

CITY OF
ST. CATHARINES

Committee of Adjustment Public Hearing
November 29, 2018
Council Chambers, City Hall - 4:30 p.m.

2nd Revised Agenda

1. Chair to call the Hearing to Order
2. Presentation by Meaghan Palynchuk, Manager - Municipal Relations, Bell
3. Amendments/Additions to the Agenda
4. Declarations of Interest
5. Request for Withdrawal or Adjournment
6. Adoption of the Minutes held September 26, 2018 & October 31, 2018
7. Application:
 1. 1309 Third Street Louth, Minor Variance, A-136/18 – 60.81.5425
 2. 30 Power Glen, Minor Variance, A-137/18 – 60.81.5426
 3. 1558 St. Paul Street West, Minor Variance, A-138/18 – 60.81.5427
 4. 295 Fourth Avenue, Minor Variance, A-139/18 – 60.81.5428
 5. 39B Beachaven Drive, Minor Variance, A-140/18 – 60.81.5429
 - 39C Beachaven Drive, Minor Variance, A-141/18 – 60.81.5430
8. New Business:
9. Date of next Hearing: December 13, 2018
10. Adjournment

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

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

COMMENTS

A-136/18 (60.81.5425)

1309 Third Street Louth

DATE OF HEARING:
November 29, 2018



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 21, 2018

Date of Meeting: November 29, 2018

Submission(s): A-136/18

File: 60.81.5425

Subject: 1309 Third Street Louth

Recommendation

That Submission **A-136/18**, by Tomas Estrada Huerta, 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-136/18** 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-136/18** is requesting a variance for a reduction in the minimum interior side yard from 3 metres to 1.7 metres for the proposed second floor addition to the existing single detached dwelling.

Location and Site Description

The subject property is located on the west side of Third Street Louth, north of the North Service Road. The property is surrounded by agricultural and residential uses.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Agriculture as per Schedule D1 of the Garden City Plan. The subject property is further designated Agriculture as per Schedule E11 of the Garden City Plan. The agriculture designation is intended to protect and promote the City's agricultural land areas for long term sustainable use. The Agriculture designation

permits a full range of agriculture uses including vineyards, livestock, field crops, fruits, vegetables, greenhouses and horticultural specialties. Existing single-detached residential dwellings are permitted.

Zoning By-law (2013-283)

The subject land is zoned Agriculture (A1). The A1 zone permits detached dwellings, as well as agriculture farm related commercial or industrial uses, agriculture farms, and kennels.

Report

The Zoning By-law requires that the minimum interior side yard setback to the dwelling be 3 m to allow for adequate separation distance, sufficient room for maintenance and rear yard access, and to accommodate for the proper drainage of storm water runoff. The applicant is requesting to reduce the minimum side yard from 3 m to 1.7 m, for the construction of a second floor addition on the existing home. The request for the 1.7 m setback is limited to the northern lot line.

The entire northern portion of the property abuts the driveway of the neighbouring agricultural operation, and as such, there are no concerns regarding separation distances or overlook. Drainage is not a concern as the neighbouring property does not contain a structure that would be affected by storm water runoff. The requested reduction to the interior side yard setback would allow the applicant to construct an addition on top of the existing dwelling that would be in line with the interior side yard setback of the first floor of the north wall of the dwelling, which has been existing on site since 1955. Staff do not have concerns with this variance given the agricultural context and distance from any neighbouring residential properties. The request is minor in nature, and will have no negative impact on the surrounding area. Staff recommend approval of the requested minor variance.

Building Staff advise that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing the reduced side yard.

Conclusion

Staff is of the opinion that application **A-136/18** 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:

For 
Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Via Email Only

November 23, 2018

Our File: MV-18-072

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: Tomas Estrada Huerta & Miriam Edith
Location: 1309 Third Street, City of St. Catharines
Town File: A-136/18

Private Sewage System staff have inspected the property 1309 Third Street for the proposed minor variance application. The application is for a proposed second floor addition to the existing dwelling. No records were found for the existing sewage system servicing the dwelling however, the septic tank was located in the rear yard and is considered legal non-conforming as it does not meet the minimum Building Code setback to the existing cistern. No visible defects were found with the system at the time of our inspection.

To allow for the second storey addition on the dwelling, the existing septic system would need to be replaced and upgraded to current Code requirements. A septic permit application has been submitted however, confirmation on the soil test-time is required to verify the proposed design meets Building Code requirements to be able to go in ground. Please note, if an in ground bed is not permitted the property has limited land for a replacement sewage system and the second story addition would have to be reduced to accommodate a new system on the property.

Therefore, our department has no objection to the proposed minor variance application provided a sewage system permit is approved by our department.

Sincerely,



Caitlin Wood
Private Sewage System Inspector
Planning and Development Services

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

November 13, 2018

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

Attention: Elaine Munro

File# 60.81.5425

Re: 1309 Third St

In response to your correspondence dated November 6, 2018, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.

