
Agenda

1. Chair to call the Hearing to Order
2. Amendments/Additions to the Agenda
3. Declarations of Interest
4. Request for Withdrawal or Adjournment
5. Adoption of the Minutes held
6. Application:
 1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210
 2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219
 - 37B Henley Drive, Consent, B-77/18SC – 60.84.2220
 3. 1070 Vansickle Road N, Consent, B-03/19SC – 60.84.2231
 - 1070A Vansickle Road N, Minor Variance, A-11/19 – 60.81.5445
 - 1070B Vansickle Road N, Minor Variance, A-12/19 – 60.81.5446
 4. 1074 Vansickle Road N, Consent, B-08/19SC – 60.84.2236
 - 1074A Vansickle Road N, Minor Variance, A-21/19 – 60.81.5455
 - 1074B Vansickle Road N, Minor Variance, A-22/19 – 60.81.5456
 5. 12 Fitzroy Lane, Minor Variance, A-10/19 – 60.81.5444
 6. 156 Berryman Avenue, Minor Variance, A-16/19 – 60.81.5450
 7. 24 Woodmount Drive, Consent, B-06/19SC – 60.84.2234
 - 22A Woodmount Drive, Minor Variance, A-17/19 – 60.81.5451
 - 24 Woodmount Drive, Minor Variance, A-18/19 – 60.81.5452
 8. 102 Broadway, Consent, B-07/19SC – 60.84.2235
 - 102 Broadway, Minor Variance, A-19/19 – 60.81.5453
 - 2 Lakeside Drive, Minor Variance, A-20/19 – 60.81.5454
 9. 12 Salina Street, Minor Variance, A-23/19 – 60.81.5457
 10. 13 Chestnut Street, Consent, B-09/19SC – 60.84.2237
 - 13 Chestnut Street, Minor Variance, A-25/19 – 60.81.5459
 - 13B Chestnut Street, Minor Variance, A-26/19 – 60.81.5460
 11. 51 Mary Street, Minor Variance, A-27/19 – 60.81.5461

****Planning Reports will be available by Fri. February 22, 2019**

7. New Business:
8. Date of next Hearing: Thursday, March 28, 2019
9. Adjournment

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

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

COMMENTS

B-67/18SC (60.84.2210)

71 Bradley Street

DATE OF HEARING:
February 27, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 20, 2019

Date of Hearing: February 27, 2019

Submission(s): B-67/18SC

File: 60.84.2210

Subject: 71 Bradley Street

Recommendation

That Submission **B-67/18SC** by Lionstone Homes, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. 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;
2. That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given' and that the appraisal be completed by a qualified appraiser;
3. The Owner shall pay to the City the cash-in-lieu equivalent for the future construction of approximately 20.0 metres of 1.50-metre-wide concrete sidewalk by City forces. The cash-in-lieu equivalent is reflective of current construction price index amounts and average City tender document pricing, at the time of payment, plus a 10% contingency; and
4. The owner enter into a Development Agreement with the City, registered on title to the lands (Parts 1 & 2), to address the following condition:
 - a. Building Permit plans be generally in accordance with the plans submitted with the application by DeFilippis Design for Lionstone Homes, dated October 16 2018, as reviewed and approved by the Urban Design Planner for the City.

Summary

Having regard for Section 24(3) of the Niagara Escarpment Planning and Development Act, which requires that a development permit from the Niagara Escarpment Commission be required to proceed with this development and the creation of the lot, the NEC is in support of this application as a development permit has been issued.

Additionally, having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-67/18SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on the surrounding properties. Staff recommends that the requested consent be approved.

The Proposal

Application **B-67/18SC** is made for consent to sever 373.2 m² of land (Part 1 on the submitted sketch) creating a new lot to be known as 71A Bradley Street for the proposed construction of a semi-detached dwelling. A 344.5 m² (Parts 2 & 3) remnant parcel will be retained for the other half of the proposed semi-detached dwelling. The application allows each unit of the semi-detached dwelling to be owned and/or sold separately.

Location and Site Description

The subject property is located on the south side of Bradley Street, east of Dundas Crescent. The subject property is surrounded by greenspace to the north – Mountain Locks Park and the Merritt Trail, and detached dwellings to the east, south and 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 lands are 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 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)

Zoning By-law 2013-283 is not applicable to this application, as it is under the Niagara Escarpment Commission Development Control area.

Report

The subject lands are located completely within the Niagara Escarpment Development Control area as established through O. Reg. 826/90 – ‘Designation of Area of Development Control’. Lands within Development Control are not regulated by zoning administered under the *Planning Act* but instead are subject to a development permit system administered under the *Niagara Escarpment Planning and Development Act (NEPDA)*. Under this system, the definition of ‘development’ includes a change in use of any land, building or structure, and **lot creation**. The lands subject to the proposed consent application are designated as ‘Urban Area’.

The NEC treats lot creation within the area of Development Control as a form of development that would require an NEC Development Permit. As such, a Development Permit is required from the NEC prior to the creation of a new lot by the City.

NEC Development Permit #11573/N/R/2018-2019/228

On December 31, 2018, NEC Staff issued Development Permit #11573/N/R/2018-2019/228 that authorized the following:

The creation of a 373.2 m² (4019.9 ft²) residential lot from a ± 717.7 m² (7717.7 ft²) existing lot of record in order to facilitate the construction of a 2-storey, ± 340.0 m² (± 3,660 ft²) semi-detached dwelling (2 x 170 m²), with a maximum height to peak of ± 11.8 m (± 38.7 ft.), retaining wall, driveways, and associated landscaping on a 0.07 ha (0.17 ac.) urban lot supported by municipal servicing.

Application B-67/18SC

NEC Staff have reviewed the proposal alongside the submitted supporting documentation and are satisfied that it coincides with the development approved through NEC Development Permit #11573/N/R/2018-2019/228. Conditions affixed to that permit shall be adhered to by the applicant.

Accordingly, NEC Staff have no objection to the approval of City of St. Catharines Committee of Adjustment Application **B-67/18SC**.

Design Review Panel (DRP)

The DRP considered a proposal to sever the vacant lot at their meeting of July 3rd, 2018. The applicant proposed to construct a 2-storey semi-detached dwelling with access from Bradley Street. The Panel acknowledged that the proposal would require an NEC permit.

The Panel expressed support for the proposal, noting that the proposed unit design appears to fit with neighbouring recently constructed homes. The Panel was supportive of the reduced garage setbacks, provided that covered front porches be provided for each dwelling unit and that each project in front of the garages, as proposed.

Development Engineering Staff mentioned that Bradley Street is designated as a local road as per the City's Official Plan with a desired right-of-way width of 20.0 metres (66'). Its current width is sufficient and therefore no further widening's will be obtained through

this application. It is currently in a semi-urban cross section state, where no curb and gutter exist, nor sidewalks.

Sidewalks do not exist along the frontage of this property, however Council is looking for "Complete Streets and Walkable Communities" which in addition to accommodating vehicles, right-of-ways shall provide a "safe, functional and attractive pedestrian and cycling environment". The Garden City Plan indicates (Section 5.2.1D) that sidewalks should be provided on both sides of all local streets, and Section 5.2.3 states all existing roads shall be brought up to today's standards. The Applicant shall therefore be required to pay the cash-in-lieu equivalent for the future construction of a 1.50-metre-wide concrete sidewalk along the frontage of the Applicant property, with the fee in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment, plus an additional 10% contingency.

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 flows to a suitable outlet, and does not adversely affect abutting properties. The lot has already been accommodated with one set of water and sewer services through a previous Development Agreement Application for the subject lands. The Owner shall be responsible to pay the City the fees to install the additional water and sanitary sewer laterals required for the easterly unit, through the building permit process.

Sump pump flows typically discharge to grade when no opportunities to connect to a storm sewer in the road allowance exist. Since storm sewers do not exist along Bradley Street fronting the westerly proposed unit, foundation weeping tile flows for that unit shall be collected and discharged to grade via sump pump. The discharge location shall be towards the front of the lot only, not towards the side lot line. With respect to the easterly proposed unit, a City storm sewer exists along the easterly property line of the subject lot, therefore foundation weeping tile flows for the easterly unit shall be collected and discharged to this storm sewer via sump pump and storm lateral connection to the existing manhole in the Bradley Street boulevard.

Building Staff have advised that a building permit is required for the proposed semi-detached dwelling on Parts 1 and 2. In addition, no encroachment by eaves or overhangs are permitted into the existing easement within Part 2. In addition, the owner is advised that should the building permit plans indicate any encroachment of eaves or similar projections over the common lot line, additional easements for these encroachments will be required prior to the issuance of a building permit.

Conclusion

The NEC and City Staff are of the opinion that Application **B-67/18SC** is compatible with the neighbourhood, the provisions of the NEC Development Control area, and will have


no potential adverse impacts on the surrounding area and the environment. It is Staff's recommendation that the requested consent to sever be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

February 21, 2019

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

Attention: Elaine Munro

File# 60.84.2210

Re: 71 Bradley St

In response to your correspondence dated February 5, 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.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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



Mark Jakubowski
Supervisor, Design, Customer Capital

Niagara Escarpment Commission

232 Guelph St.
Georgetown, ON L7G 4B1
Tel: 905-877-5191
Fax: 905-873-7452
www.escarpment.org

Commission de l'escarpement du Niagara

232, rue Guelph
Georgetown ON L7G 4B1
No de tel. 905-877-5191
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www.escarpment.org



Niagara Escarpment Commission
An agency of the Government of Ontario

February 12, 2019

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

Dear Ms. Munro

RE: Committee of Adjustment Application B-67/18SC
Lionstone Homes c/o Leo Ciardelli
71 Bradley Street
City of St. Catharines

This is response to the Notice of Hearing regarding the above-captioned Consent Application.

The subject lands are designated as 'Urban Area' under the Niagara Escarpment Plan (2017) and located wholly within the area of Development Control as established by O.Reg. 826/90 – 'Designation of Area of Development Control'.

NEC Development Permit #11573/N/R/2018-2019/228

On December 31, 2018 NEC Staff issued Development Permit #11573/N/R/2018-2019/228 that authorized the following:

The creation of a 373.2 m² (4019.9 ft²) residential lot from a ± 717.7 m² (7717.7 ft²) existing lot of record in order to facilitate the construction of a 2-storey, ±340.0 m² (± 3,660 ft²) semi-detached dwelling (2 x 170 m²), with a maximum height to peak of ±11.8 m (± 38.7 ft.), retaining wall, driveways, and associated landscaping on a 0.07 ha (0.17 ac.) urban lot supported by municipal servicing.

Application B-67/18SC

NEC Staff are of the understanding that the purpose of the above-captioned application has been made for consent to sever 373.2 m² of land creating a new lot to be known as 71A Bradley Street for the proposed construction of a semi-detached dwelling. A 344.5 m² (Parts 2 & 3) remnant parcel with the other half of the proposed semi-detached dwelling would be retained.

NEC Staff have reviewed the proposal alongside the submitted supporting documentation and are satisfied that it coincides with the development approved through NEC Development Permit #11573/N/R/2018-2019/228. Conditions affixed to that permit shall be adhered to by the applicant.

Accordingly, NEC Staff have no objection to the approval of City of St. Catharines Committee of Adjustment application B-67/18SC.

Should there be any questions or concerns please do not hesitate to contact the undersigned at your earliest convenience.

Regards,

A handwritten signature in black ink, appearing to read 'J. Stuart', with a stylized, cursive script.

John Stuart, RPP, MCIP
Senior Planner
Niagara Escarpment Commission

Munro, Elaine

From: Stuart, John (MNRF) <John.Stuart@ontario.ca>
Sent: Tuesday, February 12, 2019 9:55 AM
To: Munro, Elaine
Subject: NEC Comments B-67/18SC
Attachments: NEC Comments B-67-18SC.pdf

Good Morning Elaine,

Please see attached for NEC comments for the noted application.

No hardcopies will follow.

If there are any questions or concerns please do not hesitate to contact me.

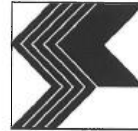
Regards,

John Stuart, MCIP, RPP
Senior Planner
Niagara Escarpment Commission
Telephone: (905) 877-7815
Fax: (905) 873-7452
Email: John.Stuart@ontario.ca
www.escarpment.org

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



February 11, 2019

ENGINEERING FILE 300-36

Hearing Date: February 27, 2019

Applicant: Lionstone Homes

Location: 71 Bradley Street

MUNICIPAL SERVICES **Bradley Street**

Water: 150mm P.V.C

Sanitary Sewer: 600mm Regional Trunk Sewer

Storm Sewer: 600mm traversing the easterly limit through an access and maintenance easement to the City of St. Catharines (Part 3 on the attached sketch).

Sidewalks: None

Road Allowance Width: 20.0m (66')

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 for the purpose of creating a new lot to be known as 71A Bradley Street for the proposed construction of a semi-detached dwelling. A remnant parcel (Part 2) with the other half of the proposed semi-detached would be retained, as well as a parcel (Part 3) for continued Municipal sewer easement access and maintenance purposes.

Roads

Bradley Street is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.0m (66'). Its current width is sufficient and therefore no further widenings will be obtained through this application. It is currently in a semi-urban cross section state, where no curb and gutter exist, nor sidewalks.

Sidewalks

As mentioned, sidewalks do not exist along the frontage of this property, however Council is looking for "Complete Streets and Walkable Communities" which in addition to accommodating vehicles, right-of-ways shall provide a "safe, functional and attractive pedestrian and cycling environment". The Garden City Plan indicates (Section 5.2.1D) that sidewalks should be provided on both sides of all local streets, and Section 5.2.3 states all existing roads shall be brought up to today's standards. The Applicant shall be required to pay the cash-in-lieu equivalent for the future construction of a 1.50m wide concrete sidewalk along the frontage of the Applicant property, the fee in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment, plus an additional 10% contingency.

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 flows to a suitable outlet, and does not adversely affect abutting properties.

Sump pump flows typically discharge to grade when no opportunities to connect to a storm sewer in the road allowance exist. Since storm sewers do not exist along Bradley Street fronting the westerly proposed unit, foundation weeping tile flows for that unit shall be collected and discharged to grade via sump pump. The discharge location shall be towards the front of the lot only, not towards the side lot line. With respect to the easterly proposed unit, a City storm sewer exists along the easterly property line of the subject lot, therefore foundation weeping tile flows for the easterly unit shall be collected and discharged to this storm sewer via sump pump and storm lateral connection to the existing manhole in the Bradley Street boulevard.

The lot has already been accommodated with one set of water and sewer services through a previous development agreement application for the subject lands. The Owner shall be responsible to pay the City the fees to install the additional water and sanitary sewer laterals required for the easterly unit, through the building permit process. The fees shall be in accordance with the City's current Schedule of Rates and Fees. The Applicant shall note that since a local sanitary sewer does not exist on Bradley Street, the additional sanitary lateral required for the easterly unit must be authorized by the Region for City crews to connect a new sanitary lateral to the Region's trunk sewer, at a cost to the Applicant in accordance with the Region's 2019 Fees and Charges By-law 2017-111. This fee shall be collected by the City through the building permit process, and may be subject to additional fees by the Region.

Condition(s):

Prior to the severance finalization the Owner shall;

- pay to the City the cash-in-lieu equivalent for the future construction of approximately 20.0m of 1.50m wide concrete sidewalk by City forces, the cash-in-lieu equivalent reflective of current construction price index amounts and average City tender document pricing, at the time of payment, plus a 10% contingency



Prepared by:

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

c

Brian Thiessen, PBS (email only)
James Denham, PBS (email only)
Christine Adams, TES (email only)
Susan Dunsmore, Niagara Region (email only)

Munro, Elaine

Subject:

RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 1

71 Bradley, 37 Henley, 12 Fitzroy

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

Sent: Thursday, January 31, 2019 10:46 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 1

Hi Elaine

Email 1

Cogeco has no issues or concerns with these applications

Thanks

Doug Crown

Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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

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Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 1 - 905-19-078

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]

Sent: Tuesday, February 05, 2019 9:41 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 1 - 905-19-078

Dear Elaine,

Re File: B-67/18SC

Details

- . Severance
- . 71 Bradley Street
- . Pt Lot 819 Corp Plan 6, designated as Parts 11 & 12 on 30R10790; S/T RO808336

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F: 705-722-2263



Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – February 27, 2019 hearing - File No.: 300-036

B-67/18SC – 71 Bradley Street

Comment:

- Be advised that a building permit is required for the proposed semi detached dwelling on Parts 1 and 2.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement.

Condition:

- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-76/18SC – 37A Henley Drive

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 1, 2, and 3.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement (Part 6).

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-03/19SC – 1070 Vansickle Road North

Comment:

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

Condition:

- No Comment

B-06/19SC – 24 Woodmount Drive

Comment:

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

Condition:

- No Comment

B-07/19SC – 102 Broadway

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 Part 1 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-08/19SC – 1074 Vansickle Road North

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, 2, 3, and 4.

Condition:

- The existing garage on Part 1 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-09/19SC – 13 Chestnut Street

Comment:

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

Condition:

- The existing dwelling 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.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bdg memo 2019\04bcoa memo-sev-February 27,2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: February 9, 2019
Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
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60.84.2237
60.81.5459
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60.81.5461

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

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

COMMENTS

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

37A & 37B Henley Drive

**DATE OF HEARING:
February 27, 2019**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 20 2019

Date of Meeting: February 27, 2019

Submission(s): B-76/18SC
B-77/18SC

File: 60.84.2219
60.84.2220

Subject: 37A Henley Drive
37B Henley Drive

Recommendation

That Submissions **B-76/18SC** and **B-77/18SC**, by Dawn Ledwez, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the Applicant submits a payment of \$915.40 (\$457.70 for **each new lot**) (Part 2 and 3 on the submitted sketch) 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 **each new lot** (Part 2 and 3 on the submitted sketch) be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given' and that the appraisals be completed by a qualified appraiser;
3. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands (Parts 1, 2 and 3), to address the following conditions:
 - a. That Building Permit plans & elevation plans be generally in accordance with the plans submitted to the Design Review Panel at the September 4th, 2018 meeting, (being site plan dated January 15, 2019, by Kirkup, Mascoe & Ure Surveying Ltd., and associated elevations (no date or designer) to be submitted for review and approval by the City's Urban Design Planner to ensure the following revisions:
 - i. That the roofline be broken up to provide additional articulation and detailing to reduce bulkiness, massing and provide for window openings for upper lofts; and,
 - ii. The front facades be revised to ensure garages are no greater than 50% of each dwelling unit width;

- b. Any grading, drainage or site alterations associated with the development must be located outside of the dripline of the trees along the south property line, and tree protection fencing along the dripline shall be provided for their preservation;
4. Payment of the fee for City crews to locate the sewer and water laterals servicing the existing building. The sewer and water services must be independent and not cross any abutting and/or future property line. If either or both sewer and water services cross onto abutting and/or other parts, separate services must be installed to the satisfaction of the City Engineer;
5. Provide a Site Grading Plan prepared by a Qualified Engineer or Ontario Land Surveyor for review and approval by City Staff, that shows how all drainage for the roofs, rear yards, side yards and front yards will be accommodated without adversely affecting neighbouring properties and which would confirm where the drainage easement(s) and or rear yard catch-basins are to be located;
6. Prepare and provide to the City a copy of the Reference Plan and easement agreements for the rear yard catch basin(s) and leads;
7. Provide proof to the City that the easement documents have been registered on title;
8. Deposit with the City securities in a form and an amount satisfactory to the City to guarantee the installation of the rear yard catch-basin(s) and lead(s);
9. Prepare a draft Reference Plan for the City's review and approval identifying the 2.38-metre-wide parts along Henley Drive to be dedicated to the City as Public Highway. The plan shall also identify the drainage easements as parts;
10. Submit and register the Reference Plan and dedicate the appropriate part(s) to the City of St. Catharines as Public Highway known as Henley Drive. Prepare and register the Drainage Easement Agreement on Parts 1, 2 and 3;
11. Pay to the City the estimated cost for constructing a future 1.50-metre-wide concrete sidewalk along Henley Drive at a length of 30.54 metres, in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment; and,
12. The existing dwelling on Parts 1, 2, and 3 and existing shed on Part 3 shall be removed. A demolition permit is required for the existing dwelling and shall be completed to the satisfaction of the Chief Building Official of the City of St. Catharines.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that applications **B-76/18SC** and **B-77/18SC** are desirable and compatible with

the surrounding area and will not result in adverse impact on the surrounding properties. Staff recommend approval of the requested consents.

The Proposal

Application **B-76/18SC** is made for consent to sever 371.2 m² of land (Part 3 on the submitted sketch) to be known as 37A Henley Drive for the proposed construction of one unit of a three-unit townhouse. A 719.79 m² remnant parcel (Parts 1 & 2) of the proposed three-unit townhouse is to be retained for future residential use.

Application **B-77/18SC** is made for consent to sever 351.5 m² of land (Part 2 on the submitted sketch) to be known as 37B Henley Drive for the proposed construction of a unit of a three-unit townhouse. A 350.5 m² remnant parcel (Part 1) of the proposed three-unit townhouse is to be retained for one unit of the three-unit townhouse dwelling.

The combined effect of the applications (**B-76/18SC** & **B-77/18SC**) facilitates development of a three-unit townhouse, with each unit to be owned and/or sold separately.

Location and Site Description

The subject property is located on the south side of Henley Drive, across from Linhaven Court. The property is located north of the Queen Elizabeth Way. The surrounding area consists primarily of detached dwellings, with a commercial plaza located one block to the north east.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan. The subject property is further designated Low Density Residential as per Schedule E1 of the Garden City Plan. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally between 20 and 32 units per hectare, subject to the policies of the Garden City Plan. Height of buildings will not 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.

Report

Consent

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

Applications **B-76/18SC** and **B-77/18SC** are requesting to sever the lot located at 37 Henley Drive into three lots for a proposed three-unit townhouse. The severances will create three parts of relatively equal size. Part 1 will be 350 m², Part 2 will be 351.5 m², and Part 3 will be 371 m². Lots in the surrounding neighbourhood vary in both shape and size. The proposed new lots will be smaller in lot area than most lots in the immediate vicinity, however appear to be compatible in shape and depth to the neighbouring lots to the east of the site in particular. The size of both the severed and remnant parcels of land comply with the lot area provisions of the Zoning By-law, as well as all other provisions of the Zoning By-law in terms of setbacks. No variances are required. The proposal is a suitable form of infill development for the subject lot. Staff recommend approval of the requested consents.

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. The Application as originally proposed was submitted to the DRP for review at the meeting of September 4th, 2018. The DRP considered the proposal to demolish the existing home and to sever the lot into three parts to facilitate the construction of three townhouse units. The DRP expressed some concern with the size and prominence of the garage doors and with the large roof mass, and encouraged additional articulation, including gables and/or dormers. The DRP also recommended that the unit setbacks be staggered to provide additional articulation. The DRP further encouraged changes to the architectural design to provide a better fit with the neighbourhood character including enhanced front windows and roof detailing.

The DRP supported the proposed severances, provided that the building design be modified to include breaking-up the roofline to provide additional articulation and detailing to reduce bulkiness and provide for window openings for upper lofts. The applicant should also be aware that any portion of the townhouse dwelling units greater than 7 metres in building height requires a 2 metre side yard setback, as per the City's recently updated Zoning By-law.

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

Parks, Recreation, and Culture Services noted that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline should be provided for their preservation.

The City's Development Engineering Services department has advised that Henley Drive is designated as a Local Road in the City's Official Plan with a desired right-of-way width of 20 metres. Its current width along the frontage of the subject lands is deficient at 15.24 metres. Therefore, the City requires the Owner to dedicate to the City a 2.38 metre road widening along the frontage of the subject property. The owner should be aware that the dedication of a road widening across the frontage of the subject lots will trigger the need for variances to the lot areas of the proposed parcels.

Further, sidewalks do not exist along this section of Henley Drive. In support of "complete streets and walkable communities" and "safe, functional and attractive pedestrian and cycling environments", Section 5.2.1D of The Garden City Plan promotes the provision of sidewalks on both sides of local streets, recognizing that this may take many years due to the anticipated expense. The Plan states that, if necessary, land acquisition by way of dedications should be taken to achieve this goal. Therefore, the owner shall be required to pay the City the fees for a future 1.5-metre-wide concrete sidewalk across the Henley Drive frontage, in accordance with costs reflective of the construction price index and average City tender pricing, in effect at the time of payment.

Engineering has further stated 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. Lot drainage plans are generally a requirement for review and approval at the building permit stage and are submitted at that time to ensure that the drainage scheme of the future lot conveys drainage flows to a suitable outlet and does not adversely affect abutting properties. Recent experience with these types of street townhouse developments reveals that the minimum side yard setback per the Zoning By-law is not always sufficient to accommodate both a walkway providing access to the rear yard and a drainage swale.

Depending on existing and proposed drainage patterns, a rear yard catch basin may be required. A 3.0 metre drainage easement along one side of the subject lands would allow sufficient width for a catch basin and lead to be constructed in tandem with a side yard access to the rear of the lot. The easement would be in favour of the other two units to provide an outlet for drainage. The nature and location of the easement shall be determined by the Owner's drainage consultant after considering existing and proposed drainage patterns. The final location shall be approved by City staff. The owner should be aware that the building footprint will be reduced should a wider side yard be required for drainage purposes.

Prior to finalization of the severances, the owner shall provide a grading plan with sufficient elevation and grades on the subject property and adjacent lots to confirm the above. The easement shall be registered on title prior to finalizing the severance. No permanent or semi-permanent structures shall be permitted to be constructed within the

easement. If a rear yard catch basin and lead are required, the cost of constructing these shall rest solely with the owner. A Plumbing Only permit will be required for these works.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does exist on Henley Drive, sump pump flows shall be discharged to individual storm laterals for each unit. These laterals are to be installed by City Staff and paid for by the owner through the Building Permit process.

The Owner shall be responsible to pay the City the fee to locate and trace the existing water and sewer laterals from the existing home to ensure they do not cross any abutting and/or future lot lines and that they are of suitable size and condition for reuse for one of the proposed units. If these services are determined to cross abutting and/or future potential lot lines, or if the size or condition is not suitable for reuse, the Owner shall pay to have new services installed.

Building Staff have advised that for Applications **B-76/18SC** and **B-77/18SC**, a building permit is required for the proposed 3-unit townhouse on Parts 1, 2, and 3. In addition, for Application **B-76/18SC**, Staff advise that no encroachment by eaves or overhangs are permitted into the easement (Part 6). Lastly, for both applications, Staff advise that the existing dwelling on Parts 1, 2, and 3 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.

