

Agenda

1. Chair to call the Hearing to Order
2. At 4:30pm, Discussion with Engineering regarding sidewalks, road widenings drainage
3. Amendments/Additions to the Agenda
4. Declarations of Interest
5. Request for Withdrawal or Adjournment

Item # 13 24 Whitworth Street A-39/19 – 60.81.5473

The application has been withdrawn as the proposal is consistent with the requirements of the zoning by-law for an interior accessory dwelling unit and no variances are needed.

Item # 14 74 Wiley Street A-39/19 – 60.81.5474

A request has been received from Staff to defer this application until April 25, 2019. Staff is of the opinion that the application for conversion of the dwelling into a duplex is unnecessary, as the intent of the application can be achieved through a change of use permit to allow for an interior accessory dwelling unit. Staff recommend deferral based on the comments received from PRCS regarding a revised parking configuration in order to protect the livelihood of the boulevard tree, and the need to revise the proposed plans.

6. Adoption of the Minutes held on February 27, 2019 will be presented at April 25th Hearing.
7. Application:
 1. 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
(To continue from discussion with owner from February 27, 2019 Hearing)
 2. 151 Moffatt Street, Consent, B-04/19SC – 60.84.2232
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449
 3. 61 Queenston Street Minor Variance, A-30/19 – 60.81.5445
 4. 206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446
 5. 30½ Division Street, Consent, B-10/19SC – 60.84.2238
 6. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239
59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466
 7. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467
 8. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468
 9. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469
 10. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470
 11. 51 Christie Street, Consent, B-12/19SC – 60.84.2240
 12. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471
 15. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475
 16. 1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476
 17. 2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477

8. New Business:

9. Date of next Hearing: Thursday, April 25, 2019

10. Adjournment



CITY OF
ST. CATHARINES

Technical Report **REVISED**

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2019

Date of Meeting: March 28, 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,
 - 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; and,
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.

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 for Part 1) of **A-17/19** be denied.

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 acknowledge the creation of a new lot will also trigger one additional driveway access to Woodmount, in a section of the street where two existing driveways are already in close proximity. Upon further site inspection and discussion with the applicant, it is acknowledged that the current driveway to Part 2 is already oversized in width and that part of the existing driveway will become the new driveway to Part 1, the new lot. The existing driveway together with the new driveway will be a minor expansion in width at the street line from what currently exists, but not significant enough to have any substantial impact on the street edge. The applicant has indicated every effort will be made to locate the driveway for the new lot so that the mature tree close to the street edge is retained. In addition, the reinstatement of landscaping on Part 1, where the existing driveway is now located, will narrow the width of the driveway for Part 2.

The severance and proposed development for 24 Woodmount Drive will have minimal 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.

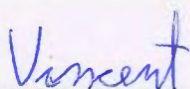
Finally, the zoning by-law requires that in any residential zone, the driveway size must not exceed 50% of the front lot line. Variance 3 of Application **A-18/19** requests an increase of the maximum driveway width from 50% of the front lot line to 100% of the front lot line for Part 2. This variance is triggered by the irregular configuration of Part 2, once the new lot is created, but essentially recognizes the existing driveway. Staff are in support of this variance since the impact is negligible. 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 this variance be approved.

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.

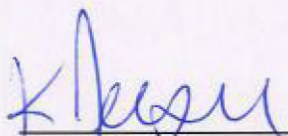
Staff is of the opinion that, with the exception of variance 2 of application **A-18/19**, that Applications **A-17/19** and **A-18/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances, with the exception of variance 2 of **A-18/19**, be approved.

Prepared by:



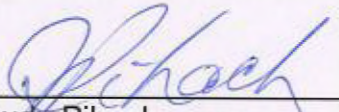
Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP

Manager of Planning Services



CITY OF ST. CATHARINES

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

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

COMMENTS

B-04/19SC (60.84.2232)

B-05/19SC (60.84.2233)

A-13/19 (60.81.5547)

A-14/19 (60.81.5448)

A-15/19 (60.81.5449)

151 Moffatt Street

DATE OF HEARING:

March 28, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 22, 2019

Date of Meeting: March 28, 2019

Report Number: B-04/19SC
B-05/19SC
A-13/19
A-14/19
A-15/19

File: 60.84.2232
60.84.2233
60.81.5447
60.81.5448
60.81.5449

Subject: 151 Moffatt Street

Recommendation

That Submissions **B-04/19SC** and **B-05/19SC**, by BPR Development Inc., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. The Owner provides to the City, for review and approval, a draft reference plan indicating the limits of the proposed mutual driveway (the east/west arm of the driveway being no wider than 7.5 metres) within 'City Lands' (being those lands between the subject lands and Moffatt Street), for inclusion in the License Agreement as outlined in Condition 2;
2. The Owner enters into a License/Maintenance Agreement with the City, to be registered on title to all 3 lots, for the continued perpetual maintenance of access/egress over the proposed mutual driveway for all 3 lots;
3. Pay the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property;
4. If it is determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually;
5. The Owner pay the cash-in-lieu fee for future sidewalks along the frontage length of Moffatt Street, the costs to be determined based on the current construction price index and average City tender document pricing, at the time of payment;
6. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands (Parts 1 through 7), 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 December 18th, 2018 meeting (formerly site plan dated November 22, 2018, but since revised and dated February 19, 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 east/west arm of the driveway be a maximum of 7.5 metres in width; and
 - ii. That the servicing plans for each of the lots be in accordance with the sketch submitted with the application dated February 19 2019 by Roy S Kirkup OLS and be subject to final review and approval by the City.
7. That the applicant submits a total payment of \$915.40 (\$457.70 for **each new lot**) for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees; and,
8. That payment of 5% of the appraised value of **each new lot** be made to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given' and that the appraisal be completed by a qualified appraiser.

That Submissions **A-13/19**, **A-14/19** and **A-15/19** by BPR Development Inc., 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 Applications **B-04/19SC** and **B-05/19SC** are 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 Applications **A-13/19**, **A-14/19** and **A-15/19** 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 variances be approved subject to conditions, as recommended

The Proposal

Application **B-04/19SC** is made for consent to a partial discharge of mortgage and to sever 241 m² of land (Parts 1 & 2 on the submitted sketch) for the proposed construction of one unit of a 3-unit townhouse to be known as 153B Moffatt Street subject to an easement, in perpetuity, over 8 m² of land (Part 2) for the benefit of the southerly abutting lands known as 153A Moffatt Street (Parts 3, 4, and 5) for eaves, gutters and wall purposes. A 445 m² remnant parcel (Parts 3, 4, 5, 6 and 7) of the proposed 3-unit

townhouse would be retained for residential use. The application would allow each unit to be owned and/or sold separately.

Application **B-05/19SC** is made for consent to a partial discharge of mortgage and to sever 203 m² of land (Parts 3, 4 and 5 on the submitted sketch) for the proposed construction of one unit of a 3-unit townhouse to be known as 153A Moffatt Street subject to an easement, in perpetuity, over 3 m² (Part 4) for the benefit of the northerly abutting lands known as 153B Moffatt Street (Parts 1 and 2) for eaves, gutters and wall purposes and subject to an easement, in perpetuity, over 8 m² (Part 5) to benefit the southerly abutting land known as 151 Moffatt Street (Parts 6 and 7) for eaves, gutters and wall purposes. A 240 m² remnant parcel (Parts 6 and 7) of the proposed 3-unit townhouse would be retained for future residential use, together with an easement, in perpetuity, over 3 m² of land (Part 7) for the benefit of the northerly abutting lot known as 153A Moffatt Street for eaves, gutters and wall purposes. The application would allow each unit of the 3-unit townhouse to be owned and/or sold separately.

Application **A-13/19** (Parts 6 & 7) is made pertaining to City of St. Catharines Zoning By-law 2013-283, for the following:

- 1) A reduction of minimum lot area per dwelling unit for a unit of a 3-unit townhouse from 280 m² to 240 m².
- 2) A reduction of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to 0 metres.
- 3) A reduction of the northerly interior side yard setback from the dwelling and the front porch (not the common wall) from 1.2 metres to 0 metres.

The variances are requested for the proposed construction of one unit of a 3-unit townhouse.

Application **A-14/19** (Parts 3, 4 & 5) is made pertaining to City of St. Catharines Zoning By-law 2013-283, for the following:

- 1) A reduction of minimum lot area per dwelling unit for a unit of a 3-unit townhouse from 280 m² to 203 m².
- 2) An increase of maximum driveway coverage from 50% (3.54 m) to 54% (3.66 m).
- 3) A reduction of the northerly interior side yard setback from the dwelling and the front porch (not the common wall) from 1.2 metres to 0 metres.
- 4) A reduction of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to 0 metres.

The variances are requested for the proposed construction of one unit of a 3-unit townhouse.

Application **A-15/19** (Parts 1 & 2) is made pertaining to City of St. Catharines Zoning By-law 2013-283, for the following:

- 1) A reduction of minimum lot area per dwelling unit for a unit of a 3-unit townhouse from 280 m² to 241 m².

- 2) A reduction of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to 0 metres.
- 3) A reduction of the southerly interior side yard setback from the dwelling (not the common wall) from 1.2 metres to 0 metres.

The variances are requested for the proposed construction of one unit of a 3-unit townhouse.

Location and Site Description

The subject property is located on the west side of Moffatt Street, northeast of Hilts Court and to the north of Glory Hill Road. The surrounding area consists of primarily townhouse dwellings and single detached homes, as well the Merritt Trail and open green space.

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 – Traditional Neighbourhood (R2). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings, as well as 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-04/19SC** and **B-05/198SC** are requesting to sever the lot located at 151 Moffatt Street into three lots for a proposed three-unit townhouse. The severances propose to create 3 lots. Unit 1 (Parts 1 and 2) will be 241 m², Unit 2 (Parts 3, 4, and 5) will be 203 m², and Unit 3 (Parts 6 and 7) will be 240 m². Lots in the surrounding neighbourhood are significantly varied in both shapes and sizes. The proposed new lots will be smaller in lot area than most lots in the immediate vicinity, however are compatible in shape, size and depth to the nearby townhouse lots to the south of the site in particular,

along Glory Hill Road. The severed and remnant parcels of land comply with almost all provisions of the Zoning By-law in terms of setbacks. Variances are required for lot areas and for technical purposes based on the staggered design of the townhouse units. The proposal is a suitable form of infill development for the subject lot. Staff recommend approval of the requested consents, subject to conditions.

In review of the requested applications, staff are of the opinion that maintaining one mutual driveway access only to the proposed 3 lots from Moffatt Street is the most desirable access in order to minimize tree removal. The "City Lands" between the subject property and Moffatt Street include a tree zone that the City prefers to remain as existing, without interruption from the construction of driveways to each of the proposed lots and without the disruption incurred by the provision of services through this area. Due to these reasons, staff recommend that a condition be included for a License Agreement with the City acknowledging a single mutual driveway be provided and that future maintenance be at the sole responsibility of the future lot owners and not the City, and secondly the servicing of the lots be as outlined in the sketch submitted.

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 December 18, 2018. The DRP considered a proposal to demolish the existing home and to sever the property into three parts for the purpose of constructing three townhouse dwellings. The units are proposed to share a single driveway access off Moffatt Street. The proposed lots would each require a minor variance for minimum lot areas (min. 280 m²). The applicant advised that the proposed cladding materials will be a mix of architectural stone, brick, board and baton. The DRP expressed support for the proposed design and noted that there did not appear to be any adverse impacts on adjacent lands. The DRP noted that while the building will be fairly tall along the Moffatt Street frontage, only two storeys would be visible to the neighbouring homes on Hilts Court due to the grade change on the site. The DRP moved to support the proposal, as presented.

Building staff have advised that building permits are required for the proposed 3-unit townhouses on Parts 1 through 7.

The City's Development Engineering Services department noted that Moffatt Street along this section is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.0 metres. There is an exceptionally wide strip to City Lands between the subject lands and Moffat Street which will ultimately form the Moffat Street road right of way. Accordingly, there is no need for a road widening as a condition of this application.

As per the Garden City Plan, Council has directed we achieve “Complete Streets and Walkable Communities” to which, in addition to accommodating vehicles, provide “safe, functional and attractive pedestrian and cycling environment.” Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today’s standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (Bell, Hydro, Gas, CCTV etc.).

Sidewalks do not exist along the frontage of the subject property, and therefore require a contribution to future construction provisions, in accordance with the above Council-driven policies in the Official Plan. Since an existing link to Glory Hill Road along the rear of 4 Hilts Court does not yet exist, the Applicant shall contribute a cash-in-lieu payment for a future sidewalk, in accordance with the City’s practice, and the costs of which are to be determined based on the current construction price index and average City tender document pricing, at the time of payment. The required amounts shall be based on the frontage length of 24.4 metres.

The topography of Moffatt Street fronting the development is that of a steep slope which increases north beyond the existing driveway, then decreases easterly towards the Welland Canal Valley lands. From an engineering perspective, it is logical that the proposed driveway remains in the same location as it exists, however may require further improvements to accommodate access to the proposed townhouse units. Also, in an attempt to save boulevard greenery and bush lines, while also eliminating multiple driveway accesses from Moffatt Street given the steep-sloped topography, it is requested that a single mutual driveway be maintained from Moffatt Street to provide access/egress to all three of the lots over Part 8, and the Owner enter into a Maintenance/License Agreement registered on title for the proposed lots to ensure continued maintenance of access/egress for all lots. At no time in the future are additional driveways to be created.

The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for the existing dwelling, to confirm they will not conflict with any existing abutting and/or future lot line. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit so as not to continue conflicts of existing services over abutting and/or future lot lines. The Owner shall also pay the City, if determined through the inspections conflicts exist, the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually.

The City’s Parks, Recreation and Culture Services department has advised that several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

Variances

The Zoning By-law requires a minimum lot area of 280 m² per townhouse dwelling unit. This is to ensure a lot has adequate space to accommodate a building footprint while still providing sufficient outdoor amenity space and meeting respective yard setbacks. The applicant is requesting to reduce the minimum lot area to 241 m² for Unit 1, 203 m² for Unit 2 and 240 m² for Unit 3 on the submitted sketch. The reductions are requested to accommodate one unit on each lot of a 3-unit townhouse dwelling. The proposed development demonstrates that adequate outdoor amenity space can be provided surrounding the proposed dwelling and significant landscaping and open space is also provided between the dwellings and the right of way. The Official Plan supports infill development where it can be appropriately accommodated. Nearby Glory Hill Road as well as south on Moffatt Street has been developed into 37 townhouse dwelling units, with many unit lots being of similar lot area to those proposed for the development of 151 Moffatt Street. The proposed 3-unit towns will not have lot areas that are significantly out of character with the surrounding vicinity. The subject site is located within less than approximately 500 m of 6 transit stops along Oakdale Avenue, and is in an area that can accommodate growth of this nature.

The Zoning By-law permits the encroachment of eaves into a required yard to a maximum of 0.15 m from the lot line. This provision exists to avoid conflicts regarding storm water runoff and to ensure that drainage is directed onto the respective lot. Applications **A-13/19, A-14/19 and A-15/19** are requesting to vary the zoning by-law for an increase of the maximum encroachment for eaves and gutters into a required yard from 0.15m to 0m. Because the subject property is currently being developed into a staggered townhouse, the resultant design is that the eaves of the units (shown as Parts 2, 4, 5 and 7) extend past what is permitted in the zoning and into the adjacent yards. With the construction design of staggered townhouses becoming more prevalent in the City, the eaves encroachment variance is likely to be requested more frequently.

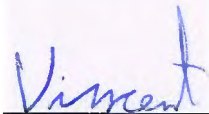
Similarly, the effect of the requested variance 3 of each application, requesting a reduction of the interior side yard setback from the dwelling (not the common wall) from 1.2 metres to 0 metres is a function of the fact that the townhouse dwellings have been designed in a staggered manner, and portions of the building envelopes overshoot the common wall area, thereby not abiding by the required 1.2 metre setback. It would be unreasonable to expect these portions to meet the 1.2 metre interior side yard setback as it would result in an unusual and undesirable envelope design, and therefore staff have no issue with these requested variances either. The requested variances are minor in nature and required in order to facilitate the optimum development of the site. Staff recommend approval of the requested variances.

Conclusion

Staff is of the opinion that Applications **B-04/19SC** and **B-05/19** are 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 consents to sever be approved with the conditions outlined in the recommendation.

Staff is of the opinion that Applications **A-13/19**, **A-14/19** and **A-15/19** are in accordance 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 Pihach, MCIP, RPP
Manager of Planning Services

March 12, 2019

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

Attention: Wilrik Banda

File# 60.81.5449

Re: 153B Moffatt St

In response to your correspondence dated March 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 Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-521-4907.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

Alectra Utilities Corporation

PO Box 2249 Station LCD 1, Hamilton, ON L8N 3E4
Hamilton 905 522 9200 | St. Catharines 905 984 8961 | tf 1 866 458 1236

alectrautilities.com

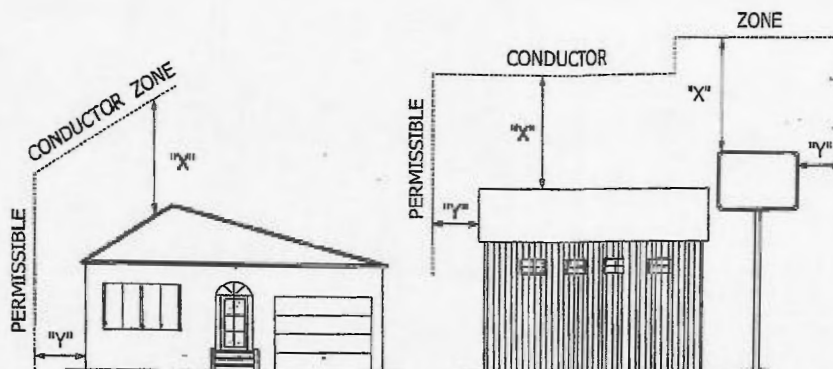
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

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

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Jakubowski', enclosed within a large, hand-drawn oval.