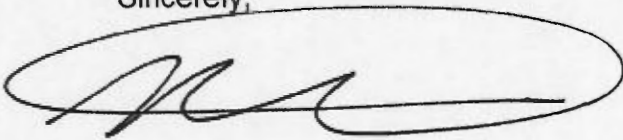
We would also like to stipulate the following:

- 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:

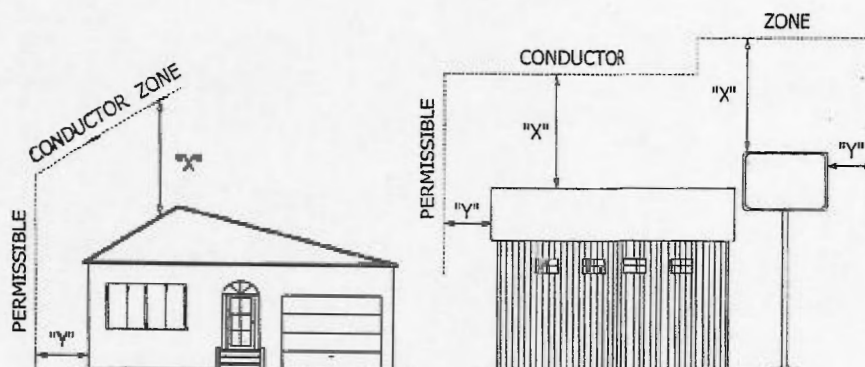
- Ontario Building Code (1997) Section 3.1 (3.1.18.1)
- Electrical Safety Code Rule 75-312
- Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
- CAN/CSA-C22.3 No. 1-15, Overhead System
- C22.3 No. 7-15 Underground Systems

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 be the name 'Mark Jakubowski'.

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

horizon
UTILITIES *Looking beyond...*

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

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

REFERENCE DRAWINGS:

DRAWING #

3-105

DRAWINGS
NOT TO SCALE

SHEET#

1

REVISION#

0

Munro, Elaine

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

1309 Third Street Louth
30 Power Glen
1558 St. Paul St. W.

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Tuesday, November 06, 2018 1:15 PM
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 application.
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



From: Munro, Elaine [mailto:emunro@stcatharines.ca]
Sent: Tuesday, November 6, 2018 10:56 AM



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Robertson Soosaar
Planning and Building Services

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

Date: November 12, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 29, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-136/18	1309 Third St. Louth	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-137/18	30 Power Glen	-No Comment
A-138/18	1558 St. Paul St. West	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-139/18	295 Fourth Avenue	-No Comment
A-140/18	39B Beachaven Drive	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-141/18	39C Beachaven Drive	-No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\21 bcoa memo-mv-November 29, 2018.



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: November 12, 2018
Subject: Committee of Adjustment Hearing – Nov 29, 2018

1. **1309 Third Street Louth, Minor Variance, A-136/18 – 60.81.5425**
No comment.
2. **30 Power Glen, Minor Variance, A-137/18 – 60.81.5426**
No Comment.
3. **1558 St. Paul Street West, Minor Variance, A-138/18 – 60.81.5427**
No Comment.
4. **295 Fourth Avenue, Minor Variance, A-139/18 – 60.81.5428**
No objections to the proposed increase in parking. In order to offset the increased parking area, the landscape plan shall demonstrate enhanced landscaping in the 4 areas identified in the submitted sketch. Enhance landscape is considered to be enhanced quality and quantity of plant material. The applicant should be aware that landscape islands are to be a minimum of 3.0m to sustain plant material.
5. **39B Beachaven Drive, Minor Variance, A-140/18 – 60.81.5429**
39C Beachaven Drive, Minor Variance, A-141/18 – 60.81.5430

An increase in driveway width will reduce the overall landscape, both on the subject lands, and within the municipal boulevard. PRCS is not supportive of the request to increase the proposed driveway width.

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

There are two large boulevard trees on city property. The removal of these trees will be completed by City crews at the expense of the applicant. The applicant will additionally be responsible for the replacement cost of this, in addition to standard boulevard tree requirements.

That the applicant submit a payment of for deposit in the general tree planting reserve fund, in accordance with the 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: November 5th, 2018

Hearing Date: November 29th, 2018

Subject: Engineering Comments Regarding Minor Variance applications for;
1309 Third Street Louth, A-136/18SC
137 Power Glen, A-137/18SC
1558 St. Paul Street West, A-138/18SC
295 Fourth Avenue, 139/18SC
39B & 39C Beachaven Drive, A-140 & 141/18SC

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;

39B and 39C Beachaven Drive – The applicant proposes to extend the proposed driveways to the side property lines. A grading plan was submitted with the applications. This plan shows a proposed retaining wall to be constructed on City lands along the west side of the most westerly driveway between the front property line and the existing edge of pavement. Prior to issuance of the building permit a revised plan must be submitted for both lots eliminating the retaining wall and showing additional proposed grades on City property to match the present drainage scheme of shallow swales and intermediary catchbasins. The owner may be required to pay the City to install a catchbasin between the two proposed driveways if the existing swale cannot be maintained. At the building permit stage the owner will also be required to pay the City to install new sanitary laterals, storm laterals and water services if it is deemed the existing services are unusable.

Prepared by:

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

JD



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 7, 2018

Subject: Committee of Adjustment
Public Hearings – November 29, 2018
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/

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-137/18 (60.81.5426)

30 Power Glen

DATE OF HEARING:
November 29, 2018



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 21, 2018

Date of Meeting: November 29, 2018

Submission(s): A-137/18

File: 60.81.5426

Subject: 30 Power Glen Road

Recommendation

That Submission **A-137/18**, by Rinaldi Homes, as outlined in the Notice of Hearing, be approved, conditional on the increased accessory dwelling height being limited only to the proposed pavilion.

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-137/18** 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-137/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283 for an increase of the height of the proposed accessory structure (pavilion) from 4.5 metres to 7.0 metres, located in the common amenity outdoor space of the Millcreek Estates Condominium.

