

Agenda

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment
 1. A request for deferral has been received from the owner of 37 Henley Drive, B-76/18SC – 60.84.2219 and B-77/18SC – 60.84.2220 to defer the applications to the February 27, 2019 hearing as the agent is unavailable to attend the January 30, 2019 hearing.
5. 14 Woodmount Drive, Consent Application, B-22/18SC, 60.84.2165
A request has been received for a minor Change to Conditions:
 - i) to delete condition 5. v.
6. Adoption of the Minutes held
7. Application:
 2. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
 3. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
 4. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
 5. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
 6. 64 Broadway. Minor Variance, A-05/19 – 60.81.5439
 7. 58 Park Avenue, Consent, B-01/19SC - 60.84.2229
58 Park Avenue, Minor Variance, A-06/18 – 60.81.5540
60 Park Avenue, Minor Variance, A-07/18 – 60.81.5441
 8. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 – 60.81.5443
8. New Business:
9. Date of next Hearing: February 27, 2019
9. Adjournment



CITY OF ST. CATHARINES

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-01/19 (60.81.5435)

68 Russell Avenue

DATE OF HEARING:
January 30, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 23, 2019

Date of Meeting: January 30, 2019

Report Number: A-01/19

File: 60.81.5435

Subject: 68 Russell Avenue

Recommendation

That Submission **A-01/19**, by Jason Shackleton, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through application **A-01/19** are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommends that the requested minor variances be approved.

The Proposal

Application **A-01/19** requests to vary the City of St. Catharines Zoning By-law 2013-283 for the proposed construction of a porch and second storey addition:

- 1) A reduction of the front yard setback to the porch from 3.0 m to 2.46 m.
- 2) A reduction of the eastern interior side yard setback to the second storey addition from 1.2 m to 1.06 m.
- 3) A reduction of the western interior side yard setback to the second storey addition from 1.2 m to 0.86 m.

Location and Site Description

The subject property is located on the south side of Russell Avenue, west of George Street and east of Henry Street. The surrounding area consists of single detached homes, an apartment building, as well as a nearby Community Centre.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per Schedule E4 of the Garden City Plan (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. Height of buildings will generally not exceed 20 metres.

Zoning By-law (2013-283)

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

The existing single detached dwelling and the proposed addition of a second floor and alteration to the front porch, are a dwelling type permitted by both the Official Plan and zoning by-law.

Report

Application A-01/19

Variance 1

Zoning By-law 2013-283 requires a minimum front yard setback of 3 metres to the dwelling. The intent of the minimum front yard setback is to promote a balanced neighbourhood streetscape and to prevent the built form from overwhelming a property, while also ensuring front yard amenity space can be provided between the dwelling and front lot line. The applicant proposes to rebuild the front porch and requests the front yard setback to be at 2.46 metres.

Part D, Section 7.1 of the GCP states that development should fit streetscape design through the orientation and facades of the surrounding neighbourhood. The redesigned front porch area will maintain a consistent setback with neighbouring dwellings and incorporates a more open design, both of which will contribute to the dwelling maintaining a level of compatibility with the surrounding homes. Staff have no concerns with the requested variance to the front yard setback.

Variance 2 and 3

The Zoning By-law requires a minimum interior side yard setback of 1.2 metres. The applicant is proposing to construct a second storey addition to the existing dwelling, at the same building footprint and setbacks as the first storey. This requires the reduction of the interior side yard setback for both east and west sides of the dwelling to 1.06 metres and 0.86 metres, respectively, to recognize a long standing existing condition.

Part C, Section 4.3.1 of the GCP, states that built form should maximize compatibility with the surrounding area which includes the spacing of buildings. The surrounding area is classified by both bungalows and two-storey detached homes, and the addition of a second storey onto the existing dwelling will not be out of place in the neighbourhood. There are no concerns regarding separation distances or overlook. The requested reductions to the interior side yard setbacks would allow the applicant to construct an


addition on top of the existing dwelling that would be in line with the interior side yard setbacks of the first floor of the east and west walls of the dwelling, which has been existing on site since 1916. Staff do not have concerns with this variance given that two-storey homes are prevalent in this neighbourhood and sufficient space is being maintained between adjacent dwellings. Staff recommend approval of the requested minor variances.

Building Staff advise that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the reduced side yards. It is also advised that a building permit will be required for the proposed alterations to the existing dwelling.

Conclusion

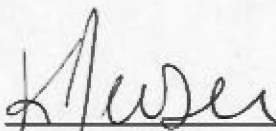
Staff is of the opinion that application **A-01/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of land. It is staff's recommendation that the requested minor variances be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 23, 2019

Date of Meeting: January 30, 2019

Report Number: A-01/19

File: 60.81.5435

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Part C, Section 4.3.1 of the GCP, states that built form should maximize compatibility with the surrounding area which includes the spacing of buildings. The surrounding area is classified by both bungalows and two-storey detached homes, and the addition of a second storey onto the existing dwelling will not be out of place in the neighbourhood. There are no concerns regarding separation distances or overlook. The requested reductions to the interior side yard setbacks would allow the applicant to construct an

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Conclusion

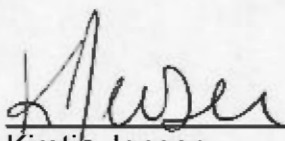
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Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, January 03, 2019 1:00 PM
To: Banda, Wilrik
Subject: RE: Email 1 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Hello Banda
 Email-1
 Cogeco has no issues or concerns with this adjustments
 Thanks

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

7170 Mcleod Rd
 Niagara Falls Ont Canada

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



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- Contact us
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From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]
Sent: Thursday, January 3, 2019 12:35 PM

To: Doug Crown

Subject: Email 1 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Good Afternoon Doug:

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019.**

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435 **Email 1**
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436 **Email 1**
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437 **Email 1**
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438 **Email 1**
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441
7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Thanks, Wil

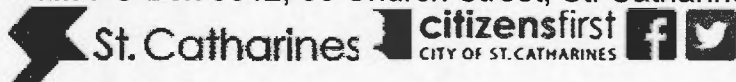
Wilrik Banda

Planning Technician

Email: wbanda@stcatharines.ca

Phone: 905.688.5601 x1717 **TTY:** 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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Banda, Wilrik

From: Samantha Burke <samantha.burke@alectrautilities.com>
Sent: Friday, January 11, 2019 9:41 AM
To: Banda, Wilrik
Cc: Munro, Elaine
Subject: Response Letters
Attachments: SCH_CLR2019-008.pdf; SCH_CLR2019-004_005_006.pdf; SCH_CLR2019-010.pdf; SCH_CLR2019-009.pdf; SCH_CLR2019-011_012_013.pdf

Good Morning Wil,

Response letters attached for the following files/locations;

60.81.5437 – 27 Wakelin Terrace

60.81.5436 – 600 Scott St

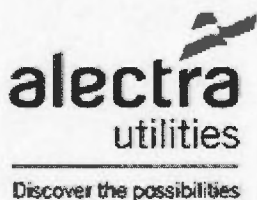
60.81.5440, 60.84.2229 & 60.81.5441 – 58 and 60 Park Ave

60.81.5435 – 68 Russell Ave

60.84.2230, 60.81.5442 & 60.81.5443 – 542 Geneva St and 2 Guy Ave

Email response only, originals will not be mailed.

Have a great weekend,
Samantha



Samantha Burke
Engineering Records Clerk
55 John Street North, Hamilton, ON L8R 3M8
t 905.522.6611 ext:2276
alectrautilities.com



From: Banda, Wilrik <wbanda@stcatharines.ca>
Sent: Friday, January 04, 2019 1:43 PM
To: Samantha Burke <samantha.burke@alectrautilities.com>
Subject: Email 3 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

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Good Afternoon Samantha:

Email 3

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019**.

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542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Email 3
Email 3
Email 3

Thanks, Wil

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January 9, 2019

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

Attention: Wilrik Banda

File# 60.81.5435

Re: 68 Russell Ave

In response to your correspondence dated January 8, 2019, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Existing overhead secondary house service will be in conflict with proposed second floor addition/covered porch.

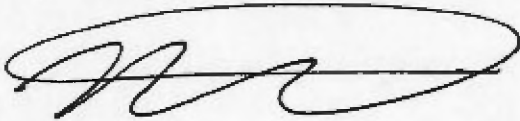
We would also like to stipulate the following:

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

- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - ~~C22.3 No. 7-15 Underground Systems~~
-

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

Sincerely,

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

Mark Jakubowski
Supervisor, Design, Customer Capital



Memorandum

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

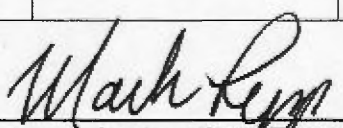
Cc: Judy Pihach, B. Thiessen, Kristen Jensen, Wil Banda,
Planning and Building Services

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

Date: January 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 30, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-01/19	68 Russell Ave	-Be advised that a building permit is required for the proposed alterations to the existing dwelling unit. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-02/19	600 Scott Street	-No Comment
A-03/19	27 Wakelin Terrace	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-04/19	33 Merigold Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-05/19	64 Broadway	-Be advised that a building permit is required for the proposed detached garage with loft.
A-06/19	58 Park Avenue	-No Comment
A-07/19	60 Park Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-08/19	542 Geneva Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-09/19	2 Guy Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\01 bcoa memo-mv-Jan30, 2019.docx



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, Development Engineering Technologist
Vincent Wen, Planning Student

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

Date: January 17th, 2019
Hearing Date: January 30th, 2019

Subject: Engineering Comments Regarding Minor Variance applications for;
68 Russell Avenue, A-01/19SC
600 Scott Street, A-02/19SC
27 Wakelin Terrace, A-03/19SC
33 Merrigold Street, A-04/19SC
64 Broadway Street, A05/19SC
58 & 60 Park Avenue, A-06/19SC & 07/19SC
542 Geneva Street & 2 Guy Road, A-08/19SC & 09/19SC

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: January 11, 2019
Subject: Committee of Adjustment Hearing – Jan 30, 2019

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
No comment.
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
No comment.
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
No comment.
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
No objection to the requested variance. Boulevard not used for access purposes should be re-instated with landscaping.
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
No comment.
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441

The exiting boulevard tree has some significant co-dominant stems, presenting cause for future concern. Staff are supportive of the removal of this boulevard tree.

Staff request the following be included as a conditions of severance:

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 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.

7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

There are existing boulevard trees located on the Guy Road frontage which will require removal. The applicant will be responsible the removal, replacement, and permit costs associated with these trees and addition to standard boulevard planting requirements.

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

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees.

That the applicant be responsible for the costs associated with the removal, replacement, and permit costs for the removal of the existing boulevard trees along Guy Road.

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

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

Jessica Button
Project and Development Planner

Parks, Recreation and Culture Services



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 15, 2019

Subject: Committee of Adjustment
Public Hearings – January 30, 2019
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/



CITY OF ST. CATHARINES

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-02/19 (60.81.5436)

600 Scott Street

DATE OF HEARING:
January 30, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 23, 2019

Date of Meeting: January 30, 2019

Report Number: A-02/19

File: 60.81.5436

Subject: 600 Scott Street

Recommendation

That submission **A-02/19**, by Bernadette Pontello and Marcello Pontello, as outlined in the Notice of Hearing, be approved for Variance 2, and that Variance 1 be denied.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that Application **A-02/19**, with the exception of Variance 1, is minor in nature, desirable for the appropriate use of the land, and that the intent and purpose of the Official Plan and Zoning By-law is being maintained. Staff recommend approval of Variance 2, and denial of Variance 1.

The Proposal

Application **A-02/19** is made pertaining to the City of St. Catharines Zoning By-law 2013-283, for the proposed construction of a detached dwelling:

- 1) A reduction of the average front yard setback from 10.9 m to 6.096 m.
- 2) An increase of the maximum parking area from 20% to 21.1%.

Location and Site Description

The subject property is located on the south side of Scott Street, west of Windward Street and east of Bunting Road. The surrounding area consists of primarily detached homes, as well as a convenience store and restaurant 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 (GCP) and further designated Low Density Residential as per Schedule E3 of the Garden City Plan (GCP). The Low Density Residential designation permits

detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

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

The proposed single detached dwelling is a permitted dwelling type in both the Official Plan and zoning by-law

Report

Variance 1

The required front yard setback in this context is a range of a minimum of 10.15 metres to a maximum of 10.9 metres. This range is based on the averaging of front yard setbacks of the abutting lots on each side (11.4 m setback for the dwelling to the east and 10.4 m for the dwelling to the west) and allowing for an as-of-right variance of 0.75 metres. The average front yard setback provision of the by-law is intended to ensure that the front walls of dwellings are generally aligned with neighbouring lots to create a consistent built form along the streetscape.