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

horizon
UTILITIES *Looking beyond.*

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

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

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

Munro, Elaine

Subject: RE: Email 1 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019 - 905-19-122

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]
Sent: Wednesday, March 06, 2019 3:03 PM
To: Banda, Wilrik <wbanda@stcatharines.ca>; ROWCC <rowcentre@bell.ca>
Cc: Jensen, Kirstin <kjensen@stcatharines.ca>; Wen, Vincent <vwen@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Email 1 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019 - 905-19-122

Hello,

Re File: B-04/19SC & B-05/19SC

Details

- Severance
- 151 Moffatt Street

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

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:49 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 1 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda
Email 1
Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

* 60.84.2232
* 60.84.2233
* 60.81.5547
* 60.81.5548
* 60.81.5549



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desabonnement@cogeco.com. Merci!

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

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

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Memorandum

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

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

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

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 28, 2019 hearing - File No.: 300-036

• **B-04/19SC – 151 Moffat Street**

Comment:

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

Condition:

- No Comment

• **B-05/19SC – 151 Moffat Street**

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 3, 4, and 5.

Condition:

- No Comment

B-10/19SC – 30 ½ Division Street

Comment:

- No Comment

Condition:

- No Comment
-

B11/19SC – 59 Wellington Street

Comment:

- No Comment

Condition:

- The existing vinyl shed on Parts 2 and 3 is to 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.

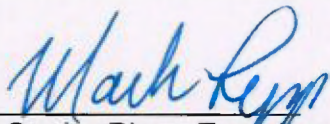
B-12/19SC – 51 Christie Street

Comment:

- No Comment

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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Memorandum

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

Cc: 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: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-35/19	135 Bunting Road	-Be advised that a building permit is required for the proposed detached garage.
A-36/19	86 Bayview Drive	-Be advised that a building permit is required for the proposed attached garage. -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-37/19	192 Rykert Street	-Be advised that a building permit is required for the proposed townhouse building. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\05 bcoa memo-mv-Mar28, 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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
- 3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15. 1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476

No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477

No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-04-05/19SC



March 13th, 2019

ENGINEERING FILE 300-36

Hearing Date: March 28th, 2019

Applicant: BPR Development Inc.

Location: 151 Moffatt Street

MUNICIPAL SERVICES

Moffatt Street

Water: 200mm P.V.C.
Sanitary: 200mm P.V.C.
Storm: None
Sidewalks: None
Road Allowance: Varies - +20.0m

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

Comment(s): It is noted that the application B-04-19SC proposes to sever Parts 1 & 2 for the proposed construction of one unit of a 3-unit townhouse to be known as 153B Moffatt Street, subject to an easement in perpetuity over Part 2 for the benefit of the southerly abutting lands known as 153A Moffatt Street (Parts 3, 4 & 5) for eaves, gutters and wall purposes. A remnant parcel (Parts 3, 4, 5, 6 & 7) of the remaining two units would be retained for future residential use.

It is also noted that the application B-05-19SC proposes to sever Parts 3, 4 & 5 for the proposed construction of one unit of a 3-unit townhouse unit to be known as 153A Moffatt Street subject to an easement in perpetuity over Part 4 for the benefit of the northerly abutting lands known as 153B Moffatt Street (Parts 1 & 2) for eaves, gutters and wall purposes, and subject to an easement in perpetuity over Part 5 to benefit the southerly abutting lands known as 151 Moffatt Street (Parts 6 & 7) for eaves, gutters and wall purposes. A remnant parcel (Parts 6 & 7) of the remaining unit would be retained for future residential use, together with an easement in perpetuity over Part 7 for the benefit of the northerly abutting lot known as 153A Moffatt Street for eaves, gutters and wall purposes.

Roads

Moffatt Street along this section is designate a Local road as per the City's Official Plan with a desired right-of-way width of 20.0m. Although this section fronting the property is noted as Moffatt Street, the limits of the Public Highway designation along this section have not been defined by legal survey, and currently remain as 'City Lands'. In order for the subject lands to comply with Zoning requirements, they must front a 'public road', therefore the City shall be responsible to define the limits of Moffatt Street along this section, in order to dedicate the lands in the Land Registry Office as Public Highway known as Moffatt Street.

As per the Garden City Plan, Council has directed we achieve "Complete

Streets and Walkable Communities” to which, in addition to accommodating vehicles, provide “safe, functional and attractive pedestrians and cycling environment”. Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today’s standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Sidewalks do not exist along the frontage of the subject property, and therefore require a contribution to future construction provisions, in accordance with the above Council-driven policies in the Official Plan. Since an existing link to Glory Hill Road along the rear of 4 Hiltz Court does not yet exist, the Applicant shall therefore contribute a cash-in-lieu payment for a future sidewalk in accordance with the City’s practice, the costs to be determined based on the current construction price index and average City tender document pricing, at the time of payment. The required amounts shall be based on the frontage length of 24.4m.

The topography of Moffatt Street fronting the development is that of a steep slope which increases north beyond the existing driveway, then decreases easterly towards the Welland Canal Valley lands. It makes good engineering sense that the proposed driveway remains in the same location as the existing, however may require further improvements to accommodate access to the proposed townhouse units. Also, in an attempt to save boulevard greenery and bush lines, while also eliminating multiple driveway accesses from Moffatt Street given the steep-sloped topography, it was requested that a single driveway access be maintained from Moffatt Street to provide access/egress to all three of the dwelling units over Part 8, and the Owner enter into a Maintenance / License Agreement registered on title of all future townhouse lots to ensure continued private perpetual maintenance and access/egress is achieved for the driveway for the benefit of all unit Owners.

Engineering Services

The Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for the existing dwelling, to confirm they will not conflict with any existing abutting and/or future lot line. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit so as not to continue conflicts of existing services over abutting and/or future lot lines. The Owner shall also pay the City, if determined through the inspections conflicts exist, the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually.

Condition(s):

Prior to the severance finalization the Owner shall;

- Provide the City a draft reference plan indicating the proposed private driveway limits within ‘City Lands’ of Moffatt Street for review and approval, prior to registration of the plan in the Land Registry Office; and
- Enter into a License/Maintenance Agreement with the City’s Property Manager’s office in the Financial Management Services department for the continued perpetual maintenance and access/egress of the proposed driveway for the units; and
- Pay the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property; and

- If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually; and
- The Owner pay the cash-in-lieu fee for future sidewalks along the frontage length of Moffatt Street, the costs to be determined based on the current construction price index and average City tender document pricing, at the time of payment

Prepared by:



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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

Date: March 6th, 2019
Hearing Date: March 28th, 2019

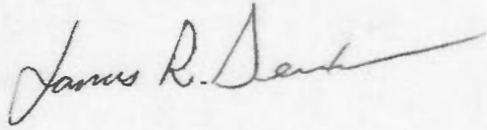
Subject: Development Engineering - Minor Variance Applications

- 151,153A &153B Moffatt, A -13-15/19SC
- 61 Queenston Street, A -30/19SC
- 206 Niagara Street, A -31/19SC
- 59 Wellington Street, A -32/19SC
- 64 Carlton Street, A -33/19SC
- 16 Keele Street, A-34/19SC
- 135 Bunting Road, A-35/19SC
- 86 Bayview Drive, A-36/19SC
- 192 Rykert Street, A-37/19SC
- 24 Whitworth Street, A-39/19SC
- 74 Wiley Street, A-40/19SC
- 63-65 Newport Street, A-41/19SC
- 1176 Lakeshore Road W, A-42/19SC
- 2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-30/19 (60.81.5445)

61 Queenston Street

DATE OF HEARING:
March 28, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2019

Date of Meeting: March 28, 2019

Report Number: A-30/19

File: 60.81.5464

Subject: 61 Queenston Street

Recommendation

That Submission **A-30/19**, by Pawel Symanski and Dragana Babic, 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-30/19** 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-30/19** is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for the proposed conversion of an existing duplex to a triplex, for the following variances:

1. A reduction of the lot frontage from 16.0 metres to 10.0 metres.
2. A reduction of the eastern interior side yard setback to the dwelling from 1.2 metres to 0.06 metres.
3. A reduction of the front yard setback to the dwelling from 3.0 metres to 2.8 metres.
4. A reduction of the minimum landscaped open space from 25% to 9%.

Location and Site Description

The subject property is located on the north side of Queenston Street, to the south of Church Street and east of Calvin Street. The surrounding area consists of primarily detached homes, as well as nearby churches, restaurants, and other commercial uses.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Downtown as per Schedule D1 of the Garden City Plan (GCP) and further designated Mixed Medium High Density Residential/Commercial as per Schedule E10 of the Garden City Plan (GCP). The Mixed Medium High Density Residential/Commercial designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 60 and 198 units per hectare of land. Additional permitted uses include institutional, small scale commercial, office, indoor recreation and creative and cultural uses, intended to serve the local neighbourhood.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Mixed Use with Special Provision 107 (M1-107). The M1 zone permits a wide range of residential, commercial, institutional, office uses and private road developments. Special provision 107 does not permit a car wash, motor vehicle repair garage and motor vehicle gas station on the property.

Report

Variance 1

Zoning By-law 2013-283 requires a minimum lot frontage of 16 metres for a triplex dwelling in the M1 zone. 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 and parking requirements. The frontage is requested to be reduced to 10 metres, to accommodate the conversion of the currently existing non-conforming duplex dwelling to a triplex dwelling. The applicant is maintaining the existing dwelling, with only internal renovations taking place. The approval of the variances will bring the property into conformity with the zoning by-law, as a duplex dwelling is not a permitted use in the M1 zone whereas a triplex dwelling is. Due to the fact that the current building envelope is not proposed to increase in size or mass, staff are satisfied that the reduced frontage is appropriate for the property as it permits a use on the property that is more in line with the zoning by-law than the previously existing use.

Variances 2, 3 & 4

The additional requested variances are a function of the existing situation on the property. As explained, no alternations or increases in massing are taking place to the dwelling's exterior, and will require only interior alterations. The variances to the interior side yard and front yard setback are necessary to recognize the present situation on the property, a dwelling of which was built in 1925 and has existed as such since. The variance to the minimum landscaped open space is also a result of the currently existing situation on the property. An additional parking space to provide sufficient parking for the triplex dwelling will be provided within the existing one storey garage on site, and will not result in additional asphalt being added to the property or any landscaping being removed.

The applicant has advised that the proposed triplex will contribute to the provision of affordable housing and increase the housing supply for the City of St. Catharines. Staff is of the opinion that Variances 1-4 are in keeping with the general intent of the Official Plan

and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved.

Building staff have advised that a building permit is required for the proposed conversion of the duplex to triplex.

Conclusion

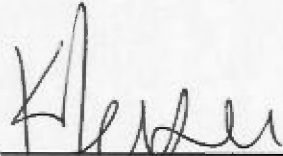
Staff is of the opinion that application **A-30/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:49 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 2 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda
Email 2
Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

* 60.81.5445
60.81.5446
60.84.2238
60.84.2239
60.81.5466



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

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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

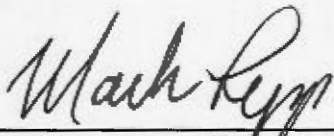
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-35/19	135 Bunting Road	-Be advised that a building permit is required for the proposed detached garage.
A-36/19	86 Bayview Drive	-Be advised that a building permit is required for the proposed attached garage. -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-37/19	192 Rykert Street	-Be advised that a building permit is required for the proposed townhouse building. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\05 bcoa memo-mv-Mar28, 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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476

No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477

No comment.

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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

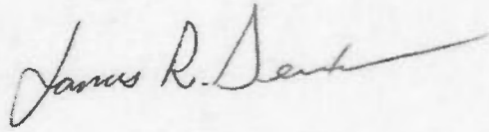
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
● 61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.

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

Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-31/19 (60.81.5446)

206 Niagara Street

DATE OF HEARING:
March 28, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 21, 2019

Date of Meeting: March 28, 2019

Report Number: A-31/19

File: 60.81.5465

Subject: 206 Niagara Street

Recommendation

That Submission **A-31/19**, by John Kenny and Samantha Kenny, be approved, as follows:

The extension of the legal non-conforming use from 4 dwelling units to 6 dwelling units is approved subject to the following conditions:

1. That the owner enters into a Development Agreement with the City, registered on title to the lands, generally in accordance with the attached plan and subject to review and approval by Planning and Building Services ensuring that the following conditions are met:
 - i) the parking area in front of the building is pulled forward toward the front lot line to within approximately 7 metres of the front lot line to reduce the hard surface asphalt area in the front yard;
 - ii) Sidewalks be constructed to increase pedestrian connectivity within the site and to the public sidewalk;
 - iii) Landscaping be reinstated for a portion of the front yard to enhance the streetscape for this lot and to increase the landscaped area within the lot;
 - iv) Parking in the front yard be reduced to 3 - 4 spaces, generally in accordance with the plan attached, in order to implement landscaping requirements; and,
 - v) The asphalt area in the rear yard be reduced to add landscaping.

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-31/19** 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 subject to the conditions as recommended.

Background

The existing apartment building on site was built in 1966, with 4 apartment dwelling units and a basement area with no units. A number of variances were granted in 1986 in order to permit a 5th dwelling unit to be constructed in the basement and to permit the existing

parking configuration in front of the apartment to remain in the front yard. A survey prepared in 1986 identifies 5 parking spaces existing on site, in the same configuration as exists today. At some point in time, the basement area of the apartment was converted into 2 additional units without permits.

The applicant is applying for permission to extend the use which legally existed prior to the passing of the current zoning by-law (4 units and 5 parking spaces legally existed prior to the passing of the current zoning by-law) to include 2 basement apartment units.

The Proposal

Application **A-31/19** is made pertaining to the City of St. Catharines Zoning By-law 2013-283, to request permission to extend the legal non-conforming use to permit 2 additional basement units. The existing use (apartment building) is non-conforming because it is not permitted in a Local Convenience Commercial (C1) zone, however, City records indicate the apartment was originally built as a 4-plex apartment and permissions granted in 1986 approved 5 parking spaces in front of the building.

Location and Site Description

The subject property is located on the east side of Niagara Street, to the east of Vine Street and north of Facer Street. The surrounding area consists of single detached homes, as well as a nearby gas station, religious institution, and other commercial uses.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

The subject property is zoned Local Convenience Commercial (C1). The C1 zone permits a wide range of commercial uses but does not permit an apartment building, the current use of the lands.

Report

Zoning By-law 2013-283 indicates that the C1 zoning for this lot does not permit apartment buildings as a use. However, the applicant states that the apartment building was originally built 1967, prior to the current Zoning By-law 2013-283. Staff has looked into the history of the property, and historical City records indicates that the apartment

building was initially built with 4 dwelling units and an unfinished and unoccupied basement area. At some point in time, the basement area was converted into 2 additional dwelling units, without building permits. Staff are not opposed to permitting the additional units in the basement, but recommend improvements to the property in the form of reduced front yard parking and additional landscaping throughout the site to improve on the urban design elements of the property. Normally a building with 6 dwelling units would be subject to full site plan approval to regulate the site layout and function. In this instance staff is recommending a development agreement to focus on landscaping, sidewalks and parking areas to improve the urban design elements of the site.

The current parking lot has space for 5 vehicles. This parking configuration has existed on site for a significant number of years. Section 5.4.2 of the Garden City Plan advises that the City may consider the reduction or the elimination of vehicular parking requirements where shared parking is possible; transit is readily available or where transit facilities are provided; and bicycle parking and facilities, or community facilities, are provided; and, land, beyond minimum requirements, is dedicated for greening and landscaping initiatives. The property is within 5 minutes or less of 4 transit stops, a short distance from the Region of Niagara bicycle network, and Niagara Street has on street parking on the west side of the road. The applicant has further indicated that additional parking can be arranged with a neighbouring property.

Based on the policies of the GCP that speak to reductions of parking requirements in order to facilitate greening and landscaping opportunities, staff recommends a reduction in the 5 parking spaces in front of the building in favour of landscaping. From a streetscape and urban design perspective, asphalt areas which comprise the entirety of the front yard, as is the case in this application, is not a desirable use of the front yard. Similarly, the absence of any landscaping in the rear yard is detrimental to the use of this lot for residential purposes, particularly with the request for permission for 2 additional dwelling units. A reduction to parking can be entertained conditional on the reinstatement of significant greening and landscaping as well as in the Regional boulevard generally in accordance with the attached plan. Additional improvements regarding construction of sidewalks within the site and to the public sidewalk are also recommended. The requested extension of a non-conforming use (the approval of two additional dwelling units in the basement) is supported providing a development agreement is entered into ensuring site improvements are implemented. The approval of the extension of the legal non-conforming use is considered minor in nature, and will not impact the surrounding area. Staff are in support of the requested variance.

