

CITY OF
ST. CATHARINES

Committee of Adjustment Public Hearing
December 13, 2018
Council Chambers, City Hall - 5:00 p.m.

Revised Agenda

1. Chair to call the Hearing to Order
2. * Presentation by Meaghan Palynchuk, Manager - Municipal Relations, Bell –
(4:30pm) – CANCELLED TO NEW YEAR!
3. Amendments/Additions to the Agenda
4. Declarations of Interest
5. Request for Withdrawal or Adjournment
6. Adoption of the Minutes held November 29, 2018
7. Application: **Applications to start at 5pm.**
 1. 112 Oakdale Avenue, Consent, B-85/18SC – 60.84.2228
 2. 30½ Division Street, Minor Variance, A-144/18 – 60.81.5433
30 Division Street, Minor Variance, A-145/18 – 60.81.5434
 3. 85 Hillview Road, Consent, B-84/18SC – 60.84.2227
85 Hillview Road, Minor Variance, A-142/18 – 60.81.5431
85A Hillview Road, Minor Variance, A-143/18 – 60.81.5432
8. New Business:
9. Date of next Hearing:
10. Adjournment

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

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

COMMENTS

B-85/18SC (60.84.2228)

112 Oakdale Avenue

**DATE OF HEARING:
December 13, 2018**

Wednesday May 31, 2017

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

Re: Mortgage Consent to Plan A Development of 112 Oakdale File No. 60.84.2107

We are Brett and Sandi Jones and live at 116 Oakdale Ave., beside the proposed development and welcome raising property values in our area and increasing our city tax base. However, we have many concerns with the proposal that has been presented.

The first would be the allowance of a discharge of mortgage for the initial phase

1. We feel the potentially toxic and flammable soil (Acetylene Ash) that has been recently unearthed and sits in open piles needs to be addressed. Are we allowing building before removal? Are people going to be living in the immediate area during the remediation of this soil in the future?
2. If Oakdale Ave needs to be widened to accommodate variances etc., perhaps this also needs to be addressed before we even begin with a development of this magnitude.
3. The fact that there is a visible fire hydrant and an invisible catch basin that are not on the plans is very concerning.
4. A traffic study of this whole area needs to be conducted. Hundreds of potential homes are being touted in an already congested street. This site is boasting 93 units. We have approximately 100 behind the fire hall on Hartzel Rd., a development site at Johnny Rocco's, a future development at the old Recycling /Domtar Plant (another potential toxic soil site). Yet another future development by the Region beside the Clifford Creek Park on Oakdale. Along with the addition of hundreds of homes added on Moffatt Street in the last decade, Oakdale Avenue and the route to the Pen Centre is next to impossible from 11:00am to 6:00pm daily. We have a blind corner at Hickory St. and another at Disher St. It is surprising that Transit has not raised any concerns since this route has its challenges during rush hours. What is the impact of this volume of traffic to the Fire Station, to the Transit buses?
5. While the project does have wheelchair parking how does that person get into their home when it is accessible only by stairs? Which also brings into question if these units are accessible by doors wide enough interior and exterior for accessibility.

Re: Minor Variances for the actual development File No. 60.81.5206 – The Jones' concerns

1. This reduction is dangerous. This is a very busy street, with the Fire Department, Transit and Large transport trucks going 50+kmh. It is dangerous to cut the city portion of front lawn and clear our driveway approach of snow now due to traffic. Where is the snow going to go for each home when there will be very little frontage?
2. Keep at 5 metres.
3. Is this asterick for a reason? This is also too close, we need access to trim our hedge.
4. Let's be real. Since when does each house have one car. Keep the current allowance at 1.25 or better yet make it 2.0 per unit. Very evident when you look at the other in-filling projects in the area that parking is an issue and the current by-law is not affective at all.
5. ----
6. Keep at 5 metres
7. The stairs will be too close to the city sidewalk...not acceptable
8. ----

Additional items we would like answered:

1. Sump pumps for each unit, where is the discharge going?
2. Our neighborhood consists mostly of single family homes in the form of bungalows, 1 & 1/2 and 2 story houses not 3 story stacked town houses, how is this blending into our neighborhood? Not one house in our area has a balcony on the third level facing Oakdale Ave. The overall appearance is not in keeping of the area or recent additions of housing projects in the area and the balcony creates a cluttered look along with the stair rails.
3. The "Out Building" or the garbage bins in other words. If this is the case can it be moved to the other side of the property (Plan 2). Our lot and others abutting do not need this on our side, put it on the South side where it will not be affecting any existing residential housing.
4. What is the elevation of the landscape beside our property once complete?
5. The commercial area to the south is a mess with parking issues, noise and appearance. Would you want to live next to this?
6. Can the existing water and sewage systems handle the additional houses? We have lived here since 1989 and have never had issues with water or sewage backup.

We would like to be sent a copy of the Notice of Decision and any other pertinent information.

Sincerely,

Brett & Sandi Jones
116 Oakdale Ave
St. Catharines, L2P 2L2

Munro, Elaine

From: Sandra Kite <[REDACTED]>
Sent: Monday, October 23, 2017 2:41 PM
To: Munro, Elaine
Subject: 112 Oakdale St Catharines..

Homes in Oakdale Area are I-2 Stories High...Stacked townhouses should be no more than 2 stories..anything higher will be looking into the property of neighbouring homes

Keep within the property lines including steps...Also the three trees in front should be taken down in winter before the birds and other critter start nesting...last year a racoon was using one of them for their homes for their young..

...there's a pile of unhealthy dirt still on property and I sure there a Lot more

What is happening to Abbot St Garages....some of garages are unfit and untidy to be in area...sloppy building..nothing but a junk yard which many of vehicle have been there for many years...Its an eyesore for residence or tennants and a fire harzard waiting to start.

Also increase traffice on Oakdale as cars are parked on the west side all day or night..with buses, firetrucks trucks etc this area becomes one lane.. (two hrs time limit).. during busy hrs sometimes have to wait 5 cars to pass..

Thank you

Sandra Kite 13 Smythe St St Catharines [REDACTED]

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CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 5, 2018

Date of Meeting: December 13, 2018

Submission(s): B-85/18SC

File: 60.84.2228

Subject: 112 Oakdale Avenue

Recommendation

That Submission **B-85/18SC** by ASTA Gardens Inc., as outlined in the Notice of Hearing, be approved, subject to the conditions:

1. That the applicant dedicates to the City of St. Catharines a 4.80m (15.7') widening along the entire frontage of the subject parcels as Public Highway to be known as Oakdale Avenue, free and clear of any mortgages, liens or encumbrances;
2. That the applicant pays to the City the fees for City crews to remove and reinstate the existing north driveway entrance with 100mm topsoil and sod, in accordance with the City's current Schedule of Rates and Fees;
3. That the applicant removes the existing concrete entrance barriers from within the future dedicated right-of-way limits of Oakdale Avenue;
4. That an easement be established in favour of Part 4, to the satisfaction of the City, within Parts 1, 2 and 3 or parts thereof, to ensure adequate access, servicing, and similar site requirements to enable future development of Part 4; and,
5. That the City receive confirmation from MOECC that securities have been submitted to the satisfaction of MOECC, in accordance with its standards, relating to the ongoing environmental monitoring program for Part 4 (rear portion of site).

Summary

Having regard for the matters under Section 51 (24) of the Planning Act, staff is satisfied that consent application **B-85/18SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Staff recommends that the requested consent be approved, as outlined in the recommendation.

The Proposal

Application **B-85/18SC** is made for consent to sever 7,927 m² of land (Part 4 on the submitted sketch) for a future residential development to be known as 112 Oakdale Avenue. A 10,489 m² remnant parcel of land (Parts 1, 2 & 3) would be retained for a future stacked townhouse development, subject to a future easement, in perpetuity, to benefit the easterly abutting lot (Part 4) for ingress and egress access purposes. The site has a Holding Provision which requires that a record of site condition be approved from the Ministry of Environment.

Location and Site Description

The subject property is located on the east side of Oakdale Avenue, north of Abbot Street. The subject property is surrounded by detached, and apartment dwellings to the north, forested land to the east, motor vehicle repair shops to the south, and detached dwellings to the west.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan. The subject property is further designated Medium Density Residential as per Schedule E9 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 generally between 25 and 99 units per hectare, subject to the policies of the Garden City Plan.

Zoning By-law (2013-283)

The subject land is zoned Medium Density Residential (R3-H1). The R3 zone permits a variety of low density residential dwelling types including detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings, private road developments, apartment buildings, and long term care facilities. The Holding (H) provision requires the submission of an Environmental Site Assessment and environmental cleanup of the lands, if need be, prior to the removal of the Holding (H) designation. Removal of the Holding (H) designation is required in order to develop the lands. If contamination above the provincial guidelines is found a Record of Site Contamination, or other acceptable documentation, shall be required for submission to the Ministry of the Environment.