The minimum and maximum front yard setback offers a range for new construction that will maintain consistency and compatibility with the surrounding neighbourhood. The requested front yard setback of 6.1 metres is not considered minor by staff. Staff are of the opinion that there is not a hardship existing that would prevent the applicant from abiding by the minimum/maximum front yard setback for the new dwelling. Staff are not supportive of the requests as it will detract from the streetscape aesthetic and does not meet the intention of the Zoning By-law or Official Plan.

Part D, Section 7.1 of the GCP states that redevelopment in the urban area should have regard for neighbourhood context sensitive design to ensure that built form, setbacks and siting remain compatible with the character of adjacent buildings, properties and the surrounding neighbourhood and streetscape. Planning staff recognize that the existing house on the property currently sits much closer to the front lot line than the zoning by-law permits, and that the proposed setback of the new dwelling attempts to bring the lot more into conformity. However, staff is of the opinion that there is sufficient rear yard depth (approximately 17 metres) to permit the proposed dwelling to be situated further back into the lot to meet the required averaging provision of the zoning by-law for front yard setback and still have a substantial rear yard. The resulting design achieves a consistent and improved streetscape and built form with the adjacent properties along Scott Street. This is an opportunity to correct the anomaly created by the existing dwelling's close proximity to the street. Staff do not support the variance as proposed.

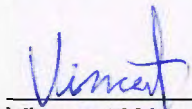
Variance 2

Zoning By-law 2013-283 requires that in any Residential Zone, the parking area shall not exceed 20% of the total lot area. The proposed driveway will be 21.1%. Part C, Section 5.4.6 of the GCP state that the negative impacts of vehicular parking on the urban environment should be minimized by locating parking areas at the rear of buildings where feasible. The homeowners plan to extend the driveway path further towards the rear of the property. The additional 1.1% of parking area will have no measurable impacts on the subject property or surrounding sites, and will help minimize the impact of vehicular parking from the street.

Conclusion

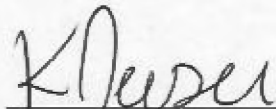
Staff is of the opinion Variance 1 in Application **A-02/19** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate and desirable for the use of land. However, staff consider that Variance 2 is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and is appropriate and desirable for the use of land. It is staff's recommendation that Variance 2 be approved, whereas Variance 1 be denied.

Prepared by:



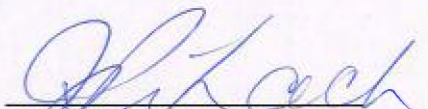
Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 23, 2019

Date of Meeting: January 30, 2019

Report Number: A-02/19

File: 60.81.5436

Subject: 600 Scott Street

Recommendation

That submission **A-02/19**, by Bernadette Pontello and Marcello Pontello, as outlined in the Notice of Hearing, be approved for Variance 2, and that Variance 1 be denied.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that Application **A-02/19**, with the exception of Variance 1, is minor in nature, desirable for the appropriate use of the land, and that the intent and purpose of the Official Plan and Zoning By-law is being maintained. Staff recommend approval of Variance 2, and denial of Variance 1.

The Proposal

Application **A-02/19** is made pertaining to the City of St. Catharines Zoning By-law 2013-283, for the proposed construction of a detached dwelling:

- 1) A reduction of the average front yard setback from 10.9 m to 6.096 m.
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Location and Site Description

The subject property is located on the south side of Scott Street, west of Windward Street and east of Bunting Road. The surrounding area consists of primarily detached homes, as well as a convenience store and restaurant 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 (GCP) and further designated Low Density Residential as per Schedule E3 of the Garden City Plan (GCP). The Low Density Residential designation permits

detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

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

The proposed single detached dwelling is a permitted dwelling type in both the Official Plan and zoning by-law

Report

Variance 1

The required front yard setback in this context is a range of a minimum of 10.15 metres to a maximum of 10.9 metres. This range is based on the averaging of front yard setbacks of the abutting lots on each side (11.4 m setback for the dwelling to the east and 10.4 m for the dwelling to the west) and allowing for an as-of-right variance of 0.75 metres. The average front yard setback provision of the by-law is intended to ensure that the front walls of dwellings are generally aligned with neighbouring lots to create a consistent built form along the streetscape.

The minimum and maximum front yard setback offers a range for new construction that will maintain consistency and compatibility with the surrounding neighbourhood. The requested front yard setback of 6.1 metres is not considered minor by staff. Staff are of the opinion that there is not a hardship existing that would prevent the applicant from abiding by the minimum/maximum front yard setback for the new dwelling. Staff are not supportive of the requests as it will detract from the streetscape aesthetic and does not meet the intention of the Zoning By-law or Official Plan.

Part D, Section 7.1 of the GCP states that redevelopment in the urban area should have regard for neighbourhood context sensitive design to ensure that built form, setbacks and siting remain compatible with the character of adjacent buildings, properties and the surrounding neighbourhood and streetscape. Planning staff recognize that the existing house on the property currently sits much closer to the front lot line than the zoning by-law permits, and that the proposed setback of the new dwelling attempts to bring the lot more into conformity. However, staff is of the opinion that there is sufficient rear yard depth (approximately 17 metres) to permit the proposed dwelling to be situated further back into the lot to meet the required averaging provision of the zoning by-law for front yard setback and still have a substantial rear yard. The resulting design achieves a consistent and improved streetscape and built form with the adjacent properties along Scott Street. This is an opportunity to correct the anomaly created by the existing dwelling's close proximity to the street. Staff do not support the variance as proposed.


Variance 2

Zoning By-law 2013-283 requires that in any Residential Zone, the parking area shall not exceed 20% of the total lot area. The proposed driveway will be 21.1%. Part C, Section 5.4.6 of the GCP state that the negative impacts of vehicular parking on the urban environment should be minimized by locating parking areas at the rear of buildings where feasible. The homeowners plan to extend the driveway path further towards the rear of the property. The additional 1.1% of parking area will have no measurable impacts on the subject property or surrounding sites, and will help minimize the impact of vehicular parking from the street.

Conclusion

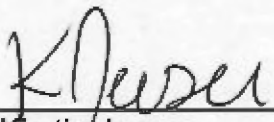
Staff is of the opinion Variance 1 in Application **A-02/19** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate and desirable for the use of land. However, staff consider that Variance 2 is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, and is appropriate and desirable for the use of land. It is staff's recommendation that Variance 2 be approved, whereas Variance 1 be denied.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Bruce Merritt <\>
Sent: Thursday, January 24, 2019 9:11 AM
To: Banda, Wilrik
Subject: Notice of hearing correction

I am agreeing with the change to file number 60.81.5436 for 600 Scott St.
Sent from my iPad

Banda, Wilrik

From: Bruce Merritt <
Sent: Tuesday, January 15, 2019 10:03 AM
To: Banda, Wilrik
Subject: File No. 60.81.5436

I am in full support of this application for a Minor Variance for Marcello Pontello.
Bruce Merritt. 131 Windward St. L2M 4C7
Sent from my iPad

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, January 03, 2019 1:00 PM
To: Banda, Wilrik
Subject: RE: Email 1 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Hello Banda
 Email-1
 Cogeco has no issues or concerns with this adjustments
 Thanks

Doug Crown
 Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
 Niagara Falls Ont Canada



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- Contact us

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

From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]
Sent: Thursday, January 3, 2019 12:35 PM

To: Doug Crown

Subject: Email 1 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Good Afternoon Doug:

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019.**

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435 **Email 1**
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436 **Email 1**
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437 **Email 1**
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438 **Email 1**
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441
7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Thanks, Wil

Wilrik Banda

Planning Technician

Email: wbanda@stcatharines.ca

Phone: 905.688.5601 x1717 **TTY:** 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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Banda, Wilrik

From: Samantha Burke <samantha.burke@alectrautilities.com>
Sent: Friday, January 11, 2019 9:41 AM
To: Banda, Wilrik
Cc: Munro, Elaine
Subject: Response Letters
Attachments: SCH_CLR2019-008.pdf; SCH_CLR2019-004_005_006.pdf; SCH_CLR2019-010.pdf; SCH_CLR2019-009.pdf; SCH_CLR2019-011_012_013.pdf

Good Morning Wil,

Response letters attached for the following files/locations;

60.81.5437 – 27 Wakelin Terrace

60.81.5436 – 600 Scott St

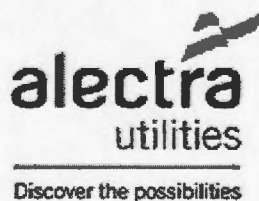
60.81.5440, 60.84.2229 & 60.81.5441 – 58 and 60 Park Ave

60.81.5435 – 68 Russell Ave

60.84.2230, 60.81.5442 & 60.81.5443 – 542 Geneva St and 2 Guy Ave

Email response only, originals will not be mailed.

Have a great weekend,
Samantha



Samantha Burke
Engineering Records Clerk
55 John Street North, Hamilton, ON L8R 3M8
t 905.522.6611 ext:2276
alectrautilities.com



From: Banda, Wilrik <wbanda@stcatharines.ca>
Sent: Friday, January 04, 2019 1:43 PM
To: Samantha Burke <samantha.burke@alectrautilities.com>
Subject: Email 3 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Samantha:

Email 3

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019**.

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441
7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Email 3
Email 3
Email 3

Thanks, Wil

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January 9, 2019

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

Attention: Wilrik Banda

File# 60.81.5436

Re: 600 Scott St

In response to your correspondence dated January 8, 2019, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

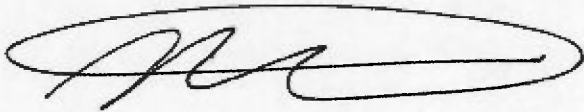
We would also like to stipulate the following:

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

- Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
- CAN/CSA-C22.3 No. 1-15, Overhead System
- C22.3 No. 7-15 Underground Systems

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

Sincerely,

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke at the end, enclosed within a large, thin oval.

Mark Jakubowski
Supervisor, Design, Customer Capital



Memorandum

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

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

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

Date: January 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 30, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-01/19	68 Russell Ave	-Be advised that a building permit is required for the proposed alterations to the existing dwelling unit. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-02/19	600 Scott Street	-No Comment
A-03/19	27 Wakelin Terrace	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-04/19	33 Merigold Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-05/19	64 Broadway	-Be advised that a building permit is required for the proposed detached garage with loft.
A-06/19	58 Park Avenue	-No Comment
A-07/19	60 Park Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-08/19	542 Geneva Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-09/19	2 Guy Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\01 bcoa memo-mv-Jan30, 2019.docx



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, Development Engineering Technologist
Vincent Wen, Planning Student

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

Date: January 17th, 2019
Hearing Date: January 30th, 2019

Subject: Engineering Comments Regarding Minor Variance applications for;
68 Russell Avenue, A-01/19SC
600 Scott Street, A-02/19SC
27 Wakelin Terrace, A-03/19SC
33 Merrigold Street, A-04/19SC
64 Broadway Street, A05/19SC
58 & 60 Park Avenue, A-06/19SC & 07/19SC
542 Geneva Street & 2 Guy Road, A-08/19SC & 09/19SC

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: January 11, 2019
Subject: Committee of Adjustment Hearing – Jan 30, 2019

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
No comment.
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
No comment.
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
No comment.
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
No objection to the requested variance. Boulevard not used for access purposes should be re-instated with landscaping.
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
No comment.
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441

The exiting boulevard tree has some significant co-dominant stems, presenting cause for future concern. Staff are supportive of the removal of this boulevard tree.

Staff request the following be included as a conditions of severance:

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 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.

7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

There are existing boulevard trees located on the Guy Road frontage which will require removal. The applicant will be responsible the removal, replacement, and permit costs associated with these trees and addition to standard boulevard planting requirements.

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

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees.

That the applicant be responsible for the costs associated with the removal, replacement, and permit costs for the removal of the existing boulevard trees along Guy Road.