Conclusion


Staff is of the opinion that application **A-31/19** 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 extension of the non-conforming use be approved, subject to a development agreement that ensures certain site features are constructed, as outlined in the recommendation.

Prepared by:

for 

Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

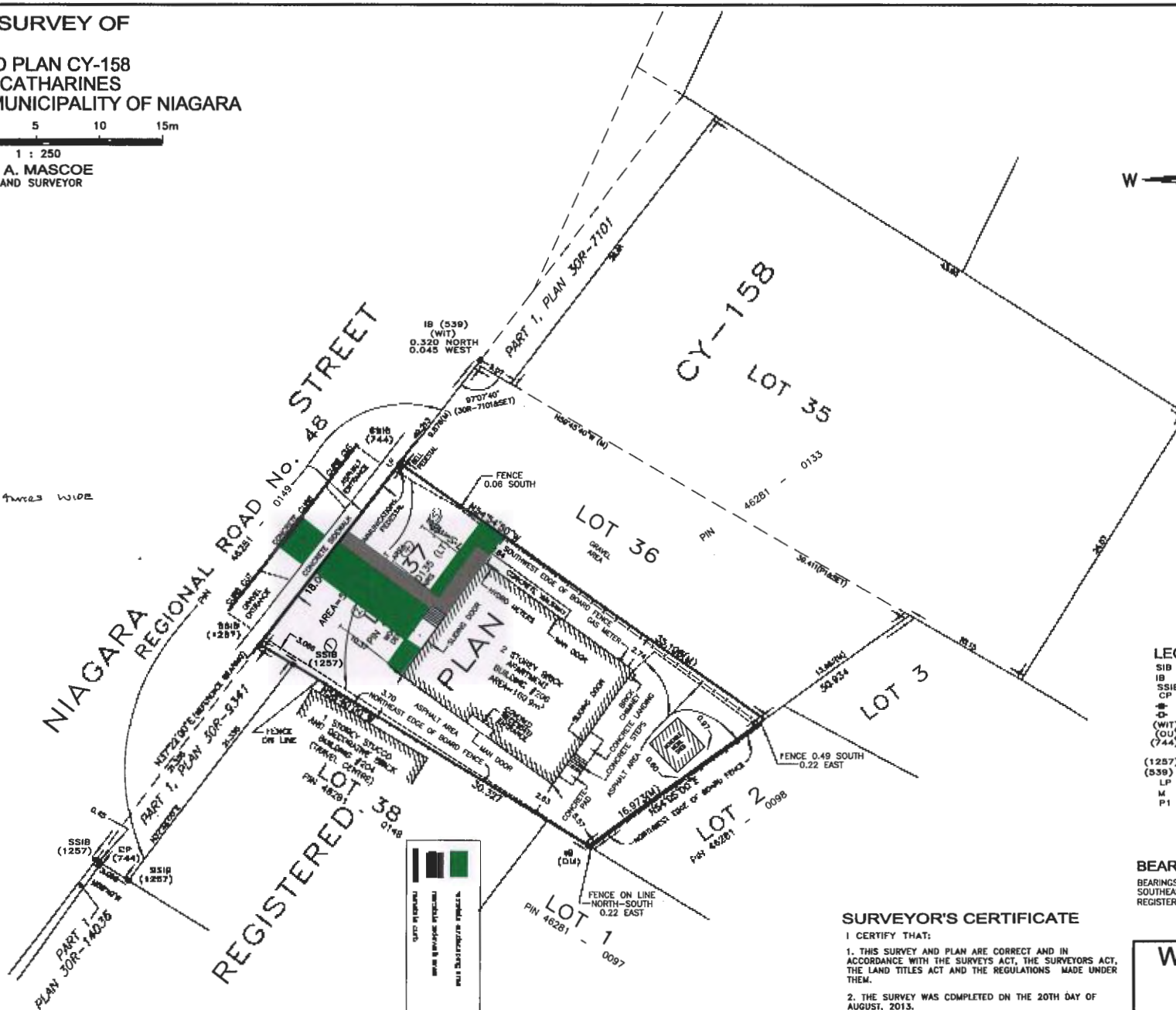
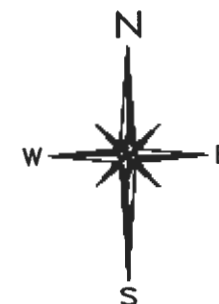
Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services

5m 0 5 10 15m

PARKING SPACES. 4 TIMES WIDE



SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
SFIB	DENOTES	SHORT STANDARD IRON BAR
CP	DENOTES	CONCRETE PIN
⊕	DENOTES	SURVEY MONUMENT FOUND
⊖	DENOTES	SURVEY MONUMENT SET
(WIT)	DENOTES	WITNESS
(OU)	DENOTES	ORIGIN UNKNOWN
(744)	DENOTES	MATTHEWS, CAMERON, HEYWOOD-KERRY T. HOWE SURVEYING LTD.
(1257)	DENOTES	R. LAROCQUE, O.L.S.
(839)	DENOTES	O.G. URE, O.L.S.
LP	DENOTES	LIGHT POLE
M	DENOTES	MEASURED
P1	DENOTES	PLAN CY-158

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE
SOUTHEAST LIMIT OF NIAGARA STREET AS SHOWN ON
REGISTERED PLAN CY-158 AS HAVING A BEARING OF N37°22'E

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE 20TH DAY OF AUGUST, 2013.

AUGUST 20, 2013

DATE _____

WILLIAM A. MASCOE
ONTARIO LAND SURVEYOR

49 EASTCHESTER AVENUE
ST. CATHARINES

PH : 905-641-1007 FAX : 905-641-4424

E-MAIL : WILLIAM@MASCOESURVEYING.COM

DATE: AUGUST 20, 2013	FILE : 9848
-----------------------	-------------

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

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:49 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 2 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda
Email 2
Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

60.81.5445
* 60.81.5446
60.84.2238
60.84.2239
60.81.5466



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

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

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

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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

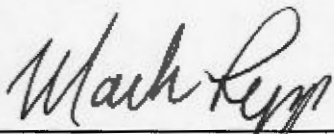
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-35/19	135 Bunting Road	-Be advised that a building permit is required for the proposed detached garage.
A-36/19	86 Bayview Drive	-Be advised that a building permit is required for the proposed attached garage. -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-37/19	192 Rykert Street	-Be advised that a building permit is required for the proposed townhouse building. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\05 bcoa memo-mv-Mar28, 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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476

No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477

No comment.

Jessica Button

Project and Development Planner

Parks, Recreation and Culture Services



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

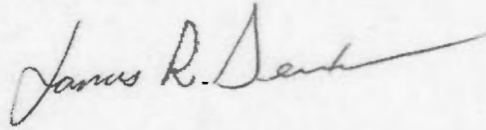
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
● 206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

B-10/19SC (60.84.2238)

30 1/2 Division Street

DATE OF HEARING:
March 28, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2019

Date of Meeting: March 28, 2019

Report Number: B-10/19SC

File: 60.84.2238

Subject: 30 Division Street
30 ½ Division Street

Recommendation

That Submission **B-10/19SC**, by Frank Lu and You Shi, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;
2. That the applicant reduces the front yard asphalt area of Part 2 to a maximum of 3.9 metres in width, in accordance with Section 3.9 of Zoning By-law 2013-283 for the Maximum Width of Residential Parking Area, and reinstate sod on the remainder of the front yard area, to the satisfaction of PRCS;
3. Pay the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property;
4. If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually;
5. That the applicant dedicates gratuitously to the City, and at the Owner's expense, a road widening of 2.13 m in width across the entire frontage of Part 1 and Part 2, to the City. The land is to be conveyed free and clear of any mortgages, liens or encumbrances; and,
6. Submit and register the Reference Plan and dedicate the appropriate part(s) to the City of St. Catharines as Public Highway known as Division Street, prior to registration of the plan in the Land Registry Office;

Background

A previous consent, **B-19/18SC**, was granted approval on March 28, 2018, subject to conditions. It was necessary to separate two previously existing lots each containing a

duplex dwelling, which had inadvertently merged. The subject properties were separate and distinct parcels for many years. The current owner took title to 30 Division Street in May 2016, and 30½ Division Street in September 2016, both under the same name, causing the properties to merge in title.

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

Furthermore, minor variance Application **A-144/18** in December, 2018, was granted approval to reduce the required parking spaces from 2 spaces to 1 spaces as well as to reduce the minimum lot frontage from 12 metres to 7.805 metres. Likewise, minor variance Application **A-145/18** was granted approval to reduce the required parking spaces from 2 spaces to 1 spaces as well as to reduce the minimum lot frontage from 12 metres to 9.042 metres.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-10/19SC** 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, subject to the conditions outlined in the recommendation.

The Proposal

Application **B-10/19SC** is made for consent to a partial discharge of mortgage and for consent to sever 362.8 m² of land (Part 1 on the submitted sketch) re-creating the lot known as 30 Division Street with the single detached dwelling. A 315.2 m² remnant parcel with the existing single detached dwelling (Part 2) would be retained for continued residential use. A previous consent application (**B-19/18SC**) and minor variance applications (**A-27/18** and **A-28/18**) as well as (**A-144/18** and **A-145/18**) have been approved.

Location and Site Description

The subject property is located on the south side of Division Street, to the east of Riordon Street, to the west of Calvin Street and north of Gale Crescent. The surrounding area consists of primarily detached, duplex and apartment dwellings, as well as a nearby sports complex, parking lot, and other commercial uses.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Downtown as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per Schedule E10 of

the Garden City Plan (GCP). The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres.

Zoning By-law (2013-283)

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

Report

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 consent is necessary to separate two previously existing lots, each containing a duplex dwelling, which have merged. The subject properties have been separate and distinct parcels for many years. The current owner took title to 30 Division Street in May 2016, and 30 ½ Division Street in September 2016, both under the same name, causing the properties to merge in title. Staff is satisfied that the parcels are appropriate for the use proposed, as each parcel will contain one of two duplex dwellings. The function of the dwellings will not change and there will be no impact on surrounding uses.

Staff is supportive of the proposed consent, subject to the conditions outlined in the recommendation.

The City's Parks, Recreation and Culture Services (PRCS) staff advised that any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS.

The City's Development Engineering Services department noted that Division Street is designated a Local Road in the City's Official Plan with a desired right-of-way width of 20.0 metres (66'). Its current width along the Applicant frontage varies at ±11.0 metres (36'). The previous need for the reduction to the number of parking spaces was a result of the requested condition of a road widening of Division Street by the City's Development Engineering department for the consent application.

While the City desires a 20 m right-of-way, the front face of many of the existing dwellings along this section of Division Street cannot accommodate this. Therefore, a road widening of 2.13 m only is all that is requested. This represents approximately the same widening taken at 23 and 25 Division Street, just down the street.

As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe,

functional and attractive pedestrian and cycling environment.” Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today’s standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (Bell, Hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for Division Street and bring right of ways up to standard to accommodate future City utilities, other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain 2.13 metres along the frontage of the Applicant’s property, to be dedicated as Public Highway Division Street.

Given the age and history of this area of town, and previous experiences with respect to the existing configurations of private services, the Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for each dwelling, to confirm they do not conflict with any existing abutting and/or future lot line. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit, so as not to continue conflicts of existing services over abutting and/or future lot lines. The Owner shall also pay the City, if determined through the inspections that conflicts exist, the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually.

Sidewalks exist along the frontage of the subject property.

Design Review Panel (DRP)

In this instance, the lots at 30 and 30 ½ Division were previously two legally separate parcels that had merged over time. No new vacant residential lot has been created by the consent. The subject application was therefore exempt from review by the DRP.

Conclusion

Staff is of the opinion that application **B-10/19SC** is 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 consent to sever be approved, subject to the conditions of approval.

Prepared by:

for


Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Munro, Elaine
Sent: Monday, March 11, 2019 9:55 AM
To: Banda, Wilrik
Subject: Comments received for Division Street (March)

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

From: Kate Hou
Sent: Sunday, March 10, 2019 12:37 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Notice of Hearing for Division Street (March)

Hello

I am a resident of Gale Crescent. If there is any construction planned for the Division Street property, I am strongly against the new notice of hearing for 30 ½ Division Street.

I don't want any construction caused by the recreation of the lot to create a disturbance in the neighbourhood.

Thank you very much

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

Munro, Elaine

Subject: RE: Email 2 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019 - 905-19-123

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]
Sent: Wednesday, March 06, 2019 3:04 PM
To: Banda, Wilrik <wbanda@stcatharines.ca>; ROWCC <rowcentre@bell.ca>
Cc: Jensen, Kirstin <kjensen@stcatharines.ca>; Wen, Vincent <vwen@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Email 2 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019 - 905-19-123

Hello,

Re File: B-10/19SC

Details

- ☐ Severance
- ☐ 30½ Division Street

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

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:49 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 2 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda
Email 2
Cogeco has no issues or concerns with these adjustments

Thanks

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

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

7170 Mcleod Rd
Niagara Falls Ont Canada

60.81.5445
60.81.5446
* 60.84.2238
60.84.2239
60.81.5466



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

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Munro, Elaine

Subject: RE: Notice Committee of Adjustment Hearing St. Catharines March 28, 2019

From: Vasko, Dennis
Sent: Tuesday, March 05, 2019 3:18 PM
To: Banda, Wilrik <wbanda@stcatharines.ca>
Cc: Jensen, Kirstin <kjensen@stcatharines.ca>; Wen, Vincent <vwen@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Notice Committee of Adjustment Hearing St. Catharines March 28, 2019

Hi Wilrik,

There are no concerns with this property in respect to closed landfills.

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: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 28, 2019 hearing - File No.: 300-036

B-04/19SC – 151 Moffat Street

Comment:

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

Condition:

- No Comment

B-05/19SC – 151 Moffat Street

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 3, 4, and 5.

Condition:

- No Comment

• **B-10/19SC – 30 ½ Division Street**

Comment:

- No Comment

Condition:

- No Comment

-

B11/19SC – 59 Wellington Street

Comment:

- No Comment

Condition:

- The existing vinyl shed on Parts 2 and 3 is to 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.

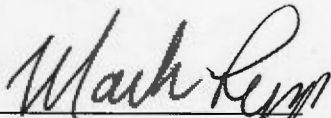
B-12/19SC – 51 Christie Street

Comment:

- No Comment

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2019\06bcoa memo-sev-March 28,2019.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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

- **4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238**
Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

- 5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239**
59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466
No comment.

- 6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467**
No comment.

- 7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468**
No comment.

- 8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469**
No comment.

- 9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470**
No comment.

- 10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240**
No comment.

- 11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471**
No comment.

- 12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473**
No comment.

- 13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474**
A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

- 14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475**
No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476

No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477

No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-10/19SC



March 13th, 2019

ENGINEERING FILE 300-36

Hearing Date: March 28th, 2019

Applicant: Frank Lu and You Shi

Location: 30 ½ Division Street

MUNICIPAL SERVICES

Division Street

Water:	100mm C.I.
Sanitary:	250mm Clay
Storm:	None
Sidewalks:	Yes
Road Allowance:	11.0m±

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 recreating the lot known as 30 Division Street with the existing duplex dwelling. A remnant parcel, Part 2 the existing duplex dwelling would also be retained for continued residential use.

Roads

Division Street is designated a Local Road in the City's Official Plan with a desired right-of-way width of 20.0m (66'). Its current width along the Applicant frontage varies at 11.0m± (36'). The City had previously obtained a widening of 2.13m (7') along the frontages of 23 – 25 Division Street through a previous severance application in the past to obtain an ultimate right-of-way width of 15.24m (50').

As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrians and cycling environment". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for Division Street and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extension to Bayview Drive), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a further 2.13m (7') along the frontage of the Applicant property, to be dedicated as Public Highway Division Street.

Sidewalks exist along the frontage of the subject property, and no further comments with respect to this shall be provided.

Engineering Services


Given the age and history of this area of town, and previous experiences with respect to the existing configurations of private services, the Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for each dwelling, to confirm they do not conflict with any existing abutting and/or future lot line. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit, so as not to continue conflicts of existing services over abutting and/or future lot lines. The Owner shall also pay the City, if determined through the inspections that conflicts exist, the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually.

Condition(s):

Prior to the severance finalization the Owner shall;

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 2.13m (7') along the frontage of the subject property, to be known as Public Highway Division Street; and
- Pay the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property; and
- If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually

Prepared by:



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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

B-11/19SC (60.84.2239)
A-32/19 (60.81.5466)

59 Wellington Street

DATE OF HEARING:
March 28, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2019

Date of Meeting: March 28, 2019

Report Number: B-11/19SC
A-32/19

File: 60.84.2239
60.81.5466

Subject: 59 Wellington Street

Recommendation

That Submission **B-11/19SC**, by John Evans, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the existing vinyl shed on Parts 2 and 3 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;
2. Pay the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property; and
3. If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually;
4. That minor variances triggered by the required road widening for Wellington Street for Parts 1 and 2 be applied for and approved;
5. Dedicate to the City free and clear of any encumbrances, 2.3m (7.54') along the frontage of the subject property, to be known as Public Highway Wellington Street; and,
6. Submit and register the Reference Plan and dedicate the appropriate part(s) to the City of St. Catharines as Public Highway known as Wellington Street, prior to registration of the plan in the Land Registry Office.

