of a 4 year old Manchester Terrier who, if you know anything about terriers, is very smart but also very willful and mischievous. We knew when we decided on this breed that training would be a must so we looked to find the best dog school in the area.

We decided on a highly recommended company and began training after a few weeks when she had settled nicely into our home. Having brought her from the breeder in winter, she was not able to be socialized properly and was very reactive (barking) to other dogs, people, bikes etc. Despite almost 3 years of training from this reputable company, many frustrated hours and many spent dollars later she was still reactive, couldn't walk on a leash properly without pulling and she had to be put into another room when we had visitors because of her barking. She could do some pretty impressive tricks but they were not practical. At this point, we had pretty much given up on her training.

Thankfully, a friend recommended DOGS and we have been attending for roughly a year now and the difference in Bailey, our Manchester, is like night and day. Nikki and her trainers have taught us how to work with our dog so that she can be active member of our society. That may sound odd but we teach our children manners, how to share and act around others so why wouldn't we teach our dogs and companions the same? Dogs have become such a big part of human lives and bring copious amounts of joy if they are trained well or equal amounts of frustration if they are not. Having a well-behaved dog is our responsibility to ourselves as well as the communities that we live in.

The dog day care that they operate out of the school is also essential and an extra bonus for the clients as the dogs aren't just learning to play well with other dogs but the trainers can't help but sneak in some training exercises too. Learning to play in a structured environment around other dogs of various sizes and temperament is very important and not something that most people think about. Having a smaller dog that has previously been "pounced" by bigger dogs that are simply trying to play will make you aware of this problem.

There are even owners with problematic dogs that have attended Nikki's school that have seen dramatic, dare I say miraculous, results. We KNOW that this saves them being surrendered to a horrible existence in a pound or euthanasiation.

All the staff at DOGS have ALWAYS acted respectfully towards their neighbours at her current location on Gregory Road as well as the community as a whole when on field trips, keeping barking at a minimum by occupying the dogs with fun and exciting learning exercises and being sure that we, as owners, clean up after our pups at ALL times.

The Gregory Road location is ideal for a many reasons but mainly;

1. Central location makes for easy access for Niagara Region clients as well as her clients that travel from Hamilton/Stoney Creek areas;
2. Spacious building to work in as well as cuts down any noise to surrounding areas;
3. Sufficient parking for everyone attending class, which could be a huge issue at most other locations;
4. DOGS is local to St. Catharines and has gained a following by people in other cities with their practicality and results driven training. This, in our opinion, adds to St. Catharines' successful business community that in the end, benefits all of us that are local.

Nikki and the trainers at DOGS teach us how to be responsible dog owners, how to train our furry creatures in humane, practical and effective ways so we can enjoy our pups in our homes and out. The dogs love it and we do too and best of all are the results!

Thank you for your time and consideration on behalf of Nikki Fowler and DOGS-Dog Obedience and Guidance School and that it remain at the Gregory Road location.

Sincerely,

Rory and Sonya Duggan

--

Regards,
Sonya Duggan

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Munro, Elaine

Subject: RE: Walk Play Love By-Law amendment

From: candida Ness [mailto:]
Sent: Monday, October 29, 2018 8:08 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Nikki Fowler
Subject: Walk Play Love By-Law amendment

Dear Ms Munro

We are writing you in support of the proposed by-law amendment which will allow Walk Play Love to continue operation in it's current location on Gregory Road, St Catharines.

We have been a client of Nikki's for over one year. The location is perfectly situated to be easily accessible to the community, being located just off the highway. The building is on a large piece of property with plenty of room for the dogs.

As part of their training Nikki does not allow the dogs to bark or behave aggressively.

Nikki is an excellent trainer and people person. She has built a highly reputable business which is great for the community. Nikki also donates her time and skills to the community, most recently helping search for missing Ben Trommels.

We hope you will pass the by-law so we can continue to have access to this top notch dog training facility in our community.

We would highly recommend Walk Play Love to anyone looking for training or day care for their dog.

Thank you.
Candida and Michael Pasto

Sent from my iPad

Munro, Elaine

Subject:

RE: TrainCare Location 1429 Gregory Road By-Law Amendment

From: Jennifer Crawford [mailto:]

Sent: Sunday, October 28, 2018 11:28 PM

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

Subject: TrainCare Location 1429 Gregory Road By-Law Amendment

Hello,

I am writing this email in support of Nikki Fowler and her business Walk Play Love and her Training School and the TrainCare program that she runs at 1429 Gregory Road in St. Catharines.

Nikki has been a part of our lives for the past 5 years. She started coming into our home to take care of our new Labrador Retriever Tessa. Nikki has been there for us for daily walks, training, boarding and most recently TrainCare-a day program for dogs that includes play, training and socialization. Our dog Tessa has been attending the TrainCare program for almost a year now and every time her bag is packed she can hardly wait to jump in the car to go and see Kay and Nikki at TrainCare. When I get there to bring her home she doesn't want to leave. You know that something is amazing when the dog wants to stay!

I'm going to make this short and sweet. Nikki is reliable, dependable and responsible. Her program is run by professionals that are trained and experienced with dogs. The property is neat and clean as well as the building. I would not ever hesitate to leave my dog with Nikki and her staff and I recommend her services to my friends and family.

If TrainCare has to look for another location, our dog may not be able to attend. My husband and I are both professionals and we count on TrainCare program. The location is central and ideal as it is close to the highway and works for our family and jobs.

I hope you will consider amending the By-Law to allow Nikki and her amazing program to stay in its current location.

Thank you for your time and your consideration,

Mrs. Jennifer Crawford
17 Briarwood Drive
St. Catharines

Munro, Elaine

Subject: RE: Reflections on Nikki Fowler's dog training facility

From: carrie - jv spears [mailto:]
Sent: Sunday, October 28, 2018 9:48 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: nikki
Subject: Reflections on Nikki Fowler's dog training facility

Looking back over the last couple years I wanted to reflect on my experiences with an amazing obedience trainer named Nikki Fowler.

I bought a 12week Doberman puppy and started to seek out trainers once he was a bit older. It was extremely important to me that having that breed I wanted the dog to listen and be in control at all times.

I searched for trainers, met with a few and fell upon Nikki Fowler and both Zeus and I knew she was the one. Her facility is accessible, lots of room to train during all seasons and most importantly out of the elements not mention unbelievably clean.

I learned so much from her each week, she had handouts as an overview of what we learned so practicing was easy. She had complete control over her dogs and parents. She gained their trust and for Zeus I noticed quickly that he would completely change his behaviour as he walked thru her doors and suddenly became this well behaved dog. She had an open door policy and no question or concern was made to feel crazy.

Nikki's training facility is top notch and her team of trainers is well respected and has the ability to train any dog whether it is for puppy socialization or behavioural.

Her advance classes go out into the community and I can only dream about the time my dog can hit that next level of training with confidence.

Due to a crazy schedule with my family it's been hard to get back but I can't wait to continue my obedience training with Zeus and Nikki and have Zeus graduate to the next level.

Carrie Neilson

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Munro, Elaine

Subject:

RE: By law

From: Kathy Hume [mailto:]

Sent: Sunday, October 28, 2018 7:25 PM

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

Cc: nikki

Subject: By law

Hello,

My name is Kathy Hume. I am writing this in regards to the Bylaw amendments before the committee is relation to DOGS a dog training school and dog daycare on Gregory Rd. I have had the pleasure of training my 120 lb. Mastiff/Shepard rescue dog with Nikki Fowler for the past three years. Her school has made a huge impact on my life and my dogs. If not for Nikki Vega my dog might have ended up back at the Humane Society. She spent many hours working with us and I have a beautiful girl who is well behaved and gentle as can be. I am a retired RN and was looking for a volunteer experience and with Nikki's confidence in me as a compassionate and caring dog owner has given me the privilege to volunteer my time with her train and daycare program. I spend 6-8 hours a week working with dogs at the school and these dogs are well taken care of and are not noisy, messy or destructive. They are there to train and interact in a friendly way with other dogs. They bark occasionally usually to warn us of someone on or near the property and sometimes this is the neighbour next door who in my opinion taunts our dogs and so sometimes they react. I was at the school one day when one of your by law officers came by and at the time all the dogs but mine were crated. He entered our facility spoke with several people and as he was about to leave I said to him " you do realize there are eight other dogs here" He was surprised to hear this as those dogs never made any fuss and definitely never barked.

I hope you and the committee will give great consideration to amending the bylaws around this property as people come from all over the area to train with Nikki and her team. It would be a shame to loose this great space because of one or two individuals.

If you need to contact me I can be reached at 905- or via email [k](#)

Thank you Kathy Hume

Sent from my iPad

Munro, Elaine

Subject:

RE: DOGS

From: Elaine MacNiven [mailto:]
Sent: Sunday, October 28, 2018 2:33 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: 'Nikki Fowler' < >
Subject: DOGS

Dear Ms. Munro,

I am respectfully submitting a letter supporting Nikki Fowler. I cannot express what great services she and her associates provide and how impressed I am with their professionalism.

The location of the Traincare and Obedience School is excellent. It is very convenient and is in a quiet, low traffic location. There is no disruption of local traffic or disturbance to the neighbours when people drop off or pick up dogs or attend classes. I am aware that concern was raised by a neighbour about barking, but frankly, whenever I have been there, it has been quiet, and occasional joyful barks are addressed quickly and nicely by staff. There is ample green area for dog relief before and after attendance. All of the dog owners appear to be respectful, polite people.

Nikki and her associates provide needed services but also go above and beyond. This is not just a pet sitting situation - they also provide daily training to the dogs and constant feedback to owners/parents. As far as I know, this is unique. There are other daycare situations, but not with the same training and care and attention to detail. I see constant cleaning. I see love expressed to the pups. I see recognition of each dog's unique personality and needs and also the parents' needs and personalities. I researched other dog training situations in the city, and discovered that most, such as Petsmart, have much more limited facilities and properties. I joke that on evenings after our pup, Laika, has attended Traincare, we basically have a "fur rug". She is tired and satisfied. (See attachment.)

At Nikki's place, I see many happy dogs and owners. I invite you to visit her Facebook pages to view the pictures and videos of the day to day activities and genuinely happy (and mostly quiet) dogs!

I would be happy to speak to you if you have any questions.

Sincerely,

Elaine MacNiven





Munro, Elaine

Subject: RE: DOGS- from a student

From: Nikki Fowler [mailto:]
Sent: Sunday, October 28, 2018 1:09 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: DOGS- from a student

Hello Elaine,
Thank you for reading all the letters coming in from my amazing clients. Here is one from a student who is going through a family emergency and wanted to share.
Thanks
Nikki

Nikki. I will try to remember. If I forget. Please forward this to her. If I didn't take Cooper to school and have him trained at Dawgs. He would not be the wonderful dog he is today. Daycare was excellent for him. It socialized him with other dogs and people. The trainers are the best at what they do. I moved from St. Catharines back to Hamilton and no matter what I would never change where I take him for training. I love the Dawgs family and their support through my most recent difficult time. It would be sad if I could not take Cooper there anymore and I am sure he would be sad to. If you need confirmation of this. You can reach me at or at . Nikki Fowlers school rated in the top 3 in St. Catharines. Signed at dated October 27, 2018. Allison Wood

Sent from my iPhone





Munro, Elaine

Subject:

RE: Public Hearing-1429 Gregory Rd. (Dog Training School)

From: Julie Clark [mailto:

Sent: Saturday, October 27, 2018 2:45 PM

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

Cc: Nikki Fowler < >

Subject: Public Hearing-1429 Gregory Rd. (Dog Training School)

Dear Ms. Munro:

I am writing in support of the Dog Training School, "DOGS" run by Nikki Fowler on Gregory Road, St. Catharines. I feel that the Dog Training School is a wonderful place and fully support the By-law amendment so that it can continue to thrive. It is an asset to the City of St. Catharines to have such a great dog training facility so that more people can learn how to train their dogs...thus keeping them out of the shelter or worse, put to sleep.

Nikki, her family and her team of trainers have worked extremely hard to build this business from the ground up. This small business has been successful in the short time it has been operating due to the support and loyalty Nikki has gained from her clients. In fact, when she first opened, about 30 people showed up on a Sunday to help clean, paint and organize the facility to get it up and running.

The school has a warm, inviting atmosphere where the client can feel comfortable and relaxed... very important, as many dog owners and dogs are nervous when they first start. Dog training can be very emotional, especially if you have a young puppy or a dog with behavioural problems. Nikki and her team are great at helping people relax and learn in a calm environment. The classes are small and intimate, allowing for personal attention and time for questions.

In addition to the Dog Training Classes, Nikki runs the Dog Traincare program, where dogs from the classes are able to spend the day at the Gregory Road facility under the care of Nikki's Trainers. The dogs are given a highly structured day... playtime, training time, downtime, and cuddle time :-). Since the dogs are supervised carefully and are enrolled in or have completed training classes, they are well behaved, listen and want to please. The staff are qualified Dog Trainers and interact with the dogs accordingly, meaning that the dogs are very well treated, whether they are playing a game of fetch or learning a new training drill.

In closing, I am urging you to pass the By-law amendment so that this terrific small business can continue to help people with their canine companions... the service provided is invaluable to the community and there is nothing else like it in town.

Sincerely,
Julie Clark

Munro, Elaine

Subject: RE: Walk Love Play dog training facility

From: Ruth Rezel [mailto:]
Sent: Saturday, October 27, 2018 1:27 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc:
Subject: Walk Love Play dog training facility

Ms. Munro

I may not be able to attend the upcoming meeting so am using this email with my input.

I started training with Nikki Fowler with 2 dogs in 2016. I was not new to dog training as I have done so since 2010 at other facilities. I was amazed at the level of expertise Nikki Fowler shared with her students as well as her patience, kindness and her need to make every one of us the best dog handlers possible.

The location of her dog training facility is superior. Easy access from anywhere in the area and easy entrance no matter the weather.

All of us are respectful of our surroundings while going in or out of the building. Our dogs are kept under control and quiet.

The location of this dog training facility is perfect.

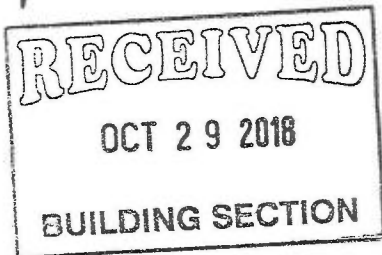
Ruth Rezel

Sent from my iPad

TO: Elaine Munro

Re: Walk, love, Play Training School
Day Care

- This dog training school is on excellent business added to our community. The owner "Nichi Fowler" is an excellent trainer. Her & her all helper were trained by Dave McHon from Dog Academy in Niagara Falls. Also the business was nominated top three in its category Reader's choice.
- This facility is located in St Catharines easy access from QEU or Gork roads.
 - The clients pick up after their dogs.
 - I don't know why someone would complain about a few dogs when he has to listen to QEU 24/7.
 - He has tall trees surrounding this house.
 - come down my street and there are about 5 dogs barking most of time.



Jorda Kite
13 Smythe St
St. Catharines

Via Email Only

October 19, 2018

Our File: MV-18-067

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

Dear Ms. Munro:

Re: Application for Minor Variance
Owner: Ostap & Lidia Lenyk
Location: 1429 Gregory Road, City of St. Catharines
Town File: A-122/18
Roll No: 2629040043021000000

Niagara Region Development Services Division has reviewed the above Minor Variance application to permit the use of a dog grooming, training and boarding business on the above mentioned property. The following comments are to assist the City in its consideration of this application.

Private Sewage System Review

No records were found for any sewage system located on the above mentioned property. The property currently consists of a residential dwelling, an outbuilding for dog training, grooming and boarding, and an additional storage building. Both outbuildings also contain plumbing; one washroom in the dog training building and a kitchen facility with two washrooms in the storage building. At the time of our inspection, septic tanks were exposed only for the dwelling and the outbuilding currently used as storage. Although no visible defects were found with the existing system servicing these two buildings, it is considered as legal non-conforming.

The washroom in the dog training building is not connected to any septic system and must be removed, or a new sewage system installed to service this building. The sewage system must be sized to accommodate the use as a dog grooming, training and boarding facility. An Order to Comply will be issued to remove the washroom from the dog training building since its current use is in violation of the Ontario Building Code. Please note, due to the existing buildings and gravel driveway located on the property, there is very limited land for any replacement sewage system installation to service all 3 buildings on the site.

Therefore, our department cannot approve of the minor variance application as submitted. A new sewage system meeting current Building Code requirements must be installed to permit the use of the dog grooming, training and boarding facility on the property and a permit is required from our department for this.

Sincerely,



Caitlin Wood
Private Sewage System Inspector
Planning and Development Services

c: Taylor Boyle, Development Approvals Technician, Development Services Division
Phill Lambert, P. Eng., Director, Infrastructure Planning & Development Engineering

Munro, Elaine

Subject: RE: Correction to 1429 Gregory Road Notice RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 1

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 11:02 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Correction to 1429 Gregory Road Notice RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 1

No worries all good.
Cogeco has no issues or concerns
Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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

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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



Memorandum

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

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

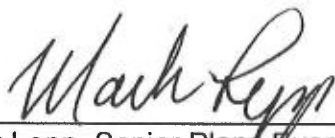
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 31, 2018 hearing- File No.: 300-010

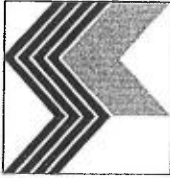
NO.	ADDRESS	COMMENTS
A-103/18	75 Simpson Road	-No Comment
A-104/18	73 Simpson Road	-No Comment
A-116/18	10 Head Street	-No Comment
A-122/18	1429 Gregory Road	-be advised that a permit is required to convert the existing building to a dog grooming, training, kennel and daycare facility.
A-123/18	1 Waverly Road	-No Comment
A-124/18	436 Grantham Ave	-No Comment
A-125/18	6A Leeson Street	-No Comment
A-126/18	6B Leeson Street	-No Comment
A-127/18	5 Michigan Ave	-No Comment
A-128/18	9 Glenbarr Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-129/18	11 Glenbarr Road	-No Comment
A-131/18	66 Currie Street	-No Comment

NO.	ADDRESS	COMMENTS
A-132/18	64 Currie Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards. -Be advised that a building permit is required for the proposed dwelling.
A-133/18	124C St.Davids Road	-No Comment
A-134/18	124B St.Davids Road	-No Comment
A-135/18	124A St.Davids Road	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\19 bcoa memo-mv-October 31, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City. Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

2. **10 Head Street, Consent Application, B-70/18SC – 60.84.2213**
10 Head Street, Minor Variance Application, A-116/18 – 60.81.5405

As a new lot is being created, please include the following condition;

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.

3. **1429 Gregory Road, Minor Variance Application, A-122/18 – 60.81.5411**

No PRCS concerns or requirements.

4. **1 Waverley Road, Minor Variance Application, A-123/18 – 60.81.5412**

No PRCS concerns or requirements.

5. **436 Grantham Avenue, Minor Variance Application, A-124/18 – 60.81.5413**

No PRCS concerns or requirements.

6. **6 Leeson Street, Consent Application, B-74/18SC – 60.84.2217**
6A Leeson Street, Minor Variance Application, A-125/18 – 60.81.5414

6B Leeson Street, Minor Variance Application, A-126/18 – 60.81.5415

As a new lot is being created, please include the following condition;

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.

7. **26 Pelham Road, Consent Application, B-75/18SC – 60.84.2218**
No PRCS concerns or requirements.

8. **37 Henley Drive, Consent Application, B-76/18SC – 60.84.2219**

37B Henley Drive, Consent Application, B-77/18SC – 60.84.2220

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.

9. 5 Michigan Avenue, Minor Variance Application, A-127/18 – 60.81.5416

No PRCS concerns or requirements.

11. 11 Glenbarr Road, Consent Application, B-79/18SC – 60.84.2222

9 Glenbarr Road, Minor Variance Application, A-128/18 – 60.81.5417

11 Glenbarr Road, Minor Variance Application, A-129/18 – 60.81.5418

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

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

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.

12. 66 Currie Street, Consent Application, B-80/18SC – 60.84.2223
66 Currie Street, Minor Variance Application, A-131/18 – 60.81.5420
64 Currie Street, Minor Variance Application, A-132/18 – 60.81.5421

There is a large tree and hydro pole in front of the proposed driveway, the driveway should be relocated to the other side. The 1.97m curb cut proposed to accommodate the retention of the tree is not a practical option.

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

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

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.

13. 124 St. David's Road, Consent Application, B-81/18SC – 60.84.2224
124 St. David's Road, Consent Application, B-82/18SC – 60.84.2225
124C St. David's Road, Minor Variance Application, A-133/18 – 60.81.5422
124B St. David's Road, Minor Variance Application, A--134/18 – 60.81.5423
124A St. David's Road, Minor Variance Application, A-135/18 – 60.81.5424

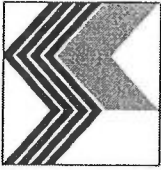
Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of **each** severance:

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Brad Johnston, Development Engineering Technologist

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

Date: October 16th, 2018

Hearing Date: October 31st, 2018

Subject: Engineering Comments Regarding Minor Variance applications for the following;
1429 Gregory Road, A-122/18SC
1 Waverley Road, A-123/18SC
436 Grantham Avenue, A-124/18SC
6A & 6B Leeson Street, 125-126/18SC
5 Michigan Avenue, A-127/18SC

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.

Prepared by:

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

JD

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

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

COMMENTS

**B-76/18SC (60.84.2219)
& B-77/18SC (60.84.2220)**

37 Henley Drive

**DATE OF HEARING:
October 31, 2018**

Munro, Elaine

Subject:

RE: Henley Drive Proposal

From: Agnew, Johanna [mailto:]

Sent: Tuesday, October 30, 2018 10:14 AM

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

Subject: Henley Drive Proposal

Dear Ms Munro,

I am writing on behalf of myself and family to express my concerns about a 3-family townhouse that has been proposed on Henley Drive. We are concerned as this would change the aesthetics of our neighbourhood as all houses are single-family homes. The street is already incredibly narrow and does not have sidewalks. Our children enjoy riding their bikes on this street and moving from one home to three would increase traffic in that area and create a less safe environment. In addition, the bus stop for the neighbourhood kids is directly across the street from this lot; more cars could reduce the safety of this area. Cars already drive too quickly on this street and speed bumps would be a good idea. It is disappointing that concerns are being held on October 31st as this is Halloween – Trick-or-Treating in our lovely neighbourhood is a time-honoured tradition. We hope to keep it the way it currently is.

Thank you for hearing our concerns and hopefully they will be taken into consideration as you move forward with a decision.

Sincerely,

Johanna Agnew

4 Linhaven Court

St Catharines, ON

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

Munro, Elaine

Subject: RE: File No.: 60.84.2219; Submission No.: B-76/18SC; Roll No.: 2629060031024000000;
37 Henley Drive

From: Laura Griffin [mailto:]
Sent: Monday, October 29, 2018 10:24 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Laura Griffin <>
Subject: File No.: 60.84.2219; Submission No.: B-76/18SC; Roll No.: 2629060031024000000; 37 Henley Drive

Ms. Munro,

I live, with my 82 year old mother, at 31 Henley Drive. My family has owned the property since 1972. There have been many great changes in our neighbourhood over the years but I dread the building of townhomes on Henley Drive.

My main concern is safety.

My 82 year old mother started walking in the neighbourhood each morning when she retired in 1993. Going for a daily walk was easy 25 years ago when there was significantly less traffic and almost no street parking. Changes in our neighbourhood make walking much more challenging today and if additional dwellings are created, walking in our neighbourhood will probably be impossible.

Henley Drive is narrow with NO sidewalks/curbs. That means that pedestrians must walk on the street. I live in the third house on the left and most days there are approximately 5 cars parked on the street just from my house to the corner. Pedestrians move further into the street each time they encounter a parked vehicle.

The proposed townhomes do not have adequate parking. This will result in an increase of cars parked on Henley Drive and an increase in traffic on the street. The risks are too great.


I believe that the width of the street, lack of sidewalks/curbs and street parking situation needs to be corrected before approving any changes that will increase traffic, street parking and the risks to residents.

Please consider my comments regarding the safety of our residents before making your decision and please send me a copy of the 'Notice of Decision'.

Thank you for your consideration.

Laura Griffin
31 Henley Drive
St. Catharines, ON
L2N 4B1

Christopher & Jessica Black
41 Henley Dr.
St. Catharines, ON, L2N 4B1



Oct 15, 2018

Elaine Munro
Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Dear Elaine Munro:

As the owners of 41 Henley Dr, we are writing to express our concerns about the proposed townhouse infill development of the adjacent property File No. 60.84.2219/60.84.2220. and its negative effect it will have on our property directly as well as the neighbourhood as a whole.

We purchased our home because of the large lots, especially our neighbours on either side and rear. We are close to the highway and although there is some noise it is bearable. The planned height and depth of the Townhouse will increase the noise dramatically by resonating off the walls.


Our backyard offers so much pleasure because of the early morning sun that fills our home with light and warmth all year round.

This proposal will not only have a negative impact on our homes value but it will affect our gardens, grass growth and the loss of the morning sun that beams through our rear windows.

Please see enclosed pictures of our current and future view from our rear yard. Although some infill developments can improve an area, this is not the case here. This proposed development will have a negative impact on the entire neighbourhood.

Sincerely,

Christopher & Jessica Black



File No. 60.84.2219/ 60.84.2220

Petition against the Proposed Severance of Lot and townhouse infill development.