The Ontario Ministry of Transportation (MTO) has no objections to the proposed severance. The subject land is located within the Ministry's permit control area and the future development requires ministry review and approval. The proponent should be aware that if the new lighting is installed, it should be directed away from the highway. A Photometric Lighting Plan (in LUX units) may be required following the review.

Conclusion

Staff is of the opinion that Applications **B-76/18SC** and **B-77/18SC** are compatible with the surrounding area, provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is Staff's recommendation that the requested consents to sever be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:

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

Kirstin Jensen
Planner I

Approved by:

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

Judy Pihach, MCIP, RPP
Manager of Planning Services

February 21, 2019

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

Attention: Elaine Munro

File# 60.84.2219 & 60.84.2220

Re: 37 Henley Dr

In response to your correspondence dated February 5, 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 primary and secondary conductor servicing rear lot distribution is being relocated to front road allowance.

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 blue ink, appearing to read 'Mark Jakubowski', with a long horizontal flourish extending to the right.

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

Subject: RE: Corrected Notice of Hearing 37 Henley Drive

From: cullen simpson [mailto:]
Sent: Thursday, February 21, 2019 9:03 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Garcia, Carlos <cgarcia@stcatharines.ca>; Williamson, Bruce <bwilliamson@stcatharines.ca>; Pihach, Judy <jpihach@stcatharines.ca>
Subject: Fwd: Corrected Notice of Hearing 37 Henley Drive

----- Forwarded message -----

From: **Jessica Black** < >
Date: Wed, Feb 20, 2019 at 11:12 AM
Subject: Re: Corrected Notice of Hearing 37 Henley Drive
To: cullen simpson < >
Dear Elaine Munro,

As per your request we are resubmitting everything that was sent in the past regarding this proposal B-76/18SC. As I mentioned in a previous letter this whole proposal has been very troubling. We bought 41 Henley because of the nice street and the beautiful back yard. We have spent over 100K replacing the kitchen and bathrooms and flooring and landscaping and now this proposed townhouse build could make our home not only unlivable but most likely unsaleable. We will be losing our view, privacy, sunlight, increased noise reverberating off the walls of a 20' foot wall spanning 30' along our fence line.

In October, we submitted a petition signed by every house hold in our dead end street enclave. We had representation at the Oct 31 meeting that was deferred to Jan 30, 2019, because the applicant needed to comply with certain city concerns. That meeting was again deferred because that applicants representative wasn't available. The meeting is now scheduled for Feb 27, 2019 and now neither my husband or myself or our representative are available to attend. Over the next 24 hrs I will be sending all pertinent information regarding this proposed development in the hopes that the committee will agree that this proposal is detrimental to the entire neighbourhood and destroys the value of the properties abutting 37A-37B. We also have a gas fire place exhaust that exits towards the planned building that is currently within the firecode but with the planned structure this may change its status. Please find attached our original concerns.

Thank-you,
Jessica and Chris Black, 41 Henley Dr.

24, 6 Linhaven



Backyard
view



"The new backyard view"

- 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 blue ink, appearing to be 'Mark Jakubowski', with a long horizontal stroke extending to the right.

Mark Jakubowski
Supervisor, Design, Customer Capital

Munro, Elaine

Subject:

RE: 37 Henley Drive/ Wednesday February 27 meeting

From: Blair Katool [mailto:]

Sent: Wednesday, February 20, 2019 9:42 AM

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

Subject: 37 Henley Drive/ Wednesday February 27 meeting

Good Day

I'm sending this email as I will not be able to attend the meeting Wednesday 27 2019 for
37 Henley Drive
St Catharines

It is my understanding that the city is considering allowing a 3 unit townhouse complex to be built at 37 Henley Drive. I would like to say as a resident of Henley Drive I'm against this. In the 22 years I have lived on Henley, the city has allowed only 1 lot to be subdivided into 3 DETACHED single family homes. The city has denied an applicant to build townhouses at 56 Henley Drive in recent years.

This neighborhood is made up of single family detached homes with yard space for kids to play safely. The only kids I see on a regular bases playing out on the front lawn of their homes are the family's from the new detached homes, as their back yard is tiny. If the townhouse go in, I see the same happening. Please don't get me wrong, I like a good game of road hockey, but with the QEW on ramp at the top of the street we do get stray drivers.

Regards

Blair Katool

44 Henley Drive
St Catharines

cell

Sent from [Outlook](#)

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

Munro, Elaine

Subject:

RE: 37 Henley Dr

From: [REDACTED]
Sent: Tuesday, February 19, 2019 4:53 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: cgarcia@stcatharines.ca; Williamson, Bruce <bwilliamson@stcatharines.ca>
Subject: 37 Henley Dr

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

File No 60.84.2220 and File No 60.84.2219

To whom it may concern,

I have lived at 35 Henley Drive since 1996 very happily.

I am very disappointed and vexed that such a plan would be considered by the planning department. Let me just state out the fact that there is no other townhomes in this neighbourhood, or the next closest neighbourhood Royal Henley. Townhomes do not belong here, as they do not match the characteristics of the neighbourhood. Adding low income housing to a well-developed neighbourhood is an absurd proposition on the planning department. It is a fact that town homes reduce the property value of single homes in the area.

What happened to building a quality home on a single property instead of trying to make the most money and shove as much people as possible on an allocated piece of land? This is not Toronto where we are limited for space to build and there is a demand for housing.

My concerns with this proposed plans arise when I was examining the plans to see how close this town unit will be to my house. The distance from the proposed property and my house is absurd; I understand there is an allowed limiting distance but the whole west side of my house will be blocked by the proposed building, blocking any existing sunlight I was able to enjoy and utilize the past 23 years.

My property experiences a westerly wind that cools our home, as we keep our windows open from spring to fall. A 32 foot high town unit, and let's not forget added height for the roof truss typically another 5 feet, will run along my property, blocking more than 60% of my backyard, and blocking my windows(3 of them!) that allow natural sunlight into the home. Doing so, building a wall as close as possible to my home will reduce the value of my property and make living spaces unenjoyable.

This is an old neighbourhood. We already add 2 extra homes to the neighbourhood in the past years . Now you are planning for 3 more units. Are sewer lines cable of handle the extra waste? Have you done a study on that?. Where and how is this plan to compensate for extra water coming off the roof . There is already saturated water build up when there is precipitation. Adding a sump pump adjacent to my home will cause more water to pileup to a saturated area. On the plans it notes an easement and catch basins to run along the proposed property backyard, what happens when this gets backed up? Where is this water to go? There is several large trees in the area that will be affected by this. How come the city is going out of its way to approve this proposed town home for a catch basin and

easement, going to the extent of making it city property yet we can not even use our downspouts to the city sewage lines to rid of the excess water!! But this plan is ok right?

As you can see from the plans, we have a lovely pool in our backyard that we enjoy often as soon as the weather permits for it. This proposed town unit will block the sun from the west as the building extends far back into the property where more than 60% of the pool will not get any sun! how are we supposed to enjoy our time outside when midday our sun is gone? Our pool is now cold? I believe there is a bylaw or perhaps in the Ontario Building Code, about how much sun can be permitted in a yard when there is a building next to it.

My other concern is algae, There is a minor algae issue in my backyard, that grows on my shed and some trees. If you block my westerly sunlight this will make it larger problem for me. Also the proposed plan would have the new owners looking right into our backyard, and we will not have any privacy. This would greatly disrupt our enjoyment of our home and strip us of basic rights. Also we have a beautiful garden stemming from fig trees, grape vines, lemon tree, blackberry bush, and a Japanese mimosa trees just to name a few, which depend on sunlight. Your plan will ruin most of these plants and MY enjoyment of them to see them thrive.

Say I was to purchase a pool heater to make up for lost sun because of this 32 foot high wall blocking the sun and view, that is \$6500 I am not willing to fork out when I am able to get free solar energy and light from the sun! not even that, you can't replace sunlight, sure a pool heater will heat the water, but who can enjoy their backyard completely shaded over? With no sunlight, no view? No privacy? Who would pay to live here after? The backyard would never be enjoyable to its max capacity, devaluing the property of my home.

Another concern would be the increased traffic, parking and safety of this new proposed town unit. Currently there is barely enough street parking as it is, and you want to add three more units, three more families here crammed into one spot. Where are they going to park? This town unit would back up onto Linhaven where there isn't a stop sign and we have a school bus stop for kids. Most dwellings these days have 2 + cars, I just would like to know how this would be accommodated? How is this safe?

My other concern is building so close to the property line, this can damage my foundation. My house was built in the 1950s the house is already settled. Trying to excavate so close to my foundation raises major concerns. Excavating machines are not forgiving and the last thing I would need from this is a crack in the foundation or worse having the foundation shift and cause further problems!

My final concern with this town unit is again how close it will be to my house. There will be increased maintenance, noises from the A/C in summer months. Sure your new town unit will be up to code with higher R values for the walls etc, but mine is not. My house was built in the 1950s so I can assure you my R value in my wall system can not compete with the exterior noises from the new town unit. I can say the same for my windows.

Also, the public does not want these town units to be built, not just myself as a private interests, the whole neighbourhood does not see fit with the plans. Part of good planning is listening to public and their interests. Adding these town units does not appeal to public or neighbouring residents that surround it. The planning dept/ City is going above and beyond to consider the private interests of this new proposed town units and for what??? ESPECIALLY when PUBLIC interests does not want it or support it !!!

I have also attach photographs in a separate email for you to see exactly where I am coming from.

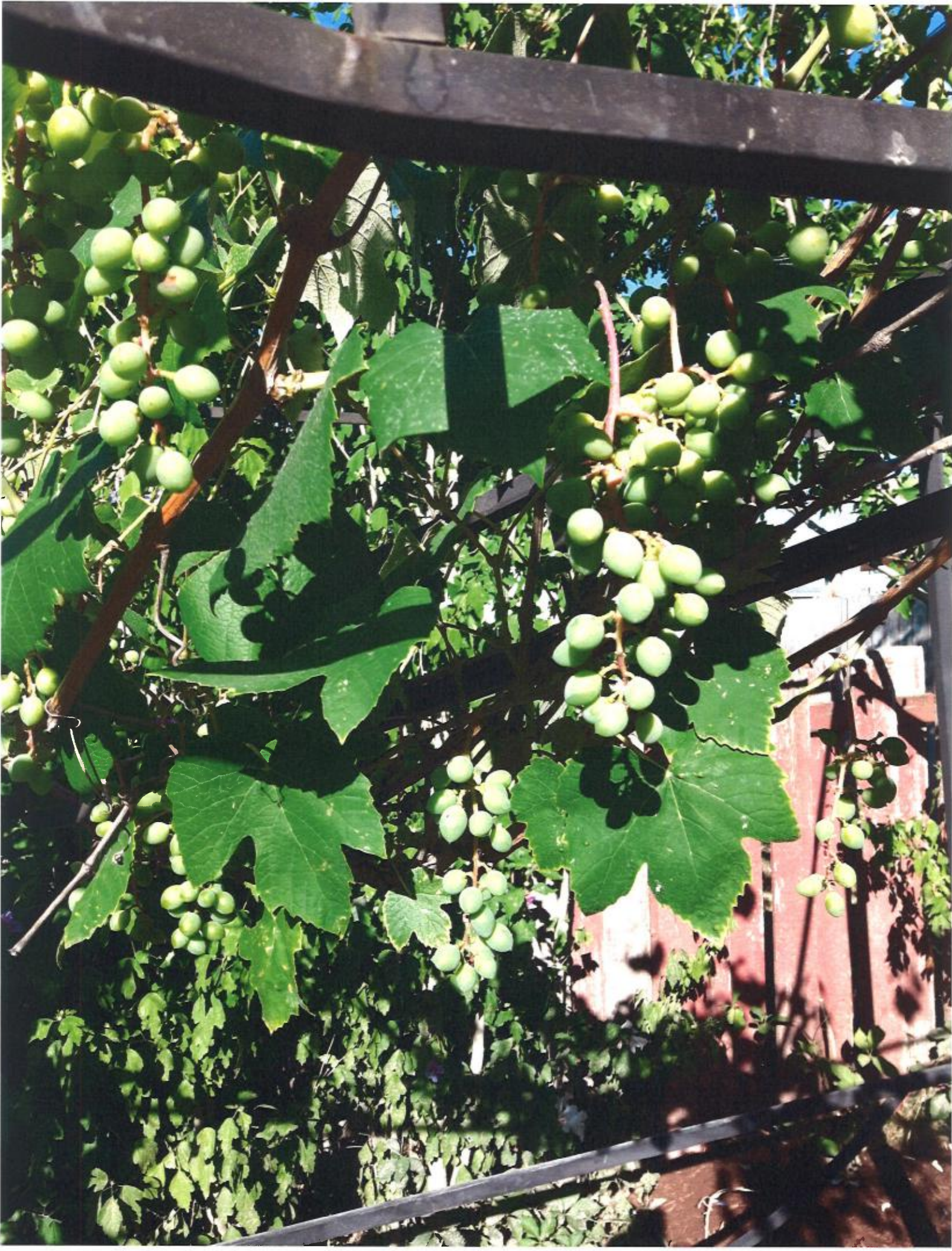
Kind regards,

Elias Yachouh















Munro, Elaine

Cc: cgarcia@stcatharines.ca; Williamson, Bruce
Subject: RE: 37 Henley Drive, St. Catharines

From: Ted Johnston [mailto:]
Sent: Wednesday, February 13, 2019 5:01 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: >; cgarcia@stcatharines.ca; Williamson, Bruce <bwilliamson@stcatharines.ca>;
Subject: 37 Henley Drive, St. Catharines

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

File No 60.84.2220 and File No 60.84.2219

We are writing in regard to the building of three townhouses, two storeys high. We live directly behind this property and with the buildings so deep on each lot we will lose any privacy. Even though close to the highway we are able to sit in our backyard comfortably but with the height and depth of these townhouses it will increase the noise dramatically by resonating off the walls. Another concern is the proposed easement that is to run along the side and back of the property. At the back of our property running along the fence line is eight pine trees. Putting in this easement will have a negative effect on the root system of these trees and they could fall and damage property. Whose fault would that be?

We enjoy living in this community with the large lots and ALL SINGLE FAMILY DWELLINGS.

Thank you.

Edward and Sheila Johnston
7 Gladman Avenue

Sent from Mail for Windows 10

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Munro, Elaine

Subject: RE: RE 37 Henley Drive, St. Catharines, 3 Unit Townhouse Proposal

From: Gayle Howard [mailto: [REDACTED]]
Sent: Friday, February 08, 2019 1:37 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE 37 Henley Drive, St. Catharines, 3 Unit Townhouse Proposal

Hello Elaine

We are again writing concerning the above property as stated in our email of October 11, 2018.

We are still displeased with the proposal . Reason being ...this has always been a single family neighbourhood. Thus as a small community of Henley/Gladman/Linhaven there are many young childrenno sidewalks.....narrow roads....and the proposed site is directly across from the school bus stop at the Henley and Linhaven intersection.

As you are aware, there is only one entrance in and out of our unique community, and if three more households are added to the street, possibly adding 6 more vehicles, this will cause more gridlock and unsafe conditions.

As we are unable to attend the Hearing on Wednesday, February 27th , 2019 at 5:00 PM, please consider this as our formal objection.

Thank You

Gayle and Gord Howard

26 Henley Dr,

St. Catharines, ON

L2N4A9

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

Oct 15, 2018

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

Dear Elaine Munro:

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

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

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

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

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

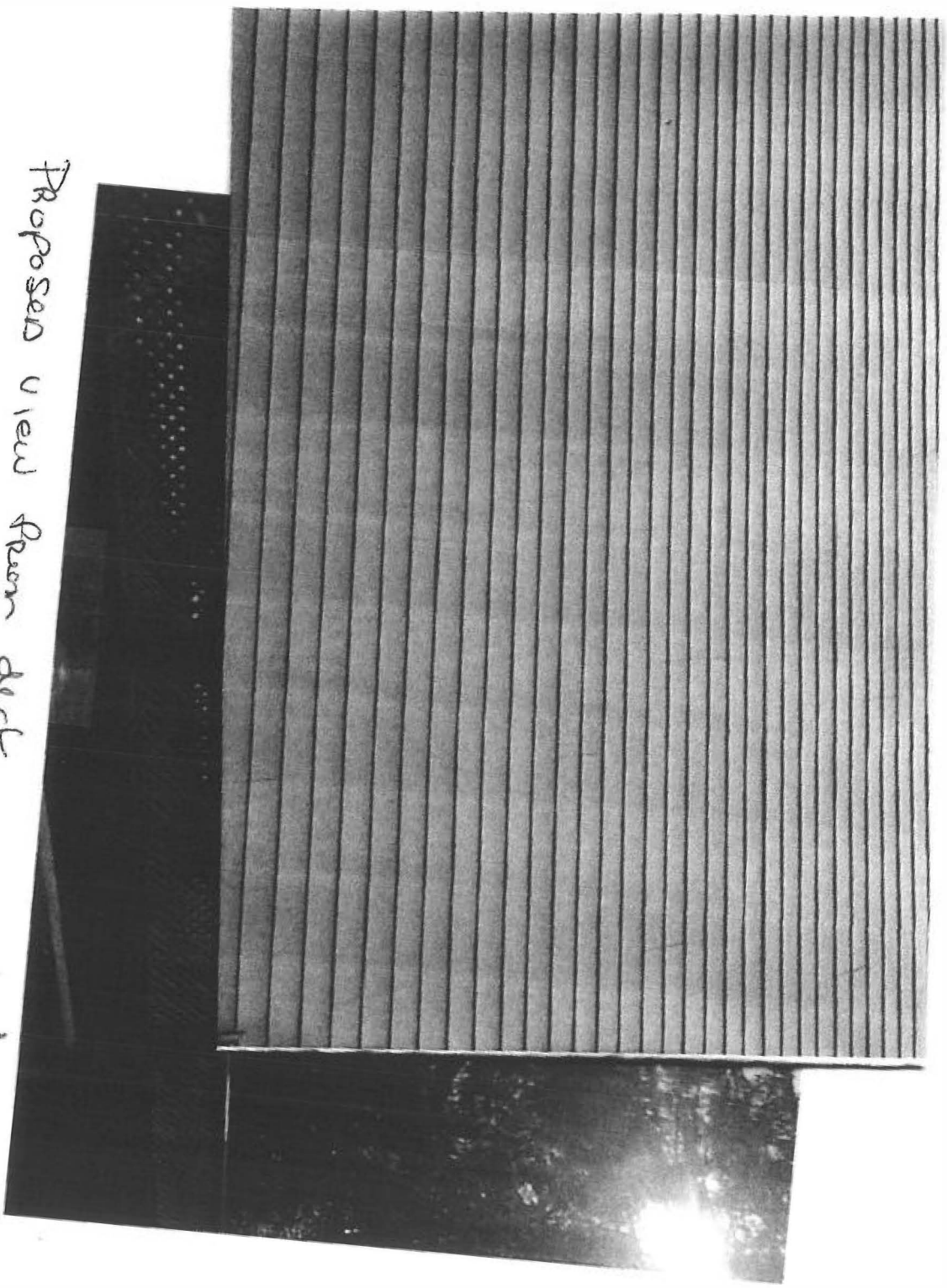
Sincerely,

Christopher & Jessica Black



Current View from Deck

Proposed view from deck.





File No. 60.84.2219/ 60.84.2220

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

Henley Dr

House Number	Property Owner	Lot size	Impact of this Proposed Infill
18	Patricia Dunk	50' x 163'	TRAFFIC, PARKING, SAFETY
20	Patricia & Edward Hagger	50' x 163'	PARKING, TRAFFIC SAFETY
22	Kenneth & Michelle	50' x 163'	Parking, Safety, Traffic
24	Randy & Mary Garratt	50' x 163'	TRAFFIC, NOISE, Privacy, Safety
26	Gordon & Gayle Howard	90' x 163'	TRAFFIC, PARKING, SAFETY
27	Terry & Kathy HALL	50' x 141'	Safety, Privacy, Safety, Parking
28	Roc - Melissa Candeloro	50' x 163'	Safety, Privacy, Parking
29	JAN + Harry DeMars	50' x 141'	Safety, Privacy, Parking
31	Laura and Mercedes Griffin	50' x 136'	TRAFFIC, PARKING, SAFETY
32	Robert & Jayme Richardson	50' x 163'	TRAFFIC, PARKING, Privacy, Noise
33	Nathan & Rebecca	50' x 151'	Safety, Privacy, Traffic
34	Greg & Lorraine Murphy	53' x 163'	Water, Traffic, Privacy, Noise
35	Elias Pachouh	50' x 125'	Privacy, Noise, Traffic
36	EMILIE - Amy Barlow	71' x 50'	TRAFFIC, SAFETY, PARKING
39	Subject property identified as 378	100' x 121'	Legal description LT 15 T P PL 17A
41	Chris & Jessica Black	75' x 111'	loss of sun, privacy, noise.
42	Gerald and Deborah Gurmiey	50' x 164'	Safety, Traffic, Parking
43	Michael & Sharon Chernoski	75' x 104'	Privacy, Safety, Noise
44	Tony & Jennifer	50' x 165'	SAFETY, SAFETY, Privacy
46	VACANT	90' x 165'	
48	Ariane Bondar	50' x 166'	TRAFFIC, PROPERTY, Privacy, noise
49	John & Irene Bashford	105' x 133'	
53	Robert & Deborah Bentley	50' x 168'	Public, Parking, Safety
60	Ken & Kelly Bull	63' x 235'	Township, Traffic
54	Doug & Sue Hunt	99' x 168'	
50	Bill Burns		GLADMAN AVE
3	Billy & Everett	96' x 141'	noise, privacy, safety, parking
5	Diane Coverdale	48' x 134'	Privacy, Noise and Privacy
7	Edward and Shelia Johnson	96' x 130'	Safety, Noise and Privacy
9	Andy Roddy	97' x 122'	Noise
11	Lance & Maggie Groff	60' x 117'	Safety, Traffic
13	Joan & Joan Pilato	59' x 101'	Privacy, SAFETY

Williamson

Carlos Garcia

File No 00 84.22.91 00 84.22.20

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

Linhaven Crt

Number	Property Owner	Lot size	Impact of this Proposed Infill	Owners Signiture
2	Janice & Reg Beauchamps	52 x 71	TRAFFIC, PARKING, WATER POLLUTION	
4	Alister Tracy & Joanna Agnew	52 x 71	addra traffic creates a safety	
5	Abbas & Wazira Hamdani	51 x 120	addra traffic & parking	
6	Dianne Perron	50 x 120	TRAFFIC SAFETY, PARKING	
7	Joan Romagnoli	52 x 120	TRAFFIC, SAFETY, PARKING	
8	John & Antje Rieiy	50 x 120	TRAFFIC, PARKING	
9	Henry Hurst	50' x 163'	TRAFFIC, SAFETY, PARKING	
10	Mary McLaughlin & Chris Jackson	63 x 129	TRAFFIC, SAFETY, PARKING	
11	Donna Prodger	72 x 171	TRAFFIC, SAFETY, PARKING	
14	Sharon & Michael Chernoski	56 x 157	TRAFFIC, PARKING, SAFETY	
16	Cheryl and Conrad D'Costa	62 x 157	Traffic, Parking, Safety.	
18	Donald & Barbara Gray	53' x 163'	TRAFFIC, PARKING, SAFETY	

ANTSE

Forwarded from Oct. 31/18 Hearing that was deferred

Aplication No. 60.84.2220

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

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

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

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

Sincerely .

Kelly Bull

Ken Bull

RPT	INDEX	FILE	P.D.S	REFERRED TO	INIT.
				F. Munro	
DATE REC'D →		OCT 24 2018		SCAN <input type="checkbox"/>	
FILE NO					

No. 60.84.2220

Commission No. B-77/18SC

37 Henley Drive

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

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

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

The application is made for consent to sever 351.5 m² of land (Part 2 on the submitted sketch) to be known as 37B Henley Drive for the proposed construction of a unit of a three-unit townhouse. A 350.5 m² remnant parcel (Part 1) of the proposed 3-unit townhouse is to be retained for future residential use. The application would allow each unit of the 3-unit townhouse to be owned and/or sold separately.

How to get involved in the hearing

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

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

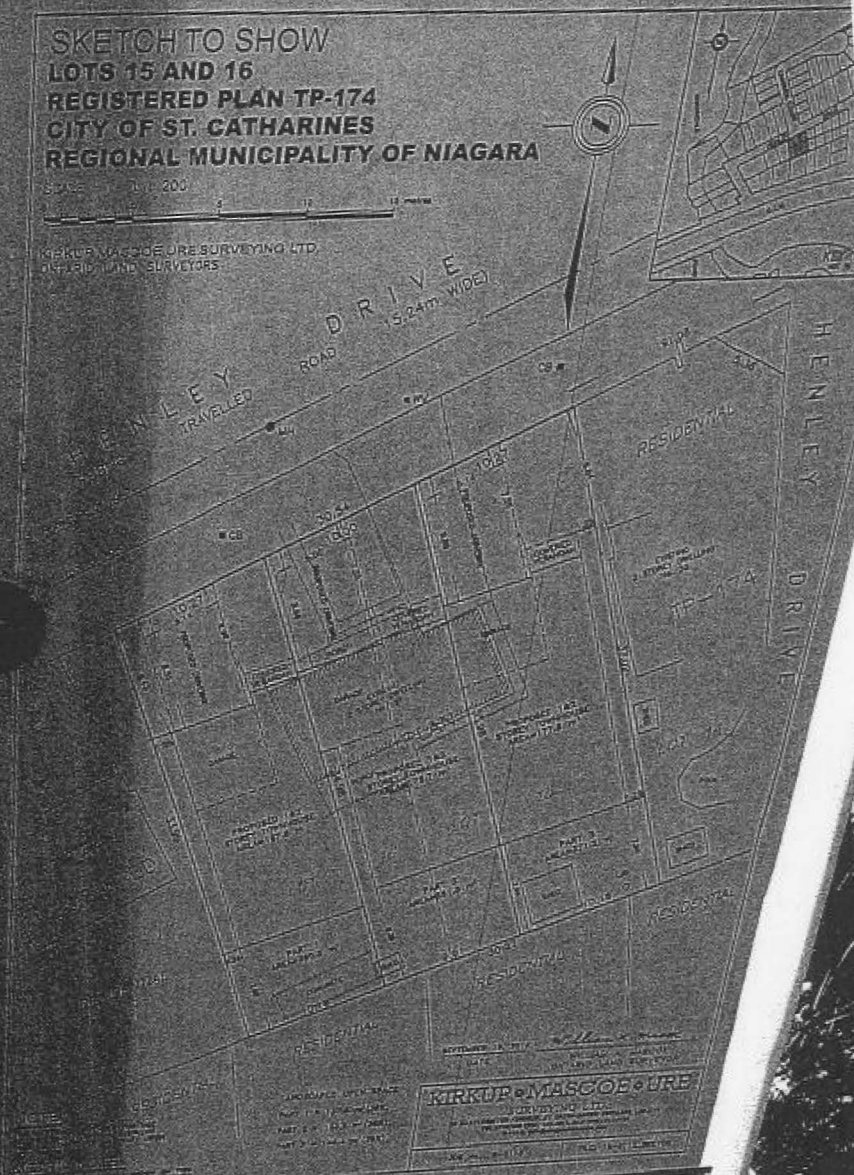
Elaine Munro, Secretary-Treasurer
Committee of Adjustment, City Hall
905-688-5601 X1715
P.O. Box 3042, 50 Church Street
St. Catharines, ON L2R 7C2
amunro@stcatharines.ca

www.stcatharines.ca/CommitteeofAdjustment

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

SCALE 1" = 20'

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Munro, Elaine

Subject: RE: new letter : 37 Henley Drive

Forwarded from October 31, 2018 Hearing which was deferred.