That Submission **A-32/19**, by John Evans, as outlined in the Notice of Hearing, requesting a minimum lot area of 237.5 square metres be denied, and instead, a minimum lot area of 221 square metres be approved,

g Act, staff is of the opinion that Application **B-11/19SC** 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 variance requested through Application **A-32/19** 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 consent and variance be approved, subject to the conditions outlined above.

The Proposal

Application **B-11/19SC** is made for consent to sever 89.5 m² of land (Part 3 on the submitted sketch) which will be added to the abutting northerly parcel of land known as 32 Welland Avenue (Part 1). A 237.5 m² remnant parcel with the existing single detached dwelling would be retained (Part 2) for continued residential use. The Application would result in a boundary adjustment between the two parcels of land.

Application **A-32/19** is made pertaining City of St. Catharines By-law 2013-283, as amended, for a reduction of minimum lot area per dwelling unit for a single detached dwelling from 275 m² to 237.5 m².

Location and Site Description

The subject property is located on the south side of Wellington Street, to the south of Welland Avenue and to the west of Lake Street. The surrounding area consists of primarily detached and apartment dwellings, as well as a nearby school, offices and retail facilities.

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 Medium Density Residential as per Schedule E10 of the Garden City Plan (GCP). The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres.

Zoning By-law (2013-283)

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

Report

Consent

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

The consent application is requesting to sever the rear portion of the lot at 59 Wellington Street (Part 3 on the submitted sketch), to be added to the abutting northerly parcel known as 32 Welland Avenue (Part 1). Adjacent lots to the east of 59 Wellington Street are of similar shape and size to the newly created Part 3, and the surrounding neighbourhood has many properties that vary in both shape and size. 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. The purpose of this consent is to provide an additional parking area for 32 Welland Avenue, which has been used for some time for this purpose.

Part C, Section 5.4.6 of the GCP states that the negative impacts of vehicular parking on the urban environment should be minimized by locating parking areas at the rear of buildings where feasible. The submitted sketches demonstrate that the severance will accommodate parking at the rear of 32 Welland Avenue. The existing parking area will have no measurable impacts on the subject property or surrounding sites as it has been utilized in this means for some time, and will help minimize the impact of vehicular parking on the street.

Design Review Panel (DRP)

In this instance, the lots at 59 Wellington Street and 32 Welland Avenue are undergoing a minor boundary adjustment. No new vacant residential lot is created by the consent. The subject application was therefore exempt from review by the DRP.

Building staff have advised that the existing vinyl shed on Parts 2 and 3 must 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 Services department has noted that Wellington Street is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0 metres (66'). Its current width along the Applicant frontage is deficient at 15.24 metres (50'). Welland Avenue is designated a Regional Arterial road in the City's Official Plan.

As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "a safe, functional and attractive pedestrian and cycling environment". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (Bell, Hydro, Gas, CCTV etc.).

Given the City would like to remain consistent and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, meeting the Garden City Plan initiatives driven by Council. It is therefore required that the City obtain a further 2.3 metres (7.54') along the frontage of the Applicant property, to be dedicated as Public Highway Wellington Street. While the City by technicality requires 2.38 metres of widening, Development Engineering has acknowledged that a 2.3 metre widening would be sufficient in order to avoid putting the existing building at 32 Welland Avenue into an encroachment situation.

Given the age and history of this area of town, and previous experiences with respect to existing configurations of private services, the Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for each dwelling, to confirm they do not conflict with any existing abutting and/or future lot line. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit, so as not to continue conflicts of existing services over abutting and/or future lot lines. The Owner shall also pay the City, if determined through the inspections that conflicts exist, the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually.

Variance

Zoning By-law 2013-283 requires a minimum lot area for a single detached dwelling of 275 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.

There is no development proposed for the property at 59 Wellington Street. The applicant has demonstrated that adequate amenity space can still be provided for the existing detached dwelling despite the boundary adjustment, while continuing to abide by most required zoning provisions. From a streetscape perspective, a reduction in lot area to 221 square metres, as recommended by staff, for Part 2 is visually undiscernible and will not have adverse impacts.


The applicant should be aware that the City requires a road right of way widening of 2.3 metres along the Wellington frontage. This widening is to increase the boulevard space within the road right of way and not intended to increase the road pavement width. Accordingly, the lot area for Part 2 is further reduced to 221 metres. The setback from the lot line to the building on Part 2 becomes 2.7 metres and the setback for the building on Part 1 becomes 0 metres. Staff recommend the reduced lot area but advise additional minor variances will be required to address front yard setbacks for the buildings on Part 1 and Part 2 triggered by the road widening

Conclusion

Staff is of the opinion that Application **B-11/19SC** 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 Application **A-32/19** 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 amended dimension for the area.

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: Email 2 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019 - 905-19-124

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]
Sent: Wednesday, March 06, 2019 3:06 PM
To: Banda, Wilrik <wbanda@stcatharines.ca>; ROWCC <rowcentre@bell.ca>
Cc: Jensen, Kirstin <kjensen@stcatharines.ca>; Wen, Vincent <vwen@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Email 2 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019 - 905-19-124

Hello,

Re File: B-11/19SC

Details

- ☐. Severance
- ☐. 59 Wellington Street

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

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:49 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 2 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda
Email 2
Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

60.81.5445
60.81.5446
60.84.2238
* 60.84.2239
* 60.81.5466



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Memorandum

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

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

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

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 28, 2019 hearing - File No.: 300-036

B-04/19SC – 151 Moffat Street

Comment:

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

Condition:

- No Comment

B-05/19SC – 151 Moffat Street

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 3, 4, and 5.

Condition:

- No Comment

B-10/19SC – 30 ½ Division Street

Comment:

- No Comment

Condition:

- No Comment

-

- **B11/19SC – 59 Wellington Street**

Comment:

- No Comment

Condition:

- The existing vinyl shed on Parts 2 and 3 is to 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.

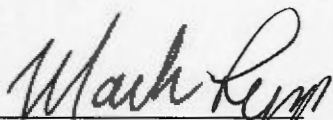
B-12/19SC – 51 Christie Street

Comment:

- No Comment

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\ldg memo 2019\06bcoa memo-sev-March 28,2019.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

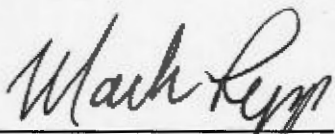
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
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NO.	ADDRESS	COMMENTS
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A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\05 bcoa memo-mv-Mar28, 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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476
No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477
No comment.

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



REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-11/19SC



March 13th, 2019

ENGINEERING FILE 300-36

Hearing Date: March 28th, 2019

Applicant: John Evans

Location: 59 Wellington Street

MUNICIPAL SERVICES

	<u>Wellington Street</u>	<u>Welland Avenue (Regional)</u>
Water:	150mm P.V.C.	300mm P.V.C. 600mm P.V.C. Regional Trunk
Sanitary:	600mm Clay 300mm Clay	900mm Clay 600mm Clay
Storm:	675mm Conc.	1200mm Conc.
Sidewalks:	Yes	Yes
Road Allowance:	15.24m±	20m+/-

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 recreating the lot known as 30 Division Street with the existing duplex dwelling. A remnant parcel, Part 2 the existing duplex dwelling would also be retained for continued residential use.

Roads

Wellington Street is designated a Local road in the City's Official Plan with a desired right-of-way width of 20.0m (66'). Its current width along the Applicant frontage is 15.24m (50').

Welland Avenue is designated a Regional Arterial road in the City's Official Plan with a desired right-of-way

As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "a safe, functional and attractive pedestrians and cycling environment". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extension to Bayview Drive), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a further 2.38m (8') along the frontage of the Applicant property, to be dedicated as Public Highway Wellington Street.

Sidewalks exist along the frontages of the subject property, and no further comments with respect to this shall be provided.

Engineering Services

Given the age and history of this area of town, and previous experiences with respect to existing configurations of private services, the Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for each dwelling, to confirm they do not conflict with any existing abutting and/or future lot line. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit, so as not to continue conflicts of existing services over abutting and/or future lot lines. The Owner shall also pay the City, if determined through the inspections that conflicts exist, the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually.

Condition(s):

Prior to the severance finalization the Owner shall;

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 2.38m (8') along the frontage of the subject property, to be known as Public Highway Wellington Street; and
- Pay the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property; and
- If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually

Prepared by:



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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

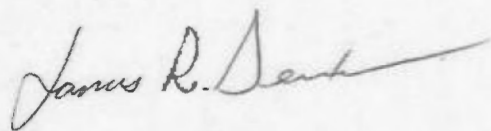
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
● 59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

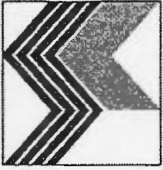
- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-33/19 (60.81.5467)

64 Carlton Street

DATE OF HEARING:
March 28, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2019

Date of Meeting: March 28, 2019

Report Number: A-33/19

File: 60.81.5467

Subject: 64 Carlton Street

Recommendation

That Submission **A-33/19**, by Brandon Dymont, 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-33/19** 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-33/19** is made pertaining to the City of St. Catharines Zoning By-law 2013-283, for a reduction to the minimum required parking spaces from 2 spaces to 1 space for the proposed conversion of a single detached dwelling to a duplex dwelling.

Location and Site Description

The subject property is located on the south side of Carlton Street, to the east of Haig Street and north of Grass Avenue. The surrounding area consists of primarily single detached homes, as well as a nearby automotive service facility, religious institution, and a former industrial site.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per Schedule E4 of the Garden City Plan (GCP). The Medium Density Residential designation

permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres.

Zoning By-law (2013-283)

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

Report

Zoning By-law 2013-283 requires a minimum of 2 parking spaces for a duplex dwelling. The variance requests the reduction of the required parking spaces for a duplex dwelling from 2 to 1. Part C, Section 5.4.2 of the GCP states that the City may consider the reduction or the elimination of vehicular parking requirements where transit is readily available or where transit facilities are provided, and where bicycle parking facilities are provided.

The subject land is in close walkable proximity to a variety of transit stops within 500 metres (5-minute walk) or less of the property, which serves multiple bus routes. There are a number of amenities that can be accessed by walking, bicycling, and using the nearby bus routes, which include grocery stores, pharmacies, restaurants, and retail facilities. The south side of Carlton Avenue provides on street parking, as well as nearby Haig Street on the west side. The applicant has demonstrated that there is one parking space for the principle dwelling unit. It is of staff's opinion that the requested variance will have no measurable impacts to the streetscape or surrounding area. Staff are in support of the requested variance.

Building staff have advised that a building permit is required for the proposed conversion to a duplex.

Conclusion

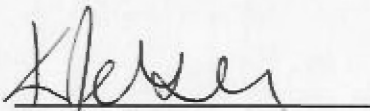
Staff is of the opinion that application **A-33/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:50 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 3 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda
Email 3
Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

* 60.81.5467
60.81.5468
60.81.5469
60.81.5470
60.84.2240



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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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
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153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
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No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

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

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That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

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No comment.

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No comment.

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No comment.

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No comment.

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No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476
No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477
No comment.

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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

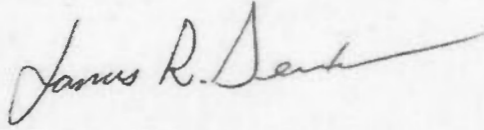
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
● 64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.

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 Denham P.Eng.
Development Engineering Technologist

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



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

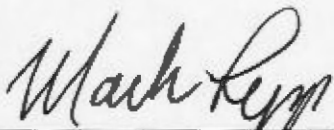
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
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Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\05 bcoa memo-mv-Mar28, 2019.docx



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-34/19 (60.81.5468)

16 Keele Street

DATE OF HEARING:
March 28, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2019

Date of Meeting: March 28, 2019

Report Number: A-34/19

File: 60.81.5468

Subject: 16 Keele Street

Recommendation

That Submission **A-34/19**, by William Cutler, 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-34/19** 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-34/19** is made pertaining to City of St. Catharines Zoning By-law 2013-283, for a reduction of the required exterior side yard setback from 3.0 metres to 1.2 metres for the recent construction of an addition to the existing detached dwelling.

Location and Site Description

The subject property is located on the northwest of Keele Street and Hazel Street, to the south of Glendale Avenue. The surrounding area consists of primarily single detached homes, as well as a nearby park and open fields.

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 – Traditional Neighbourhood (R2). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings, as well as private road developments.

Report

Zoning By-law 2013-283 requires a minimum exterior side yard setback of 3 metres, whereas the applicant has recently constructed an addition to the existing dwelling situated at 1.2 metres from the exterior yard lot line without a permit. The intent of the exterior side yard setback is to ensure adequate amenity space is provided on site between a structure and the road, as well as to ensure that adequate sight lines are maintained for drivers approaching the corner point and to maintain a degree of distance for safety from the road for dwelling occupants.

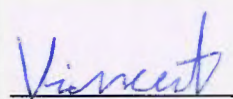
The setback has been reduced to facilitate the addition of a kitchen to the existing dwelling, and extends along the same footprint as the existing exterior wall. The footprint of the addition will replace the location of a previously existing porch that was in a deteriorating condition. The variance will allow the addition to be constructed in line with the existing dwelling, and its location with respect to the exterior lot line will not be out of character with neighbouring dwellings' side yards along the Hazel Street streetscape. There is sufficient buffering and separation from any neighbours to the east which also minimizes the impact of the addition at a reduced setback. Staff is of the opinion that approval of this variance will have no measurable impacts to the streetscape or surrounding area. Staff recommend the requested variance be approved.

Building staff have advised that a building permit is required for the proposed addition to the dwelling. Additionally, the reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.

Conclusion

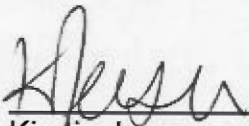
Staff is of the opinion that application **A-34/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

March 12, 2019

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

Attention: Wilrik Banda

File# 60.81.5468

Re: 16 Keele St

In response to your correspondence dated March 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:

- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.

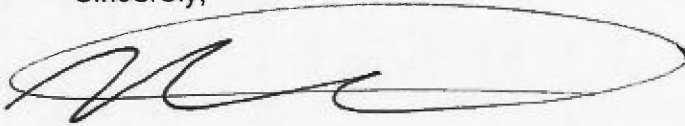
We would also like to stipulate the following:

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

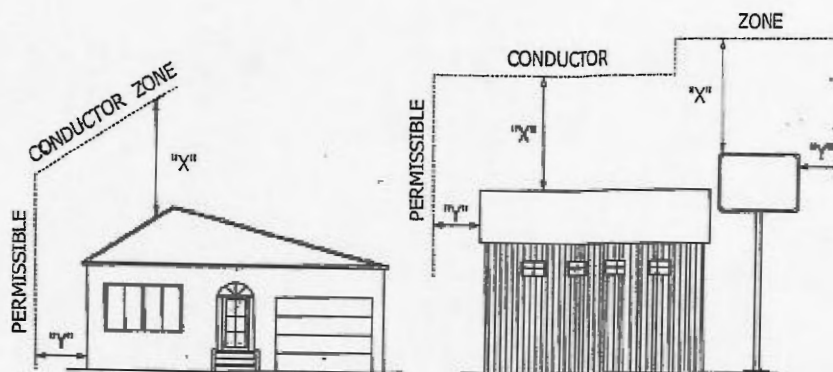
- Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
- CAN/CSA-C22.3 No. 1-15, Overhead System
- C22.3 No. 7-15 Underground Systems

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

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Jakubowski', enclosed within a large, hand-drawn oval.

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

horizon
UTILITIES Looking beyond...

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

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

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

Banda, Wilrik

From: Proximity <proximity@cn.ca>
Sent: Tuesday, March 12, 2019 1:30 PM
To: Banda, Wilrik
Subject: FW: Notice of Hearing 16 Keele street, St Catharines
Attachments: 2019 Keele St 16_A_34_19.pdf

Good afternoon Wilrik

Thank you for contacting CN about the variance.

I have reviewed the information circulated and the site location

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

From: Banda, Wilrik <wbanda@stcatharines.ca>
Sent: Wednesday, March 06, 2019 9:20 AM
To: Proximity <proximity@cn.ca>
Cc: Jensen, Kirstin <kjensen@stcatharines.ca>; Wen, Vincent <vwen@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: Notice of Hearing 16 Keele street, St Catharines

Good morning,

I have attached the minor variance application for 16 Keele Street.
Would you kindly review and provide comments to Kirstin Jensen, Vincent Wen, Elaine Munro and myself by **March 18, 2019**.

1. 16 Keele Street, Minor Variance A-34/19 – 60.81.5468

Thanks, Wil

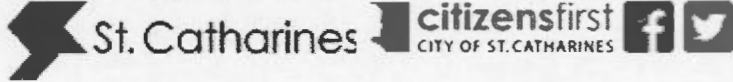
Wilrik Banda

Planning Technician

Email: wbanda@stcatharines.ca

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

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



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Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:50 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 3 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda

Email 3

Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

60.81.5467
* 60.81.5468
60.81.5469
60.81.5470
60.84.2240



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

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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

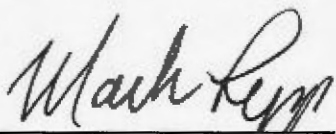
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-35/19	135 Bunting Road	-Be advised that a building permit is required for the proposed detached garage.
A-36/19	86 Bayview Drive	-Be advised that a building permit is required for the proposed attached garage. -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-37/19	192 Rykert Street	-Be advised that a building permit is required for the proposed townhouse building. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\05 bcoa memo-mv-Mar28, 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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476

No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477

No comment.