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

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

Jessica Button
Project and Development Planner

Parks, Recreation and Culture Services



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 15, 2019

Subject: Committee of Adjustment
Public Hearings – January 30, 2019
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/



CITY OF ST. CATHARINES

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-03/19 (60.81.5437)

27 Wakelin Terrace

DATE OF HEARING:
January 30, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 23, 2019

Date of Meeting: January 30, 2019

Report Number: A-03/19

File: 60.81.5437

Subject: 27 Wakelin Terrace

Recommendation

That Submission **A-03/19**, by Andrew Spanyol, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. The proposed new garage and new master bedroom suite, as outlined on the sketch submitted with the application and attached to the decision of the Committee, be a maximum of 1 storey in height, and not to exceed 5.0 metres.

Summary

Under the matters of Section 45(1) of the Planning Act, staff is of the opinion that the variance requested through application **A-03/19** is minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommends that the requested minor variance be approved.

The Proposal

Application **A-03/19** has been made pertaining to the City of St. Catharines Zoning By-law 2013-283 for the following variance for the proposed construction of an addition and attached garage:

- 1) A reduction of the minimum rear yard setback from 7.5 m to 1.2 m.

Location and Site Description

The subject property is located on the northwest corner of Wakelin Terrace and Lockwood Drive, west of Bunting Road. The surrounding area consists of detached dwellings.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E3 of the Garden City Plan (GCP). The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

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

The existing dwelling is permitted by both the Official Plan and Zoning By-law.

Background

The subject property received approval for a minor variance in 1966 (**A-46-66**) to erect a carport on the property at a distance of 1.22 metres (4 feet) from the rear lot line. The Zoning By-law at the time required that a minimum rear yard setback of 7.62 metres (25 feet) be provided, however approval was granted for the current location of the carport with a rear yard of 1.22 metres, given that the dwelling was on a corner lot and oriented towards the lot flankage as opposed to the lot frontage, resulting in no other logical location to situate the carport on the lot. The defined rear yard consequently functioned as an interior side yard. The applicant advised that sufficient area around the dwelling could be maintained to meet the needs of the occupants and maintain harmony with the neighbourhood. The former variance was granted only for a carport.

Report

The Zoning By-law requires a minimum rear yard setback of 7.5 metres. The applicant has proposed to enclose the existing carport, to extend the carport slightly towards the Wakelin Terrace frontage, and to construct an addition to the dwelling at the rear of the carport/attached garage for an accessible master suite. The additions are proposed to be in line with the existing carport, therefore at a rear yard setback of 1.2 metres. The applicant has advised that the additions will be in alignment with the existing carport and will not have any windows facing the rear property line.

Part D, Section 7.1 of the GCP states that development and redevelopment should be evaluated having regard for building, site, streetscape and neighbourhood context sensitive design through adequate and appropriate lot size, shape, configuration and outdoor amenity areas to accommodate uses. The proposed development will utilize and extend off of the existing carport space, which will minimize impacts on neighbouring properties, and allows for the majority of the existing amenity areas on the property to be maintained. The property provides more than sufficient landscaped open space areas and the additions will allow the applicant to create an accessible garage and master suite for the dwelling.

Although this variance is considered to be for the rear yard of the property, the rear yard in this case essentially functions as the side yard for the dwelling, which it has for a substantial amount of time. This variance will not impose on neighbouring properties, as the existing carport is adjacent to the rear yard of the property to the north, which is also bordered by a fence, and provides ample separation distance between the two structures. As a result, the variance is considered minor in nature, and will not substantially impact the surrounding properties. Staff are in support of the requested variance.

Building staff have advised that reductions in the required yards could have spatial separation implications affecting the permitted area of glazed opening and the permitted type of construction facing these yards.

Conclusion

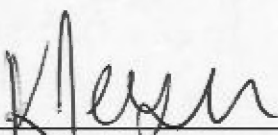
Staff is of the opinion that application **A-03/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of land. It is staff's recommendation that the requested variance be approved with the condition outlined in the recommendation.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, January 03, 2019 1:00 PM
To: Banda, Wilrik
Subject: RE: Email 1 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Hello Banda
 Email-1
 Cogeco has no issues or concerns with this adjustments
 Thanks

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

7170 Mcleod Rd
 Niagara Falls Ont Canada

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



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

From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]

Sent: Thursday, January 3, 2019 12:35 PM

To: Doug Crown

Subject: Email 1 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Good Afternoon Doug:

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019**.

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435 **Email 1**
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436 **Email 1**
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437 **Email 1**
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438 **Email 1**
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441
7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Thanks, Wil

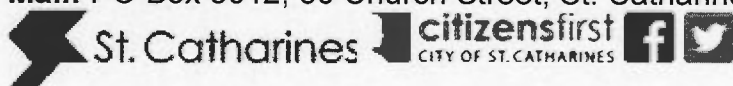
Wilrik Banda

Planning Technician

Email: wbanda@stcatharines.ca

Phone: 905.688.5601 x1717 **TTY:** 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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

Banda, Wilrik

From: Samantha Burke <samantha.burke@alectrautilities.com>
Sent: Friday, January 11, 2019 9:41 AM
To: Banda, Wilrik
Cc: Munro, Elaine
Subject: Response Letters
Attachments: SCH_CLR2019-008.pdf; SCH_CLR2019-004_005_006.pdf; SCH_CLR2019-010.pdf; SCH_CLR2019-009.pdf; SCH_CLR2019-011_012_013.pdf

Good Morning Wil,

Response letters attached for the following files/locations;

60.81.5437 – 27 Wakelin Terrace

60.81.5436 – 600 Scott St

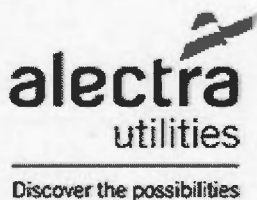
60.81.5440, 60.84.2229 & 60.81.5441 – 58 and 60 Park Ave

60.81.5435 – 68 Russell Ave

60.84.2230, 60.81.5442 & 60.81.5443 – 542 Geneva St and 2 Guy Ave

Email response only, originals will not be mailed.

Have a great weekend,
Samantha



Samantha Burke
Engineering Records Clerk
55 John Street North, Hamilton, ON L8R 3M8
t 905.522.6611 ext:2276
alectrautilities.com



From: Banda, Wilrik <wbanda@stcatharines.ca>
Sent: Friday, January 04, 2019 1:43 PM
To: Samantha Burke <samantha.burke@alectrautilities.com>
Subject: Email 3 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

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Good Afternoon Samantha:

Email 3

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019**.

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441
7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Email 3
Email 3
Email 3

Thanks, Wil

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January 9, 2019

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

Attention: Wilrik Banda

File# 60.81.5437

Re: 27 Wakelin Terrace

In response to your correspondence dated January 8, 2019, 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.
- Existing overhead house service/meter will be in conflict with proposed front garage addition.

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)

Alectra Utilities Corporation

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

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

alectrautilities.com

- 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', with a large, sweeping loop at the end.

Mark Jakubowski
Supervisor, Design, Customer Capital



Memorandum

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

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

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

Date: January 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 30, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-01/19	68 Russell Ave	-Be advised that a building permit is required for the proposed alterations to the existing dwelling unit. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-02/19	600 Scott Street	-No Comment
A-03/19	27 Wakelin Terrace	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-04/19	33 Merigold Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-05/19	64 Broadway	-Be advised that a building permit is required for the proposed detached garage with loft.
A-06/19	58 Park Avenue	-No Comment
A-07/19	60 Park Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-08/19	542 Geneva Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-09/19	2 Guy Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\01 bcoa memo-mv-Jan30, 2019.docx



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, Development Engineering Technologist
Vincent Wen, Planning Student

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

Date: January 17th, 2019

Hearing Date: January 30th, 2019

Subject: Engineering Comments Regarding Minor Variance applications for;
68 Russell Avenue, A-01/19SC
600 Scott Street, A-02/19SC
27 Wakelin Terrace, A-03/19SC
33 Merrigold Street, A-04/19SC
64 Broadway Street, A05/19SC
58 & 60 Park Avenue, A-06/19SC & 07/19SC
542 Geneva Street & 2 Guy Road, A-08/19SC & 09/19SC

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: January 11, 2019
Subject: Committee of Adjustment Hearing – Jan 30, 2019

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
No comment.
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
No comment.
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
No comment.
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
No objection to the requested variance. Boulevard not used for access purposes should be re-instated with landscaping.
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
No comment.
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441

The exiting boulevard tree has some significant co-dominant stems, presenting cause for future concern. Staff are supportive of the removal of this boulevard tree.

Staff request the following be included as a conditions of severance:

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 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.

7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

There are existing boulevard trees located on the Guy Road frontage which will require removal. The applicant will be responsible the removal, replacement, and permit costs associated with these trees and addition to standard boulevard planting requirements.

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

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees.

That the applicant be responsible for the costs associated with the removal, replacement, and permit costs for the removal of the existing boulevard trees along Guy Road.

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

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

Jessica Button
Project and Development Planner

Parks, Recreation and Culture Services



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 15, 2019

Subject: Committee of Adjustment
Public Hearings – January 30, 2019
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/



CITY OF ST. CATHARINES

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-04/19 (60.81.5438)

33 Merigold Street

DATE OF HEARING:
January 30, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 23, 2019

Date of Meeting: January 30, 2019

Report Number: A-04/19

File: 60.81.5438

Subject: 33 Merigold Street

Recommendation

That Submission **A-04/19**, by Villatek Design Solutions, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through application **A-04/19** 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 variances be approved.

The Proposal

Application **A-04/19** requests variances to the City of St. Catharines Zoning By-law 2013-283 to accommodate the proposed construction of an enclosed porch addition and carport, for the following:

- 1) A reduction of the exterior side yard setback to the carport from 6.0 m to 1.5 m.
- 2) A reduction of the interior side yard setback to the porch from 1.2 m to 0.6 m.
- 3) A reduction of the interior side yard setback to the carport from 1.2 m to 0.6 m.
- 4) A reduction of the exterior side yard setback to the porch from 3.0 m to 1.4 m.

Location and Site Description

The subject property is located at the northeast corner of Merigold Street and Chetwood Street. The property is south of St Paul Street West, and west of Leeper Street. The surrounding area consists primarily of single detached dwellings, as well as a park.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E6/7 of the Garden City Plan (GCP). The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential (R2). The R2 zone permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, and townhouse dwellings, as well as private road developments.

The existing dwelling and proposed addition of a porch and carport is a dwelling type permitted by both the Official Plan and zoning by-law.

Report

Variances 1 & 4

Zoning By-law 2013-283 requires that a minimum exterior side yard setback of 3 metres be provided to a dwelling, and 6 metres be provided to a garage (in this case, a carport) on a property. Variance 1 requests the exterior side yard setback be reduced to 1.5 m for the proposed construction of a carport, and Variance 4 requests a reduction to 1.4 metres for the exterior side yard setback to the new porch.

The intent of the exterior side yard setback is to ensure adequate amenity space is provided on site between a structure and the road, as well as to ensure that adequate sight lines are maintained for drivers approaching the corner point and to maintain a degree of distance for safety from the road. The setback is increased for the distance to a garage so that a vehicle can be parked sufficiently in the space between the lot line and garage. The current structure on the site, constructed in 1944, has an existing exterior side yard setback of approximately 1.5 m. The variance to the carport (Variance 1) is requested to allow for a sheltered area to be erected over the existing driveway area of the property. The applicant has demonstrated that the carport can provide a standard parking space in accordance with City parking requirements. The variance will allow the carport to be constructed in line with the existing dwelling, and its location in respect to the front lot line will not be out of character with other dwellings along the Chetwood Street frontage.

Variance 4 is requested to permit an enclosed porch to be constructed along the Merigold Street frontage of the dwelling, with an exterior side yard setback of 1.4 meters. Staff is of the opinion that approval of this variance will have no measurable impacts to the streetscape or surrounding area, and will allow the enclosed porch to be constructed in line with the existing dwelling and proposed carport along the Chetwood Street frontage. Staff recommend variances 1 and 4 be approved.

Variance 2 and 3

The Zoning By-law requires a minimum interior side yard setback of 1.2 metres. Variances 2 and 3 request that the interior side yard setback be reduced to 0.6 metres for the proposed construction of an enclosed porch and carport. The intent of the minimum interior side yard setback of the Zoning By-law is to ensure that sufficient distance and a buffer is maintained between structures on adjacent properties and sufficient distance from property lines is maintained to support on-site drainage and access to rear yards. Similar to the requests for the reduced exterior side yard, the variance to the interior side yard is necessary to allow for the carport and enclosed porch to be built in line with the existing dwelling on the property. The variance reflects an existing condition for the existing dwelling. As the property is a corner lot, there are no access issues to the rear yard. Staff are in support of variances 2 and 3.