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

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

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

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

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

Our entire neighbourhood is strongly opposed to this proposal.

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

Melissa Candeloro

Munro, Elaine

From: Munro, Elaine
Sent: Thursday, February 14, 2019 1:12 PM
To: Munro, Elaine
Subject: RE: 37 Henley Drive

Forwarded from October 31, 2018 Hearing that was deferred.

Elaine Munro ACST
Committee Secretary and Planning Technician
Email: emunro@stcatharines.ca
Tel: 905.688.5601 x1715

From: Adriane Bondar [mailto:]
Sent: Wednesday, October 24, 2018 7:54 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: 37 Henley Drive

Dear Elaine Munro,
Secretary-Treasurer,
Committee of Adjustment

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

Thank you for your consideration,

Adriane Bondar
48 Henley Drive

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Munro, Elaine

From: Munro, Elaine
Sent: Thursday, February 14, 2019 1:30 PM
To: Munro, Elaine
Subject: FW: Henley Drive Proposal

Forwarded from October 31, 2018 Hearing that was deferred

Elaine Munro ACST
Committee Secretary and Planning Technician
Email: emunro@stcatharines.ca
Tel: 905.688.5601 x1715

From: Agnew, Johanna [mailto:]
Sent: Tuesday, October 30, 2018 10:14 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Henley Drive Proposal

Dear Ms Munro,

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

Sincerely,
Johanna Agnew
4 Linhaven Court
St Catharines, ON

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Munro, Elaine

From: Munro, Elaine
Sent: Thursday, February 14, 2019 1:26 PM
To: Munro, Elaine
Subject: RE: File No. 60.84.2220

Forwarded from October 31, 2018 Hearing that was deferred

Elaine Munro ACST
Committee Secretary and Planning Technician
Email: emunro@stcatharines.ca
Tel: 905.688.5601 x1715

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

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

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

Dear Ms. Munro,

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

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

over 10 children each morning waiting for the school bus. Each day we already have many issues with speed and avoiding aggressive drivers on our way to and from the bus stop.

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

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

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

Sincerely,

Jayme Davidson

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Munro, Elaine

From: Munro, Elaine
Sent: Thursday, February 14, 2019 1:13 PM
To: Munro, Elaine
Subject: RE: File No.: 60.84.2219; Submission No.: B-76/18SC; Roll No.: 2629060031024000000; 37 Henley Drive

Forwarded from October 31, 2018 Hearing that was deferred.

Elaine Munro ACST
Committee Secretary and Planning Technician
Email: emunro@stcatharines.ca
Tel: 905.688.5601 x1715

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

Ms. Munro,

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

My main concern is safety.

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

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

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

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

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

Thank you for your consideration.

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

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

Munro, Elaine

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

Forwarded from Oct. 31/18 Hearing that was deferred.

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

I am writing to express my disapproval of putting 3 townhouses on this property. This area is unique as there is only one entrance way into this neighbourhood. When homes were put in this area in the 40's and 50's the Q.E. was a two lane highway and there were only 1 car per house. There were ditches on either side of the narrow road but it met the needs of the time. Now the Q. E. is four lane with the on ramp at the very beginning of this same width street, minus the ditches, but Linhaven Street is being serviced from Henley Dr. Most houses have two cars, some also vehicles from their employment, and when company comes they park on the road but this meets the needs of the residences. Having cars parked on the road slows down the traffic and the street is safer for the people who walk or jog (the people who work in the offices at the corner walk in here on their breaks) and the kids who are being supervised by their parents are learning to ride their bikes. The QE presents a big problem when on-ramp is closed and the drivers have made the commitment to go on the QE here but can't, so they come into Henley Dr. only to find out they have to go out the same way they came in. This causes traffic jams in our front yards trying to turn their cars around in driveways on this narrow street and more cars coming in it gets real interesting when the big rigs or tour buses get caught in here. That lot was designed to have two house. If it is allowed to build 3 townhouses it increases the traffic and becomes precedent to allow other townhouses to be built in this neighbourhood.

Thank you for your attention
Jeanette DeMars. 29 Henley Dr

Sent from my iPad

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 1

71 Bradley, 37 Henley, 12 Fitzroy

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, January 31, 2019 10:46 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 1

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

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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

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Munro, Elaine

From: Boucetta, Alexandra (MTO) <Alexandra.Boucetta@ontario.ca>
Sent: Friday, November 30, 2018 4:17 PM
To: Munro, Elaine
Cc: Polus, Asia (MTO)
Subject: 37 Henley Drive, St. Catharines

Re: File No.:60.84.2219
37 Henley Drive
St. Catharines

Hi Elaine,

Further to your circulation of the Notice of hearing concerning the severance and proposed construction for 37 Henley Drive, St. Catharines and in accordance with the requirements under the *Public Transportation and Highway Improvement Act*, the Ministry offers the following preliminary comments:

- ☐ Please accept this e-mail as a confirmation that in principle the ministry has no objections to the proposed severance.
- ☐ The subject land is located within the Ministry's permit control area and the future development requires ministry review and approval.
- ☐ Proponent should be aware that if the new lighting is installed, it should be directed away from the highway. A Photometric Lighting Plan (in LUX units) may be required following the review.

Please be advised that prior to completing the full review of the Application and in order to receive detailed comments, the Ministry requires the following materials (provided in digital and paper versions):

- ☐ A full scale (1:500) Site Plan (1 copy).
- ☐ The owner shall submit to the Ministry of a storm-water management report with the associated proper drainage drawings (1 copy).
- ☐ The proponent is required to submit a brief/letter from the traffic consultant to describe the general criteria of the existing and anticipated traffic created by this development proposal. Please note that the ministry has a right to request a more detailed Traffic Impact Study should the brief/letter be deemed insufficient upon review (1 copy).

Please note, all plans and reports must be stamped and signed. The submission should be made through the municipality or at least copied in the original email. This is required for submission consistency and transparency.

General information regarding MTO Permits:

- ☐ An MTO Building and Land Use Permit is required prior to any construction.
- ☐ Only once the applicant has received Site Plan Approval they can apply for applicable MTO Permits.
- ☐ All signs related to the development that are visible from Hwy QEW and its ramps will require MTO permit(s).
- ☐ Applicant must apply online through the link below following the approval:
<https://www.hcms.mto.gov.on.ca/>

If you have any questions or require any clarification please do not hesitate to contact me.

Kindest Regards,

Alexandra Boucetta

Corridor Management Officer – Niagara Region

Ministry of Transportation | Corridor Management Section | Niagara Region
159 Sir William Hearst Avenue, 7th floor Building D, Downsview, ON M3M 0B7
Tel. (416) 235-3883 | Email: Alexandra.Boucetta@ontario.ca

Bell Canada
Fl-2, 140 Bayfield St.
Barrie, Ontario
L4M 3B1

Fax: 705-722-2263
Tel: 705-722-2244
E-mail: carrie.gordon@bell.ca



February 5, 2019

City of St Catharines
Committee of Adjustment
P.O. Box 3012
50 Church St
St Catharines, ON
L2R 7C2

Attention: Elaine Munro, ACST, Secretary-Treasurer
Email only: emunro@stcatharines.ca

Dear Madam:

Subject: Application for Consent – Severance
37A Henley Drive
Lots 15 & 16, Plan 174
CofA File: B-76/18SC

Bell File: 905-19-079

We acknowledge receipt and thank you for your correspondence January 1, 2019.

Subsequent to review of the above noted Consent Application by our local Engineering Department, it has been identified, as with the original Application B-76/18SC, that Bell Canada once again requests a transfer of easement over these lands, to protect existing aerial facilities that supply service to the property and to maintain service in the area.

Bell Canada would like to confirm that Part 1, 4, 5 & 6 as shown on the associated Planning Sketch, or a 3.0m wide corridor to be measured 1.5m on either side of the rear property aerial facilities, as can be accommodated, would satisfy our needs.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

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

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

Yours truly,

A handwritten signature in blue ink that reads "Carrie Gordon".

Carrie Gordon
Right of Way Associate

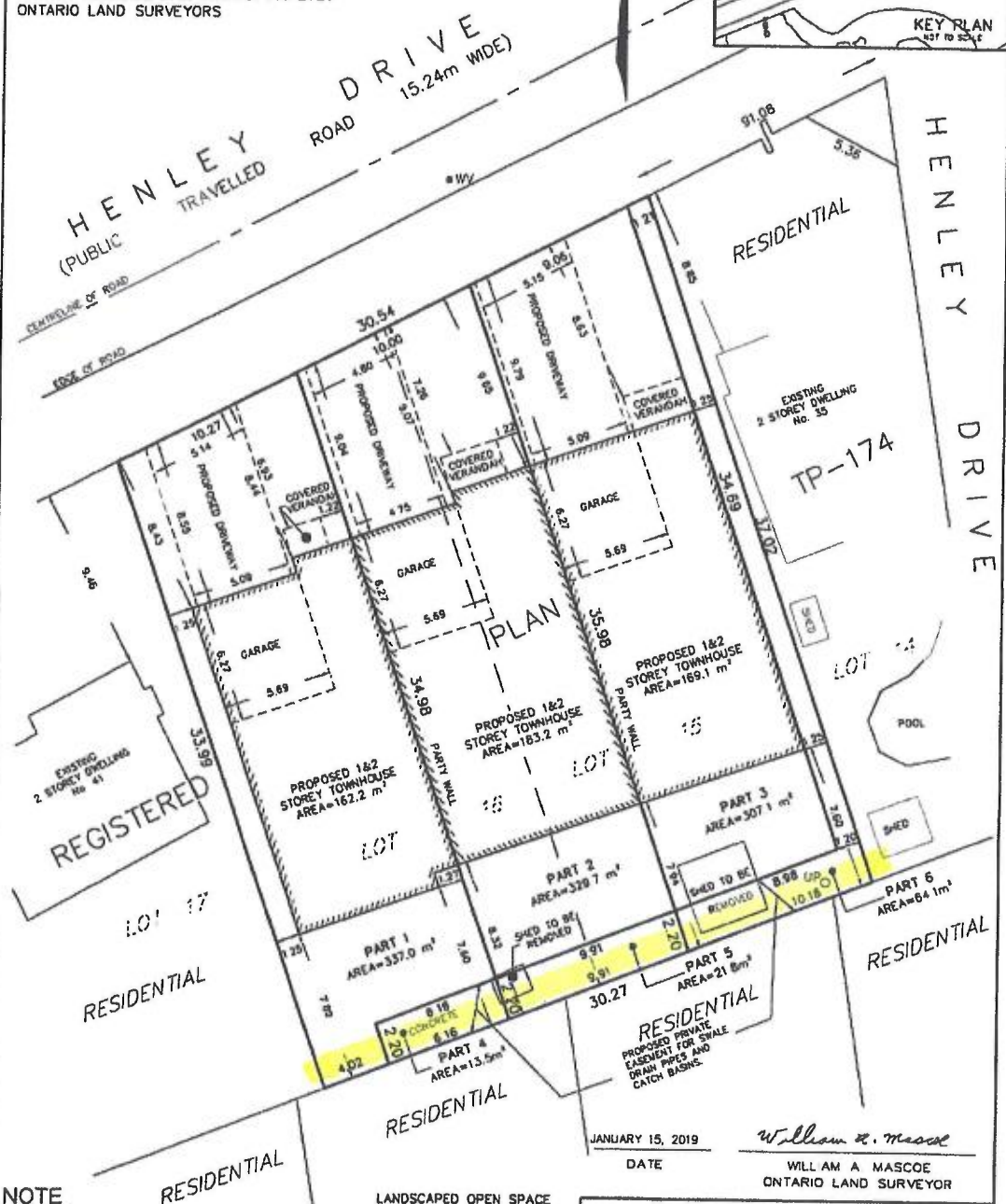
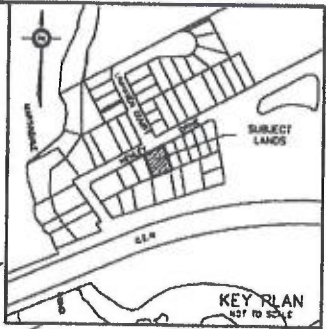


**SKETCH TO SHOW
LOTS 15 AND 16
REGISTERED PLAN TP-174
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1 : 200



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

LANDSCAPED OPEN SPACE

PARTS 1&4 = 143.0 m² (41%)

PART 2&5 = 123.8 m² (35%)

PART 3&6 = 150.5 m² (41%)

JANUARY 15, 2019

DATE

William A. Mascoe

WILLIAM A. MASCOE
ONTARIO LAND SURVEYOR

KIRKUP MASCOE URE

SURVEYING LTD.

49 EASTCHESTER AVENUE, ST. CATHARINES, ONTARIO L2P 2Y6
TELEPHONE (905) 641-1001 FAX (905) 641-4124
E-MAIL info@niagarasurveyors.com

JOB No. 18-0113

FILE: 18-0113_1SKETCH

LOT 4

C

Bell Canada
FI-2, 140 Bayfield St.
Barrie, Ontario
L4M 3B1

Fax: 705-722-2263
Tel: 705-722-2244
E-mail: carrie.gordon@bell.ca



February 5, 2019

City of St Catharines
Committee of Adjustment
P.O. Box 3012
50 Church St
St Catharines, ON
L2R 7C2

Attention: Elaine Munro, ACST, Secretary-Treasurer
Email only: emunro@stcatharines.ca

Dear Madam:

Subject: Application for Consent – Severance
37B Henley Drive
Lots 15 & 16, Plan 174
CofA File: B-77/18SC

Bell File: 905-19-080

We acknowledge receipt and thank you for your correspondence January 1, 2019.

Subsequent to review of the above noted Consent Application by our local Engineering Department, it has been identified, as with the original Application B-77/18SC, that Bell Canada once again requests a transfer of easement over these lands, to protect existing aerial facilities that supply service to the property and to maintain service in the area.

Bell Canada would like to confirm that Part 1, 4, 5 & 6 as shown on the associated Planning Sketch, or a 3.0m wide corridor to be measured 1.5m on either side of the rear property aerial facilities, as can be accommodated, would satisfy our needs.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

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

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

Yours truly,

A handwritten signature in blue ink that reads "Carrie Gordon".

Carrie Gordon
Right of Way Associate

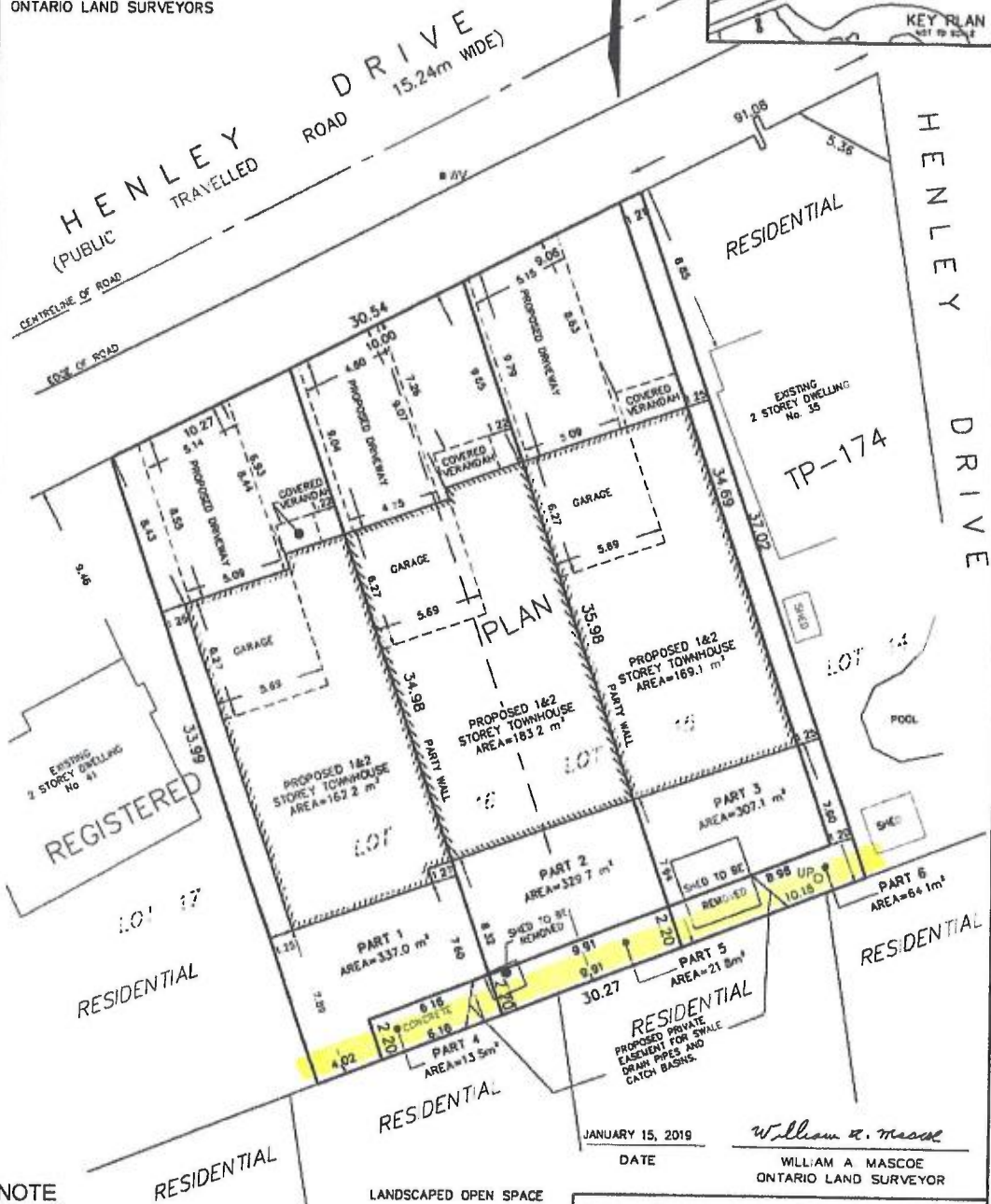
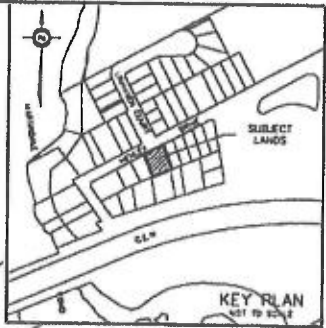


**SKETCH TO SHOW
LOTS 15 AND 16
REGISTERED PLAN TP-174
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1 : 200



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

LANDSCAPED OPEN SPACE

PARTS 1&4 = 143.0 m² (41%)

PART 2&5 = 123.8 m² (35%)

PART 3&6 = 150.5 m² (41%)

JANUARY 15, 2019
DATE

William A. Mascoe

WILLIAM A. MASCOE
ONTARIO LAND SURVEYOR

KIRKUP MASCOE URE

SURVEYING LTD.

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E-MAIL info@magazsurv.com

JOB No. 18-0113

FILE: 18-0113_1SKETCH

LOT 15

C



Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – February 27, 2019 hearing - File No.: 300-036

B-67/18SC – 71 Bradley Street

Comment:

- Be advised that a building permit is required for the proposed semi detached dwelling on Parts 1 and 2.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement.

Condition:

- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-76/18SC – 37A Henley Drive

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 1, 2, and 3.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement (Part 6).

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-03/19SC – 1070 Vansickle Road North

Comment:

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

Condition:

- No Comment

B-06/19SC – 24 Woodmount Drive

Comment:

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

Condition:

- No Comment

B-07/19SC – 102 Broadway

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 Part 1 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-08/19SC – 1074 Vansickle Road North

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, 2, 3, and 4.

Condition:

- The existing garage on Part 1 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.

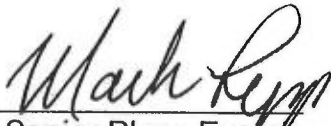
B-09/19SC – 13 Chestnut Street

Comment:

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

Condition:

- The existing dwelling 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.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: February 9, 2019
Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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

Cont'd - next page

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

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

- 3. 1070 Vansickle Road N, Consent, B-03/19SC – 60.84.2231**
1070A Vansickle Road N, Minor Variance, A-11/19 – 60.81.5445
1070B Vansickle Road N, Minor Variance, A-12/19 – 60.81.5446

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.

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

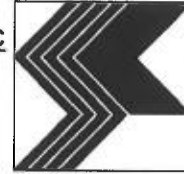
That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land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

- 4. 12 Fitzroy Lane, Minor Variance, A-10/19 – 60.81.5444**
No comment.

- 5. 156 Berryman Avenue, Minor Variance, A-16/19 – 60.81.5450**
Staff are supportive of the request, subject to the increased landscaping adjacent to residential uses. Detailed design will be reviewed through the Site Plan Agreement.

- 6. 24 Woodmount Drive, Consent, B-06/19SC – 60.84.2234**
22A Woodmount Drive, Minor Variance, A-17/19 – 60.81.5451
24 Woodmount Drive, Minor Variance, A-18/19 – 60.81.5452

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



February 4th, 2019 **ENGINEERING FILE 300-36**

Hearing Date: February 27th, 2019

Applicant: Dawn Ledwez

Location: 37 Henley Drive

MUNICIPAL SERVICES

Henley Drive

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

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

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

Roads

Henley Drive is designated as a Local Road in the City's Official Plan with a desired right-of-way width of 20m. Its current width along the frontage of the subject lands is deficient at 15.24m. Therefore, the City requires the Owner to dedicate to the City a 2.38m road widening along the frontage of the subject property.

Sidewalks

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

Engineering Services

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

Recent experience with these types of Street Townhouse Developments reveals that the minimum side yard setback per the Zoning Bylaw is not sufficient to accommodate both a walkway, providing access to the rear yard, and a drainage swale. Therefore prior to finalizing these severance applications a Grading and Drainage Plan shall be submitted and approved by City Staff. Depending on existing and proposed drainage patterns a rear yard catchbasin may be required. A drainage easement along one side and the rear of the subject lands may be required to allow for the catchbasin(s) and lead(s) to be constructed. The established easement and drainage outlet would be private and in favour of the other owners to ensure the drainage outlet is maintained in perpetuity.

Prior to finalization of the severances, the required easements shall be registered on title. No permanent or semi-permanent structures shall be permitted to be constructed within the easement. If a rear yard catchbasin(s) and lead(s) are required, the cost of constructing same shall rest solely with the owner. Securities in a form and an amount acceptable to The Corporation of the City of St. Catharines must be deposited with the City prior to the severance being finalized. A Plumbing Only Permit will be required for these works at the building permit stage.

Sump pump flows are typically discharged to grade, when no opportunities to connect to a storm sewer in the road allowance exist. Since a storm sewer does exist on Henley Drive, sump pump flows shall be discharged to individual storm laterals for each unit. Unless otherwise approved by the City Engineer, these laterals are to be installed by City Forces and paid for by the owner through Building Permit process.

Prior to finalizing the severances, the Owner shall also be responsible to pay the City the fee to locate and trace the existing water and sewer laterals from the existing home to ensure they do not cross any abutting and/or future lot lines and that they are of suitable size and condition for reuse for one of the proposed units. If these services are determined to cross abutting and/or future potential lot lines, or if the size or condition is not suitable for reuse, the Owner shall, prior to finalizing the severances, pay to have the service relocated, and/or decommissioned.

The owner wishes to continue to use the existing service they shall also be responsible to complete any relocation works on private property through a Plumbing Only permit so as not to continue private service crossings over abutting and/or future lot lines.

The Owner shall pay the City the fees to provide all new water services and new sanitary services within the road allowance to the property lines in order for each property can be serviced individually. This can be done at the building permit stage.

Condition(s):

Prior to the severance finalization the Owner shall;

- Pay the fee for City crews to locate, trace, and confirm the size and condition of the existing sewer lateral and water service to the existing building. If either or both the sewer lateral and water services are deemed by the City to be unsuitable for re-use, the Owner shall pay the cost of decommissioning the existing services. The above costs shall be in accordance with the City's approved Schedule of Rates and Fees in affect at the time, and
- Provide a Site Grading Plan, for review and approval by City Staff, prepared by a qualified engineer or OLS, that shows how all drainage for the roofs, rear yards, side yards and front yards will be accommodated without adversely affecting neighbouring properties and which would confirm where the drainage easement(s) and or rear yard catchbasins are to be located, and
- Prepare and Provide to the City, a copy of the reference plan and easement agreements for the rear yard catch basin(s) and leads, and
- Provide proof to the City that the easement documents have been registered on title, and
- Deposit with the City securities in a form and an amount satisfactory to the City to guarantee the installation of the rear yard catchbasin(s) and lead(s), and
- Prepare a Reference Plan for review and approval by the City identifying the 2.38m wide Parts along Henley Drive to be dedicated to the City as Public Highway. The plan shall also identify the drainage easements as Parts. Submit and register the Reference Plan and dedicate the appropriate Part(s) to the City of St. Catharines as Public Highway. Prepare and register the Drainage Easement Agreement on Parts 1, 2 and 3, and
- Pay to the City the estimated cost for constructing a future 1.50m wide concrete sidewalk along Henley Drive a length of 30.54m in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment.