Jessica Button

Project and Development Planner

Parks, Recreation and Culture Services



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

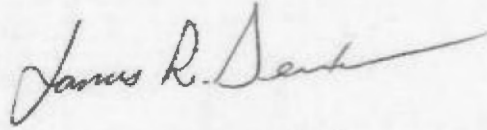
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
● 16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-35/19 (60.81.5469)

135 Bunting Road

DATE OF HEARING:
March 28, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2019

Date of Meeting: March 28, 2019

Report Number: A-35/19

File: 60.81.5469

Subject: 135 Bunting Road

Recommendation

That Submission **A-35/19**, by Daniel Vieno and Donna Vieno, 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-35/19** 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-35/19** is made pertaining to City of St. Catharines Zoning By-law 2013-283, for an increase in the maximum permitted coverage of accessory structures from 10% to 14% of the total lot area, for the proposed construction of a detached garage and for the relocation of an existing shed.

Location and Site Description

The subject property is located on the west side of Bunting Road, south of McPhail Crescent and north of Milton Road. The surrounding area consists of primarily residential dwellings to the west, north and south, and commercial and industrial uses to the 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 (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.

Report

The Zoning By-law does not permit accessory structures to exceed 10% coverage of the total lot area. This is to ensure that garages and detached structures remain accessory to the primary use of a property, as well as to avoid potential conflicts with neighbouring dwellings which includes overlook or overwhelming the subject or neighbouring yards. The applicant is requesting to increase the permitted lot coverage of accessory structures – in the form of a detached garage and a shed – to 14% coverage of the total lot area.

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

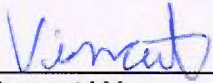
Accessory structures are defined as being incidental and secondary to the principal use on the same lot, and should be low profile and innocuous in relation to the primary use of the property. An increase in the permitted lot coverage of 4% is considered minor in nature and appropriate for the use of the subject lands. Staff is of the opinion that the detached structure will not have an impact on the subject property or adjacent properties, as it is increasing very slightly in building footprint towards the dwelling and interior rear yard, and not any closer to either adjacent lot line or in height. The structure is also visually buffered from the street. The requested increase is compatible with the surrounding neighbourhood and meets all other provisions of the zoning by-law for accessory structures. Staff recommend approval of the requested minor variance.

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

Conclusion

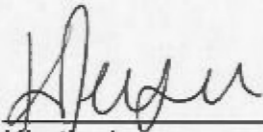
Staff is of the opinion that application **A-35/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

March 12, 2019

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

Attention: Wilrik Banda

File# 60.81.5469

Re: 135 Bunting Rd

In response to your correspondence dated March 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.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Existing Alectra Utilities rear lot overhead primary and secondary conductor adjacent to proposed garage addition. Contact Customer Connections Department to discuss required clearances from existing primary conductor.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.

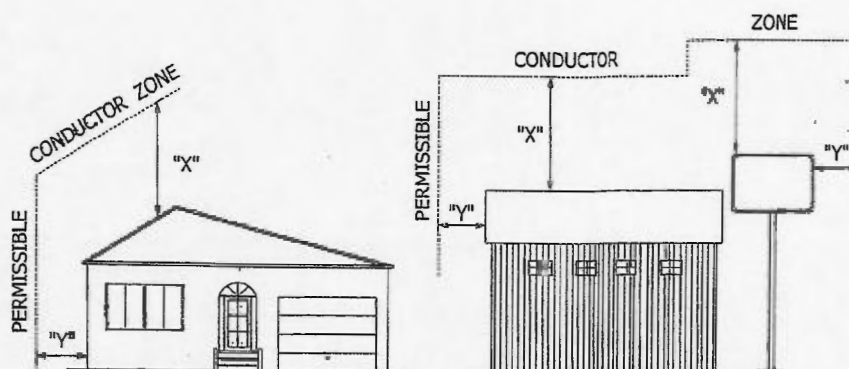
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

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

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Jakubowski', enclosed within a large, hand-drawn oval.

Mark Jakubowski
Supervisor, Design, Customer Capital



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

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

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

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

horizon
UTILITIES *Looking beyond...*

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

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

REFERENCE DRAWINGS:

DRAWING #

3-105

DRAWINGS NOT TO SCALE

SHEET #

1

REVISION #

0

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:50 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 3 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda

Email 3

Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

60.81.5467
60.81.5468
* 60.81.5469
60.81.5470
60.84.2240



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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

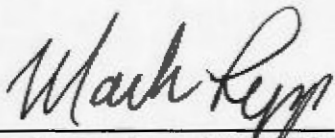
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-35/19	135 Bunting Road	-Be advised that a building permit is required for the proposed detached garage.
A-36/19	86 Bayview Drive	-Be advised that a building permit is required for the proposed attached garage. -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-37/19	192 Rykert Street	-Be advised that a building permit is required for the proposed townhouse building. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\05 bcoa memo-mv-Mar28, 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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476

No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477

No comment.

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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

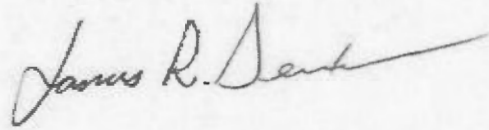
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
● 135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-36/19 (60.81.5470)

86 Bayview Drive

DATE OF HEARING:
March 28, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 21, 2019

Date of Meeting: March 28, 2019

Report Number: A-36/19

File: 60.81.5470

Subject: 86 Bayview Drive

Recommendation

That Submission **A-36/19**, by Patrick Bowman and Michelle Bowman, as outlined in the Notice of Hearing, be approved, conditional on the following:

1. The provision of downspouts off the north and south ends of the garage, subject to review by Development Engineering at the Building Permit stage to ensure there are no drainage concerns; and,
2. No windows shall be placed along the east wall of the attached garage.

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-36/19** 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-36/19** is made pertaining to City of St. Catharines Zoning By-law 2013-283, for a reduction of the minimum interior side yard setback from 1.2 metres to 0.86 metres for the proposed construction of an attached garage.

Location and Site Description

The subject property is located on the north side of Bayview Drive, to the west of Abbey Avenue, south of Peel Street and east of Considine Avenue. The surrounding area consists of primarily detached homes, as well as a nearby park.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule 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 – Traditional Neighbourhood (R2-6). The R2-6 zone permits strictly single detached dwellings, in addition to a number of site specific zoning provisions regarding setbacks, heights, landscaping, lot coverage and outdoor privacy zones.

Report

The Zoning By-law requires a minimum interior side yard setback of 1.2 metres. The variance requests that the interior side yard setback be reduced to 0.86 metres to facilitate the proposed construction of an attached garage. The intent of the minimum interior side yard setback of the Zoning By-law is to ensure that sufficient separation distance and a buffer is maintained between structures on adjacent properties and sufficient distance from property lines is maintained to support on-site drainage and access to rear yards. Staff is of the opinion that while the construction of the attached garage may have some impacts on adjacent properties in regards to site lines, the impact of the garage is no greater at a reduced setback of 0.86 m than it would be if the garage were built at the required interior side yard setback of 1.2 m. The garage will not impact the streetscape, access to the rear yard, or the provision of amenity space on the property. Staff is of the opinion that the requested variance is in conformity with the Official Plan and general intent of the Zoning By-law, is desirable for the appropriate development of the land, and is minor in nature. Staff recommend the variance to be approved, albeit conditional on the provision of downspouts off the north and south faces of the garage, as well as the restriction that no windows be placed along the east wall of the attached garage.

Building staff have advised that a building permit is required for the proposed attached garage. Additionally, the 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.

Development Engineering staff have advised that a grading and drainage plan prepared by a qualified professional (Ontario Land Surveyor or Professional Engineer) be submitted at the Building Permit stage.

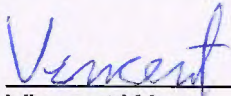
Additionally, the property is located within the Port Dalhousie Heritage District. The St. Catharines Heritage Permit Advisory Committee supported this heritage permit application at the Committee meeting of February 28th, 2019, as the size and scale of the

proposed addition of a single car garage was considered appropriate. A heritage permit for the attached garage was issued on March 1st, 2019.

Conclusion

Staff is of the opinion that application **A-36/19** 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 conditions noted above.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:50 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 3 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda
Email 3
Cogeco has no issues or concerns with these adjustments

Thanks

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

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

7170 Mcleod Rd
Niagara Falls Ont Canada

60.81.5467
60.81.5468
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* 60.81.5470
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Munro, Elaine

To: Richer, Chloe
Cc: Banda, Wilrik; Wen, Vincent; Jensen, Kirstin
Subject: RE: Committee of Adjustment Application for March 28, 2019 Hearing - 86 Bayview

From: Richer, Chloe
Sent: Tuesday, March 12, 2019 3:38 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Cc: Banda, Wilrik <wbanda@stcatharines.ca>; Wen, Vincent <vwen@stcatharines.ca>; Jensen, Kirstin <kjensen@stcatharines.ca>
Subject: RE: Committee of Adjustment Application for March 28, 2019 Hearing - 86 Bayview

Hi Elaine,

Thank you for your email. The St. Catharines Heritage Permit Advisory Committee supported this heritage permit application, which was brought forward to a Committee meeting on Thursday, February 28th, 2019. As the Committee supported the application, and as the size and scale of the proposed addition of a single car garage is appropriate, I do not have any heritage concerns. Approval of the heritage permit was granted by Tami Kitay on March 1, 2019.

If you'd like any additional information, please let me know!

Thanks,
Chloe

Chloe Richer BA, MScPI
Heritage Planner
Email: cricher@stcatharines.ca
Tel: 905.688.5601 x1710



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

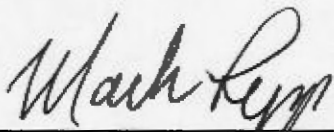
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-35/19	135 Bunting Road	-Be advised that a building permit is required for the proposed detached garage.
A-36/19	86 Bayview Drive	-Be advised that a building permit is required for the proposed attached garage. -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-37/19	192 Rykert Street	-Be advised that a building permit is required for the proposed townhouse building. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\05 bcoa memo-mv-Mar28, 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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476

No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477

No comment.

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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

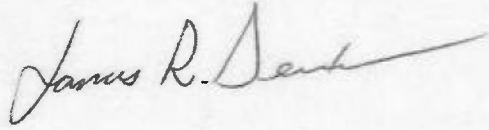
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
● 86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- • Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

B-12/19SC (60.84.2240)

51 Christie Street

DATE OF HEARING:
March 28, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2019

Date of Meeting: March 28, 2019

Report Number: B-12/19SC

File: 60.84.2240

Subject: 51 Christie Street

Recommendation

That Submission **B-12/19SC**, by Keven McKinnon, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. Pay the fee for City crews to locate, trace, inspect and document the existing sewer and water laterals servicing the existing property;
2. If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually; and,
3. The Owner pay the cash-in-lieu fee for future sidewalks along the frontage lengths of Christie Street, Bayview Drive and Paxton Avenue, at the costs of which are to be determined based on the current construction price index and average City tender document pricing, at the time of payment.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-12/19SC** 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-12/19SC** is made for consent to a partial discharge of mortgage and to sever 270.3 m² of land (Part 1 on the submitted sketch) re-creating the lot known as 51 Christie Street with an existing detached dwelling. A 412.8 m² remnant parcel (Part 2) known as 72 Bayview Drive with the existing duplex dwelling would be retained for continued residential use.

Location and Site Description

The subject property is located on the south side of Christie Street, north of Bayview Drive. The merged property at 72 Bayview Drive is located at the northeast corner of Bayview Drive and Paxton Avenue. The surrounding area consists of primarily single detached homes, as well as a nearby park.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule 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 – Traditional Neighbourhood (R2-6). The R2-6 zone permits strictly single detached dwellings, in addition to a number of site specific zoning provisions regarding setbacks, heights, landscaping, lot coverage and outdoor privacy zones.

Report

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 optimum development of the surrounding area.

The application is requested to correct the inadvertent merging of the property at 51 Christie Street (Part 1) with 72 Bayview Drive (Part 2), which merged as a result of the title of the properties being under the same name of ownership.

The detached dwelling at 51 Christie Street was built in 1922. The duplex dwelling at 72 Bayview Drive was constructed in 1917, thereby predating the current R2-6 site specific zoning on the property. The use is considered to be a legal non-conforming use, as a duplex dwelling is not a permitted use within the R2-6 zone. No new development or redevelopment is proposed. The subject properties have been separate and distinct parcels for many years. Staff is satisfied that the proposed lots are considered appropriate as they were previously existing. No impacts are anticipated on the surrounding area, as no new development is taking place. The overall function of the residential dwellings will not change and there will be no impact on surrounding uses. The proposed lots are of similar sizes to many of the lots in the surrounding area of the subject properties. The proposal is in keeping with the character of the neighbourhood.

Both the parcels conform to the provisions of the Zoning By-law and Official Plan. Staff are supportive of the proposed consent to rectify the merger.

The City's Development Engineering division has advised that Christie Street, Bayview Drive and Paxton Avenue are all designated as Local Roads in the City's Official Plan with desired rights-of-way widths of 20 m. Christie Street and Bayview Drive's current widths along the Applicant frontages are already 20.0m and sufficient, however Paxton Avenue is severely deficient at approximately 5.60m±. The City had previously obtained a widened portion along Paxton Avenue through Part 2, Plan 30R-1870, from its previous irregular 'lane-way' width of approximately 4.87m (16'). Although deficient, the City will not be requiring any further widenings along the Paxton Street frontage, nor Christie Street or Bayview Avenue.

As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrians and cycling environment". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Sidewalks do not exist along all frontages of the subject properties, and since existing links to other sections of sidewalk do not yet exist on the flanking sections of Christie Street, Bayview Avenue and Paxton Avenue, the City requires contributions to future sidewalk construction provisions be made, in accordance with the above Council-driven policies in the Official Plan. The Applicant shall therefore contribute a cash-in-lieu payment for future sidewalks in accordance with the City's practice, the costs of which to be determined based on the current construction price index and average City tender document pricing, at the time of payment. The required amounts shall be based on frontage lengths of 12.4m (Christie Street), 16.0m (Bayview Drive) and 25.8m (Paxton Avenue), for a total required length of 54.2m.

Given the age and history of Port Dalhousie, and previous experiences in this area with respect to the existing configurations of private services, the Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for each dwelling, to confirm they do not conflict with any existing abutting and/or future lot line. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit so as not to continue conflicts of existing services over abutting and/or future lot lines. The Owner shall also pay the City, if determined through the inspections that conflicts exist, the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually.

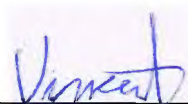
Design Review Panel (DRP)

Consent applications received after September 14, 2017 to create new residential lots are required to first go before the Design Review Panel prior to submitting the complete application. In this instance, no new development is proposed for the new lot. The subject application was therefore exempt from review by the DRP.

Conclusion

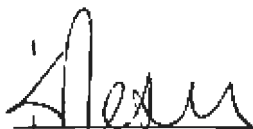
Staff is of the opinion that application **B-12/19SC** is compatible with the surrounding area, provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is Staff's recommendation that the requested consent to sever be approved.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Email 3 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019 - 905-19-125

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]
Sent: Wednesday, March 06, 2019 2:51 PM
To: Banda, Wilrik <wbanda@stcatharines.ca>
Cc: Jensen, Kirstin <kjensen@stcatharines.ca>; Wen, Vincent <vwen@stcatharines.ca>; Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Email 3 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019 - 905-19-125

Hello,

Re File: B-12/19SC

Details

- Severance
- 51 Christie Street

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

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:50 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 3 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda
Email 3
Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

60.81.5467
60.81.5468
60.81.5469
60.81.5470
* 60.84.2240



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

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

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

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Memorandum

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

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

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

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – March 28, 2019 hearing - File No.: 300-036

B-04/19SC – 151 Moffat Street

Comment:

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

Condition:

- No Comment

B-05/19SC – 151 Moffat Street

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse on Parts 3, 4, and 5.

Condition:

- No Comment

B-10/19SC – 30 ½ Division Street

Comment:

- No Comment

Condition:

- No Comment

-

B11/19SC – 59 Wellington Street

Comment:

- No Comment

Condition:

- The existing vinyl shed on Parts 2 and 3 is to 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.

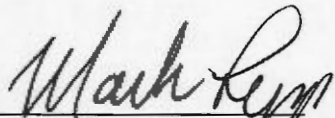
● **B-12/19SC – 51 Christie Street**

Comment:

- No Comment

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bdg memo 2019\06bcoa memo-sev-March 28,2019.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

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Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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

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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.

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No comment
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No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

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59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

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No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

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No comment.

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A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

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No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476

No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477

No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-12/19SC



March 13th, 2019

ENGINEERING FILE 300-36

Hearing Date: March 28th, 2019

Applicant: Kevin McKinnon

Location: 51 Christie Street

MUNICIPAL SERVICES

	<u>Christie Street</u>	<u>Bayview Drive</u>	<u>Paxton Avenue</u>
Water:	200mm P.V.C.	150mm C.I.	150mm D.I.
Sanitary:	250mm Conc.	300mm Clay	None
Storm:	None.	250mm	None
Sidewalks:	None	None	None
Road Allowance:	20m±	20m+/-	5.63m±

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 recreating the lot known as 51 Christie Street with the existing single detached dwelling. A remnant parcel, Part 2 known as 72 Bayview Drive with the existing duplex dwelling would also be retained for continued use.