Location and Site Description

The subject property is located north of Power Glen Road, south of Pelham Road. The property is surrounded by single detached homes and natural area. The property is located just north of the Power Glen Heritage District. Site plan approval for the development was granted in June of 2017, for 28 townhouse dwelling units on the subject site.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan. The subject property is further designated Low Density Residential as per Schedule E7 of the Garden City Plan. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, 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

The Zoning By-law permits a maximum height of 4.5 m for accessory structures. This is to avoid potential conflicts with neighbouring dwellings, which includes shadow concerns, overlook and intrusion on surrounding properties. The applicant is requesting to increase the height of a proposed accessory structure (a pavilion) to 7 m. The proposed pavilion is located in the centre of the Millcreek Estates development, and is intended to be used as common amenity space for residents of the condominium development. Given this context, the increased height will not impose any impacts on neighbouring dwellings as it is located in the centre of the site, within the common amenity outdoor space, and away from any backyards.

From an urban design perspective, the pavilion is intricately designed such that the increased height of the pavilion will act as a prominent feature of the development and will enhance the overall sense of place of the site. The minor variance maintains the intent of the Official Plan and Zoning By-law, is minor in nature, and will have no negative impacts on the surrounding area. Staff recommend to approve the requested variance.

Conclusion

Staff is of the opinion that application **A-137/18** 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:

for 
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 1

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1558 St. Paul St. W.

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Hi Elaine
Email 1
Cogeco has no issues or concerns with this application.
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



From: Munro, Elaine [mailto:emunro@stcatharines.ca]
Sent: Tuesday, November 6, 2018 10:56 AM

Munro, Elaine

Subject: RE: Committee of Adjustment Notice and Application - 30 Power Glen for the November 29 CofA Hearing, City of St. Catharines

From: Vasko, Dennis

Sent: Tuesday, November 06, 2018 12:46 PM

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

Subject: RE: Committee of Adjustment Notice and Application - 30 Power Glen for the November 29 CofA Hearing, City of St. Catharines

Hi Elaine,

There are no concerns with 30 Power Glen in respect to closed landfills. Rotary Park is in the area, but far enough away.

Dennis

Dennis Vasko

Fill Site Technician

Email: dvasko@stcatharines.ca

Tel: 905.688.5601 x2163



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Robertson Soosaar
Planning and Building Services

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

Date: November 12, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 29, 2018 hearing- File No.: 300-010

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Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\21 bcoa memo-mv-November 29, 2018.



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: November 12, 2018
Subject: Committee of Adjustment Hearing – Nov 29, 2018

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There are two large boulevard trees on city property. The removal of these trees will be completed by City crews at the expense of the applicant. The applicant will additionally be responsible for the replacement cost of this, in addition to standard boulevard tree requirements.

That the applicant submit a payment of for deposit in the general tree planting reserve fund, in accordance with the 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: November 5th, 2018

Hearing Date: November 29th, 2018

Subject: Engineering Comments Regarding Minor Variance applications for;
1309 Third Street Louth, A-136/18SC
137 Power Glen, A-137/18SC
1558 St. Paul Street West, A-138/18SC
295 Fourth Avenue, 139/18SC
39B & 39C Beachaven Drive, A-140 & 141/18SC

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;

39B and 39C Beachaven Drive – The applicant proposes to extend the proposed driveways to the side property lines. A grading plan was submitted with the applications. This plan shows a proposed retaining wall to be constructed on City lands along the west side of the most westerly driveway between the front property line and the existing edge of pavement. Prior to issuance of the building permit a revised plan must be submitted for both lots eliminating the retaining wall and showing additional proposed grades on City property to match the present drainage scheme of shallow swales and intermediary catchbasins. The owner may be required to pay the City to install a catchbasin between the two proposed driveways if the existing swale cannot be maintained. At the building permit stage the owner will also be required to pay the City to install new sanitary laterals, storm laterals and water services if it is deemed the existing services are unusable.

Prepared by:

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

JD



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 7, 2018

Subject: Committee of Adjustment
Public Hearings – November 29, 2018
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/

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-138/18 (60.81.5427)

1558 St. Paul Street West

DATE OF HEARING:
November 29, 2018



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 21, 2018

Date of Meeting: November 29, 2018

Submission(s): A-138/18

File: 60.81.5427

Subject: 1558 St. Paul Street W

Recommendation

That Submission **A-138/18**, by Edward Alexander Bednarowski, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the eastern driveway and gravel area in front of dwelling/garage addition within the lot, as well as within the boulevard of the Regional Road, be removed and reinstated as landscaping; and,
2. That any garage doors on the new garage addition be side facing, and located on the western façade of the garage.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through application **A-138/18** 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 minor variances be approved.

The Proposal

Application **A-138/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283 for the following variances for the proposed attached garage with breezeway to the existing one storey dwelling:

1. An increase of the maximum lot coverage from 15% to 21%.
2. A reduction of the front yard setback from 9 m to 6.9 m.
3. A reduction of the minimum interior side yard setback from 3 m to 1.939 m.

Location and Site Description

The subject property is located on the south side of St. Paul Street West, west of Fifth Street. The property backs onto a small pond. The surrounding area consists of a mix of residential and agricultural 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 Agriculture as per Schedule D1 of the Garden City Plan. The subject property is further designated Agriculture as per Schedule E11 of the Garden City Plan. The agriculture designation is intended to protect and promote the City's agricultural land areas for long term sustainable use. The Agriculture designation permits a full range of agriculture uses including vineyards, livestock, field crops, fruits, vegetables, greenhouses and horticultural specialties. Existing single-detached residential dwellings are permitted.