Background

A previous consent application (**B-22/17SC**) was granted and minor variance (**A-61/17**) was approved. The 1-year time line to clear conditions was not met, thereby triggering another application.

A previous severance application on this property (**B-22/17SC**) was granted approval on October 25th, 2017. The application at that time requested the exact same land division as the current application (**B-85/18SC**). The Committee of Adjustment granted the previous request with a number of conditions. Conditions of consent are to be satisfied within one year from the date of mailing of the Notice of Decision by the Committee of Adjustment, as per the Planning Act. The applicant was therefore required to fulfil conditions by October 25th, 2018, however the conditions were not satisfied by this date, which triggered the resubmission, being the current application. There are no changes from the previously approved application.

There was a concurrent minor variance application, Application **A-61/17** (Part 4 on the submitted sketch) made to vary Section 2.6(a) of the Zoning By-law, to permit the creation of a lot with no frontage on a public road, and approving the westerly property line of Part 4 as the front lot line for the purposes of determining zoning requirements. **A-61/17** was approved on October 25, 2017 and is in effect. The establishment of an easement over Parts 1, 2, and 3 for access and servicing in favour of Part 4 is to be provided in lieu of public road frontage.

Report

Application **B-85/18SC** is made for consent to sever 7,927m² of land (Part 4 on the submitted sketch) creating a new lot for a future development to be known as 112 Oakdale Avenue. A 10,489m² remnant parcel of land (Parts 1, 2 & 3) to be known as 110 Oakdale Avenue would be retained for a proposed stacked townhouse development.

The GCP contains a number of policies with respect to evaluating development, redevelopment and lot creation within residential neighborhoods. Section 16.11c) states that requests to sever individual parcels of land will only be given where the size and shape of the parcel is appropriate for the use proposed and in the terms of optimum development of the surrounding area. The proposed lots are of an adequate size and appropriate shape for medium density residential development.

Part 4 does not have direct frontage on a public road, however as stated, a prior variance was approved in 2017 that permits the creation of the lot albeit with no frontage on a public road. While staff generally do not consider the creation of landlocked parcels to be appropriate in terms of the optimum development of an area, Part 4 has some significant environmental constraints as a result of a former industrial use. Part 4 is significantly impacted and is not likely to be developable in the near future. The proposed development on Parts 1, 2 and 3 is not currently viable, as the owner has been unsuccessful in obtaining a mortgage over Part 4 due to its environmental condition. The consent will allow one portion of the lands (Parts 1, 2 & 3) to develop now, and ensure access to Part 4 so that, once environmental clean-up is possible, the lands may develop further.

Part D, Section 7.1 j) promotes a land configuration that will not detract from the potential development or redevelopment on adjacent properties, or create isolated parcels which

may otherwise have future development or redevelopment potential. Part D, Section 7.1 k) states that alternative and innovative lottage patterns are supported, provided that compatibility with the surrounding area can be achieved, and adequate and maintained access to a public road is ensured. The proposed consent does not detract from the potential development or redevelopment of adjacent parcels. The proposed parcel of land without frontage on a public road will not lose its development potential as a result of the severance, as long as an easement is provided to ensure access and servicing. The establishment of an easement over the remnant parcel (Parts 1, 2, and 3) is included as a condition of the consent. The exact location of that easement will be determined as part of the Site Plan Approval requirement for Parts 1, 2 & 3.

Should the easement not be established as part of the site plan review process, prior to the lapsing date of approval of this application, a blanket easement over all of Parts 1, 2 and 3 will serve to meet the easement condition for the severance. The easement can be amended further as part of site plan approval.

Staff recommends a condition to ensure the ongoing environmental monitoring program on Part 4, as administered by the Ministry of the Environment and Climate Change (MOECC), is secured according to MOECC standards.

No adverse effects are anticipated as a result of the consent. The proposed consent will facilitate the development of underutilized lands. Staff recommend approval of the proposed consent, subject to the conditions outlined in the recommendation.

Conclusion

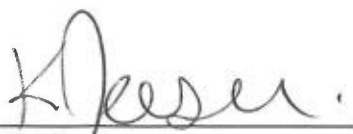
Staff is satisfied that the consent requested through application **B-85/18SC**, is desirable and compatible with the surrounding area and in keeping with the policies of the Official Plan. Staff recommend approval of the requested consent.

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: Aaron White
Subject: RE: Committee of Adjustment Notice and Application - 112 Oakdale Avenue, for the December 13/18 CofA Hearing, City of St. Catharines

From: Aaron White [mailto:aaron.white@trilliumrailway.com]
Sent: Wednesday, November 21, 2018 12:44 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notice and Application - 112 Oakdale Avenue, for the December 13/18 CofA Hearing, City of St. Catharines

Good Afternoon Elaine,

I've attached the requirements Trillium would have for this application, however, only "C" and "E" would apply. We are actively trying to sell the parcel of land that abuts our track to the east of this proposal, so I'm not concerned with the drainage clauses, since they will no longer be affecting the railway once the property is sold (I understand there have been several expressions of interest on our parcel).

Other than that, we have no comments on this application.

Thanks,

Aaron White
Vice President Operations
Trillium Railway Co. Ltd
p. 905-735-5529 | f. 905-735-7559 | c. 289-968-9357





Railway Properties
1 Administration Rd
Concord, ON L4K 1B9

Telephone: 905-760-5007
Fax: 905-760-5010

SPUR LINE REQUIREMENTS

- A. Safety setback of dwellings from the railway rights-of-way to be a minimum of 15 metres.
- B. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
- C. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- D. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- E. The Owner may be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

Munro, Elaine

To: Proximity
Subject: RE: Committee of Adjustment Notice and Application - 112 Oakdale Avenue, for the December 13/18 CofA Hearing, City of St. Catharines

From: Proximity [mailto:proximity@cn.ca]
Sent: Tuesday, December 04, 2018 3:37 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notice and Application - 112 Oakdale Avenue, for the December 13/18 CofA Hearing, City of St. Catharines

Good afternoon Elaine:

Thank you for circulating CN Rail on the above noted application.

The information sent to us on the site location has been reviewed and is out of proximity to our lines. CN Rail has no comment or objections.

Regards,
Angèle

Further comments on this matter may be sent to proximity@cn.ca or to the attention of Susanne Glenn-Rigny at the coordinates below:

Susanne Glenn-Rigny, MCIP, RPP, OUQ
Agente principale/Senior Officer
Planification et développement communautaires/
Community Planning and Development
 Affaires juridiques/Law Department
935, rue de La Gauchetière Ouest
15e étage
Montréal (Québec) H3B 2M9
Téléphone: (514) 399-7844
Télécopieur: (514) 399-4296
Cell (514) 919-7844
Email: susanne.glenn-rigny@cn.ca

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the December 13/18 CofA Hearing, City of St. Catharines - Email 1

112 Oakdale
30 & 30 ½ Division St.

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

Sent: Wednesday, November 21, 2018 10:52 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the December 13/18 CofA Hearing, City of St. Catharines - Email 1

Hi Elaine

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



Munro, Elaine

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Wednesday, November 28, 2018 3:08 PM
To: Munro, Elaine
Subject: 905-18-475 - Consent Application B-85/18SC - 112 Oakdale Avenue

Good afternoon Elaine,

Bell Canada has no concerns with Application for Consent B-85/18SC regarding 112 Oakdale Avenue.

Thank you,

Charleyne 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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Memorandum

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

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

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

Date: December 10, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – December 13, 2018 hearing - File No.: 300-036

B-85/18SC – 112 Oakdale =Avenue

Comment:

- Be advised that a building permit is required for any proposed buildings forming part of the development on Part 1.

Condition:

- No Comment

B-84/18SC – 85 Hillview Road

Comment:

- Be advised that a building permit is required for the proposed semi detached dwelling on Part 1, 2, and 3.

Condition:

- The existing single detached dwelling with attached garage and the existing 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.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: November 28, 2018
Subject: Committee of Adjustment Hearing – December 13, 2108

1. 85 Hillview Road, Consent Application, B-84/18SC – 60.84.2227

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

As the subject lands immediately abuts parkland, the applicant shall be required to delineate the boundary between private property and parks/open space along the north lot line with a 1.8m. black vinyl coated fence designed to the same standards as OPSD 972.130. The fence shall be installed on park property, to the satisfaction of PRCS.

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. Chain link fencing along the property line will be required.