It is of staff's opinion that the requested variances will have no measurable impacts to the streetscape and surrounding area. Staff are of the opinion that all requested variances are in conformity with the Official Plan and general intent of the Zoning By-law, are desirable for the appropriate development of the land, and are minor in nature. Staff recommend all variances to be approved.

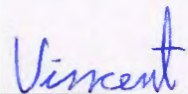
The applicant should be aware that the zoning by-law allows for a driveway to be a maximum width of 7.5 metres. The driveway to the carport has been identified to be approximately 4.4 metres in width, and there is an additional driveway at the rear of the lot to the existing accessory structure that is approximately 2.5 metres in width. Any future increase in either driveway that equates to a cumulative width of 7.5 metres would require an additional variance.

Building staff have advised that reductions in the required yards could have spatial separation implications affecting the permitted area of glazed opening and the permitted type of construction facing these yards.

Conclusion

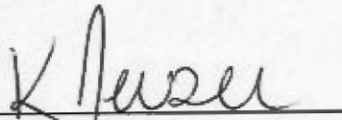
Staff is of the opinion that application **A-04/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved with the condition outlined in the recommendation.

Prepared by:



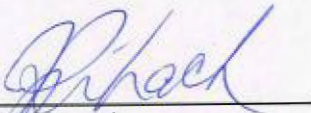
Vincent Wen
Student Planner

Submitted by:

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

Kirstin Jensen
Planner I

Approved by:

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

Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, January 03, 2019 1:00 PM
To: Banda, Wilrik
Subject: RE: Email 1 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Hello Banda
 Email-1
 Cogeco has no issues or concerns with this adjustments
 Thanks

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

7170 Mcleod Rd
 Niagara Falls Ont Canada

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



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

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

From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]
Sent: Thursday, January 3, 2019 12:35 PM

To: Doug Crown

Subject: Email 1 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Good Afternoon Doug:

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019.**

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435 **Email 1**
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436 **Email 1**
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437 **Email 1**
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438 **Email 1**
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441
7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Thanks, Wil

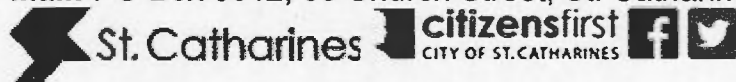
Wilrik Banda

Planning Technician

Email: wbanda@stcatharines.ca

Phone: 905.688.5601 x1717 **TTY:** 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system.

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Memorandum

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

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

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

Date: January 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 30, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-01/19	68 Russell Ave	-Be advised that a building permit is required for the proposed alterations to the existing dwelling unit. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-02/19	600 Scott Street	-No Comment
A-03/19	27 Wakelin Terrace	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-04/19	33 Merigold Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-05/19	64 Broadway	-Be advised that a building permit is required for the proposed detached garage with loft.
A-06/19	58 Park Avenue	-No Comment
A-07/19	60 Park Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-08/19	542 Geneva Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-09/19	2 Guy Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\01 bcoa memo-mv-Jan30, 2019.docx



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, Development Engineering Technologist
Vincent Wen, Planning Student

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

Date: January 17th, 2019

Hearing Date: January 30th, 2019

Subject: Engineering Comments Regarding Minor Variance applications for;
68 Russell Avenue, A-01/19SC
600 Scott Street, A-02/19SC
27 Wakelin Terrace, A-03/19SC
33 Merrigold Street, A-04/19SC
64 Broadway Street, A05/19SC
58 & 60 Park Avenue, A-06/19SC & 07/19SC
542 Geneva Street & 2 Guy Road, A-08/19SC & 09/19SC

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: January 11, 2019
Subject: Committee of Adjustment Hearing – Jan 30, 2019

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
No comment.
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
No comment.
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
No comment.
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
No objection to the requested variance. Boulevard not used for access purposes should be re-instated with landscaping.
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
No comment.
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441

The exiting boulevard tree has some significant co-dominant stems, presenting cause for future concern. Staff are supportive of the removal of this boulevard tree.

Staff request the following be included as a conditions of severance:

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 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.

7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

There are existing boulevard trees located on the Guy Road frontage which will require removal. The applicant will be responsible the removal, replacement, and permit costs associated with these trees and addition to standard boulevard planting requirements.

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

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees.

That the applicant be responsible for the costs associated with the removal, replacement, and permit costs for the removal of the existing boulevard trees along Guy Road.

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

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

Jessica Button
Project and Development Planner

Parks, Recreation and Culture Services



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 15, 2019

Subject: Committee of Adjustment
Public Hearings – January 30, 2019
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/



CITY OF ST. CATHARINES

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-05/19 (60.81.5439)

64 Broadway

DATE OF HEARING:
January 30, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 23, 2019

Date of Meeting: January 30, 2019

Report Number: A-05/19

File: 60.81.5439

Subject: 64 Broadway

Recommendation

That Submission **A-05/19**, by Randolph Thiessen and Heather Thiessen, as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variance requested through application **A-05/19** is not minor in nature, not desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained. Staff recommends that the requested minor variance be denied.

The Proposal

Application **A-05/19** requests a variance to the City of St. Catharines Zoning By-law 2013-283 for an increase in the maximum building height for a detached accessory structure from 4.5 metres to 6.7 metres, for the proposed construction of a detached garage with loft.

Location and Site Description

The subject property is located on the east side of Broadway, south of Parkside Drive, and north and east of Seaway Haulage Road. The surrounding area consists primarily of detached dwellings and duplexes, as well as a nearby floral store and warehouse.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further Low Density Residential as per Schedule E2 of the Garden City Plan (GCP). The Low Density Residential designation permits detached,

semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential (R2). The R2 zone permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse dwellings, as well as private road developments.

Report

The Zoning By-law permits a maximum height of 4.5 metres for accessory structures. This is to avoid potential conflicts with neighbouring dwellings, which includes shadow concerns, overlook and intrusion on surrounding properties, as well as to prevent a structure from overwhelming a property. The applicant is requesting to increase the height of a proposed accessory structure (a detached garage) to 6.7 metres. The variance for an increase in building height by 2.2 metres is requested for the addition of a loft on the detached garage.

Part D, Section 7.1 of the Garden City Plan states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site and context sensitive design to ensure the integration of compatible building form, scale, massing, height, siting, and orientation with adjacent buildings, properties and the surrounding neighbourhood.

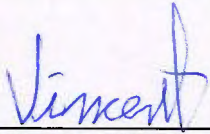
Accessory structures are defined as being incidental and secondary to the principal use on the same lot, and should be low profile and innocuous in relation to the primary use of the property. The increase in height of 2.2 metres is not considered minor in nature and the requested increase is not appropriate for the use of the subject lands. The proposed garage only 0.6 metres from the site lot line will impose on adjacent yards, as well as overwhelm the neighboring rear yard amenity area and would be of similar height to many adjacent homes in the surrounding area. Staff believe that the requested height increase combined with the siting of the garage is incompatible with the surrounding neighbourhood and will negatively impact adjacent properties.

The garage also does not reflect the character of the abutting residential zoned properties which comply with the height provisions for accessory buildings and structures. The scale and massing do not conform to the character of the dwellings and accessory structures in the immediate neighbourhood, which is not in keeping with section 7.1 of the GCP. Staff are of the opinion that the trees and hedges on the property do not offer sufficient seclusion or privacy to adequately screen the proposed detached garage. The location and height of the garage may compromise the long term health of mature vegetation, contributing to decline and decay over time. It is recommended that the garage be constructed at a height permitted by the Zoning By-law.

Conclusion

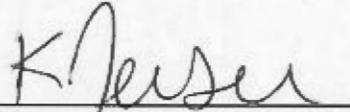
Staff is of the opinion that application **A-05/19** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate and desirable for the use of land. It is staff's recommendation that the requested variance be denied.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Philip Cleversey
Sent: Thursday, January 10, 2019 6:49 PM
To: Banda, Wilrik
Subject: Re: File No. 60.81.5439. Submission No. A-05/19

Wilrik Banda
Acting Secretary- Treasurer
Committee of Adjustment, City Hall
P.O. Box 3012, 50 Church Street,
St. Catharines, On
L2R 7C2

With regards to the Application No. A-05/19 for a requested variance to increase the maximum height for construction of a detached garage, I (we) do not have any concerns or protests to allow this variance to be approved.

It is our belief that the proposed structure will enhance the existing property and provide a visually appealing aspect to said property, as well as provide a visually appealing enhancement to the neighbourhood in general. As we are not able to attend the hearing meeting scheduled for January 30, 2019 , hence we request that this submission be read and presented on our behalf.

Thank you

Philip Cleversey and Shelley Dix
4 Parkside Drive, St. Catharines, On.
L2M 0B1

Sent from my iPad

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, January 03, 2019 1:01 PM
To: Banda, Wilrik
Subject: RE: Email 2 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Hello Banda
 Email-2
 Cogeco has no issues or concerns with this adjustments
 Thanks

Doug Crown
 Network Planning Department
 Doug.crown@cogeco.com
 T 289-296-6266 | C 905-401-9967

7170 Mcleod Rd
 Niagara Falls Ont Canada



From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]
Sent: Thursday, January 3, 2019 12:38 PM
To: Doug Crown
Subject: Email 2 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Good Afternoon Doug:

Email 2

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019**.

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3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438

5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439 **Email 2**
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229 **Email 2**
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440 **Email 2**
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441 **Email 2**
7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Thanks, Wil

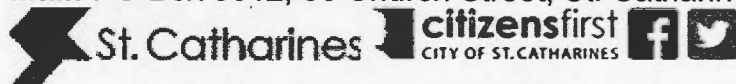
Wilrik Banda

Planning Technician

Email: wbanda@stcatharines.ca

Phone: 905.688.5601 x1717 TTY: 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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Memorandum

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

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

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

Date: January 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 30, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-01/19	68 Russell Ave	-Be advised that a building permit is required for the proposed alterations to the existing dwelling unit. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
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Mark Lepp, Senior Plans Examiner / Building Inspector



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, Development Engineering Technologist
Vincent Wen, Planning Student

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

Date: January 17th, 2019

Hearing Date: January 30th, 2019

Subject: Engineering Comments Regarding Minor Variance applications for;
68 Russell Avenue, A-01/19SC
600 Scott Street, A-02/19SC
27 Wakelin Terrace, A-03/19SC
33 Merrigold Street, A-04/19SC
64 Broadway Street, A05/19SC
58 & 60 Park Avenue, A-06/19SC & 07/19SC
542 Geneva Street & 2 Guy Road, A-08/19SC & 09/19SC

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: January 11, 2019
Subject: Committee of Adjustment Hearing – Jan 30, 2019

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
No comment.
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
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3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
No comment.
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
No objection to the requested variance. Boulevard not used for access purposes should be re-instated with landscaping.
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
No comment.
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441

The exiting boulevard tree has some significant co-dominant stems, presenting cause for future concern. Staff are supportive of the removal of this boulevard tree.

Staff request the following be included as a conditions of severance:

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 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.

7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

There are existing boulevard trees located on the Guy Road frontage which will require removal. The applicant will be responsible the removal, replacement, and permit costs associated with these trees and addition to standard boulevard planting requirements.

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

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees.

That the applicant be responsible for the costs associated with the removal, replacement, and permit costs for the removal of the existing boulevard trees along Guy Road.

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

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

Jessica Button
Project and Development Planner

Parks, Recreation and Culture Services



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 15, 2019

Subject: Committee of Adjustment
Public Hearings – January 30, 2019
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/



CITY OF ST. CATHARINES

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-01/19SC (60.84.2229)

A-06/19 (60.81.5540)

A-07/19 (60.81.5441)

58 & 60 Park Avenue

DATE OF HEARING:

January 30, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 10, 2019

Date of Meeting: January 30, 2019

Report Number: A-06/19
A-07/19
B-01/19SC

File: 60.81.5440
60.81.5441
60.84.2229

Subject: 58 Park Avenue
60 Park Avenue

Recommendation

That submission **B-01/19SC**, by Premier Homes of Niagara, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the applicant submits a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees;
2. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given' and that the appraisal be completed by a qualified appraiser;
3. 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 general in accordance with the elevation and floor plans submitted with the application, with enhancements as follows:
 - i. That the façade facing Cedardale Avenue be articulated with enhanced architectural features, bump outs, fenestration, and compatible and variable building materials to enhance the Cedardale Avenue streetscape and avoid a long wall with little architectural interest;
 - ii. The façade facing Park Avenue include windows on the first storey that offer greater glazing, similar to that of the second story. Opaque windows should be considered to accommodate the interior layout at the front of the dwelling (washroom); and,
 - iii. That the proposed driveways be twinned along the common property line, in accordance with the plan submitted with this application.