Henley Dr

House Number	Property Owner	Lot size	Impact of this Proposed Infill
18	Patricia Dunk	50' x 163'	TRAFFIC, PARKING, SAFETY
20	Patricia & Edward Hagger	50' x 163'	PARKING, TRAFFIC, SAFETY
22	Kenneth & Michelle	50' x 163'	Parking, Safety, Traffic
24	Randy & Mary Garratt	50' x 163'	TRAFFIC, WATER, Sewage, Safety
26	Gordon & Gayle Howard	90' x 163'	TRAFFIC, PARKING, SAFETY
27	Terry & Kathy HALL	50' x 141'	Safety, Privacy, Safety, Parking
28	Roxo Melissa Candeloro	50' x 163'	Safety, Traffic, Parking
29	JAN + Harry DeMars	50' x 141'	Safety, Infill, Parking
31	Laura and Mercedes Griffin	50' x 136'	TRAFFIC, PARKING, SAFETY
32	Robert & Jayme Richardson	50' x 163'	TRAFFIC, PARKING, SAFETY, Privacy
33	Nathan & Rebecca	50' x 131'	Safety, Parking, Traffic
34	Greg & Lorraine Murphy	53' x 163'	Water, Traffic, Safety, Privacy
35	Elias Yachouh	50' x 126'	Privacy, noise, Traffic
36	JANIE + Amy Barlow	71' x 60'	TRAFFIC, SAFETY, PARKING
39	Subject property Identified as 37B	100' x 121'	Legal description LT 15 TP PL 174
41	Chris & Jessica Black	75' x 111'	loss of sun, privacy, noise.
42	Gerald and Deborah Gormley	50' x 164'	Safety, Traffic, Parking
43	Micheal & Sharon Chernoski	75' x 104'	Privacy, Safety, Traffic
44	Tony & Jennifer	50' x 165'	TRAFFIC, SAFETY, Privacy
46	VACANT	90' x 165'	
48	Adriane Bondar	50' x 166'	TRAFFIC, PROPERTY VALUES, noise
49	John & Irene Bashford	105' x 133'	
50	REMY HERBERT Bentley	50' x 168'	Traffic, Parking, Safety
60	Ken + Kelly Bull	63' x 235'	TO MUCH TRAFFIC
54	Doug + Sue Hunt	98 x 168'	
50	Bill Burns		
GLADMAN AVE			
3	Julie J. Everett	96' x 141'	noise, privacy, safety, parking
5	Diane Coverdale	48' x 134'	Noise and Privacy
7	Edward and Shelia Johnson	96' x 130'	Noise and Privacy
9	Andy Roddy	97' x 122'	Noise
11	Lance & Maggie Groff	60' x 117'	Safety, Traffic
13	Joan & Joan Pilato	59' x 101'	TRAFFIC, SAFETY

Williamson Carlos
Garcia

File No 60.84.2219/ 60.84.2220

Petition against the Proposed Severence of Lot and townhouse infil development.

Linhaven Crt

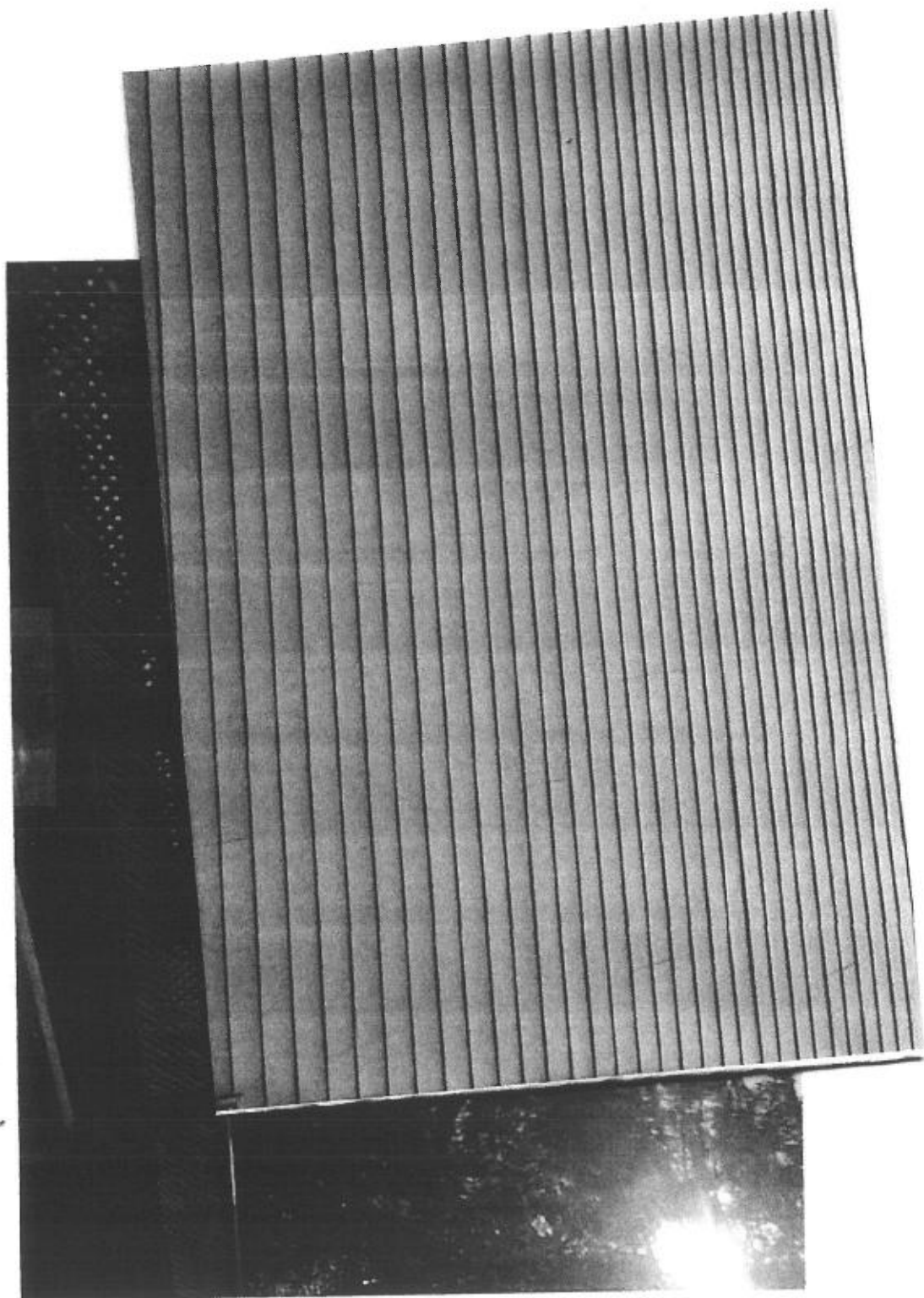
Number	Property Owner	Lot size	Impact of this Proposed Infill	Owners Signature
2	Janice & Reg Beauchamps	52 x 71	TRAFFIC, PARKING, WASTE PRODUCTION	
4	Alister Tracy & Joanna Agnew	52 x 71	added traffic creates a safety hazard	
5	Abbas & Wazira Hamdani	51 x 120	added traffic & parking	
6	Dianne Perron	50 x 120	TRAFFIC SAFETY, PARKING	
7	Joan Romagnoli	52 x 120	TRAFFIC, SAFETY, PARKING	
8	John & Antje Riely	50 x 120	TRAFFIC, PARKING	
9	Gail Dixon Henry Hurst	50' x 163'	TRAFFIC, SAFETY, PARKING	
10	Mary McLaughlin & Chris Jackson	63 x 120	TRAFFIC, SAFETY, PARKING	
11	Donna Prodger	72 x 171	TRAFFIC, SAFETY, PARKING	
14	Sharon & Micheal Chernoski	56 x 157	TRAFFIC, PARKING, SAFETY	
16	Cheryl and Conrad D'Costa	62 x 157	Traffic, Parking, Safety.	
18	Donald & Barbara Gray	53' x 163'	TRAFFIC, PARKING, SAFETY	

ANTJE



Current View from Deck

Proposed view from deck.





Proposed
wall

Munro, Elaine

Subject:

RE: 37 Henley Drive

From: Adriane Bondar [mailto:]

Sent: Wednesday, October 24, 2018 7:54 PM

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

Subject: 37 Henley Drive

Dear Elaine Munro,
Secretary-Treasurer,
Committee of Adjustment

I am writing to indicate my objection to the proposal for three townhouses at 37 Henley drive. Our neighbourhood does have a mixture of architectural styles reflecting different eras, but it is exclusively single family dwellings, with a minimum of 50 foot frontages. The mass of three townhouses taking up a large proportion of the lot, as is shown on the plan, would be concerning and look out of place. In addition, we rely on the soft green surfaces of tree and grass to absorb some of the nearby highway noise. A lot with mostly building on it leaves little for softening the sounds. Lastly, in spite of the signs stating "No exit," it is surprising how much traffic comes through looking for a way across to the QEW. The extra traffic and parked cars which would come with the addition of these close together residences and others which might follow would create issues. Please leave our neighbourhood as single family homes.

Thank you for your consideration,

Adriane Bondar
48 Henley Drive

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Munro, Elaine

Subject: RE: new letter : 37 Henley Drive

From: Melissa Candeloro [mailto:]
Sent: Monday, October 29, 2018 2:53 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: new letter : 37 Henley Drive

Hi there. I am writing you in regards to my concerns of the proposal regarding the property located at 37 Henley Drive in the City of St.Catharines. I have received a notice advising that the new owners of this single lot have proposed for a three unit townhouse to be built. I am strongly opposed to this idea for the following reasons.

This neighbourhood is a very small community and there many children in the area, approximately 15. The streets in our neighbourhood are already very narrow and I believe that they are not the width of the average road. This causes a major hazard to pedestrian traffic in the community as there are already no sidewalks. As previously mentioned, we have so many children and elderly residents in this area that like to engage in recreational activities; bike riding, walking, etc in the neighbourhood. Adding a three unit townhouse would add an additional possibility of six more vehicles to this street causing more of a hazard.

Also, this property is located directly across the street from the children's school bus drop off location. The extra traffic would cause more of a hazard and a danger for our children and residents.

Our small community currently only consists of residential houses and this would be the first set of townhouses which would completely change the dynamic of the neighbourhood.

Our entire neighbourhood is strongly opposed to this proposal.

Thank you for your time and consideration into this matter. If you have any further questions or concerns please feel free to contact me.

Melissa Candeloro

Munro, Elaine

Subject:

RE: File No. 60.84.2220

From: Jayme [REDACTED]
Sent: Tuesday, October 30, 2018 1:30 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: File No. 60.84.2220

Jayme Davidson
32 Henley Drive
St. Catharines, ON
L2N 4A9

Elaine Munro
Secretary-Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street
St. Catharines, ON
L2R 7C2

Dear Ms. Munro,

As the owners of 32 Henley Drive, we are writing to express our concerns about the proposed townhouse infill development of 37 Henley Drive, File No. 60.84.2220 and the negative effect it will have on our neighbourhood.

Currently there is a large number of families with small children on this street. There are no allowances for sidewalks and the road width itself is narrower than the average road in St. Catharines. The streets close proximity to the QEW and Ontario Street has created numerous traffic hazards due to constant construction, road closures, weather, and people under the assumption that they can access the North Service Road through our street. The further increase of dwelling units on this street will increase the amount of traffic, parking and visitation to this area. This property is also directly across from our children's bus stop that has over 10 children each morning waiting for the school bus. Each day we already have many issues with speed and avoiding aggressive drivers on our way to and from the bus stop.

The proposed addition of three dwelling units will increase the number of vehicles that will normally be on our street. We already experience enough problems walking and riding bikes in our neighbourhood due to the pre-existing traffic and road conditions and the fact that there are no sidewalks and the speed limit is 50 mph. It would be irresponsible of the City of St. Catharines to increase the density of the population of this street without already addressing the numerous problems that exist.

Lastly, there are no other town house units in our neighbourhood and this will detract from the esthetics of the neighbourhood.

We are not able to attend the hearing as it is on Halloween night and we have three children. Please accept this email as opposition to this development.

Sincerely,

Jayne Davidson

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

Aplication No. 60.84.2220

TO. Secretary - Treasurer
FROM
Name Kelly Bull and Ken Bull
Address 60 Henley Drive St.Catharines ON L2N 4A9
Date October 23rd. 2018

We are very much against the proposal to build 3 townhomes at 37 Henley Drive in place of a single home.

The address is at the junction of Henley Dr. and Linhaven Ct and is already overcrowded with parked cars .The additional traffic from 2 extra houses at that address will lead to a dangerous situation for both drivers and pedestrians particularly for the children who live in that area .

The neighborhood is already difficult to navigate as the roads are very narrow and there are no sidewalks , there are constantly delays in that area as vehicles give way to each other .

Sincerely .

Kelly Bull

Ken Bull

RPT	PROCESS	INFO	P.D.S	REFERRED TO	INIT.
				<i>E. Munro</i>	
DATE RECD →			OCT 24 2018		SCAN <input type="checkbox"/>
FILE NO					

No. 60.84.2220
Commission No. B-77/18SC

37 Henley Drive

An application for Consent has been received under the above noted file number and will be heard by the Committee of Adjustment for the City of St. Catharines on

Wednesday October 31, 2018
5:00 p.m.

City Hall 3rd floor Council Chambers
50 Church Street, St. Catharines
Please use the James Street entrance.

The application is made for consent to sever 351.5 m² of land (Part 2 on the submitted sketch) to be known as 37B Henley Drive for the proposed construction of a unit of a three-unit townhouse. A 350.5 m² 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.

How to get involved in the hearing

This is a public hearing for the purpose of hearing evidence in favour or in opposition of the application. If you wish to make written comments, please submit them in writing to the Secretary-Treasurer by **4:00pm on October 29, 2018** or you can appear in person at the Hearing to make your comments to the Committee.

For more information or to request a copy of the Notice of Decision please contact:

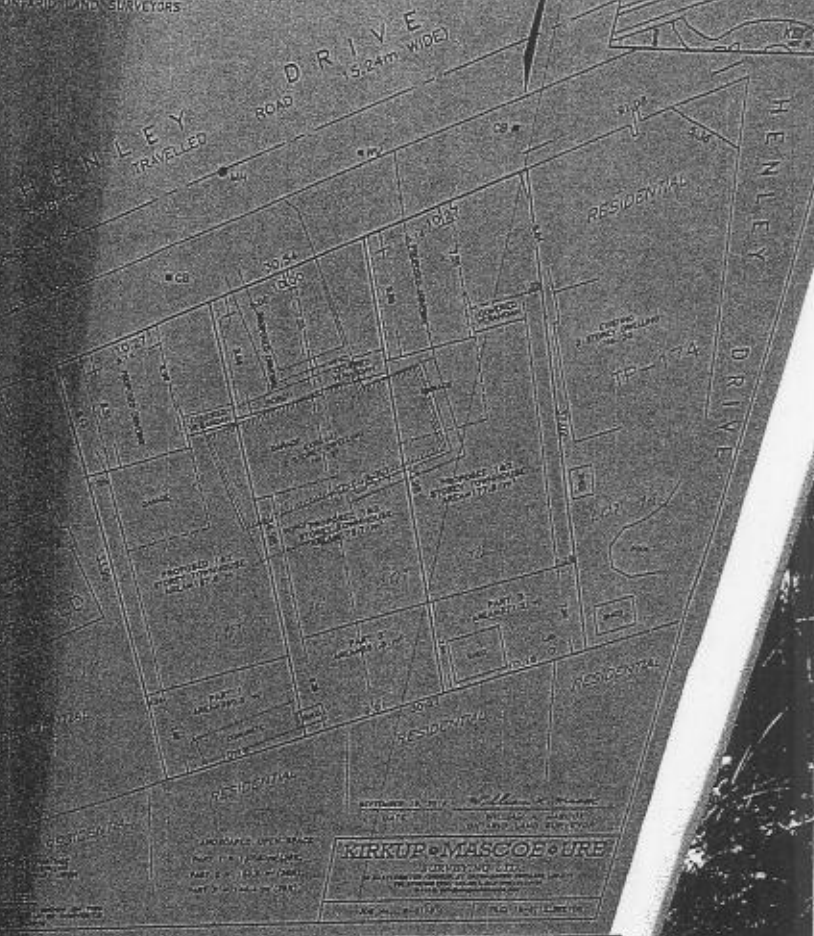
Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
905-688-5601 X1715
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2
amunro@stcatharines.ca

www.stcatharines.ca/CommitteeofAdjustment

SKETCH TO SHOW
LOTS 15 AND 16
REGISTERED PLAN TP-174
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1" = 200'

KIRKPUR MASCOE & ASSOCIATES LTD.
ON-LAND SURVEYORS



Edward and Sheila Johnston
7 Gladman Avenue
St. Catharines, Ontario
L2N 4A2

October 23, 2018

Elaine Munro, Secretary Treasurer
City of St. Catharines
Committee of Adjustment
P.O. Box 3012, 50 Church Street
St. Catharines, Ontario L2R 7C2
emunro@st.catharines.ca

Re: File No. 60.84.2220 Submission No. B-77/18SC Roll No. 2629060031024000000
File No. 60.84.2219 Submission No. B-76/18SC Roll No. 2629060031024000000

The property in question (37 Henley Drive) is directly across from Linhaven Court. With the structure of three townhouses (average of two vehicles per household) this will impact traffic, parking and the safety of our community.

We live directly behind the property in question and feel that the building of three townhouses with elevation of two stories and the buildings so deep on each lot we will lose any privacy. Also, the noise from the QEW will reverberate off their walls into our backyard. This is a beautiful community with All of the properties on fifty- foot lots or larger and ALL are single family dwellings. That is why we bought in this area.

Thank you.

Edward and Sheila Johnston

Munro, Elaine

Subject: RE: 37 Henley Dr. Lots15 ,16 plan 174.

From: Jeanette Anderson [mailto:]
Sent: Wednesday, October 17, 2018 11:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 37 Henley Dr. Lots15 ,16 plan 174.

I am writing to express my disapproval of putting 3 townhouses on this property.

This area is unique as there is only one entrance way into this neighbourhood. When homes were put in this area in the 40's and 50's the Q.E. was a two lane highway and there were only 1 car per house. There were ditches on either side of the narrow road but it met the needs of the time

Now the Q. E.is four lane with the on ramp at the very beginning of this same width street ,minus the ditches, but Linhaven Street is being serviced from Henley Dr. Most houses have two cars, some also vehicles from their employment, and when company comes they park on the road but this meets the needs of the residences. Having cars parked on the road slows down the traffic and the street is safer for the people who walk or jog (the people who work in the offices at the corner walk in here on their breaks) and the kids who are being supervised by their parents are learning to ride their bikes.

The QE presents a big problem when on-ramp is closed and the drivers have made the commitment to go on the QE here but can't, so they come into Henley Dr. only to find out they have to go out the same way they came in. This causes traffic jams in our front yards trying to turn their cars around in driveways on this narrow street and more cars coming in it gets real interesting when the big rigs or tour buses get caught in here.

That lot was designed to have two house. If it is allowed to build 3 townhouses it increases the traffic and becomes precedent to allow other townhouses to be built in this neighbourhood.

Thank you for your attention
Jeanette DeMars. 29 Henley Dr

Sent from my iPad

Munro, Elaine

Subject: RE: 37 Henley Dr. Three Unit Townhouse.

From: Gayle Howard [mailto:]
Sent: Thursday, October 11, 2018 1:45 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 37 Henley Dr. Three Unit Townhouse.

Hello Elaine

I am writing to lodge my extreme displeasure with the proposed 3 unit townhouses at 37 Henley Drive.
We are a small community on Gladman, Henley, and Linhaven.
We have many families that have young children.....no sidewalks...and the proposed site is directly across from the school bus stop at the Henley and Linhaven intersection.

Gayle Howard
26 Henley Dr
St. Catharines
L2N 4A9

October 22, 2018

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

Attention: Elaine Munro

File# 60.84.2219 & 60.84.2220

Re: 37 Henley Dr

In response to your correspondence dated October 9, 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.
- Alectra owned existing rear lot overhead secondary and pole at rear of proposed townhouse development.

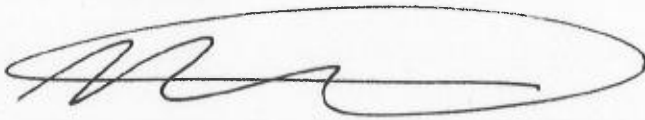
We would also like to stipulate the following:

- 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 black ink, consisting of a series of loops and a long horizontal stroke, enclosed within a large, thin oval outline.

Mark Jakubowski
Supervisor, Design, Customer Capital

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

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



October 12, 2018

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

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

Subject: Application for Consent B-76/18SC
37 Henley Drive
St. Catharines
Bell File: 905-18-415

We acknowledge receipt and thank you for your correspondence dated October 9, 2018.

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

On the attached sketch, the red line shows the approximate location of our aerial facilities. Bell Canada requests a 3m wide strip measuring 1.5m on either side of the aerial installation to extend from the pole to a minimum of 1.5m past the anchor installation, measuring 0.5m on either side of the guywire installation, as reasonably permitted.

Since the easement is required in order to protect the integrity of the existing facilities and preserve service, all cost associated with the transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the decision. We look forward to the owner's solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

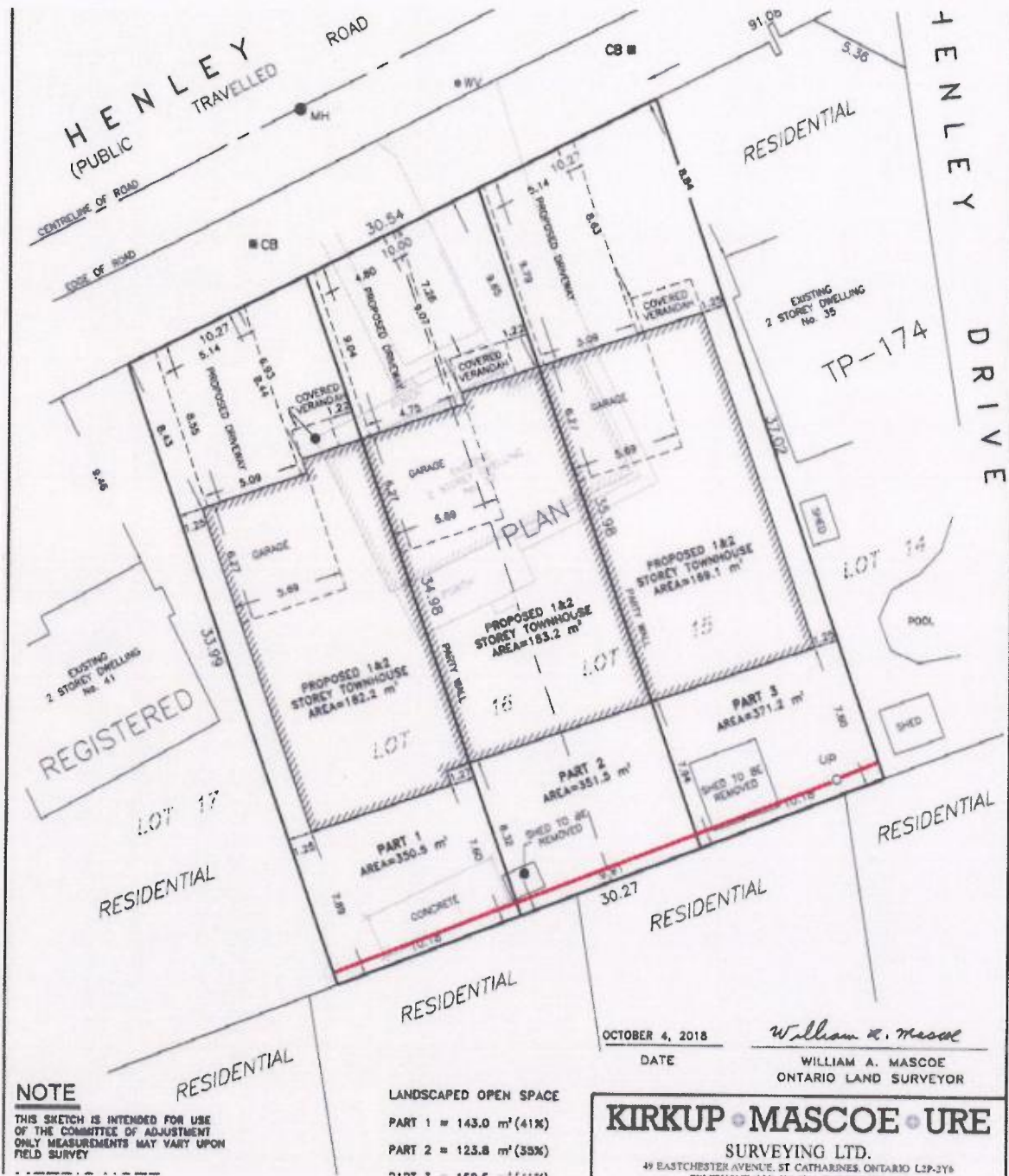
If you have any questions or concerns, please feel free to contact me.

Sincerely,

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

Charleyne Hall
Right of Way Associate





Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 4

37 Henley Drive
5 Michigan Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 7:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 4

Hi Elaine
Email-4
Cogeco has no issues or concerns with this applications
Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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

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

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



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Wil Banda
Planning and Building Services

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

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 31, 2018 hearing - File No.: 300-036

B-64/18SC – 75 Simpson Road

Comment:

- No Comment

Condition:

- No Comment

B-70/18SC – 10 Head Street

Comment:

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

Condition:

- The existing single detached dwelling and shed are to be demolished. A demolition permit is required for the dwelling and for the shed if its area is greater than 10 square metres.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-74/18SC – 6 Leeson Street

Comment:

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

Condition:

- No Comment

B-75/18SC – 26 Pelham Road

Comment:

- No Comment

Condition:

- No Comment

B-76/18SC – 37 Henley Drive

Comment:

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

Condition:

- The existing dwelling shall be removed. A demolition permit is required for the existing dwelling and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling shall be removed. A demolition permit is required for the existing dwelling and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-79/18SC – 11 Glenbarr Road

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 west face of the existing dwelling on Part 1.
- The existing shed is to be removed. A demolition permit is required for the shed if its area is greater than 10 square metres.