Zoning By-law (2013-283)

The subject land is zoned Agriculture(A1). The A1 zone permits detached dwellings, as well as agriculture farm related commercial or industrial uses, agriculture farms, and kennels.

Report

Variance 1:

In the agricultural zone (A1), the maximum permitted lot coverage for a detached dwelling is limited to 15% when not associated with an agricultural use, as rural lots are often larger than lots within the Urban Area. This is to avoid unreasonably large dwellings and structures overwhelming an agricultural lot. The provision also exists to ensure adequate outdoor amenity space is provided, so that residential properties in the agricultural area will maintain a level of compatibility with the character and fit of the surrounding agricultural areas.

The applicant is requesting to increase the maximum lot coverage to 21% to facilitate the addition of an attached garage to the existing single detached dwelling. The subject property is significantly smaller than surrounding lots, making it challenging to increase the building footprint while staying within the confines of the Zoning By-law. Surrounding dwellings are also larger than the subject dwelling in terms of building footprint, and permitting an enlargement of the dwelling will not be uncharacteristic with the surrounding properties. Approving the variance to increase the lot coverage will enhance the compatibility of the subject dwelling in the context of the surrounding area. Staff recommend approval of variance 1.

Variance 2:

The intent of the front yard setback provision of the by-law is to maintain a consistent built form along the street frontage while ensuring that there is appropriate separation distance between the dwelling and road, and to provide front yard amenity space. Variance 2 is requesting to reduce the minimum front yard setback from 9 m to 6.9 m. Given the agricultural context of the subject lands, reducing the front yard setback will have minimal

effect on subject lot nor surrounding properties. The neighbouring dwellings are extensively spaced from one another; as such, the reduced front yard setback will have no impact on the consistent built form along the street frontage. Surrounding residential dwellings are also existing considerably closer to the front lot line than the by-law requires, and therefore the reduction in front yard setback will be visually compatible with adjacent properties. Variance 2 is minor in nature and maintains the general intent of the Official Plan and Zoning By-law. Staff recommend approval of variance 2.

Variance 3:

Variance 3 is requesting to reduce the minimum interior side yard setback from 3 m to 1.939 m. The minimum interior side yard setback is intended to maintain adequate separation distances between dwellings, to: 1) ensure there is adequate room for storm water drainage; 2) ensure an appropriate distance for rear yard access; and, 3) ensure there is adequate maneuverable space for side yard maintenance and dwelling maintenance. Given the rural context of the site, the neighbouring dwelling to the east is located approximately 20 m from the east property line of the subject site. Therefore, there are no concerns over drainage and storm water runoff impacts. A setback of nearly 2 m will provide sufficient space for both maintenance and rear yard access. Staff are of the opinion that variance 3 is minor in nature and maintains the intent of the Official Plan and Zoning By-law. Staff recommend approval of variance 3.

Granting the above variances, however, prompts the need for some changes to the existing conditions of the site. City policies require that the amount of land dedicated to automobile use be minimized whenever possible. Currently the property contains two driveways. Although this is an existing condition, the two driveways are not in compliance with the provision of the zoning by-law that requires that the maximum width of a driveway on any residential lot be 50% of the lot frontage to a maximum of 7.5 metres. The City requests the removal of the east driveway, as well as the gravel area in front of the dwelling and new proposed addition area, and to be reinstated with landscaping, to bring the property more in line with City policies. This is reflected in the conditions.

The City's Urban Design Guidelines act to minimize the visual impacts of garages. Garages are required to not extend past the front façade of the dwelling in residential zones. In this case, being that the dwelling is in an Agriculture zone, this provision is not applicable, however to maintain the intent of the urban design guidelines and the residential nature of the property, and to reduce the impact of the garage on the streetscape, City Staff request that the garage door be placed on the west facing wall of the new garage, as shown on the submitted sketch.

Although not a condition of this approval, the owner is cautioned that the board fence, tent and shed identified on the sketch are illegally located within the St. Paul Street West boulevard and should be removed or relocated to within the lot. Further, the applicant should be aware that the City of St. Catharines has by-laws addressing the construction, location and use of fences on private property. Fence features, such as maximum heights, are regulated by this by-law. The fence that has been constructed along the perimeter of the property is not built in accordance with the City's fence by-laws, which restricts a fence

in a required front yard on a residential property to be no greater than 1 metre in height, and should be removed and relocated to reflect the requirements of this by-law.

Conclusion

Staff is of the opinion that application **A-138/18** 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 minor variances, be approved.

Prepared by:



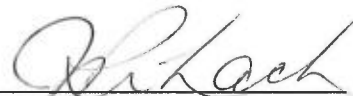
Robertson Soosaar
Student Planner

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 1

1309 Third Street Louth
30 Power Glen
1558 St. Paul St. W.

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Tuesday, November 06, 2018 1:15 PM
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 application.
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



From: Munro, Elaine [mailto:emunro@stcatharines.ca]
Sent: Tuesday, November 6, 2018 10:56 AM



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Robertson Soosaar
Planning and Building Services

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

Date: November 12, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 29, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-136/18	1309 Third St. Louth	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-137/18	30 Power Glen	-No Comment
A-138/18	1558 St. Paul St. West	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-139/18	295 Fourth Avenue	-No Comment
A-140/18	39B Beachaven Drive	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-141/18	39C Beachaven Drive	-No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\21 bcoa memo-mv-November 29, 2018.