4. 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 \$2,492.25 (2019 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;
5. Pay the fee for City crews to locate, trace, inspect and record the existing sewer and water laterals servicing the existing property;
6. If the existing services are suitable for reuse but cross existing or future side lot lines, the Owner shall be responsible to complete any relocation works on private property and pay the City to install any new water service and/or sanitary sewer lateral required to accommodate the relocation works; and,
7. The Owner shall pay the City \$14,263.20 for the cost of a future sidewalk along the Cedardale Avenue flankage; and
8. That landscaping (sod) be reinstated within the boulevard along Cedardale Avenue, where the existing gravel driveway currently exists, subject to inspection and approval by Parks, Recreation and Cultural Services;

That Submissions **A-06/19** and **A-07/19**, by Premier Homes of Niagara, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that application **B-01/19SC** is desirable and compatible with the surrounding area and will not result in adverse impact on the surrounding properties. Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through application **A-06/19** and **A-07/19** are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommends that the requested consent and minor variances be approved.

The Proposal

Application **B-01/19SC** is made for consent to sever 313.2 m² of land (Part 1 on the submitted sketch) creating a new lot to be known as 60 Park Avenue for the construction of a semi-detached dwelling unit. A 246 m² remnant parcel of land (Part 2) would be retained for construction of the other half of the semi-detached dwelling. The application would allow each unit of the proposed semi-detached dwelling to be owned and/or sold separately.

Application **A-06/19** has been made to vary Zoning By-law 2013-283 for the following variances for Part 2 in order to facilitate the concurrent consent application, **B-01/19SC** for the proposed semi-detached dwelling:

- 1) A reduction of the minimum lot area per dwelling unit from 280 m² to 246 m² for the construction of one half of a semi-detached dwelling; and,
- 2) A reduction of the minimum lot frontage from 7.5 m to 6.17 m.

Application **A-07/19** has been made to vary Zoning By-law 2013-283 for a reduction of the average exterior side yard setback from 5.3 m to 3.0 m on Part 1.

Location and Site Description

The subject property is located at the southeast corner of Park Avenue and Cedardale Avenue. The property is south of Fir Avenue, and north of Seymour Avenue. The surrounding area consists primarily of single detached dwellings, as well as a school and the Merritton Community Centre.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E9 of the Garden City Plan (GCP). The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land as per the policies of the Garden City Plan. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

The subject land is zoned Low Density Residential (R2). The R2 zone permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, and townhouse dwellings, as well as private road developments.

Report

Application B-01/19SC

Consent

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

The proposed lots are appropriate for the anticipated uses, as they will contain a semi-detached dwelling unit. Parts 1 and 2 on the submitted sketch are slightly smaller than most of the existing lots in the surrounding area, however, the orientation of the dwellings on Park Avenue will maintain a consistent lot depth with adjacent properties and provides sufficient front and rear yard amenity space for the dwelling units. The consent is

appropriate for the optimum development of the land and the proposed severed and retained lots are of a sufficient size to support the proposed semi-detached dwelling units.

The proposed lots will not negatively impact the established character of the neighbourhood. The proposal is an example of good infill development in an established residential area. Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design. Staff recommend approval of the requested consent. The severance and proposed development for 58 Park Avenue maintain the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area and the character of the neighbourhood. Staff recommend approval of the consent.

Design Review Panel (DRP)

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

The proposed consent was submitted to the DRP for review at the meeting of November 20, 2018. The Panel considered a proposal to demolish the existing home and to sever the property into two lots to construct one two-storey semi-detached dwelling, each half of the semi-detached dwelling on its own lot. The southerly proposed lot (Part 2) would require variances for both minimum lot area (min. 280 m²) and minimum frontage (min. 7.5 metres). Part 1 would also require a variance for minimum setback from Cedardale Avenue (min. 5.3 metres due to averaging).

The DRP did not believe that the site plan presented, with the two semis fronting on Park Avenue, enhanced the streetscape of either Park Avenue or Cedardale Avenue. The DRP also recognized that the required Cedardale Avenue setback of 5.3 metres makes the visually attractive division of the property difficult. The Committee discussed whether or not two back to back semis severed in a north/south direction with driveway access on Park and Cedardale might be more appropriate. However, the DRP also acknowledged without site plans and elevations to that effect along with an outline of required variances, the impact of such a severance could not be properly evaluated by the Committee. The DRP recommended that the proponent investigate an alternative site layout, including two back to back semis, severed in a north/south direction with driveway access on Park and Cedardale respectively.

Following the DRP review, the applicant submitted an alternative site plan option in accordance with the recommendations presented by the DRP. Upon review of the two

site plans, Planning staff are in favour of the original proposal submitted, as it creates a more consistent streetscape with the existing dwellings of the neighbourhood, maintains a compatible lot pattern with neighbouring properties, and provides substantial opportunities for amenity space on the subject lands, as compared to the alternative proposal. The latter limited the amount of both front and rear yard space available for the dwellings, and resulted in more variances to accommodate the dwellings on the lots when oriented towards Cedardale Avenue. As such, staff are in support of the original proposal and consequently the one submitted to the Committee of Adjustment.

It is staff's opinion that a Development Agreement is necessary to ensure that the advice of staff as to conditions of approval are adhered to prior to issuance of a building permit. Should the application be approved, a Development Agreement should be registered on title in order to address conditions for future development design of the site and this will ensure plans submitted at the building stage are in accordance with the architectural details and site design supported by 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 staff, provides the applicable law necessary to bind the plans submitted with this application, or conditions of approval, to the issuance of a building permit. The Development Agreement fee, as approved in the Tariff of Fees approved by Council for 2019, a fee of \$ \$2,492.25, is considered unreasonable and excessive in this context. Accordingly, staff is recommending the Committee reduce the Development Agreement fee to \$500.00 to better reflect the costs of processing a Development Agreement as a condition of this application.

The City's Parks, Recreation and Culture Services department has advised that the exiting boulevard tree has some significant co-dominant stems, presenting cause for future concern. Staff are supportive of the removal of this boulevard tree.

The City's Development Engineering Service department has advised that increased drainage challenges occur in these types of in-fill lot developments, where existing lots within established plans of subdivision sometimes do not have suitable drainage outlets in place. Individual lot drainage plans are a requirement for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage scheme of the future lots convey drainage to a suitable outlet, while at the same time not adversely affect abutting properties.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance. Since a new storm sewer exists on Park Avenue the Owner shall pay to have a new storm lateral installed from the existing catch basin opposite the southwest corner of Part 2 to the front property line of Part 2. The Owner shall, through a Plumbing Only Permit extend this lateral to the proposed new dwelling and connect the sump pump for this dwelling to this lateral. The sump pump for Part 1 will

be permitted to discharge to the flankage along Cedardale Avenue. Fees to provide the storm lateral are to be paid prior to, at the Building Permit stage.

The Owner shall confirm that the location of existing water service and sewer laterals to be re-used do not cross any abutting and/or future lot lines. If these services are determined to cross abutting and/or future lot lines, the Owner shall be responsible to relocate the portion of these works on private property through a Plumbing Only permit so as not to continue private service crossings over abutting and/or future lot line. The Owner shall also pay the City the fees to provide new water services and sewer lateral(s) to the property lines in order for each property to be serviced individually. Fees to complete this work are to be paid prior to the issuance of the building permit.

Application A-06/19 (Part 2)

Zoning-By-law 2013-283 requires a minimum lot area for a detached dwelling of 280 m². The minimum lot area requirement of the By-law is meant to ensure that a building envelope can fit comfortably on a property while still providing adequate amenity space and ensure the dwelling will not overwhelm the lot or neighbouring properties. Variance 1 requests a reduction of the minimum lot area per dwelling unit on Part 2, for a proposed semi-detached dwelling unit, from 280 m² to 246 m². The applicant has demonstrated that a semi-detached dwelling can fit suitably on the lot while abiding by almost all required zoning provisions. The reduced lot area is a result of the property being a corner lot, and the siting of the proposed dwelling far enough away from the road along Cedardale Avenue to provide as much exterior side yard as possible, which limited the amount of lot area that could be provided to Part 2. Variance 1 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

Zoning By-law 2013-283 requires a minimum lot frontage of 7.5 metres. 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. Variance 2 requests a reduction of the minimum lot frontage from 7.5 metres to 6.17 metres for Part 2. The reduction is necessary to facilitate the neighbouring frontage of Part 1. Similarly, in line with the comments regarding lot area, the reduced area and frontage are a result of the location of the proposed dwelling on the lot, and the need to provide sufficient amenity space along the Cedardale Avenue frontage which resultantly reduces the frontage and lot area of the interior lot. The applicant has demonstrated that a semi-detached dwelling can fit appropriately on the lot while complying with all other zoning provisions. Variance 2 is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

Application A-07/19 (Part 1)

The average setback of adjacent properties, +/- 0.75 meters, is the required exterior side yard setback where the average is in excess by 2 metres or greater of the stated

requirement in the Zoning By-law. In this situation, the average setback of adjacent properties is 6.05 metres and with the permitted as-of-right variance of 0.75 metres, the minimum exterior side yard setback for the lot is 5.3 metres. The intent of the average exterior side yard setback is to ensure adequate amenity space is provided on site between a structure and the road, as well as to ensure that adequate sight lines are maintained for drivers approaching the corner point and to maintain a degree of distance for safety from the road. Additionally, the by-law ensures that the setback is generally aligned with neighbouring lots to create a consistent built form along the streetscape.

The setback has been requested to be reduced to 3 metres for the construction of a semi-detached dwelling. The exterior side yard setback of the previously existing dwelling was less than 3 metres from the exterior property line. The proposed exterior side yard is similar to a long existing historical context. To reduce this yard to a 3.0 metre setback reflects the history on this lot and accordingly is expected to be of minimal impact. The applicant has demonstrated that with the reduced setback, the site can provide ample amenity space and have no influence on driver sight lines.

The dwelling has been setback considerably from the Park Avenue frontage, reducing the impact of the dwelling on the intersection. A reduction to the exterior side yard setback will not impact the dwellings compatibility in respect to the façade along the Cedardale Avenue frontage, as it is proposed slightly further back than the previously existing dwelling, a long standing situation. The proposed setback will not be significantly out of character with other dwellings along the Cedardale Avenue frontage. The applicant's proposal is a suitable form of infill development that will achieve a measure of compatibility with the surrounding area, and will be an efficient and desirable redevelopment of the site, and an improvement on the Park Avenue and Cedardale Avenue streetscapes.

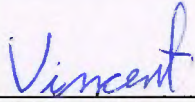
Staff is of the opinion that approval of the variances is in keeping with the general intent of the Official Plan and Zoning By-law, that the variances are minor in nature, and are appropriate and desirable for the use of the land. Staff recommend the requested minor variances be approved.

Conclusion

Staff is of the opinion that application **B-01/19SC** is compatible with the neighbourhood, the provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consent to sever be approved.

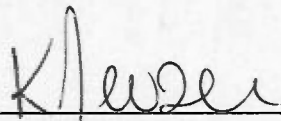
Staff is of the opinion that applications **A-06/19** and **A-07/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved with the condition outlined in the recommendation.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Samantha Burke <samantha.burke@alectrautilities.com>
Sent: Friday, January 11, 2019 9:41 AM
To: Banda, Wilrik
Cc: Munro, Elaine
Subject: Response Letters
Attachments: SCH_CLR2019-008.pdf; SCH_CLR2019-004_005_006.pdf; SCH_CLR2019-010.pdf; SCH_CLR2019-009.pdf; SCH_CLR2019-011_012_013.pdf

Good Morning Wil,

Response letters attached for the following files/locations;

60.81.5437 – 27 Wakelin Terrace

60.81.5436 – 600 Scott St

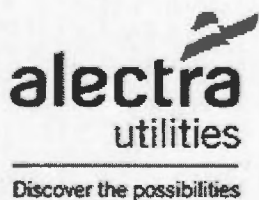
60.81.5440, 60.84.2229 & 60.81.5441 – 58 and 60 Park Ave

60.81.5435 – 68 Russell Ave

60.84.2230, 60.81.5442 & 60.81.5443 – 542 Geneva St and 2 Guy Ave

Email response only, originals will not be mailed.