2. 112 Oakdale Avenue, Consent Application, B-85/18SC – 60.84.2228

No further comment.

3. 30 & 30½ Division Street, Minor Variance Applications A-144/18 & A-145/18 – 60.81.5433 & 60.81.5434

No further comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-85/18SC



November 27, 2018

ENGINEERING FILE 300-36

Hearing Date: December 13, 2018

Applicant: ASTA Gardens Inc.

Location: 112 Oakdale Avenue

MUNICIPAL SERVICES

Water: 300mm (12") P.V.C.

Sanitary Sewer: 300mm (12")

Storm Sewer: 600mm (24") Welland Canal Valley lands outlet

Sidewalks: Yes

Road Allowance Width: 17.4m (57') ±

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

Comment(s):

It is noted that the Owner proposes a consent to sever Part 4 on the submitted sketch creating a new lot for a future residential development known as 112 Oakdale Avenue, subject to an easement in perpetuity over Part 2 for ingress/egress and servicing purposes. A remnant parcel, Parts 1, 2 & 3 would be retained for future residential development purposes. The site has a Holding provision which requires that a Record of Site Condition be approved and registered with the Ontario Ministry of Environment.

Roads

Oakdale Avenue is currently designated an Arterial road per the City's Official Plan, with a desired right-of-way width of 26.2m (86'). It is currently deficient at 17.4m (57') along the frontage of the subject property. Discussions with staff have concluded that Oakdale Avenue along this section would be satisfactory with a 22.0m (72') right-of-way width, therefore the City shall require a 4.80m (15.7') road widening along this section, dedicated gratuitously, free and clear of any encumbrances as Public Highway to be known as Oakdale Avenue.

Existing concrete entrance barriers exist along the property frontage, within the future right-of-way lands. The applicant shall be required to relocate the existing concrete barriers to outside of the future right-of-way limits.

Two existing entrances exist, which the Owner proposed to improve only one at the south limit. The Owner shall be responsible to pay to the City the fee for City crews to remove and reinstate the existing north entrance with 100mm topsoil and sod, the fee in accordance with the City's current Schedule of Rates and Fees.

The easterly and westerly development parcels propose to be serviced by existing municipal and public utilities on Oakdale Avenue from within a shared easement (Part 2). The Owner must identify an adequate width of Part 2 that will accommodate all services and utility needs required to service both development parcels, as well as provide perpetual access and maintenance abilities to both development parcels through an easement document and reference plan. This plan and document shall be submitted for review and comment to the satisfaction of the City of St. Catharines and registered on title of the properties prior to the final consent of the severance application.

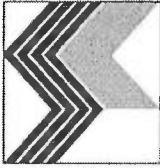
Condition(s): Prior to final consent, the Owner shall;

- Dedicate to the City of St. Catharines a 4.80m (15.7') widening along the frontage of the subject parcel as Public Highway to be known as Oakdale Avenue, free and clear of any mortgages, liens or encumbrances; and
- Pay to the City the fees for City crews to remove and reinstate the existing north driveway entrance with 100mm topsoil and sod, in accordance with the City's current Schedule of Rates and Fees; and
- Remove the existing concrete entrance barriers from within the future dedicated right-of-way limits of Oakdale Avenue; and
- Submit to the City for review and approval and prior to registration, a draft reference plan and easement document that outlines the purposes and obligations of both parcel owners to the perpetual access and maintenance needs of required services and utilities within Part 2, in order to service both development parcels from Oakdale Avenue



Prepared By:

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 22, 2018

Subject: Committee of Adjustment
Public Hearings – December 13, 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-144/18 (60.81.5433) & A-145/18
(60.81.5434)**

30 & 30 ½ Division Street

**DATE OF HEARING:
December 13, 2018**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 5, 2018

Date of Meeting: December 13, 2018

Submission(s): A-144/18
A-145/18

File: 60.81.5433
60.81.5434

Subject: 30 Division Street
30½ Division Street

Recommendation

That Submission **A-144/18 & A-145/18**, by Frank Lu & You Shi, be approved, as follows: "save and except for the provision of 0.5 parking spaces per dwelling unit, to be provided as one parking space at standard dimensions, for each lot".

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-144/18** and application **A-145/18** 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, subject to an amendment to 1 parking space only, as noted above.

The Proposal

The Applicant for application **A-144/18** (Part 2) requests variances to the City of St. Catharines Zoning By-law 2013-283 to recognize an existing duplex, for the following:

- 1) A reduction of the required parking spaces from 2 spaces to 0 spaces
- 2) A reduction of the minimum lot frontage from 12 metres to 7.805 metres.

The Applicant of application **A-145/18** (Part 1) requests variances to the City of St. Catharines Zoning By-law 2013-283 to recognize the existing duplex, for the following:

- 1) A reduction of the required parking spaces from 2 spaces to 0 spaces.
- 2) A reduction of the minimum lot frontage from 12 metres to 9.042 metres

Location and Site Description

The subject property is located on the south side of Division Street, east of Geneva Street, between Riordan Street to the east and Calvin Street to the west. The surrounding area consists of single detached homes and multi-residential buildings.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

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

Background

A previous consent, **B-19/18SC**, was approved. The previous consent application was granted approval March 28, 2018, subject to conditions. It was necessary to separate two previously existing lots each containing a dwelling, which had inadvertently merged. The subject properties were separate and distinct parcels for many years. The current owner took title to 30 Division Street in May 2016, and 30½ Division Street in September 2016, both under the same name, causing the properties to merge in title.

Applications **A-27/18** and **A-28/18** granted reductions of the required parking spaces on each lot from 1 space to 0 spaces for Part 1 and Part 2.

The consent included standard conditions from PRCS, Building and Development Engineering regarding building separations and tree planting deposits. Other conditions of the Notice of Decision included that any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS, as well as that the applicant reduce the front yard asphalt area of Part 2 to a maximum of 3.9 metres in width, in accordance with Section 3.9 of Zoning By-law 2013-283 for the Maximum Width of Residential Parking Area, and reinstate sod on the remainder of the front yard area, to the satisfaction of PRCS. At this time of the writing of this report, these conditions have not yet been fulfilled.

Report

Application A-144/18 and A-145/18

Variance 1

The Zoning By-law requires 1 parking space per unit for a residential dwelling. It was recently identified that both dwellings at 30 and 30 ½ Division Street are duplex dwellings, meaning they each contain two dwelling units. This requires 1 parking space per unit.

Both applications are requesting to reduce the parking requirements from 2 spaces per dwelling, to 0 spaces. Upon inspection, both 30 and 30½ Division Street are capable of providing 1 parking space. Staff are not supportive of reducing the parking requirements to 0 spaces, as this could negatively impact the surrounding area due to an excess amount of vehicles parking on this section of road. While Division Street provides on street parking along one side of the road, these spots are typically occupied on a daily basis.

Part C, Section 5.4.2 of the GCP states that the City may consider the reduction or the elimination of vehicular parking requirements where transit is readily available or where transit facilities are provided, and where bicycle parking facilities are provided. The subject land has access to a variety of transit stops near the property. There are also a number of amenities that can be accessed using the nearby bus routes which include grocery stores, pharmacy, restaurants and retail. The property is located close to Queenston Street, Geneva Street and Niagara Street, all corridors of which support walkability, bicycling and transit as alternative modes of transportation versus vehicles, and further supports the appropriateness of the requested reductions. Given the availability of transit and on street parking, staff is in support of a parking reduction.

Further, being in the Downtown Planning District, the Official Plan notes the reduced needs for automobiles, thus giving grounds to reduce the parking requirements, albeit by 1 space only (0.5 spaces per dwelling unit), to maintain the intent of the Zoning By-law to some extent. Staff are not convinced that a hardship exists that would prevent the properties from providing at least 1 space on each property (0.5 spaces per dwelling unit), and staff are therefore supportive of a reduction of only 1 space, rather than 2, as requested in the application.

Upon inspection of the site, the front yard landscaping requirements are deficient, as most of the front yard of 30½ Division Street is paved. According to the Zoning By-law, parking coverage should not take up more than 50 % of the front yard. Staff request that sufficient landscaping be reinstated in the front yard of 30½ Division Street so as to bring the front yard parking area into conformity with zoning by-law standards. This was previously reflected in the conditions of the severance approval for B-19/18SC and must be satisfied and inspected by PRCS before the lot creation can be finalized.

Application A-144/18 and A-145/18

Variance 2

Both applications also request a reduction of the minimum lot frontage requirements from 12 m to 7.805 m (for **A-144/18**) and from 12 m to 9.042 m (for **A-145/18**). The minimum lot frontage provision is intended to ensure a property provides enough width to properly accommodate a building footprint with sufficient outdoor amenity space, while also conforming to various setback requirements. The subject lots represent an existing condition. Further, the age and character of the surrounding area consists of small, older homes, that are built close together.