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: November 12, 2018
Subject: Committee of Adjustment Hearing – Nov 29, 2018

1. **1309 Third Street Louth, Minor Variance, A-136/18 – 60.81.5425**
No comment.
2. **30 Power Glen, Minor Variance, A-137/18 – 60.81.5426**
No Comment.
3. **1558 St. Paul Street West, Minor Variance, A-138/18 – 60.81.5427**
No Comment.
4. **295 Fourth Avenue, Minor Variance, A-139/18 – 60.81.5428**
No objections to the proposed increase in parking. In order to offset the increased parking area, the landscape plan shall demonstrate enhanced landscaping in the 4 areas identified in the submitted sketch. Enhance landscape is considered to be enhanced quality and quantity of plant material. The applicant should be aware that landscape islands are to be a minimum of 3.0m to sustain plant material.
5. **39B Beachaven Drive, Minor Variance, A-140/18 – 60.81.5429**
39C Beachaven Drive, Minor Variance, A-141/18 – 60.81.5430

An increase in driveway width will reduce the overall landscape, both on the subject lands, and within the municipal boulevard. PRCS is not supportive of the request to increase the proposed driveway width.

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

There are two large boulevard trees on city property. The removal of these trees will be completed by City crews at the expense of the applicant. The applicant will additionally be responsible for the replacement cost of this, in addition to standard boulevard tree requirements.

That the applicant submit a payment of for deposit in the general tree planting reserve fund, in accordance with the 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: November 5th, 2018

Hearing Date: November 29th, 2018

Subject: Engineering Comments Regarding Minor Variance applications for;
1309 Third Street Louth, A-136/18SC
137 Power Glen, A-137/18SC
1558 St. Paul Street West, A-138/18SC
295 Fourth Avenue, 139/18SC
39B & 39C Beachaven Drive, A-140 & 141/18SC

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;

39B and 39C Beachaven Drive – The applicant proposes to extend the proposed driveways to the side property lines. A grading plan was submitted with the applications. This plan shows a proposed retaining wall to be constructed on City lands along the west side of the most westerly driveway between the front property line and the existing edge of pavement. Prior to issuance of the building permit a revised plan must be submitted for both lots eliminating the retaining wall and showing additional proposed grades on City property to match the present drainage scheme of shallow swales and intermediary catchbasins. The owner may be required to pay the City to install a catchbasin between the two proposed driveways if the existing swale cannot be maintained. At the building permit stage the owner will also be required to pay the City to install new sanitary laterals, storm laterals and water services if it is deemed the existing services are unusable.

Prepared by:

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

JD



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 7, 2018

Subject: Committee of Adjustment
Public Hearings – November 29, 2018
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/

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-139/18 (60.81.5428)

295 Fourth Avenue

DATE OF HEARING:
November 29, 2018



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 21, 2018

Date of Meeting: November 29, 2018

Submission(s): A-139/18

File: 60.81.5428

Subject: 295 Fourth Avenue

Recommendation

That Submission **A-139/18**, by Fourth Avenue (St. Catharines Inc.), as outlined in the Notice of Hearing, be approved as follows:

1 parking space per 16.6 sq metres (510 spaces) subject to the following condition:

1. That in order to offset the increased parking area, the landscape plan to be reviewed and approved by PRCS shall demonstrate enhanced landscaping in the 4 areas identified in the submitted sketch, attached to this report and to be attached to the decision.

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-139/18** 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-139/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283 for an increase to the maximum number of parking spaces, from 426 spaces (1 space per 20m²) to 510 spaces (1 space per 16.6m²), to facilitate Phase III of this commercial plaza.

Location and Site Description

The subject property is located on the north side of Fourth Avenue, east of First Street Louth. The property abuts Highway 406 to the north and is surrounded by commercial plazas.

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 Commercial as per Schedule D1 of the Garden City Plan (GCP) and further designated Major Commercial as per Schedule E6 of the GCP. Major Commercial centres are intended to provide for major concentrations of commercial facilities to support shopping opportunities to serve and attract a broader city and regional population. The designation permits a range of uses including commercial, institutional, civic, cultural, and residential.

Zoning By-law (2013-283)

The subject land is zoned Major Commercial (C4). The C4 zone permits a variety of commercial uses including retail stores, restaurants, offices and cultural facilities. The parking requirements for a shopping centre that is greater than 4,645 m² but less than 30,000 m² Gross Leasable Floor Area (GLFA) permits a maximum of 1 parking space per 20 m² GLFA.

Report

The purpose of the maximum parking requirements for a shopping centre, as outlined in the Zoning By-law, is to balance the needs of automobile users without creating vast expanses of paved parking. The applicant is requesting a minor variance to increase the maximum allowable parking on site from 1 space per 20 m² of GLFA (426 spaces) to 1 space per 16.6 m² of GLFA (510 spaces). Approval of the variance will allow an additional 84 parking spots on the site, which represents a 19.7% increase from what is permitted.

The Official Plan states that negative impacts of vehicular parking on the urban environment, cycling, and pedestrian activity shall be minimized through:

1. Locating parking and loading areas at the rear of buildings where feasible;
2. The use of alternative paving materials such as permeable pavement systems;
3. Alternative surface water management such as swales and ditches;
4. Landscape treatments and pedestrian walkways in accordance with the Urban Design Guidelines; and,
5. Buffering sidewalk users from through traffic, where feasible.