Have a great weekend,
Samantha



Samantha Burke
Engineering Records Clerk
55 John Street North, Hamilton, ON L8R 3M8
t 905.522.6611 ext:2276
alectrautilities.com



From: Banda, Wilrik <wbanda@stcatharines.ca>
Sent: Friday, January 04, 2019 1:43 PM
To: Samantha Burke <samantha.burke@alectrautilities.com>
Subject: Email 3 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Samantha:

Email 3

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019**.

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441
7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Email 3
Email 3
Email 3

Thanks, Wil

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January 9, 2019

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

Attention: Wilrik Banda

File# 60.81.5440, 60.84.229 & 60.81.5441

Re: 58 and 60 Park Ave

In response to your correspondence dated January 8, 2019, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

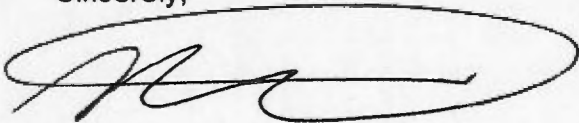
We would also like to stipulate the following:

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

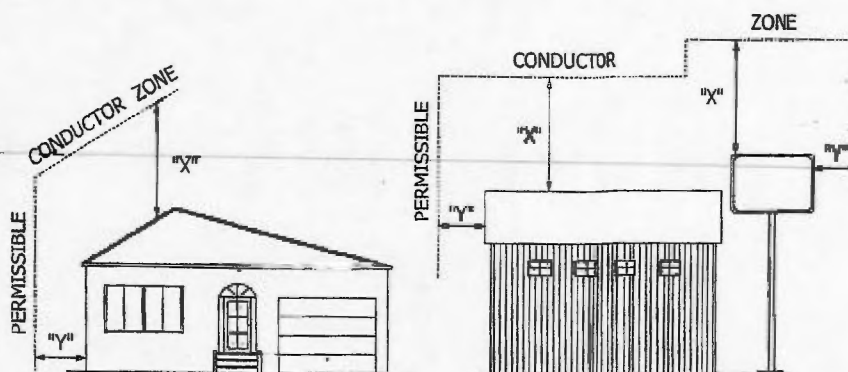
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, 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, consisting of a stylized 'M' followed by a horizontal line and a large loop at the end.

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

horizon
UTILITIES *Looking beyond..*

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

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

REFERENCE DRAWINGS:	DRAWINGS NOT TO SCALE
DRAWING #	SHEET# REVISION#
3-105	1 0

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

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



January 4, 2019

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

E-mail Only: Elaine Munro (emunro@stcatharines.ca), Kirsten Jensen (kjensen@stcatharines.ca) and Wilrik Banda (wbanda@stcatharines.ca)

Subject: Application for Consent B-01/19SC
58 Park Avenue
St. Catharines
Bell File: 905-19-032

Thank you for your correspondence dated January 3, 2019.

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

On the attached plan, the red lines indicate the approximate location of active, critical infrastructure. Located in the southeast corner of Part 2 at 58 Park Avenue, Bell Canada's terminal provides essential access to the network. Of major concern is the ability to access our equipment, particularly in the event of an interruption or emergency that would require Bell Canada to restore service to regular telephone lines, alarm services, internet access, and most importantly ensure the continuity of 911 service.

The 2014 Ontario Provincial Policy Statement states that "...public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs. Planning for infrastructure... and public service facilities shall be coordinated and integrated with land use planning so that they are financially viable over their life cycle, which may be demonstrated through asset management planning; and available to meet current and *projected* needs."

Bell Canada requests a 3m wide strip to measure 1.5m on either side of the buried installation within the confines of Parts 1 and 2 of the circulated plan. While we believe the plant to be located approximately 0.5m inside the property line, it may be necessary for a surveyor to arrange for a cable locate to identify its precise location.

Since the easement is required to protect the integrity of the existing facilities and preserve many services, we request that the cost associated with registration be the responsibility of the landowner.

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

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

Sincerely,

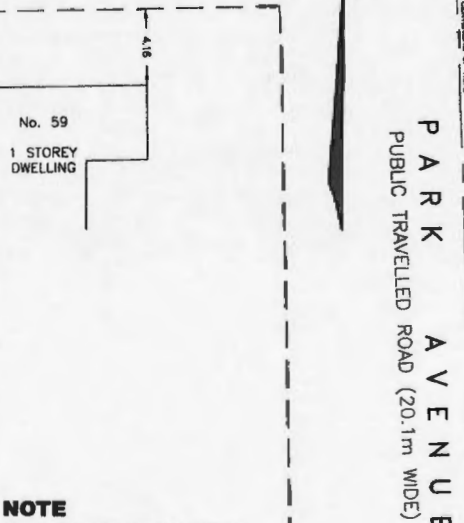
Charleyne Hall
Right of Way Associate



SKETCH FOR SEVERANCE APPLICATION
LOT 207 AND PART OF LOT 208
REGISTERED PLAN TP-177
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 250
 5 0 5 15 metres

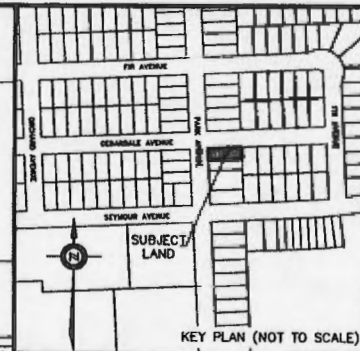
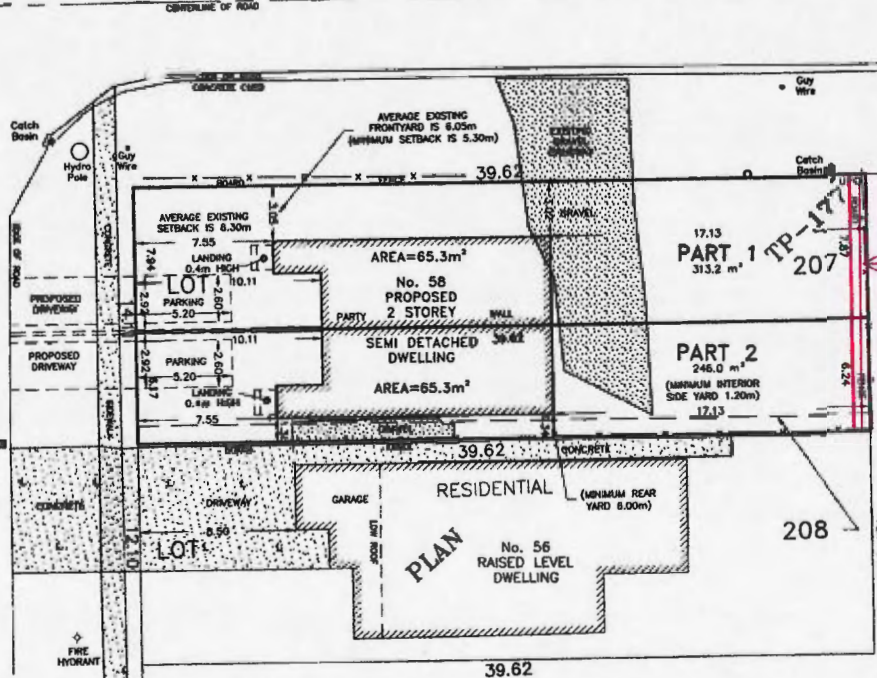
KIRKUP MASCOE URE SURVEYING LTD.
 ONTARIO LAND SURVEYORS



NOTE
 THIS SKETCH IS INTENDED FOR USE OF
 THE COMMITTEE OF ADJUSTMENT ONLY.
 MEASUREMENTS MAY VARY UPON FIELD
 SURVEY.

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

CEDARDALE AVENUE
 PUBLIC TRAVELLED ROAD (20.1m WIDE)



Buried telephone cable. 200pr
 copper
 50pr copper
 Still in use, serving areas
 north, east and south of Part
 1 and 2. (Approx 0.5m inside
 PL)

	PART 1	PART 2
LOT AREA	313.2 m²	246.0 m²
LOT COVERAGE	85.3 m² 21%	65.3 m² 27%
LANDSCAPED OPEN SPACE	217.0 m² 69%	149.7 m² 61%

PLOT DATE : SEPTEMBER 26, 2018
 William A. Mascoe
 WILLIAM A. MASCOE
 ONTARIO LAND SURVEYOR

KIRKUP MASCOE URE
SURVEYING LTD.
 49 BASIL CHESTER AVENUE, ST. CATHARINES, ONTARIO L2P-2Y6
 TELEPHONE: (905) 685-3951, FAX (905) 641-4424
 E-MAIL: info@kirkupmascoeure.com
 www.kirkupmascoeure.com

JOB No. : 2018-0136 DWG FILE : 18-0136_SKETCH

60.84.2229
60.81.5440
60.81.5441

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, January 03, 2019 1:01 PM
To: Banda, Wilrik
Subject: RE: Email 2 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Hello Banda
Email-2
Cogeco has no issues or concerns with this adjustments
Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]
Sent: Thursday, January 3, 2019 12:38 PM
To: Doug Crown
Subject: Email 2 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Good Afternoon Doug:

Email 2

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019.**

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438

- | | |
|---|----------------|
| 5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439 | Email 2 |
| 6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229 | Email 2 |
| 58 Park Avenue, Minor variance, A-06/19 – 60.81.5440 | Email 2 |
| 60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441 | Email 2 |
| 7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230 | |
| 542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442 | |
| 2 Guy Road, Minor Variance, A-09/19 - 60.81.5443 | |

Thanks, Wil

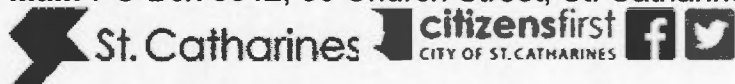
Wilrik Banda

Planning Technician

Email: wbanda@stcatharines.ca

Phone: 905.688.5601 x1717 TTY: 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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Memorandum

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

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

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

Date: January 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – January 30, 2019 hearing - File No.: 300-036

B-01/19SC – 58 Park Avenue

Comment:

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

Condition:

- The existing dwelling on Parts 1 and 2 shall be removed. A demolition permit is required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

B-02/19SC – 542 Geneva Street

Comment:

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

Condition:

- The existing dwelling on Part 2 shall be removed. A demolition permit is required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2019\02bcoa memo-sev-January 30,2019.docx



Memorandum

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

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

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

Date: January 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 30, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-01/19	68 Russell Ave	-Be advised that a building permit is required for the proposed alterations to the existing dwelling unit. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-02/19	600 Scott Street	-No Comment
A-03/19	27 Wakelin Terrace	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-04/19	33 Merigold Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-05/19	64 Broadway	-Be advised that a building permit is required for the proposed detached garage with loft.
A-06/19	58 Park Avenue	-No Comment
A-07/19	60 Park Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-08/19	542 Geneva Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-09/19	2 Guy Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\01 bcoa memo-mv-Jan30, 2019.docx

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-01/19SC



January 14th, 2019

ENGINEERING FILE 300-36

Hearing Date: January 30th, 2019

Applicant: 2274846 Ontario Inc.

Location: 58 Park Avenue

MUNICIPAL SERVICES

	<u>Park Avenue</u>	<u>Cedardale Avenue</u>
Water:	200mm P.V.C.	150mm A.C.
Sanitary Sewer:	250mm Conc. 3.4m deep	None Adjacent
Storm Sewer:	250mm P.V.C.	
Sidewalks:	Yes	No
Road Allowance Width:	20m±	20m+/-

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 creating a lot for one-half of a semi-detached dwelling. Part 2 will be another lot for the other half of the semi-detached dwelling. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately.

Roads

Park Avenue is designated as a Local Road in the City's Official Plan with a desired right-of-way width of 20m. Its current width along the Applicant frontage is 20m. Cedardale Avenue is also designated as a Local Road in the City's Official Plan. It's current width is also 20m. Therefore, no road widenings are required at this time.

The Owner shall pay the City to fill the existing curb cut on Cedardale Avenue. This fee will be paid at the Building Permit stage.

The Owner shall pay the City for the cost of a future sidewalk on Cedardale Avenue across the flankage of Part 1. The total estimated cost of the Owner's share is \$14,263.20.

Engineering Services

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

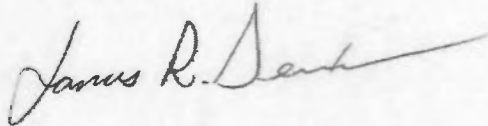
Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance. Since a new storm sewer exists on Park Avenue the Owner shall pay to have a new storm lateral installed from the existing CB opposite the southwest corner of Part 2 to the front property line of Part 2. The Owner shall, through a Plumbing Only Permit extend this lateral to the proposed new dwelling and connect the sump pump for this dwelling to this lateral. The sump pump for Part 1 will be permitted to discharge to the flange along Cedardale Avenue. Fees to provide the storm lateral are to be paid prior to at the Building Permit stage.

