
Agenda

1. Secretary-Treasurer to call the Hearing to Order
2. Election of Committee Chair and Vice Chair
3. Appointment of Committee Secretary-Treasurer and Assistant Secretary-Treasurer
4. Amendments/Additions to the Agenda
5. Declarations of Interest
6. Request for Withdrawal or Adjournment
102 Broadway, Consent, B-07/19SC – 60.84.2235, 102 Broadway, Minor Variance, A-19/19 – 60.81.5453, 2 Lakeside Drive, Minor Variance, A-20/19 – 60.81.5454

A request has been received from the Owner to extend the deferral for 6 months of the consent and minor variance applications that were approved at the February 27, 2019 Hearing until May 2019 in order to review the proposal with the City Planner and make revisions to the applications to return to the Committee in the near future.

7. Adoption of the Minutes of Hearing held on April 25, 2019 and the Training Meeting minutes held on May 13, 2019.
8. Applications:
 1. 12 Heritage Court, Minor Variance, A-61/19 – 60.81.5495
 2. 24 Corbett Avenue, Consent, B-15/19SC – 60.84.2243
26 Corbett Avenue, Minor Variance, A-62/19 – 60.81.5496
 - * 3. 48 South Drive, Consent, B-19/19SC – 60.84.2246
48 South Drive, Minor Variance, A-57/19 – 60.81.5491
50 South Drive, Minor Variance, A-58/19 – 60.81.5492
 4. 56 Louisa Street, Minor Variance, A-60/19 – 60.81.5494
 - * 5. 81 Bayview Drive, Consent, B-20/19SC – 60.84.2247
81 Bayview Drive, Minor Variance, A-63/19 – 60.81.5497
83 Bayview Drive, Minor Variance, A-67/19 – 60.81.5501
 6. 14 Queen Street, Consent, B-21/19SC – 60.84.2248
 7. 3 Vera Street, Minor Variance, A-64/19 – 60.81.5498
 8. 33 Hamilton Street, Minor Variance, A-65/19 – 60.81.5499
 - * 9. 25 Oakdale Avenue, Consent, B-22/19SC – 60.84.2249
25 Oakdale Avenue, Consent, B-23/19SC – 60.84.2250
25B Oakdale Avenue, Minor Variance, A-66/19 – 60.81.5500
25A Oakdale Avenue, Minor Variance, A-68/19 – 60.81.5502
25C Oakdale Avenue, Minor Variance, A-69/19 – 60.81.5503

NOTE: Planning Reports with * are not currently available. Anticipate that they will be available on Friday, May 24/19.

7. New Business:
8. Date of next Hearing: Wednesday, June 26, 2019
9. Adjournment

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

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

COMMENTS

A-61/19 (60.81.5495)

12 Heritage Court

DATE OF HEARING:
May 29, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 22, 2019

Date of Meeting: May 29, 2019

Report Number: A-61/19

File: 60.81.5495

Subject: 12 Heritage Court

Recommendation

That Submission **A-61/19**, by Claudia Pascale, 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 Application **A-61/19** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate and desirable for the use of the land. Staff recommend denial of the variances.

The Proposal

Application **A-61/19** is made pertaining to the City of St. Catharines Zoning By-law 2013-283 for the following variances for the proposed construction of 3 platform structures (decks) and an above ground pool:

1. An increase of the total accessory structure coverage (pool and raised deck) from 10% to 13.76%.
2. A reduction of the minimum interior side yard setback to platform structure from 1.2 metres to 0 metres for a platform structure below 0.6 metres in height (lower deck).
3. A reduction of the minimum interior side yard setback to platform structure from 1.2m to 0.9 metres for a platform structure above 1.2 metres in height (upper deck).

Location and Site Description

The subject property is located on the east side of Heritage Court, to the north of Huntington Lane and south of Erion Road. The surrounding area consists of primarily semi-detached dwellings and a commercial strip mall adjacent to the rear of the property.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

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

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits detached, semi-detached, quadruplex, townhouse dwellings and private road development.

Report

Zoning By-law 2013-283 states that accessory buildings and structures shall not exceed 10% of the total lot area, excluding in-ground swimming pools. This is to ensure that garages and other associated 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 an above ground swimming pool and related above grade decks, and an existing shed – to 13.76% coverage of the total lot area.

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. 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.

The subject property contains one half of a semi detached dwelling. The application proposes to construct new accessory structures that trigger the need for an increase in accessory structure lot coverage. This is not an existing condition nor a case of hardship. Staff are not prepared to support the increase since there are viable options to meet the zoning standard, including constructing a smaller pool or reducing the amount of decking.