At the time of the consent application, staff were under the impression that the subject dwellings were detached dwellings, and therefore one of the parcels satisfied the lot

frontage requirement of the zoning by-law, however the other parcel did not and this variance was inadvertently missed at that time. With the proper information indicating the parcels actually contain duplexes, it is now necessary that both properties require a variance to lot frontage. Staff are satisfied that the lot frontages are appropriate for the duplex uses. No new development is proposed on Part 1 nor Part 2.

Therefore, the requested variances are recommended for approval. Staff is of the opinion that variance 2 of applications **A-144/18** and **A-145/18** maintain the intent of the Zoning By-law and Official Plan, are minor in nature, and will not result in adverse impacts on the surrounding area. Staff recommend approval of the requested variances.

Conclusion

Staff is of the opinion that applications **A-144/18 & A-145/18** 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:



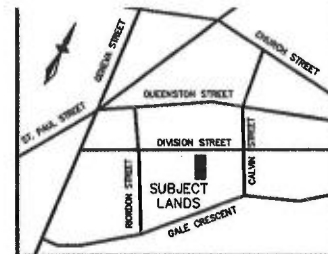
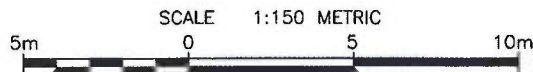
Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

PART OF LOT 3550
CORPORATION PLAN No. 2
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

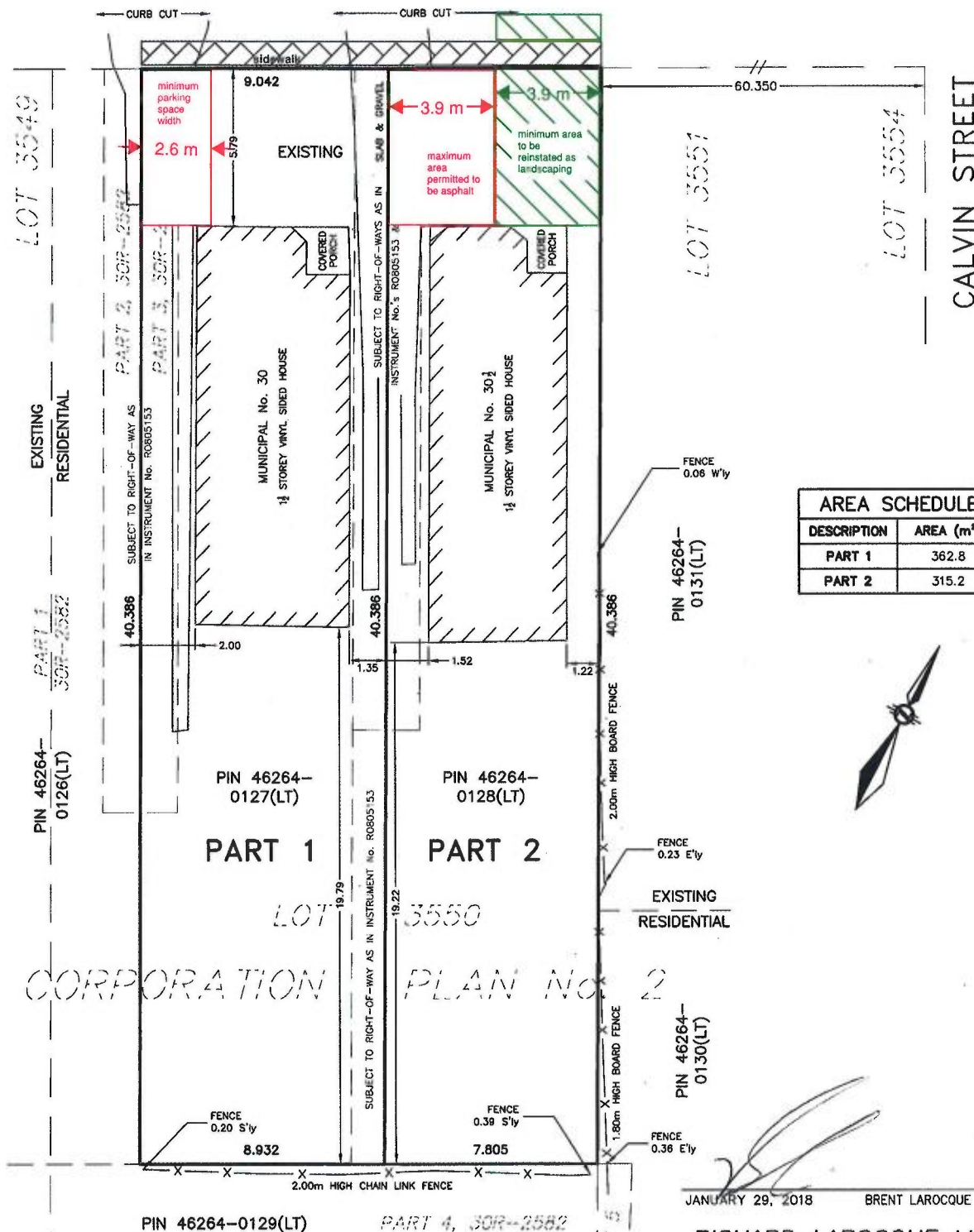


KEY PLAN
NOT TO SCALE

DIVISION STREET

(BY CORPORATION PLAN No. 2)
(PUBLIC TRAVELLED ROAD, VARIOUS WIDTHS)

PIN 46264-0186(LT)



AREA SCHEDULE	
DESCRIPTION	AREA (m ²)
PART 1	362.8
PART 2	315.2

JANUARY 29, 2018 BRENT LAROCQUE

O.L.S.

RICHARD LAROCQUE LIMITED
 ONTARIO LAND SURVEYORS & CONSULTANTS
 12 LYMAN STREET, ST. CATHARINES, ONTARIO
 905-688-1413
 6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO
 905-358-8400
 www.larocquegroup.ca

THIS SKETCH IS PREPARED FOR AN APPLICATION UNDER THE PLANNING ACT AND ALL DIMENSIONS ARE TO BE CONFIRMED BY SURVEY.

NOTE: THE LOT DIMENSIONS ILLUSTRATED HEREON WERE OBTAINED FROM PLANS AND DOCUMENTS ON FILE AT THE LAND REGISTRY OFFICE

METRIC NOTE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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DRAWN BY:
D.B.

CHECKED BY:
B.L.

DATE:
JAN. 29, 2018

FILE: 2017-061
 DWG. FILE: 2017-061-01

Munro, Elaine

Subject: RE: Comment on 30 1/2 Division Street Notice of Hearing

From: Kate Hou [mailto:]
Sent: Friday, November 23, 2018 4:38 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Comment on 30 1/2 Division Street Notice of Hearing

Hello

I am a resident of Gale Crescent and I am strongly against the proposed application for the notice of hearing for 30 ½ Division Street.

I don't want any construction caused by the reduction of required parking space and the reduction of the minimum lot frontage to create a disturbance in the neighbourhood.

Thank you very much

Sent from Mail for Windows 10

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the December 13/18 CofA Hearing, City of St. Catharines - Email 1

112 Oakdale
30 & 30 ½ Division St.

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Wednesday, November 21, 2018 10:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the December 13/18 CofA Hearing, City of St. Catharines - Email 1

Hi Elaine
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





Memorandum

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

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

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

Date: November 10, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 13, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-142/18	85 Hillview Road	-No Comment
A-143/18	85A Hillview Road	-No Comment
A-144/18	30 ½ Division Street	-No Comment
A-145/18	30 Division Street	-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 28, 2018
Subject: Committee of Adjustment Hearing – December 13, 2108

1. 85 Hillview Road, Consent Application, B-84/18SC – 60.84.2227

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

As the subject lands immediately abuts parkland, the applicant shall be required to delineate the boundary between private property and parks/open space along the north lot line with a 1.8m. black vinyl coated fence designed to the same standards as OPSD 972.130. The fence shall be installed on park property, to the satisfaction of PRCS.

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. Chain link fencing along the property line will be required.

2. 112 Oakdale Avenue, Consent Application, B-85/18SC – 60.84.2228

No further comment.

3. 30 & 30½ Division Street, Minor Variance Applications A-144/18 & A-145/18 – 60.81.5433 & 60.81.5434

No further comment.