The applicant has demonstrated consideration of a majority of the mentioned strategies above to minimize parking impacts despite certain land constraints on site. The submitted sketch shows four buildings (G, J, K, and L) that front Fourth Avenue and act as a visual barrier from the larger parking surfaces towards the rear of the site. The applicant has also incorporated enhanced landscaping features, including larger than required landscaping islands and a network of buffered pedestrian walkways. That being said, further enhancements can and should be made to alleviate the negative impacts of surface parking such as increased buffers to create a safer and more comfortable

pedestrian environment, alternative surface water management technology such as swales or ditches, and the use of permeable pavers.

In the planning justification report submitted with the application, the applicant mentions certain site restrictions that have limited the development potential of the site, including a hydro easement and the required Ministry of Transportation 14.0 m development setback from any highway. This has resulted in less built form being implemented on the site, and thereby creates an increase in the parking compared to GLFA ratio, as any easement area or development setback prohibits buildings or structures and is limited to being a parking area or landscaping. These aspects are out of the control of the developer, and create challenges to the overall design of the site, as there is a net reduction in the buildable area of the site and consequently an increase in parking supply.

Parks Recreation and Culture Services (PRCS) does not object to the proposed development to increase the parking. However, to offset the increased paved area for parking, the City requires enhanced landscaping on the four areas noted on the submitted sketch. The applicant should be aware that landscape islands are to be a minimum of 3.0 m to sustain plant material.

The GCP states that lands designated as Major Commercial are to act as commercial destinations for a broader regional population. St. Catharines Transit Commission serves the City at the local scale, rather than regional, and the Regional Transit system is limited in destinations. As a result, local transit initiatives will not serve the regional market as a whole, which increases the likelihood of visitors to the site arriving by automobile. The additional parking spaces, above and beyond the permissions of the zoning by-law, will provide the applicant with a buffer in the instance that future phases of the development may contain uses that require an increased number of parking spaces. The applicant has provided satisfactory planning justification for the requested increase in maximum parking, and therefore Staff are not opposed to the requested variance.

Conclusion


Staff is of the opinion that application **A-139/18** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance, be approved, subject to a condition.

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 2

295 Fourth Avenue
39 B & C Beachaven Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Tuesday, November 06, 2018 1:17 PM
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 application.
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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Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Robertson Soosaar
Planning and Building Services

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

Date: November 12, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 29, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-136/18	1309 Third St. Louth	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-137/18	30 Power Glen	-No Comment
A-138/18	1558 St. Paul St. West	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-139/18	295 Fourth Avenue	-No Comment
A-140/18	39B Beachaven Drive	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-141/18	39C Beachaven Drive	-No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\21 bcoa memo-mv-November 29, 2018.



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: November 12, 2018
Subject: Committee of Adjustment Hearing – Nov 29, 2018

1. **1309 Third Street Louth, Minor Variance, A-136/18 – 60.81.5425**
No comment.
2. **30 Power Glen, Minor Variance, A-137/18 – 60.81.5426**
No Comment.
3. **1558 St. Paul Street West, Minor Variance, A-138/18 – 60.81.5427**
No Comment.
4. **295 Fourth Avenue, Minor Variance, A-139/18 – 60.81.5428**
No objections to the proposed increase in parking. In order to offset the increased parking area, the landscape plan shall demonstrate enhanced landscaping in the 4 areas identified in the submitted sketch. Enhance landscape is considered to be enhanced quality and quantity of plant material. The applicant should be aware that landscape islands are to be a minimum of 3.0m to sustain plant material.
5. **39B Beachaven Drive, Minor Variance, A-140/18 – 60.81.5429**
39C Beachaven Drive, Minor Variance, A-141/18 – 60.81.5430

An increase in driveway width will reduce the overall landscape, both on the subject lands, and within the municipal boulevard. PRCS is not supportive of the request to increase the proposed driveway width.

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

There are two large boulevard trees on city property. The removal of these trees will be completed by City crews at the expense of the applicant. The applicant will additionally be responsible for the replacement cost of this, in addition to standard boulevard tree requirements.

That the applicant submit a payment of for deposit in the general tree planting reserve fund, in accordance with the 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: November 5th, 2018

Hearing Date: November 29th, 2018

Subject: Engineering Comments Regarding Minor Variance applications for;
1309 Third Street Louth, A-136/18SC
137 Power Glen, A-137/18SC
1558 St. Paul Street West, A-138/18SC
295 Fourth Avenue, 139/18SC
39B & 39C Beachaven Drive, A-140 & 141/18SC

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;

39B and 39C Beachaven Drive – The applicant proposes to extend the proposed driveways to the side property lines. A grading plan was submitted with the applications. This plan shows a proposed retaining wall to be constructed on City lands along the west side of the most westerly driveway between the front property line and the existing edge of pavement. Prior to issuance of the building permit a revised plan must be submitted for both lots eliminating the retaining wall and showing additional proposed grades on City property to match the present drainage scheme of shallow swales and intermediary catchbasins. The owner may be required to pay the City to install a catchbasin between the two proposed driveways if the existing swale cannot be maintained. At the building permit stage the owner will also be required to pay the City to install new sanitary laterals, storm laterals and water services if it is deemed the existing services are unusable.

Prepared by:

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

JD



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 7, 2018

Subject: Committee of Adjustment
Public Hearings – November 29, 2018
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/

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-140/18 (60.81.5429)
& A-141/18 (60.81.5430)**

39B & 39C Beachaven Drive

**DATE OF HEARING:
November 29, 2018**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: November 21, 2018

Date of Meeting: November 29, 2018

Submission(s): A-140/18
A-141/18

File: 60.81. 5429
60.81. 5430

Subject: 39B Beachaven Road
39C Beachaven Road

Recommendation

That Submissions **A-140/18** (Part 1) (Variances 1 and 4 only) and **A-141/18** (Part 2) (Variance 1 only), by Leanne Mae Zubrickas, as outlined in the Notices of Hearing, be approved.