Zoning By-law 2013-283 states that a platform structure (deck, porch, balcony, patio) must have the required interior side yard of the principal building. The Zoning By-law requires a minimum interior side yard setback of 1.2 metres. The intent of the minimum interior side yard setback of the Zoning By-law is to ensure that sufficient distance and a buffer is maintained between structures on adjacent properties, and that sufficient distance from property lines is maintained to support on-site drainage, maintenance minimize overlook, and o imposition of structures onto abutting properties and into rear yards. The applicant is requesting a reduction of the interior side yard setback from 1.2

metres to 0.9 metres for the upper deck, and a reduction from 1.2 metres to 0 metres for the lower deck. Staff are of the opinion that the requested reductions are not minor in nature. The proximity of the upper deck – which is greater than 1.2 metres (3.94 feet) in height above grade – to the lot line is considered too close and would result in significant overlook and loss of privacy to the abutting lot. Staff believe that the requested setback reduction combined with the height of the proposed upper deck is incompatible with the surrounding neighbourhood and will negatively impact adjacent properties.

Further, in the opinion of staff, the requested reduction to the minimum interior side yard setback requirement from 1.2 metres to 0 metres for the lower deck may have adverse impacts on the adjacent property to the south and may negatively impact appropriate on-site development. The primary intent of the interior side yard setback is to ensure that sufficient spatial distance and a buffer is maintained between structures on adjacent properties. A reduction to 0 metres is a considerable departure from the required 1.2 metres, as it will provide no space between the proposed deck and the neighbouring property. The construction of a deck at a 0 metre setback will increase potential overlook and imposition into the neighbouring property. A 0 metre setback may also lead to drainage concerns and an increased likelihood of water projecting onto neighbouring properties. In the opinion of staff, there is no evidence to suggest the deck needs to be as wide as is proposed. The applicant has the option to reduce the width of the deck to the required interior side yard width and still construct a usable and sufficient sized deck area within the rear yard in accordance with zoning permissions.

Staff are of the opinion that the requested reductions are not minor in nature, are not appropriate and desirable for the use of the land, and do not uphold the general intent of the Zoning By-law and Official Plan. Staff recommends denial of the requested variances.

Staff also note that as per the plans provided, it is indicated that the applicant intends on building a privacy wall (a fence) above the existing 6-foot fence between 10 and 12 Heritage Court. The applicant should be aware that as per City of St. Catharines By-law 2014-68, the Fence By-law, no person shall erect a fence in any yard on a residential property that is greater than 2 metres (6.56 feet) in height from grade. The proposed privacy wall/fence, together with the existing fence, appears to be 2.32 metres in height above grade, exceeding the 2 metre height limit of the Fence By-law. The applicant will not be permitted to exceed the fence limits measured from grade, and not measured from the top of the raised deck.

Conclusion

Staff is of the opinion that Application **A-61/19** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate and desirable for the use of the land. Staff recommend denial of the application.

Staff recommend the applicant re-work the design to meet the zoning standards and to be in compliance with the Fence By-law.

Prepared by:



Mallory Smith
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 1

24 Corbett
56 Louisa
12 Heritage

From: Doug Crown [mailto:doug.crown@cogeco.com]
Sent: Friday, May 03, 2019 8:11 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 1

Hi Elaine
Email-1
Cogeco has no issues or concerns with this applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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



Memorandum

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

Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –May 29, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-57/19	48 South Drive	-No Comment
A-58/19	50 South Drive	-No Comment
A-60/19	56 Louisa Street	-Be advised that a building permit is required for the proposed addition. - Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-61/19	12 Heritage Court	-No Comment
A-62/19	26 Corbett Avenue	-Be advised that a building permit is required for the proposed single detached dwelling. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-63/19	81 Bayview Drive	-No Comment
A-64/19	3 Vera Street	- Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/19	33 Hamilton Street	-Be advised that a building permit is required for the proposed detached garage.
A-66/19	25B Oakdale Avenue	-No Comment
A-67/19	83 Bayview Drive	-No Comment
A-68/19	25A Oakdale Avenue	-No Comment
A-69/19	25C Oakdale Avenue	-No Comment

Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\09 bcoa memo-mv-May29, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: April 10, 2019
Subject: Committee of Adjustment Hearing – April 25, 2019

- 1. 24 Corbett Avenue, Consent, B-15/19SC – 60.84.2243**
26 Corbett Avenue, Minor Variance, A-62/19 – 60.81.5496

PRCS has reviewed the above-noted consent 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 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. 48 South Drive, Consent, B-19/19SC – 60.84.2246**
48 South Drive, Minor Variance, A-57/19 – 60.81.5491
50 South Drive, Minor Variance, A-58/19 – 60.81.5492

No comment.

- 3. 56 Louisa Street, Minor Variance, A-60/19 – 60.81.5494**

No comment.

- 4. 12 Heritage Court, Minor Variance, A-61/19 – 60.81.5495**

No comment.

- 5. **81 Bayview Drive, Consent, B-20/19SC – 60.84.2247**
81 Bayview Drive, Minor Variance, A-63/19 – 60.81.5497
83 Bayview Drive, Minor Variance, A-67/19 – 60.81.5501

No comment.

- 6. **14 Queen Street, Consent, B-21/19SC – 60.84.2248**
No comment.

- 7. **3 Vera Street, Minor Variance, A-64/19 – 60.81.5498**

No comment.