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City.
Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

2. **10 Head Street, Consent Application, B-70/18SC – 60.84.2213**
10 Head Street, Minor Variance Application, A-116/18 – 60.81.5405

As a new lot is being created, please include the following condition;

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.

3. **1429 Gregory Road, Minor Variance Application, A-122/18 – 60.81.5411**

No PRCS concerns or requirements.

4. **1 Waverley Road, Minor Variance Application, A-123/18 – 60.81.5412**

No PRCS concerns or requirements.

5. **436 Grantham Avenue, Minor Variance Application, A-124/18 – 60.81.5413**

No PRCS concerns or requirements.

6. **6 Leeson Street, Consent Application, B-74/18SC – 60.84.2217**
6A Leeson Street, Minor Variance Application, A-125/18 – 60.81.5414
6B Leeson Street, Minor Variance Application, A-126/18 – 60.81.5415

As a new lot is being created, please include the following condition;

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.

7. **26 Pelham Road, Consent Application, B-75/18SC – 60.84.2218**
No PRCS concerns or requirements.

8. **37 Henley Drive, Consent Application, B-76/18SC – 60.84.2219**
37B Henley Drive, Consent Application, B-77/18SC – 60.84.2220

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.

9. 5 Michigan Avenue, Minor Variance Application, A-127/18 – 60.81.5416

No PRCS concerns or requirements.

11. 11 Glenbarr Road, Consent Application, B-79/18SC – 60.84.2222

9 Glenbarr Road, Minor Variance Application, A-128/18 – 60.81.5417

11 Glenbarr Road, Minor Variance Application, A-129/18 – 60.81.5418

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

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

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.

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-76&77/18SC



October 16th, 2018

ENGINEERING FILE 300-36

Hearing Date: October 31st, 2018

Applicant: Dawn Ledwez

Location: 37 Henley Drive

MUNICIPAL SERVICES

Henley Drive

Water: 150mm A.C.
Sanitary Sewer: 200mm (material unknown) +/-4m deep
Storm Sewer: 300mm Conc. +/-2m deep
Sidewalks: None
Road Allowance Width: +/-15.24m

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 and Part 3 creating two new lots to be known as 37A and 37B Henley Drive for the purpose of creating two Street Townhouse dwellings. Part 1 would be retained for a third Street Townhouse dwelling. The application would allow each unit to be owned and/or sold separately.

Roads

Henley Drive is designated as a Local 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 15.24m. Therefore, the City requires the Owner to dedicate to the City a 2.38m road widening along the frontage of the subject property.

Sidewalks

Sidewalks do not exist along this section of Henley Drive. According to the City's Official Plan, the Garden City Plan, Council is looking for "Complete Streets and Walkable Communities" which in addition to accommodating vehicles, provide a "safe, functional and attractive pedestrian and cycling environment". The Garden City Plan also indicates (Section 5.2.1D) sidewalks should be provided on both sides of all local streets, recognizing that this may take many years due to the anticipated expense. It also states that if necessary land acquisition by way of dedications should be taken. Therefore, the owner shall be required to pay the City the fees for a future 1.5m concrete sidewalk across the Henley Drive frontage, in accordance with costs reflective of the construction price index and average City tender pricing, in affect at the time of payment.

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. Lot drainage plans are generally a requirement for review and approval at the building permit stage and are submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties.

Recent experience with these types of Street Townhouse Developments reveals that the minimum side yard setback per the Zoning Bylaw is not sufficient to accommodate both a walkway providing access to the rear yard and a drainage swale. Depending on existing and proposed drainage patterns a rear yard catchbasin may be required. A 3.0m drainage easement along one side of the subject lands would allow sufficient width for a catchbasin and lead to be constructed in tandem with a sideyard access to the rear of the lot. The easement would be in favour of the other two units to provide an outlet for drainage. The nature and location of the easement shall be determined by the owner's drainage consultant after considering existing and proposed drainage patterns. The final location shall be approved by City staff. Prior to finalization of the severances, the owner shall provide a grading plan with sufficient elevation and grades on the subject property and adjacent lots to confirm the above. The easement shall be registered on title prior to finalizing the severance. No permanent or semi-permanent structures shall be permitted to be constructed within the easement. If a rear yard catchbasin and lead are required, the cost of constructing same shall rest solely with the owner. A Plumbing Only permit will be required for these works.

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 Henley Drive, sump pump flows shall be discharged to individual storm laterals for each unit. These laterals are to be installed by City Forces and paid for by the owner through Building Permit process.

The Owner shall be responsible to pay the City the fee to locate and trace the existing water and sewer laterals from the existing home to ensure they do not cross any abutting and/or future lot lines and that they are of suitable size and condition for reuse for one of the proposed units. If these services are determined to cross abutting and/or future potential lot lines, or if the size or condition is not suitable for reuse, the Owner shall pay to have new services installed. The owner shall also be responsible to complete any relocation works on private property through a Plumbing Only permit so as not to continue private service crossings over abutting and/or future lot lines, and pay the City the fees to provide two new water services and two new sanitary services within the road allowance to the property lines in order for each property can be serviced individually.

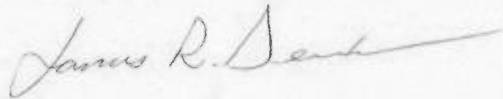
Condition(s):

Prior to the severance finalization the Owner shall;

- Pay the fee for City crews to locate the sewer and water laterals servicing the existing building. The sewer and water services must be independent and not cross an abutting and/or future property

line. If either or both sewer and water services cross onto abutting and/or other parts, separate services must be installed to the satisfaction of the City Engineer, and

- Provide a Site Grading Plan prepared by a qualified engineer or OLS that shows how all drainage for the roofs, rear yards, side yards and front yards will be accommodated without adversely affecting neighbouring properties and which would confirm where the 3.0m Drainage Easement should be located, and
- Prepare a Reference Plan for review and approval by the City identifying the 2.38m wide Parts along Henley Drive to be dedicated to the City as Public Highway and also identifying the 3.0m wide Drainage Easement as a Part. Submit and register the Reference Plan and dedicate the appropriate Part(s) to the City of St. Catharines as Public Highway. Prepare and register the Drainage Easement Agreement on Parts 1, 2 and 3, and
- Pay to the City the fees for a future 1.50m wide concrete sidewalk along Henley Drive a length of 30.54m in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment.



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

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

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

COMMENTS

**B-64/18SC (60.84.2207), A-103/18
(60.81.5392) & A-104/18 (60.81.5393)**

73 & 75 Simpson Road

**DATE OF HEARING:
October 31, 2018**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 25, 2018

Date of Meeting: October 31, 2018

Submission(s): B-64/18SC
A-103/18
A-104/18

File: 60.84.2207
60.81.5392
60.81.5393

Subject: 75 Simpson Road
75 Simpson Road
73 Simpson Road

Recommendation

That Submissions **B-64/18SC**, **A-103/18** and **A-104/18** by Maureen Fowler, 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-64/18SC** does not comply with the policies of the Official Plan. Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that applications **A-103/18** and **A-104/18** are 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 variances be denied.

The Proposal

Application **B-64/18SC** is made for consent to sever 4,000 m² (0.4 Ha) of land (Part 2 on the submitted sketch) re-creating the lot known as 73 Simpson Road with an existing 1 storey single detached dwelling. A 10,300 m² (1.03 Ha) remnant parcel (Part 1) with the existing 2 storey dwelling known as 75 Simpson Road would be retained for continued residential use. There are concurrent minor variance applications **A-103/18** & **A-104/18**.

Applications **A-103/18** and **A-104/18** have been made to vary Zoning By-law 2013-283 for permission to vary Section 2.6 to permit the creation of a lot that does not front on a public road. There is a concurrent consent application **B-64/18SC** to sever lands that have merged in title. No new development is occurring.

Location and Site Description

The subject property is located at the northern end of a private road, extending north from the northerly limit of Simpson Road, a public road. The northern portion of the property abuts the shoreline of Lake Ontario. The surrounding area consists of primarily single detached dwellings on long established oversized lots, many serviced by a private road.

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 E1 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 (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.

Further, the northern portion of the property (75 Simpson) is zoned G1 (Conservation/Natural Area). The G1 zone may not be developed for residential use.

Report

The lands at 73 and 75 Simpson Road (Parts 1 & 2 on the sketch submitted with the applications) previously existed as two separate lots for many years. The lots have never had frontage on a public road, but do have a right of way for access over a private road that connects to Simpson Road, a public road. The private road provides access to a number of long established dwellings on oversized lots in the area. The dwelling located at 75 Simpson Road was built in 1939, and the dwelling at 73 Simpson Road was built in 1949.

As staff understands, the properties have inadvertently merged as a result of the settling of the estate of the former owner. The current owner has submitted these applications to sever the lands back to the original two lots as they existed prior to the merger.

The current Official Plan policies and zoning standards are substantially different than when the original lots were created and dwellings constructed in the 1930's and 1940's. Despite the inadvertent merging of the original lots, the path to re-create those lots under today's land use policy framework is difficult. The themes of infilling and intensification, more efficient use of land and infrastructure, and denser developments are routinely

repeated in land use planning decisions under the current policies. Within this context, the re-creation of the two original lots is viewed by staff as a move which does not support the overall goals and objectives of the Official Plan, specifically relating to the creation of lots which may compromise future development options for infill development. Staff are of the view that the development potential of the merged lot is greater than if the two original lots were re-created. While it is unfortunate that these lots merged in error, the policies of the Official Plan and the Zoning By-law are not met by re-creating the original lots.

Section 16.11, Lot Creation policies in the Official Plan, speaks directly to the creation of lots by consent only when *“the size, shape and configuration of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.”*

The approval of this application does not create a parcel of land that is appropriate for a single dwelling, based on the zoning standards applicable today. As well, the approval of the proposed lots, even though they existed previously, does not optimize the development potential of the lots, nor the development potential of the surrounding area. The retention of the lot, as one lot, offers more redevelopment potential and more efficient design options, than would otherwise be available as two lots.

The lots that are proposed to be created by this consent application (at sizes of 1.03 ha and 0.4 ha respectively) are immensely oversized compared to the *maximum* lot size of 538 square metres now required in the applicable R1 zone (with the assumption that lots would have frontage on a public road).

Section 7.1(j) of the Official Plan further states that land assembly and configuration should not detract from the potential development or redevelopment of adjacent properties, or create isolated parcels which may otherwise have future development or redevelopment potential. Staff are not in support of the proposed consent, as it significantly detracts from future opportunities for development potential of the subject and surrounding lots. If the subject applications were approved, the result would create further lot fragmentation, diminishing future development potential. Approval of the severance does not conform to the Official Plan.

Zoning By-law 2013-283 requires all lots to have frontage on a public road as per Section 2.6. The original lots presumably were created long before any zoning requirement existed requiring frontage on a public road. In this context, staff are not prepared to support the re-creation of the former two lots without public road frontage. The goals and objectives of the Official Plan are better achieved via the existing lot remaining as one to maximize future development potential, acknowledging that the existing one lot has no public road frontage either (it does have public road access via a private road to Simpson Road, a public road). Should development occur in the future on this parcel, a public road will most certainly be required to replace the private road currently in place.

Staff from Planning and Development Services at the Region of Niagara have advised that Private Sewage Systems are in place for each of the existing dwellings and are

operating within acceptable limits. The Region has no objection to the proposed consent application based on a review of private sewage systems only.

Niagara Peninsula Conservation Authority staff have also provided comment on the requested consent. The subject lands lie adjacent to the Lake Ontario Shoreline which may be prone to property damage due to erosion processes and slope stability concerns. In accordance with NPCA policies (as well as the Provincial Policy Statement), development and site alterations within areas designated as hazard areas may be permitted where the effects and risk to public safety are minor and have been properly mitigated. They have advised that should future development or site alterations be proposed on either lot, further studies and permits will be required by the NPCA. Adequate shoreline protection along the shoreline frontage will also be required to mitigate the Erosion Hazard which extends onto 73 Simpson Road. Based on the above, the NPCA offers no objections to the approval of these applications.

The Committee should be aware that the Region and NPCA have no concerns with the lot creation since there is no new development being proposed. The City however opposes the applications and the re-creation of the lots because it hampers future development options.

Staff are responsible for the implementation of the City's Official Plan and Zoning By-law. The approval of these applications would result in two oversized lots which do not meet the lot creation policies of the Official Plan and do not meet the public street lot frontage requirements of the zoning by-law. Staff consider the goals and objectives of the Official Plan regarding infill and intensification development opportunities to be better achieved with the lot remaining as one. Staff recommend the applications be denied.

Conclusion

Staff is of the opinion that application **B-64/18SC**, does not meet the policies of the Official Plan and does not meet the provisions of the Zoning By-law. It is staff's recommendation that the requested consent to sever be denied.

Staff are not satisfied that the variances requested through **A-103/18** and **A-104/18** are in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, and are not appropriate or desirable for the use of the land. It is staff's recommendation that the variances be denied.

Prepared by:



Robertson Soosaar
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

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

August 08, 2018

Our File No.: PLCON201800727

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: 73- 75 Simpson Road
B-64/18, A-103/18 and A-104/18

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

This application has been made to severe Part 2 which will recreate the lot known as 73 Simpson Road. Part 1 will be retained for continued residential use. There are two concurrent minor variance applications associated with this file which seek permission to have these lots front onto a private road.

At this time, these applications have been made to correct a merging of the properties. There is no development proposed under these applications.

The subject lands lie adjacent to the Lake Ontario Shoreline which may be prone to property damage due to erosion processes and slope stability concerns. In accordance with NPCA policies (as well as the Provincial Policy Statement), development and site alterations within areas designated as hazard areas may be permitted where the effects and risk to public safety are minor and have been properly mitigated.

Should future development or site alterations be proposed on either lot, further studies and permits will be required by the NPCA. Adequate shoreline protection along the shoreline frontage will also be required to mitigate the Erosion Hazard which extends onto 73 Simpson Road.

Based on the above, the NPCA offers no objections to the approval of these applications. Any new development or site alterations proposed on these lands must be circulated to the NPCA for review and approval prior to the commencement of any works.

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

Yours truly,

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

Sarah Mastroianni,
Watershed Planner
(905) 788-3135, ext. 249

Via Email Only

October 10, 2018

Our File: CS-18-054

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

Dear Ms. Munro:

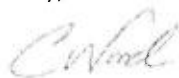
Re: Application for Consent
Applicant: Maureen Fowler
Location: 73 Simpson Road, City of St. Catharines
Town File: A-104/18

Private Sewage System staff have inspected the properties 73 and 75 Simpson Road for the proposed consent application. The septic tanks for 75 Simpson Road were exposed east of the dwelling, and according to the permit approved by Public Health in 1998 the tile bed is located west of the garage. No defects were found with the system at the time of our inspection.

The septic tank for 73 Simpson road was exposed on the north side of the dwelling which is connected to an in ground septic bed. Although no visual defects were noted at the time of our inspection the septic tank did appear to be small in size. Both sewage systems will remain wholly contained within the new lot lines. Please note, any changes or replacements of the sewage systems would not be permitted as the properties fall within the urban area and it would be required to connect to municipal sewers.

Therefore, our department has no objection to the proposed consent application.

Sincerely,



Caitlin Wood
Private Sewage System Inspector
Planning and Development Services

c: Phill Lambert, P. Eng., Associate Director, Infrastructure Planning & Development Engineering

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

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



August 16, 2018

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

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

Subject: Application for Consent B-64/18SC
75 Simpson Road
St. Catharines
Bell File: 905-18-341

We acknowledge receipt and thank you for your correspondence dated August 8, 2018.

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

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

Since the easement is required in order to protect the integrity of the existing facilities and preserve service, all cost associated with the transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

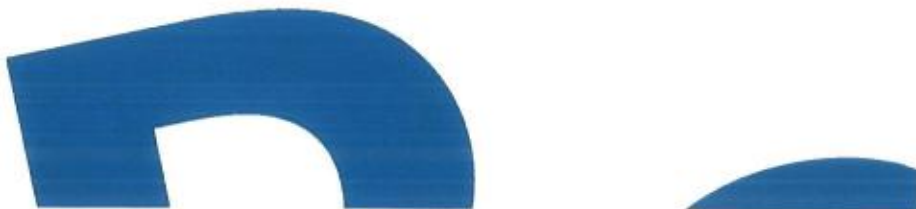
We hope this proposal meets with your approval and request a copy of the decision. We look forward to the owner's solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

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

Yours truly,

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

Charleyne Hall
Right of Way Associate



Munro, Elaine

To: Doug Crown
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 1

75 Simpson Road
~~1429 Gregory Road~~

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 7:44 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 1

Hi Elaine
Email-1
Cogeco has no issues or concerns with this applications
Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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

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

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



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Wil Banda
Planning and Building Services

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

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 31, 2018 hearing - File No.: 300-036

B-64/18SC – 75 Simpson Road

Comment:

- No Comment

Condition:

- No Comment

B-70/18SC – 10 Head Street

Comment:

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

Condition:

- The existing single detached dwelling and shed are to be demolished. A demolition permit is required for the dwelling and for the shed if its area is greater than 10 square metres.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-74/18SC – 6 Leeson Street

Comment:

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

Condition:

- No Comment

B-75/18SC – 26 Pelham Road

Comment:

- No Comment

Condition:

- No Comment

B-76/18SC – 37 Henley Drive

Comment:

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

Condition:

- The existing dwelling shall be removed. A demolition permit is required for the existing dwelling and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling shall be removed. A demolition permit is required for the existing dwelling and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-79/18SC – 11 Glenbarr Road

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 west face of the existing dwelling on Part 1.
- The existing shed is to be removed. A demolition permit is required for the shed if its area is greater than 10 square metres.

B-80/18SC – 66 Currie Street

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 south face of the existing dwelling on Part 1.
- A demolition permit is required for the detached garage and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

B-81/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment

B-82/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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Memorandum

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

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

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

Date: October 19, 2018

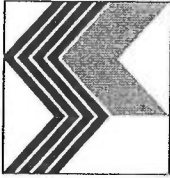
Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 31, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-103/18	75 Simpson Road	-No Comment
A-104/18	73 Simpson Road	-No Comment
A-116/18	10 Head Street	-No Comment
A-122/18	1429 Gregory Road	-be advised that a permit is required to convert the existing building to a dog grooming, training, kennel and daycare facility.
A-123/18	1 Waverly Road	-No Comment
A-124/18	436 Grantham Ave	-No Comment
A-125/18	6A Leeson Street	-No Comment
A-126/18	6B Leeson Street	-No Comment
A-127/18	5 Michigan Ave	-No Comment
A-128/18	9 Glenbarr Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-129/18	11 Glenbarr Road	-No Comment
A-131/18	66 Currie Street	-No Comment

NO.	ADDRESS	COMMENTS
A-132/18	64 Currie Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards. -Be advised that a building permit is required for the proposed dwelling.
A-133/18	124C St.Davids Road	-No Comment
A-134/18	124B St.Davids Road	-No Comment
A-135/18	124A St.Davids Road	-No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\19 bcoa memo-mv-October 31, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

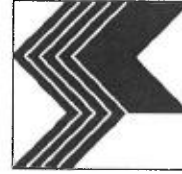
1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City. Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-64/18SC



October 12, 2018

ENGINEERING FILE 300-36

Hearing Date: October 31, 2018

Applicant: Maureen Fowler

Location: 75 Simpson Road

MUNICIPAL SERVICES

Simpson Road

Water:	100mm (4") C.I. (easement dedicated to the City over the private section of Simpson Road fronting this property)
Sanitary Sewer:	None
Storm Sewer:	Roadside Ditching
Sidewalks:	None
Road Allowance Width:	11.0m (36') ±

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 recreating the lot known as 73 Simpson Road with the existing 1-storey single detached dwelling. A remnant parcel (Part 1) with the existing 2-storey dwelling known as 75 Simpson Road will be retained for continued residential use.

Roads

Simpson Road along this section is currently private and subject to a right-of-way in favour of 66, 68, 73, 75, 79, 81 & 83 Simpson Road. It is in under private ownership of 70 Simpson Road.

Its current width varies from the north limit of 58 Simpson Road, where the City's ownership ends and where private ownership begins, however along the frontage of the subject lands, it's width is approximately 11.0m± (36'). With respect to Municipal standards, it is severely deficient in regards to emergency vehicle access, public waste collection, snow removal, maintenance and construction vehicle access, etc. It is also in a semi-urban state with roadside ditching and a gravel surface.

In accordance with the City's Official Plan, the public realm of Simpson Road to the south is considered a Local road with a required right-of-way width of 20.0m. The subject lands in this application front a private section, whereas the City would request a widening along the applicant frontage measured from the centerline of the original road allowance, in order to obtain half of the desired width required to achieve a 20.0m right-of-way, if this section was public realm.

Engineering Services

A local Municipal 100mm water main exists from the public limit of Simpson Road to the north limit of the subject property, within and along this private road frontage. The City currently has easement rights over the private road way for maintenance of this main, as well as for

emergency services access to the existing fire hydrant on the east side of the private road across from the subject lands. There are no other existing municipal services within the private road to which the City is responsible to maintain.

Private Sewage and Water Systems

The City does not have record of the subject lands being connected to any public sanitary sewer system, or the locations of the existing water service connections for the above noted dwellings, therefore the conclusion rests that the sites are currently dependent on private septic systems, as well as potential private connections to the City's Municipal 100mm main, and/or the private water main further north. As a condition of severance, the City shall require the Applicant hire an independent contractor to inspect and trace both the existing sanitary sewer laterals and water service laterals in order to confirm the locations of both private sanitary lateral and watermain connection locations, and provide to the City to confirm:

1. Field locations of water and sewer services for the City's records,
2. Any potential conflicts with the existing services that would cross proposed and existing property boundaries;
3. If conflicts exist, provisions be made to resolve the servicing conflicts to no longer cross proposed and existing property boundaries;

Condition(s):

Prior to the severance finalization the Owner shall;

- hire an independent contractor to inspect and trace both the existing sanitary and water service laterals in order to confirm the locations of both and provide this information to the City;
- Make provisions if conflicts exist to the locations of the above services, to resolve the conflicts to no longer cross proposed and existing property boundaries and provide this confirmation to the City;



Prepared By: _____

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

c

Sandra Burrows, PBS
James Denham, PBS



Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Jim Denham, Development Engineering Technologist

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

Date: October 15, 2018

Hearing Date: October 31, 2018

Subject: Engineering Comments Regarding Minor Variance applications for the following;
75-73 Simpson Road, A-103-104/18SC
10 Head Street, A-116/18SC
11 Glenbarr Road, A-128-129/18SC
66-64 Currie Street, 131-132/18SC
124, 124A, B & C St. David's Road, A-133-134-135/18SC

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 exception:

64 Currie Street, A-132/18SC:

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. Lot drainage plans are generally a requirement for review and approval at the building permit stage and are submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties. Recent experience with in-fill lot developments reveals that the minimum side yard setback at 1.20m per the Zoning Bylaw is not sufficient to accommodate drainage conveyance when walkways providing access to the rear yard and/or other structures (a/c units, etc.) are introduced within the side-yards. Depending on the existing and proposed drainage patterns, side-yard swales are sometimes required to accommodate rear yard drainage to the front yards. **We require the minimum 1.2m side-yard setback for drainage allowances of the subject land's sideyards, and recommend against varying the minimum 1.20m side-yard setback to 0.29m.**

Prepared by: 

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

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

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

COMMENTS

**B-79/18SC (60.84.2222), A-128/18
(60.81.5417) & A-129/18 (60.81.5418)**

11 Glenbarr Road

**DATE OF HEARING:
October 31, 2018**

Maryanne Polot [REDACTED]
10 East Hampton Rd.
11 East Hampton Rd. [REDACTED]
18 West Hampton Rd.

① of 4

Re: 9 + 11 Glenbarr Road.

Prior to Mr. D'Agostino buying 11 Glenbarr Rd, I spoke to the "previous" owner about purchasing the property. I went to city hall + inquired about severing the lot with the intention of reselling #11 Glenbarr without the "9" parcel so I could be at piece without any building happening in the future, I was told that the parcel would be too small + they would not support it. I explained the situation with 15 + 17 Glenbarr + was told the property was larger + there was no variance needed for that property to size. The only way I was told that 9 Glenbarr could be made a lot would be to add my backyard to its size (if my 10 East Hampton could meet size requirement when doing so.

Cont'd.

Confident that the property 11 Glenbarr would ⁽²⁾ not be able to be severed we ~~then~~ decided with the amount of work # 11 Glenbarr needed to the home. we decided not to buy it.

Speaking with Mr. D'Agostino in the spring he told me his plans for severing the property.

I told him what I was told by the associate at city hall. He asked ~~the~~ me who I spoke to. I told him it was a man they sent to the counter.

He said "it depends on who you know."

So, I returned to city hall. Explained my conversation to a different person at city hall + they said that wasn't true. It doesn't matter who you know. That ~~the~~ woman I spoke to told me the exact same thing the first person I spoke to. The land is too small we would not support it.

So If accepted who do I need to know to get my bylaw ~~variances~~ variances? Why would Mr. D'Agostino request be approved when I was told flat out No twice. We have bylaws for a reason, What makes Mr. D'Agostino's newly acquired 11 Glenbarr more important

than my rights at 10 East Hampton Rd, Where my ^③ husband has lived all his 52 yrs + I've been for 25 years.

Cont'd ~~page~~ page 4.

page 4 ~~is~~ are my concerns.