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



Memorandum

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

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

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

Date: November 27, 2018
Hearing Date: December 13, 2018

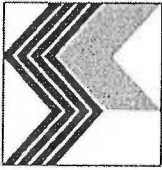
Subject: Engineering Comments Regarding Minor Variance applications for;
30 & 30½ Division Street, A-144-145/18SC

Development Engineering have reviewed the above noted application for Minor Variance requests. We have no comments or conditions to the approval of the above variance application.

Prepared by:

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

JD



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 22, 2018

Subject: Committee of Adjustment
Public Hearings – December 13, 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

**B-84/18SC (60.84.2227), A-142/18
(60.81.5431) & A-143/18 (60.81.5432)**

85 Hillview Road

**DATE OF HEARING:
December 13, 2018**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: December 5, 2018

Date of Meeting: December 13, 2018

Submission(s): B-84/18SC
A-142/18
A-143/18

File: 60.84.2227
60.81.5431
60.81.5432

Subject: 85 Hillview Road

Recommendation

That Submission **B-84/18SC** by Thomas Curtis & Barbara Krapec, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands (Parts 1 and 2), to address the following conditions:
 - a. Building Permit Plans be subject to review and approval by PBS demonstrating:
 - i. That elevation drawings for building design be substantially in accordance with drawing A0.1 (sketch attached), albeit with the garages being flush or recessed from the front façade of the dwelling units at grade (not second storey); and,
 - ii. That the garage door be finished in a light colour.
2. In accordance with section 69(2) of the Planning Act (Reduction or Waiver of Fees), the standard fee for a Development Agreement be reduced from \$2457.85 (2018 fees) to \$500.00 since it would be unreasonable to require payment in accordance with the standard fee. A fee associated with the registration of the Development Agreement is still required;
3. That 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;
4. 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;

5. That a 1.8m black vinyl coated fence designed to the same standards as OPSD 972.130 be installed on park property along the subject property's north lot line to delineate the boundary between private property and parks/open space, to the satisfaction of PRCS;
6. That the applicant dedicates to the City gratuitously, free and clear of any encumbrances and at the Owner's expense, a 0.86m road widening across the entire frontage of Parts 1 and 3 as Public Highway to be known as Hillview Road;
7. That the applicant pays to the City the cash-in-lieu of sidewalk construction fee to reflect a 1.5m wide sidewalk across the entire frontage of the property (Parts 1 and 3) in accordance with the City's Schedule of Rates & Fees in place at the time of clearing this condition;
8. Pay to the City the cost to confirm the location, size and condition of the existing water service and sanitary sewer lateral based on the Schedule of Rates and Fees in place at the time; and,
9. That the applicant relocates if necessary, any water service and/or sanitary lateral within the road allowance and on private property that would otherwise cross any proposed new property line.

That Submissions **A-142/18** (variances 1, 3 and 6) & **A-143/18** (variances 2 and 5), by Thomas Curtis & Barbara Krapec, as outlined in the Notice of Hearing, be approved; and,

That Submissions **A-142/18** (variances 2, 4 and 5) & **A-143/18** (variances 1, 3 and 4), by Thomas Curtis & Barbara Krapec, 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-84/18SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Staff recommends approval of the consent to sever.

Further, having regard for the matters under Section 45(1) of the Planning Act, Staff is of the opinion that variances 1, 3 and 6 of application **A-142/18** (Parts 3 and 4), and variances 2 and 5 of application **A-143/18** (Parts 1 and 2), 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 approval of these variances only.

Further, Staff is of the opinion that variances 2, 4 and 5 of application **A-142/18** (Parts 3 and 4), and variances 1, 3 and 4 of application **A-143/18** (Parts 1 and 2), 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 recommend that these variances be denied.

The Proposal

Application **B-84/18SC** is made for consent to sever 280 m² of land (Parts 1 & 2 on the submitted sketch) to be known as 85A Hillview Road for the proposed construction of one-half of a semi-detached dwelling subject to an easement over Part 2 for eaves, gutters and wall to benefit 85 Hillview Road (Parts 3 & 4). A 373 m² remnant parcel (Parts 3 & 4) includes the other half of the proposed 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-142/18** & **A-143/18**.

Application **A-142/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283, for the following variances for Parts 3 & 4 to facilitate a concurrent consent applications **B-84/18SC**:

1. A reduction of the minimum lot frontage from 7.5 metres to 7.11 metres.
2. An increase of the maximum average front yard setback to the dwelling from 8.15 metres to 11.31 metres.
3. A reduction of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres from the lot line to 0 metres.
4. To permit the attached garage to project beyond the front of the semi-detached dwelling and not be flush with, or recessed beyond, the corresponding wall of the dwelling unit.
5. An increase of the maximum average front yard setback to the garage from 8.15 metres to 8.65 metres.
6. A reduction of the minimum setback from the interior side lot line to the platform structure (back uncovered terrace) above 1.2 metres in height from 1.2 metres to 0 metres.

Application **A-143/18** is requesting to vary the City of St. Catharines Zoning By-law 2013-283, for the following variances for Parts 1 & 2 to facilitate a concurrent consent applications **B-84/18SC**:

1. An increase of the maximum average front yard setback to the dwelling from 8.15 metres to 8.75 metres.
2. A reduction of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres from the lot line to 0 metres.
3. To permit the attached garage to project beyond the front of the semi-detached dwelling and not be flush with, or recessed beyond, the corresponding wall of the dwelling unit.
4. A reduction of the minimum average front yard setback to the garage from 6.65 metres to 6.05 metres.
5. A reduction of the minimum setback from the interior side lot line to the platform structure (front covered porch) from 1.2 metres to 0 metres.

Location and Site Description

The subject property is located on the east side of Hillview Road, north of McKay Street. The subject property abuts City owned parkland to the north.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated 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 (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. The property abuts a Conservation/Natural Area (G1) zone and Twelve Mile Creek to the east, and a Minor Green Space (G2) zone to the north. The Natural Area Extent Line, as shown on Schedule E7 of the GCP, runs through the site.

Report

Consent

Application **B-84/18SC** is requesting to sever 280 m² (Parts 1 and 2 and the submitted sketch). The remnant parcel (Parts 3 and 4 on the submitted sketch) will be 373 m². Both lots are intended for a proposed 2-storey semi-detached dwelling, each dwelling unit on its own lot.

The GCP contains a number of policies with respect to evaluating development, redevelopment and lot creation within residential neighborhoods. Section 16.11 c) states that requests to sever individual parcels of land will only be given where the size and shape of the parcel is appropriate for the use proposed and in the terms of optimum development of the surrounding area. The proposed lots are of an adequate size and appropriate shape for the proposed development. Further, the surrounding lots vary in both size and shape. The requested severance will achieve compatibility with the surrounding area, as other lots on the same street have been divided for similar developments. Staff are of the opinion that the requested consent maintains the intent of the Official Plan and Zoning By-law, and will not have any foreseeable impacts on the surrounding area. Staff recommend approval of the requested consent, subject to conditions.

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 October 16th, 2018. The DRP considered a proposal to sever the vacant property to accommodate the construction of one semi-detached dwelling, each unit on its own lot. The lands previously included a single detached home that was recently demolished. The DRP acknowledged that the proposed lot and dwelling designs would require approval of minor variances for lot frontage and garage setback (projecting beyond front façade of dwellings). DRP members identified the proposed garage location as being typical of the neighbourhood and recommended it should be approved if aligned with the upper floor of the dwelling. Planning staff have considered the advice provided by the DRP in regards to the garage location, however, the intent of the provision of the zoning by-law for garages to be flush with or recessed from the front façade of the building is meant to be applied to garages at grade, as opposed to being in line with a second storey portion of the dwelling. As such, staff do not agree that the garages being aligned with the upper floor of the dwelling meets the intent of the zoning by-law and are not in favour of this suggestion by the DRP.

DRP members encouraged the applicant to consider minor adjustments to the building orientation and lot boundaries to avoid the need for a frontage variance if possible. DRP members identified that they preferred the hand sketch elevation plan option for this site (Two sets of elevation plans were presented by the applicant – one CAD drawing and a hand sketch). DRP members also noted that they support the staggered units design, and preferred the simplified palette of materials shown on the hand sketch option, including a light colour for the garage doors.

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 will be required to be registered on title in order to address conditions for future development design of the site to 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 of \$2457.85, as approved in the Tariff of Fees approved by Council for 2018, 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.

Application A-142/18 (Parts 3 & 4) (Variance 1)

Variance 1 for Application **A-142/18** requests a reduction of the minimum lot frontage from 7.5 metres to 7.10 metres. The minimum lot frontage provision is intended to ensure that lot widths are of sufficient size to support a building footprint, while also providing adequate outdoor amenity space. The submitted sketch shows ample space for a semi-detached dwelling footprint with proper outdoor amenity space. From the streetscape perspective, a reduction of 0.4 m is not discernable and will not have adverse impacts. Staff recommend approval of variance 1 for application **A-142/18**.