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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
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60.84.2237
60.81.5459
60.81.5460
60.81.5461

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-03/19SC (60.84.2231), A-11/19
(60.81.5445) & A-12/19 (60.81.5446)**

1070 Vansickle Road North

**DATE OF HEARING:
February 27, 2019**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 5, 2019

Date of Meeting: February 27, 2019

Report Number: B-03/19SC
A-11/19
A-12/19

File: 60.84.2231
60.81.5445
60.81.5446

Subject: 1070 Vansickle Road North

Recommendation

That Submission **B-03/19SC**, by Henriette Marsh, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. 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;
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 Part 1 be restricted to a maximum lot area of 632.5 m²;
4. 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 generally in accordance with the plans submitted to the Design Review Panel: site plan dated January 22, 2019, by Kirkup, Mascoe & Ure Surveying Ltd., and elevations dated November 2, 2018, by Nauta Home Designs, and be subject to review and approval by PBS demonstrating:
 - i. The inclusion of a window on the front façade of the southerly unit.
5. The Owner shall pay the fee for City crews to locate, trace, inspect and record the existing sewer and water laterals servicing the 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;

7. The Applicant pay the City the estimated cost for constructing a future 1.50-metre-wide concrete sidewalk along Vansickle Road a length of 17.75 metres in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment;
8. Prepare a Reference Plan for review and approval by the City identifying the 5.64 metre road widening along Vansickle Road, to be dedicated to the City as Public Highway known as Vansickle Road; and
9. Submit and register the Reference Plan and dedicate the appropriate part(s) to the City of St. Catharines as Public Highway known as Vansickle Road.

That Submission **A-11/19**, by Henriette Marsh, be approved to a maximum lot area of 632.5 m², and that Submission **A-12/19**, be approved, with the exception of Variance 1.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that application **B-03/19SC** is desirable and compatible with the surrounding area and will not result in adverse impacts 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-11/19** and **A-12/19**, with the exception of Variance 1 of **A-12/19**, 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 recommend that the requested variances be approved, and that variance 1 of application **A-12/19** be denied.

The Proposal

Application **B-03/19SC** is made for consent to sever 355.5 m² of land (Part 2 on the submitted sketch) creating a new lot to be known as 1070B Vansickle Road for the purpose of severing one-half of a semi-detached dwelling. A 647 m² remnant parcel with the remaining half (Part 1) of the semi-detached dwelling will be retained to be known as 1070A Vansickle Road. Part 3 is to be dedicated to the City of St. Catharines for a road widening. The Application would allow each unit of the semi-detached dwelling to be owned and/or sold separately.

Application **A-11/19** has been made to vary Zoning By-law 2013-283 for the following variances in order to facilitate the concurrent consent application **B-03/19SC** to sever a proposed semi-detached dwelling for Part 1:

- 1) An increase of the maximum lot area per dwelling unit for a semi-detached dwelling from 465 m² to 647 m².
- 2) A reduction of the minimum lot frontage from 12 metres to 11.52 metres.

Application **A-12/19** 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-03/19SC**:

- 1) A reduction of the minimum lot area per dwelling unit for a semi-detached dwelling from 370 m² to 355.5 m².
- 2) A reduction of the minimum lot frontage from 12 metres to 8.61 metres.
- 3) A reduction of the average front yard setback (+/- 0.75 metres) from 9.06 metres to 5.83 metres.

Location and Site Description

The subject property is located on the west side of Vansickle Road North, south of Tuscany Crescent and north of Grapeview Drive. The surrounding area consists of primarily detached homes, semi-detached homes, apartment buildings, as well as a nearby church. There is a hydro corridor adjacent to the north of the property.

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 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.

Report

Application B-03/19SC

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 each contain a semi-detached dwelling unit. Neighbouring properties to the south have undergone or are currently undertaking a similar consent process for the purpose of constructing semi-

detached dwelling units, and this will help for the subject property to maintain a level of compatibility with the character of the neighbourhood. 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.

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

The proposed lots will not negatively impact the established character of the neighbourhood. 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 1070 Vansickle Road North maintain the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area and the character of the neighbourhood. Staff recommend approval of the consent.

Design Review Panel (DRP)

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

The proposed consent was submitted to the DRP for review at the meeting of November 20, 2018. The DRP considered a proposal to sever an existing vacant lot for the purpose of constructing two wheelchair-friendly one-storey semi-detached units. It was noted that the proposed new lots would each require a variance for maximum lot area (max. 465 m²) and minimum lot frontage (min. 12 metres). The proposed building on Part 1 would require a variance for minimum garage setback (must be flush or recessed) and each dwelling would also require variances for setback from Vansickle Road due to averaging.

The DRP reviewed the plans provided by the applicant for the proposal and noted concerns that the proposed design did not provide for suitable interior livable space. The 8-foot-wide bedroom widths shown, for example, would be too narrow for wheelchair

accessibility. The DRP requested that the applicant explore alternative proposals and resubmit for review by the DRP.

The applicant revised their previous submission (considered at the November 20th meeting) to include wider dwellings with improved accessibility for review at the meeting of December 18, 2018. The DRP acknowledged the presence of two similarly-sized semis next door and their recent support for a similar proposal at 1074 Vansickle. The DRP was generally supportive of the proposed house design, but recommended that a window be added to the front façade of the southerly unit.

The DRP was in support of the amended proposal, subject to the inclusion of a window on the front façade of the southerly unit.

Building staff have advised that a building permit is required for the proposed semi-detached dwelling on Parts 1 and 2 and a separate building permit is required for the proposed shed.

Development and Engineering Services have advised that Vansickle Road North is designated as a Local Road in the City's Official Plan with a desired right-of-way width of 20 metres. Its current width along the Applicant frontage is 14.36 metres. Therefore, a road widening of 5.64 metres is required at this time. The extent of this widening is the same as road-widenings which have previously been taken along the west side of Vansickle Road North in this vicinity.

Development Engineering has further advised that there is presently no sidewalk on this side of Vansickle Road North. The City's Official Plan indicates sidewalks should be available on both sides of the road, and that when opportunities exist through development, sidewalks shall be constructed. In this case, since sidewalks do not exist north or south of this property it makes no sense to physically construct the sidewalk at this time. Instead, the Owner shall pay the City for the future construction of the sidewalk across the frontage of these two lots. The amount paid shall be based on recent tender prices for similar works on other City projects.

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 affecting 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 storm sewer exists on Vansickle Road the Owner shall pay to have a new storm lateral installed from the existing storm sewer on Vansickle Road to the front property line of each lot. Prior to finalizing the severance, the Owner shall pay to have the City confirm the location and condition of the existing water service and sanitary sewer lateral. If the water service and/or sanitary sewer lateral are

suitable for re-use and do not cross any abutting and/or future lot lines they may be used for one of the units. However, if either or both of these services are determined to cross abutting and/or future lot lines, the Owner shall be responsible to pay the City to relocate the portion on the road allowance and/or pay for a new service connection.

Application A-11/19 (Part 1)

Zoning By-law 2013-283 permits a maximum lot area per dwelling unit for a semi-detached dwelling of 465 m². Variance 1 requests an increase of the maximum lot area per dwelling unit on Part 1, for a proposed semi-detached dwelling unit, from 465 m² to 647 m². While staff are not opposed to an increase to the lot area for this property, staff recommend that the maximum lot area not be approved for greater than 632.5 m², as the newly created lot shown as Part 2 on the submitted sketch is recommended to meet the minimum lot area requirement of 370 m². The request to permit an increased maximum lot area is compatible with the prevailing character of the neighbourhood and will not detract from the streetscape. The request for a larger parcel on Part 1 is a result of the future development potential of the adjacent site to the west and south, which could include a consequent severance of the rear portion of Part 1 plus a lot addition to the adjacent site(s). The size of the lot provides for an optimum opportunity for development of the subject and adjacent parcels of land, which supports the City's Official Plan policies for residential infill and intensification and is an efficient use of the subject land. It is staff's opinion that this application is in conformity with the Official Plan and Zoning By-law, is desirable for the appropriate development of the land, and will have no measurable adverse impacts on the surrounding area. Staff recommend approval of the application for a minor variance, to a maximum lot area of 632.5 m².

Zoning By-law 2013-283 requires a minimum lot frontage of 12 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 of Application **A-11/19** requests a reduction of the minimum lot frontage from 12 metres to 11.52 metres for Part 1m whereas Variance 2 of Application **A-12/19** requests a reduction of the minimum lot frontage from 12 metres to 8.61 metres for Part 2. The applicant has demonstrated that a semi-detached dwelling can fit appropriately on the lot while complying with all other zoning provisions. The adjacent properties to the south which currently house a semi-detached dwelling has also received variances for reduced lot frontages to facilitate the construction of the semis, and therefore the reduced lot frontages for Parts 1 and 2 of the subject lot will not be out of character with neighbouring properties. Variance 2 of Application **A-11/19** and Variance 2 of Application **A-12/19** 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.

Application A-12/19 (Part 2)

Zoning By-law 2013-283 requires a minimum lot area per dwelling unit for a semi-detached dwelling of 370 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 370 m² to 355.5 m². Staff have advised that Part 2 of the submitted drawings should be extended further to the rear of the property, to increase the lot area to meet the minimum requirement. The applicant has not demonstrated any hardship or justification as to why the minimum lot area of 370 m² cannot be achieved, and particularly as the adjacent lot of Part 1 has more than available land to allow an additional 14.5 m² to be added to the lot area of Part 2. Staff do not support the variance as proposed.

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 9.81 metres and with the permitted as-of-right variance of 0.75 metres, the minimum front yard setback for the lots is 9.06 metres and the maximum front yard setback is 10.56 metres. Variance 3 of the application requests the average front yard setback be reduced to 5.83 metres, for the proposed construction of the semi-detached dwelling unit on Part 2. 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 requested variance to reduce the front yard setback is a result of the road widening of 5.64 metres along Vansickle Road being requested, which limits the amount of front yard space available for the dwelling units. The dwellings adjacent to the south are situated at a front yard setback of 4.72 metres from the property line, and the reduction to the front yard setback in this instance would still maintain a consistent streetscape and built form along Vansickle Road, and would also achieve compatibility with the adjacent properties. The reduction is also a result of the angling of the dwellings on the lot, which was designed in similar form to the abutting property to the south to achieve compatibility. Therefore, the reduced front yard is specifically to one pinch point of the dwelling, and then increases gradually to the north property line, minimizing the impact of the reduction.

The minimum and maximum front yard setback offers a range for new construction that will maintain consistency and compatibility with the surrounding neighbourhood. Staff is supportive of the requested reduction to the front yard setback as it will maintain a consistent built form with neighbouring properties and achieve compatibility of streetscape aesthetic.

Conclusion

Staff is of the opinion that Application **B-03/19SC** 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 with the conditions outlined in the recommendation.

Staff is of the opinion that Applications **A-11/19** and **A-12/19** 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 with the exception of variance 1 of

Application **A-12/19**. It is staff's recommendation that the requested variances be approved with the exception of variance 1 of Application **A-12/19**.

Prepared by:



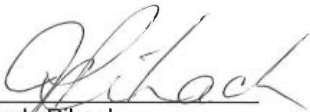
Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 2

1070 Vansickle Road North, 156 Berryman Avenue

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, January 31, 2019 10:48 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 2

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

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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

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

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 2 - 905-19-081

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]
Sent: Tuesday, February 05, 2019 9:34 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 2 - 905-19-081

Dear Elaine,

Re File: B-03/19SC

Details

- ☐ Severance
- ☐ 1070 Vansickle Road N
- ☐ Part of Lot 23, Conc 4 Pt 1 Plan 30R2722

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-722-2263



Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – February 27, 2019 hearing - File No.: 300-036

B-67/18SC – 71 Bradley Street

Comment:

- Be advised that a building permit is required for the proposed semi detached dwelling on Parts 1 and 2.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement.

Condition:

- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-76/18SC – 37A Henley Drive

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 1, 2, and 3.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement (Part 6).

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-03/19SC – 1070 Vansickle Road North

Comment:

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

Condition:

- No Comment

B-06/19SC – 24 Woodmount Drive

Comment:

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

Condition:

- No Comment

B-07/19SC – 102 Broadway

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 Part 1 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-08/19SC – 1074 Vansickle Road North

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, 2, 3, and 4.

Condition:

- The existing garage on Part 1 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.

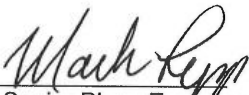
B-09/19SC – 13 Chestnut Street

Comment:

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

Condition:

- The existing dwelling 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.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 27, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-10/19	12 Fitzroy Lane	-Be advised that a building permit is required for the proposed addition to the existing shed. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-11/19	1070A Vansickle Road North	-No Comment
A-12/19	1070B Vansickle Road North	-No Comment
A-16/19	156 Berryman Ave.	-Be advised that a building permit is required for the proposed industrial building.
A-17/19	22A Woodmount Dr.	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-18/19	24 Woodmount Dr.	-No Comment
A-19/19	102 Broadway	-Be advised that a building permit is required for the proposed dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-20/19	2 Lakeside Drive	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

NO.	ADDRESS	COMMENTS
A-21/19	1074A Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-22/19	1074B Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-23/19	12 Salina Street	-Be advised that a building permit is required for the proposed accessory dwelling unit.
A-25/19	13 Chestnut Street	-No Comment
A-26/19	13B Chestnut street	-No Comment
A-27/19	51 Mary Street	-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\bdg memo 2019\03 bcoa memo-mv-Feb27, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: February 9, 2019
Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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

1070 Vansickle Rd N -
See next page

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

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

- 3. 1070 Vansickle Road N, Consent, B-03/19SC – 60.84.2231**
1070A Vansickle Road N, Minor Variance, A-11/19 – 60.81.5445
1070B Vansickle Road N, Minor Variance, A-12/19 – 60.81.5446

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.

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

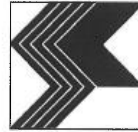
That payment of 5% of the appraised value of the new lot be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land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

- 4. 12 Fitzroy Lane, Minor Variance, A-10/19 – 60.81.5444**
No comment.

- 5. 156 Berryman Avenue, Minor Variance, A-16/19 – 60.81.5450**
Staff are supportive of the request, subject to the increased landscaping adjacent to residential uses. Detailed design will be reviewed through the Site Plan Agreement.

- 6. 24 Woodmount Drive, Consent, B-06/19SC – 60.84.2234**
22A Woodmount Drive, Minor Variance, A-17/19 – 60.81.5451
24 Woodmount Drive, Minor Variance, A-18/19 – 60.81.5452

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-03/19SC



February 12th, 2019

ENGINEERING FILE 300-36

Hearing Date: February 27th, 2019

Applicant Henriette Marsh

Location: 1070 Vansickle Road North

EXISTING MUNICIPAL SERVICES

Vansickle Road North

Water:	150mm P.V.C.
Sanitary Sewer:	250mm Conc.
Storm Sewer:	450mm P.V.C.
Sidewalks:	East side only
Road Allowance Width:	14.36m±

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

Comment(s): It is noted that the Applicant proposes to sever Part 2 creating a lot for one-half of a semi-detached dwelling. Part 1 will be retained for 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

Vansickle Road North 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 14.36m. Therefore, a road widening of 5.64m is required at this time. The extent of this widening is the same as widenings taken previously along the west side of Vansickle Road North in this vicinity

There is presently no sidewalk on this side of Vansickle Road North. The City's Official Plan indicates sidewalks should be available on both sides of the road, and that when opportunities exist through development, sidewalks shall be constructed. In this case since sidewalks do not exist north or south of this property it makes no sense to physically construct the sidewalk at this time. Instead, the Owner shall pay the City for the future construction of the sidewalk across the frontage of these two lots. The amount paid shall be based on recent tender prices for similar works on other City projects.

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 affecting 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 storm sewer exists on Vansickle Road the Owner shall pay to have a new storm lateral installed from the existing storm sewer on Vansickle Road to the front property line of each lot. The Owner shall also, through a Plumbing Only Permit, extend these laterals to the proposed new dwellings and connect the sump pump for these dwellings to these laterals. Fees to provide the storm lateral are to be paid prior to at the Building Permit stage.

Prior to finalizing the severance, the Owner shall pay to have the City confirm the location and condition of the existing water service and sanitary sewer lateral. If the water service and/or sanitary sewer lateral are suitable for re-use and do not cross any abutting and/or future lot lines they may be used for one of the units. However, if either or both of these services are determined to cross abutting and/or future lot lines, the Owner shall be responsible to pay the City to relocate the portion on the road allowance and/or pay for a new service connection. The Owner shall be responsible to relocate the portion of these works on private property through a Plumbing Only permit.

If either or both of the services are deemed unsuitable for reuse, the Owner shall pay the City to install new services from the main line on Vansickle Road to the front property line. These can be paid for at the building permit stage.

The Owner shall also pay the City the fees to provide any additional water service and sewer lateral 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 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.
- Pay to the City the estimated cost for constructing a future 1.50m wide concrete sidewalk along Vansickle Road a length of 17.75m in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment.
- Prepare a Reference Plan for review and approval by the City identifying the widening along Vansickle Road to be dedicated to

- the City as Public Highway; and
- Submit and register the Reference Plan dedicating the widening along Vansickle Road to the City of St. Catharines as Public Highway.

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

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Vincent Wen, Planning Co-op Student
Judy Pihach, Manager of Planning

From: James Denham P.Eng.
Development Engineering Technologist

Date: February 12th, 2019

Hearing Date: February 27th, 2019

Subject: Development Engineering - Minor Variance Applications
12 Fitzroy Lane, A -10/19SC
1070A & 1070B Vansickle Road North, A -11&12/19SC
156 Berryman Avenue, A -16/19SC
102 Broadway, A -19/19SC
2 Lakeside Drive, A – 20/19SC
1074A & 1074B Vansickle Road North, A - 21&22/19SC

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 Denham P.Eng.
Development Engineering Technologist

JD

cc. Brian Thiessen, PBS (email only)
Brad Johnston, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
60.84.2220
60.84.2231
60.81.5445
60.81.5446
60.84.2236
60.81.5455
60.81.5456
60.81.5444
60.81.5450
60.84.2234
60.81.5451
60.81.5452
60.84.2235
60.81.5453
60.81.5454
60.81.5457
60.84.2237
60.81.5459
60.81.5460
60.81.5461

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-08/19SC (60.84.2236), A-21/19
(60.81.5455) & A-22/19 (60.81.5456)**

1074 Vansickle Road North

**DATE OF HEARING:
February 27, 2019**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 5, 2019

Date of Meeting: February 27, 2019

Report Number: B-08/19SC
A-21/19
A-22/19

File: 60.84.2236
60.81.5455
60.81.5456

Subject: 1074 Vansickle Road North
1074A Vansickle Road North
1074B Vansickle Road North

Recommendation

That Submission **B-08/19SC**, by Graziano and Elgilda Chirchiello and Carimine (Estate of) and Grazia Dipietro, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. 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;
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'. 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, 2, 3, and 4), to address the following conditions:
 - a) Building Permit Plans be subject to review and approval by PBS demonstrating:
 - i. The setbacks of the two units be staggered to improve driveway depth; and,
 - ii. That the elevation plans for the two units be different but compatible and shall include different colours, finishes and architectural detailing to facilitate an individualized façade design for Part 2 to differentiate the second unit;

4. The existing garage on Part 1 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;
5. The Applicant pay the fee for City crews to locate, trace, inspect and record the existing sewer and water laterals servicing the 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;
7. The Applicant pay the City the estimated cost for constructing a future 1.50-metre-wide concrete sidewalk along Vansickle Road a length of 18.29 metre in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment;
8. Prepare a Reference Plan for review and approval by the City identifying the 5.64 metre road widening along Vansickle Road, to be dedicated to the City as Public Highway known as Vansickle Road; and
9. Submit and register the Reference Plan and dedicate the appropriate part(s) to the City of St. Catharines as Public Highway known as Vansickle Road.

That Submission **A-21/19**, by Graziano and Elgilda Chirchiello and Carimine (Estate of) and Grazia Dipietro, 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-08/19SC** 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-21/19** and **A-22/19** 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 variances be approved.

The Proposal

Application **B-08/19SC** is made for consent to sever 328 m² of land (Parts 1 & 2 on the submitted sketch) creating a new lot to be known as 1074A Vansickle Road for the purpose of severing one-half of a proposed semi-detached dwelling subject to an easement over Part 2 for eaves, gutters, footings and weeping tile to benefit 1074B Vansickle Road (Parts 3 & 4). A 328 m² remnant parcel (Parts 3 & 4) of the other half of the proposed semi-detached dwelling is to be retained, together with an easement, for eaves, gutters, footings and weeping tile, in perpetuity, over Part 4 for eaves, gutters and

wall to benefit 1074A Vansickle Road. Part 5 is to be dedicated to the City of St. Catharines for a road widening. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately.

Application **A-21/19 (Parts 1 & 2)** requests variances to the City of St. Catharines Zoning By-law 2013-283 to facilitate the concurrent consent Application **B-08/19SC** to sever a proposed semi-detached dwelling for Parts 1 & 2:

- 1) A reduction of the minimum lot area per dwelling unit for a semi-detached dwelling from 370 m² to 328 m².
- 2) A reduction of the minimum lot frontage from 12 metres to 9.14 metres.
- 3) A reduction of the front yard setback to the garage from 7 metres to 6.5 metres.
- 4) A reduction of the rear yard setback from 7.5 metres to 7.1 metres.
- 5) A reduction of the interior side yard setback to the garage (not part of common wall) from 1.2 metres to 0 metres.
- 6) A reduction of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to 0 metres.

Application **A-22/19** has been made to vary Zoning By-law 2013-283, as amended for the following variances in order to facilitate the concurrent consent application **B-08/19SC** to sever proposed semi-detached dwelling for Parts 3 & 4:

- 1) A reduction of the minimum lot area per dwelling unit for a semi-detached dwelling from 370 m² to 328 m².
- 2) A reduction of the minimum lot frontage from 12 metres to 9.14 metres.
- 3) A reduction of the front yard setback to the house from 6 metres to 5.88 metres.
- 4) A reduction of the rear yard setback from 7.5 metres to 7.31 metres.
- 5) A reduction of the interior side yard setback to the garage (not part of common wall) from 1.2 metres to 0 metres.
- 6) A reduction of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to 0 metres.

Location and Site Description

The subject property is located on the west side of Vansickle Road North, north of Grapeview Drive and west of Martindale Road. The surrounding area consists of primarily detached homes, semi-detached homes, apartment buildings, as well as a nearby church. There is a hydro corridor adjacent to the north of the property.

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 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.

Report

Application B-08/19SC

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. The citing of the proposed building envelopes on the subject properties will maintain a consistent lot depth with adjacent properties and provides sufficient front and rear yard amenity space for the dwelling units. Neighbouring properties to the north have undergone, or are currently undertaking, a similar consent process for the purpose of constructing semi-detached dwelling units, and this will help for the subject property to maintain a level of compatibility with the character of the neighbourhood. 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 with a variety of housing types and particularly semi-detached dwellings in the immediate vicinity. 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 1074 Vansickle Road North maintain the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area and the character of the neighbourhood. Staff recommend approval of the consent.

Design Review Panel (DRP)

Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Council further directed that the City routinely require Development Agreements to be registered on title as a condition of consent applications to address conditions for future

development design. Staff may recommend conditions of consent approval including a Development Agreement, to implement the advice of the DRP and other City and agency considerations.

The proposed consent was submitted to the DRP for review at the meeting of November 20, 2018. The DRP considered a proposal to sever a vacant lot for the purpose of constructing two semi-detached dwellings. The applicant presented elevations with a stone/stucco front façade, low-pitched roof and brick/siding on the sides and rear.

The DRP was generally supportive of the proposed design but suggested that staggering the front façade of the two semis would eliminate the required variance for the front yard setback on Part 2 and (while the proposed building materials shown blended in with the current streetscape) also provide an opportunity to vary the front façades of the two units. In the design provided to the DRP, they are a mirrored image of each other. Staggering the two units would also help to differentiate them by creating a varying roof line. The DRP also noted that the one-storey design works well with the neighbouring one storey. The DRP had no problem with the northwest corner rear yard setback, given the average size of the total amenity area.

The DRP supported the lot creation, as proposed, provided that the setbacks of the two units be staggered to improve driveway depth, and remove the need for a front yard setback variance for Part 2. The DRP also suggested that, with staggering, the applicant consider individualized façade design for Part 2 to differentiate the second unit. The applicant has submitted a revised proposal (from that submitted to the DRP) that indicates the advice of the DRP has been taken into consideration and is reflected in the submitted site plan for the Committee of Adjustment.

Building staff have advised that a building permit is required for the proposed semi-detached dwelling on Parts 1 through 4. In addition, the existing garage on Part 1 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.

The City's Development Engineering Service department has noted that Vansickle Road North is designated as a Local Road in the City's Official Plan with a desired right-of-way width of 20 metres. Its current width along the Applicant frontage is 14.36 metres. Therefore, a road widening of 5.64 metres is required at this time. The extent of this widening is the same as widenings taken previously along the west side of Vansickle Road North in this vicinity.

There is presently no sidewalk on this side of Vansickle Road North. The City's Official Plan indicates sidewalks should be available on both sides of the road, and that when opportunities exist through development, sidewalks shall be constructed. In this case since sidewalks do not exist north or south of this property it makes no sense to physically construct the sidewalk at this time. Instead, the Owner shall pay the City for the future construction of the sidewalk across the frontage of these two lots. The amount paid shall be based on recent tender prices for similar works on other City projects.

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 affecting 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 storm sewer exists on Vansickle Road the Owner shall pay to have a new storm lateral installed from the existing storm sewer on Vansickle Road to the front property line of each lot. Prior to finalizing the severance, the Owner shall pay to have the City confirm the location and condition of the existing water service and sanitary sewer lateral. If the water service and/or sanitary sewer lateral are suitable for re-use and do not cross any abutting and/or future lot lines they may be used for one of the units. However, if either or both of these services are determined to cross abutting and/or future lot lines, the Owner shall be responsible to pay the City to relocate the portion on the road allowance and/or pay for a new service connection.

Variances

Applications A-21/19 (Parts 1 & 2) and A-22/19 (Parts 3 & 4)

Variance 1 for both Applications **A-21/19 (Parts 1 & 2)** and **A-22/19 (Parts 3 & 4)** requests a reduction of the minimum lot area per dwelling unit from 370 m² to 328 m². The minimum lot area requirement is intended to ensure that a building envelope can fit comfortably on a property while still providing adequate amenity space and ensure the dwelling will not overwhelm the lot or neighbouring properties. The applicant has demonstrated that a semi-detached dwelling can fit suitably on the lots while abiding by most required zoning provisions, and will not significantly take away from the available amenity space of the property. From a streetscape perspective, a reduction of 42 m² per lot is not discernable and will not have adverse impacts. Staff recommend approval of variance 1 for Applications **A-21/19 and A-22/19**.