Adding another yard touching 10 East Hamptons rear yard. 5 ^{Back} yards will be touching my yard. (4)

8 ~~East~~ Hampton is a rent by night motel. 6 East is a rental. 7 Glenbar is a student rental. Continued privacy + peace issues. Ever try listening to 3 different radio stations at the same time?.. While reading a book.

Where will all the water go from the house + garage drainage? Where will sump pump drain, Where will air conditioner drain?

My backyard where my fruit trees are already swamps out. Growing a garden with less light + more water should be almost impossible.

The Notice of Hearing was incorrect. #9 Glenbarr the 1.) An increase of the maximum lot area should actually have read decrease of the minimum.

The hydroline crosses #9 Glenbarr. Wouldn't that be an issue if #9 wanted to put in a pool. There would be ample pool space if #10 East Hampton severed the rear lot + added it to #9 Glenbar. There is no other access to hydro.



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 24, 2018

Date of Meeting: October 31, 2018

Submission(s): A-128/18
A-129/18
B-79/18SC

File: 60.81.5417
60.81.5418
60.84.2222

Subject: 9 Glenbarr Road
11 Glenbarr Road
11 Glenbarr Road

Recommendation

That Submission **B-79/18SC**, by Ivan D'Agostino, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. 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;
2. 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;
3. 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 west face of the existing dwelling on Part 1;
4. The existing shed is to be removed. A demolition permit is required for the shed if its area is greater than 10 square metres;
5. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands (Parts 1 and 2), to address the following conditions:
 - a. Building Permit Plans be subject to review and approval by PBS demonstrating:
 - i. That an enlarged fenced rear yard be provided for the retained home (Part 1 on the submitted sketch);

- ii. That an enlarged front porch be provided for the retained home (Part 1 on the submitted sketch), with steps reoriented to face the street; and,
 - iii. That the driveway be re-configured to not extend beyond the front façade of the existing dwelling so as to provide increased amenity space in the westerly yard of the existing dwelling on Part 1 of the submitted sketch.
- 6. 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;
- 7. That the applicant applies for and enters into a Servicing Agreement with the City of St. Catharines for the construction of a local municipal sanitary sewer to City Standards from the existing manhole on Glenbarr Road to 20.0m easterly, to adequately service Part 2 on the submitted sketch, which shall include, but not be limited to:
 - a. the Owner obtaining all required approvals from other authorities including the Regional Municipality of Niagara and the M.O.E.C.C.;
 - b. the Owner hiring an Engineering Consultant that shall design all of the works covered by this agreement, prepare plans, profiles and contract documents and specifications for the said works, prepare applications for the Engineer's submission to the necessary authorities for approval of the works, prior to their construction, supervise and inspect the construction of the works, including the setting and checking of all lines and grades, etc. prior to, during and after construction;
 - c. the Owner's responsibility for all costs associated with the construction, including City Inspection and Geotechnical testing of the work;
 - d. the Owner depositing substantial funds with the City, in a form acceptable to the City Treasurer, to ensure compliance with the terms of the Servicing Agreement;
- 8. Ensure the Servicing Agreement is executed and registered on Title of the subject lands (11 Glenbarr Road) prior to a Final Certificate being issued.

That Submissions **A-128/18** and **A-129/18**, by Ivan D'Agostino, 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 application **B-79/18SC** 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 variances requested through application **A-128/18** and **A-129/18** 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. Staff recommends that the requested consent and minor variances be approved.

The Proposal

Application **B-79/18SC** is made for consent to sever 363 m² of land (Part 2 on the submitted sketch) to be known as 9 Glenbarr Road for the proposed construction of a 2-storey single detached dwelling. A 416 m² remnant parcel (Part 1) with the 1-storey single detached dwelling would be retained for residential use.

Application **A-128/18** has been made to vary Zoning By-law 2013-283 for the following variances for Part 2 in order to facilitate the concurrent consent application, **B-79/18SC** for a proposed single-detached dwelling:

- 1) A reduction of minimum lot area per dwelling unit for a single detached dwelling from 400 m² to 363 m²;
- 2) A reduction of the minimum rear yard from 7.5 m to 6.0 m;
- 3) A reduction of the minimum front yard setback from 6.0 m to 5.5 m.

Application **A-129/18** has been made to vary Zoning By-law 2013-283 for the following variances for Part 1: a reduction of the minimum rear yard setback from 7.5 m to 4.0 m.

Location and Site Description

The subject lot is located on the northwest corner of Glenbarr Road and East Hampton Road, to the south of Glendale Avenue. The surrounding area consists of single detached homes.

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 E8 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 (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

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 appropriate for the anticipated uses, as they will each contain a detached dwelling, one of which currently exists. Parts 1 and 2 on the submitted sketch are slightly smaller than most of the existing lots in the surrounding area, however, the consent is appropriate for the optimum development of the land and the proposed severed and retained lots are of a sufficient size to support the existing and proposed new detached dwelling.

The proposal will facilitate development that is compatible with the existing streetscape in terms of spacing and building setbacks. The proposed lots will not negatively impact the established character of the neighbourhood. The proposal is an example of good infill development in an established residential area. The severance and proposed development for 9 Glenbarr Road maintain the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area and the character of the neighbourhood. Staff recommend approval of the consent.

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 proposed consent was submitted to the DRP for review at the meeting of July 3, 2018. The Panel considered a proposal to sever the rear yard of the existing home to facilitate the construction of a new two-storey detached dwelling. The DRP acknowledged that the new lot would require variances for minimum lot area, minimum front yard setback and minimum rear yard setback and that the retained home would require a variance for minimum rear yard setback. The Panel was generally supportive of the severance, but expressed concern about the lack of rear yard amenity space for the retained home and discussed driveway placement alternatives that could result in a more usable outdoor amenity space for the retained home. This entails re-configuring the driveway so that it does not extend past the front façade of the existing dwelling. The Panel discussed the need to provide the existing home with a large fenced outdoor amenity space. The Panel also discussed tree protection related to neighbouring trees in proximity to the proposed new dwelling in the northwest corner of the property. The DRP moved to endorse support for the proposed lot creation, for the purposes of constructing a new detached dwelling, subject to the conditions identified in the recommendations.

It is staff's opinion that a development agreement is necessary to ensure that the advice of the DRP and staff conditions of approval are 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 conditions for future development design of the site and this will ensure plans submitted at the building stage are in accordance with the architectural details and site design 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 any conditions requested by the DRP or staff, provides the applicable law necessary to bind the plans submitted with this application, or conditions of approval, 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 this application.

The City's Development Engineering Services department has advised that increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision sometimes do not have suitable drainage outlets in place. Individual lot drainage plans are a requirement for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet, and does not adversely affect abutting properties. Sump pump flows typically discharge to grade when no opportunities to connect to a storm sewer in the road allowance exist. Since storm sewers do not exist on Glenbarr Road, foundation weeping tile flows shall be collected via sump pump and discharged to grade at the front yard only. The building must also be designed to accommodate roof flows to outlet at grade towards the front of the lot as well, and both the sump pump and downspouts discharge in accordance with the Property Standards By-law (2014-248).

Since a municipal sanitary sewer does not exist along the Glenbarr Road frontage of the proposed lot, the City's current practice requires that the Owner be responsible for the costs and construction of an extension from the existing 200mm municipal sanitary sewer 20.0m west of the proposed lot, in order to service Part 2 with an individual sanitary sewer lateral. The City will not entertain a 20.0m private lateral extension to the existing manhole to minimize costs to the developer. The intent of this methodology and practice is to provide adequate public services within the most feasible locations of the existing concrete road allowance, while not disturbing neighbouring driveway aprons or boulevards unnecessarily. The Owner shall enter into an Agreement with the City to ensure the obligations for construction of the local municipal sewer and appurtenances is completed to City Standards, prior to the final certificate being issued. The proposed municipal sewer shall be designed and constructed in accordance with City and current Ministry of Environment standards.

The City's Building Services department has advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.

Variance A-128/18

The Zoning By-law requires a minimum lot area for a single detached dwelling of 400 m². The minimum lot area requirement of the By-law is meant to ensure that a building envelope can fit comfortably on a property while still providing adequate amenity space and ensure the dwelling will not overwhelm the lot or neighbouring properties. Variance 1 requests a reduction of the minimum lot area per dwelling unit on Part 2, for a proposed single detached dwelling, from 400m² to 363m². The applicant has demonstrated that a detached dwelling can fit suitably on the lot while abiding by almost all required zoning provisions. The design provided by Better Neighbourhoods Inc. shows adequate amenity space for the proposed dwelling. Variance 1 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.

The Zoning By-law requires a minimum rear yard setback be 7.5 m. This is to ensure adequate amenity space in the rear yard, while also ensuring sufficient separation distance between adjacent properties, and to protect against privacy and overlook impacts on adjacent properties. Variance 2 requests a reduction in the minimum rear yard setback from 7.5m to 6.0m for the proposed dwelling at 9 Glenbarr Road. The proposed development is adjacent to the rear yard of 10 East Hampton Street. As a result, the reduced setback will not impose on the existing structure at 10 East Hampton Road. The reduction is also necessary to facilitate suitable placement of the building envelope on the lot, and ensure that an adequate front yard setback can be provided. Variance 2 is minor in nature and is appropriate and desirable for the use of the land. It is staff's recommendation that variance 2 be approved.

The Zoning By-law requires that the minimum front yard setback from the front property line be 6.0m. This is to ensure that the front walls of dwellings are aligned to create a consistent built form along the streetscape, as well as to ensure that sufficient front yard amenity space can be provided. A reduction of the front yard setback by 0.5 m is minor in nature and will have no noticeable implications from a streetscape perspective. The variance to the front yard will not have any impacts on the surrounding area. Staff recommend approval of Variance 3.

Variance A-129/18

The Zoning By-law requires a minimum rear yard setback of 7.5 metres for a detached dwelling. This is to ensure adequate amenity space in the rear yard, while also ensuring sufficient separation distance between adjacent properties, and to protect against privacy and overlook impacts on adjacent properties. Minor variance application **A-129/18** requests a reduction of the minimum rear yard setback from 7.5 m to 4.0 m for Part 1, the existing dwelling at 11 Glenbarr Road. The variance is required as a result of the concurrent consent application that creates a new lot line between the existing dwelling at 11 Glenbarr Road and the proposed dwelling at 9 Glenbarr Road. Staff are overall

supportive of the development as it appropriately intensifies the site. Approving this variance will allow for the optimum development of the dwelling at 9 Glenbarr Road. With the re-configuration of the driveway, the corner lot may provide adequate amenity space in the rear yard of the property. The variance does not impose any adverse impacts on the surrounding area and upholds the intent of the Official Plan and Zoning By-law. Staff recommends approval of the requested minor variance.

Conclusion

Staff is of the opinion that application **B-79/18SC** is compatible with the neighbourhood, the 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.

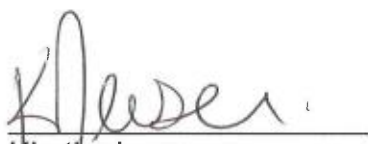
Staff is of the opinion that applications **A-128/18** and **A-129/18** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved.

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 October 31/18 CofA Hearing, City of St. Catharines - Email 5

11 Glenbarr Road

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 7:57 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 5

Hi Elaine
Email-5
Cogeco has no issues or concerns with this applications
Thanks

Doug Crown
Network Planning Department

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

Munro, Elaine

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Friday, October 12, 2018 9:03 AM
To: Munro, Elaine
Subject: 905-18-414 - Consent Application B-79/18SC - 11 Glenbarr Road

Good morning Elaine,

Bell Canada has no concerns with Application for Consent B-79/18SC regarding 11 Glenbarr Road.

Thank you,

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

Bell

140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

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

October 22, 2018

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

Attention: Elaine Munro

File# 60.84.2222 & 60.81.5417

Re: 9 & 11 Glenbarr Rd

In response to your correspondence dated October 9, 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.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.
- Existing overhead rear lot service to 11 Glenbarr Rd will have to be relocated to facilitate new lot and service. For proposed 9 Glenbarr Rd, contact customer connections department to review servicing options.

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 black ink, enclosed within a large, hand-drawn oval. The signature is stylized and appears to read 'Mark Jakubowski'.

Mark Jakubowski
Supervisor, Design, Customer Capital



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Wil Banda
Planning and Building Services

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

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 31, 2018 hearing - File No.: 300-036

B-64/18SC – 75 Simpson Road

Comment:

- No Comment

Condition:

- No Comment

B-70/18SC – 10 Head Street

Comment:

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

Condition:

- The existing single detached dwelling and shed are to be demolished. A demolition permit is required for the dwelling and for the shed if its area is greater than 10 square metres.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-74/18SC – 6 Leeson Street

Comment:

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

Condition:

- No Comment

B-75/18SC – 26 Pelham Road

Comment:

- No Comment

Condition:

- No Comment

B-76/18SC – 37 Henley Drive

Comment:

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

Condition:

- The existing dwelling shall be removed. A demolition permit is required for the existing dwelling and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling shall be removed. A demolition permit is required for the existing dwelling and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-79/18SC – 11 Glenbarr Road

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 west face of the existing dwelling on Part 1.
- The existing shed is to be removed. A demolition permit is required for the shed if its area is greater than 10 square metres.

B-80/18SC – 66 Currie Street

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 south face of the existing dwelling on Part 1.
- A demolition permit is required for the detached garage and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

B-81/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment

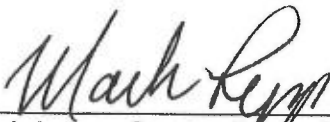
B-82/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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Memorandum

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

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

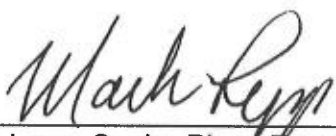
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 31, 2018 hearing- File No.: 300-010

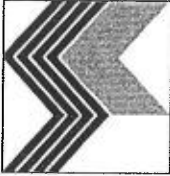
NO.	ADDRESS	COMMENTS
A-103/18	75 Simpson Road	-No Comment
A-104/18	73 Simpson Road	-No Comment
A-116/18	10 Head Street	-No Comment
A-122/18	1429 Gregory Road	-be advised that a permit is required to convert the existing building to a dog grooming, training, kennel and daycare facility.
A-123/18	1 Waverly Road	-No Comment
A-124/18	436 Grantham Ave	-No Comment
A-125/18	6A Leeson Street	-No Comment
A-126/18	6B Leeson Street	-No Comment
A-127/18	5 Michigan Ave	-No Comment
A-128/18	9 Glenbarr Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-129/18	11 Glenbarr Road	-No Comment
A-131/18	66 Currie Street	-No Comment

NO.	ADDRESS	COMMENTS
A-132/18	64 Currie Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards. -Be advised that a building permit is required for the proposed dwelling.
A-133/18	124C St.Davids Road	-No Comment
A-134/18	124B St.Davids Road	-No Comment
A-135/18	124A St.Davids Road	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\19 bcoa memo-mv-October 31, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City. Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

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.

9. 5 Michigan Avenue, Minor Variance Application, A-127/18 – 60.81.5416

No PRCS concerns or requirements.

11. 11 Glenbarr Road, Consent Application, B-79/18SC – 60.84.2222

9 Glenbarr Road, Minor Variance Application, A-128/18 – 60.81.5417

11 Glenbarr Road, Minor Variance Application, A-129/18 – 60.81.5418

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

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

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.

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-79-18SC



October 12, 2018

ENGINEERING FILE 300-36

Hearing Date: October 31, 2018

Applicant: Ivan D'Agostino

Location: 11 Glenbarr Road

ENGINEERING SERVICES **Glenbarr Road**

Water:	150mm (6") PVC
Sanitary Sewer:	None along the Glenbarr Road frontage of Parts 1 & 2 20.0m ± west of Part 2 only 2.70m (~9') deep
Storm Sewer:	None
Sidewalks:	None
Road Allowance	
Width:	21.3m (70') ± Concrete road

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 to be known as 9 Glenbarr Road for the proposed construction of a 2-storey single detached dwelling. A remnant parcel (Part 1) would be retained for continued residential use.

Roads

Glenbarr Road is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0m. Its current width exceeds the Official Plan requirement at approximately 21.3m ±, therefore the City shall not require a road widening be dedicated with respect to this severance application.

Engineering Services

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

Sump pump flows typically discharge to grade when no opportunities to connect to a storm sewer in the road allowance exist. Since storm sewers do not exist on Glenbarr Road, foundation weeping tile flows shall be collected via sump pump and discharged to grade at the front yard only. The building must also be designed to accommodate roof flows to outlet at grade towards the front of the lot as well, and both the sump pump and downspouts discharge in accordance with the Property Standards By-law (2014-248).

Since a municipal sanitary sewer does not exist along the Glenbarr Road frontage of the proposed lot, the City's current practice requires the Owner be responsible for the costs and construction of an extension from the existing 200mm municipal sanitary sewer 20.0m west of the proposed lot, in order to service Part 2 with an individual sanitary sewer lateral. The City will not entertain a 20.0m private lateral extension to the existing manhole to minimizing costs to the developer. The intent of this methodology and practice is to provide adequate public services within the most feasible locations of the existing concrete road allowance, while not disturbing neighbouring driveway aprons or boulevards unnecessarily. The Owner shall enter into an Agreement with the City to ensure the obligations for construction of the local municipal sewer and appurtenances is completed to City Standards, prior to the final certificate being issued.

The proposed municipal sewer shall be designed and constructed in accordance with City and current Ministry of Environment standards.

Condition(s):

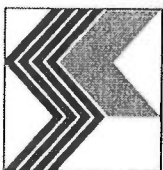
Prior to final certification of the severance application, the Owner shall;

- Apply for and enter into a Servicing Agreement with the City of St. Catharines for the construction of a local municipal sanitary sewer to City Standards from the existing manhole on Glenbarr Road to 20.0m easterly, to adequately service Part 2, which shall include but not be limited to;
 - the Owner obtaining all required approvals from other authorities including the Regional Municipality of Niagara and the M.O.E.C.C.;
 - the Owner hiring an Engineering Consultant that shall; design all of the works covered by this agreement, prepare plans, profiles and contract documents and specifications for the said works, prepare applications for the Engineer's submission to the necessary authorities for approval of the works, prior to their construction, supervise and inspect the construction of the works, including the setting and checking of all lines and grades, etc. prior to, during and after construction;
 - the Owner's responsibility for all costs associated with the construction, including City Inspection and Geotechnical testing of the work;
 - the Owner depositing substantial funds with the City, in a form acceptable to the City Treasurer, to ensure compliance with the terms of the Servicing Agreement;
- Ensure the Servicing Agreement is executed and registered on Title of the subject lands (11 Glenbarr Road) prior to a Final Certificate being issued;



Prepared By:

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Jim Denham, Development Engineering Technologist

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

Date: October 15, 2018

Hearing Date: October 31, 2018

Subject: Engineering Comments Regarding Minor Variance applications for the following;
75-73 Simpson Road, A-103-104/18SC
10 Head Street, A-116/18SC
11 Glenbarr Road, A-128-129/18SC
66-64 Currie Street, 131-132/18SC
124, 124A, B & C St. David's Road, A-133-134-135/18SC

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 exception:

64 Currie Street, A-132/18SC:

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. Lot drainage plans are generally a requirement for review and approval at the building permit stage and are submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties. Recent experience with in-fill lot developments reveals that the minimum side yard setback at 1.20m per the Zoning Bylaw is not sufficient to accommodate drainage conveyance when walkways providing access to the rear yard and/or other structures (a/c units, etc.) are introduced within the side-yards. Depending on the existing and proposed drainage patterns, side-yard swales are sometimes required to accommodate rear yard drainage to the front yards. **We require the minimum 1.2m side-yard setback for drainage allowances of the subject land's sideyards, and recommend against varying the minimum 1.20m side-yard setback to 0.29m.**

Prepared by:


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

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

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

COMMENTS

**B-70/18SC (60.84.2213 &
A-116/18 (60.81.5405)**

10 Head Street

**DATE OF HEARING:
October 31, 2018**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 24, 2018

Date of Meeting: October 31, 2018

Submission(s): B-70/18SC
A-116/18

File: 60.84.2213
60.81.5403

Subject: 10 Head Street
10 Head Street

Recommendation

That Submission **B-70/18SC** by Grigg & Associates Ltd. as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. 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;
2. The existing single detached dwelling and shed are to be demolished. A demolition permit is required for the dwelling and for the shed if its area is greater than 10 square metres;

That Submission **A-116/18** by Grigg & Associates Ltd. as outlined in the Notice of Hearing, be approved

Summary

Having regard for the matters under Section 51(24) of the Planning Act, Staff is of the opinion that application **B-70/18SC** 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-116/18** 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.

The Proposal

Application **B-70/18SC** is made for consent to a partial discharge and for consent to sever 116.8 m² of land (Part 1 on the submitted sketch) to be known as 10A Head Street for the proposed construction of a semi-detached dwelling with an interior accessory dwelling unit. A 111.7 m² remnant parcel (Part 2) of the proposed other half of the semi-dwelling

with an interior accessory dwelling unit is retained for future residential use. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately. There is a concurrent minor variance application **A-116/18** and an approved minor variance **A-115/18**.

Application **A-116/18** has been made to vary Zoning By-law 2013-283 for a reduction of the minimum required lot frontage from 6.5 m to 6.37 m for Part 2, as well as for an increase in the maximum permitted encroachment into a required yard for eaves and gutters from 0.15 metres to 0 metres from the respective lot line.

Location and Site Description

The subject lot is located on the southeast side of Head Street, near 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 parking requirements.

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 semi-detached dwelling unit in the mixed-use zone. Part 1 (116.8 m²) is intended for one unit of a semi-detached

dwelling. Part 2 (111.7 m²) is intended for the other unit of the semi-detached dwelling. The lots in the surrounding area vary considerably in sizes, shapes and uses. Both the subject parcel and remnant parcel are similar in sizes to a number of nearby residential lots in the immediate area along Head Street, and supports compatibility with the surrounding area. 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. Staff recommend approval of the requested consent.

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 September 4th, 2018. The DRP considered the proposal to demolish the existing home and to sever the property into two parts to facilitate the construction of two semi-detached dwelling units, each with an accessory apartment. The DRP was generally supportive of the proposal and noted that it appeared to be appropriate for the street. The Panel moved to support the application and encouraged the applicant to enlarge the front porch so that it would provide some shelter for the lower entrance. Due to the DRP's suggestion to the applicant to enlarge the front porch, and not explicitly requiring that this be a condition, staff do not find it necessary in this instance to require a development agreement as a condition of consent approval.

Variances

The Zoning By-law requires that the minimum lot frontage for a semi-detached unit be 6.5 m. The applicant is requesting to reduce the minimum lot frontage for Part 2 from 6.5 m to 6.37 m. Approving this variance will help to facilitate a 4-unit development within the Downtown District, which is within the Urban Growth Centre. The proposal is desirable for the optimum development of the land. The variance is minor in nature as it requests a reduction of merely 13 cm (0.13 m).

The applicant also requests permission to increase the maximum encroachment for eaves and gutters into a required yard from 0.15 m from the lot line to 0 m. The existing provision is intended to avoid conflicts regarding storm water runoff and to ensure that drainage is directed onto the correct respective lot. Because the proposal has the unit on Part 2 extending further towards the rear of the lot as a result of the irregular shape of the property, the resultant design is that the eaves of the unit on Part 2 (encroaching onto Part 1) extends past what is permitted in the zoning and into the adjacent yard.

The requested variances are considered to be minor in nature and required in order to facilitate the optimum development of the site. Staff recommend approval of the requested variances. The proposal is in keeping with the general intent and purpose of the Official Plan and Zoning By-law. Staff recommend approval of the requested minor variances.

Conclusion

Staff is of the opinion that application **B-70/18SC** is compatible with the surrounding area, the 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.

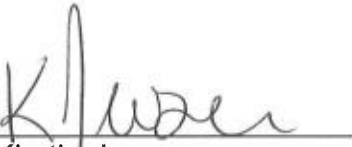
Staff is of the opinion that application **A-116/18** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

Prepared by:



Robertson Soosaar
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Friday, October 12, 2018 10:55 AM
To: Munro, Elaine
Subject: 905-18-418 - Consent Application B-70/18SC - 10 Head Street

Good morning Elaine,

Bell Canada has no concerns with Application for Consent B-70/18SC regarding 10 Head 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

Bell

140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

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

Munro, Elaine

To: Doug Crown
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 2

10 Head St.
1 Waverley Road
436 Grantham Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 7:45 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 2

Hi Elaine
Email-2
Cogeco has no issues or concerns with this applications
Thanks

Doug Crown
Network Planning Department

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



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Wil Banda
Planning and Building Services

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

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 31, 2018 hearing - File No.: 300-036

B-64/18SC – 75 Simpson Road

Comment:

- No Comment

Condition:

- No Comment

B-70/18SC – 10 Head Street

Comment:

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

Condition:

- The existing single detached dwelling and shed are to be demolished. A demolition permit is required for the dwelling and for the shed if its area is greater than 10 square metres.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-74/18SC – 6 Leeson Street

Comment:

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

Condition:

- No Comment

B-80/18SC – 66 Currie Street

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 south face of the existing dwelling on Part 1.
- A demolition permit is required for the detached garage and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

B-81/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment

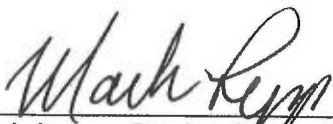
B-82/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2018/20bcoa memo-sev-October 31,2018.docx



Memorandum

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

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

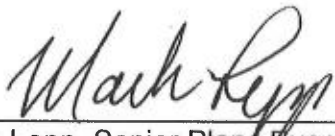
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 31, 2018 hearing- File No.: 300-010

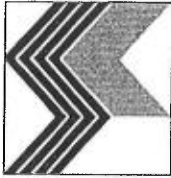
NO.	ADDRESS	COMMENTS
A-103/18	75 Simpson Road	-No Comment
A-104/18	73 Simpson Road	-No Comment
A-116/18	10 Head Street	-No Comment
A-122/18	1429 Gregory Road	-be advised that a permit is required to convert the existing building to a dog grooming, training, kennel and daycare facility.
A-123/18	1 Waverly Road	-No Comment
A-124/18	436 Grantham Ave	-No Comment
A-125/18	6A Leeson Street	-No Comment
A-126/18	6B Leeson Street	-No Comment
A-127/18	5 Michigan Ave	-No Comment
A-128/18	9 Glenbarr Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-129/18	11 Glenbarr Road	-No Comment
A-131/18	66 Currie Street	-No Comment

NO.	ADDRESS	COMMENTS
A-132/18	64 Currie Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards. -Be advised that a building permit is required for the proposed dwelling.
A-133/18	124C St.Davids Road	-No Comment
A-134/18	124B St.Davids Road	-No Comment
A-135/18	124A St.Davids Road	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\19 bcoa memo-mv-October 31, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City. Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

2. **10 Head Street, Consent Application, B-70/18SC – 60.84.2213**
10 Head Street, Minor Variance Application, A-116/18 – 60.81.5405

As a new lot is being created, please include the following condition;

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.