Roads

Christie Street, Bayview Drive and Paxton Avenue are all designated as Local Roads in the City's Official Plan with desired rights-of-way widths of 20m. Christie Street and Bayview Drive's current widths along the Applicant frontages are already 20.0m and sufficient, however Paxton Avenue is severely deficient at approximately 5.60m±. The City had previously obtained a widened portion along Paxton Avenue by Part 2 Plan 30R-1870 from its previous irregular 'lane-way' width of approximately 4.87m (16'). Although deficient, the City will not be requiring any further widenings along the Paxton Street frontage, nor Christie Street and Bayview Avenue.

As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrians and cycling environment". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Sidewalks do not exist along all frontages of the subject properties, and since existing links to other sections of sidewalk do not yet exist on the flanking sections of Christie Street, Bayview Avenue and Paxton Avenue, the City requires contributions to future sidewalk construction provisions be made, in accordance with the above Council-driven policies in the

Official Plan. The Applicant shall therefore contribute a cash-in-lieu payment for future sidewalks in accordance with the City's practice, the costs to be determined based on the current construction price index and average City tender document pricing, at the time of payment. The required amounts shall be based on frontage lengths of 12.4m (Christie Street), 16.0m (Bayview Drive) and 25.8m (Paxton Avenue) for a total required length of 54.2m.

Engineering Services


Given the age and history of Port Dalhousie, and previous experiences in this area with respect to the existing configurations of private services, the Owner shall be responsible to pay the fee for City crews to locate, trace, inspect and document the existing water and sewer service laterals for each dwelling, to confirm they do not conflict with any existing abutting and/or future lot line. If these services are determined to conflict with existing abutting and/or future lot lines, the Owner shall be responsible to relocate the portions of these services on private property through a Plumbing Only permit so as not to continue conflicts of existing services over abutting and/or future lot lines. The Owner shall also pay the City, if determined through the inspections that conflicts exist, the fees to provide new water and sewer services to the individual property lines in order for each lot 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 document the existing sewer and water laterals servicing the existing property; and
- If determined existing services conflict with abutting and/or future lot lines, the Owner shall be responsible to complete any relocation works on private property through a Plumbing Only permit and pay the City the fees to provide new water and sewer services to the individual property lines in order for each lot to be serviced individually; and
- The Owner pay the cash-in-lieu fee for future sidewalks along the frontage lengths of Christie Street, Bayview Drive and Paxton Avenue, the costs to be determined based on the current construction price index and average City tender document pricing, at the time of payment

Prepared by:



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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-37/19 (60.81.5471)

192 Rykert Street

DATE OF HEARING:
March 28, 2019

Banda, Wilrik

From: Barbara Krapec ·
Sent: Thursday, March 07, 2019 9:05 PM
To: Banda, Wilrik
Subject: Re: Hearing Thursday March 28 -- 192 Rykert St. --

Good afternoon;

Thank you for including us in the "Notice of Hearing".

This looks like an interesting project and an asset to the neighbourhood; however, I am really concerned (and have been since 2014) about the drainage impact on my property.

In 2014 I wrote to the city with concerns about storm water management on this property and was assured that a storm water management report must be prepared by a qualified engineer, submitted and approved by the City Engineer, and must demonstrate that no abutting lands are negatively impacted by the storm water during or after construction.

"The storm water management report provides a strategy so that your property will not be flooded, despite the increase in hard surfaces (buildings, paved driveways, sidewalks etc.) on the lands intended for development. The condominium corporation will ultimately be responsible for maintaining the storm water management plan, after construction is complete and the townhouses occupied."

The information letter regarding the Hearing Thursday March 28 indicates that almost 50% of the land will be covered with pavement or building. **There is no reference to drainage.** There is grading plan on their website, showing swales, but only one catch basin (not near my property nor in my direction!).

The swales cannot handle the current drainage, let alone the amount of water that will not be absorbed when hard surfaces are developed as per this proposal.

It would be important for interested parties to inspect the site **now** when problems are very evident, with water from the melting snow ponding on frozen ground, rather than traveling via swales to distant catch basins... I invite anyone concerned to come and see the drainage issues I have at 95 Strada Blvd (across the street) and the potential ones here at 90 Strata if this development goes as proposed. Currently, there are ponds of ice/snow/water on the property that abuts the subject property and abuts our property, which demonstrate our concerns.

I would appreciate these concerns raised at the meeting as I will be unavailable to attend. I really hope the developers address this issue, rather than adding to the flooding that this area is noted for.

Thank you.

Sincerely,

Barbara Krapec & Jerry Curtis @90 Strada Blvd.

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CITY OF
ST. CATHARINES

Technical Report

REVISED

Report from Planning and Building Services, Planning Services

Date of Report: March 22, 2019

Date of Meeting: March 28, 2019

Report Number: A-37/19

File: 60.81.5471

Subject: 192 Rykert Street

Recommendation

That Submission **A-37/19**, by Kenneth Ltd. and Lynn Valley Properties Ltd., as outlined in the Notice of Hearing, be approved as follows:

Variances 1 & 2 be approved, and Variance 3 be denied.

Background

The subject property received approval for Application **A-144/18**, for a reduction in minimum width of the landscape buffer from 3 metres to 1.8 metres, a reduction in the minimum width of the landscape strip from 3 metres to 2 metres, a reduction in the minimum width of the parking space obstructed on one side from 3 metres to 2.75 metres, an increase in the maximum driveway width from 50% of the dwelling unit to 96% for Units 2 to 8, and a reduction in the minimum distance from the private road to the dwelling unit from 3.0 metres to 1.2 metres. The variance request for a reduction in the minimum interior side yard from the end wall from 3 metres to 1 metres was denied because of an inadequate separation distance.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that Variances 1 & 2 requested through application **A-43/19** 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, and that Variance 3 is not minor in nature, desirable for the use of the land and the intent and purpose of the OP and Zoning By-law are not being maintained, and Variance 3 should be denied.

The Proposal

Application **A-37/19** is made pertaining to City of St. Catharines By-law 2013-283, as amended for the following:

- 1) An increase of the maximum number of attached dwelling units from 4 to 5.
- 2) A reduction of the minimum interior side yard from end walls from 3.0 metres to 1.25 metres for units 15 and 21.

- 3) A reduction of the minimum setback from the rear line for a platform structure that is greater than 1.2 metres above grade from 4.5 metres to 3.3 metres.

The variances are requested for a proposed 9-unit private road development. A previous minor variance application (A-114/18) was approved.

Location and Site Description

The subject property is located on the north side of Rykert Street, west of Westland Street. The surrounding area consists of a mix of single detached homes and townhouses, as well as a nearby religious institution, public school and park.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E7 of the Garden City Plan (GCP). 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 property is zoned Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits detached, semi-detached, quadruplex, and townhouse dwellings, as well as private road developments.

Report

Variance 1 requests an increase in the number of individual dwelling units within a block of townhouses from 4 to 5 dwelling units. The configuration of this development and the requirement for site plan control supplies sufficient control to regulate the design and layout of the site features, even if there is one additional unit in this particular block of townhouses. Staff is supportive of this variance accordingly.

Variance 2 requests relief for certain pinch points where the full interior side yard cannot be met due to the building and site layout. Staff are satisfied these pinch points will have negligible impact and accordingly can support the variance.

Variance 3 relating to the setbacks for platform structures is not supported by staff. This setback is intended to preserve privacy for abutting lots. The lowering of the platform structures to comply with the by-law is preferred or alternatively provide at grade patios. With infill development being the norm in the City, the retention of privacy for abutting lots

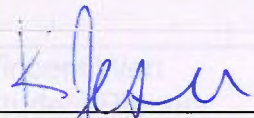
is a sensitive issue and this zoning provision should not be compromised. Staff recommend this variance be denied.

The applicant is reminded that the plans submitted with this application are not the current plans being reviewed as part of site plan review. Staff is supporting the variances, as recommended, however, this support should not be misconstrued as support for the site plan resubmission, save and except for the variances recommended by this report.

Conclusion


Staff is of the opinion that application **A-37/19**, as it relates to variances 1 & 2, is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. Staff do not support the approval of variance 3.

Prepared by:

for 

Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:50 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 4 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda

Email 4

Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

60.81.5471

60.81.5473

60.81.5474

60.81.5475



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

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



Memorandum

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

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

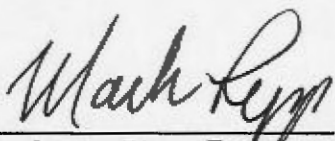
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-35/19	135 Bunting Road	-Be advised that a building permit is required for the proposed detached garage.
A-36/19	86 Bayview Drive	-Be advised that a building permit is required for the proposed attached garage. -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-37/19	192 Rykert Street	-Be advised that a building permit is required for the proposed townhouse building. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\05 bcoa memo-mv-Mar28, 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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476

No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477

No comment.

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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

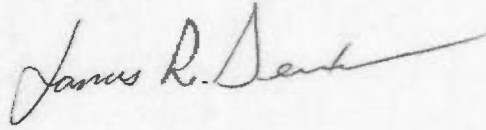
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-40/19 (60.81.5474)

74 Wiley Street

DATE OF HEARING:
March 28, 2019

66 Wiley Street
St. Catharines, ON L2R 4G6

March 19, 2019

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

ATTENTION: WILRIK BANDA, ACTING SECRETARY-TREASURER

Dear Sir:

RE: FILE NO. 60.81.5474
: SUBMISSION NO. A-40/19

Reference is made to the subject letter that was received regarding the property at 74 Wiley Street, St. Catharines, Ontario.

I do not favour the proposed application that the City has received from **1687587 Ontario Ltd.** to convert this single detached dwelling to a duplex dwelling.

This is a beautiful residential area of St. Catharines. The house is older and unique and it has character. Should the City amend the conversion of the current single detached dwelling to a duplex dwelling, it opens up the possibility of other beautiful homes in that area being converted in the same manner. Also, vehicle parking is very limited now.

Please keep this home as a single detached dwelling only.

I would appreciate it, if you could send me a copy of the Notice of Decision

Yours Truly,

Donald Hogan



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 20, 2019

Date of Meeting: March 28, 2019

Report Number: A-40/19

File: 60.81.5474

Subject: 74 Wiley Street

Recommendation

That Submission **A-40/19**, by 1687587 Ontario Ltd., as outlined in the Notice of Hearing, be deferred.

Summary

Having regard for the submitted proposal and comments received from Parks, Recreation and Culture Services, staff is of the opinion that the application for conversion of the dwelling into a duplex is unnecessary, as the intent of the application can be achieved through a change of use permit to allow for an interior accessory dwelling unit. Staff recommend deferral based on the comments received from PRCS regarding a revised parking configuration in order to protect the livelihood of the boulevard tree, and the need to revise the proposed plans.

The Proposal

Application **A-40/19** is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for the following:

- 1) A reduction of minimum lot area per dwelling unit for a duplex dwelling from 560 m² to 371 m²

- 2) A reduction of the minimum interior side yard setback from 1.2 metres to 0.9 metres

The variances are requested for the proposed conversion of a single detached dwelling to a duplex dwelling.

Location and Site Description

The subject property is located on the southeast corner of Wiley Street and Linden Street, south of the Queen Elizabeth Way and north of St. Patrick Street. The surrounding area consists of primarily detached homes.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E5 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 – Traditional Neighbourhood (R2). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings, as well as private road developments.

Report

Zoning-By-law 2013-283 permits one interior accessory dwelling unit is permitted in any detached dwelling, semi-detached dwelling unit or townhouse dwelling unit provided the following:

- a) The interior accessory dwelling unit is entirely within the exterior walls of the principal dwelling unit;
- b) The floor area of the interior accessory dwelling unit shall not exceed 60 m² or 40% of the floor area of the dwelling unit (including the basement) excluding an attached garage, whichever is less; and
- c) The lot complies with all other provisions of this By-law.

Staff are of the opinion that the intent of the application – that being to provide an additional unit within the existing house – could be achieved through the inclusion of an interior accessory dwelling unit within the existing dwelling, subject to the provisions above. Based on the floor area of the existing house, the applicant should have sufficient floor area to achieve an interior accessory dwelling unit, without the need for variances to the existing structure or lot.

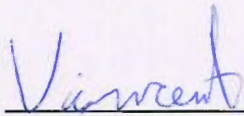
Parks, Recreation and Culture Services (PRCS) have identified that a large boulevard tree is located adjacent to the proposed driveway. Given that the diameter at breast height (DBH) is 30" and according to the City's tree protection standards, a setback of 4.8 metres is required to maintain the health of the tree. PRCS staff do not object to the requested variances but require that all site alterations be located 4.8 metres from the trunk of the tree.

In order to meet the requirements by PRCS and achieve a second unit within the dwelling, the applicant will be limited to providing only 1 parking space only. A variance to request a reduction of 2 parking spaces to a maximum of 1 space may be required.

Conclusion

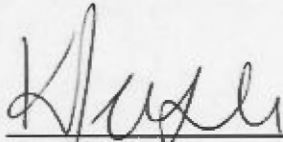
Staff is of the opinion that application **A-40/19** should be deferred for the opportunity for the applicant to revise the submitted plans and requested variances.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:50 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 4 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda

Email 4

Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

60.81.5471
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60.81.5475



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

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



Memorandum

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

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

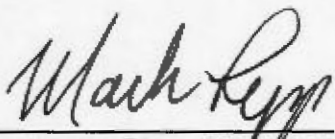
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-35/19	135 Bunting Road	-Be advised that a building permit is required for the proposed detached garage.
A-36/19	86 Bayview Drive	-Be advised that a building permit is required for the proposed attached garage. -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-37/19	192 Rykert Street	-Be advised that a building permit is required for the proposed townhouse building. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\05 bcoa memo-mv-Mar28, 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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476
No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477
No comment.

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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

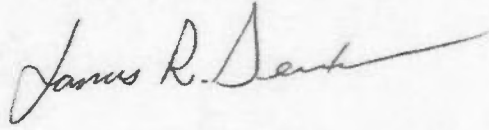
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
● 74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-41/19 (60.81.5475)

63-65 Newport Street

DATE OF HEARING:
March 28, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 21, 2019

Date of Meeting: March 28, 2019

Report Number: A-41/19

File: 60.81.5475

Subject: 63 & 65 Newport Street

Recommendation

That Submission **A-41/19**, by Bryan Grant, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the decommissioning of one of the two existing water services be required at the demolition stage; and
2. That a Work Permit be required from the NPCA prior to commencement of any works (including demolition) on these lots.

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-41/19** 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-41/19** is made pertaining City of St. Catharines By-law 2013-283, as amended, for an increase of the maximum lot area per dwelling unit for the proposed construction of a single detached dwelling from 465 m² to 764 m² to occur when the two lots merge in title.

Location and Site Description

The subject property is located on the west side of Newport Street, to the south of Lake Ontario and north of Lakeside Drive. The surrounding area consists of primarily single detached homes and townhouse dwellings, as well as a nearby hiking trail and industrial facilities.

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 – Traditional Neighbourhood (R2). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings, as well as private road developments.

Report

Zoning By-law 2013-283 permits a maximum lot area per dwelling unit for a detached dwelling of 465 m². The variance requests an increase of the maximum lot area per dwelling unit to 764 m² in order for the two adjacent properties to merge to create one developable lot. 65 Newport Street is constrained by Niagara Peninsula Conservation Authority (NPCA) regulations. The subject property backs onto the Lake Ontario Shoreline which may be prone to property damage due to erosion processes and slope stability concerns. As such, development of these properties is subject to the NPCA's current regulations and policies. These policies do not permit development or site alterations within the identified shoreline hazards, unless appropriately mitigated to the satisfaction of the NPCA. The NPCA required setback for mitigation purposes is a minimum of 7.5 meters from the identified top of slope, which restricts the majority of developable area on 65 Newport Street.

Section 7.1(j) of the GCP states that land assembly and configuration should not detract from the potential development or redevelopment of adjacent properties, or create isolated parcels which may otherwise have future development or redevelopment potential. While the creation of a larger lot with an increased maximum lot area is not typically favourable, staff understand the development constraints that are placed on the subject property at 65 Newport street. In addition, based on the deteriorating state of the existing dwellings currently located at both 63 and 65 Newport Street, staff are of the opinion that the approval of the variance to increase the maximum permitted lot area for a detached dwelling is desirable and appropriate in order to permit the lots to be redeveloped and allow for a more efficient use of the lands and desirable streetscape as well.

Based on the sketch provided with this application, the NPCA have advised that a dwelling could be located on the properties (once merged) while meeting NPCA setbacks. All future development of these lands will require a Work Permit from this office prior to the commencement of the works on site. Any concerns or mitigation measures required to ensure long term protection will be dealt with through that process.

The NPCA offers no objection to the approval of this application. Work Permits will be required prior to commencement of any works (including demolition) on these lots.

The request for an increased maximum lot area through the merging of the two lots is compatible with the prevailing character of the neighbourhood and will not detract from the streetscape. The size of the lot provides for an optimum opportunity for development of the subject properties. 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 for a maximum lot area of 764 m².

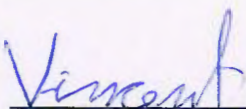
Building staff have advised that a building permit is required for the proposed single detached dwelling, as well as demolition permits for the existing dwellings on the properties.