Variance 2 for both Applications **A-21/19 (Parts 1 & 2)** and **A-22/19 (Parts 3 & 4)** requests a reduction of the minimum lot frontage from 12 metres to 9.14 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 and parking area, while also conforming to various setback requirements. The applicant has demonstrated that a semi-detached dwelling can fit appropriately on the lot while complying with most other zoning provisions. The adjacent properties to the north which currently house a semi-detached dwelling has also received variances for reduced lot frontages to facilitate the construction of the semis, and therefore the reduced lot frontages for Parts 1 and 3 of the subject lots will not be out of character with neighbouring properties. The Applicant has demonstrated that a semi-detached dwelling can fit appropriately on the lot while complying with all other zoning provisions. It is staff's recommendation that variance 2 of Application **A-21/19 and A-22/19** be approved.

Variance 3 for Application **A-21/19** requests a reduction of the front yard setback to the garage from 7 metres to 6.5 metres on Parts 1 & 2, and variance 3 for Application **A-22/19** requests a reduction of the front yard setback to the dwelling from 6 metres to 5.88 metres on Parts 3 & 4. 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 and a sufficient parking area can be provided between the dwelling and front lot line. The submitted drawings indicate that the semi-detached dwelling will be staggered, on the advice of the DRP, and as such resulted in the garage sitting slightly closer to the front lot line than permitted on Parts 1 & 2, and the house sitting slightly forward to a pinch point on Parts 3 & 4. The properties provide ample front yard amenity space, and the parking area length on Parts 1 & 2 is still greater than required by City standards for an average parking spot, despite the reduction. Staff have no concerns with variance 3 of Application **A-21/19** or **A-22/19**.

Variance 4 for Application **A-21/19** requests a reduction of the rear yard setback from 7.5 metres to 7.1 metres on Parts 1 & 2, and variance 4 for Application **A-22/19** requests a reduction of the rear yard setback from 7.5 metres to 7.31 metres on Parts 3 & 4. The intent of the rear yard setback is to ensure sufficient rear yard amenity space can be provided and prevent overwhelming of the property to ensure the privacy of neighboring properties. The need for the reductions to the rear yard are a result of the staggered design of the semis and is primarily for the two pinch point locations only. The reductions will have ultimately no impact on the provision of amenity space. In addition, there are no neighbouring lots to the rear of the property, which further reduces the impact of this reduction. Staff recommend approval of variance 4 of Application **A-21/19** and **A-22/19**.

Variance 5 for Application **A-21/19** and Application **A-22/19** requests a reduction of the interior side yard setback to the garage from 1.2 metres to 0 metres. The intent of the minimum interior side yard setback is to ensure that sufficient distance and 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. As the lot is proposed for a staggered semi-detached dwelling, there are certain design aspects that have to be considered, including the separation wall that sits on the property line separating the two units. The staggered design of the units results in a portion of each unit protruding further past the common wall of the adjacent unit. As such, the garages require a variance for a 0 metre setback. Approving these requests will not have any impact on rear yard access, as there is adequate access space provided along the opposite property lines. Staff recommend approval of variance 4 of Application **A-21/19** and **A-22/19**.

Variance 6 for Application **A-21/19** and Application **A-22/19** requests a reduction of the maximum encroachment into required yard for eaves and gutters from 0.15 metres to 0 metres. This provision exists to avoid conflicts regarding storm water runoff and to ensure that drainage is directed onto its respective lot. As a result of the subject property being developed into a staggered semi-detached dwelling, the resultant design is that the eaves of the units (shown as Parts 2 and 3 on the submitted sketch) extend past what is permitted by the zoning by-law, and into the adjacent yards. With the construction design

of staggered semis becoming more prevalent in the City, the eaves encroachment variance is likely to be requested more frequently. The requested variance is minor in nature and required in order to facilitate the optimum development of the site. Staff recommend approval of the requested variance.

Conclusion

Staff is of the opinion that Application **B-08/19SC** 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 with the conditions outlined in the recommendation.


Staff is of the opinion that Applications **A-21/19** and **A-22/19** are 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

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: ***Missed one set of applications - Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 6- Last email

1074 Vansickle Road North

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, January 31, 2019 10:54 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: ***Missed one set of applications - Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 6- Last email

Hi Elaine
Email 6
Cogeco has no issues or concerns with these applications
Thanks

Good day to stay home and keep warm
Talk soon

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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Munro, Elaine

Subject: RE: ***Missed one set of applications - Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 6- Last email

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]
Sent: Tuesday, February 05, 2019 9:31 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: ***Missed one set of applications - Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 6- Last email

Dear Elaine,

Re File: B-08/19SC

Details

- ☐ Severance
- ☐ 1074 Vansickle Road N,
- ☐ Part of Lot 23, Conc 4

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-722-2263



Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – February 27, 2019 hearing - File No.: 300-036

B-67/18SC – 71 Bradley Street

Comment:

- Be advised that a building permit is required for the proposed semi detached dwelling on Parts 1 and 2.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement.

Condition:

- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-76/18SC – 37A Henley Drive

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 1, 2, and 3.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement (Part 6).

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-03/19SC – 1070 Vansickle Road North

Comment:

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

Condition:

- No Comment

B-06/19SC – 24 Woodmount Drive

Comment:

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

Condition:

- No Comment

B-07/19SC – 102 Broadway

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 Part 1 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-08/19SC – 1074 Vansickle Road North

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, 2, 3, and 4.

Condition:

- The existing garage on Part 1 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-09/19SC – 13 Chestnut Street

Comment:

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

Condition:

- The existing dwelling 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.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 27, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-10/19	12 Fitzroy Lane	-Be advised that a building permit is required for the proposed addition to the existing shed. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-11/19	1070A Vansickle Road North	-No Comment
A-12/19	1070B Vansickle Road North	-No Comment
A-16/19	156 Berryman Ave.	-Be advised that a building permit is required for the proposed industrial building.
A-17/19	22A Woodmount Dr.	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-18/19	24 Woodmount Dr.	-No Comment
A-19/19	102 Broadway	-Be advised that a building permit is required for the proposed dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-20/19	2 Lakeside Drive	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

NO.	ADDRESS	COMMENTS
A-21/19	1074A Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-22/19	1074B Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-23/19	12 Salina Street	-Be advised that a building permit is required for the proposed accessory dwelling unit.
A-25/19	13 Chestnut Street	-No Comment
A-26/19	13B Chestnut street	-No Comment
A-27/19	51 Mary Street	-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\03 bcoa memo-mv-Feb27, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: February 9, 2019
Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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

1074 Vansickle Rd -
See next page

- 8. 1074 Vansickle Road N, Consent, B-08/19SC – 60.84.2236**
1074A Vansickle Road N, Minor Variance, A-21/19 – 60.81.5455
1074B Vansickle Road N, Minor Variance, A-22/19 – 60.81.5456

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.

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

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

- 9. 12 Salina Street, Minor Variance, A-23/19 – 60.81.5457**
No comment.

- 10. 13 Chestnut Street, Consent, B-09/19SC – 60.84.2237**
13 Chestnut Street, Minor Variance, A-25/19 – 60.81.5459
13B Chestnut Street, Minor Variance, A-26/19 – 60.81.5460

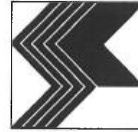
Please be advised that we have reviewed the above-noted applications and request the following be included as a conditions of severance:

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.

- 11. 51 Mary Street, Minor Variance, A-27/19 – 60.81.5461**
No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-08/19SC



February 12th, 2019

ENGINEERING FILE 300-36

Hearing Date: February 27th, 2019

Applicant Graziano & Egilda Chirchiello and
Carmine & Grazia Di Pietro

Location: 1074 Vansickle Road North

EXISTING MUNICIPAL SERVICES

Vansickle Road North

Water:	150mm P.V.C.
Sanitary Sewer:	250mm Conc.
Storm Sewer:	450mm P.V.C.
Sidewalks:	East side only
Road Allowance Width:	14.36m±

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

Comment(s): It is noted that the Applicant proposes to sever Parts 1 & 2 for one-half of a semi-detached dwelling. Parts 3 & 4 will be retained for the other half of the semi-detached dwelling. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately.

Roads

Vansickle Road North 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 14.36m. Therefore, a road widening of 5.64m is required at this time. The extent of this widening is the same as widenings taken previously along the west side of Vansickle Road North in this vicinity

There is presently no sidewalk on this side of Vansickle Road North. The City's Official Plan indicates sidewalks should be available on both sides of the road, and that when opportunities exist through development, sidewalks shall be constructed. In this case since sidewalks do not exist north or south of this property it makes no sense to physically construct the sidewalk at this time. Instead, the Owner shall pay the City for the future construction of the sidewalk across the frontage of these two lots. The amount paid shall be based on recent tender prices for similar works on other City projects.

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 affecting 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 storm sewer exists on Vansickle Road the Owner shall pay to have a new storm lateral installed from the existing storm sewer on Vansickle Road to the front property line of each lot. The Owner shall also, through a Plumbing Only Permit, extend these laterals to the proposed new dwellings and connect the sump pump for these dwellings to these laterals. Fees to provide the storm lateral are to be paid prior to the Building Permit stage.

Prior to finalizing the severance, the Owner shall pay to have the City confirm the location and condition of the existing water service and sanitary sewer lateral. If the water service and/or sanitary sewer lateral are suitable for re-use and do not cross any abutting and/or future lot lines they may be used for one of the units. However, if either or both of these services are determined to cross abutting and/or future lot lines, the Owner shall be responsible to pay the City to relocate the portion on the road allowance and/or pay for a new service connection. The Owner shall be responsible to relocate the portion of these works on private property through a Plumbing Only permit.

If either or both of the services are deemed unsuitable for reuse, the Owner shall pay the City to install new services from the main line on Vansickle Road to the front property line. These can be paid for at the building permit stage.

The Owner shall also pay the City the fees to provide any additional water service and sewer lateral 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 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.
- Pay to the City the estimated cost for constructing a future 1.50m wide concrete sidewalk along Vansickle Road a length of 18.29m in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment.
- Prepare a Reference Plan for review and approval by the City identifying the widening along Vansickle Road to be dedicated to the City as Public Highway; and

- Submit and register the Reference Plan dedicating the widening along Vansickle Road to the City of St. Catharines as Public Highway.

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

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Vincent Wen, Planning Co-op Student
Judy Pihach, Manager of Planning

From: James Denham P.Eng.
Development Engineering Technologist

Date: February 12th, 2019
Hearing Date: February 27th, 2019

Subject: Development Engineering - Minor Variance Applications
12 Fitzroy Lane, A -10/19SC
1070A & 1070B Vansickle Road North, A -11&12/19SC
156 Berryman Avenue, A -16/19SC
102 Broadway, A -19/19SC
2 Lakeside Drive, A – 20/19SC
1074A & 1074B Vansickle Road North, A - 21&22/19SC

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 Denham P.Eng.
Development Engineering Technologist

JD

cc. Brian Thiessen, PBS (email only)
Brad Johnston, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
60.84.2220
60.84.2231
60.81.5445
60.81.5446
60.84.2236
60.81.5455
60.81.5456
60.81.5444
60.81.5450
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60.81.5457
60.84.2237
60.81.5459
60.81.5460
60.81.5461

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-10/19 (60.81.5444)

12 Fitzroy Lane

**DATE OF HEARING:
February 27, 2019**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 20, 2019

Date of Meeting: February 27, 2019

Report Number: A-10/19

File: 60.81.5444

Subject: 12 Fitzroy Lane

Recommendation

That Submission **A-10/19**, by James Bolibruck and Natalie Bolibruck, as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variance requested through application **A-10/19** 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 variance be approved.

The Proposal

Application **A-10/19** is made pertaining to the City of St. Catharines Zoning By-law 2013-283, to permit the encroachment of an accessory structure (extension of existing shed) into the required front yard by 2.9 metres.

Location and Site Description

The subject property is located on the south side of Fitzroy lane, to the east of Pearce Avenue and west of the Welland Canal. The surrounding area consists primarily of single detached homes, as well as a nearby pedestrian trail to the west of Pearce Avenue.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated 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 property is zoned Low Density Residential (R1). The R1 zone permits detached, semi-detached, quadruplex, and townhouse dwellings, as well as private road developments.

Report

Zoning By-law 2013-283 does not permit an accessory structure to be located in a required front yard. The applicant has requested to vary the zoning by-law to allow the encroachment of an accessory structure into the required front yard by 2.9 metres. As a result of the subject property being on the arc of a cul-de-sac, the property line is inconsistent and reduces the front yard length on the east side where the existing accessory structure has been located for a significant length of time. The need for a variance has been triggered by the addition of an extension to the shed without a building permit, that results in the shed encroaching into the required front yard of the property. The applicant has advised that the purpose of the encroachment is to finish the shed to match the existing home. Despite the extension, the shed is still considerably recessed from the primary dwelling and does not have any impact on the functioning of the property. 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 a building permit is required for the proposed addition to the existing shed. In addition, the reduction in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.

The Committee should be advised that a number of adjacent neighbours have expressed support for the requested minor variance application.

Conclusion


Staff is of the opinion that application **A-10/19** 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 variance be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 1

71 Bradley, 37 Henley, 12 Fitzroy

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, January 31, 2019 10:46 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 1

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

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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..

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

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If you no longer wish to receive promotional emails from Cogeco, please forward this message to unsubscribe@cogeco.com. Thank you!



Memorandum

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

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

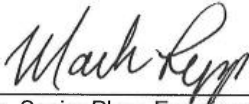
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 27, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-10/19	12 Fitzroy Lane	-Be advised that a building permit is required for the proposed addition to the existing shed. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-11/19	1070A Vansickle Road North	-No Comment
A-12/19	1070B Vansickle Road North	-No Comment
A-16/19	156 Berryman Ave.	-Be advised that a building permit is required for the proposed industrial building.
A-17/19	22A Woodmount Dr.	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-18/19	24 Woodmount Dr.	-No Comment
A-19/19	102 Broadway	-Be advised that a building permit is required for the proposed dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-20/19	2 Lakeside Drive	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

NO.	ADDRESS	COMMENTS
A-21/19	1074A Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-22/19	1074B Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-23/19	12 Salina Street	-Be advised that a building permit is required for the proposed accessory dwelling unit.
A-25/19	13 Chestnut Street	-No Comment
A-26/19	13B Chestnut street	-No Comment
A-27/19	51 Mary Street	-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\03 bcoa memo-mv-Feb27, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: February 9, 2019
Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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

12 Fitzroy - see next page

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

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

- 3. 1070 Vansickle Road N, Consent, B-03/19SC – 60.84.2231**
1070A Vansickle Road N, Minor Variance, A-11/19 – 60.81.5445
1070B Vansickle Road N, Minor Variance, A-12/19 – 60.81.5446

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.

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.

- 4. 12 Fitzroy Lane, Minor Variance, A-10/19 – 60.81.5444**
No comment.

5. 156 Berryman Avenue, Minor Variance, A-16/19 – 60.81.5450
Staff are supportive of the request, subject to the increased landscaping adjacent to residential uses. Detailed design will be reviewed through the Site Plan Agreement.

- 6. 24 Woodmount Drive, Consent, B-06/19SC – 60.84.2234**
22A Woodmount Drive, Minor Variance, A-17/19 – 60.81.5451
24 Woodmount Drive, Minor Variance, A-18/19 – 60.81.5452



Memorandum

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

Cc: Kirstin Jensen, Planner I
Vincent Wen, Planning Co-op Student
Judy Pihach, Manager of Planning

From: James Denham P.Eng.
Development Engineering Technologist

Date: February 12th, 2019

Hearing Date: February 27th, 2019

Subject: Development Engineering - Minor Variance Applications
12 Fitzroy Lane, A -10/19SC
1070A & 1070B Vansickle Road North, A -11&12/19SC
156 Berryman Avenue, A -16/19SC
102 Broadway, A -19/19SC
2 Lakeside Drive, A - 20/19SC
1074A & 1074B Vansickle Road North, A - 21&22/19SC

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 Denham P.Eng.
Development Engineering Technologist

JD

cc. Brian Thiessen, PBS (email only)
Brad Johnston, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
60.84.2220
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60.84.2236
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60.81.5451
60.81.5452
60.84.2235
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60.84.2237
60.81.5459
60.81.5460
60.81.5461

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-16/19 (60.81.5450)

156 Berryman Avenue

DATE OF HEARING:
February 27, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 20, 2019

Date of Meeting: February 27, 2019

Report Number: A-16/19

File: 60.81.5450

Subject: 156 Berryman Avenue

Recommendation

That Submission **A-16/19**, by 2019562 Ontario Inc., as outlined in the Notice of Hearing, be approved.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variance requested through application **A-16/19** 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 variance be approved.

The Proposal

Application **A-16/19** is made pertaining to City of St. Catharines By-law 2013-283 for a reduction of the minimum width of a landscape buffer for a lot line not abutting a public road adjacent to a parking area with more than 20 spaces but less than 100 spaces, from 3 metres to 0 metres. The variance is requested to facilitate the proposed construction of an industrial building.

Location and Site Description

The subject property is located on east side of Berryman Avenue, south of Lancaster Avenue and north of Yale Crescent. The surrounding area primarily consists of industrial buildings to the west and south, and single-detached dwellings to the north and northeast of the property.

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 Employment as per Schedule D1 of the Garden City Plan (GCP) and further designated General Employment as per Schedule E5 of the Garden City Plan (GCP). The General Employment designation permits a full range of industrial operations, industrial service uses, knowledge based employment and business opportunities, together with a limited range of retail, service commercial, entertainment, recreation, institutional and office uses primarily intended to serve and support the businesses and employees within the immediate employment area.

Zoning By-law (2013-283)

The subject property is zoned as General Employment (E2). The E2 zone permits contractor yards, heavy equipment sales and service, industrial uses, motor vehicle repair garages, transportation depots, recreational uses, retail uses, and restaurants.

Background

The subject property received approval for a partial discharge of mortgage and consent to sever 1.214 Ha of land in 2015 (**B-45/15**) which was added to the abutting westerly parcel of land known as 156 Berryman Avenue, subject to an easement in perpetuity, over 389 m² of land for the purposes of repairing, reconstructing, cleaning, maintaining, inspecting and using the storm sewers in, over and under lands to the benefit of the abutting southerly lot. A 5.020 Ha of land was retained for industrial use. The application resulted in a boundary adjustment between the two parcels of land. There were concurrent minor variance applications **A-86/15** & **A-87/15**, for a reduction of the minimum required lot frontage from 60 metres to 50 metres and a reduction of the minimum front yard setback from 12 metres to 3.03 metres.

Report

The Zoning By-law requires a minimum landscape buffer of 3 metres for a lot line not abutting a public road adjacent to a parking area with more than 20 spaces but less than 100 spaces. The applicant has proposed to construct an additional industrial building on the site which requires the removal of the 3 metre landscape buffer surrounding the majority of the property. In lieu, the applicant will be significantly increasing the landscape buffer along the residential interface to 14 metres, including a berm, and ensuring compatibility is achieved through grade change and enhanced landscape treatment. Additionally, large caliber deciduous and coniferous trees will be added as well as a 1.6 metre wooden fence to minimize potential adverse effects. This trade off in location of landscaping will be addressed as part of site plan approval.

Section 4.2 of the GCP identifies that good urban design is a key planning tool to create sustainable communities. Sustainable design involves the design of communities and buildings for long-term economic prosperity, social harmony and stability and minimized environmental impact, including compatibility of new development and redevelopment within established areas and greening. Further, Part C, Section 4.9 of the GCP states that landscaping design shall preserve and complement the existing natural landscape, as well as buffer between uses of land where there may be conflict and detract from enjoyment. Residential dwellings are located to the north and north east of the subject property, with the north east portion being buffered by a strip of minor green space. The

property provides more than sufficient space for a heightened landscape buffer to be added and enhanced along the residential boundary, to improve the separation of uses for neighbouring residents and further minimize any impacts of the existing site and new development within it.

The minor variance maintains the intent of the Official Plan and Zoning By-law, is minor in nature, and will have no negative impacts on the surrounding area. Staff recommend to approve the requested variance.

Parks, Recreation and Culture Services staff are supportive of the request, subject to the increased landscaping adjacent to residential uses.

Building staff have advised that a building permit is required for the proposed industrial building.

Conclusion

Staff is of the opinion that application **A-16/19** 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 variance be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines


13 Chestnut Street / 156 Berryman Avenue

From: Proximity [mailto:proximity@cn.ca]
Sent: Tuesday, February 05, 2019 3:18 PM
To: Munro, Elaine <emunro@stcatharines.ca>; Proximity <proximity@cn.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines

Good afternoon Elaine,

I have review the applications below and CN Rail has no comments.

Regards

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

Precision Railroading: Doing it well and always improving

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 2

1070 Vansickle Road North, 156 Berryman Avenue

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

Sent: Thursday, January 31, 2019 10:48 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 2

Hi Elaine

Email 2

Cogeco has no issues or concerns with these applications

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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

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



Memorandum

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

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

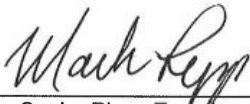
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 27, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-10/19	12 Fitzroy Lane	-Be advised that a building permit is required for the proposed addition to the existing shed. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-11/19	1070A Vansickle Road North	-No Comment
A-12/19	1070B Vansickle Road North	-No Comment
A-16/19	156 Berryman Ave.	-Be advised that a building permit is required for the proposed industrial building.
A-17/19	22A Woodmount Dr.	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-18/19	24 Woodmount Dr.	-No Comment
A-19/19	102 Broadway	-Be advised that a building permit is required for the proposed dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-20/19	2 Lakeside Drive	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

NO.	ADDRESS	COMMENTS
A-21/19	1074A Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-22/19	1074B Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-23/19	12 Salina Street	-Be advised that a building permit is required for the proposed accessory dwelling unit.
A-25/19	13 Chestnut Street	-No Comment
A-26/19	13B Chestnut street	-No Comment
A-27/19	51 Mary Street	-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\ldbg memo 2019\03 bcoa memo-mv-Feb27, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services

CC:

From: Jessica Button, Parks, Recreation and Culture Services

Date: February 9, 2019

Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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

156 Berryman-
See next page

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

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

- 3. 1070 Vansickle Road N, Consent, B-03/19SC – 60.84.2231**
1070A Vansickle Road N, Minor Variance, A-11/19 – 60.81.5445
1070B Vansickle Road N, Minor Variance, A-12/19 – 60.81.5446

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.

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.

- 4. 12 Fitzroy Lane, Minor Variance, A-10/19 – 60.81.5444**
No comment.

- 5. 156 Berryman Avenue, Minor Variance, A-16/19 – 60.81.5450**
Staff are supportive of the request, subject to the increased landscaping adjacent to residential uses. Detailed design will be reviewed through the Site Plan Agreement.

- 6. 24 Woodmount Drive, Consent, B-06/19SC – 60.84.2234**
22A Woodmount Drive, Minor Variance, A-17/19 – 60.81.5451
24 Woodmount Drive, Minor Variance, A-18/19 – 60.81.5452



Memorandum

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

Cc: Kirstin Jensen, Planner I
Vincent Wen, Planning Co-op Student
Judy Pihach, Manager of Planning

From: James Denham P.Eng.
Development Engineering Technologist

Date: February 12th, 2019

Hearing Date: February 27th, 2019

Subject: Development Engineering - Minor Variance Applications
12 Fitzroy Lane, A -10/19SC
1070A & 1070B Vansickle Road North, A -11&12/19SC
156 Berryman Avenue, A -16/19SC
102 Broadway, A -19/19SC
2 Lakeside Drive, A - 20/19SC
1074A & 1074B Vansickle Road North, A - 21&22/19SC

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 Denham P.Eng.
Development Engineering Technologist

JD

cc. Brian Thiessen, PBS (email only)
Brad Johnston, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
60.84.2220
60.84.2231
60.81.5445
60.81.5446
60.84.2236
60.81.5455
60.81.5456
60.81.5444
60.81.5450
60.84.2234
60.81.5451
60.81.5452
60.84.2235
60.81.5453
60.81.5454
60.81.5457
60.84.2237
60.81.5459
60.81.5460
60.81.5461

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-06/19SC (60.84.2234), A-17/19
(60.81.5451) & A-18/19 (60.81.5452)**

24 Woodmount Drive

**DATE OF HEARING:
February 27, 2019**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 22, 2019

Date of Meeting: February 27, 2019

Report Number: B-06/19SC
A-17/19
A-18/19

File: 60.84.2234
60.81.5451
60.81.5452

Subject: 24 Woodmount Drive

Recommendation

That Submission **B-06/19SC**, by Gregory Hynde and Sylvia Maletta, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. 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;
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 for Part 1 be generally in accordance with the plans submitted to the Design Review Panel dated August 2018, by Archway and Associates Architects, subject to revisions triggered by the following requirement:
 - i. The driveway for Part 1 be located to the north end of the lot to enable a mutual driveway access to Woodmount (no direct driveway access to Woodmount for Part 1);
 - b. The Building Permit plans for Part 1 will be reviewed and approved by the City's Urban Design Planner;
4. 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 on Part 2 to confirm whether conflicts exist;

5. If confirmed the existing water and sewer laterals conflict with and cross abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works for those services on private property through a Plumbing Only permit and pay the fees for City crews to provide any new water service and/or sanitary sewer laterals required to accommodate the relocation works to achieve Part 2 being individually serviced from the proposed lot;
6. That an easement in perpetuity for access be approved over the existing (or reconfigured) driveway for Part 2 in favour of Part 1. No direct access to Woodmount from Part 1 be permitted.

That Submissions **A-17/19** and **A-18/19**, by Gregory Hynde and Sylvia Maletta, as outlined in the Notice of Hearing, be approved, with the following exceptions:

Variance 2 (rear yard setback) of **A-17/19** be denied.

Variance 3 (driveway width) of **A-18-19** be conditional on the establishment of an easement for access purposes, in perpetuity over the existing driveway for Part 2 in favour of Part 1.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-06/19SC** is desirable and compatible with the surrounding area and will not result in adverse impacts on the surrounding properties. Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that, with the exception of Variance 2 of **A-17/19**, the variances requested through Application **A-17/19** and **A-18/19** 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 variances be approved, except for Variance 2 of **A-17/19**.

The Proposal

Application **B-06/19SC** is made for consent to a partial discharge of mortgage and to sever 936 m² of land (Part 1 on the submitted sketch) creating a new lot to be known as 22A Woodmount Drive for a proposed single detached dwelling. A 4,362 m² remnant parcel of land (Part 2) would be retained for continued residential use.

Application **A-17/19** (Part 1) is made pertaining to City of St. Catharines Zoning By-law 2013-283 for the following variances to facilitate the proposed construction of a single detached dwelling:

- 1) A reduction of the minimum lot frontage from 16.5 metres to 9.63 metres.
- 2) A reduction of the minimum rear yard setback from 7.5 metres to 6 metres.
- 3) An increase of the maximum lot area for a single detached dwelling from 538 m² to 936 m².