3. **1429 Gregory Road, Minor Variance Application, A-122/18 – 60.81.5411**

No PRCS concerns or requirements.

4. **1 Waverley Road, Minor Variance Application, A-123/18 – 60.81.5412**

No PRCS concerns or requirements.

5. **436 Grantham Avenue, Minor Variance Application, A-124/18 – 60.81.5413**

No PRCS concerns or requirements.

6. **6 Leeson Street, Consent Application, B-74/18SC – 60.84.2217**
6A Leeson Street, Minor Variance Application, A-125/18 – 60.81.5414
6B Leeson Street, Minor Variance Application, A-126/18 – 60.81.5415

As a new lot is being created, please include the following condition;

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.

7. **26 Pelham Road, Consent Application, B-75/18SC – 60.84.2218**
No PRCS concerns or requirements.

8. **37 Henley Drive, Consent Application, B-76/18SC – 60.84.2219**
37B Henley Drive, Consent Application, B-77/18SC – 60.84.2220

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Jim Denham, Development Engineering Technologist

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

Date: October 15, 2018

Hearing Date: October 31, 2018

Subject: Engineering Comments Regarding Minor Variance applications for the following;
75-73 Simpson Road, A-103-104/18SC
10 Head Street, A-116/18SC
11 Glenbarr Road, A-128-129/18SC
66-64 Currie Street, 131-132/18SC
124, 124A, B & C St. David's Road, A-133-134-135/18SC

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 exception:

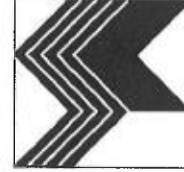
64 Currie Street, A-132/18SC:

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. Lot drainage plans are generally a requirement for review and approval at the building permit stage and are submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties. Recent experience with in-fill lot developments reveals that the minimum side yard setback at 1.20m per the Zoning Bylaw is not sufficient to accommodate drainage conveyance when walkways providing access to the rear yard and/or other structures (a/c units, etc.) are introduced within the side-yards. Depending on the existing and proposed drainage patterns, side-yard swales are sometimes required to accommodate rear yard drainage to the front yards. **We require the minimum 1.2m side-yard setback for drainage allowances of the subject land's sideyards, and recommend against varying the minimum 1.20m side-yard setback to 0.29m.**

Prepared by:


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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-70/18SC



October 12, 2018

ENGINEERING FILE 300-36

Hearing Date: October 31, 2018

Applicant: Grigg & Associates Ltd.

Location: 10 Head Street

MUNICIPAL SERVICES

Head Street

Water: 150mm (6")

Sanitary: 250mm (10")

Storm: None

Sidewalks: Yes

R.O.W Width: ±10.60m

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

Comment(s):

It is noted that the Applicant proposes to sever Part 1 creating a new lot to be known as 10 Head Street for the purpose of constructing a semi-detached dwelling. A remnant parcel (Part 2) would be retained for construction of the other half of the semi-detached dwelling. The application would allow each of the semi-detached dwellings to be owned and/or sold separately.

Roads

It is noted that Head Street is designated as a local road in the City's Official Plan along the applicant frontage with a desired right-of-way width of 20.12m (66.0ft). Although the current width is deficient, based on the current access requirements and building locations, the City will not require a widening along the street frontage with this application.

Engineering Services

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

Sump pump flows typically discharge to grade when no opportunities to connect to a storm sewer in the road allowance exist. Since storm sewers do not exist on Head Street, foundation weeping tile flows shall be collected via sump pump and discharged to the rear-yard locations and be conveyed via swale to the east City-owned parking lot.

B-70/18SC

10 Head Street

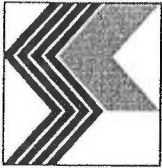
October 12, 2018

Condition(s): None

A handwritten signature in black ink, appearing to be 'Brad Johnston', written over a horizontal line.

Prepared by:

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Jim Denham, Development Engineering Technologist

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

Date: October 15, 2018

Hearing Date: October 31, 2018

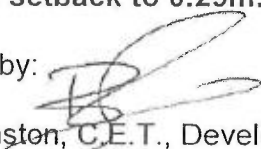
Subject: Engineering Comments Regarding Minor Variance applications for the following;
75-73 Simpson Road, A-103-104/18SC
10 Head Street, A-116/18SC
11 Glenbarr Road, A-128-129/18SC
66-64 Currie Street, 131-132/18SC
124, 124A, B & C St. David's Road, A-133-134-135/18SC

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 exception:

64 Currie Street, A-132/18SC:

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. Lot drainage plans are generally a requirement for review and approval at the building permit stage and are submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties. Recent experience with in-fill lot developments reveals that the minimum side yard setback at 1.20m per the Zoning Bylaw is not sufficient to accommodate drainage conveyance when walkways providing access to the rear yard and/or other structures (a/c units, etc.) are introduced within the side-yards. Depending on the existing and proposed drainage patterns, side-yard swales are sometimes required to accommodate rear yard drainage to the front yards. **We require the minimum 1.2m side-yard setback for drainage allowances of the subject land's sideyards, and recommend against varying the minimum 1.20m side-yard setback to 0.29m.**

Prepared by:


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

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

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

COMMENTS

**B-80/18SC (60.84.2223), A-131/18
(60.81.5420) & A-132/18 (60.81.5421)**

66 Currie Street

**DATE OF HEARING:
October 31, 2018**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 24, 2018

Date of Meeting: October 31, 2018

Submission(s): A-131/18
A-132/18
B-80/18SC

File: 60.81.5420
60.81.5421
60.84.2223

Subject: 66 Currie Street
64 Currie Street

Recommendation

That submission **B-80/18SC**, by 2494551 Ontario Inc., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. Lot areas for both Part 1 and 2 be approved in accordance with the numbers reflected on the submitted survey sketch (293m² for Part 1 and 290m² for Part 2);
2. Pay the fee for City crews to locate and trace the sewer and water laterals servicing the existing dwelling. The sewer and water services must be independent and not cross an abutting and/or future property line. If either or both sewer and water services cross onto abutting and/or other parts, separate services must be installed to the satisfaction of the City Engineer at the Owner's costs;
3. The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for subsection 9.10.14 and 9.10.15 of the 2012 Ontario Building Code for the south face of the existing dwelling on Part 1;
4. A demolition permit is required for the detached garage and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines;
5. That the applicant pays the cost of removal for the existing boulevard tree;
6. The applicant pays the cost of replacing the boulevard tree with a 100mm new planting, to be planted by the City after construction, in accordance with the schedule of rates and fees;
7. 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; and,

8. 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;

That submissions **A-131/18** and **A-132/18** (Variances 1, 3 and 4), by 2494551 Ontario Inc., as outlined in the Notice of Hearing, be approved in accordance with the sketch submitted with the application being a sketch by Kirkup Mascoe Ure dated September 19, 2018 signed by Roy S. Kirkup, attached to and formally part of this decision.

That Variance 2 of submission **A-132/18**, by 2494551 Ontario Inc., 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-80/18SC** 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 variances requested through applications **A-131/18** and **A-132/18** (variances 1, 3 and 4) are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommends that the requested consent and minor variances be approved.

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-132/18** (variance 2) is not minor in nature, not desirable for the appropriate use of land, and the intent and purpose of the Official Plan and Zoning By-law are not being maintained. Staff recommend denial of variance 2.

The Proposal

Application **B-80/18SC** is made for consent to sever 290m² of land (Part 2 on the submitted sketch) to be known as 64 Currie Street for the proposed construction of a single detached dwelling. A 293m² remnant parcel (Part 1) with the existing 1 storey single detached dwelling would be retained for residential use. There are concurrent minor variance applications **A-131/18** and **A-132/18**.

Application **A-131/18** has been made to vary Zoning By-law 2013-283 for Part 1 to recognize the existing dwelling should the concurrent consent application, **B-80/18SC**, be approved. The applicant requests a reduction of lot the area per dwelling unit for a single detached dwelling from 300m² to 293m².

Application **A-132/18** has been made to vary Zoning By-law 2013-283 for Part 2. The variances are required for the proposed dwelling on Part 2, should the concurrent consent, **B-80/18SC**, be approved.

1. A reduction of lot area per dwelling unit for a single detached dwelling from 300m² to 290m².
2. A reduction of the interior side yard setback from 1.2 m to 0.29 m.
3. A reduction of the rear yard setback from 6.0 m to 4.84 m.
4. A reduction of the average front yard setback from 4.4 m to 4.17 m.

Location and Site Description

The subject lot is located on the east side of Currie Street, north of Facer Street. The surrounding area consists of single detached houses. There is a large paved parking surface to the rear of the lot belonging to the Canadian Polish Society.

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 E3 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 new lot (Part 2) is appropriate for the proposed single dwelling use. The existing dwelling on a smaller lot (Part 1) will contribute to the appropriate development of the site given the context of the neighbourhood. The existing lot at 66 Currie is considerably larger than most in the surrounding area, and the severance will facilitate the creation of two lots that are more consistent in terms of size with the surrounding lots. Parts 1 and 2 on the submitted sketch are similar in size to a number of the existing lots to the north, as well as to the east on Lailey Street. The applicant has demonstrated that they are of adequate size to fit building envelopes on each lot while still abiding by most provisions of the Zoning By-law.

The proposed new dwelling will be in line with the established character and design of dwellings in the neighbourhood. The proposal demonstrates development that is compatible with the existing streetscape in terms of spacing and building setbacks, save and except for the proposed northerly interior side yard setback of the proposed dwelling which staff recommend to be increased to meet the requirement of the zoning by-law. The proposed lots will not negatively impact the established character of the neighbourhood. The proposal is an example of good infill development in an established residential area. The proposal is in keeping with the general intent and purpose of the Official Plan and Zoning By-law. Staff recommend approval of consent application **B-80/18SC**.

Design Review Panel

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 proposed consent was submitted to the DRP for review at the meeting of September 4, 2018. The DRP considered the proposal to sever the side yard of the existing home to facilitate the construction of a new raised bungalow, and for the existing house to be retained. The DRP expressed concerns regarding the existing boulevard tree and its protection and retention throughout development of the new dwelling. The Panel was generally supportive of the proposed consent and had no concerns with the proposed building design, placement or associated variances. The panel requested that the boulevard tree be retained and asked that it be shown on all future plans. The DRP moved to endorse support for the proposed lot creation, subject to the condition that the existing boulevard tree be retained.

The City's Parks, Recreation and Culture Services department has advised that upon further review and inspection of the boulevard tree by the City's arbourist, this site cannot support both the driveway (and proposed construction) as well as the existing boulevard tree. Further, the recent excavation works on site have caused harm and stress to the trees roots. PRCS requires that the applicant pay the cost of removal for the existing boulevard tree and further that the applicant pay the cost of replacing the boulevard tree with a 100mm new planting, to be planted by the City after construction, in accordance with the schedule of rates and fees. These requests have been reflected in the recommendation.

The City's Development Engineering Services department has advised that increased drainage challenges typically 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. 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 Currie Street, weeping tile foundation drainage shall be discharge via sump pump to a storm lateral. The Owner shall pay the fee to have City staff install the portion of the lateral within the Currie Street road allowance. These, in addition to new water and sanitary sewer lateral fees, will be paid through the building permit process. The Owner is also responsible to pay the City the fee to locate and trace the existing water and sewer laterals from the existing home to ensure they do not cross any abutting and/or future lot lines. This requirement has been reflected in the recommended conditions. In accordance with City By-law 91-364, a detailed lot grading and drainage plan must be submitted at the building permit application stage.

Staff note that there are minor discrepancies between the requested variances in the application and subsequent notice and the survey sketch submitted with the application. The following discussion is reflective of the numbers that are shown on the survey sketch, and staff comments are to based on these numbers as well. Additionally, a condition has been included to approve the variances for lot area based on the numbers reflected on the survey sketch. The differences in the dimensions between the application and survey sketch are minor and do not affect the opinions of staff on the justification of the variances.

Variance A-131/18

Zoning By-law 2013-283 requires a minimum lot area per dwelling unit of 300m². The applicant is requesting a reduction of minimum lot area per dwelling unit to 293m² for Part 1 to facilitate the concurrent consent application. The intent of the minimum lot area provision of the zoning by-law is to ensure that a building envelope can fit comfortably on a property while still providing adequate amenity space and ensure the dwelling will not overwhelm the lot or neighbouring properties. The applicant has demonstrated that the existing detached dwelling can fit suitably on the proposed lot while abiding by all required zoning provisions. The reduced lot area is minor in nature and will not have significant impacts on the surrounding properties. The Zoning By-law and Official Plan policies are upheld. Staff recommend approval of variance application **A-131/18**.

Variance A-132/18

Similar to application **A-131/18**, Variance 1 of application **A-132/18** requests a reduction of the minimum lot area per dwelling unit from 300m² to 290m² for Part 2. Due to the size constraint of the currently existing lot, it is not possible to achieve a minimum lot area of 300m² for either of the severed lots. The applicant has demonstrated that a second detached dwelling can fit adequately on the proposed lot (Part 2) while abiding by most of the required zoning provisions. To achieve the optimum development of the site, staff recommend that variance 1 of application **A-132/18** be approved.

Variance 3 of application **A-132/18** requests a reduction of the rear yard setback from 6.0m to 4.84m to facilitate a proposed single detached dwelling. The rear yard setback requirement is intended to ensure adequate amenity space is available for residents. The 4.84m setback represents a pinch point between the south east corner of the building and the rear property line, and is a result of the irregular shape of the lot. The northern rear

corner of the proposed dwelling demonstrates a rear yard setback that is compliant with the Zoning By-law, at 6.06m. This variance is minor in nature, and maintains the general intent of the Zoning By-law and Official Plan. Staff recommend approval of Variance 3, only for the pinch point outlined in the sketch attached to the application.

Variance 4 requests a reduction of the average front yard setback from 5.15 m to 4.17 m. In actuality, the variance required is from 4.4 metres to 4.17 metres, a variance of only 0.23 metres. The average setback of adjacent properties, +/- 0.75 meters, is the required front yard setback where the average is in excess by 2 metres or greater of the stated requirement (3 metres) in the zoning by-law. In this situation, the average setback of adjacent properties is 5.15 metres and with the permitted as-of-right variance of 0.75 metres, the required front yard setback for Part 2 is 4.4 metres. The average front yard setback provision of the by-law is intended to ensure that the front walls of dwellings are generally aligned to create a consistent built form along the streetscape. The east side of Currie Street between Facer Street and Lailey Street consists of an angular lot pattern with respect to the roadway. This angular lot pattern has resulted in mixed front yard setbacks for existing homes on the street. Given the context of the development and the shape of the lot, the reduction of the front yard setback is considered minor in nature and desirable for the appropriate development of the site. The request maintains the general intent of the Zoning By-law and Official Plan. Staff recommend approval of Variance 4, only for the pinch point as outlined in the sketch submitted with the application.

Variance 2 of application **A-132/18** requests a reduction of the northerly required interior side yard setback of 1.2m, to 0.29m. The Zoning By-law requires a minimum interior side yard setback of 1.2m to ensure appropriate separation distances between dwellings, and access to the rear yard for maintenance purposes, as well as to ensure adequate drainage can be maintained on the subject property without forcing runoff onto neighbouring lots. The requested reduction to the northerly interior side yard setback to 0.29m is a significant departure from the by-law requirement, which will result in insufficient space for drainage as well as reducing access to the rear of the dwelling. The reduced setback is likely to adversely impact the existing dwelling at 66 Currie Street, due to the close proximity. Also, there does not appear to be any reason that the 1.2 metre setback requirement cannot be provided.

In addition, the City's Development Engineering Services department has advised that 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. As such, lot drainage plans are a requirement for review and approval at the building permit stage and are submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties. Recent experiences with in-fill lot developments reveal that the minimum side yard setback at 1.2m per the Zoning By-law is not sufficient to accommodate drainage conveyance, when walkways providing access to the rear yard and/or other structures (a/c units, etc.) are introduced within the side yards. Depending on the existing and proposed drainage patterns, side yard swales are sometimes required to accommodate rear yard drainage to the front yards. Development Engineering therefore requires that the minimum 1.2m side yard setback be maintained, for drainage

allowances of the subject land's side yards, and recommend against varying the minimum 1.2m side yard setback to 0.29m. Staff therefore recommend that Variance 2 of application **A-132/18** be denied.

Conclusion

Staff is of the opinion that application **B-80/18SC** is compatible with the surrounding area, the 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 be approved.

Staff is of the opinion that applications **A-131/18** and **A-132/18** (Variances 1, 3 and 4) 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, providing the sketch attached to the application be included as part of the decision.

Staff is of the opinion that application **A-132/18** (Variance 2) is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and not appropriate or desirable for the use of the land. It is Staff's recommendation that variance 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

October 22, 2018

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

Attention: Elaine Munro

File# 60.84.2223, 60.81.5421 & 60.81.5420

Re: 64 & 66 Currie St

In response to your correspondence dated October 9, 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.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Existing Alectra Utilities pole #97953 and associated overhead services will have to be relocated to accommodate proposed driveway location.

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 black ink, consisting of a stylized 'M' followed by a horizontal line and a large loop at the end.

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Friday, October 12, 2018 3:35 PM
To: Munro, Elaine
Subject: 905-18-413 - Consent Application B-80/18SC - 66 Currie Street

Good afternoon Elaine,

Bell Canada has no concerns with Application for Consent B-80/18SC regarding 66 Currie 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

Bell

140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

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Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 6a

66 Currie St. - Consent

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 11:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 6a

Cogeco has no issues or concerns
Thanks

Doug Crown
Network Planning Department

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, Bureau 1700, Montréal, Québec, H3B 0B3

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Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 6b

66 Currie St. – MV – A-131/18

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

Sent: Thursday, October 11, 2018 11:01 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 6b

Cogeco has no issues or concerns
Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 6c

66 Currie – MV – 132/18

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 11:01 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 6c

Cogeco has no issues or concerns
Thanks

Doug Crown
Network Planning Department
Doug.crown@cogeco.com

7170 Mcleod Rd
Niagara Falls Ont Canada

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



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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Wil Banda
Planning and Building Services

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

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 31, 2018 hearing - File No.: 300-036

B-64/18SC – 75 Simpson Road

Comment:

- No Comment

Condition:

- No Comment

B-70/18SC – 10 Head Street

Comment:

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

Condition:

- The existing single detached dwelling and shed are to be demolished. A demolition permit is required for the dwelling and for the shed if its area is greater than 10 square metres.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-74/18SC – 6 Leeson Street

Comment:

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

Condition:

- No Comment

B-80/18SC – 66 Currie Street

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 south face of the existing dwelling on Part 1.
- A demolition permit is required for the detached garage and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

B-81/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment

B-82/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2018/20bcoa memo-sev-October 31,2018.docx



Memorandum

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

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

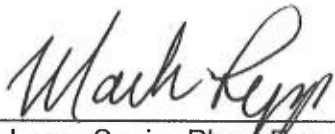
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 31, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-103/18	75 Simpson Road	-No Comment
A-104/18	73 Simpson Road	-No Comment
A-116/18	10 Head Street	-No Comment
A-122/18	1429 Gregory Road	-be advised that a permit is required to convert the existing building to a dog grooming, training, kennel and daycare facility.
A-123/18	1 Waverly Road	-No Comment
A-124/18	436 Grantham Ave	-No Comment
A-125/18	6A Leeson Street	-No Comment
A-126/18	6B Leeson Street	-No Comment
A-127/18	5 Michigan Ave	-No Comment
A-128/18	9 Glenbarr Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-129/18	11 Glenbarr Road	-No Comment
A-131/18	66 Currie Street	-No Comment

NO.	ADDRESS	COMMENTS
A-132/18	64 Currie Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards. -Be advised that a building permit is required for the proposed dwelling.
A-133/18	124C St.Davids Road	-No Comment
A-134/18	124B St.Davids Road	-No Comment
A-135/18	124A St.Davids Road	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\19 bcoa memo-mv-October 31, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City. Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

12. 66 Currie Street, Consent Application, B-80/18SC – 60.84.2223
66 Currie Street, Minor Variance Application, A-131/18 – 60.81.5420
64 Currie Street, Minor Variance Application, A-132/18 – 60.81.5421

There is a large tree and hydro pole in front of the proposed driveway, the driveway should be relocated to the other side. The 1.97m curb cut proposed to accommodate the retention of the tree is not a practical option.

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

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

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.

13. 124 St. David's Road, Consent Application, B-81/18SC – 60.84.2224
124 St. David's Road, Consent Application, B-82/18SC – 60.84.2225
124C St. David's Road, Minor Variance Application, A-133/18 – 60.81.5422
124B St. David's Road, Minor Variance Application, A--134/18 – 60.81.5423
124A St. David's Road, Minor Variance Application, A-135/18 – 60.81.5424

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

Munro, Elaine

From: Button, Jessica
Sent: Friday, October 19, 2018 9:55 AM
To: Jensen, Kirstin
Cc: Munro, Elaine
Subject: 66 Currie

Kirsten,

Upon further review and inspection of the boulevard tree by the City's arbourist, this site cannot support both the driveway (and proposed construction) as well as the existing boulevard tree. Further, the recent excavation works on site have caused harm and stress to the trees roots. Should PBS support the severance, please include the following conditions in addition to the previously requested conditions;

1. That the applicant pay the cost of removal for the existing boulevard tree.
2. The application pay the cost of replacing the boulevard tree with a 100mm new planting, to be planted by the City after construction, in accordance with the schedule of rates and fees.

Please let me know if you wish to discuss further.

Jessica Button

Project and Development Planner

Email: jbutton@stcatharines.ca

Tel: 905.688.5601 x3145

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-80/18SC



October 12, 2018

ENGINEERING FILE 300-36

Hearing Date: October 31, 2018

Applicant: 2494551 Ontario Inc.

Location: 66 Currie Street

EXISTING MUNICIPAL SERVICES

Currie Street

Watermain: 150mm (6") P.V.C.
Sanitary Sewer: 250mm +/-2.60m deep
Storm Sewer: 250mm
Sidewalks: Yes
ROW Width: +/-20.12m (66')

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

Comment(s): It is noted that the Owner (Applicant) proposes to sever two lots for the purpose of building three townhouse units. The application would allow each unit of the townhouses to be owned separately.

Roads

Currie Street is designated a Local Road in the City's Official Plan with a desired right-of-way width of 20m. Its current width along the frontage is sufficient, therefore the Owner will not be required to dedicate a road widening to the City through this application.

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.

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 Currie Street, weeping tile foundation drainage shall be discharge via sump pump to a storm lateral. The Owner shall pay the fee to have City forces install the portion of the lateral within the Currie Street road allowance. These, in addition to new water and sanitary sewer lateral fees, will be paid through the building permit process. The fees charged shall be in accordance with the City's current Schedule of Rates and Fees in place at the time. The Applicant shall be responsible to install the portion of the laterals 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.

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

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 for the existing home.

Condition(s):

Prior to the severance finalization the Owner shall;

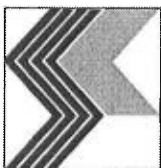
- Pay the fee for City crews to locate and trace the sewer and water laterals servicing the existing dwelling. The sewer and water services must be independent and not cross an abutting and/or future property line. If either or both sewer and water services cross onto abutting and/or other parts, separate services must be installed to the satisfaction of the City Engineer at the Owner's costs

Prepared By:



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

BJ:bj



Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Jim Denham, Development Engineering Technologist

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

Date: October 15, 2018

Hearing Date: October 31, 2018

Subject: Engineering Comments Regarding Minor Variance applications for the following;
75-73 Simpson Road, A-103-104/18SC
10 Head Street, A-116/18SC
11 Glenbarr Road, A-128-129/18SC
66-64 Currie Street, 131-132/18SC
124, 124A, B & C St. David's Road, A-133-134-135/18SC

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 exception:

64 Currie Street, A-132/18SC:

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. Lot drainage plans are generally a requirement for review and approval at the building permit stage and are submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties. Recent experience with in-fill lot developments reveals that the minimum side yard setback at 1.20m per the Zoning Bylaw is not sufficient to accommodate drainage conveyance when walkways providing access to the rear yard and/or other structures (a/c units, etc.) are introduced within the side-yards. Depending on the existing and proposed drainage patterns, side-yard swales are sometimes required to accommodate rear yard drainage to the front yards. **We require the minimum 1.2m side-yard setback for drainage allowances of the subject land's sideyards, and recommend against varying the minimum 1.20m side-yard setback to 0.29m.**

Prepared by:


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

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

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

COMMENTS

**B-74/18SC (60.84.2217), A-125/18
(60.81.5414) & A-126/18 (60.81.5415)**

6 Leeson Street

**DATE OF HEARING:
October 31, 2018**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 24, 2018

Date of Meeting: October 31, 2018

Submission(s): B-74/18SC
A-125/18
A-126/18

File: 60.84.2217
60.81.5414
60.81.5415

Subject: 6 Leeson Street
6A Leeson Street
6B Leeson Street

Recommendation

That Submissions **B-74/18SC**, **A-125/18**, and **A-126/18**, by Mancini Developments Inc. and Silvergate Developments Inc., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

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

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that application **B-74/18SC** 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 variances requested through application **A-125/18** & **A-126/18** 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. Staff recommends that the requested consent and minor variances be approved.