That Submissions **A-140/18** (Variances 2 and 3) and **A-141/18** (Variances 2 and 3), by Leanne Mae Zubrickas, as outlined in the Notices of Hearing, be denied.

Summary

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-140/18** (Variances 1 and 4) and **A-141/18** (Variance 1) 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 minor variances be approved.

Additionally, having regard for matters under Section 45(1) of the Planning Act, Staff is of the opinion that applications **A-140/18** (Variances 2 and 3) and **A-141/18** (Variances 2 and 3) are not minor in nature, not desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained. Staff recommends that the requested minor variances be denied.

The Proposal

Application **A-140/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283 for the following variances (Part 1) for the proposed construction of 1/2 of a semi-detached dwelling:

1. A reduction of the minimum lot coverage per dwelling unit for 1/2 of a semi-detached dwelling from 280 m² to 221.6 m²;
2. An increase of the maximum driveway width (50% of front lot line) from 4.58 metres to 5.2 metres;

3. An increase of the maximum parking area coverage from 50% to 57%; and,
4. A reduction of the minimum rear yard setback from 6 metres to 5.33 metres.

Application **A-141/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283 for the following variances (Part 2) for the proposed construction of 1/2 of a semi-detached dwelling. There is a concurrent minor variance application A-140/18:

1. A reduction of the minimum lot coverage per dwelling unit for 1/2 of a semi-detached dwelling from 280 m² to 235.2 m²;
2. An increase of the maximum driveway width (50% of front lot line) from 4.58 metres to 5.2 metres; and,
3. An increase of the maximum parking area coverage from 50% to 57%.

Location and Site Description

The subject property is located on the north side of Beachaven Drive, east of Arthur Street. The surrounding area contains primarily single detached, cottage-style 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 E2 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

Variance 1 (both applications)

The Zoning By-law requires a minimum lot area of 280 m² per semi-detached dwelling unit. This is to ensure a lot has adequate space to accommodate a building footprint while still providing sufficient outdoor amenity space and meeting respective yard setbacks. The applicant is requesting to reduce the minimum lot area to 221.6 m² for Part 1, and 235.2 m² for Part 2, on the submitted sketch. The reductions are requested to accommodate one unit of a semi-detached dwelling on each lot. The proposed development demonstrates that adequate outdoor amenity space can be provided surrounding the proposed dwelling. The Official Plan supports infill development where it

can be appropriately accommodated. The subject site is located within approximately 200 m of a transit stop, and is in an area that can accommodate growth of this nature.

Both Parts 1 and 2 are existing lots, Lots 535 and 536 in Township Plan 111. Although the lots currently function as one lot, being 39 Beachaven Drive, staff understand each of the lots is legally conveyable for the purposes of redevelopment. Staff recommend approval of variance 1 on both applications.

Variances 2 and 3 (both applications)

The Zoning By-law permits a maximum driveway width of 7.5 m or 50% of the front lot line distance (whichever is less), and permits a maximum parking area coverage of 50% of the front yard. In regards to Parts 1 and 2 on the submitted sketch, a driveway that is 50% of the lot frontage represents a driveway width of 4.58 m. The purpose of the provisions restricting driveway width and parking area coverage are intended to limit the amount of space in a front yard dedicated to vehicular parking. Large parking surfaces reduce the opportunity for landscaping in the front yard and detract from the aesthetics of the street. Section 4.3.2 of the GCP states that development/redevelopment should design parking to minimize the impact on the property, surrounding area, and environment. This can be achieved by consolidating and minimizing widths of driveways and curb cuts.

The applicant is requesting to increase the driveway width to 5.2 m on both Parts, which represents 56.7% of the lot frontage, and is also requesting to increase the parking area coverage to 57% on both Parts. This extent of these increases are visually discernable and will negatively affect the aesthetic of the development. Staff are of the opinion that approving such an increase will have noticeable visual impacts on both properties and will negatively affect the streetscape. Parks Recreation and Culture Services (PRCS) notes that an increase in driveway width will reduce the overall landscaping, both on the subject lands and within the municipal boulevard, and PRCS is not supportive of variances 2 or 3 for either application. City policies seek to minimize the amount of land dedicated to vehicular parking. The design of the proposed development shows adequate tandem parking for 2 vehicles on each lot, one space in the garage, and a second space in the driveway. Staff recommend denial of Variances 2 and 3 for both applications, as they do not meet the purpose and intent of the Zoning By-law or Official Plan.

Variance 4 (A-140/18)

Variance 4 requests a reduction of the rear yard setback from 6.0 m to 5.33 m. The purpose of the minimum rear yard setback provision is to maintain adequate separation distance from neighbouring properties, limit overlook into neighbouring yards from multi-storey homes, while also providing adequate rear yard amenity space. The variance represents a pinch point of the north west portion of the proposed dwelling on Part 1 and is due to the oblique nature of the rear lot line. The remainder of the development is in conformity with the required minimum rear yard setback. Variance 4 is minor in nature, meets the intent of the Zoning By-law and Official Plan, and will have no foreseeable impacts on the surrounding area. Staff recommend approval of variance 4.

The Building Department advises that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.