Application **A-18/19** (Part 2) is made pertaining to City of St. Catharines By-law 2013-283 for the following variances to address the existing dwelling:

- 1) A reduction of the minimum lot frontage from 16.5 metres to 6.77 metres.
- 2) An increase of the maximum lot area for a single detached dwelling from 538 m² to 4362 m²
- 3) An increase of the maximum driveway size from 50% of the front lot line to 100% of the front lot line.

Location and Site Description

The subject property is located on the north east side of the cul-de-sac of Woodmount Drive, south of Highway 406, and north of St David's Road. The surrounding area primarily consists of single detached homes, as well as a wooded area north of the property.

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. 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. Additionally, the northernmost section of the property is zoned Conservation/Natural Area (G1). The G1 zone permits essential operations for service infrastructure and utilities, picnic area and shelters and trails.

Report

Consent

Application B-06/19SC

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 surrounding community of Woodmount Drive is characterized by long established lots and dwellings, with large, deep lots and dwellings set substantially back from the front lot line on their respective lots, some overlooking the escarpment. Section 7.1 of the GCP

states that development and redevelopment within the Urban Area shall be evaluated having regard for the integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood, as well as the provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping.

While the new proposed lot is smaller in area than many of those adjacent, the proposed lot size still exceeds the maximum lot area per dwelling unit for the zone. The consent facilitates the construction of a new home that will contribute positively to the quality and character of the streetscape and established pattern of development in the neighbourhood. As such, the consent is not expected to adversely impact the streetscape or the established character of the surrounding area, and represents a compatible means of infill housing within an existing residential neighbourhood, subject to the recommended conditions.

Subject to section 4.3.2 a) of the Official Plan, which speaks to the impact of development and redevelopment and specifically the impact of driveways and curb cuts on the streetscape, staff recommends that no direct driveway access from Woodmount Drive be permitted for Part 1 in order to avoid multiple driveways in very close proximity, and to preserve the existing streetscape. Accordingly a mutual drive/access needs to be established by way of an easement in favour of Part 1, over the existing driveway serving Part 2. The driveway for Part 2 needs to be located to the north end of the proposed lot and not at the south end, as shown on the sketch submitted with the application. Staff are of the opinion that limiting the amount of asphalt along the frontage of the properties, as it currently exists, retains the streetscape. The establishment of a mutual driveway will also help to protect the large tree and shrubs located at the front of the lot.

The severance and proposed development for 24 Woodmount Drive will have minimal y negative impacts on the surrounding area or the environment, and is a suitable form of infill development for the subject lot. Staff recommend approval of the requested consent, subject to the conditions listed in the recommendation.

Design Review Panel (DRP)

Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. Council further directed that the City routinely require Development Agreements to be registered on title as a condition of consent applications to address conditions for future development design. Staff may recommend conditions of consent approval including a Development Agreement, to implement the advice of the DRP and other City 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 sever the side yard of the existing home to facilitate the construction of a two-storey detached dwelling on the new lot. It was identified that the proposed lots (new and retained) would each require a variance for

maximum lot area (max. 538 m²) and minimum lot frontage (min. 16.5 metres). The proposed new building on Part 1 would require variances for minimum rear yard setback (min. 7.5 metres), minimum front yard setback (averaging) and minimum garage setback (must be flush or recessed). The retained lot (Part 2) would also require a variance for maximum driveway width (max 50%).

The applicant's representative outlined how Woodmount was an older suburban neighbourhood with a unique, large dead-end cul-de-sac at the end of the street resulting in some lots having reduced lot frontage to accommodate the circular configuration of the cul de sac. The neighbourhood has significant landscape features throughout like large Blue Spruce bracketing driveway entrances (which the applicant intends to protect with the new infill along with considerable additional landscaping in keeping with the existing trees to provide a soft buffer for neighbouring dwellings). The current dwelling is an architecturally significant home, positioned far from the driveway entrance, with Frank Lloyd Wright elements that the current owner wishes to preserve. The representative also showed how the geometry of the property allows a unique infill opportunity while still protecting the character of the existing dwelling, the streetscape of the neighbourhood and avoiding any compromise on developing the remainder of the property in the future. Based on photographs and plans distributed by the representative, the DRP noted the strong architectural elements in keeping with the eclectic mix on the street currently. The DRP felt that the deck on the second floor of the supplied elevations tied the garage into the design and was not concerned about it not being flush. However, it was made clear that the applicant was willing to move the house forward to avoid the variance if need be. Over reviewing the neighbouring properties, it was noted that the two most impacted appeared to be higher than the proposed new lot, minimizing overlook from the proposed new infill and maintain what appeared to be clear sightlines.

The DRP stated that they supported the proposed lot creation as presented. The quality of the architecture is such that the flush garage door should not be an issue. In light of the non-standard nature of the cul-de-sac, the unique access provision for the driveway is supported.

Parks, Recreation, and Culture Services are generally opposed to variances which increase the paved area in the boulevard and front yard as this reduces opportunities for streetscaping, landscaping and boulevard plantings. PRCS staff suggest exploring opportunities to minimize driveway widths and paved area in the front yard including opportunities for shared driveway access.

Building staff have advised that a building permit is required for the proposed dwelling on Part 1.

Development Engineering staff have noted that Woodmount Drive is designated as a Local Road in the City's Official Plan with a desired right-of-way width of 20m. The Applicant frontage is not relative in this location for a required standard road cross-section width, since its at the northerly terminus of the road. The current frontage of the property

is approximately 16.5 metres however no road widening shall be requested for dedication through this application.

The Owner shall be required to reconfigure the driveway to ensure it does not interfere with access/egress to the existing and abutting properties.

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

Sump pump flows are typically discharged to grade, when there are no opportunities for a storm lateral connection to a storm sewer in the road allowance. Although a storm sewer does exist on Woodmount Drive, it is approximately 20.0 metres west of the property street-line. The Owner shall be required to pay to have a new storm lateral installed from the existing CB west of the property line to Part 2, through the building permit process.

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

Based on the Provincial screening criteria for evaluating archaeological potential, the subject lands exhibit potential for the discovery of archaeological resources due to its proximity to a watercourse. However, the subject lands appear to be disturbed during road and driveway construction; given this information, no archeological assessment is required.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional Staff recommends the inclusion of a standard archaeological warning clause as a condition of consent. Staff have not included this condition since it is not appropriate for inclusion as a condition of consent.

Regional CNHS mapping identifies an Environmental Conservation Area associated with Significant Woodland at the rear of the existing property. This same key natural heritage feature is identified as part of the Provincial Natural Heritage System (NHS) associated with Escarpment Natural Area. ROP policies require the completion of an Environmental Impact Study (EIS) prior to development or site alteration within 50 metres of Significant Woodland. In this case, the requirement for an EIS can be waived because the proposed small-scale development is setback more than 50 metres from the woodland boundary.

Similarly, Provincial policies require the completion of a natural heritage evaluation for new development or site alteration within 120 metres of a key natural heritage feature. The purpose of the evaluation is to determine the minimum vegetation protection zone (VPZ) required to protect, and where possible, enhance the feature and its functions. In this case however, a VPZ is not achievable given the location of the woodland behind the existing residence, nor is it warranted given the development will not impact the woodland. Therefore, Regional Environmental Planning staff have no objection to the proposal and no further study is requested.

Regional Planning and Development Services staff has no objection to the Consent Application, subject to the inclusion of the archaeological warning clause stated above. City staff have not included the condition since it is not appropriate to include it as a condition of consent.

Variances

Zoning By-law 2013-283 requires a minimum lot frontage of 16.5 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 1 of Application **A-17/19** requests a reduction of the minimum lot frontage from 16.5 metres to 9.63 metres for Part 1, and variance 1 of **A-18/19** requests a reduction of the minimum lot frontage from 16.5 metres to 6.77 metres. The reductions are necessary to facilitate the consent application in order to divide the lots into two parts. The existing lot frontage for the dwelling at 24 Woodmount Drive was only slightly undersized prior to the application, however, due to the very large lot area of the subject property, the reduced frontage will not impact the feasibility of developing the land. The applicant has demonstrated that a new detached dwelling can fit appropriately on the lot while complying with most other zoning provisions. Variance 1 of both applications 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 permits a maximum lot area of 538 m² per dwelling unit for a single detached dwelling. The maximum lot area requirement of the by-law is meant to ensure that the development potential of a lot is not compromised by permitting too great of a lot area that would hinder its ability to be developed in the future. Variance 3 of Application **A-17/19** requests an increase of the lot area per dwelling unit on Part 1, for a proposed single detached dwelling, from 538 m² to 936 m², and variance 2 of application **A-18/19** requests an increase of the maximum lot area per dwelling unit for a single detached dwelling from 538m² to 4362m². The applicant has demonstrated that the shape and size of the property allows for a unique infill opportunity while still protecting the character of the existing dwelling, respecting the established character of the neighbourhood that's known for large, deep lots, and the streetscape of the neighbourhood. In addition, the applicant has acknowledged that the configuration of the two lots will still allow for the potential of developing the remainder of the property at some point in the future. As such, staff are of the opinion that variance 3 of **A-17/19** and

variance 2 of **A-18/19** 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.

Zoning By-law 2013-283 requires a minimum rear yard setback of 7.5 metres. The intent of the rear yard setback is to ensure adequate amenity space is provided on a property and prevent the overwhelming of a property while ensuring the privacy of neighboring lots. Variance 2 of application **A-17/19** requests a reduction of the minimum rear yard setback from 7.5 metres to 6 metres. Staff are of the opinion that due to the large lot area, which is far greater than the permitted maximum for the zone, there is no justifiable reason for the applicant to not be able to provide the appropriate rear yard setback for the proposed dwelling. Staff are not in support of the requested variance to the rear yard.

Finally, the zoning by-law requires that in any residential zone, the driveway size must not exceed 50% of the front lot line. Variance 3 of Application **A-18/19** requests an increase of the maximum driveway size from 50% of the front lot line to 100% of the front lot line for Part 2. The increased driveway size is a result of the existing driveway serving Part 2 and the location of the proposed lot line to create the two lots. Staff recommend a mutual driveway be established by way of easement to serve both lots. Staff are in support of this variance only if a mutual driveway is established on Part 2 in favour of Part 1 by way of an easement registered on title in perpetuity. Variance 3 of Application **A-18/19** 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 variance be approved, subject to the above condition.

Conclusion

Staff is of the opinion that Application **B-06/19SC** is compatible with the neighbourhood, the provisions of the Zoning By-law, and will have no adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.


Staff is of the opinion that, with the exception of variance 2 of application **A-18/19**, that Applications **A-17/19** and **A-18/19** are 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, with the exception of variance 2 of **A-18/19**, be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Notice of Hearing for 22A Woodmount Drive, St.Catharines

From: Adelene Wakil [mailto:]
Sent: Monday, February 11, 2019 2:20 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Notice of Hearing for 22A Woodmount Drive, St.Catharines

Hello Elaine,

I am in receipt of a notice for a hearing to be held on February 27, 2019 for the above mentioned property.

I wish to say that I have no objection to the Application. I would like to receive a copy of the Decision.

Thank you,

Regards,

Adelene Wakil Booth
26 Woodmount Drive, St. Catharines, ON
L2T 2X9

Munro, Elaine

Subject:

RE: Committee of Adjustment Notices for 24 Woodmount Drive

From: Sarah Mastroianni [mailto:smastroianni@npca.ca]

Sent: Wednesday, February 13, 2019 11:05 AM

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

Subject: RE: Committee of Adjustment Notices for 24 Woodmount Drive

Hi Elaine,

Please be advised that since the lot being created does not impact any lands regulated by the NPCA, this office offers no objections to the following applications:

24 Woodmount Drive, Consent, B-06/19SC – 60.84.2234

22A Woodmount Drive, Minor Variance, A-17/19 – 60.81.5451

24 Woodmount Drive, Minor Variance, A-18/19 – 60.81.5452

Thank you.

Sarah Mastroianni

Watershed Planner

Niagara Peninsula Conservation Authority

250 Thorold Road West, 3rd Floor

Welland, Ontario L3C 3W2

Phone: 905 788 3135 (ext. 249)

Fax: 905 788 1121

email: smastroianni@npca.ca

February 13, 2019

File: D.06.08.CS-19-007

By Email Only

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

Dear Ms. Munro:

RE: Application for Consent
Location: 24 Woodmount Dr.
Owner: Gregory Hynde & Sylvia Maletta
Proposal: Consent to sever
Your File: B-06/19SC

Regional staff has reviewed the Consent Application to sever 936 m² of land from a large residential lot of 5298 m². The remnant parcel of 4362 m² includes a 464.5 m² single storey dwelling, which was constructed in 1964 and is municipally known as 24 Woodmouth Drive in the City of St. Catharines. Regional Staff note that there is a concurrent Minor Variance Application (A-17/19). Regional Staff offers the following comments to assist the Committee in their consideration of the Consent Application.

Provincial and Regional Policy

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

The subject lands are within the Urban Area in the Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are permitted generally within the Urban Areas, subject to the availability of adequate municipal services and infrastructure. The proposed Consent Application will also optimize the use of urban serviced land and existing infrastructure, and aid the City of St. Catharines in meeting the 95% intensification target for the Built-up Area. The proposal maintains the intent of Provincial and Regional policies

Archaeological Resources

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

Based on the Provincial screening criteria for evaluating archaeological potential, the subject lands exhibit potential for the discovery of archaeological resources due to its proximity to a watercourse. However, the subject lands appear to be disturbed during road and driveway construction; given this information, no archaeological assessment is required.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials; Regional Staff recommends the inclusion of a standard archaeological warning clause as a condition of consent, which has been outlined below:

"Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Tourism, Culture and Sport (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services in Toronto (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

Core Natural Heritage System (CNHS)

Regional CNHS mapping identifies an Environmental Conservation Area associated with Significant Woodland at the rear of the existing property. This same key natural heritage feature is identified as part of the Provincial Natural Heritage System (NHS) associated with Escarpment Natural Area. ROP policies require the completion of an Environmental Impact Study (EIS) prior to development or site alteration within 50 metres of Significant Woodland. In this case, the requirement for an EIS can be waived because the proposed small-scale development is setback more than 50 m from the woodland boundary.

Similarly, Provincial policies require the completion of a natural heritage evaluation for new development or site alteration within 120 m of a key natural heritage feature. The purpose of the evaluation is to determine the minimum vegetation protection zone (VPZ) required to protect, and where possible, enhance the feature and its functions. In this case however, a VPZ is not achievable given the location of the woodland behind the existing residence, nor is it warranted given the development will not impact the woodland. Therefore, Regional Environmental Planning staff have no objection to the proposal and no further study is requested.

Conclusion

Regional Planning and Development Services staff has no objection to the Consent Application, subject to the inclusion of the archaeological warning clause stated above.

Should you have any questions concerning the above noted comments, please contact me at 905-685-4225 extension 3518 or Pat Busnello, Manager of Development Planning at extension 3379.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Pasquini', with a stylized flourish at the end.

Alexsandria Pasquini
Development Planner

cc: Mr. Pat Busnello, MCIP, RPP, Manager of Development Planning (Niagara Region)
Mrs. Jennifer Whittard, Manager Environmental Planning (Niagara Region)

Munro, Elaine

From: Pasquini, Alex <Alex.Pasquini@niagararegion.ca>
Sent: Wednesday, February 13, 2019 11:41 AM
To: Jensen, Kirstin
Cc: Munro, Elaine; Busnello, Pat; Whittard, Jennifer; Development Planning Applications
Subject: Consent - 24 Woodmount (CS-19-007)
Attachments: Regional Comments (CS-19-007) -m 24 Woodmount.pdf

Hello,

Please find the attached Regional comments in regards to the above noted application.

Feel free to contact myself by email or phone if you have any questions.

Thank you,

Alexsandria Pasquini, HBA, B.U.R.Pl

Development Planner

Planning and Development Services

Niagara Region | www.niagararegion.ca

P: 905.980.6000 ext. 3518 | F: 905.641.5208

1815 Sir Issac Brock Way, Thorold, Ontario, L2V 4T7

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 3

24 Woodmount Dr.

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, January 31, 2019 10:49 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 3

Hi Elaine
Email 3
Cogeco has no issues or concerns with these applications
Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



From: Munro, Elaine [mailto:emunro@stcatharines.ca]
Sent: Thursday, January 31, 2019 9:21 AM
To: Doug Crown
Subject: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 3

Email 3

Email 2

Hello:

Attached please find the Notices, Applications & Sketches for the February 27, 2019 Committee of Adjustment Hearing for the City of St. Catharines.

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 3 - 905-19-082

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]

Sent: Tuesday, February 05, 2019 9:37 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 3 - 905-19-082

Dear Elaine,

Re File: B-06/19SC

Details

- ☐ Severance
- ☐ 24 Woodmount Drive
- ☐ Lot 12 Plan 390A

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, FI 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-722-2263

Munro, Elaine

Subject:

RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - 2 of 2 emails

From: Boucetta, Alexandra (MTO) [mailto:Alexandra.Boucetta@ontario.ca]

Sent: Friday, February 08, 2019 3:55 PM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - 2 of 2 emails

Re: 24 Woodmount Drive, St. Catharines
12 Salina Street, St. Catharines

Hi Elaine,

Please note that both of the properties above are located outside MTO permit control area and ministry does not have any comments and no permit is required for the proposed development. You may proceed with the municipal requirements.

Kindest Regards,

Alexandra Boucetta

Corridor Management Officer – Niagara Region



Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – February 27, 2019 hearing - File No.: 300-036

B-67/18SC – 71 Bradley Street

Comment:

- Be advised that a building permit is required for the proposed semi detached dwelling on Parts 1 and 2.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement.

Condition:

- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-76/18SC – 37A Henley Drive

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 1, 2, and 3.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement (Part 6).

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-03/19SC – 1070 Vansickle Road North

Comment:

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

Condition:

- No Comment

B-06/19SC – 24 Woodmount Drive

Comment:

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

Condition:

- No Comment

B-07/19SC – 102 Broadway

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 Part 1 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-08/19SC – 1074 Vansickle Road North

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, 2, 3, and 4.

Condition:

- The existing garage on Part 1 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.

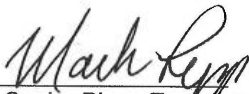
B-09/19SC – 13 Chestnut Street

Comment:

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

Condition:

- The existing dwelling 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.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 27, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-10/19	12 Fitzroy Lane	-Be advised that a building permit is required for the proposed addition to the existing shed. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-11/19	1070A Vansickle Road North	-No Comment
A-12/19	1070B Vansickle Road North	-No Comment
A-16/19	156 Berryman Ave.	-Be advised that a building permit is required for the proposed industrial building.
A-17/19	22A Woodmount Dr.	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-18/19	24 Woodmount Dr.	-No Comment
A-19/19	102 Broadway	-Be advised that a building permit is required for the proposed dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-20/19	2 Lakeside Drive	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

NO.	ADDRESS	COMMENTS
A-21/19	1074A Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-22/19	1074B Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-23/19	12 Salina Street	-Be advised that a building permit is required for the proposed accessory dwelling unit.
A-25/19	13 Chestnut Street	-No Comment
A-26/19	13B Chestnut street	-No Comment
A-27/19	51 Mary Street	-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\03 bcoa memo-mv-Feb27, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: February 9, 2019
Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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

24 Woodmount -
see next 2 pages

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

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

- 3. 1070 Vansickle Road N, Consent, B-03/19SC – 60.84.2231**
1070A Vansickle Road N, Minor Variance, A-11/19 – 60.81.5445
1070B Vansickle Road N, Minor Variance, A-12/19 – 60.81.5446

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.

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.

- 4. 12 Fitzroy Lane, Minor Variance, A-10/19 – 60.81.5444**

No comment.

- 5. 156 Berryman Avenue, Minor Variance, A-16/19 – 60.81.5450**
Staff are supportive of the request, subject to the increased landscaping adjacent to residential uses. Detailed design will be reviewed through the Site Plan Agreement.

- 6. 24 Woodmount Drive, Consent, B-06/19SC – 60.84.2234**
22A Woodmount Drive, Minor Variance, A-17/19 – 60.81.5451
24 Woodmount Drive, Minor Variance, A-18/19 – 60.81.5452

cont'd →

Staff are generally opposed to variances which increase the paved area in the boulevard and front yard as this reduces opportunities for streetscaping, landscaping and boulevard plantings. PRCS staff suggest exploring opportunities to minimize driveway widths and paved area in the front yard including opportunities for shared driveway access.

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.

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. 102 Broadway, Consent, B-07/19SC – 60.84.2235
102 Broadway, Minor Variance, A-19/19 – 60.81.5453
2 Lakeside Drive, Minor Variance, A-20/19 – 60.81.5454

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.

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

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-06/19SC



February 12, 2019 **ENGINEERING FILE 300-36**

Hearing Date: February 27, 2019

Applicant: Greg Hynde

Location: 24 Woodmount Drive

MUNICIPAL SERVICES

Woodmount Drive

Water: 150mm PVC approx. 30.0m west
Sanitary Sewer: 250mm Conc.
Storm Sewer: 200mm approx. 20.0m south-west to catch basin
Sidewalks: No
Road Allowance Width: Varies – end – terminus

**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 22A Woodmount Drive for a proposed single detached dwelling. A remnant parcel Part 2 will be retained for continued residential use.

Roads

Woodmount Drive is designated as a Local Road in the City's Official Plan with a desired right-of-way width of 20m. The applicant frontage is not relative in this location for a required standard road cross-section width, since its at the northerly terminus of the road. The current frontage of the property is approximately 16.5m however no road widening shall be requested for dedication through this application.

The Owner shall be required to consider reconfiguring the existing driveway to ensure that the proposed driveway does not interfere with access / egress to the existing and abutting properties.

Engineering Services

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

Sump pump flows are typically discharged to grade, when there are no opportunities for a storm lateral connection to a storm sewer in the road allowance. Although a storm sewer does exist on Woodmount Drive, it is approximately 20.0m west of the property street-line. The Owner shall be

required to pay to have a new storm lateral installed from the existing CB west of the property line to Part 2, through the building permit process. The Owner shall, through the building permit, extend this lateral to the proposed new dwelling and connect the sump pump for this dwelling to this lateral. Fees for the installation of the storm lateral shall be paid through the building permit process by the applicant. Fees for new sanitary and water service lateral provisions to the proposed lot shall also be paid through the building permit process. The Owner shall also ensure that the sanitary sewer lateral connection for the proposed lot on Part 1 be connected to the City's local sanitary sewer in such a way as not to create a conflict by crossing the proposed private property line of Part 2, as the City shall not approve creating private servicing easements over abutting properties.

May it also be noted that the existing local watermain 150mm is approximately 30.0m west of the property line. Provisions for City crews to provide a new water service to the property shall be at the cost of the Owner through the building permit process, as per the City's current Schedule of Rates & Fees.

The Owner shall have confirmed that the location of the water service and sewer lateral to the existing dwelling on Part 2 does not cross abutting and/or future property lines. The fee for this inspection shall be collected as a condition of this severance application. If these service laterals 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 property lines. The Owner shall also pay fees to have City crews provide new water services and sewer lateral(s) to the property lines in order for each property to be serviced individually.

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 on Part 2 to confirm whether conflicts exist; and
- If confirmed the existing water and sewer laterals conflict with and cross abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works for those services on private property through a Plumbing Only permit and pay the fees for City crews to provide any new water service and/or sanitary sewer laterals required to accommodate the relocation works to achieve Part 2 being individually serviced from the proposed lot;



Prepared by:

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

- c. Brian Thiessen, PBS (email only)
James Denham, PBS (email only)
Christine Adams, TES (email only)



Memorandum

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

Cc: Kirstin Jensen, Planner I
Vincent Wen, Planning Co-op Student
Judy Pihach, Manager of Planning

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

Date: February 11, 2019
Hearing Date: February 27, 2019

Subject: Development Engineering - Minor Variance Applications
22A & 24A Woodmount Drive, A-17&18/19SC
12 Salina Street, A-23/19SC
13 Chestnut Street, A-25&26-19SC
51 Mary Street, A-27-19SC
281 Martindale Road, A-29-19SC

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, conditional on the following applicable to 51 Mary Street;

- The Owner / Applicant submit with the building permit application for the proposed garage, a localized grading plan prepared by an Ontario Land Surveyor identifying existing grades on the subject and abutting properties versus the proposed grades for review and acceptance prior to building permit issuance. The review of the grading plan is to ensure no adverse effects are caused on abutting properties from the construction of the proposed garage.

Prepared by: Brad Johnston, C.E.T.
Development Engineering Technologist

BJ

c. Brian Thiessen, PBS (email only)
James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
60.84.2220
60.84.2231
60.81.5445
60.81.5446
60.84.2236
60.81.5455
60.81.5456
60.81.5444
60.81.5450
60.84.2234
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60.84.2237
60.81.5459
60.81.5460
60.81.5461

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-07/19SC (60.84.2235), A-19/19
(60.81.5453) & A-20/19 (60.81.5454)**

102 Broadway

**DATE OF HEARING:
February 27, 2019**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 20, 2019

Date of Meeting: February 27, 2019

Report Number: B-07/19SC
A-19/19
A-20/19

File: 60.84.2235
60.81.5453
60.81.5454

Subject: 102 Broadway
2 Lakeside Drive

Recommendation

That Submission **B-07/19SC**, by Frank DiPietro, as outlined in the Notice of Hearing, be denied.

That Submissions **A-19/19** and **A-20/19**, by Frank DiPietro, as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that application **B-07/19SC** is not desirable or compatible with the surrounding area and will result in adverse impacts 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-19/19** and **A-20/19** are not minor in nature, not desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained. Staff recommends that the requested consent to sever and variances be denied.

The Proposal

Application **B-07/19SC** is made for consent to sever 206 m² of land (Parts 1 & 2 on the submitted sketch) creating a new lot to be known as 102 Broadway for the purpose of severing one-half of the proposed semi-detached dwelling, subject to an easement over Part 2 for eaves, gutters, footings and weeping tile to benefit 2 Lakeside Drive (Parts 3 & 4). A 291.5 m² remnant parcel (Parts 3 & 4) for the other half of the proposed semi-detached dwelling is to be retained and known as 2 Lakeside Drive, together with an easement, for eaves, gutters, footings and weeping tile, in perpetuity, over Part 3 for eaves, gutters and wall to benefit 102 Broadway. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately.