The Owner shall confirm that the location of existing water service and sewer laterals to be re-used do not cross any abutting and/or future lot lines. If these services are determined to cross abutting and/or future lot lines, the Owner shall be responsible to relocate the portion of these works on private property through a Plumbing Only permit so as not to continue private service crossings over abutting and/or future lot line. The Owner shall also pay the City the fees to provide new water services and sewer lateral(s) to the property lines in order for each property to be serviced individually. Fees to complete this work are to be paid prior to the issuance of the building permit.

Condition(s):

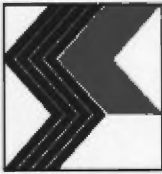
Prior to the severance finalization the Owner shall;

- Pay the fee for City crews to locate, trace, inspect and record the existing sewer and water laterals servicing the existing property.
- If the existing services are suitable for reuse but cross existing or future side lot lines, the Owner shall be responsible to complete any relocation works on private property and pay the City to install any new water service and/or sanitary sewer lateral required to accommodate the relocation works.
- The Owner shall pay the City \$14,263.20 for the cost of a future sidewalk along the Cedardale Avenue flange.



Prepared By: _____

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, Development Engineering Technologist
Vincent Wen, Planning Student

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

Date: January 17th, 2019

Hearing Date: January 30th, 2019

Subject: Engineering Comments Regarding Minor Variance applications for;
68 Russell Avenue, A-01/19SC
600 Scott Street, A-02/19SC
27 Wakelin Terrace, A-03/19SC
33 Merrigold Street, A-04/19SC
64 Broadway Street, A05/19SC
58 & 60 Park Avenue, A-06/19SC & 07/19SC
542 Geneva Street & 2 Guy Road, A-08/19SC & 09/19SC

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: January 11, 2019
Subject: Committee of Adjustment Hearing – Jan 30, 2019

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
No comment.
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
No comment.
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
No comment.
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
No objection to the requested variance. Boulevard not used for access purposes should be re-instated with landscaping.
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
No comment.
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441

The exiting boulevard tree has some significant co-dominant stems, presenting cause for future concern. Staff are supportive of the removal of this boulevard tree.

Staff request the following be included as a conditions of severance:

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 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.

7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

There are existing boulevard trees located on the Guy Road frontage which will require removal. The applicant will be responsible the removal, replacement, and permit costs associated with these trees and addition to standard boulevard planting requirements.

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

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees.

That the applicant be responsible for the costs associated with the removal, replacement, and permit costs for the removal of the existing boulevard trees along Guy Road.

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

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

Jessica Button
Project and Development Planner

Parks, Recreation and Culture Services



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 15, 2019

Subject: Committee of Adjustment
Public Hearings – January 30, 2019
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/



CITY OF ST. CATHARINES

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-02/19SC (60.84.2230)

A-08/19 (60.81.5542)

A-09/19 (60.81.5443)

**542 Geneva Street &
2 Guy Street**

**DATE OF HEARING:
January 30, 2019**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 23, 2019

Date of Meeting: January 30, 2019

Report Number: A-08/19
A-09/19
B-02/19SC

File: 60.81.5442
60.81.5443
60.84.2230

Subject: 542 Geneva Street
2 Guy Road

Recommendation

That Submission **B-02/19SC**, by Matteson DeLuca, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. Pay the fee for City crews to locate, trace, inspect and record the existing sewer and water laterals servicing the existing building;
2. If the existing services are suitable for reuse but cross existing or future side lot lines, the Owner shall be responsible to complete any relocation works on private property and pay the City to install any new water service and/or sanitary sewer lateral required to accommodate the relocation works;
3. 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:
 - For Part 1:
 - i) the building line along Geneva Street be preserved through the angling of the proposed dwelling on Part 1, similar to the orientation identified on the sketch submitted with this application, to reflect the varying setbacks of the abutting Geneva Street properties
 - ii) that the façade facing Geneva Street be articulated with enhanced architectural features, bump outs, fenestration, and compatible and variable building materials to enhance the Geneva Street streetscape.
 - iii) the building plans be generally in accordance with the elevation plans submitted with this application.
 - For Part 2:
 - i) building plans be generally in accordance with the elevation plans submitted with this application.

4. 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 \$2,492.25 (2019 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;
5. That the applicant submits a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees;
6. That the applicant be responsible for the costs associated with the removal, replacement, and permit costs for the removal of the existing boulevard trees along Guy Road; and,
7. 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.
8. That the existing dwelling be demolished, in accordance with required permits.

That Submissions **A-08/19** and **A-09/19**, by Matteson DeLuca, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, Staff is of the opinion that application **B-02/19SC** is desirable and compatible with the surrounding area and will not result in adverse impact on the surrounding properties. Additionally, having regard for the matters under Section 45(1) of the Planning Act, Staff is of the opinion that the variances requested through applications **A-08/19** and **A-09/19** are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommends that the requested consent and minor variances be approved.

The Proposal

Application **B-02/19SC** is made for consent to sever 490.9 m² of land (Part 1 on the submitted sketch) creating a new lot for the purpose of constructing a new two-storey single detached dwelling. A 445.3 m² remnant (Part 2), to be known as 2 Guy Road, would be retained for construction of a new single detached dwelling. The existing dwelling on the lot (not identified on the sketch submitted with the application) is intended for demolition.

Application **A-08/19 (Part 1)** has been made to vary Zoning By-law 2013-283 for the following variances for Part 1 in order to facilitate the concurrent consent application, **B-02/19SC**:

- 1) A reduction of the average front yard setback from 9.885 metres to 6.21 metres;
- 2) A reduction of the average exterior side yard setback from 10.35 metres to 5.19 metres.

Application **A-09/19 (Part 2)** is made to vary City of St. Catharines By-law 2013-283 for a reduction of the average front yard setback of 9.885 m to 6.05 m, to facilitate the concurrent consent application **B-02/19SC**.

Location and Site Description

The subject lot is located on the southeast corner of Geneva Street and Guy Road, to the west of Duncan Drive, and north of Glen Park Road. The surrounding area consists of primarily detached dwelling as well as a park.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E2 of the Garden City Plan. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

Zoning By-law (2013-283)

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

The proposed dwelling types are permitted by the Official Plan and zoning by-law.

Report

Consent B-02/19SC

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

The proposed lots are appropriate for the proposed single detached dwellings, subject to certain conditions. Parts 1 and 2 on the submitted sketch are slightly smaller than most

of the existing lots in the surrounding area, aside from the properties directly across the street at 1 and 3 Guy Road, in which a land division of a similar nature (exemption of part lot control) was approved in 1998. The proposed lots will have similar lot sizes to those properties. The consent is appropriate for the optimum development of the land and the proposed severed and retained lots are of a sufficient size to support the proposed new detached dwellings.

The proposed development will achieve a compatible built form and that fits with the existing streetscape in terms of spacing and building setbacks. The proposed lots will not negatively impact the established character of the neighbourhood. The proposal is an example of good infill development in an established residential area, subject to the conditions as outlined in the recommendation. The severance and proposed development for 542 Geneva Street maintain the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area and the character of the neighbourhood. Staff recommend approval of the consent, 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 proposed consent was submitted to the DRP for review at the meeting of November 20, 2018. The DRP considered a proposal to demolish the existing home and to sever the lot for the purpose of constructing two two-storey detached dwellings. It was advised that the proposed building on Part 1 would require variances for minimum rear yard setback and minimum side yard setback, and that both dwellings may also require a variance for minimum front yard setback due to averaging.

Understanding the need to preserve the Geneva Street streetscape, and given the location of Part 1 at the corner of Geneva and Guy Road, the applicant angled the proposed dwelling on Part 1 to reflect the varying setbacks of the abutting Geneva Street properties. This positioning of the dwelling on Part 1, as outlined in the sketch submitted with the application, serves to preserve site lines along Geneva Street. Further articulation of the Geneva Street façade is recommended, from that identified in the elevation plans, to avoid long expanses of walls without articulation in the form of windows, variable materials, and similar techniques to provide architectural interest.

The DRP stated that it believes the negative impact of the current house on the streetscape is far greater than what is proposed. The suggested two new detached dwellings offer far better liveability, sight lines and streetscape for the existing abutting properties.

The DRP expressed concern that that the dwelling at 540 Geneva has a row of cedars along the property line and advised that these should be preserved. Staff consider this preservation to be inherent in that the rear yard for both proposed lots is sufficient to not threaten this hedge row. It was also noted that the property has a number of large pines in the current Geneva Street front yard that should be preserved, but acknowledged that some or all of these may need to come down. Staff do not believe these trees can be preserved given the development proposed.

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

The Committee should be aware that they have the authority under the Planning Act to waive fees where it would be unreasonable to charge the standard fee. A Development Agreement as a condition of consent, to ensure the new lot develops generally in accordance with any conditions requested by the DRP or staff, provides the applicable law necessary to bind the plans submitted with this application, or conditions of approval, to the issuance of a building permit. The Development Agreement fee, as approved in the Tariff of Fees approved by Council for 2019, a fee of \$ \$2,492.25, 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.

Development Engineering staff have advised that Geneva Street is designated an Arterial Road in the City's Official Plan with a desired right-of-way width of 26.12 metres. Its current width along the Geneva Street frontage is for the most part approximately 20 metres. However, the portion of the right-of-way that is deficient is on the opposite side of Geneva Street. Therefore, a widening is not required from the subject property at this time.

It has also been advised that increased drainage challenges occur in these types of infill lot developments, where existing lots within established plans of subdivision sometimes do not have suitable drainage outlets in place. Individual lot drainage plans will be required for review and approval at the building permit stage and shall be submitted at that time to ensure that the drainage scheme conveys drainage flows to suitable outlets, and does not adversely affect abutting properties. Sump pump flows are permitted to be discharged to grade, when no opportunity exists to connect to a municipal storm sewer. Since a storm sewer does exist on Geneva Street and on Guy Road, sump pump flows shall be discharged directly to a storm lateral. Therefore, the Owner will be required to pay to have the City install one new storm lateral for each lot (Part 1 and Part 2). Payment will be made at the time of application for a building permit and the amounts shall be in accordance with the City's approved Schedule of Rates and Fees in effect at that time.

The Owner shall be responsible to pay the City a fee to locate, trace, inspect and record the location of the existing water service and sanitary sewer laterals for the existing home to ensure they are in a suitable condition and size for re-use and will not cross any existing or proposed future side lot lines. If these services are determined to be suitable for re-use however, they do cross existing or future potential lot lines, the Owner shall be responsible to complete any relocation works on private property prior to finalization of the severance. These works must be done through a Plumbing Only permit. If these relocation works also result in the necessity to install a new service(s) within the City road allowance, the Owner shall pay the City the fees to provide such services prior to the finalization of the severance. These fees shall also be in accordance with the City's approved Schedule of Rates and Fees.

The City's Parks, Recreation, and Cultural Services department has advised that there are existing boulevard trees located on the Guy Road frontage which will require removal. The applicant will be responsible for the removal, replacement, and permit costs associated with these trees, in addition to standard boulevard planting requirements. Conditions have been included in the recommendation to reflect this.

Variances

The average setback of adjacent properties, +/- 0.75 metres, is the required average front yard setback where the average is in excess by 2 metres or greater of the stated requirement in the Zoning By-law. In this situation, the average setback of adjacent properties is 9.885 metres (Guy Road frontage) and with the permitted as-of-right variance of 0.75 metres, the minimum front yard setback for the lots is 9.135 metres and the maximum front yard setback is 10.63 metres. Variance 1 of both applications requests the average front yard setback be reduced to 6.21 metres and 6.05 metres, respectively, for the proposed construction of a detached dwelling on each lot. The average front yard setback provision of the by-law is intended to ensure that the front walls of dwellings are generally aligned with neighbouring lots to create a consistent built form along the streetscape. In this instance, the greater benefit is in preserving the rear yard depth, which would otherwise be compromised, if the variance to the front yard setback was denied.