Application A-142/18 (Parts 3 & 4) (Variance 2) and A-143/18 (Parts 1 & 2) (Variance 1)

Both variance 2 of application **A-142/18** (Parts 3 & 4) and variance 1 of **A-143/18** (Parts 1 & 2) request an increase of the maximum average front yard setback to the dwelling. **A-142/18** requests an increase from 8.15 metres to 11.31 metres, and **A-143/18** requests an increase from 8.15 metres to 8.75 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 7.4 metres and with the permitted as-of-right variance of 0.75 metres, the maximum front yard setback for Part 1 and Part 2 is 8.15 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 averaging provision of the zoning by-law came into effect in July 2018 with the enactment of the new infill and intensification by-law of the City. The provision allows for +/- 0.75 metres from the average setback of adjacent dwellings, so as to provide flexibility and a range for developers to work within in terms of providing front yard setbacks that will maintain consistency and compatibility with the surrounding neighbourhood. As this is a recently introduced provision of the zoning by-law, and seeing as the average front yard setback is not an explicit minimum but rather provides a range of a minimum and maximum, staff are of the opinion that there is not a hardship existing that would prevent the applicant from abiding by the maximum front yard setback for the new dwelling. Staff are not supportive of these requests as it will detract from the streetscape aesthetic and does not meet the intention of the Zoning By-law or Official Plan.

Application A-142/18 (Parts 3 & 4) (Variance 3) and A-143/18 (Parts 1 & 2) (Variance 2)

The Zoning By-law permits the encroachment of gutters and/or eaves into a required yard to a maximum of 0.15 metres from the lot line. This provision exists to avoid conflicts regarding storm water runoff and to ensure that drainage is directed onto its respective lot. Variance 3 of application **A-142/18** and variance 2 of **A-143/18** are requesting to vary the zoning by-law for an increase of the maximum encroachment for eaves and gutters into a required yard from 0.15 metres to 0 metres. As a result of the subject property being developed into a staggered semi-detached dwelling, the resultant design is that the eaves of the units (shown as Parts 2 and 4 on the submitted sketch) extend past what is permitted in by zoning and into the adjacent yards. With the construction design of

staggered semis 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.

*Applications **A-142/18** (Parts 3 & 4) (Variance 4) and **A-143/18** (Parts 1 & 2) (Variance 3)*
The Zoning By-Law requires that attached garages be flush with or recessed beyond the front façade of their respective dwelling. Variance 4 of application **A-142/18** and variance 3 of **A-143/18** request to extend the attached garages, for both units, past the front façade of the dwelling. It is in the opinion of staff that approving this variance will negatively impact the streetscape. From an urban design perspective, allowing for a garage to project beyond the front façade of the dwelling unit creates a negative impact on the streetscape, and garages should not be the dominant feature within the composition of a dwelling nor the dominant feature along the streetscape. Rather, their visual impact on the streetscape should be minimized in favour of front doors and windows. In the opinion of staff, extending the attached garage past the front of the house does not represent good urban design and does not support continuity of streetscape along the road, where garages are generally flush or setback from the roadway. Thus, staff recommend that applications **A-142/18** Variance 4 and **A-143/18** Variance 3, be denied.

*Applications **A-142/18** (Variance 5) and **A-143/18** (Variance 4)*

The Zoning By-law requires that the average maximum front yard setback to the garage for application **A-142/18** (Part 3 on the submitted sketch) be 8.15 metres. Variance 5 for application **A-142/18** requests to increase the maximum setback to 8.65 metres. The purpose of the average front yard setback to the garage is similar to the average front yard setback to the dwelling. It is intended to maintain a consistent frontage along the streetscape. In order to maintain this built form consistency, while also ensuring that the garage does not extend beyond the front façade of the dwelling, staff recommend the request be denied. The City requires that the garage be setback to be in line with, or recessed from, the front façade of the dwelling.

While the DRP suggested the garages be in line with the upper storey of the dwelling, the intent of this provision of the zoning by-law is meant to be applied to garages at grade, as opposed to being in line with a second storey portion of the dwelling, and staff do not agree that the garages being aligned with the upper floor of the dwelling meets the intent of the zoning by-law. Similarly, Variance 4 of application **A-143/18** (Part 1 on the submitted sketch) requests a reduction of the minimum average front yard setback to the garage from 6.65 metres to 6.05 metres. Similar to the above, staff recommend denial of this request, and the City requires that the garage not extend past the front façade of the respective dwelling.

*Applications **A-142/18** (Variance 6) and **A-143/18** (Variance 5)*

The Zoning By-law requires that a platform structure with a height above grade of 1.2 metres or greater maintains a minimum setback from the interior side lot line of 1.2 metres. This is to ensure adequate separation distances and rear yard access space can be provided, and that platform structures such as decks, porches or balconies do not

impact the privacy and amenity space of neighbouring properties. Applications **A-142/18**, variance 6, and **A-143/18**, variance 5, are requesting to reduce the side yard setback for a platform structure from 1.2 metres to 0 metres, for the purposes of a rear yard uncovered terrace and a front yard covered porch on the respective applications.

As the lot is proposed for a staggered semi-detached dwelling, there are certain design aspects that have to be considered, including the location of the common separation wall that sits on the property line separating the two units. The staggered design of the units results in a portion of each unit protruding further past the common wall of the adjacent unit. As such, the porch and terrace will protrude past the common walls of the adjacent unit which results in the need for the variance to a 0 metre setback for these platform structures. Approving these requests will not have any impact on rear yard access, as there is adequate access space provided along the opposite property lines. The requests are minor in nature, and will not have any foreseeable adverse impacts. Staff recommend approval of the requested variances.

The Parks, Recreation and Culture Services department has advised that the subject property immediately abuts parkland. Therefore, the applicant shall be required to delineate the boundary between private property and the parks/open space area along the north lot line with a 1.8 metre black vinyl coated fence, designed to the same standards as OPSD 972.130. The fence shall be installed on park property, to the satisfaction of PRCS, in accordance with the fence by-law.

The City's Development Engineering Services staff have advised that Hillview Road is designated a Local Road as per the City's Official Plan with a desired right-of-way width of 20 metres. The existing right-of-way width is +/-18.28 metres. The Owner shall therefore dedicate a road widening across the entire frontage of the property (Parts 1 and 2) of 0.86 metres. All costs of the dedication shall be assumed by the Owner. In addition, sidewalks and curbs do not exist along this section of Hillview Road. However, sidewalks and curbs are planned for in this area, however at an unknown future date. In maintaining the City's requirement for sidewalks with respect to Council's policy for 'walkable communities', the Owner shall pay to the City the cash-in-lieu fee to construct a future 1.5-metre-wide sidewalk across the frontage of the property, in accordance with the City's current Schedule of Rates & fees.

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods may not have suitable drainage outlets in place. Individual lot grading plans are a requirement for review and approval at the building permit stage and will ensure that the drainage scheme of the future lot conveys storm run-off to a suitable outlet and does not adversely affect abutting properties or the City boulevard. Since there is no existing storm sewer on Hillview Road at this location, sump pump flows shall be discharged to grade and directed towards the ditch on Hillview Road.

Each semi-detached unit is to have its own individual water service and sanitary sewer lateral. The Owner shall pay the City to install these new services from the City main

lines to the front property lines. It may be possible the existing water service and/or sanitary sewer lateral to the property can be reused for one of the units, thus saving some costs for the Owner. However, in order to reuse any service, the City must be satisfied the service will not cross property lines to be created as a result of the severance. The size and condition of the existing service must also be deemed suitable for reuse, and the Owner shall pay a fee to have City crews confirm the location, size and condition of the existing water service and sanitary sewer lateral.

If the investigation reveals the existing sewer lateral and/or water service are suitably sized and in good condition but will cross future property lines, these services could still be used in part by relocating the portion in conflict with the future property lines. Any such relocation works within the Hillview Road right-of-way and on private property shall be completed prior to finalization of the severance, at the Owner's expense.

Niagara Peninsula Conservation Authority (NPCA)

The subject lands back onto the Twelve Mile Creek valley which in the past has exhibited areas of instability and erosion concerns. Authority objectives when reviewing applications and proposals on lots adjacent to steep slopes would 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.

In accordance with the NPCA's current policies, all new development (including new lots) must maintain a 7.5 metre setback from the top of slope (physical or stable, whichever is more restrictive). In specific situations, a reduction in this setback may be considered with the completion of a Slope Stability Study by a Geotechnical Engineer (to the satisfaction of the NPCA).