Application **A-19/19** has been made to vary Zoning By-law 2013-283 for the following variances in order to facilitate the concurrent consent application **B-07/19SC** to sever a proposed semi-detached dwelling, for Parts 1 & 2:

- 1) A reduction of the minimum lot area per dwelling unit for a semi-detached dwelling from 280 m² to 206 m²;
- 2) A reduction of the exterior side yard setback to the porch and cold storage room from 3 metres to 1.37 metres;
- 3) A reduction of the rear yard setback from 6 metres to 1.2 metres;
- 4) A reduction of the interior side yard setback to the garage (not part of common wall) from 1.2 metres to 0 metres;
- 5) A reduction of the rear yard setback to the balcony from 4.5 metres to 1.2 metres; and,
- 6) A reduction of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to 0 metres.

Application **A-20/19** has been made to vary Zoning By-law 2013-283 for the following variances in order to facilitate the concurrent consent application **B-07/19SC** to sever a proposed semi-detached dwelling, for Parts 3 & 4:

- 1) A reduction of the minimum interior side yard setback from 1.2 metres to 0 metres; and,
- 2) A reduction of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to 0 metres.

Location and Site Description

The subject property is located at the southeast intersection of Broadway and Lakeside Drive, north of Runcorn Street and Brigantine Court. The surrounding area consists primarily of detached and townhouse 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 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

Application B-07/19SC

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 January 29, 2019. The DRP considered a proposal to sever an existing lot for the purpose of constructing two split-level semi-detached units. The DRP was generally supportive of the proposed house design but recommended that on Parts 1 and 2, the stone material be reduced to the sill height, and that the garage door be a minimum of 9 feet in height. That the DRP supported the proposal as presented, subject to the reduction of the stone material to sill height, and the inclusion of a garage door that is at least 9 feet in height.

Consent & Variances

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.

Notwithstanding the advice provided by the Design Review Panel, it is staff's opinion that the proposed lots do not result in infill development that best fits the character and context of the neighbourhood. Staff consider this proposal to be an overdevelopment of the subject lands. The lot is more suited to a single detached dwelling. The number of requested variances suggests a significant departure from zoning provisions applicable to this lot. Staff are of the opinion the proposed lots will not be compatible with the existing character of the neighbourhood.

The GCP states that the creation of, and use, of new lots as well as remnant parcels of land created through consent, including new lots and remnant parcels created through land assembly or boundary adjustments, shall be evaluated having regard for the Urban Design policies and principles of the Plan, together with other relevant policies of the GCP. Proposals are to be assessed based on the compatibility of new development and redevelopment within established areas, and that the new development respects and enhances the existing character and context of an area. Building scale, height, gradation of height, massing, and spacing of buildings are aspects of urban design that must be considered when assessing the merits of a proposal. It is Staff's opinion that the proposed development at 102 Broadway does not reflect good urban design and does not respect the principles for new development as set forth by the Official Plan.

Provincial land use plans and the GCP further 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. Based on the number and extent of variances requested to facilitate the development of the semi-detached dwelling on the subject lands, staff are of the opinion that this is infill that cannot be supported and results in an overdevelopment of the land.

Part 1 is proposed to be significantly undersized in lot area and in seeks considerable reductions in setbacks, most specifically to the rear yard and to raised balconies that are significantly raised above grade. The requested variance for the minimum lot area per dwelling unit for 198.5m² is a significant departure from the required 280m² of lot area per dwelling unit. The overall lot area is more in line with the requirements of a detached dwelling, which requires 300m² to 465m² of lot area. The reduction of the rear yard is a considerable departure from the requirement of the zoning by-law of 6 metres, and in combination with the height above grade of the proposed balcony, will provide significant overlook into neighbouring lots. The cumulative impact of the requested variances is considered to be an overdevelopment of this lot, and not a desirable infill project. Staff is of the opinion that the proposal is not in keeping with the policies of the Official Plan regarding infill development and is too significant a departure from zoning standards to qualify as minor. Staff recommend that the requested consent and associated minor variances be denied.

Traffic Staff have advised that, should this application be approved, there are some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

Conclusion

Staff is of the opinion that Application **B-07/19SC** does not conform to the City's Official Plan. It is not compatible with the neighbourhood, is not context sensitive and does not constitute desirable infill development. It is staff's recommendation that the requested consent to sever be denied.

Staff is of the opinion that Applications **A-19/19** and **A-20/19** are not in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, and are not appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be denied.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Phach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject:

RE: Files 60.84.2235, 60.81.5453, 60.81.5454

From: Amanda Hicks [mailto:]

Sent: Friday, February 22, 2019 10:53 AM

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

Cc:

Subject: Files 60.84.2235, 60.81.5453, 60.81.5454

Hi Elaine,

My name is Amanda Hicks and I live at 62 Runcorn Street with my husband, Tim and our two children. I am writing with some questions and comments regarding the proposal(s) specific to 102 Broadway Street and 2 Lakeside Drive.

1. In one of the applications it is noted that there would be a minor variance specific to the rear yard set back, however the reduction from 6 metres to 1.2 metres is significant and will result in large building(s) on smaller lots which will not fit with existing homes in the area and could be an obstruction of our view personally, one of the reasons we (and others) have been attracted to the neighbourhood.

2. It is difficult to understand clearly if the applications describe a proposal for 2 semi- detached buildings (resulting in 4 units) or otherwise? Please clarify.

3. We are most concerned with the "lane" as described.

A. The "lane" is actually a ditch that drains water from ditches on Runcorn Street. I am seriously concerned about flooding and other issues related to poor drainage in this area.

B. It was our understand that the "lane" consists of 4 parcels of land, and that during previous conversations we were assured that the city would not sell these parcels to the applicant. Given that response from the city at the time, we decided not to purchase the 2 parcels that touch our property. If the plan has changed, we would like the opportunity again to purchase these parcels.

4. It is not clear how many windows will be facing our house and/or rear yard. Privacy has been a valuable feature of our home and we are concerned that this building will jeopardize that.

Thank you for your consideration of these concerns,
Amanda Hicks

Sent from my iPhone

February 18, 2019

**Secretary-Treasurer
City of St.Catharines**

**RE: FILE No. 60.81.5453
Submission No. A-19/19**

Dear Sir,

I am writing this letter in regard to this application asking for a Minor Variance for the above described application. I would first like to establish that the word "Minor Variance" Is certainly being challenged by this application.

THE APPLICTION ITEMS 1. THRU 6

ITEM 1.

A reduction of a minimum lot area from 280 M2 to 206 M2 or 73% of existing rule. I think it would be more fitting that a 5 to 10% reduction rather than 27% would fit in with the present rule, again this is beyond a minor variance.

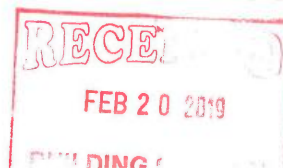
ITEM 2.

A reduction of exterior side yard setback from 3 meters to 1.37 is much more than the average of 3.4 M. This again is far in excess of the terminology of "minor". I feel it should be left as the present rule of 3 meters.

ITEM 3.

A reduction of rear yard setback from 6 meters to 1.2 meters is way beyond the meaning of "minor" and should be somewhere in the area of a 10% reduction.

PG.1



ITEM 4.

I feel that for example that a “ZERO” side yard setback as compared with 1.2 meters is certainly not minor. This if allowed would establish a precedent for all future applications and to me it does not fit in with our well established planning rules.

ITEM 5.

A reduction of the balcony rear yard setback to 1.2 meters from the rule of 4.5 meters again is well beyond “minor and it is in conjunction with my comment for “ITEM 4.”

I therefore feel it should not be allowed.

ITEM 6.

A reduction of the maximum encroachment into the required yard for eaves and gutters from 0.15 meters to 0 meters is not acceptable, this was established for a purpose and should not be altered.

CONCLUSION

I would like to conclude that I am not against good land development , but in this case it shows me that there seems to be a lack of reasonable land use and does not fit in with the character of the neighborhood.

I was deeply involved with a respected homeowners group in Mississauga South “The Credit Reserve Association” on which I served as president for many years.

I dealt with many applications with the Committee of Adjustments and was never against a reasonable land use. In this case I find it most difficult to agree with this application.

Regards,
Jack Warner,

20 Brigantine Court.

Feb 11, 2019.

From: Mary & Rudy Lacis 53 Runcorn St. St. Catharines ON.

1. To start with the builder put in an application for a "Minor Variance" but the reduction he is requesting in the lot size, and set backs are not minor: eg. Reduction in the rear yard setback from **6 metres to 1.2 metres. That's a huge difference!** This will result in very large structures on small lots and will not fit in with the existing homes.
2. It is difficult for us without knowledge of planning terminology to understand exactly how many houses are being built. There are 4 parts to the proposal and it appears that 4 semis are involved. We need clarification in plain English exactly what the builder is planning to build.
3. There is a problem with poor drainage that often results in flooding in our neighbourhood so putting large buildings on small lots will likely aggravate this and put existing homes at greater risk for flooding problems . There should be sufficient soil around homes so that rain water and water from melting snow and ice can drain into the ground...the less ground the greater the risk of flooding. Recently there were 3 large homes with very little land around them built at 77a, b, c, Broadway in space where one home previously stood. This winter there was a drainage problem at one of the houses that resulted in water being flooded unto the sidewalk and this appears still to be a problem. The City should ensure the large homes that are being built have adequate land for drainage purposes and also should protect the neighbourhood from flooding by building adequate sewers and drainage ditches.
4. We are very concerned about the Lane referred to in the notice and expect you are referring to the drainage ditch that runs along the east side of the property. This "lane" is actually a ditch that drains away water from the ditches on Runcorn...this can simply not be built over ...this is necessary to drain away the water from our ditches...As it stands now the water in our ditches already rise too high....if you take away this drainage ditch you are putting us at risk for flooding.

Mary & Rudy Lacis, 53 Runcorn St., St. Catharines ON. L2M1N9



FBI
RECEIVED
FEB 19 2000
FILED

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - 2 of 2 emails

From: Sarah Mastroianni [mailto:smastroianni@npca.ca]

Sent: Tuesday, February 12, 2019 9:14 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - 2 of 2 emails

Hi Elaine,

No issues with the applications involving Broadway or Lakeside.

If you do get sent home, drive safe!

Sarah Mastroianni

Watershed Planner

Niagara Peninsula Conservation Authority

250 Thorold Road West, 3rd Floor

Welland, Ontario L3C 3W2

Phone: 905 788 3135 (ext. 249)

Fax: 905 788 1121

email: smastroianni@npca.ca

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 4

102 Broadway

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, January 31, 2019 10:51 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 4

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

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 4 - 905-19-083

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]

Sent: Thursday, February 07, 2019 10:56 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 4 - 905-19-083

Dear Elaine,

Re File: B-07/19SC

Details

- ☐ Severance
- ☐ 102 Broadway
- ☐ Lot 458, The Lane and Part of Lot 459, Reg Plan TP-112, RP 30R-8486 Pt 1 & 3 S/T RO707529

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F: 705-722-2263



Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – February 27, 2019 hearing - File No.: 300-036

B-67/18SC – 71 Bradley Street

Comment:

- Be advised that a building permit is required for the proposed semi detached dwelling on Parts 1 and 2.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement.

Condition:

- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-76/18SC – 37A Henley Drive

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 1, 2, and 3.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement (Part 6).

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-03/19SC – 1070 Vansickle Road North

Comment:

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

Condition:

- No Comment

B-06/19SC – 24 Woodmount Drive

Comment:

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

Condition:

- No Comment

B-07/19SC – 102 Broadway

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 Part 1 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-08/19SC – 1074 Vansickle Road North

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, 2, 3, and 4.

Condition:

- The existing garage on Part 1 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.

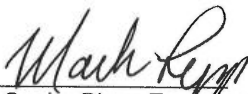
B-09/19SC – 13 Chestnut Street

Comment:

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

Condition:

- The existing dwelling 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.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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Memorandum

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

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

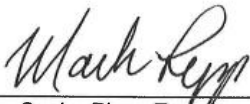
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 27, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-10/19	12 Fitzroy Lane	-Be advised that a building permit is required for the proposed addition to the existing shed. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-11/19	1070A Vansickle Road North	-No Comment
A-12/19	1070B Vansickle Road North	-No Comment
A-16/19	156 Berryman Ave.	-Be advised that a building permit is required for the proposed industrial building.
A-17/19	22A Woodmount Dr.	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-18/19	24 Woodmount Dr.	-No Comment
A-19/19	102 Broadway	-Be advised that a building permit is required for the proposed dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-20/19	2 Lakeside Drive	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

NO.	ADDRESS	COMMENTS
A-21/19	1074A Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-22/19	1074B Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-23/19	12 Salina Street	-Be advised that a building permit is required for the proposed accessory dwelling unit.
A-25/19	13 Chestnut Street	-No Comment
A-26/19	13B Chestnut street	-No Comment
A-27/19	51 Mary Street	-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\03 bcoa memo-mv-Feb27, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: February 9, 2019
Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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

*See Next page -
102 Broadway*

Staff are generally opposed to variances which increase the paved area in the boulevard and front yard as this reduces opportunities for streetscaping, landscaping and boulevard plantings. PRCS staff suggest exploring opportunities to minimize driveway widths and paved area in the front yard including opportunities for shared driveway access.

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.

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. 102 Broadway, Consent, B-07/19SC – 60.84.2235
102 Broadway, Minor Variance, A-19/19 – 60.81.5453
2 Lakeside Drive, Minor Variance, A-20/19 – 60.81.5454

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.

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

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

**REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-07/19SC**



February 12th, 2019

ENGINEERING FILE 300-36

Hearing Date: February 27th, 2019

Applicant: Frank DiPietro

Location: 102 Broadway

EXISTING MUNICIPAL SERVICES

	Broadway	Lakeside Drive
Water:	200mm P.V.C.	300 D.I.
Sanitary:	300mm P.V.C.	600mm Conc.
Storm:	None	300mm Conc.
Sidewalks:	No	No
R.O.W Width:	20.42m	20.12m

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

Comment(s):

It is noted that the Applicant proposes to sever Parts 1 & 2 creating a new lot for the purpose of severing one-half of a semi-detached dwelling currently under construction. A remnant parcel with the other half of the semi-detached dwelling (Part 3 & 4) would be retained for the other half of the semi-detached. The application would allow each of the semi-detached dwellings to be owned and/or sold separately.

It is understood that these semi-detached units are concurrently going through the building permit process where individual lot grading plans have been reviewed and accepted by the City. However, fees for servicing are outstanding and as a result are now subject to the new increased 2019 City of St. Catharines Schedule of Rates and Fees.

Roads

Broadway and Lakeside Drive are both designated as a Local Roads in the City's Official Plan with a desired right-of-way width of 20m. There current width along the Applicant frontage is approximately 20m. Therefore, a road widening is not required at this time.

There are presently no sidewalks on this side of Broadway and Lakeside Drive. The City's Official Plan indicates sidewalks should be available on both sides of the road, and that when opportunities exist through development, sidewalks shall be constructed. In this case since sidewalks do not exist south of this property on Broadway, or east of this property on Lakeside Drive it makes no sense to physically construct the sidewalks at this time. Instead, the Owner shall pay the City for the future construction of the sidewalk across the frontages of these two lots. The amount paid shall be based on recent tender prices for similar works on

other City projects.

Condition(s): The Applicant shall:

- Pay to the City the estimated cost for constructing a future 1.50m wide concrete sidewalk along Broadway and Lakeside Drive frontages in accordance with costs reflective of the current construction price index and average City tender document pricing, at the time of payment.



Prepared By:

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Vincent Wen, Planning Co-op Student
Judy Pihach, Manager of Planning

From: James Denham P.Eng.
Development Engineering Technologist

Date: February 12th, 2019

Hearing Date: February 27th, 2019

Subject: Development Engineering - Minor Variance Applications
12 Fitzroy Lane, A -10/19SC
1070A & 1070B Vansickle Road North, A -11&12/19SC
156 Berryman Avenue, A -16/19SC
102 Broadway, A -19/19SC
2 Lakeside Drive, A - 20/19SC
1074A & 1074B Vansickle Road North, A - 21&22/19SC

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 Denham P.Eng.
Development Engineering Technologist

JD

cc. Brian Thiessen, PBS (email only)
Brad Johnston, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
60.84.2220
60.84.2231
60.81.5445
60.81.5446
60.84.2236
60.81.5455
60.81.5456
60.81.5444
60.81.5450
60.84.2234
60.81.5451
60.81.5452
60.84.2235
60.81.5453
60.81.5454
60.81.5457
60.84.2237
60.81.5459
60.81.5460
60.81.5461

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-23/19 (60.81.5457)

12 Salina Street

DATE OF HEARING:
February 27, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 20, 2019

Date of Meeting: February 27, 2019

Report Number: A-23/19

File: 60.81.5457

Subject: 12 Salina Street

Recommendation

That Submission **A-23/19**, by Glenn Barr, 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-23/19** 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-23/19** has been made to vary Zoning By-law 2013-283 for the following variances in order to extend the upper and lower decks and to permit offsite parking for interior accessory dwelling unit.

- 1) A reduction of the minimum setback from the exterior lot line for a platform structure over 1.2 metre above grade from 1.8 metres to 1.3 metres for the lower deck.
- 2) A reduction of the minimum setback from the exterior lot line for a platform structure over 1.2 metre above grade from 1.8 metres to 1.6 metres for the upper deck.
- 3) A reduction of the required parking space for an interior accessory dwelling unit from 1 space to 0 spaces.

Location and Site Description

The subject property is located at the southwest intersection of Salina Street and Cherry Street, south of Ontario Street and north of Yates Street. The surrounding area consists of detached and townhouse dwellings, as well as a parking lot and commercial and institutional uses to the north.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Downtown as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E10 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.

Background

The subject property received approval for consent to sever and an associated minor variance application in 2015 (**B-53/15SC** and **A-100/15**) to facilitate the construction of a single detached dwelling with a 2-level covered verandah. Application **B-53/15SC** was made to sever 194 m² of land creating a new lot to be known as 12 Salina Street. A 186 m² remnant parcel with an existing duplex dwelling to be converted to a single detached dwelling was retained for residential use. Approval was granted for several minor variances: a reduction of the minimum required lot area per dwelling unit from 300 m² to 194 m², a reduction of the minimum required front yard setback to the proposed dwelling from 3 metres to 1.5 metres, a reduction of the minimum required rear yard setback from 6 metres to 1.5 metres and a reduction of the minimum setback from exterior lot line to the platform structure (2 storey covered verandah) from 3 metres to 1.8 metres. 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.

Report

The minimum setback from the exterior lot line provision of the by-law is intended to ensure adequate amenity space is provided on site between a structure and the road, adequate sight lines are maintained for drivers approaching an intersection, and as well ensure that sufficient space for access to the rear yard and for supporting utilities can be provided. Variances 1 and 2 request to reduce the setback from the exterior lot line for a platform structure over 1.2 metres above grade from 1.8 metres to 1.3 metres for the lower deck, and to 1.6 metres for the upper deck, respectively. The variances are requested to enhance the design of the dwelling and improve the accessibility and usability of the platform structures. Staff are in support of the requested variances.

Zoning By-law 2013-283 requires 1 parking space for an interior accessory dwelling unit. Section 5.4.1 of the Garden City Plan (GCP) maintains standards to provide adequate off-street parking. Variance 3 requests the reduction of the required parking space for an accessory dwelling unit from 1 space to 0 spaces on site.

Part C, Section 5.4.2 of the GCP states that the City may consider the reduction or the elimination of vehicular parking requirements where transit is readily available or where transit facilities are provided, and where bicycle parking facilities are provided. The applicant has arranged for the rental of an off-site parking space located at an adjacent commercial parking lot, across the street. In addition, the subject land is in very close walkable proximity to the downtown commercial area, and has access to a variety of transit stops within 500m (5-minute walk) or less of the property, which serves multiple bus routes. There are also a number of amenities that can be accessed both downtown and using the nearby bus routes, which include grocery stores, pharmacies, restaurants, entertainment and retail facilities. There is also on street parking available on the east side of Salina Street.

The property is located in very close proximity to St. Paul Street West, identified as an intensification corridor supporting walkability, bicycling and transit as alternative modes of transportation versus vehicles, and further supports the appropriateness of the requested reduction. Given the availability of transit, on street parking and nearby off-site permit parking and paid City parking lots, staff is in support of the requested parking reduction. The applicant has demonstrated that at least one parking space can still be provided on site, to serve the principal dwelling unit. It is of staff's opinion that the requested variances will have no measurable impacts to the streetscape or surrounding area.

Building staff have advised that a building permit is required for the proposed accessory dwelling unit.

Additionally, the property is located within the Yates Street Heritage District. A heritage permit for a new dwelling was issued in 2016; the drawings for that permit are consistent with those submitted for this application for minor variance. Given that the façade of the building will present in the same manner to Cherry Street as was envisioned in 2016 (i.e. the balconies will look the same, but will be located closer to the sidewalk), and given that the proposed setbacks are generally consistent with the neighbouring property at 27 Cherry Street, the change is considered minor and will not require a heritage permit. The façade of the building is maintained and the modifications are minor, therefore no heritage permit will be required.

Conclusion

Staff is of the opinion that application **A-23/19** 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.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - 2 of 2 emails

From: Boucetta, Alexandra (MTO) [mailto:Alexandra.Boucetta@ontario.ca]

Sent: Friday, February 08, 2019 3:55 PM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - 2 of 2 emails

Re: 24 Woodmount Drive, St. Catharines
12 Salina Street, St. Catharines

Hi Elaine,

Please note that both of the properties above are located outside MTO permit control area and ministry does not have any comments and no permit is required for the proposed development. You may proceed with the municipal requirements.

Kindest Regards,

Alexandra Boucetta

Corridor Management Officer – Niagara Region

Munro, Elaine

Subject: RE: Committee of Adjustment Notice and Application for Review & Comment - 12 Salina Street - February 27/19 CofA Hearing, City of St. Catharines

From: Knutson, Amanda

Sent: Monday, February 04, 2019 12:58 PM

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

Subject: RE: Committee of Adjustment Notice and Application for Review & Comment - 12 Salina Street - February 27/19 CofA Hearing, City of St. Catharines

Hi Elaine,

This property is located within the Yates Street Heritage District. A heritage permit for a new dwelling was issued in 2016; the drawings are consistent with those submitted for this application for minor variance. Given the façade of the building will present in the same manner to Cherry Street as was envisioned in 2016 (ie the balconies will look the same, but will be located closer to the sidewalk), and given the proposed setbacks are generally consistent with the neighbouring property at 27 Cherry Street, the change is considered quite minor and will not require a heritage permit.

Amanda Knutson

Planner II

Email: aknutson@stcatharines.ca

Tel: 905.688.5601 x1705

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines -

12 Salina / 13 Chestnut St.

From: Vasko, Dennis

Sent: Monday, February 04, 2019 7:49 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines -

Good morning Elaine,

There are no concerns with these properties in respect to closed landfill sites.

Regards,
Dennis

Dennis Vasko

Fill Site Technician

Email: dvasko@stcatharines.ca

Tel: 905.688.5601 x2163



Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 27, 2019 hearing- File No.: 300-010

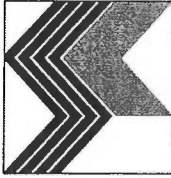
NO.	ADDRESS	COMMENTS
A-10/19	12 Fitzroy Lane	-Be advised that a building permit is required for the proposed addition to the existing shed. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-11/19	1070A Vansickle Road North	-No Comment
A-12/19	1070B Vansickle Road North	-No Comment
A-16/19	156 Berryman Ave.	-Be advised that a building permit is required for the proposed industrial building.
A-17/19	22A Woodmount Dr.	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-18/19	24 Woodmount Dr.	-No Comment
A-19/19	102 Broadway	-Be advised that a building permit is required for the proposed dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-20/19	2 Lakeside Drive	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

NO.	ADDRESS	COMMENTS
A-21/19	1074A Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-22/19	1074B Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-23/19	12 Salina Street	-Be advised that a building permit is required for the proposed accessory dwelling unit.
A-25/19	13 Chestnut Street	-No Comment
A-26/19	13B Chestnut street	-No Comment
A-27/19	51 Mary Street	-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\03 bcoa memo-mv-Feb27, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: February 9, 2019
Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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

12 Salina Street -
See next page

- 8. 1074 Vansickle Road N, Consent, B-08/19SC – 60.84.2236**
1074A Vansickle Road N, Minor Variance, A-21/19 – 60.81.5455
1074B Vansickle Road N, Minor Variance, A-22/19 – 60.81.5456

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.

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

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

- 9. 12 Salina Street, Minor Variance, A-23/19 – 60.81.5457**
No comment.

- 10. 13 Chestnut Street, Consent, B-09/19SC – 60.84.2237**
13 Chestnut Street, Minor Variance, A-25/19 – 60.81.5459
13B Chestnut Street, Minor Variance, A-26/19 – 60.81.5460

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.

- 11. 51 Mary Street, Minor Variance, A-27/19 – 60.81.5461**
No comment.

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Vincent Wen, Planning Co-op Student
Judy Pihach, Manager of Planning

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

Date: February 11, 2019
Hearing Date: February 27, 2019

Subject: Development Engineering - Minor Variance Applications
22A & 24A Woodmount Drive, A-17&18/19SC
12 Salina Street, A-23/19SC
13 Chestnut Street, A-25&26-19SC
51 Mary Street, A-27-19SC
281 Martindale Road, A-29-19SC

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, conditional on the following applicable to 51 Mary Street;

- The Owner / Applicant submit with the building permit application for the proposed garage, a localized grading plan prepared by an Ontario Land Surveyor identifying existing grades on the subject and abutting properties versus the proposed grades for review and acceptance prior to building permit issuance. The review of the grading plan is to ensure no adverse effects are caused on abutting properties from the construction of the proposed garage.

Prepared by: Brad Johnston, C.E.T.
Development Engineering Technologist

BJ

c. Brian Thiessen, PBS (email only)
James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
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60.81.5445
60.81.5446
60.84.2236
60.81.5455
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60.81.5444
60.81.5450
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60.84.2237
60.81.5459
60.81.5460
60.81.5461

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-09/19SC (60.84.2237), A-25/19
(60.81.5459) & A-26/19 (60.81.5460)**

13 Chestnut Street

**DATE OF HEARING:
February 27, 2019**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 5, 2019

Date of Meeting: February 27, 2019

Report Number: B-09/19SC
A-25/19
A-26/19

File: 60.84.2237
60.81.5459
60.81.5460

Subject: 13 Chestnut Street
13A Chestnut Street
13B Chestnut Street

Recommendation

That Submission **B-09/19SC**, by Dan Covello and Tony Mancini, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. 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 Submissions **A-25/19** and **A-26/19**, by Dan Covello and Tony Mancini, 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-09/19SC** 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-25/19** and **A-26/19** 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 consents and minor variances be approved.