Similarly, the average setback provision also applies to the required exterior side yard setback (Geneva Street yard for Part 1). In this situation, the average setback of adjacent properties is 10.35 metres and with the permitted as-of-right variance of 0.75 metres, the minimum exterior side yard setback for the lot is 9.6 metres with a maximum of 10.42 metres. Variance 2 of application **A-08/19** requests that the average exterior side yard setback be reduced to 5.19 metres. In this context, the yards facing Geneva Street are variable. The requested reduction maintains adequate site lines and, providing the angular positioning of the new dwelling is maintained and the architectural articulation requirement for the Geneva facing façade, staff can recommend approval.

Staff is in agreement with the Design Review Panel, in that the negative impact of the current house on the streetscape is far greater than the proposed two new lots and dwellings. The proposed development offers far better liveability, sight lines and

streetscape for the existing abutting properties. Staff originally discussed with the applicant a proposal for 3 townhouses on the subject property, which would have resulted in a significant overdevelopment of the lot as well as major departures from the requirements of the zoning by-law. The applicant's revised proposal is a far more suitable form of infill development that will achieve a measure of compatibility with the surrounding area, and will be an efficient and desirable redevelopment of the site, and an improvement on the Geneva Street and Guy Road streetscapes.

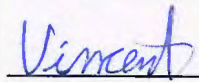
Staff is of the opinion that approval of the variances is in keeping with the general intent of the Official Plan and Zoning By-law, that the variances are minor in nature, and are appropriate and desirable for the use of the land. Staff recommend the requested minor variances be approved.

Conclusion

Staff is of the opinion that application **B-02/19SC** is compatible with the neighbourhood, the provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consent to sever be approved.

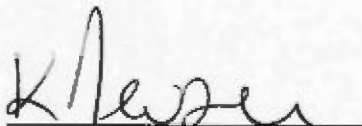
Staff is of the opinion that applications **A-08/19** and **A-09/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I



Judy Pinach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Samantha Burke <samantha.burke@alectrautilities.com>
Sent: Friday, January 11, 2019 9:41 AM
To: Banda, Wilrik
Cc: Munro, Elaine
Subject: Response Letters
Attachments: SCH_CLR2019-008.pdf; SCH_CLR2019-004_005_006.pdf; SCH_CLR2019-010.pdf; SCH_CLR2019-009.pdf; SCH_CLR2019-011_012_013.pdf

Good Morning Wil,

Response letters attached for the following files/locations;

60.81.5437 – 27 Wakelin Terrace

60.81.5436 – 600 Scott St

60.81.5440, 60.84.2229 & 60.81.5441 – 58 and 60 Park Ave

60.81.5435 – 68 Russell Ave

60.84.2230, 60.81.5442 & 60.81.5443 – 542 Geneva St and 2 Guy Ave

Email response only, originals will not be mailed.

Have a great weekend,
Samantha



Samantha Burke
Engineering Records Clerk
55 John Street North, Hamilton, ON L8R 3M8
t 905.522.6611 ext:2276
alectrautilities.com



From: Banda, Wilrik <wbanda@stcatharines.ca>
Sent: Friday, January 04, 2019 1:43 PM
To: Samantha Burke <samantha.burke@alectrautilities.com>
Subject: Email 3 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Samantha:

Email 3

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019**.

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441
7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Email 3
Email 3
Email 3

Thanks, Wil

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January 9, 2019

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

Attention: Wilrik Banda

File# 60.84.2230, 60.81.5442 & 60.81.5443

Re: 542 Geneva St and 2 Guy Rd

In response to your correspondence dated January 8, 2019, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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


We would also like to stipulate the following:

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

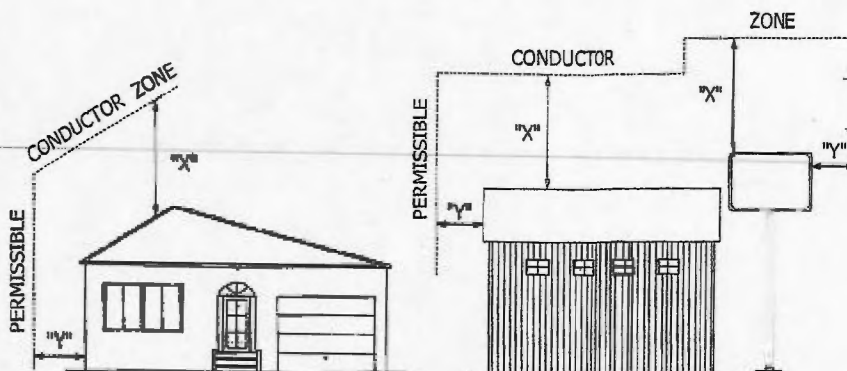
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, 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 dark ink, appearing to be 'Mark Jakubowski', enclosed within a large, hand-drawn oval.

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

horizon
UTILITIES *Looking beyond...*

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

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

REFERENCE DRAWINGS:		DRAWINGS NOT TO SCALE	
DRAWING #	SHEET #	REVISION #	
3-105	1	0	

60.84.2236
60.81.5442
60.81.5443

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Thursday, January 03, 2019 1:03 PM
To: Banda, Wilrik
Subject: RE: Email 3 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Hello Banda
Email-3
Cogeco has no issues or concerns with this adjustments
Thanks
Have a great day

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



From: Banda, Wilrik [mailto:wbanda@stcatharines.ca]
Sent: Thursday, January 3, 2019 12:40 PM
To: Doug Crown
Subject: Email 3 of 3 Committee of Adjustment Hearing St. Catharines January 30, 2019

Good Afternoon Doug:

Email 3

Attached please find the Notices, Applications & Sketches for the January 30, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

It would be greatly appreciated if you could please forward your comments to, Kirstin Jensen, Elaine Munro & myself by **Friday, January 11, 2019**.

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437

4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
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542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

Email 3
Email 3
Email 3

Thanks, Wil

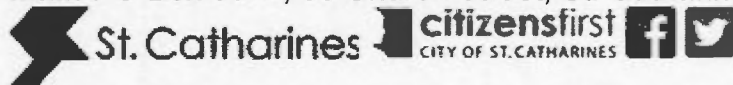
Wilrik Banda

Planning Technician

Email: wbanda@stcatharines.ca

Phone: 905.688.5601 x1717 **TTY:** 905.688.4TTY (4889)

Mail: PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2



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Memorandum

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

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

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

Date: January 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – January 30, 2019 hearing - File No.: 300-036

B-01/19SC – 58 Park Avenue

Comment:

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

Condition:

- The existing dwelling on Parts 1 and 2 shall be removed. A demolition permit is required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

B-02/19SC – 542 Geneva Street

Comment:

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

Condition:

- The existing dwelling on Part 2 shall be removed. A demolition permit is required and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2019\02bcoa memo-sev-January 30,2019.docx



Memorandum

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

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

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

Date: January 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 30, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-01/19	68 Russell Ave	-Be advised that a building permit is required for the proposed alterations to the existing dwelling unit. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-02/19	600 Scott Street	-No Comment
A-03/19	27 Wakelin Terrace	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-04/19	33 Merigold Street	-Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and the permitted type of construction facing the these yards.
A-05/19	64 Broadway	-Be advised that a building permit is required for the proposed detached garage with loft.
A-06/19	58 Park Avenue	-No Comment
A-07/19	60 Park Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-08/19	542 Geneva Street	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-09/19	2 Guy Road	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\01 bcoa memo-mv-Jan30, 2019.docx

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-02/19SC



January 15th, 2019

ENGINEERING FILE 300-36

Hearing Date: January 30th, 2018

Applicant: 2556067 Ontario Inc.

Location: 542 Geneva Street

MUNICIPAL SERVICES

	<u>Geneva Street</u>	<u>Guy Road</u>
Water:	200mm P.V.C.	150mm P.V.C.
Sanitary Sewer:	525mm +/-4.5m deep	525mm +/-5m deep
Storm Sewer:	1800mm	1800mm
Sidewalks:	Yes – currently encroach onto private property	
Road Allowance Width:	20m+(Varies)	26m/20m

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 creating a new lot to be known as 542 Geneva Street. Part 2 will be retained for residential use and be known as 2 Guy Road. Both Parts will have new housing units constructed on them. The existing house on Part 2 is being demolished.

Roads

Geneva Street is designated an Arterial Road in the City's Official Plan with a desired right-of-way width of 26.12m. Its current width along the Geneva Street frontage is for the most part 20m ±. However, the portion of the right-of-way that is deficient is on the opposite side of Geneva Street. Therefore, a widening is not required from the subject property at this time.

Engineering Services

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

Sump pump flows are permitted to be discharged to grade, when no opportunity exists to connect to a municipal storm sewer. Since a storm sewer does exist on Geneva Street and on Guy Road, sump pump flows shall be discharged directly to a storm lateral. Therefore, the Owner will be required to pay to have the City install one new storm lateral for each lot (Part 1 and Part 2). Payment will be made at the time of application for

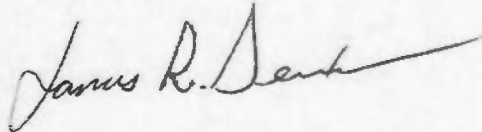
a building permit and the amounts shall be in accordance with the City's approved Schedule of Rates and Fees in effect at that time.

The Owner shall be responsible to pay the City a fee to locate, trace, inspect and record the location of the existing water service and sanitary sewer laterals for the existing home to ensure they are in a suitable condition and size for re-use and will not cross any existing or proposed future side lot lines. If these services are determined to be suitable for re-use however, they do cross existing or future potential lot lines, the Owner shall be responsible to complete any relocation works on private property prior to finalization of the severance. These works must be done through a Plumbing Only permit. If these relocation works also result in the necessity to install a new service(s) within the City road allowance, the Owner shall pay the City the fees to provide such services prior to the finalization of the severance. These fees shall also be in accordance with the City's approved Schedule of Rates and Fees.

Condition(s):

Prior to finalization of the severance the Owner shall;

- Pay the fee for City crews to locate, trace, inspect and record the existing sewer and water laterals servicing the existing building.
- If the existing services are suitable for reuse but cross existing or future side lot lines, the Owner shall be responsible to complete any relocation works on private property and pay the City to install any new water service and/or sanitary sewer lateral required to accommodate the relocation works.



Prepared By: _____

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Brad Johnston, Development Engineering Technologist
Vincent Wen, Planning Student

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

Date: January 17th, 2019
Hearing Date: January 30th, 2019

Subject: Engineering Comments Regarding Minor Variance applications for;
68 Russell Avenue, A-01/19SC
600 Scott Street, A-02/19SC
27 Wakelin Terrace, A-03/19SC
33 Merrigold Street, A-04/19SC
64 Broadway Street, A05/19SC
58 & 60 Park Avenue, A-06/19SC & 07/19SC
542 Geneva Street & 2 Guy Road, A-08/19SC & 09/19SC

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



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: January 11, 2019
Subject: Committee of Adjustment Hearing – Jan 30, 2019

1. 68 Russell Avenue, Minor Variance, A-01/19 – 60.81.5435
No comment.
2. 600 Scott Street, Minor Variance, A-02/19 – 60.81.5436
No comment.
3. 27 Wakelin Terrace, Minor Variance, A-03/19 – 60.81.5437
No comment.
4. 33 Merigold Street, Minor Variance, A-04/19 – 60.81.5438
No objection to the requested variance. Boulevard not used for access purposes should be re-instated with landscaping.
5. 64 Broadway, Minor Variance, A-05/19 – 60.81.5439
No comment.
6. 58 Park Avenue, Consent, B-01/19SC – 60.84.2229
58 Park Avenue, Minor variance, A-06/19 – 60.81.5440
60 Park Avenue, Minor Variance, A-07/19 – 60.81.5441

The exiting boulevard tree has some significant co-dominant stems, presenting cause for future concern. Staff are supportive of the removal of this boulevard tree.

Staff request the following be included as a conditions of severance:

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 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.

7. 542 Geneva Street, Consent, B-02/19SC – 60.84.2230
542 Geneva Street, Minor Variance, A-08/19 – 60.81.5442
2 Guy Road, Minor Variance, A-09/19 - 60.81.5443

There are existing boulevard trees located on the Guy Road frontage which will require removal. The applicant will be responsible the removal, replacement, and permit costs associated with these trees and addition to standard boulevard planting requirements.

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

That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees.

That the applicant be responsible for the costs associated with the removal, replacement, and permit costs for the removal of the existing boulevard trees along Guy Road.

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

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

Jessica Button
Project and Development Planner

Parks, Recreation and Culture Services



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 15, 2019

Subject: Committee of Adjustment
Public Hearings – January 30, 2019
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/