The City's Development Engineering Services department has advised that a grading plan was submitted with the applications to extend the proposed driveways to the side property lines. This plan shows a proposed retaining wall to be constructed on City lands along the west side of the most westerly driveway between the front property line and the existing edge of pavement. Prior to issuance of the building permit, a revised plan must be submitted for both lots eliminating the retaining wall and showing additional proposed grades on City property to match the present drainage scheme of shallow swales and intermediary catch-basins. The owner may be required to pay the City to install a catch-basin between the two proposed driveways if the existing swale cannot be maintained. At the building permit stage, the owner will also be required to pay the City to install new sanitary laterals, storm laterals and water services if it is deemed the existing services are unusable.

Conclusion

Staff is of the opinion that applications **A-140/18** (Variances 1 and 4) and **A-141/18** (Variance 1) 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 is of the opinion that applications **A-140/18** (Variances 2 and 3) and **A-141/18** (Variances 2 and 3) are not in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, and are not appropriate or desirable for the use of the land. It is staff's recommendation that the requested variances be denied.

Prepared by:

For 
Robertson Soosaar
Student Planner

Submitted by:

For 
Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

November 13, 2018

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

Attention: Elaine Munro

File# 60.81.5429 and 60.81.5430

Re: 39B & 39C Beachaven Dr

In response to your correspondence dated November 6, 2018, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.alectrautilities.com.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312

- Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
- CAN/CSA-C22.3 No. 1-15, Overhead System
- C22.3 No. 7-15 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, appearing to be 'Mark Jakubowski', enclosed within a large, hand-drawn oval.

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

Subject:

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

295 Fourth Avenue
39 B & C Beachaven Avenue

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

Sent: Tuesday, November 06, 2018 1:17 PM

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 application.

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](#)



Memorandum

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

Cc: B. Thiessen, Judy Pihach, Kirsten Jensen, Robertson Soosaar
Planning and Building Services

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

Date: November 12, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – November 29, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-136/18	1309 Third St. Louth	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-137/18	30 Power Glen	-No Comment
A-138/18	1558 St. Paul St. West	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-139/18	295 Fourth Avenue	-No Comment
A-140/18	39B Beachaven Drive	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-141/18	39C Beachaven Drive	-No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2018\21 bcoa memo-mv-November 29, 2018.

Munro, Elaine

From: Button, Jessica
Sent: Friday, November 23, 2018 9:50 AM
To: Munro, Elaine; Jensen, Kirstin
Subject: 39 Beachaven - revised comments

Elaine, please see the following revised comments for

39B Beachaven Drive, Minor Variance, A-140/18 – 60.81.5429
39C Beachaven Drive, Minor Variance, A-141/18 – 60.81.5430

An increase in driveway width will reduce the overall landscaping, both on the subject lands, and within the municipal boulevard. PRCS is not supportive of the request to increase the proposed driveway width.

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: November 12, 2018
Subject: Committee of Adjustment Hearing – Nov 29, 2018

1. **1309 Third Street Louth, Minor Variance, A-136/18 – 60.81.5425**
No comment.
2. **30 Power Glen, Minor Variance, A-137/18 – 60.81.5426**
No Comment.
3. **1558 St. Paul Street West, Minor Variance, A-138/18 – 60.81.5427**
No Comment.
4. **295 Fourth Avenue, Minor Variance, A-139/18 – 60.81.5428**
No objections to the proposed increase in parking. In order to offset the increased parking area, the landscape plan shall demonstrate enhanced landscaping in the 4 areas identified in the submitted sketch. Enhance landscape is considered to be enhanced quality and quantity of plant material. The applicant should be aware that landscape islands are to be a minimum of 3.0m to sustain plant material.
5. **39B Beachaven Drive, Minor Variance, A-140/18 – 60.81.5429**
39C Beachaven Drive, Minor Variance, A-141/18 – 60.81.5430

An increase in driveway width will reduce the overall landscape, both on the subject lands, and within the municipal boulevard. PRCS is not supportive of the request to increase the proposed driveway width.

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

There are two large boulevard trees on city property. The removal of these trees will be completed by City crews at the expense of the applicant. The applicant will additionally be responsible for the replacement cost of this, in addition to standard boulevard tree requirements.

That the applicant submit a payment of for deposit in the general tree planting reserve fund, in accordance with the 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: November 5th, 2018

Hearing Date: November 29th, 2018

Subject: Engineering Comments Regarding Minor Variance applications for;
1309 Third Street Louth, A-136/18SC
137 Power Glen, A-137/18SC
1558 St. Paul Street West, A-138/18SC
295 Fourth Avenue, 139/18SC
39B & 39C Beachaven Drive, A-140 & 141/18SC

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;

39B and 39C Beachaven Drive – The applicant proposes to extend the proposed driveways to the side property lines. A grading plan was submitted with the applications. This plan shows a proposed retaining wall to be constructed on City lands along the west side of the most westerly driveway between the front property line and the existing edge of pavement. Prior to issuance of the building permit a revised plan must be submitted for both lots eliminating the retaining wall and showing additional proposed grades on City property to match the present drainage scheme of shallow swales and intermediary catchbasins. The owner may be required to pay the City to install a catchbasin between the two proposed driveways if the existing swale cannot be maintained. At the building permit stage the owner will also be required to pay the City to install new sanitary laterals, storm laterals and water services if it is deemed the existing services are unusable.

Prepared by:

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

JD



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 7, 2018

Subject: Committee of Adjustment
Public Hearings – November 29, 2018
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/