Background

The building permit for this semi-detached dwelling was issued on June 28, 2018 under section 2.15.1.1 of the zoning by-law (By-law 2013-283), which permitted various dwelling types permitted by the applicable zone on existing undersized lots (under the required lot frontage and/or required lot area as per the zoning by-law). Staff recognized this permission was resulting in overdevelopment of undersized lots and recommended to Council an amendment to the zoning by-law to limit the permitted dwelling types on an existing undersized lot to only single detached dwellings (By-law 2017-295). The zoning amendment was adopted by Council on October 16, 2017 but appealed to the Local

Planning Appeal Tribunal (LPAT, formerly the Ontario Municipal Board (OMB)). The appeal had not yet been settled by a formal decision at the time of application for a building permit on the subject site, and as such, the original zoning permissions prevailed (allowing development on undersized lots).

In addition, Council recently approved an amendment to the zoning by-law requiring lots to be created *prior to the issuance of a building permit* for a semi-detached dwelling. Council approved this zoning amendment on September 24, 2018, but it has subsequently been appealed to the Local Planning Appeal Tribunal (LPAT).

The Proposal

Application **B-74/18SC** is made for consent to a partial discharge of mortgage and for consent to sever 167.96 m² of land (Part 1 on the submitted sketch) creating a new lot to be known as 6A Leeson Street for the purpose of constructing a semi-detached dwelling. A 172.33 m² remnant parcel (Part 2) will be retained for the other half of the semi-detached dwelling. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately. There are concurrent minor variance applications **A-125/18** & **A-126/18**.

Application **A-125/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283 for the following variances for Part 1 to facilitate a concurrent consent application **B-74/18SC**:

1. A reduction in minimum lot area per dwelling unit for a semi-detached dwelling from 370 m² to 167.96 m².
2. A reduction in minimum lot frontage from 12 m to 5.637 m.

Application **A-126/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283, as amended for the following variances for Part 2 to facilitate a concurrent consent application **B-74/18SC**:

1. A reduction in minimum lot area per dwelling unit for a semi-detached dwelling from 370 m² to 172.33 m².
2. A reduction in minimum lot frontage from 12 m to 5.637 m.

Location and Site Description

The subject property is located on the east side of Leeson Street, north of Townline Road East. The surrounding area consists of single detached dwellings.

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 (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

Consent

Although Council has approved an amendment to the zoning by-law to prohibit development for this dwelling type on existing undersized lots, in this circumstance a building permit had been issued in accordance with the zoning at the time prior to the By-law amendment being finalized. Recognizing that the dwelling is under construction, there is nothing to be gained by withholding the severance to recognize each half of the semi-detached dwelling on its own lot.

Design Review Panel (DRP)

The Design Review Panel (DRP) provides design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. The subject property was granted a building permit to construct a new semi-detached dwelling *on one lot* on June 28, 2018, and therefore no new, vacant residential lot was created at that time. The subject application was therefore exempt from review by the DRP.

Variances

Applications **A-125/18** (Part 1) and **A-126/18** (Part 2) request reductions of the minimum lot area and reductions of the minimum lot frontage per dwelling unit in order to facilitate the concurrent consent application **B-74/18SC**.

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

Staff recommend approval of the consent and associated variances.

Conclusion

Staff is of the opinion that application **B-74/18SC** is compatible with the surrounding area, and will have not adversely impact 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-125/18** & **A126/18** 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.

Prepared by:

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


Robertson Soosaar
Student Planner

Submitted by:

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

Kirstin Jensen
Planner I

Approved by:

A handwritten signature in black ink, appearing to read 'Judy Pihach', written over a horizontal line. To the right of the signature, the letters 'FGR' are handwritten.

Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Friday, October 12, 2018 10:56 AM
To: Munro, Elaine
Subject: 905-18-419 - Consent Application B-74/18SC - 6 Leeson Street

Good morning Elaine,

Bell Canada has no concerns with Application for Consent B-74/18SC regarding 6 Leeson 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



140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

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Munro, Elaine

Subject:

RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 3

6 Leeson Street
26 Pelham Road

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

Sent: Thursday, October 11, 2018 7:46 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 3

Hi Elaine

Email-3

Cogeco has no issues or concerns with this applications

Thanks

Doug Crown
Network Planning Department

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, Bureau 1700, Montréal, Québec, H3B 0B3



Where Ships Climb The Mountain...

October 11, 2018

EMAIL ONLY (emunro@stcatharines.ca)

Ms. Elaine Munro
Secretary-Treasurer, Committee of Adjustment
City of St. Catharines
P.O. Box 3012, 50 Church Street
St. Catharines ON L2R 7C2

Re: File No. 60.84.2217
Submission No. B-74/18SC
6 Leeson Street
Lot 702, Corporation Plan No. 6
Roll No. 262901000300100XXXX

Purpose of Application

Application B-74/18SC is made for consent to a partial discharge of mortgage and for consent to sever 167.96 m2 of land (Part 1 on the submitted sketch) creating a new lot to be known as 6A Leeson Street for the purpose of constructing a semi-detached dwelling. A 172.33 m2 remnant parcel (Part 2) will be retained for the other half of the semi-detached dwelling. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately. There are concurrent minor variance applications A-125/18 & A-126/18.

City of Thorold Comments

Planning staff have reviewed Application B-74/18SC and do not offer any objections to the consent to a partial discharge of mortgage and for the consent to sever 167.96 m2 of land for the purposes of creating a new lot.

Regards,

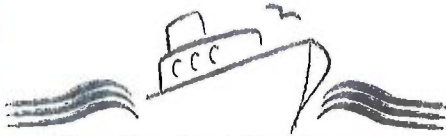
Julie Hannah, MES, MA, MCIP, RPP
Senior Planner

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.com

Tel: 905-227-8613



Where Ships Climb The Mountain...

October 11, 2018

EMAIL ONLY (emunro@stcatharines.ca)

Ms. Elaine Munro
Secretary-Treasurer, Committee of Adjustment
City of St. Catharines
P.O. Box 3012, 50 Church Street
St. Catharines ON L2R 7C2

Re: File No. 60.81.5414
Submission No. A-125/18
6A Leeson Street
Lot 702, Corporation Plan No. 6
Roll No. 262901000300100XXXX

Purpose of Application

Application A-125/18 is requesting to vary the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variances for Part 1 to facilitate a concurrent consent application B-74/18SC:

1. A reduction in minimum lot area per dwelling unit for a semi-detached dwelling from 370 m² to 167.96 m².
2. A reduction in minimum lot frontage from 12 metres to 5.637 metres.

City of Thorold Comments

Planning staff have reviewed Application A-125/18 and do not offer any objections to the minor variances to reduce the minimum lot area per dwelling unit to 167.96 m² and to reduce the minimum lot frontage to 5.637 metres.

Regards,

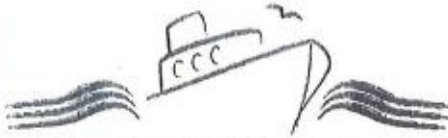
Julie Hannah, MES, MA, MCIP, RPP
Senior Planner

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.com

Tel: 905-227-8613



Where Ships Climb The Mountain...

October 11, 2018

EMAIL ONLY (emunro@stcatharines.ca)

Ms. Elaine Munro
Secretary-Treasurer, Committee of Adjustment
City of St. Catharines
P.O. Box 3012, 50 Church Street
St. Catharines ON L2R 7C2

Re: File No. 60.81.5415
Submission No. A-126/18
6B Leeson Street
Lot 702, Corporation Plan No. 6
Roll No. 262901000300100XXXX

Purpose of Application

Application A-126/18 is requesting to vary the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variances for Part 2 to facilitate a concurrent consent application B-74/18SC:

1. A reduction in minimum lot area per dwelling unit for a semi-detached dwelling from 370 m² to 172.33 m².
2. A reduction in minimum lot frontage from 12 metres to 5.637 metres.

City of Thorold Comments

Planning staff have reviewed Application A-126/18 and do not offer any objections to the minor variances to reduce the minimum lot area per dwelling unit to 172.33 m² and to reduce the minimum lot frontage to 5.637 metres.

Regards,

Julie Hannah, MES, MA, MCIP, RPP
Senior Planner

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.com

Tel: 905-227-8613



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Wil Banda
Planning and Building Services

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

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 31, 2018 hearing - File No.: 300-036

B-64/18SC – 75 Simpson Road

Comment:

- No Comment

Condition:

- No Comment

B-70/18SC – 10 Head Street

Comment:

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

Condition:

- The existing single detached dwelling and shed are to be demolished. A demolition permit is required for the dwelling and for the shed if its area is greater than 10 square metres.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-74/18SC – 6 Leeson Street

Comment:

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

Condition:

- No Comment

B-80/18SC – 66 Currie Street

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 south face of the existing dwelling on Part 1.
- A demolition permit is required for the detached garage and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

B-81/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment

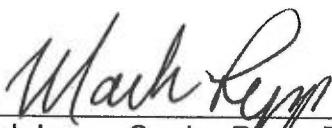
B-82/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\ldg memo 2018/20bcoa memo-sev-October 31,2018.docx



Memorandum

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

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

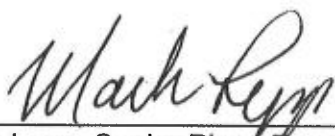
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 31, 2018 hearing- File No.: 300-010

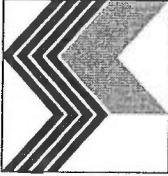
NO.	ADDRESS	COMMENTS
A-103/18	75 Simpson Road	-No Comment
A-104/18	73 Simpson Road	-No Comment
A-116/18	10 Head Street	-No Comment
A-122/18	1429 Gregory Road	-be advised that a permit is required to convert the existing building to a dog grooming, training, kennel and daycare facility.
A-123/18	1 Waverly Road	-No Comment
A-124/18	436 Grantham Ave	-No Comment
A-125/18	6A Leeson Street	-No Comment
A-126/18	6B Leeson Street	-No Comment
A-127/18	5 Michigan Ave	-No Comment
A-128/18	9 Glenbarr Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-129/18	11 Glenbarr Road	-No Comment
A-131/18	66 Currie Street	-No Comment

NO.	ADDRESS	COMMENTS
A-132/18	64 Currie Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards. -Be advised that a building permit is required for the proposed dwelling.
A-133/18	124C St.Davids Road	-No Comment
A-134/18	124B St.Davids Road	-No Comment
A-135/18	124A St.Davids Road	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\19 bcoa memo-mv-October 31, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City. Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

2. **10 Head Street, Consent Application, B-70/18SC – 60.84.2213**
10 Head Street, Minor Variance Application, A-116/18 – 60.81.5405

As a new lot is being created, please include the following condition;

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.

3. **1429 Gregory Road, Minor Variance Application, A-122/18 – 60.81.5411**

No PRCS concerns or requirements.

4. **1 Waverley Road, Minor Variance Application, A-123/18 – 60.81.5412**

No PRCS concerns or requirements.

5. **436 Grantham Avenue, Minor Variance Application, A-124/18 – 60.81.5413**

No PRCS concerns or requirements.

6. **6 Leeson Street, Consent Application, B-74/18SC – 60.84.2217**
6A Leeson Street, Minor Variance Application, A-125/18 – 60.81.5414
6B Leeson Street, Minor Variance Application, A-126/18 – 60.81.5415

As a new lot is being created, please include the following condition;

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.

7. **26 Pelham Road, Consent Application, B-75/18SC – 60.84.2218**
No PRCS concerns or requirements.

8. **37 Henley Drive, Consent Application, B-76/18SC – 60.84.2219**
37B Henley Drive, Consent Application, B-77/18SC – 60.84.2220

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-74/18SC



October 15th, 2018

ENGINEERING FILE 300-36

Hearing Date: October 31st, 2018

Applicant: Mancini Development Inc. & Silvergate Developments Inc.

Location: 6 Leeson Street

MUNICIPAL SERVICES

Leeson Street

Water:	200mm P.V.C.
Sanitary Sewer:	250mm Clay Depth Unknown
Storm Sewer:	None
Sidewalks:	Exist on both sides of Leeson Street
Road Allowance Width:	+/-20m

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

It is noted that the dwelling units located on the subject property are already under construction. The owner proposes to sever Part 1 on the submitted sketch creating a new lot known as 6A Leeson Street for the purposes of creating a semi-detached dwelling. The remnant parcel, Part 2, would be retained for the other half of the semi-detached dwelling and to be known as 6B Leeson Street. The application will allow each unit of the semi-detached dwelling to be sold separately.

Roads

Leeson Street is designated a Local Collector road as per the City's Official Plan with a desired right-of-way width of 20m. The existing right-of-way width is +/-20m. The Owner is therefore not required to dedicate a road widening across the frontage of this property.

Sidewalks

Sidewalks and curbs exist along this section of Leeson Street.

Engineering Services

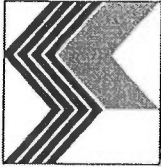
Development servicing requirements (sewer laterals and water services) have already been addressed at the building permit application stage.

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

Condition(s): None.

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

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Brad Johnston, Development Engineering Technologist

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

Date: October 16th, 2018

Hearing Date: October 31st, 2018

Subject: Engineering Comments Regarding Minor Variance applications for the following;
1429 Gregory Road, A-122/18SC
1 Waverley Road, A-123/18SC
436 Grantham Avenue, A-124/18SC
6A & 6B Leeson Street, 125-126/18SC
5 Michigan Avenue, A-127/18SC

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.

Prepared by:

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

JD

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-123/18 (60.81.5412)

1 Waverley Road

DATE OF HEARING:
October 31, 2018



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 24, 2018

Date of Meeting: October 31, 2018

Submission(s): A-123/18

File: 60.81.5412

Subject: 1 Waverley Road

Recommendation

That Submission and **A-123/18** by Brent Daniel Boyle, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variance requested through application **A-123/18** 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 minor variance be approved.

The Proposal

Application **A-123/18** has been made to vary Zoning By-law 2013-283 for the proposed construction of a detached garage, replacing the old detached garage, for the following:

1. An increase of the maximum accessory structure coverage from 10% to 13%;
2. An increase of the maximum driveway coverage from 20% to 21.87%.

Location and Site Description

The subject property is located on the west side of Waverley Road, north of Welland Avenue. The surrounding area primarily contains single detached houses. The property is located within a Special Study Area.

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 E3 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. The subject property is located within the general boundaries of a Special Study Area for the Lincoln Mall Node.

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

Zoning By-law 2013-283 permits a maximum accessory structure coverage of 10%. This is to ensure that accessory structures do not impose on the primary structure as well as the rear yard amenity space of a lot. Variance 1 is requesting an increase in the maximum accessory structure coverage from 10% to 13%, in order to reconstruct a previously existing detached garage. The request is considered minor in nature as it is necessary to reinstate a previously existing situation on the site. Detached accessory structures are permitted in all zones, so long as they are not in a front yard or exterior side yard, maintain the required setbacks and are not greater than 4.5 metres in height. The request is therefore also in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend to approve the increase in the maximum accessory structure coverage from 10% to 13%.

Zoning By-law 2013-283 also permits a maximum driveway coverage of 20%. This is to ensure that a lot is not overwhelmed by paving and vehicular parking surface. Variance 2 requests an increase from 20% to 22% driveway coverage, in order to facilitate the reconstruction of a detached garage in the rear yard. As the request is only 2% greater than the maximum permitted, the request is minor in nature. The increase will again be a function of rectifying a situation that was previously existing on the site for some time, and will allow for adequate access to the new detached structure in the rear yard. Variance 2 is within the general intent of the Official Plan and Zoning By-law, and does not have any negative implications on surrounding properties. Staff recommend that Variance 2 be approved.

Conclusion

Staff is of the opinion that application **A-123/18** 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 variances be approved.

Prepared by:



Robertson Soosaar
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

To: Doug Crown
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 2

10 Head St.
1 Waverley Road
436 Grantham Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 7:45 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 2

Hi Elaine
Email-2
Cogeco has no issues or concerns with this applications
Thanks

Doug Crown
Network Planning Department

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 . Pour assurer la livraison de futurs envois, veuillez inclure la présente adresse courriel à votre carnet d'adresses ou votre liste d'expéditeurs autorisés.

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

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

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If you no longer wish to receive promotional emails from Cogeco, please forward this message to unsubscribe@cogeco.com. Thank you!

Privacy Policy and Anti-spam Commitment

- [Contact us](#)

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



Memorandum

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

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

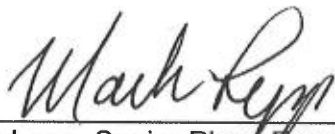
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 31, 2018 hearing- File No.: 300-010

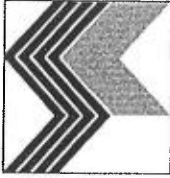
NO.	ADDRESS	COMMENTS
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A-104/18	73 Simpson Road	-No Comment
A-116/18	10 Head Street	-No Comment
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A-123/18	1 Waverly Road	-No Comment
A-124/18	436 Grantham Ave	-No Comment
A-125/18	6A Leeson Street	-No Comment
A-126/18	6B Leeson Street	-No Comment
A-127/18	5 Michigan Ave	-No Comment
A-128/18	9 Glenbarr Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-129/18	11 Glenbarr Road	-No Comment
A-131/18	66 Currie Street	-No Comment

NO.	ADDRESS	COMMENTS
A-132/18	64 Currie Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards. -Be advised that a building permit is required for the proposed dwelling.
A-133/18	124C St.Davids Road	-No Comment
A-134/18	124B St.Davids Road	-No Comment
A-135/18	124A St.Davids Road	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\19 bcoa memo-mv-October 31, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City.
Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

2. **10 Head Street, Consent Application, B-70/18SC – 60.84.2213**
10 Head Street, Minor Variance Application, A-116/18 – 60.81.5405

As a new lot is being created, please include the following condition;

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.

3. **1429 Gregory Road, Minor Variance Application, A-122/18 – 60.81.5411**

No PRCS concerns or requirements.

4. **1 Waverley Road, Minor Variance Application, A-123/18 – 60.81.5412**

No PRCS concerns or requirements.

5. **436 Grantham Avenue, Minor Variance Application, A-124/18 – 60.81.5413**

No PRCS concerns or requirements.

6. **6 Leeson Street, Consent Application, B-74/18SC – 60.84.2217**
6A Leeson Street, Minor Variance Application, A-125/18 – 60.81.5414

6B Leeson Street, Minor Variance Application, A-126/18 – 60.81.5415

As a new lot is being created, please include the following condition;

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.

7. **26 Pelham Road, Consent Application, B-75/18SC – 60.84.2218**
No PRCS concerns or requirements.

8. **37 Henley Drive, Consent Application, B-76/18SC – 60.84.2219**

37B Henley Drive, Consent Application, B-77/18SC – 60.84.2220

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Brad Johnston, Development Engineering Technologist

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

Date: October 16th, 2018

Hearing Date: October 31st, 2018

Subject: Engineering Comments Regarding Minor Variance applications for the following;
1429 Gregory Road, A-122/18SC
1 Waverley Road, A-123/18SC
436 Grantham Avenue, A-124/18SC
6A & 6B Leeson Street, 125-126/18SC
5 Michigan Avenue, A-127/18SC

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.

Prepared by:

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

JD

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-124/18 (60.81.5413)

436 Grantham Avenue

DATE OF HEARING:
October 31, 2018



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 24, 2018

Date of Meeting: October 31, 2018

Submission(s): A-124/18

File: 60.81.5413

Subject: 436 Grantham Avenue

Recommendation

That Submission **A-124/18**, by NS Properties Inc., as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variance requested through application **A-124/18** 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 minor variance be approved.

The Proposal

Application **A-124/18** has been made to vary Zoning By-law 2013-283 for an increase of the maximum floor area for an existing (without permits) interior accessory dwelling unit from 60 m² to 74 m².

Location and Site Description

The subject property is located on the east side of Grantham Avenue, across from Agar Drive, and north of Scott Drive. The property is located south from Grantham Mennonite Brethren Church and Grantham Avenue Park. The surrounding area consists of single detached homes.

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 E3 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 (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. An interior accessory dwelling unit is permitted as-of-right in any detached dwelling, semi-detached dwelling unit or townhouse dwelling unit.

Report

Zoning By-law 2013-283 requires a maximum floor area for an existing interior accessory dwelling unit be no more than 60 m², or 40% of the floor area of the dwelling unit (including the basement), whichever is less. The applicant is requesting to increase the interior accessory dwelling unit area to 74 m². The variance is requested to recognize an existing, albeit illegal, interior accessory dwelling unit. The increased floor area is requested to accommodate one new bedroom (14 m²). The added bedroom will bring the total number of bedrooms for the accessory unit to three.

Although staff are cautious in recommending approval of an increase in the maximum size of an accessory unit, in this case the following factors favour the approval of this variance:

- i) The additional bedroom is located in an area of the basement that was underutilized;
- ii) Although staff question the adequate supply of parking (only two tandem parking spaces are available for both units), the minimum parking requirement of the zoning by-law is met;
- iii) The approval of this application *may* serve to provide affordable rental housing in the community;
- iv) Being on a major arterial road, the availability of public transit is a benefit; and,
- v) No other variances are requested.

The Official Plan permits accessory dwelling units in single detached dwellings where they conform with the applicable zoning regulations. The applicant is advised that, should this variance be approved, a building permit will be required to legalize the use.

The requested variance is considered desirable and appropriate for the use of the land and conforms to the general intent and purpose of the Official Plan and Zoning By-law. Staff is of the opinion that Application **A-124/18** be approved.

Conclusion

Staff is of the opinion that application **A-124/18** 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:



Robertson Soosaar
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

To: Doug Crown
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 2

10 Head St.
1 Waverley Road
436 Grantham Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 7:45 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 2

Hi 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

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



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



Memorandum

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

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

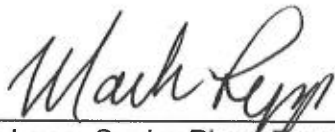
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 31, 2018 hearing- File No.: 300-010

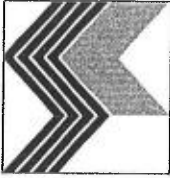
NO.	ADDRESS	COMMENTS
A-103/18	75 Simpson Road	-No Comment
A-104/18	73 Simpson Road	-No Comment
A-116/18	10 Head Street	-No Comment
A-122/18	1429 Gregory Road	-be advised that a permit is required to convert the existing building to a dog grooming, training, kennel and daycare facility.
A-123/18	1 Waverly Road	-No Comment
A-124/18	436 Grantham Ave	-No Comment
A-125/18	6A Leeson Street	-No Comment
A-126/18	6B Leeson Street	-No Comment
A-127/18	5 Michigan Ave	-No Comment
A-128/18	9 Glenbarr Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-129/18	11 Glenbarr Road	-No Comment
A-131/18	66 Currie Street	-No Comment

NO.	ADDRESS	COMMENTS
A-132/18	64 Currie Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards. -Be advised that a building permit is required for the proposed dwelling.
A-133/18	124C St.Davids Road	-No Comment
A-134/18	124B St.Davids Road	-No Comment
A-135/18	124A St.Davids Road	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\19 bcoa memo-mv-October 31, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City. Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

2. **10 Head Street, Consent Application, B-70/18SC – 60.84.2213**
10 Head Street, Minor Variance Application, A-116/18 – 60.81.5405

As a new lot is being created, please include the following condition;

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.

3. **1429 Gregory Road, Minor Variance Application, A-122/18 – 60.81.5411**

No PRCS concerns or requirements.

4. **1 Waverley Road, Minor Variance Application, A-123/18 – 60.81.5412**

No PRCS concerns or requirements.

5. **436 Grantham Avenue, Minor Variance Application, A-124/18 – 60.81.5413**

No PRCS concerns or requirements.

6. **6 Leeson Street, Consent Application, B-74/18SC – 60.84.2217**
6A Leeson Street, Minor Variance Application, A-125/18 – 60.81.5414

6B Leeson Street, Minor Variance Application, A-126/18 – 60.81.5415

As a new lot is being created, please include the following condition;

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.

7. **26 Pelham Road, Consent Application, B-75/18SC – 60.84.2218**
No PRCS concerns or requirements.

8. **37 Henley Drive, Consent Application, B-76/18SC – 60.84.2219**

37B Henley Drive, Consent Application, B-77/18SC – 60.84.2220

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Brad Johnston, Development Engineering Technologist

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

Date: October 16th, 2018

Hearing Date: October 31st, 2018

Subject: Engineering Comments Regarding Minor Variance applications for the following;
1429 Gregory Road, A-122/18SC
1 Waverley Road, A-123/18SC
436 Grantham Avenue, A-124/18SC
6A & 6B Leeson Street, 125-126/18SC
5 Michigan Avenue, A-127/18SC

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.