Development Engineering staff will require the decommissioning of one of the two existing water services at the demolition stage. If the remaining water service requires an upgrade, then that existing water service may also require decommissioning.

Conclusion

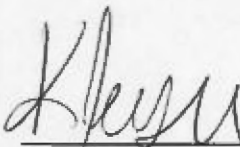
Staff is of the opinion that application **A-41/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved with the conditions outlined 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

March 12, 2019

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

Attention: Wilrik Banda

File# 60.81.5475

Re: 63 & 65 Newport St

In response to your correspondence dated March 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 Corporation

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

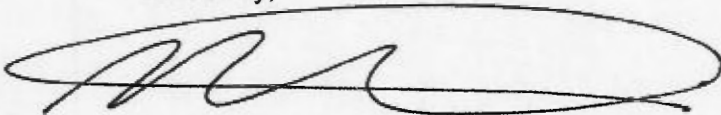
Hamilton 905 522 9200 | St. Catharines 905 984 8961 | tf 1 866 458 1236

alectrautilities.com

- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Jakubowski', enclosed within a large, loopy oval shape.

Mark Jakubowski
Supervisor, Design, Customer Capital



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

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

March 15, 2019

Our File No.: PLMV201900193

BY E-MAIL ONLY

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

Attention: Wilrik Banda, Acting Secretary-Treasurer

Subject: Application for Minor Variance, (A-41/19)
63- 65 Newport Street St. Catharines ON L2M1M6

Further to our review of this file, the following is offered for your information.

This minor variance application has been made to permit the increase of the maximum lot coverage per dwelling unit for the purpose of constructing a single detached dwelling when the two undersized lots merge in title.

The subject property backs onto the Lake Ontario Shoreline which may be prone to property damage due to erosion processes and slope stability concerns. As such, development of these properties will be subject to the NPCA's current regulations and policies. These policies do not permit development or site alterations within the identified shoreline hazards unless appropriately mitigated to the satisfaction of the NPCA.

Based on the sketch provided with this application, it appears that a dwelling could be located on the properties (once merged) while meeting NPCA setbacks. All future development of these lands will require a Work Permit from this office prior to the commencement of the works on site. Any concerns or mitigation measures required to ensure long term protection will be dealt with through that process.

The NPCA offers no objection to the approval of this application. Work Permits from this office will be required prior to commencement of any works (including demolition) on these lots.

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

Yours truly,

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

Sarah Mastroianni,
Watershed Planner

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:50 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 4 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda

Email 4

Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada

60.81.5471
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- Contact us

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



Memorandum

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

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

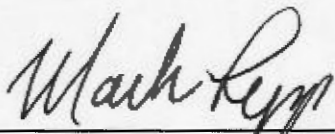
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Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

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Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\05 bcoa memo-mv-Mar28, 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

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151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
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Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476
No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477
No comment.

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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

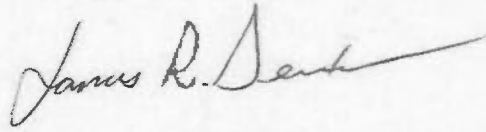
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
● 63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-42/19 (60.81.5476)

1176 Lakeshore Road West

DATE OF HEARING:
March 28, 2019

March 18, 2019

Secretary Treasurer, Committee of Adjustment for the City of St. Catharines

Re: Application for minor variance submitted by Nicola and Ann Armilio

File # 60.81.5476; Submission No. A-42/19

My husband and I reside at 1174 Lakeshore Road West, St. Catharines, L2R6P9, east of the parcel of land in question. This application for variance affects us directly. We still have a number of concerns:

- An application for a minor variance for this property's side yard setback was submitted in 2017-2018. At that time, the request was denied.
- We cannot see how changing the setback from the bylaw distance of 3m to 1.89m should change that decision. All the concerns we had at that time would still be valid.
- These properties are long and narrow, and the houses built should fit the size of the property.
- The locations of the existing houses in this area are staggered. This house would be 1.89m from the property line, and would be directly beside us. Digging and the required fencing around the site would extend right up to the property line, with the subsequent destruction of the only trees that separate the properties now, thus providing us with no privacy.
- Replanting of trees would not be an option due to the closeness of the foundation.
- There are also concerns with relocation of the hydro pole and underground wires causing considerable disruption and possible damage to our property.

Thank you for your attention to our concerns.

Jayne and Allan Brian Douglas

RPT	RECD	WFO	P.D.S	
			REFERRED TO	INT.
DATE RECD →		MAR 19 2019		SCAN <input type="checkbox"/>
FILE NO				



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 21, 2019

Date of Meeting: March 28, 2019

Report Number: A-42/19

File: 60.81.5476

Subject: 1176 Lakeshore Road West

Recommendation

That Submission **A-42/19**, by Nicola Armilio and Anne Armilio, as outlined in the Notice of Hearing, be denied.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variance requested through Application **A-42/19** is not minor in nature, not desirable for the appropriate use of the land nor in keeping with the intent and purpose of the Official Plan and Zoning By-law.

The Proposal

Application **A-42/19** is requesting to vary Zoning By-law 2013-283 for a reduction of the eastern interior side yard setback from 3.0 metres to 1.89 metres. The variance is requested for the proposed construction of a detached dwelling.

Location and Site Description

The subject property is located on the north side of Lakeshore Road West, between Firelanes 300 and 400. The property is surrounded by Lake Ontario to the north and a mix of detached dwellings and farm land to the east, west and south.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Agriculture as per Schedule D1 of the Garden City Plan (GCP) and further designated Agriculture as per Schedule E11 of the Garden City Plan (GCP). The Agriculture designation permits a range of agriculture uses and uses secondary to agriculture, as well as detached residential dwellings, small scale farm related commercial and industrial uses intended to serve the agricultural community. The

northern portion of the lands along the shoreline of Lake Ontario is designated Natural Area, which is intended to protect and preserve natural areas and hazard lands.

Zoning By-law (2013-283)

The subject land is split-zoned Agriculture (A1) and Conservation/Natural Area (G1). The A1 zone, which covers about 90% of the property, permits agriculture farm related commercial or industrial uses, agriculture farms, and detached dwellings, as well as accessory uses including agri-tourism, help houses, home industries and wineries. The G1 zone permits trails, boat ramps, and picnic shelters.

The proposed residential use is permitted by both the Official Plan and the Zoning By-law as the proposed dwelling will be located in the A1 designated portion of the property and maintains an appropriate setback from the existing natural features.

Background

A previous minor variance Application **A-06/18** was denied on January 31, 2018, which requested to reduce both interior side yard setbacks from 3 metres to 1.2 metres. The requested variance was for the proposed construction of a detached dwelling, and was denied because the reductions were not considered minor, would impact the established character of the surrounding lands, and were not considered compatible for the agricultural nature of the property.

Report

The variance requests a reduction of the eastern interior side yard setback from 3.0 metres to 1.89 metres for the proposed construction of a detached dwelling. There is currently an existing dwelling on the subject land which is to be removed.

Part D, Section 7.1 c) i) of the GCP states that development and redevelopment 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.

The intent of the minimum interior side yard setback in agriculture areas is to maintain the rural character of agriculture lands where residential dwellings are constructed. The requested setback of 1.89 metres is more appropriate in an urban/suburban setting. Increased spacing to lot lines within the agricultural area is an important component of maintaining the rural character of this environment, as evidenced by the increased required interior yard setback of the Zoning By-law for an agricultural zoned property as compared to an urban property. The applicant's proposal to use typical urban subdivision standards within the rural landscape is not desirable or appropriate for the use of the land. There is ample space on the subject property to accommodate the required 3.0m side yard setback on both sides of the dwelling. The width of the lot is 22.67m, leaving a 16.67m wide building envelope if 3.0m is provided on each side of the proposed dwelling envelope.

The reduction is not considered minor, and would impact the established character of the surrounding lands. The intent and purpose of the Zoning By-law is not met, as the requested setback is more reflective of the provisions for suburban zones in the city. The proposal is not considered compatible in the agriculture context and there has been no demonstrated hardship as to why the Zoning By-law cannot be met while still providing ample space for a suitable building envelope. Staff are not supportive of the proposed variance.

Niagara Region staff have reviewed the application and advised that the existing sewage system located on the property was installed in 1994 with approvals done by the Regional Niagara Health Department. According to the Ontario Building Code, the proposed changes would require a new sewage system to be installed to service the new dwelling. However, due to the size of the proposed dwelling and the narrow width of the lot, the amount of usable land is restricted for the sewage system installation. Although the new sewage system location is indicated on the submitted plan, in order to ensure the proposed dwelling can be supported by private servicing on the property, a sewage system design will need to be submitted to the Region for review. The applicant should be advised that the dwelling size and location of the driveway may need to be revised in order to adequately fit a sewage system on this lot which meets with current Building Code requirements.

Therefore, at the time of writing the technical report, the Region could not approve of the application until a detailed sewage system design plan is submitted by a qualified designer for review. The applicant has advised that he has already submitted an application for the construction of the New Septic System, however further comments have not yet been received from the Region. The detailed design must meet Building Code requirements and dwelling plans must be provided to confirm the sewage flow rate used in the calculations.

Niagara Peninsula Conservation Authority (NPCA) staff have advised that the subject property backs onto the Lake Ontario Shoreline which may be prone to property damage due to erosion processes and slope stability concerns. The regulatory flood level for this section of the shoreline is 76.15 metres. The proposed works will be located outside of the Flood Hazard. The proposed dwelling will fall within the Erosion Hazard Limit. Development and site alterations are permitted within the Erosion Hazard provided the hazard has been appropriately mitigated (through shoreline protection).

The proposed works will fall within the Stable Slope Allowance. Development within this limit is permitted provided the slope stability concerns are addressed to the satisfaction of the NPCA. As the proposed dwelling will fall within the NPCA's regulated area along the shoreline, a Work Permit from this office is required prior to the issuance of a building permit from the City. Through the Work Permit process, NPCA staff will review this proposal to ensure long term slope stability and protection of the property from the shoreline hazards. Further studies or requirements may be required at that time.

Conclusion

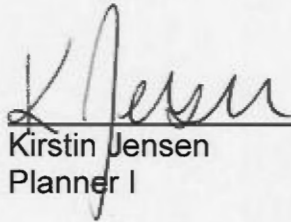
Staff is not satisfied with the variance requested by Application **A-42/19** is in keeping with the general intent of the Official Plan and Zoning By-law, minor in nature, nor appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be denied.

Prepared by:



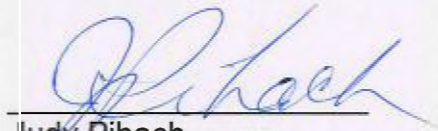
Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

March 12, 2019

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

Attention: Wilrik Banda

File# 60.81.5476

Re: 1176 Lakeshore Rd W

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

We would also like to stipulate the following:

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

Alectra Utilities Corporation

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

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

alectrautilities.com

- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

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

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Jakubowski', enclosed within a large, horizontal oval shape.

Mark Jakubowski
Supervisor, Design, Customer Capital

Via Email Only

March 13, 2019

Our File: MV-09-008

Wilrik Banda

Acting Secretary-Treasurer, City of St. Catharines

50 Church Street, PO Box 3012

St. Catharines, ON L2R 7C2

Dear Mr. Banda:

Re: Application for Minor Variance

Applicant: Nicola & Ann Armilio

Location: 1176 Lakeshore Road, City of St. Catharines

Town File: A-42/19

Niagara Region Development Services Division has reviewed the above Minor Variance application and provides the following comments to assist the City in its consideration of this application.

Private Sewage System Review

According to the information submitted for this revised minor variance application, the existing dwelling is to be demolished and a new 2 storey dwelling (277 sq meters) is to be constructed further to the north. The existing sewage system currently located on the property was installed in 1994 with approvals done by the Regional Niagara Health Department. According to the Ontario Building Code, the proposed changes would require a new sewage system to be installed to service the new dwelling. However, due to the size of the proposed dwelling and the narrow width of the lot, the amount of usable land is restricted for the sewage system installation. Although the new sewage system location is indicated on the submitted plan, in order to ensure the proposed dwelling can be supported by private servicing on the property, a sewage system design will need to be submitted to our department for review. Please note, the house size and location of the driveway may need to be revised in order to adequately fit a sewage system on this lot which meets with current Building Code requirements.

Therefore, our department cannot approve of the application until a detailed sewage system design plan is submitted by a qualified designer for review. The detailed design must meet Building Code requirements and house plans must be provided to confirm the sewage flow rate used in the calculations.

Sincerely,



Caitlin Goodale

Private Sewage System Inspector

Planning and Development Services

c: Alexandria Pasquini, Development Planner, Niagara Region

Taylor Boyle, Development Approvals Technician, Niagara Region

Phill Lambert, P. Eng., Director, Infrastructure Planning & Development Engineering, Niagara Region

March 15, 2019

Our File No.: PLMV201900195

BY E-MAIL ONLY

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

Attention: Wilrik Banda, Acting Secretary-Treasurer

Subject: Application for Minor Variance, (A-42/19)
1176 West Lakeshore Road St. Catharines ON L2R6P9

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

This application has been made to permit the reduction of the interior side yard setbacks for the proposed construction of a new single detached dwelling. Based on our review and understanding of this application, we offer the following information.

The subject property backs onto the Lake Ontario Shoreline which may be prone to property damage due to erosion processes and slope stability concerns. The regulatory flood level for this section of the shoreline is 76.15m. The proposed works will be located outside of the Flood Hazard.

The proposed dwelling will fall within the Erosion Hazard Limit. Development and site alterations are permitted within the Erosion Hazard provided the hazard has been appropriately mitigated (through shoreline protection).

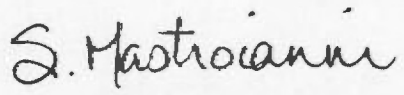
The proposed works will fall within the Stable Slope Allowance. Development within this limit is permitted provided the slope stability concerns are addressed to the satisfaction of the NPCA.

As the proposed dwelling will fall within the NPCA's regulated area along the shoreline, a Work Permit from this office is required prior to the issuance of a building permit from the City. Through the Work Permit process, NPCA staff will review this proposal to ensure long term slope stability and protection of the property from the shoreline hazards. Further studies or requirements may be required at that time.

The NPCA offers no objections to this application. The works proposed under this application will require a Permit from this office prior to the commencement of any works on site.

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

Yours truly,

A handwritten signature in cursive script that reads "S. Mastroianni". The signature is written in dark ink and is positioned above the printed name.

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

cc:



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

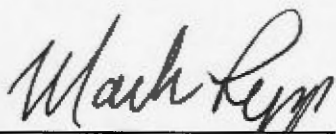
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-35/19	135 Bunting Road	-Be advised that a building permit is required for the proposed detached garage.
A-36/19	86 Bayview Drive	-Be advised that a building permit is required for the proposed attached garage. -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-37/19	192 Rykert Street	-Be advised that a building permit is required for the proposed townhouse building. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\05 bcoa memo-mv-Mar28, 2019.docx

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:50 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 5 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda
Email 5
Cogeco has no issues or concerns with these adjustments

Thanks

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

7170 Mcleod Rd
Niagara Falls Ont Canada

* 60.81.5476
66.81.5477



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

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

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Privacy Policy and Anti-spam Commitment

- [Contact us](#)

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

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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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

● **15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476**
No comment.

16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477
No comment.

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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

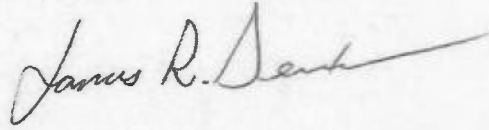
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
● 1176 Lakeshore Road W, A-42/19SC
2 Ellis Avenue, A-43/19SC

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 application with the following notations;

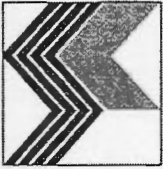
- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/



CITY OF ST. CATHARINES

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

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

COMMENTS

A-43/19 (60.81.5477)

2 Ellis Avenue

DATE OF HEARING:
March 28, 2019



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: March 22, 2019

Date of Meeting: March 28, 2019

Report Number: A-43/19

File: 60.81.5477

Subject: 2 Ellis Avenue

Recommendation

That Submission **A-43/19**, by Phelps Homes Ltd., as outlined in the Notice of Hearing, be approved for Variances 1 and 2, 4 through 7, 10, and 12 through 17, and conditional on Variance 1 for Block A being limited to one storey in height from grade to the midpoint of the roof, up to a maximum of 8.5 metres; and,

Variances 3, 8, 9, and 11 be denied.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through application **A-43/19** 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, with the exception of Variances 3, 8, 9 and 11. Staff recommends that the requested Variances 1 and 2, 4 through 7, 10, and 12 through 17, be approved, and Variances 3, 8, 9 and 11 be denied.

The Proposal

Application **A-43/19** is made pertaining to City of St. Catharines By-law 2013-283, as amended, for the following: (variances are numbered as per attached sketch).

Block A

MV 1 – A reduction of the minimum setback from interior side yard from rear wall from 6.0 metres to 5.5 metres.

MV 2 – A reduction of the minimum distance from private road to dwelling from 3.0 metres to 2.10 metres.

MV 9 – An increase of the maximum unit driveway width from 5.5 metres to 6.1 metres.

Block B

MV 3 – A reduction of the interior side yard from rear wall from 6.0 metres to 5.5 metres.