NPCA staff have reviewed the Slope Stability Assessment for the proposed dwelling at this property (February 20, 2018), and the Supplemental Slope Stability Assessment (August 2, 2018) both prepared by Soil-Mat Engineers. These reports concluded that the slope to the rear of the proposed development is inherently stable, and that placing the rear lot line for Part 1 at the top of slope will not adversely impact the stability of the slope over the long term. The NPCA is satisfied with the findings.

Given 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.

Region of Niagara Planning and Development Services staff has no objection to the consent application, subject to a number of conditions, one being the completion of a Stage 1 Archaeological Assessment for the lands be submitted to the Ministry of Tourism, Culture and Sport (MTCS), and the other being the entering into of a development agreement incorporating certain mitigation measures to ensure that there is no negative impact to the adjacent Core Natural Heritage System feature. City Planning Staff have reviewed the comments received by the Region, and do not agree that these conditions are necessary for the consent application. Staff are of the opinion that the requested conditions are

unwarranted based on the proposed development, and that as a result of there being a previous dwelling that has existed for many years already on the property, the conditions are in excess of what would typically be required for a development of this nature. Staff are not aware of any severance application where these conditions have been previously requested. Therefore, Staff do not recommend the conditions advised by the Niagara Region.

Conclusion

Staff is of the opinion that application **B-84/18SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. Staff recommends approval of the requested consent to sever, subject to conditions.

Staff is of the opinion that variances 1, 3 and 6 of application **A-142/18**, and variances 2 and 5 of application **A-143/18**, 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 approval of these variances.

That said, Staff is of the opinion that variances 2, 4 and 5 of application **A-142/18**, and variances 1, 3 and 4 of application **A-143/18**, 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 recommend that these 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

December 4, 2018

File: D.06.08.CS-18-080

By Email Only

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

Dear Ms. Munro:

RE: Application for Consent

Location: 85 Hillview Road, North, St. Catharines

Owner: Thomas Gerard Curtis & Barbara Krapec

Proposal: Consent to sever 280 m² of land to permit a semi detached dwelling

Your File: B-84/18SC

Regional staff has reviewed the Consent Application to sever 280 m² of land (Parts 1 & 2 on the submitted sketch) to be known as 85A Hillview Road for the proposed construction of one-half of a semi detached dwelling subject to an easement over Part 2 for eaves, gutters and wall to benefit 85 Hillview Road (Parts 3 & 4). A 373 m² remnant parcel (Parts 3 & 4) of the other half of the proposed semi-detached dwelling is to be retained for future residential use. The application would allow each unit of the semi detached dwelling to be owned and/or sold separately. Regional Staff note that there are concurrent Minor Variance Applications (A-142/18 and A-143/18). Regional Staff offers the following comments to assist the Committee in their consideration of the Consent Application.

Provincial and Regional Policy

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and are within the Delineated Built-Up Area under the 2017 Places to Grow Plan for the Greater Golden Horseshoe (Growth Plan). The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The Growth Plan contains policies that encourage the development of complete communities with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities.

The subject lands are within the Urban Area in the Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are permitted generally within the Urban Areas, subject to the availability of adequate municipal services and

infrastructure. The proposed Consent Application will also optimize the use of urban serviced land and existing infrastructure, and aid the City of St. Catharines in meeting the 95% intensification target for the Built-up Area. The proposal, as outlined in Sketch prepared for Severance Application, prepared by Donald G Chambers (dated August 20, 2018) maintains the intent of Provincial and Regional policies

Archaeological Resources

The PPS and the ROP provide direction for the conservation of significant cultural heritage and archaeological resources, in addition to the City's Official Plan. Specifically, Section 2.6.2 of the PPS states, in part, that "development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant resources have been conserved".

The lands exhibit high potential for discovery of archaeological resources because of proximity to watercourses (Twelve Mile Creek). Given that the proposal constitutes "development" as defined in the PPS the ROP and the City's Official Plan, an Archaeological Assessment is required as a condition of approval, along with confirmation from the Ministry of Tourism, Culture and Sport that the Assessment(s) have been accepted.

Core Natural Heritage System

Regional Core Natural Heritage System mapping identifies portions of an Environmental Conservation Area (ECA) associated with Significant Woodland and Significant Valleyland adjacent to the rear of the property. According to ROP policies, an Environmental Impact Study (EIS) is required in support of site alteration and/or development proposed within 50 metres of ECA features in order to demonstrate there will be no significant negative impact on the features or their ecological function. However, the Region's EIS Guidelines permit waiving of the EIS requirement if other criteria are met for small-scale developments. In this case, since the proposal is for redevelopment of the property without encroachment into the adjacent ECA features, negative impacts are not anticipated and the requirement for an EIS can be waived, provided the following conditions are met:

- Any requirements regarding the valleyland top of bank (at the rear of the property) is confirmed in consultation with the Niagara Peninsula Conservation Authority (NPCA);
- Any newly created lots will not extend beyond the existing rear property boundary and into the adjacent Significant Woodland; and
- Any site alteration will maintain a minimum 10 metre setback from the rear property boundary/Significant Woodland.

From the submitted drawings and conversations with the NPCA the above conditions have been demostarted in the submitted plan; therefore an EIS can be waived for the submitted application.

In addition, it is recommended that the following mitigation measures be incorporated to prevent negative impacts to the adjacent CNHS features:

- Erosion and sediment control and tree protection/construction fencing be installed at the limit of development and maintained throughout the duration of construction;
- Any stockpiled materials be stored and stabilized away from trees to be retained at the rear of the property; and
- Any required vegetation removals (e.g., trees more than 10 metres from the rear property boundary) be completed between October 1st and between March 14th (i.e., outside the breeding bird and bat active periods).

Please note that the NPCA continues to be responsible for the review and comment on planning applications relative to regulated features. It is recommended that NPCA be contacted with respect to potential requirements under NPCA Regulations.

Conclusion

Regional Planning and Development Services staff has no objection to the Consent Application, subject to the following conditions:

- 1) That a Stage 1 Archaeological Assessment for the lands be submitted to the Ministry of Tourism, Culture and Sport (MTCS), to the satisfaction of the Niagara Region, and that the owner receive a letter from MTCS confirming that all archaeological resource concerns have met licensing and resource conservation requirements. Should subsequent studies be recommended by the archaeologist (i.e., Stage 2, 3, or 4 Assessments), these shall also be submitted to MTCS along with receipt of the above mentioned confirmation letter, to the satisfaction of the Niagara Region. Please note that no demolition, grading or other soil disturbances shall take place on the lands prior to receipt of the required MTCS letter.
- 2) That the Owner agree in a development agreement with the City to submit a plan prior to the issuance of building permit, incorporating the following mitigation measures to ensure that there is no negative impact to the adjacent Core Natural Heritage System feature, to the Region's satisfaction. The owner shall also agree in the development agreement to implement the aforementioned plan and mitigation measures.
 - i. Location of erosion and sediment control and tree protection/construction fencing shall be installed at the limit of development, which shall be

maintained throughout the duration of construction. Any site alteration shall maintain a minimum 10 metre setback from the Significant Woodland.

- ii. Location of the storage of stockpiled materials, which shall located away from trees to be retained at the rear of the property; and
- iii. Identifying any required vegetation removals (e.g., trees more than 10 metres from the rear property boundary) and estimated removal dates. Staff note that removal shall be completed between October 1st and between March 14th, which is outside the breeding bird and bat active periods.

Should you have any questions concerning the above noted comments, please contact me at 905-685-4225 extension 3518 or Aaron Butler, Senior Planner, at extension 3264.

Please send notice of the Committee's decision on this application.

Sincerely,



Alexsandria Pasquini
Development Planner

cc: Mr. Aaron Butler, MCIP, RPP, Senior Development Planner (Niagara Region)
Mrs. Jennifer Whittard, Manager Environmental Planning (Niagara Region)
Ms. Susan Dunsmore, Manager Infrastructure Planning & Development Engineering (Niagara Region)

December 03, 2018

Our File No.: PLCON201801017

BY E-MAIL ONLY

City of St. Catharines
Planning Services, 50 Church Street Box 3012
St. Catharines, ON L2R 7C2

Attention: Elaine Munro, Secretary-Treasurer

**Subject: 85 Hillview Road
B-84/18, A-143/18 and A-143/18**

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

The above noted applications have been made to facilitate the creation of a new lot for residential use of the semi-detached dwellings that have recently been supported by the NPCA through the issuance of a Permit.

The subject lands back onto the Twelve Mile Creek valley which in the past has exhibited areas of instability and erosion concerns. Authority objectives when reviewing applications and proposals on lots adjacent to steep slopes would 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.