Prepared by:

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

JD

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

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

COMMENTS

B-75/18SC (60.84.2218)

26 Pelham Road

DATE OF HEARING:
October 31, 2018



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 24, 2018

Date of Meeting: October 31, 2018

Submission(s): B-75/18SC

File: 60.84.2218

Subject: 26 Pelham Road

Recommendation

That Submissions **B-75/18SC**, by Dino Sicoli/Janet Sicoli (Estate), as outlined in the Notice of Hearing, be approved, conditional on the following:

1. The existing shed on Part 2 be removed;
2. That the applicant dedicate gratuitously and at the Owner's expense, a road widening of 2.94m in width across the entire frontage of Pelham Road and 1.38m in width across the entire frontage of Hamilton Street, to the City free and clear of any mortgages, liens or encumbrances to be known as Public Highway Pelham Road and Hamilton Street, respectively; and
3. The Applicant prepare a draft reference plan for the City's review and approval identifying the proposed parts to be dedicated to the City as Public Highways known as Pelham Road and Hamilton Street, respectively;

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that application **B-75/18SC** is desirable and compatible with the surrounding area and will not result in adverse impact on the surrounding properties.

The Proposal

Application **B-75/18SC** is made for consent to sever 123 m² of land (Part 2 on the submitted sketch), to be added to the abutting northern parcel of land known as 34 Hamilton Street (Part 3). A 389 m² remnant parcel (Part 1), with the existing one-storey single detached dwelling known as 26 Pelham Road, will be retained for continued residential use.

No new development is proposed.

Location and Site Description

The subject property is located on the west side of Pelham Road, south of Hamilton Street. The property is located adjacent to a small commercial property to the north as well as directly to the south. The surrounding area is primarily detached dwellings.

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 Medium Density Residential as per Schedule E6/7 of the Garden City Plan. The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential – Traditional Neighbourhood (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 consent to sever, including lot boundary adjustments, will only be given where the size, shape and configuration of the parcel is appropriate for the use proposed and in terms of the optimum development of the surrounding area.

The proposed consent is requesting to sever Part 2 on the submitted sketch (from 26 Pelham Road) in order to merge the lands with Part 3 (34 Hamilton Street). The severance will redistribute the lands on Part 2 to increase the lot area of 34 Hamilton Street, bringing it more in line with zoning standards including minimum lot area requirements and rear yard setbacks. With the severance, 26 Pelham Road will remain in compliance with the Zoning By-law in terms of setbacks and lot area. This severance constitutes a minor boundary adjustment and will have no adverse impacts on the surrounding area or environment. The severance is compatible with the character of the neighbourhood. Staff is satisfied that the parcels are appropriate for the use proposed, as each parcel will contain a single detached dwelling. The function of the dwellings will not change and there will be no impact on surrounding uses. Staff recommend to approve the requested consent.

Design Review Panel

On May 8, 2017, Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. The proposed consent is for a minor boundary adjustment and no new vacant residential lot will be created. The subject application was therefore exempt from review by the DRP.

The City's Development Engineering Services department has advised that Pelham Road is designated as an Arterial Road in the City's Official Plan. The recommended right-of-way (ROW) width for an Arterial Road is 26m. The existing ROW width is 20.12m. Therefore, the City is requesting a 2.94m widening across the Pelham Road frontage of Part 1. Hamilton Street is designated as a Local Road in the City's Official Plan. In this circumstance, the recommended ROW width for a Local Road is 18m. The existing ROW width is 15.25m. Therefore, the City is requesting a 1.38m widening across the Hamilton Street frontage of Part 3.

Conclusion

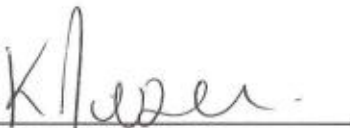
Staff is of the opinion that application **B-75/18SC** is compatible with the surrounding area, the policies of the Official Plan, provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consent to sever be approved.

Prepared by:



Robertson Soosaar
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP *For*
Manager of Planning Services

Munro, Elaine

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Friday, October 12, 2018 9:07 AM
To: Munro, Elaine
Subject: 905-18-416 - Consent Application B-75/18SC - 26 Pelham Road

Good morning Elaine,

Bell Canada has no concerns with Application for Consent B-75/18SC regarding 26 Pelham Road.

Thank you,

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

Bell

140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

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Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 3

6 Leeson Street
26 Pelham Road

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 7:46 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 3

Hi Elaine
Email-3
Cogeco has no issues or concerns with this applications
Thanks

Doug Crown
Network Planning Department

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, Bureau 1700, Montréal, Québec, H3B 0B3



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Wil Banda
Planning and Building Services

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

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 31, 2018 hearing - File No.: 300-036

B-64/18SC – 75 Simpson Road

Comment:

- No Comment

Condition:

- No Comment

B-70/18SC – 10 Head Street

Comment:

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

Condition:

- The existing single detached dwelling and shed are to be demolished. A demolition permit is required for the dwelling and for the shed if its area is greater than 10 square metres.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-74/18SC – 6 Leeson Street

Comment:

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

Condition:

- No Comment

B-75/18SC – 26 Pelham Road

Comment:

- No Comment

Condition:

- No Comment

B-76/18SC – 37 Henley Drive

Comment:

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

Condition:

- The existing dwelling shall be removed. A demolition permit is required for the existing dwelling and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling shall be removed. A demolition permit is required for the existing dwelling and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

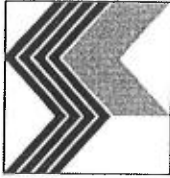
B-79/18SC – 11 Glenbarr Road

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 west face of the existing dwelling on Part 1.
- The existing shed is to be removed. A demolition permit is required for the shed if its area is greater than 10 square metres.



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City.
Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

2. **10 Head Street, Consent Application, B-70/18SC – 60.84.2213**
10 Head Street, Minor Variance Application, A-116/18 – 60.81.5405

As a new lot is being created, please include the following condition;

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.

3. **1429 Gregory Road, Minor Variance Application, A-122/18 – 60.81.5411**

No PRCS concerns or requirements.

4. **1 Waverley Road, Minor Variance Application, A-123/18 – 60.81.5412**

No PRCS concerns or requirements.

5. **436 Grantham Avenue, Minor Variance Application, A-124/18 – 60.81.5413**

No PRCS concerns or requirements.

6. **6 Leeson Street, Consent Application, B-74/18SC – 60.84.2217**
6A Leeson Street, Minor Variance Application, A-125/18 – 60.81.5414
6B Leeson Street, Minor Variance Application, A-126/18 – 60.81.5415

As a new lot is being created, please include the following condition;

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.

7. **26 Pelham Road, Consent Application, B-75/18SC – 60.84.2218**
No PRCS concerns or requirements.

8. **37 Henley Drive, Consent Application, B-76/18SC – 60.84.2219**
37B Henley Drive, Consent Application, B-77/18SC – 60.84.2220

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

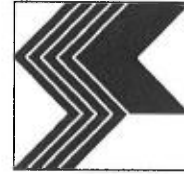
B-75/18SC

26 Pelham Road

October 15th, 2018

REPORT TO PLANNING DEPARTMENT

Re: CITY LAND DIVISION APPLICATION NUMBER B-75/18SC



October 15th, 2018

ENGINEERING FILE 300-36

Hearing Date: October 31st, 2018

Owner: Estate of Dino & Janet Sicoli

Location: 26 Pelham Road

GENERAL COMMENTS:

It is understood that the Owner wishes to sever Part 2 as shown on the survey plan submitted with the application and prepared by Kirkup Mascoe Ure and add it to Part 3 (34 Hamilton Street).

MUNICIPAL SERVICES


Pelham Road is designated as an Arterial Road in the City's Official Plan. The recommended right-of-way (ROW) width for an Arterial Road is 26m. The existing ROW width is 20.12m. Therefore, the City is requesting a 2.94m widening across the Pelham Road frontage of Part 1.

Hamilton Street is designated as a Local Road in the City's Official Plan. The recommended ROW width of for a Local Road is 18m. The existing ROW width is 15.25m. Therefore, the City is requesting a 1.38m widening across the Hamilton Street Frontage of Part 3.

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

- Dedicate gratuitously and at the Owner's expense, a road widening of 2.94m in width across the entire frontage of Pelham Road and 1.38m in width across the entire frontage of Hamilton Street, to the City free and clear of any mortgages, liens or encumbrances to be known as Public Highway St. David's Road and Allanburg Road; and

Prepared By: _____


Jim Denham P.Eng.
Development Engineering Technologist

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-127/18 (60.81.5416)

5 Michigan Avenue

DATE OF HEARING:
October 31, 2018



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 24, 2018

Date of Meeting: October 31, 2018

Submission(s): A-127/18

File: 60.81.5416

Subject: 5 Michigan Avenue

Recommendation

That Submission **A-127/18**, by Cornel Enescu, as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, Staff is of the opinion that application **A-127/18** is not in keeping with the general intent of the Official Plan or 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 requested variances be denied.

The Proposal

The Applicant for application **A-127/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283, for the following variances for the proposed detached dwelling:

1. A reduction in minimum front yard setback to garage from 6 m to 5.2 m.
2. An increase of the maximum building height from 10 m to 11.5 m.
3. An increase of the maximum parking area coverage from 50% of the front yard to 59.2% of the front yard.

Location and Site Description

The subject property is located on the northwest side of Michigan Avenue, east of Lakeport Road. The subject property backs onto Lock 1 of the Second Welland Canal System and the Waterfront Trail. The surrounding area consists of single detached homes. The property is also within the proposed Port Dalhousie Secondary Plan and Heritage Conservation District Area.

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 E1 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. The rear of the subject land is adjacent to Significant Valley Lands as per Schedule F2 of the GCP. The entirety of the property is within the Niagara Natural Environment Screening Layer as per Schedule F5 of the GCP.

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. Building heights in the R2 zone shall not exceed 10 m.

Report

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

Zoning By-law 2013-283 requires a minimum front yard setback to a garage of 6 m, whereas the applicant is requesting a reduction to 5.2 metres to the garage. The intent of this provision is to ensure that there is adequate space to appropriately position a vehicle in front of the garage, and ensure that there will be no overhang of a vehicle onto a sidewalk or street. The zoning by-law outlines that the minimum size of a parking space in a parking lot context to be 2.6 metres in width by 5.2 metres in length. The extra length required for single dwelling parking (6.0 metres) is to ensure sufficient space to manoeuvre around a vehicle (access to trunk, under hood access etc.), actions that do not need to be accommodated in a traditional parking lot to the same degree. In the opinion of staff, the reduced setback of the garage also does not support continuity of streetscape along the road where garages are generally setback a significant distance from the roadway. Staff recommend denial of this variance.

Zoning By-law 2013-283 permits a maximum building height of 10 m. This provision is meant to ensure that the imposition of dwellings onto neighbouring properties is limited, and to reduce overlook into neighbouring yards and windows. Variance 2 requests an increase of the building height from 10 m to 11.5 m. Section 8.1.1 of the GCP states that Low Density Residential designations generally should not exceed 11 m. Recently, changes have also been made to the zoning by-law which further restricts the R2 zone to a maximum height of 10 m. In addition, this property is on the border of the Port Dalhousie Area, which further restricts building heights to a maximum of 9 m. As a result of the large size of the proposed dwelling, permitting the increase in building height will significantly

impose on neighbouring properties, and does not fit with the character of the neighbourhood, nor does it suit the character of the Port Dalhousie Area based on its location at the perimeter of that neighbourhood. The St. Catharines Urban Design Guidelines states that the design of dwellings should be compatible in scale, function and character of the surrounding area. The proposed development is significantly larger than other houses on the street. Therefore, increasing the building height will not be a compatible design in regards to the surrounding area and neighbourhood. Staff recommend denial of variance 2.

Zoning By-law 2013-283 permits a maximum parking area coverage of 50% of the front yard. This is to ensure that the parking surface does not overwhelm the front yard of the property while also limiting the amount of impermeable surfaces throughout the City. The applicant is requesting an increase of the maximum parking area coverage from 50% to 59%. The Zoning By-law specifies that a standard parking stall is 2.6 m in width. The proposed design shows a 2-car driveway that is 6.58 m in width, which provides more than enough space to park 2 cars and provide additional driveway width. By designing the driveway to the required parking standards outlined in the Zoning By-law, the driveway can still provide enough space to park two cars, and will not negatively impact the streetscape or overwhelm the front perspective of the lot with paved area. The requested variance is not in keeping with the intent of the Official Plan or Zoning By-law, is not minor in nature, and does not contribute to the appropriate development of the site. Staff recommend to deny variance 3.

Conclusion

Staff is of the opinion that application **A-127/18** is not in keeping with the general intent of the Official Plan or 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 requested variances be denied.

Prepared by:



Robertson Soosaar
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP, Manager of Planning Services

October 29, 2018

Our File No.: PLMV201800916

BY E-MAIL ONLY

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

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Minor Variance, (A-127/18)
5 Michigan Avenue St. Catharines ON L2N4G7

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

This application has been made to vary the required front yard setback; building height; and parking area coverage for a proposed single detached dwelling at the above noted property.

NPCA mapping indicates that the subject property backs onto a steep slope associated with Twelve Mile Creek. As such, development and site alterations of this property would be subject to the NPCA's current policies and regulations. Authority objectives when reviewing proposals on lots adjacent to stopes or valleys pertain to minimizing soil erosion and sedimentation, protecting life and property from the potential for slope stability problems and ensuring that the natural integrity of the valley slope is maintained over the long term.

NPCA staff have reviewed a Slope Stability Assessment for the proposed development (completed by WSP on October 12, 2018). NPCA staff are satisfied with the conclusions of this Assessment that provided certain mitigation measures are adhered to during the construction phase, the slope will remain stable after the proposed construction is complete.

In light of the above, the Conservation Authority can support the approval of this proposal. The proposed works will require a Permit from the NPCA prior to the commencement of any works on site and prior to the issuance of a Building Permit from the City.

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

Yours truly,



Sarah Mastroianni,
Watershed Planner
(905) 788-3135, ext. 249

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 4

37 Henley Drive
5 Michigan Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 7:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 4

Hi Elaine
Email-4
Cogeco has no issues or concerns with this applications
Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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

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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

October 22, 2018

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

Attention: Elaine Munro

File# 60.81.5416

Re: 5 Michigan Ave

In response to your correspondence dated October 9, 2018, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- We have NO objection(s).

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-10, Overhead System

▪ C22.3 No. 7-10 Underground Systems

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

Sincerely,

A handwritten signature in black ink, enclosed within a large, hand-drawn oval. The signature consists of several stylized, connected loops and a trailing horizontal line.

Mark Jakubowski
Supervisor, Design, Customer Capital



Memorandum

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

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

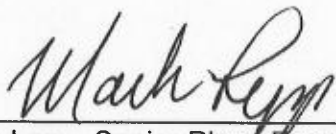
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 31, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-103/18	75 Simpson Road	-No Comment
A-104/18	73 Simpson Road	-No Comment
A-116/18	10 Head Street	-No Comment
A-122/18	1429 Gregory Road	-be advised that a permit is required to convert the existing building to a dog grooming, training, kennel and daycare facility.
A-123/18	1 Waverly Road	-No Comment
A-124/18	436 Grantham Ave	-No Comment
A-125/18	6A Leeson Street	-No Comment
A-126/18	6B Leeson Street	-No Comment
A-127/18	5 Michigan Ave	-No Comment
A-128/18	9 Glenbarr Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-129/18	11 Glenbarr Road	-No Comment
A-131/18	66 Currie Street	-No Comment

NO.	ADDRESS	COMMENTS
A-132/18	64 Currie Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards. -Be advised that a building permit is required for the proposed dwelling.
A-133/18	124C St.Davids Road	-No Comment
A-134/18	124B St.Davids Road	-No Comment
A-135/18	124A St.Davids Road	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\19 bcoa memo-mv-October 31, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City. Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

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.

9. 5 Michigan Avenue, Minor Variance Application, A-127/18 – 60.81.5416

No PRCS concerns or requirements.

11. 11 Glenbarr Road, Consent Application, B-79/18SC – 60.84.2222

9 Glenbarr Road, Minor Variance Application, A-128/18 – 60.81.5417

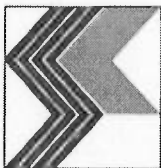
11 Glenbarr Road, Minor Variance Application, A-129/18 – 60.81.5418

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

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

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.



Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Brad Johnston, Development Engineering Technologist

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

Date: October 16th, 2018
Hearing Date: October 31st, 2018

Subject: Engineering Comments Regarding Minor Variance applications for the following;
1429 Gregory Road, A-122/18SC
1 Waverley Road, A-123/18SC
436 Grantham Avenue, A-124/18SC
6A & 6B Leeson Street, 125-126/18SC
5 Michigan Avenue, A-127/18SC

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.

Prepared by:

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

JD

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

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

COMMENTS

**B-81/18SC (60.84.2224), B-82/18SC
(60.84.2225), A-133/18 (60.81.5422),
A-134/18 (60.81.5423)
& A-135/18 (60.81.5424)**

124 St. David's Road

**DATE OF HEARING:
October 31, 2018**

Munro, Elaine

Subject: RE: Lot 124B St. Davids Rd

From: Mark L [mailto:]
Sent: Monday, October 29, 2018 3:30 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Lot 124B St. Davids Rd

Hello Elaine,

We are in receipt of the revised notice of hearing for 124B St. David's Rd. We live directly across from the property at 157 St. David's Rd., Thorold L2V 2L9.

We are in favour of an increase of the maximum driveway width from 3.63 to 6.138 metres of the front lot line. This property is on a very busy street and intersection directly adjacent to 2 bus stops that service a large number of Brock University students. It is imperative that these dwellings have the capacity for the potential owners to park their vehicles in their driveways.

We would ask that you please send us a copy of the decision.

Yours truly,

Mark and Lucia Lefebvre

157 St. David's Rd., Thorold L2V2L9

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CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: October 24, 2018

Date of Meeting: October 31, 2018

Submission(s): A-133/18
A-134/18
A-135/18
B-81/18SC
B-82/18SC

File: 60.81.5422
60.81.5423
60.81.5424
60.84.2224
60.84.2225

Subject: 124 St. Davids Road

Recommendation

That Submissions **B-81/18SC** and **B-82/18SC**, by Ashi Brothers Holdings Inc., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the Applicant dedicate gratuitously and at the Owner's expense, a road widening of 3.048m in width across the entire frontage of St. David's Road, and 1.60m in width across the entire frontage of Allanburg Road, to the City free and clear of any mortgages, liens or encumbrances to be known as Public Highways St. David's Road and Allanburg Road, respectively;
2. The Applicant prepare a draft reference plan for the City's review and approval identifying the proposed parts to be dedicated to the City as Public Highways known as St. Davids Road and Allanburg Road, respectively;
3. That the Applicant pay to the City the fees for a future concrete sidewalk at a length of 38.10m, and 1.50m wide, along Allanburg Road, in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment;
4. 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; and,
5. 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' and that the appraisals be completed by a qualified appraiser.

That Submissions **A-133/18**, **A-135/18**, and Variances 1, 2 and 3 of **A-134/18**, by Ashi Brothers Holdings Inc., as outlined in the Notice of Hearing, be approved; and,

That Variance 4 of Submission **A-134/18**, by Ashi Brothers Holdings Inc., be denied.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, Staff is of the opinion that applications **B-81/18SC** and **B-82/18SC** are 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 variances requested through applications **A-133/18**, **A-134/18** (Variances 1 through 3 inclusive) and **A-135/18** 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. Staff recommends that the requested consents and minor variances be approved.

Staff are not satisfied that Variance 4 of Application **A-134/18** is minor in nature, desirable for the appropriate use of the land or that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommends that the requested variance be denied.

The Proposal

Application **B-81/18SC** is made for consent to a partial discharge of mortgage and to sever 228.8 m² of land (Parts 6 & 7 on the submitted sketch), to be known as 124A St. Davids Road, for the purpose of severing one unit of a three-unit townhouse dwelling currently under construction, and subject to an easement over Part 7 for eaves, gutters and wall to benefit 124B St. Davids Rd (Parts 3, 4 & 5). A 547.37 m² remnant parcel (Parts 1,2,3,4 & 5) of the three-unit townhouse dwelling currently under construction is to be retained for future residential use. The application would allow each unit of the three-unit townhouse to be owned and/or sold separately. There is a concurrent consent application **B-82/18SC** and minor variance application **A-133/18**.

Application **B-82/18SC** is made for consent to a partial discharge of mortgage and to sever 193.07 m² of land (Parts 3, 4 & 5 on the submitted sketch), to be known as 124B St. Davids Road, for the purpose of severing one unit of a three-unit townhouse dwelling currently under construction, and subject to an easement for eaves, gutters and wall over Part 5 to benefit 124A St. Davids Road (Parts 6 & 7) and over Part 4 to benefit 124C St. Davids Road (Parts 1 & 2). A 354.3 m² remnant parcel (Parts 1 & 2) of the three-unit townhouse dwelling currently under construction is to be retained for future residential use. The application would allow each unit of the three-unit townhouse to be owned and/or sold separately. There is a concurrent consent application **B-81/18SC**, and minor variance applications **A-134/18** & **A-135/18**.

Application **A-133/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283, for the following variances for Parts 1 & 2, to facilitate concurrent consent applications **B-81/18SC** & **B-82/18SC**, for a reduction of the encroachment for eaves and gutters from 0.15 m to 0 m.

Application **A-134/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283, for the following variances for Parts 3, 4 & 5, to facilitate concurrent consent applications **B-81/18SC** & **B-82/18SC**:

1. A reduction of the minimum lot frontage from 8.0 m to 6.138 m.
2. A reduction of minimum lot area per dwelling unit for a unit in a 3-unit townhouse from 315m² to 193.07 m².
3. A reduction of the encroachment for eaves and gutters from 0.15 m to 0 m.
4. An increase to the maximum permitted driveway width from 50% (3.07 m) to 59% (3.63 m).

Application **A-135/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283, for the following variances for Parts 6 & 7, to facilitate concurrent consent applications **B-81/18SC** & **B-82/18SC**:

1. A reduction of the minimum lot frontage from 8.0 m to 7.549 m.
2. A reduction of minimum lot area per dwelling unit for a unit in a 3-unit townhouse from 315m² to 228.8 m².
3. A reduction of the encroachment for eaves and gutters from 0.15 m to 0 m.

Location and Site Description

The subject lot is located on the northeast corner of St. Davids Road and Allanburg Road S. The surrounding area consists of single detached homes.

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 (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

Consents

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.

Applications **B-81/18SC** and **B-82/18SC** are made to sever the land at 124 St Davids Road, to form three lots for the purposes of a three-unit townhouse development (currently under construction). The consents will create lots that are slightly smaller than what currently exists in the surrounding area. The subject property is located within 50m of a transit stop and is in a suitable area to accommodate intensified infill development. The requested consents are desirable and compatible with the surrounding area and will not result in adverse impact on the surrounding properties. Staff recommend to approve the requested consents.

The building permit for this townhouse dwelling was issued in August, 2017, and prior to an approved amendment to the Zoning By-law to remove Section 2.15.1.1, which permitted various dwelling types permitted by the applicable zone on existing undersized lots (by virtue of lot area and lot frontage).

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

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

Design Review Panel (DRP)

The Design Review Panel (DRP) provides design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. The subject property was granted building permits to construct a three-unit townhouse on one lot on August 30, 2017. Therefore, no new, vacant residential lot was created at that time. The subject application was therefore exempt from review by the DRP.

Variances

The Zoning By-law permits the encroachment of eaves into a required yard to a maximum of 0.15 m from the lot line. This provision exists to avoid conflicts regarding storm water runoff and to ensure that drainage is directed onto the respective lot. Applications **A-133/18**, **A-134/18** and **A-135/18** are requesting to vary the zoning by-law for an increase of the maximum encroachment for eaves and gutters into a required yard from 0.15m to 0m. Because the subject property is currently being developed into a staggered townhouse, the resultant design is that the eaves of the units (shown as Parts 2, 4, 5 and 7) extend past what is permitted in the zoning and into the adjacent yards. With the construction design of staggered townhouses becoming more prevalent in the City, the

eaves encroachment variance is likely to be requested more frequently. The requested variances are minor in nature and required in order to facilitate the optimum development of the site. Staff recommend approval of the requested variances.

The Zoning By-law requires that the minimum lot frontage for a townhouse dwelling unit be 8.0m and that the minimum lot area for a townhouse dwelling unit be 315m². Applications **A-134/18** and **A-135/18** request reductions of the minimum lot frontage and minimum lot areas for Parts 3 and 6. As previously explained, at the time of issuance of a building permit, the lot was in compliance with the requirements of the zoning by-law in place at that time. The division of the lots to allow for individual ownership of each unit through the requested consents triggered the variances necessary to the lot frontages and lot areas that are being requested. The requested variances are minor in nature and maintains the intent of the Official Plan. There is nothing to be gained by withholding the severance to recognize each unit of the townhouse dwellings on their own lots, nor the related variances.

The final variance of **A-134/18** requests permission to increase the maximum driveway width of Parts 3, 4 and 5, from the required maximum driveway width of 50% (3.07 m) of the lot frontage (6.138 m), to 59% (3.63 m) of the width of the frontage. It is staff's opinion that maintaining a driveway width that is 50% of the frontage (that being a width of 3.07m) does not create a hardship for the applicant to uphold, and would allow for some landscaping to be provided between the neighbouring porch and the proposed driveway area. Staff do not feel that approval of this variance is desirable or appropriate for the use of the land and recommend that the variance be denied.

Staff recommend approval of all variances for applications **A-133/18**, **A-134/18** and **A-135/18**, save and except for Variance 4 of **A-134/18**, which staff recommend be denied.