MV 10 – An increase of the maximum unit driveway width from 4.98 metres to 6.5 metres.

MV 12 – A reduction of the minimum distance from private road to garage from 6.0 metres to 5.7 metres.

Block C

MV 4 – A reduction of the interior side yard from rear wall from 6.0 metres to 5.0 metres.

MV 5 – A reduction of the minimum distance from private road to dwelling from 3.0 metres to 1.0 metres.

MV 13 – A reduction of the minimum distance from private road to garage from 6.0 metres to 5.7 metres.

Block D

MV 6 – A reduction of the minimum exterior side yard to dwelling from 3.0 metres to 2.4 metres.

Block G

MV 14 – A reduction of the minimum distance from private road to garage from 6.0 metres to 5.7 metres.

Block H

MV 7 – A reduction of the minimum distance from private road to dwelling from 3.0 metres to 1.0 metres.

MV 8 – A reduction of the interior side yard from rear wall from 6.0 metres to 5.0 metres.

MV 11 – An increase of the maximum unit driveway width from 4.3 metres to 5.3 metres.

MV 15 – A reduction of the minimum distance from private road to garage from 6.0 metres to 5.7 metres.

General Site

MV 16 – A reduction of the landscape buffer strip from lot line not abutting a public road from 3.0 metres to 1.0 metres.

MV 17 – A reduction of the landscape buffer strip from Lot Line not abutting a public road from 3.0 metres to 2.5 metres.

The variances are requested for a proposed 30-unit private road development.

Location and Site Description

The subject property is located at the north end of Ellis Avenue, east of Abbot Street, west of Merritt Street, and to the north and east of Oakdale Avenue. The surrounding area consists of a mix of single detached homes, townhouse dwellings and commercial uses, including an autobody workshop, commercial plazas, and a fire station to the southeast.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per Schedule E9 of the Garden City Plan (GCP). The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres.

Zoning By-law (2013-283)

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

Report

The subject property at 2 Ellis is currently undergoing the site plan approval process for a private road development including 8 blocks of 30 townhouse units. The property is significantly constrained by a large easement to the north of the site, adjacent to Blocks D, E and F, which has limited the amount of developable land to work with, and triggered a number of necessary variances on the site in order to make the most efficient use of the land for development. The Garden City Plan requires a density range generally between 25 and 99 units per hectare of land; the subject property with 30 units achieves a density of approximately 25.9 units/ha and is only slightly above the required density range based on Official Plan policies. Staff are supportive of the overall development of this property for a private road development of 30 units, as it meets Official Plan and Zoning policies, and provides a desirable and efficient use of a vacant and underutilized parcel of land.

Interior Side Yard from Rear Wall

Variances 1, 3, 4, & 8

The intent of the setback from an interior side yard to the rear wall in a private road development is to ensure that proposed new developments maintain adequate separation distances from adjacent properties in established neighbourhoods, as well as ensuring that new units have sufficient amenity space and do not impose overlook or loss of privacy onto surrounding properties.

Staff are supportive of the reduction for Variance 1, Block A, to an interior side yard of 5.5 metres. The adjacent townhouses to the south and west of Block A are bungalow town units, with 7 metre rear yards from their respective dwellings. The requested reduction of 0.5 metres for the units of Block A are minor and will not impose significant impacts on adjacent yards. The applicant has advised that patios will be provided at grade as well as 1.8 metre board fencing to contribute to screening and buffering for adjacent rear yard amenity areas. Staff support the requested variance, but request that a condition be included for Variance 1 that limits the height of the units of Block A to one-storey from grade to the mid-point of the roof, up to a maximum of 8.5 metres in height.

In a similar sense, Variance 4 requests a reduction to 5 metres. This request is a result of the irregular shape of the subject property and the need to make efficient use of the

land while also achieving minimum density targets. Variance 4 is related to Block C, for a pinch point at the rear of the units in regards to the adjacent lot line of the existing townhomes along Ellis Avenue. Only one unit of Block C requires the reduced interior side yard for the pinch point, and therefore the entirety of Block C will not be located closer to the property line, minimizing the impact. Staff support Variance 4.

In regards to Variance 8, the adjacent lot line shown on the submitted sketch for Phase 2 of the development is not formally created as of this time. As such, staff, in discussions with the agent and applicant, have determined that the property line adjacent to Block G and Block H can be shifted slightly south in order to accommodate the required setback of the zoning. Therefore, staff recommend denial of the variance as there is no reason why the setback cannot be accomplished.

Finally, the zoning by-law does not recognize internally created lot lines between Blocks in a private road development. In this regard, Variance 3 has been deemed unnecessary. The zoning provision that applies to this location on the site is the minimum yard requirement between end wall and rear wall, which has been satisfied. Therefore, staff recommend denial.

Distance from Private Road to Dwelling

Variances 2, 5, & 7

The requested reductions for Variances 2, 5 and 7 apply to Blocks A, C and H. Staff are in support of the three requested variances for the minimum distance from the private road to the dwelling. In regards to Block A, Variance 2, the variance is a result of the efficient functioning of the site and the placement of the private road. Variance 2 is a result of a pinch point and will have no impact on the overall functioning of the property. The interpretation of the zoning by-law on this provision is such that sidewalks and visitor parking areas are considered to be part of the private road. Variances 5 and 7 are a result of the placement of the internal sidewalks between the private road and dwellings, as well as visitor parking adjacent to Block C. The reductions will be visually undetectable and will not detract from the functioning of the units or the amenity space provided on site. The sidewalks will provide a measure of screening from the travelled portion of the right of way. The reduction of Block C is also buffered by the provision of a 1.8-metre-high privacy board fence.

Exterior Side Yard

Variance 6

The intent of the exterior side yard setback is to ensure that amenity space on a site is not compromised, that access to a rear yard can be provided around a townhome Block, and as well that dwellings are not located too close to a right of way that could cause safety concerns on residents or impact driver sightlines. In this regard, Variance 6 requests a reduction of the minimum exterior side yard setback from 3 metres to 2.4 metres. This is a result of a pinch point created by the orientation of Block D on the site. While Ellis Avenue is planned to be extended north of the intersection of Ellis Avenue and Abbot Street in the future, this has not yet occurred and as such the reduction will be adjacent to a landscape/open space area which further buffers the reduction.

Driveway Widths

Variances 9, 10, & 11

The zoning by-law for private road developments states that driveways are permitted to be a maximum width of 50% of the unit width. This is a provision meant to ensure that garages and paved driveways do not overwhelm the front façade and streetscape of a townhouse unit. The City's Urban Design principles outline that development and redevelopment within St. Catharines will be based on sustainable design principles including innovative, sustainable and context sensitive building, site, streetscape and neighbourhood design, a stimulating, attractive, and safe public realm, and compatibility of new development and redevelopment within established areas. The Urban Design Guidelines state that garages should not be the dominant feature within the composition of a dwelling and their visual impact on streetscape should be minimized in favour of front doors and windows. Further, attached garages should achieve a proportional relationship between the width of the garage and the width of the building, and should not be greater than the pattern established within the neighbourhood.

Staff are not in support of Variances 9 and 11, which request increases of the maximum driveway widths to 55% of the unit width and 61% of the unit width, respectively. Blocks A and H, which are the affected Blocks for these variances, do not offer the provision of increased landscaping and buffering that could serve to soften the impact of the increased widths of the driveways and garages. As such, staff are of the opinion that these increases will have an impact on the front façade of these units and negatively influence the streetscape perspective of Units 1 and 30 of Blocks A and H, respectively.

Staff are however in support of Variance 10, which requests an increase of the maximum driveway width of Unit 9 in Block B, from 4.98 metres to 6.5 metres, which equals to a driveway increase of 65% of the unit width. The justification for the support of this increase is related to the sufficiently larger lot area for this unit as compared to many other lots throughout the development. Unit 9 provides more than sufficient landscaping and amenity area in the front, exterior and rear yards, which will prove to mitigate any impact that the larger driveway and garage widths may have on the streetscape and front façade. Further, the applicant has advised that a wraparound porch has been considered for this unit which would also serve to minimize any impact of the increase and improve the articulation of both the front and side façades.

Distance from Private Road to Attached Garage

Variances 12 through 15

The minimum distance from a private road to an attached garage in a private road development is measured from the *back* of the curb adjacent to the private road. In the design of this development, the units were designed such that the dimension from the *front* of curb is the required 6 metres in length. The intent of this provision is to ensure that private road developments provide sufficient area in front of an attached garage to adequately fit at least one parking space without overhang onto sidewalks internal to the site. A standard parking space in the City's Parking Requirements is a minimum of 5.2 metres length. The driveways shown have ample space to fit the required size of one

parking spot. As such, staff have no issue with the requested reductions for variances to the minimum distance from the private road to an attached garage of 5.7 metres.

Landscaping Buffers

Variances 16 & 17

Section 3.13.1 of the Zoning By-law requires a landscape buffer of a minimum 3 metres for any lot line not abutting a public road. The location of Variances 16 and 17 are for lot lines adjacent to the existing residential neighbourhoods to the south and the new fire hall property to the west. The reason for the reductions are because the zoning by-law indicates that a landscape buffer “means an open area on a lot used exclusively for the growing and maintenance of grass, trees, shrubs and other horticultural elements and is not used for any other purpose except where a driveway and/or sidewalk cross the landscape buffer.” In this case, the sidewalks run parallel to the landscape buffer, not crossing the buffer, and therefore is not considered to be a part of the landscape buffer.

The true width of the landscaping and sidewalk together at the location of Variance 16 are 2.56 metres, and will achieve the intent of the buffer area by providing an element of separation between the existing residential area to the south and the new private road. Further, the applicant has advised that a 1.8 metre board fence will be proposed adjacent to the lot line and will provide further screening from the private road.

Variance 17 is located at the entrance to the development at Ellis Avenue off of Oakdale Avenue. The reduction is adjacent to the lot line for the new fire hall off Merritt Street. The landscaping strip provided is 2.55 metres, in combination with a sidewalk that is 1.8 metres wide, for a total separation of 4.35 metres between the lot line and private road. This area is also adjacent to a similar 3 metre landscape buffer between the lot line and parking area on the neighbouring site, and therefore will have minimal to no impact on the adjacent property. Staff are in support of both requested reductions to landscaping buffers.

Building staff have advised that a building permit is required for the proposed townhouse dwellings. In addition, the reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.

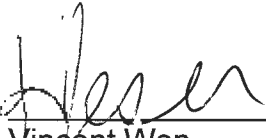
Conclusion

Staff is of the opinion that application **A-43/19**, with the exception of Variances 3, 8, 9, and 11, is consistent 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 Variances 1 and 2, 4 through 7, 10, and 12 through 17, conditional on Variance 1 for Block A being limited to one storey in height from grade to the midpoint of the roof, up to a maximum of 8.5 metres;

and, that Variances 3, 8, 9, and 11 be denied.

Prepared by:



Vincent Wen
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pinach, MCIP, RPP
Manager of Planning Services

Banda, Wilrik

From: Doug Crown <Doug.Crown@cogeco.com>
Sent: Tuesday, March 05, 2019 3:50 PM
To: Banda, Wilrik
Cc: Jensen, Kirstin; Wen, Vincent; Munro, Elaine
Subject: RE: Email 5 of 5 Committee of Adjustment Hearing St. Catharines March 28, 2019

Hello Banda

Email 5

Cogeco has no issues or concerns with these adjustments

Thanks

Doug Crown
Network Planning Department

Doug.crown@cogeco.com

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

7170 Mcleod Rd
Niagara Falls Ont Canada



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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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

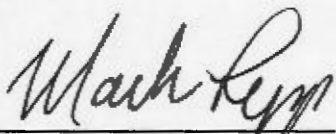
From: Mark Lepp, Senior Plans Examiner / Building Inspector
Planning and Building Services

Date: March 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –March 28, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-13/19	151 Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-14/19	153A Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-15/19	153B Moffat Street	-Be advised that a building permit is required for the proposed 3 Unit Townhouse.
A-30/19	61 Queenston Street	-Be advised that a building permit is required for the proposed conversion of the duplex to the triplex.
A-31/19	206 Niagara Street	-No Comment
A-32/19	59 Wellington Street	-No Comment
A-33/19	64 Carlton Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-34/19	16 Keele Street	-Be advised that a building permit is required for the proposed single detached dwelling. -Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-35/19	135 Bunting Road	-Be advised that a building permit is required for the proposed detached garage.
A-36/19	86 Bayview Drive	-Be advised that a building permit is required for the proposed attached garage. -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-37/19	192 Rykert Street	-Be advised that a building permit is required for the proposed townhouse building. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-39/19	24 Whitworth Street	-No Comment
A-40/19	74 Wiley Street	-Be advised that a building permit is required for the proposed conversion to a duplex.
A-41/19	63/65 Newport Street	-Be advised that a building permit is required for the proposed single detached dwelling.
A-42/19	1176 Lakeshore Road west	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. - Be advised that a demolition permit is required for the existing single detached dwelling. - be advised that a demolition agreement is required to be obtained to allow the dwelling to remain until the construction of the new dwelling unit is complete and occupied and must be approved before the building permit can be issued.
A-43/19	2 Ellis Avenue	-Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards. -Be advised that a building permit is required for the proposed townhomes.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\05 bcoa memo-mv-Mar28, 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. **151 Moffatt Street, Consent, B-04/19SC – 60.84.2232**
151 Moffatt Street, Consent, B-05/19SC – 60.81.2233
151 Moffatt Street, Minor Variance, A-13/19 – 60.81.5447
153A Moffatt Street, Minor Variance, A-14/19 – 60.81.5448
153B Moffatt Street, Minor variance, A-15/19 – 60.81.5449

Several smaller scrub trees are located where the access is proposed. The applicant should be aware that they will be responsible for the removal costs of these trees.

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.

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. **61 Queenston Street Minor Variance, A-30/19 – 60.81.5445**
No comment
3. **206 Niagara Street, Minor Variance, A-31/19 – 60.81.5446**
No comment.

4. 30½ Division Street, Consent, B-10/19SC – 60.84.2238

Please be advised that we have reviewed the above-noted application 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 2018 Schedule of Rates and Fees;

That any boulevard not used for vehicular access to the site be re-instated with landscaping, to the satisfaction of PRCS;

5. 59 Wellington Street, Consent, B-11/19SC – 60.84.2239

59 Wellington Street, Minor Variance, A-32/19 – 60.81.5466

No comment.

6. 64 Carlton Street, Minor Variance, A-33/19 – 60.81.5467

No comment.

7. 16 Keele Street, Minor Variance, A-34/19 – 60.81.5468

No comment.

8. 135 Bunting Road, Minor Variance, A-35/19 – 60.81.5469

No comment.

9. 86 Bayview Drive, Minor Variance, A-36/19 – 60.81.5470

No comment.

10. 51 Christie Street, Consent, B-12/19SC – 60.84.2240

No comment.

11. 192 Rykert Street, Minor Variance, A-37/19 – 60.81.5471

No comment.

12. 24 Whitworth Street, Minor Variance, A-39/19 – 60.81.5473

No comment.

13. 74 Wiley Street, Minor Variance, A-40/19 – 60.81.5474

A large boulevard tree is located adjacent to the proposed driveway. Given the 30" DBH and according to our tree protection standards a setback of 4.8 Meters is required to maintain the health of the tree. PRCS staff do not object to the requested variances but requires that all site alterations be located 4.8m from the trunk of the tree.

14. 63-65 Newport Street, Minor Variance, A-41/19 – 60.81.5475

No comment.

15.1176 Lakeshore Road West, Minor Variance, A-42/19 – 60.81.5476

No comment.

● **16.2 Ellis Avenue, Minor Variance, A-43/19 – 60.81.5477**

No comment.

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



Memorandum

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

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

From: James Denham P.Eng.
Development Engineering Technologist

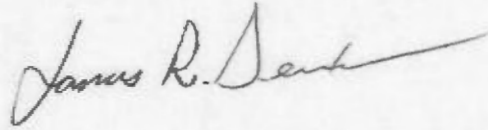
Date: March 6th, 2019
Hearing Date: March 28th, 2019

Subject: Development Engineering - Minor Variance Applications
151,153A &153B Moffatt, A -13-15/19SC
61 Queenston Street, A -30/19SC
206 Niagara Street, A -31/19SC
59 Wellington Street, A -32/19SC
64 Carlton Street, A -33/19SC
16 Keele Street, A-34/19SC
135 Bunting Road, A-35/19SC
86 Bayview Drive, A-36/19SC
192 Rykert Street, A-37/19SC
24 Whitworth Street, A-39/19SC
74 Wiley Street, A-40/19SC
63-65 Newport Street, A-41/19SC
1176 Lakeshore Road W, A-42/19SC
● 2 Ellis Avenue, A-43/19SC

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 application with the following notations;

- Regarding A-36/19SC (86 Bayview), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.
- Regarding A-41/19SC (63-65 Newport Street), the City will require the decommissioning of one of the two existing water services at the demolition stage. If the other water service requires an upgrade, then that existing water service may also require decommissioning.

- Regarding A-42/19SC (1176 Lakeshore Road), the City will require a grading and drainage plan prepared by a qualified professional (OLS or Professional Engineer) be submitted at the Building Permit stage.



Prepared by: James Denham P.Eng.
Development Engineering Technologist

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: March 12, 2019

Subject: Committee of Adjustment
Public Hearings – March 28, 2019
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/