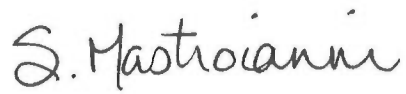
In accordance with the NPCA's current policies, all new development (including new lots) must maintain a 7.5m setback from the top of slope (physical or stable, whichever is more restrictive). In specific situations, a reduction in this setback may be considered with the completion of a Slope Stability Study by a Geotechnical Engineer (to the satisfaction of the NPCA).

NPCA staff have reviewed the Slope Stability Assessment for the proposed dwelling at this property (February 20, 2018), and the Supplemental Slope Stability Assessment (August 2, 2018) both prepared by Soil-Mat Engineers. These reports concluded that the slope to the rear of the proposed development is inherently stable, and that placing the rear lot line for Part 1 and the top of slope will not adversely impact the stability of the slope over the long term. The NPCA is satisfied with the findings.

Given 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". The signature is written in dark ink and is positioned below the "Yours truly," text.

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

November 29, 2018

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

Attention: Elaine Munro

File# 60.84.2227, 60.81.5431 & 60.81.5432

Re: 85 and 85A Hillview Rd

In response to your correspondence dated November 20, 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.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

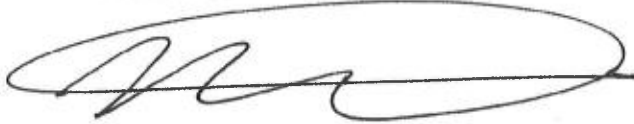
We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, 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 read 'Mark Jakubowski', enclosed within a large, loopy oval shape.

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Monday, November 26, 2018 10:31 AM
To: Munro, Elaine
Subject: 905-18-476 - Consent Application B-84/18SC - 85 Hillview Road

Good morning Elaine,

Bell Canada has no concerns with Application for Consent B-84/18SC regarding 85 Hillview Road.

Thank you,

Charleyne 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

Subject: RE: Committee of Adjustment Notices and Applications for the December 13/18 CofA Hearing, City of St. Catharines - Email 2

85 Hillview Road

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

Sent: Wednesday, November 21, 2018 10:53 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the December 13/18 CofA Hearing, City of St. Catharines - Email 2

Hi Elaine

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





Memorandum

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

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

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

Date: December 10, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – December 13, 2018 hearing - File No.: 300-036

B-85/18SC – 112 Oakdale Avenue

Comment:

- Be advised that a building permit is required for any proposed buildings forming part of the development on Part 1.

Condition:

- No Comment

B-84/18SC – 85 Hillview Road

Comment:

- Be advised that a building permit is required for the proposed semi detached dwelling on Part 1, 2, and 3.

Condition:

- The existing single detached dwelling with attached garage and the existing 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.

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, Wil Banda, and
Robertson Soosaar
Planning and Building Services

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

Date: November 10, 2018

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – December 13, 2018 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-142/18	85 Hillview Road	-No Comment
A-143/18	85A Hillview Road	-No Comment
A-144/18	30 ½ Division Street	-No Comment
A-145/18	30 Division Street	-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 28, 2018
Subject: Committee of Adjustment Hearing – December 13, 2108

1. 85 Hillview Road, Consent Application, B-84/18SC – 60.84.2227

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

As the subject lands immediately abuts parkland, the applicant shall be required to delineate the boundary between private property and parks/open space along the north lot line with a 1.8m. black vinyl coated fence designed to the same standards as OPSD 972.130. The fence shall be installed on park property, to the satisfaction of PRCS.

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. Chain link fencing along the property line will be required.

2. 112 Oakdale Avenue, Consent Application, B-85/18SC – 60.84.2228

No further comment.

3. 30 & 30½ Division Street, Minor Variance Applications A-144/18 & A-145/18 – 60.81.5433 & 60.81.5434

No further comment.

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



Memorandum

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

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

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

Date: November 27th, 2018

Hearing Date: December 13th, 2018

Subject: Engineering Comments Regarding Minor Variance applications for;
85 Hillview, A-142 & 143/18SC

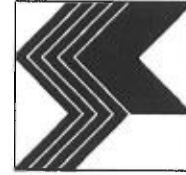
Development Engineering have reviewed the above noted applications for Minor Variance requests. We have no comments or conditions to the approval of the above variance applications.

Prepared by:

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

JD

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-84/18SC



November 15th, 2018

ENGINEERING FILE 300-36

Hearing Date: December 12th, 2018

Applicant: Barbara Krapec

Location: 85 Hillview Road

MUNICIPAL SERVICES

The following municipal services are available on Hillview Road:

Water:	150mm P.V.C.
Sanitary Sewer:	675mm Concrete +/-4.0m Depth
Storm Sewer:	None
Sidewalks:	None
Road Allowance Width:	+/-18.28m

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

It is noted that the Owner proposes to sever Part 1 and retain Part 2 on the submitted sketch creating one new lot known as 85A Hillview Road for the purposes of creating two semi-detached dwellings. The applications will allow each unit of the semi-detached dwelling to be sold separately.

Roads

Hillview Road is designated a Local Road as per the City's Official Plan with a desired right-of-way width of 20m. The existing right-of-way width is +/-18.28m. The Owner shall therefore dedicate a road widening across the frontage of this property of 0.86m. All costs of the dedication shall be assumed by the Owner.

Sidewalks

Sidewalks and curbs do not exist along this section of Hillview Road. However, sidewalks and curbs are planned at an unknown future date. In maintaining the City's requirement for sidewalks with respect to Council's policy for 'walkable communities', the Owner shall pay to the City the cash-in-lieu fee to construct a future 1.5m wide sidewalk across the frontage of the property, in accordance with the City's current Schedule of Rates & fees.

Engineering Services

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods may not have suitable drainage outlets in place. Individual lot grading plans are a requirement for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage

scheme of the future lot conveys storm run-off to a suitable outlet and does not adversely affect abutting properties or the City boulevard.

Sump pump flows are typically discharged to grade when no opportunities are available to connect to an existing storm sewer. Since there is no existing storm sewer on Hillview Road at this location, sump pump flows shall be discharged to grade and directed towards the ditch on Hillview Road.

Each semi-detached unit shall have its own individual water service and sanitary sewer lateral. The Owner shall pay the City to install these new services from the City main lines to the front property lines. Payment shall be in accordance with the City's Schedule of Rates and Fees at the time. New services can be paid for at the Building Permit stage. The Owner is responsible for installation of the portion of these services on private property and shall obtain a Plumbing Only Permit for same.

It may be possible the existing water service and/or sanitary sewer lateral to the property can be reused for one of the units thus saving some costs for the Owner. However, in order to reuse any service, the City must be satisfied the service will not cross property lines to be created as a result of the severance. The size and condition of the existing service must also be deemed suitability for reuse. Therefore, the Owner shall pay a fee to have City Crews confirm the location, size and condition of the existing water service and sanitary sewer lateral. The fee charged for this investigation shall be in accordance with the City's current Schedule of Rates & Fees and payment shall be made as a condition of severance.

If the investigation reveals the existing sewer lateral and/or water service are suitably sized and in good condition but will cross future property lines, these services could still be used in part by relocating the portion in conflict with the future property lines. Any such relocation works within the Hillview Road right-of-way and on private property, shall be completed prior to finalization of the severance. Such work within the Hillview Road right-of-way shall be carried out by City Crews at the Owner's expense. Any relocation works required on private property shall be completed by the Owner through a Plumbing Only Permit, also at the Owner's expense.

If it is determined that an existing water service is unsuitable for reuse, the Owner shall pay to the City a fee to have this service decommissioned at the City watermain. However, if one of the new water services can be installed at the same location as the existing service, there will be no charge to abandon the existing service. If the Owner wishes to install the new service in a different location the decommissioning fee will apply. The fee charged shall be in accordance with the City's Schedule of Rates & Fees in place at the time and shall be paid at the Building Permit application stage.

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

- Dedicate to the City gratuitously, free and clear of any encumbrances and at the Owner's expense, a 0.86m road widening across the entire frontage of Parts 1 and 2 as Public Highway to be known as Hillview Road;
- Pay to the City the cash-in-lieu fee to construct a future 1.5m wide sidewalk across the entire frontage of the property in accordance with the City's Schedule of Rates & Fees in place at the time of clearing this condition;
- Pay to the City the cost to confirm the location, size and condition of the existing water service and sanitary lateral based on the Schedule of Rates and Fees in place at the time.
- Relocate if deemed reusable and if necessary any water service

and/or sanitary lateral within the road allowance and on private property that would otherwise cross any proposed new property line.

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

Prepared By: _____

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: November 22, 2018

Subject: Committee of Adjustment
Public Hearings – December 13, 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/