The Proposal

Application **B-09/19SC** is made for consent to a partial discharge of mortgage and to sever 202.13 m² of land (Part 1 on the submitted sketch) creating a new lot to be known as 13A Chestnut Street for the purpose of severing one-half of a semi-detached dwelling currently under construction. A 202.13 m² remnant parcel will be retained for the remaining half (Part 2) of the semi-detached dwelling. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately.

Application **A-25/19** has been made to vary Zoning By-law 2013-283 for the following variances in order to facilitate the concurrent consent application **B-09/19SC** to sever a semi-detached dwelling currently under construction for Part 1:

- 1) A reduction of the minimum lot area per dwelling unit for a semi-detached dwelling from 280 m² to 202.13 m², and,
- 2) A reduction of the minimum lot frontage from 7.5 metres to 5.029 metres.

Application **A-26/19** has been made to vary Zoning By-law 2013-283 for the following variances in order to facilitate the concurrent consent application **B-09/19SC** to sever a semi-detached dwelling currently under construction for Part 2:

- 1) A reduction of the minimum lot area per dwelling unit for a semi-detached dwelling from 280 m² to 202.13 m², and,
- 2) A reduction of the minimum lot frontage from 7.5 metres to 5.029 metres.

Location and Site Description

The subject property is located on the south side of Walnut Lane and north side of Chestnut Street, west of Merritt Street and east of Hastings Street. The surrounding area primarily consists of single detached and townhouse dwellings, as well as nearby commercial and industrial buildings.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject 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. 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-09/19SC

Consent

Application **B-09/19SC** is made for consent to a partial discharge of mortgage and to sever 202.13 m² of land (Part 1) creating a new lot to be known as 13A Chestnut Street for the purpose of severing one-half of a semi-detached dwelling currently under construction. A 202.13 m² remnant parcel contains the remaining half (Part 2) of the semi-

detached dwelling. The application would allow each unit of the semi-detached dwelling to be owned and/or sold separately.

Staff initiated and Council has approved changes to the zoning by-law to prohibit this dwelling type on existing undersized lots in the future. In the circumstances that prevail on this application, being that a building permit has been issued in accordance with the zoning at the time the building permit was applied for, and recognizing that the dwelling is under construction or possibly completed, there is nothing to be gained by withholding the severance to recognize each half of the semi-detached dwelling on its own lot.

The building permit for this semi-detached dwelling was issued in September 2017, and prior to an approved amendment to the Zoning By-law to remove Section 2.15.1.1, which permitted various dwelling types permitted by the applicable zone on existing undersized lots (by virtue of lot area and lot frontage).

Staff recommend that the consent be approved, subject to the conditions outlined in the recommendation.

In addition, the Committee should be aware that Council has considered a further amendment to the zoning by-law that requires lots to be created *prior to the issuance of a building permit* for a semi-detached dwelling. The zoning amendment was adopted by Council but appealed to the Local Planning Appeal Tribunal (LPAT, formerly the Ontario Municipal Board (OMB)). That appeal has not yet been heard and until such time as the appeal is decided upon, the original zoning permissions prevail.

Design Review Panel (DRP)

The Design Review Panel (DRP) provides design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. The subject property was granted building permits to construct a semi-detached dwelling on one lot on September 14, 2017. Therefore, no new, vacant residential lot was created at that time. The subject application was therefore exempt from review by the DRP.

Development and Engineering Services have noted that the dwellings are currently in the building permit process, where individual servicing provisions and lot grading plans have been reviewed and accepted to the City's satisfaction.

Application A-25/19 and A-26/19 (Parts 1 & 2)

Applications **A-25/19 (Part 1)** and **A-26/19 (Part 2)** request a reduction of the minimum lot area for a semi-detached dwelling unit from 280 m² to 202.13 m² and a reduction of the minimum lot frontage from 7.5 metres to 5.029 metres per dwelling unit in order to facilitate the concurrent consent application **B-09/19SC**.

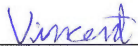
As previously explained, at the time of issuance of a building permit, the lot was in compliance with the requirements of the zoning by-law in place at that time. The division of the lots to allow for individual ownership of each unit through the requested consents has triggered the necessity for the variances to the lot frontages and lot areas that are

being requested. There is nothing to be gained by withholding the severance to recognize each unit of the semi-detached dwelling on their own lots, nor the related variances. The variances simply facilitate the selling of each half of the semi on its own lot.

Conclusion

Staff do not support the overdevelopment of undersized lots. However, the zoning in effect at the time the building permit was issued for this dwelling did permit a semi-detached dwelling on this lot. The requested consent and variances are to facilitate the selling of each half of the semi on its own lot.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines

13 Chestnut Street / 156 Berryman Avenue

From: Proximity [mailto:proximity@cn.ca]

Sent: Tuesday, February 05, 2019 3:18 PM

To: Munro, Elaine <emunro@stcatharines.ca>; Proximity <proximity@cn.ca>

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines

Good afternoon Elaine,

I have review the applications below and CN Rail has no comments.

Regards


Susanne

Susanne Glenn-Rigny, MCIP, RPP, OUQ

Agente principale/Senior Officer

Planification et développement communautaires/

Community Planning and Development

 Affaires juridiques/Law Department

935, rue de La Gauchetière Ouest

15e étage

Montréal (Québec) H3B 2M9

Téléphone: (514) 399-7844

Télécopieur: (514) 399-4296

Cell (514) 919-7844

Email: susanne.glenn-rigny@cn.ca

Precision Railroading: Doing it well and always improving

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 5- Last email

13 Chestnut Street

From: Doug Crown [mailto:Doug.Crown@cogeco.com]
Sent: Thursday, January 31, 2019 10:50 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 5- Last email

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

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 5- Last email - 905-19-085

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]

Sent: Tuesday, February 05, 2019 9:43 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines - Email 5- Last email - 905-19-085

Dear Elaine,

Re File: B-09/19SC

Details

- ☐ Severance
- ☐ 13 Chestnut Street
- ☐ Pt Lot 276 Corp Plan No. 6

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-722-2263

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines -

12 Salina / 13 Chestnut St.

From: Vasko, Dennis

Sent: Monday, February 04, 2019 7:49 AM

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

Subject: RE: Committee of Adjustment Notices and Applications for the February 27/19 CofA Hearing, City of St. Catharines -

Good morning Elaine,

There are no concerns with these properties in respect to closed landfill sites.

Regards,
Dennis

Dennis Vasko

Fill Site Technician

Email: dvasko@stcatharines.ca

Tel: 905.688.5601 x2163



Memorandum

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

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

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

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – February 27, 2019 hearing - File No.: 300-036

B-67/18SC – 71 Bradley Street

Comment:

- Be advised that a building permit is required for the proposed semi detached dwelling on Parts 1 and 2.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement.

Condition:

- Any encroachment of wall, eave projections, and the like from one building on to another property being created shall be addressed on the survey.

B-76/18SC – 37A Henley Drive

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 1, 2, and 3.
- Be advised that no encroachment by eaves or overhangs are permitted into the easement (Part 6).

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-77/18SC – 37B Henley Drive

Comment:

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

Condition:

- The existing dwelling on Parts 1, 2, and 3 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-03/19SC – 1070 Vansickle Road North

Comment:

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

Condition:

- No Comment

B-06/19SC – 24 Woodmount Drive

Comment:

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

Condition:

- No Comment

B-07/19SC – 102 Broadway

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 Part 1 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-08/19SC – 1074 Vansickle Road North

Comment:

- Be advised that a building permit is required for the proposed semi-detached dwelling on Parts 1, 2, 3, and 4.

Condition:

- The existing garage on Part 1 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.

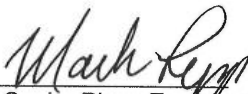
B-09/19SC – 13 Chestnut Street

Comment:

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

Condition:

- The existing dwelling 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.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bdg memo 2019\04bcoa memo-sev-February 27,2019.docx



Memorandum

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

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

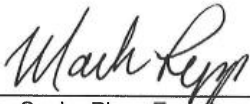
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 27, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-10/19	12 Fitzroy Lane	-Be advised that a building permit is required for the proposed addition to the existing shed. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-11/19	1070A Vansickle Road North	-No Comment
A-12/19	1070B Vansickle Road North	-No Comment
A-16/19	156 Berryman Ave.	-Be advised that a building permit is required for the proposed industrial building.
A-17/19	22A Woodmount Dr.	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-18/19	24 Woodmount Dr.	-No Comment
A-19/19	102 Broadway	-Be advised that a building permit is required for the proposed dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-20/19	2 Lakeside Drive	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

NO.	ADDRESS	COMMENTS
A-21/19	1074A Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-22/19	1074B Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-23/19	12 Salina Street	-Be advised that a building permit is required for the proposed accessory dwelling unit.
A-25/19	13 Chestnut Street	-No Comment
A-26/19	13B Chestnut street	-No Comment
A-27/19	51 Mary Street	-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\03 bcoa memo-mv-Feb27, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: February 9, 2019
Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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

13 Chestnut - See next page

- 8. 1074 Vansickle Road N, Consent, B-08/19SC – 60.84.2236**
1074A Vansickle Road N, Minor Variance, A-21/19 – 60.81.5455
1074B Vansickle Road N, Minor Variance, A-22/19 – 60.81.5456

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.

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

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

- 9. 12 Salina Street, Minor Variance, A-23/19 – 60.81.5457**
No comment.

- 10. 13 Chestnut Street, Consent, B-09/19SC – 60.84.2237**
13 Chestnut Street, Minor Variance, A-25/19 – 60.81.5459
13B Chestnut Street, Minor Variance, A-26/19 – 60.81.5460

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.

- 11. 51 Mary Street, Minor Variance, A-27/19 – 60.81.5461**
No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-09/19SC



February 11, 2019

ENGINEERING FILE 300-36

Hearing Date: February 17, 2019

Applicant: Dan Covello and Tony Mancini

Location: 13 Chestnut Street / Walnut Lane

<u>MUNICIPAL SERVICES</u>	<u>Chestnut Street</u>	<u>Walnut Lane</u>
Water:	150mm PVC	150mm PVC
Sanitary:	750mm	250mm
Storm:	375mm	None
Sidewalks:	Yes	None
R.O.W Width:	20.12m±	5.0m±

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 creating a new lot to be known as 13A Chestnut Street for the purpose of severing one-half of a semi-detached dwelling currently under construction. A remnant parcel with the other half of the semi-detached dwelling (Part 2) would be retained for residential use. The application would allow each of the semi-detached dwellings to be owned and/or sold separately.

These dwellings are currently in the building permit process, where individual servicing provisions and lot grading plans have been reviewed and accepted to the City's satisfaction.

Condition(s): None.

A handwritten signature in black ink, appearing to be 'Brad Johnston'.

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

- c. Brian Thiessen, PBS (email only)
James Denham, PBS (email only)
Christine Adams, TES (email only)



Memorandum

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

Cc: Kirstin Jensen, Planner I
Vincent Wen, Planning Co-op Student
Judy Pihach, Manager of Planning

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

Date: February 11, 2019
Hearing Date: February 27, 2019

Subject: Development Engineering - Minor Variance Applications
22A & 24A Woodmount Drive, A-17&18/19SC
12 Salina Street, A-23/19SC
13 Chestnut Street, A-25&26-19SC
51 Mary Street, A-27-19SC
281 Martindale Road, A-29-19SC

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, conditional on the following applicable to 51 Mary Street;

- The Owner / Applicant submit with the building permit application for the proposed garage, a localized grading plan prepared by an Ontario Land Surveyor identifying existing grades on the subject and abutting properties versus the proposed grades for review and acceptance prior to building permit issuance. The review of the grading plan is to ensure no adverse effects are caused on abutting properties from the construction of the proposed garage.

Prepared by: Brad Johnston, C.E.T.
Development Engineering Technologist

BJ

c. Brian Thiessen, PBS (email only)
James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
60.84.2220
60.84.2231
60.81.5445
60.81.5446
60.84.2236
60.81.5455
60.81.5456
60.81.5444
60.81.5450
60.84.2234
60.81.5451
60.81.5452
60.84.2235
60.81.5453
60.81.5454
60.81.5457
60.84.2237
60.81.5459
60.81.5460
60.81.5461

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-27/19 (60.81.5461)

51 Mary Street

DATE OF HEARING:
February 27, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: February 20, 2019

Date of Meeting: February 27, 2019

Report Number: A-27/19

File: 60.81.5461

Subject: 51 Mary Street

Recommendation

That Submission **A-27/19**, by Linda van Dyk, as outlined in the Notice of Hearing, be approved, conditional on:

1. The Owner/Applicant submit (at the time of building permit application for the proposed garage) a localized grading plan prepared by an Ontario Land Surveyor identifying existing grades on the subject and abutting properties versus the proposed grades, for review and approval prior to building permit issuance. The review of the grading plan is to ensure no adverse effects are caused on abutting properties from the construction of the proposed garage.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through application **A-27/19** 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-27/19** has been made to vary Zoning By-law 2013-283 for the following variances to facilitate the proposed construction of a garage addition and a covered porch with balcony above:

- 1) A reduction of the minimum rear yard setback to the garage from 7.5 metres to 2.3 metres.
- 2) A reduction of the minimum setback to the front lot line for a platform structure over 1.2 metres above grade from 6 metres to 4 metres.

Location and Site Description

The subject property is located at the intersection of Courtleigh Road and Mary Street, and is west of Belair Drive. The surrounding area consists primarily of single detached homes, as well as agricultural land 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 E1 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.

Report

Variance 1

The Zoning By-law requires a minimum rear yard setback for a garage of 7.5 metres. The applicant has proposed to construct an addition to the existing garage therefore requests a rear yard setback for a garage from 7.5 metres to 2.3 metres. The intent of the minimum rear yard depth provision of the zoning by-law is to ensure that sufficient amenity space is provided on a property and that structures do not overwhelm abutting properties due to their proximity to adjacent lot lines. Due to the orientation of the existing dwelling on the site facing Mary Street, whereas the lot frontage by definition is along Courtleigh Road, the required rear yard actually functions as an interior side yard. As a result, the site can continue to provide an ample area of amenity space, and the extension of the attached garage will not detract from this. The addition will not overwhelm the property and will complement the existing garage, as the driveway accommodates parking for 2 vehicles side-by-side.

Variance 2

The minimum 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. Variance 2 requests a reduction of the minimum setback from the front lot line for a platform structure over 1.2 metres above grade, from 6 metres to 4 metres, for a proposed covered porch. A platform structure over 1.2 metres above grade (in this case, the covered porch will be at a height of 3.15 metres) becomes an extension of the primary dwelling, and therefore must maintain the required front yard of the principal building, thereby being 6 metres. However, due to the aforementioned orientation of the dwelling towards Mary Street rather than Courtleigh Road, the required front yard (by definition) in actuality functions as an exterior side yard, and the proposed

platform structure is maintaining the correct setback from the lot line were that to be an exterior lot line. As such, the proposed porch will have minimal impacts on the streetscape. The variance is considered minor in nature, and will not impact the surrounding properties. Staff are in support of the requested variance.

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

Conclusion

Staff is of the opinion that application **A-27/19** 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:



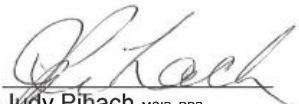
Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Letter Against Application A-27/19 51 Mary Street vary Zoning By-law 2013-283

From: Jorge Dominguez-Moreno [mailto:]

Sent: Friday, February 15, 2019 3:08 PM

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

Subject: Letter Against Application A-27/19 51 Mary Street vary Zoning By-law 2013-283

To: Elaine Munro, Secretary-Treasurer
Committee of adjustments.

From Jorge Dominguez Resident of 57 Belair Drive St Catharines.

Re; 51 Mary Street Application A-27/19, vary Zoning By-law 2013-283

Dear Elaine Munro,

As per the opportunity provided to me via the Notice of Hearing File No 60.81.5461, Submission No A-27/19 please accept this letter against the above mentioned application, and I respectfully request the attention to the following three items;

1. Answer to questions
 2. Comments submission
 3. Request for Notice of Decision
1. Why is it called an existing "Minimum setback" a "Minimum", when anyone can apply to reduce the minimum?
Can you explain Why do we set minimums?
 2. Comments;
 - ☐ The application reads a Minor Variance application, however the Reduction of the "minimum setback goes from 7.5 m to 2.3m, That is a 70% reduction of the existing "minimum setback" for a Garage. And another 33% reduction to the "Minimum setback" for a platform reduction.
These are by far Not a "Minor Variance".
 - ☐ The drawing also illustrates an outline of "Potential Future Addition" .That Item has not been identified as something to do with the application and should be removed from the drawings and the application should be resubmitted without that.
 - ☐ If the plan based of the above mentioned "Potential Future Addition" is done in order to receive a pre-approval, and in turn build the change at a later time, these changes need to be explained in full and new drawings should be submitted in order to understand the potential impact to the neighbours. i.e, is there going to be another extra bathroom that will be impacting drainage?, would there be windows affecting privacy?
All this "Potentials" needs to be explained, and in turn, neighbours should have the opportunity to respond before any approval is awarded.
 - ☐ I believe is important to consider that increasing the size of a family house (previously 4 occupants) to a larger property (current 1 occupant) reflects the interest for property sale and increase profitability, this should not be at the expense of potential issues to the close proximity neighbours.
 - ☐ There is serious concern that this considerably large reduction to the setback minimum will create issues related to drainage and flooding to adjacent properties.
 - ☐ This application doesn't have enough information included to ensure that adjacent properties are not going to be negatively affected.
 3. Please provide Notifications and responses as requested in this document.

Thank you

Jorge Dominguez-Moreno

57 Belair Drive.

St Catharines, ON L2N 6X8

City of St. Catharines
Committee of Adjustment, City Hall
P.O.Box 3012, 50 Church St.
St. Catharines, ON L2R 7C2

RE: File No. 60.81.5461
Submission No. A-27/19

FILE NO.	60.81.5461	DATE FEB 20 2019	SCAN <input type="checkbox"/>
P.D.S.		REFERRED TO	INIT.

This letter is to oppose the above application for the construction of an additional garage to the residence as well as the future 2nd storey addition. The house at 51 Mary St. is already substantially large for the size of the lot. Originally the lot faced Courtleigh and the previous owners had to apply to the city to change the direction it sits in order to accommodate the size to fit on the lot. We currently have a 'lake view' from our property, but will no longer have that if a garage is built. We feel, as does our neighbour, that the added structure will be too close to the property line as well as overwhelming the small lot. If this application is approved, we assume our property taxes will reduce substantially, since we will no longer have claim to any lake view.

Sincerely,

Wendy and Terry Duncan
53 Belair Dr.
St. Catharines, ON L2N6X8

Mara Dabrowski
55 Belair Drive
St. Catharines, ON L2N 6X8

February 15, 2019

City of St. Catharines
Committee of Adjustment
P.O. Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Notice of Hearing

File No. 60.81.5461 Submission No. A-27/19 51 Mary Street St. Catharines, ON L0t 163, Plan M-51;
Subject to LT11080

First a little history. I am Mara Dabrowski, and have lived at 55 Belair Drive, for nearly forty years. When my family initially moved to Belair Drive, there was no home at 51 Mary Street. We enjoyed unobstructed views of Lake Ontario, from our kitchen, or family room, our backyard deck, and our master bedroom. Several years later, the irregular shaped lot was built upon, but the builder made certain to minimize and mitigate the impact on our enjoyment of the views. The home was designed in an effort to allow us to maintain at least partial views of the lake, and the Toronto skyline.

The first issue to address, is whether to consider this a minor variance? The request to reduce the minimum rear set back from 7.5 m to 2.3 m represents an encroachment of nearly 70% beyond the existing zoning requirements. An encroachment that large, in my opinion, does not represent a minor variance.

Second, would the granting of this variance result in a development that would be desirable? I can assume that the applicant thinks the variance is minor and desirable, but the real issue is whether it is desirable from a planning and public perspective.

There is no question that an addition of an additional garage would be desirable to the applicant, offering further parking and storage options than exists today. I suspect, however, that the request goes beyond simply adding an additional garage, but more likely an indirect request to be able to construct a future addition to the second story over the existing garage. There is no doubt in my mind, that the with the addition of a garage and extra floor space, the value of the home would increase. The problem is that that increase will come at the expense of the value of my home. Any addition of a garage would eliminate the partial view of Lake Ontario from my main floor and backyard. Any future addition of a second story atop of the existing garage would also eliminate the partial view of Lake Ontario from my bedroom. As a result, the future sale price of my home would be diminished due to the elimination of the existing Predominant Exposure – North views that I currently possess. It is my understanding that

the committee needs to consider the many factors that can affect the broad public interest, and in the case of my property, it is not in the public interest.

Third, would a variance maintain the general intent and purpose of the original zoning by-law? Several issues arise from this proposal that I believe need to be considered. Although I recognize that there is no legal right in Ontario to sunlight, privacy or views, I believe approving this zoning variance application will be insensitive because it would introduce obstruction to such long established amenities, and to such a magnitude as to cause an unacceptable adverse impact upon my home and the neighbourhood.

If this application were to be approved, I believe the shadowing, especially from a future proposed addition of the second story, would occur due to the increase in mass, height and bulk of the structure. It would increase afternoon shadowing in my kitchen, my family room, and the enjoyment of my garden, deck and backyard.

This application also threatens the level of privacy that my home currently enjoys. An approved application would pave the way to a second story addition which would add a large degree of discomfort by providing overviews of my gardens and other private family areas. It would provide exposure and visual intrusion into my master bedroom, family room and kitchen areas.

It cannot be understated, that the views that I currently possess of Lake Ontario, and the greenspace along the shoreline at the end of Courtleigh Road, would be diminished or more likely eliminated, resulting in lower property values, and reduced enjoyment of the neighbourhood.

I Recognize that the Official Plan derives its authority from the Planning Act, and it contains the goals, objectives and policies for future land use and development. It guides the city in its decision. As we proceed with this application, I question how this application conforms to Provincial Policy Statement, the Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe, or the Niagara Escarpment Plan. This is not an application requesting the increase of density, nor is it an opportunity for further intensification.

The biggest issue and questions that I believe should be addressed by this committee is to ask whether there is a need that can be shown for an increase in floor space and garage space. Considering that this is a home where a family of four was raised in comfort, how many occupants are there to be? Can this request be met within the limits of existing by-laws? Can the height or mass be reduced. I believe that the applicant should be able to provide persuasive reasons beyond whims, convenience or profit.

I respectfully request that the committee consider each of these factors carefully, and how it relates to my property, as well as all my immediate neighbours.

Best Regards,

Mara Dabrowski



Memorandum

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

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

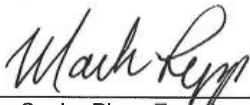
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: February 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – February 27, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-10/19	12 Fitzroy Lane	-Be advised that a building permit is required for the proposed addition to the existing shed. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-11/19	1070A Vansickle Road North	-No Comment
A-12/19	1070B Vansickle Road North	-No Comment
A-16/19	156 Berryman Ave.	-Be advised that a building permit is required for the proposed industrial building.
A-17/19	22A Woodmount Dr.	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-18/19	24 Woodmount Dr.	-No Comment
A-19/19	102 Broadway	-Be advised that a building permit is required for the proposed dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-20/19	2 Lakeside Drive	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

NO.	ADDRESS	COMMENTS
A-21/19	1074A Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-22/19	1074B Vansickle Road North	-Be advised that a building permit is required for the proposed semi-detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-23/19	12 Salina Street	-Be advised that a building permit is required for the proposed accessory dwelling unit.
A-25/19	13 Chestnut Street	-No Comment
A-26/19	13B Chestnut street	-No Comment
A-27/19	51 Mary Street	-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\03 bcoa memo-mv-Feb27, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: February 9, 2019
Subject: Committee of Adjustment Hearing – February 27, 2019

1. 71 Bradley Street, Consent, B-67/18SC – 60.84.2210

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.

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

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

2. 37A Henley Drive, Consent, B-76/18SC – 60.84.2219

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

Staff note that any grading, drainage or site alterations associated with the development should be located outside of the dripline of the trees along the south property line. Tree protection fencing along the dripline is recommended for their preservation.

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

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

*51 Mary Street
- see next page*

- 8. 1074 Vansickle Road N, Consent, B-08/19SC – 60.84.2236**
1074A Vansickle Road N, Minor Variance, A-21/19 – 60.81.5455
1074B Vansickle Road N, Minor Variance, A-22/19 – 60.81.5456

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.

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

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

- 9. 12 Salina Street, Minor Variance, A-23/19 – 60.81.5457**
No comment.

- 10. 13 Chestnut Street, Consent, B-09/19SC – 60.84.2237**
13 Chestnut Street, Minor Variance, A-25/19 – 60.81.5459
13B Chestnut Street, Minor Variance, A-26/19 – 60.81.5460

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.

- 11. 51 Mary Street, Minor Variance, A-27/19 – 60.81.5461**
No comment.

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



Memorandum

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

Cc: Kirstin Jensen, Planner I
Vincent Wen, Planning Co-op Student
Judy Pihach, Manager of Planning

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

Date: February 11, 2019
Hearing Date: February 27, 2019

Subject: Development Engineering - Minor Variance Applications
22A & 24A Woodmount Drive, A-17&18/19SC
12 Salina Street, A-23/19SC
13 Chestnut Street, A-25&26-19SC
51 Mary Street, A-27-19SC
281 Martindale Road, A-29-19SC

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, conditional on the following applicable to 51 Mary Street;

- The Owner / Applicant submit with the building permit application for the proposed garage, a localized grading plan prepared by an Ontario Land Surveyor identifying existing grades on the subject and abutting properties versus the proposed grades for review and acceptance prior to building permit issuance. The review of the grading plan is to ensure no adverse effects are caused on abutting properties from the construction of the proposed garage.

Prepared by: Brad Johnston, C.E.T.
Development Engineering Technologist

BJ

c. Brian Thiessen, PBS (email only)
James Denham, PBS (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: February 8, 2019

Subject: Committee of Adjustment
Public Hearings – February 27, 2019
File No. 305-17-01

A-0007/19 – 102 Broadway

We have some concerns where the driveway for the lot consisting of Parts 1 and 2 connects to Lakeside Drive. The proposed driveway appears to be in the intersection. The driveway should be extended to Lakeside Drive parallel to the property line, which will move the driveway further away from the intersection.

We have no concerns or requirements with the remaining applications.

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/

60.84.2210
60.84.2219
60.84.2220
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60.81.5445
60.81.5446
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