The City's Development Engineering Services department has advised that St. Davids Road is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.12m. Although the current width along the Owner's frontage notes 20.0m, the road width varies along the south border abutting the City of Thorold. Given that the City has previously obtained widening's from properties to the east, the City shall require a 3.048m road widening to be dedicated free and clear of any encumbrances to the City as Public Highway to be known as St. Davids Road, in accordance with Plan 665 (attached to Development Engineering submitted comments).

Further, Allanburg Road is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.0m. Its current width is deficient at ±16.8m. The City shall therefore require a 1.60m road widening to be dedicated free and clear of any encumbrances, to the City as Public Highway to be known as Allanburg Road.

In addition, The Garden City Plan supports "complete streets and walkable communities", which in addition to accommodating vehicles, are to provide a "safe, functional and attractive pedestrian and cycling environment". The Garden City Plan also indicates (Section 5.2.1D) sidewalks should be provided on both sides of all local streets.

Therefore, understanding a sidewalk currently exists along St. Davids Road, the Owner shall be required to pay to the City the fees for a future 1.50m wide concrete sidewalk along the Allanburg Road frontage, for a length of 38.10m, in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment.

Conclusion

Staff is of the opinion that applications **B-81/18SC** and **B-82/18SC** are 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 consents to sever be approved.

Staff is of the opinion that applications **A-133/18**, **A-134/18** (variances 1 through 3) and **A-135/18** 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.

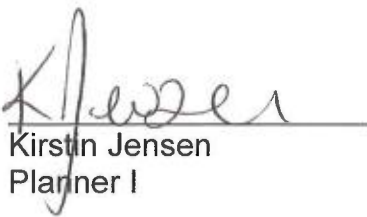
Staff are not satisfied that Variance 4 of Application **A-134/18** is minor in nature, desirable for the appropriate use of the land or that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommends that the requested variance be denied.

Prepared by:



Robertson Soosaar
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:

 FOR

Judy Pihach, MCIP, RPP
Manager of Planning Services

October 22, 2018

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

Attention: Elaine Munro

File# 60.84.2224, 60.84.2225, 60.81.5422, 60.81.5423 & 60.81.5424

Re: 124, 124A, 124B and 124C St. David's Rd

In response to your correspondence dated October 9, 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.

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 black ink, consisting of a series of loops and a long horizontal stroke, enclosed within a large, hand-drawn oval.

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Friday, October 12, 2018 9:02 AM
To: Munro, Elaine
Subject: 905-18-412 - Consent Application B-81/18SC - 124 St. David's Road

Good morning Elaine,

Bell Canada has no concerns with Application for Consent B-81/18SC regarding 124 St. David's Road.

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



140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

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Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 7

124 St. David's Road

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 7:59 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 7

Hi Elaine
Email-7
Cogeco has no issues or concerns with this applications
Thanks

Doug Crown
Network Planning Department

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, Bureau 1700, Montréal, Québec, H3B 0B3

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 8 - Last Email

124 St. David's Rd – Minor Variances

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, October 11, 2018 7:59 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the October 31/18 CofA Hearing, City of St. Catharines - Email 8 - Last Email

Hi Elaine
Email-8
Cogeco has no issues or concerns with this applications
Thanks

Doug Crown
Network Planning Department

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, Bureau 1700, Montréal, Québec, H3B 0B3

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Where Ships Climb The Mountain...

October 11, 2018

EMAIL ONLY (emunro@stcatharines.ca)

Ms. Elaine Munro
Secretary-Treasurer, Committee of Adjustment
City of St. Catharines
P.O. Box 3012, 50 Church Street
St. Catharines ON L2R 7C2

Re: File No. 60.84.2224
Submission No. B-81/18SC
124 St. David's Road
Lot 848 & Part of Lot 836, Corporation Plan No. 6
Roll No. 2629010002091000000

Purpose of Application

Application B-81/18SC is made for consent to a partial discharge of mortgage, a consent to sever 228.8 m² of land (Parts 6 & 7 on the submitted sketch) to be known as 124A St. David's Road for the proposed construction of a three unit townhouse subject to an easement over Part 7 for eaves, gutters and wall to benefit 124B St. David's Road (Parts 3, 4 & 5). A 547.37 m² remnant parcel (Parts 1, 2, 3, 4 & 5) 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-82/18SC and minor variance application A-133/18.

City of Thorold Comments

Planning staff have reviewed Application B-81/18SC and do not offer any objections to the consent to sever 228.8 m² of land for the proposed construction of a three unit townhouse subject to an easement for eaves, gutters and wall over Part 7 to benefit 124B St. David's Road (Parts 3, 4 & 5).

Regards,

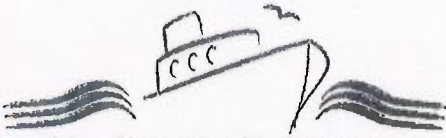
Julie Hannah, MES, MA, MCIP, RPP
Senior Planner

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.com

Tel: 905-227-6613



Where Ships Climb The Mountain...

October 11, 2018

EMAIL ONLY (emunro@stcatharines.ca)

Ms. Elaine Munro
Secretary-Treasurer, Committee of Adjustment
City of St. Catharines
P.O. Box 3012, 50 Church Street
St. Catharines ON L2R 7C2

Re: File No. 60.84.2225
Submission No. B-82/18SC
124 St. David's Road
Lot 848 & Part of Lot 836, Corporation Plan No. 6
Roll No. 262901000209100XXXX

Purpose of Application

Application B-82/18SC is made for consent to a partial discharge of mortgage, a consent to sever 193.07 m² of land (Parts 3, 4, & 5 on the submitted sketch) to be known as 124B St. David's Road for the proposed construction of a three unit townhouse subject to an easement for eaves, gutters and wall over Part 5 to benefit 124A St. David's Road (Parts 6 & 7) and over Part 4 to benefit 124C St. David's Road (Parts 1 & 2). A 354.3 m² 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-81/18SC and minor variance applications A-134/18 & A-135/18.

City of Thorold Comments

Planning staff have reviewed Application B-82/18SC and do not offer any objections to the consent to sever 193.07 m² of land for the proposed construction of a three unit townhouse subject to an easement for eaves, gutters and wall over Part 5 to benefit 124A St. David's Road (Parts 6 & 7) and over Part 4 to benefit 124C St. David's Road (Parts 1 & 2).

Regards,

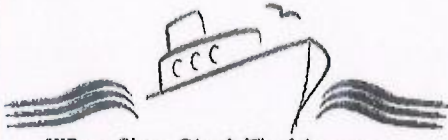
Julie Hannah, MES, MA, MCIP, RPP
Senior Planner

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.com

Tel: 905-227-8613



Where Ships Climb The Mountain...

October 11, 2018

EMAIL ONLY (emunro@stcatharines.ca)

Ms. Elaine Munro
Secretary-Treasurer, Committee of Adjustment
City of St. Catharines
P.O. Box 3012, 50 Church Street
St. Catharines ON L2R 7C2

Re: File No. 60.81.5422
Submission No. A-133/18
124C St. David's Road
Lot 848 & Part of Lot 836, Corporation Plan No. 6
Roll No. 2629010002091000000

Purpose of Application

Application A-133/18 is requesting to vary the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variance for Parts 1 & 2 to facilitate concurrent consent applications B-81/18SC & B-82/18SC:

1. A reduction of the encroachment for eaves and gutters from 0.15 metres to 0 metres.

City of Thorold Comments

Planning staff have reviewed Application A-133/18 and do not offer any objections to the minor variance to reduce the encroachment for eaves and gutters to 0 metres.

Regards,

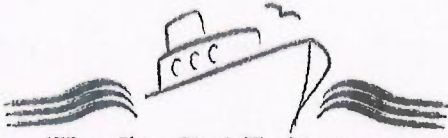
Julie Hannah, MES, MA, MCIP, RPP
Senior Planner

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.com

Tel: 905-227-6813



Where Ships Climb The Mountain...

October 11, 2018

EMAIL ONLY (emunro@stcatharines.ca)

Ms. Elaine Munro
Secretary-Treasurer, Committee of Adjustment
City of St. Catharines
P.O. Box 3012, 50 Church Street
St. Catharines ON L2R 7C2

Re: File No. 60.81.5423
Submission No. A-134/18
124B St. David's Road
Lot 848 & Part of Lot 836, Corporation Plan No. 6
Roll No. 2629010002091000000

Purpose of Application

Application A-134/18 is requesting to vary the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variance for Parts 3, 4 & 5 to facilitate concurrent consent applications B-81/18SC & B-82/18SC:

1. A reduction of the minimum lot frontage from 8.0 metres to 6.138 metres.
2. A reduction of maximum lot area per dwelling unit for a unit for a 3-unit townhouse from 315m² to 193.07 m².
3. A reduction of the encroachment for eaves and gutters from 0.15 metres to 0 metres.

City of Thorold Comments

Planning staff have reviewed Application A-134/18 and do not offer any objections to the minor variances to reduce the minimum lot frontage to 6.138 metres, to reduce the maximum lot area per dwelling unit to 193.07 m², and to reduce the encroachment for eaves and gutters to 0 metres.

Regards,

Julie Hannah

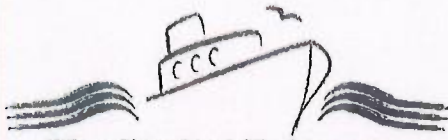
Julie Hannah, MES, MA, MCIP, RPP
Senior Planner

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.com

Tel: 905-227-8613



Where Ships Climb The Mountain...

Thorold

October 11, 2018

EMAIL ONLY (emunro@stcatharines.ca)

Ms. Elaine Munro
Secretary-Treasurer, Committee of Adjustment
City of St. Catharines
P.O. Box 3012, 50 Church Street
St. Catharines ON L2R 7C2

Re: File No. 60.81.5424
Submission No. A-135/18
124A St. David's Road
Lot 848 & Part of Lot 836, Corporation Plan No. 6
Roll No. 2629010002091000000

Purpose of Application

Application A-135/18 is requesting to vary the City of St. Catharines Zoning By-law 2013-283, as amended, for the following variance for Parts 6 & 7 to facilitate concurrent consent applications B-81/18SC & B-82/18SC:

1. A reduction of the minimum lot frontage from 8.0 metres to 7.549 metres.
2. A reduction of maximum lot area per dwelling unit for a unit for a 3-unit townhouse from 315m² to 228.8 m².
3. A reduction of the encroachment for eaves and gutters from 0.15 metres to 0 metres.

City of Thorold Comments

Planning staff have reviewed Application A-135/18 and do not offer any objections to the minor variances to reduce the minimum lot frontage to 7.549 metres, to reduce the maximum lot area per dwelling unit to 228.8 m², and to reduce the encroachment for eaves and gutters to 0 metres.

Regards,

Julie Hannah, MES, MA, MCIP, RPP
Senior Planner

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.com

Tel: 905-227-6613



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Wil Banda
Planning and Building Services

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

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – October 31, 2018 hearing - File No.: 300-036

B-64/18SC – 75 Simpson Road

Comment:

- No Comment

Condition:

- No Comment

B-70/18SC – 10 Head Street

Comment:

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

Condition:

- The existing single detached dwelling and shed are to be demolished. A demolition permit is required for the dwelling and for the shed if its area is greater than 10 square metres.
- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-74/18SC – 6 Leeson Street

Comment:

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

Condition:

- No Comment

B-80/18SC – 66 Currie Street

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 south face of the existing dwelling on Part 1.
- A demolition permit is required for the detached garage and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

B-81/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment

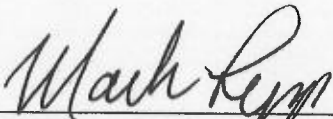
B-82/18SC – 124 St. Davids Road

Comment:

- Be advised that a building permit is required for the proposed 3 unit townhouse building on Parts 1, 2, 3, 4, 5, 6, and 7.

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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Memorandum

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

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

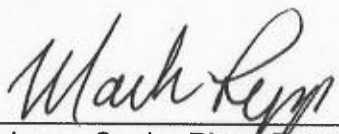
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: October 19, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – October 31, 2018 hearing- File No.: 300-010

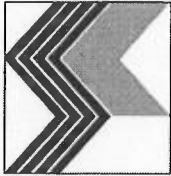
NO.	ADDRESS	COMMENTS
A-103/18	75 Simpson Road	-No Comment
A-104/18	73 Simpson Road	-No Comment
A-116/18	10 Head Street	-No Comment
A-122/18	1429 Gregory Road	-be advised that a permit is required to convert the existing building to a dog grooming, training, kennel and daycare facility.
A-123/18	1 Waverly Road	-No Comment
A-124/18	436 Grantham Ave	-No Comment
A-125/18	6A Leeson Street	-No Comment
A-126/18	6B Leeson Street	-No Comment
A-127/18	5 Michigan Ave	-No Comment
A-128/18	9 Glenbarr Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-129/18	11 Glenbarr Road	-No Comment
A-131/18	66 Currie Street	-No Comment

NO.	ADDRESS	COMMENTS
A-132/18	64 Currie Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing these yards. -Be advised that a building permit is required for the proposed dwelling.
A-133/18	124C St.Davids Road	-No Comment
A-134/18	124B St.Davids Road	-No Comment
A-135/18	124A St.Davids Road	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\19 bcoa memo-mv-October 31, 2018.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: October 11, 2018
Subject: Committee of Adjustment Hearing – Oct 31, 2018

1. **75 Simpson Road, Consent Application, B-64/18SC – 60.84.2207**
75 Simpson Road, Minor Variance Application, A-103/18 – 60.81.5392
73 Simpson Road, Minor Variance Application, A-104/18 – 60.81.5393

The northerly portion of the lands adjacent to Lake Ontario are zoned as Conservation/ Natural Area (G1) and may not be developed for residential use. In accordance with the policies of the City's Official Plan (the Garden City Plan), the Owner will be required to convey the Conservation/Natural Area lands to the municipality.

Should this application be approved, the following are required as a condition of consent;

- a. That the applicant dedicate the natural area lands located below the stable top of bank plus 3.0m for maintenance to the City.
- b. That the applicant submit a geotechnical report prepared by a qualified engineer to confirm the location of the stable top of bank, to the satisfaction of the City.
- c. That the applicant submit a report from a costal engineer confirming the integrity of the existing shoreline protection, and any required improvements, to the satisfaction of the City.
- d. That the applicant remove all buildings and structures located on the lands to be dedicated, to the satisfaction of the City.
Reinstatement of any missing shoreline protection shall be required.
- e. That the applicant establish and provide to the City a 3.0m access easement to the lands dedicated for maintenance purposes. The access easement shall connect the lands dedicated to a public road.

12. 66 Currie Street, Consent Application, B-80/18SC – 60.84.2223
66 Currie Street, Minor Variance Application, A-131/18 – 60.81.5420
64 Currie Street, Minor Variance Application, A-132/18 – 60.81.5421

There is a large tree and hydro pole in front of the proposed driveway, the driveway should be relocated to the other side. The 1.97m curb cut proposed to accommodate the retention of the tree is not a practical option.

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

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

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.

13. 124 St. David's Road, Consent Application, B-81/18SC – 60.84.2224
124 St. David's Road, Consent Application, B-82/18SC – 60.84.2225
124C St. David's Road, Minor Variance Application, A-133/18 – 60.81.5422
124B St. David's Road, Minor Variance Application, A--134/18 – 60.81.5423
124A St. David's Road, Minor Variance Application, A-135/18 – 60.81.5424

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-81-82/18SC



October 12, 2018

ENGINEERING FILE 300-36

Hearing Date: October 31, 2018

Owner: Ashi Brothers Holdings Inc.

Location: 124 St. David's Road

<u>MUNICIPAL SERVICES</u>	<u>St. David's Road</u>	<u>Allanburg Road</u>
Water:	400mm	200mm
Sanitary Sewer:	200mm	300mm
Storm Sewer:	None fronting	None fronting
Sidewalks:	Yes – skewed	None
Road Allowance Width:	±20.0m	±16.8m

GENERAL COMMENTS:

It is understood the Owner wishes to sever three townhouse units presently under construction and as shown as Parts 1 & 2, Parts 3, 4 & 5, and Parts 6 & 7 on the attached sketch with the application. The application would allow each unit of the 3-unit townhouse to be owned and/or sold separately.

Roads

St. David's Road is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.12m. Although the current width along the Owner's frontage notes 20.0m, the road width varies along the south border abutting the City of Thorold. Given we've previously obtained widenings from properties to the east, the City shall require a 3.048m road widening be dedicated free and clear of any encumbrances to the City as Public Highway to be known as St. David's Road, in accordance with Plan 665 (attached).

Allanburg Road is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.0m. Its current width is deficient at ±16.8m. The City shall therefore require a 1.60m road widening be dedicated free and clear of any encumbrances to the City as Public Highway to be known as Allanburg Road.

Sidewalks

According to the Garden City Plan, Council is requesting "Complete Streets and Walkable Communities" which in addition to accommodating vehicles, to provide a "safe, functional and attractive pedestrian and cycling environment". The Garden City Plan also indicates (Section 5.2.1D) sidewalks should be provided on both sides of all local streets, therefore understanding a sidewalk currently exists along St. David's Road, the Owner shall be required to pay to the City the fees for a future 1.50m wide concrete sidewalk along the Allanburg Road frontage, in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment.

Engineering Services

The houses on these lots are currently under construction and have been serviced through the Building Permit process. There are no additional servicing requirements at this time.

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

- Dedicate gratuitously and at the Owner's expense, a road widening of 3.048m in width across the entire frontage of St. David's Road and 1.60m in width across the entire frontage of Allanburg Road, to the City free and clear of any mortgages, liens or encumbrances to be known as Public Highway St. David's Road and Allanburg Road; and
- Pay to the City the fees for a future 1.50m wide concrete sidewalk along Allanburg Road a length of 38.10m in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment



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

Attachments: Plan 665

VILLE dell MONTE

BEING A SUBDIVISION
OF PART OF LOT 836, CORPORATION PLAN N^o 6
TOWN OF MERRITTON
NOW IN THE CITY OF ST. CATHARINES
IN THE REGIONAL MUNICIPALITY OF NIAGARA
FORMERLY IN THE COUNTY OF LINCOLN
1972

SCALE 1" = 60'

RICHARD WEATHERBE, O.L.S.

Surveyor's Certificate

I hereby certify that:
(1) This survey and plan are correct and in accordance with the Survey Act and the Regulations made thereunder.
(2) The survey was completed on the 17th day of

ST. CATHARINES, ONTARIO

Richard Weatherbe
RICHARD WEATHERBE
ONTARIO LAND SURVEYOR

Field Notes

I hereby certify that this plan represents a true copy of the field notes taken in connection with survey thereof

Richard Weatherbe
RICHARD WEATHERBE, O.L.S.

Bearings shown herein are assumed astronomic and are referred to the northern limit of Town Line Road West between Allanburg Road and Lenson Street (formerly Dufferin Street) as shown on Corporation Plan N^o 6 as being N42°20'E

N.S. Denotes Municipal Survey
—O— Denotes 1/2 sq. iron bar 4' long
—S— Denotes 5/8" sq. iron bar 2' long
—C— Denotes round iron tube

Certificate Of Registration Of Plan

I certify that this plan is duly registered in the Registry Office for the Niagara District of Niagara North N^o 30 on 5/20/1972 at 12:30 P.M. on the 17th day of Dec. 1972 as number 665.

Richard Weatherbe
RICHARD WEATHERBE

Owner's Certificate

(1) This is to certify that:
Lots 1 to 27 both inclusive, Blocks "A" and "B", the street namely Via dell Monte, the street widening and a portion of 28 as designated within the area of survey outlined have been laid out in accordance with our instructions.
(2) The street, the street widening and Block "B" are hereby dedicated as public highways.
Dated the 17th day of November 1972.

James O. Kaufman
JAMES O. KAUFMAN
WITNESS
Leslie Rylett
LESLIE RYLETT
WITNESS
E. Jack Lowrey
E. JACK LOWREY
carrying on business in partnership under the firm name and style of
K. R. I. HOLDINGS

RAYPORT ENTERPRISES LIMITED
BY LETTERS SENT REGISTERED AS REG. 2809 1972

F. R. B. B.
F. R. B. B.
RAYPORT ENTERPRISES LIMITED
RAYPORT ENTERPRISES LIMITED



15th December 1972

Affidavit Of Witness To Owner's Certificate

I, J. K. Kaufman, of the City of St. Catharines in the Regional Municipality of Niagara make oath and say that:
(1) I was personally present and did see the Owner's certificate on this plan signed by James O. Kaufman, Leslie Rylett and E. Jack Lowrey.
(2) The said certificate was signed by the said parties at the City of St. Catharines.
(3) I know the said parties.
(4) I am a subscribing witness to the signing of the said certificate.
Sworn before me
at the City of St. Catharines
this 17th day of November 1972

James O. Kaufman
JAMES O. KAUFMAN
WITNESS
Leslie Rylett
LESLIE RYLETT
WITNESS
E. Jack Lowrey
E. JACK LOWREY

Affidavit As To Age

We, James O. Kaufman, Leslie Rylett and E. Jack Lowrey make oath and say that at the time of execution of this plan we were of the full age of eighteen years.
Sworn before me
at the City of St. Catharines
this 17th day of November 1972.

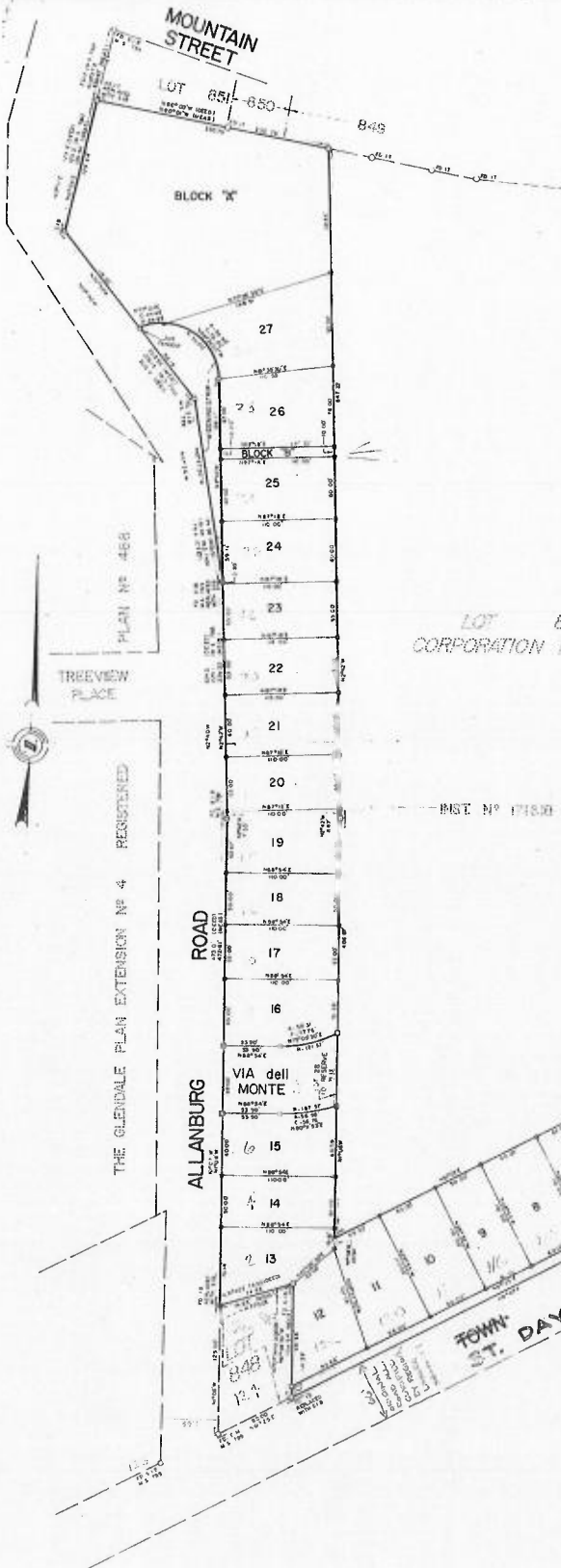
James O. Kaufman
JAMES O. KAUFMAN
WITNESS
Leslie Rylett
LESLIE RYLETT
WITNESS
E. Jack Lowrey
E. JACK LOWREY

KERRY T. HOWE LIMITED

ONTARIO LAND SURVEYORS
195 KING STREET
ST. CATHARINES, ONTARIO

DATE SEPT 1, 1972

FILE 589





Memorandum

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

Cc: Kirstin Jensen, Planner I
Robertson Soosaar, Planning Co-op Student
Jim Denham, Development Engineering Technologist

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

Date: October 15, 2018

Hearing Date: October 31, 2018

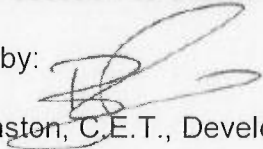
Subject: Engineering Comments Regarding Minor Variance applications for the following;
75-73 Simpson Road, A-103-104/18SC
10 Head Street, A-116/18SC
11 Glenbarr Road, A-128-129/18SC
66-64 Currie Street, 131-132/18SC
124, 124A, B & C St. David's Road, A-133-134-135/18SC

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 exception:

64 Currie Street, A-132/18SC:

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. Lot drainage plans are generally a requirement for review and approval at the building permit stage and are submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties. Recent experience with in-fill lot developments reveals that the minimum side yard setback at 1.20m per the Zoning Bylaw is not sufficient to accommodate drainage conveyance when walkways providing access to the rear yard and/or other structures (a/c units, etc.) are introduced within the side-yards. Depending on the existing and proposed drainage patterns, side-yard swales are sometimes required to accommodate rear yard drainage to the front yards. **We require the minimum 1.2m side-yard setback for drainage allowances of the subject land's sideyards, and recommend against varying the minimum 1.20m side-yard setback to 0.29m.**

Prepared by:


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