- 8. **33 Hamilton Street, Minor Variance, A-65/19 – 60.81.5499**
No comment.

- 9. **25 Oakdale Avenue, Consent, B-22/19SC – 60.84.2249**
25 Oakdale Avenue, Consent, B-23/19SC – 60.84.2250
25B Oakdale Avenue, Minor Variance, A-66/19 – 60.81.5500
25A Oakdale Avenue, Minor Variance, A-68/19 – 60.81.5502
25C Oakdale Avenue, Minor Variance, A-69/19 – 60.81.5503

PRCS is not supportive of reductions of greenspace and landscaping. In this case, the provisions of a single or narrower driveways provides the opportunity to meet the landscaping provisions and the intent of this section of the by-law.

PRCS has reviewed the above-noted consent 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.

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
Mallory Smith, Planning Co-op Student

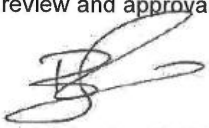
From: Brad Johnston, C.E.T., Development Engineering Technologist

Date: May 10, 2019
Hearing Date: May 29, 2019

Subject: **Development Engineering - Minor Variance Applications**
26 Corbett Avenue, A-62/19SC
48&50 South Drive, A-57&58/19SC
56 Louisa Street, A-60/19SC
12 Heritage Court, A-61/19SC
81&83 Bayview Drive, A-63&67/19SC
3 Vera Street, A-64/19SC
33 Hamilton Street, A-65/19SC
25B Oakdale Avenue, A-66/19SC

Development Engineering have reviewed the above noted applications for Minor Variance requests. Unless otherwise noted below we have no concerns or comments.

- Regarding 56 Louisa Street, no grade changes will be permitted within the existing side yard setback, and all downspouts shall discharge in accordance with the applicable By-law;
- Regarding 3 Vera Street, the Applicant/Owner will be responsible to pay for City crews to restore the existing driveway boulevard with 100mm topsoil and sod, the fee in accordance with the City's current Schedule of Rates & Fees;
- Regarding 33 Hamilton Street, the Applicant/Owner will be required to submit a grading and drainage plan prepared by an Ontario Land Surveyor or Professional Engineer for review and approval with the Building Permit application;


Prepared by: Brad Johnston, C.E.T.
Development Engineering Technologist

c. Brian Thiessen, PBS
James Denham, PBS

To: Elaine Munro
Committee Secretary & Planning Technician

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 7, 2019

Subject: Committee of Adjustment
Public Hearings – May 29, 2019

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

**B-15/19SC (60.84.2243) &
A-62/19 (60.81.5496)**

24 Corbett Avenue

**DATE OF HEARING:
May 29, 2019**

Munro, Elaine

Subject:

RE: File: 60.84.2243

From: Hank Beekhuis [mailto:]

Sent: Friday, May 10, 2019 10:46 AM

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

Subject: Re: File: 60.84.2243

We acknowledge receipt of the notice for a public hearing for 24-26 Corbett. We live within 60 meters of the site. We have reviewed the documentation and believe that it is an appropriate infilling project. The variances requested are relatively minor in our view and should be approved. Although we do not look forward to the construction phase given that we have just experienced 6 months worth on the adjacent property, we understand it is necessary. We hope that the city properly repairs the road once it is complete. We wish the McNiel's well in their project!

--

Hank Beekhuis
31 Corbett Ave.

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CITY OF
ST. CATHARINES

Technical Report REVISED

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2019

Date of Meeting: May 29, 2019

Report Number: B-15/19SC
A-62/19

File: 60.84.2243
60.81.5496

Subject: 24 Corbett Avenue

Recommendation

That Submission **B-15/19SC**, by Kim McNeil, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the owner enters into a Development Agreement with the City of St. Catharines, registered on title to the lands (Part 2), to address the following conditions:
 - a. That Building Permit plans & elevation plans for 24 Corbett Avenue be generally in accordance with the plans submitted to the Design Review Panel at the January 29th, 2019 meeting (since revised and dated April 9, 2019, by Matthews, Cameron, Heywood – Kerry T. Howe 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:
 - i. The use of heavier/more prominent frieze board;
 - ii. That the front porch be enhanced with wider columns and a higher ceiling; and,
 - iii. That larger first floor windows at the front be provided, with one larger window onto the porch;
2. The Owner pay the cash-in-lieu fee for future sidewalks along the frontage length of Corbett Avenue, the cost to be determined based on the current construction price index and average City tender document pricing, at the time of payment for a total of 30.48 metres;
3. Arrange to have an individual lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor. The plan shall be submitted for review, and approved by City staff, prior to the finalization of the Consent;

4. Pay the fee for City crews to locate, trace, inspect and document the location of the existing sewer and water laterals on both private property and on the Corbett Avenue right-of-way;
5. Complete, if deemed necessary, any relocation of the sanitary lateral and/or water service on private property if the existing services cross existing or future side lot lines;
6. Pay the City to relocate any portion of the existing water service and/or sanitary sewer lateral on City property that may be required to eliminate services crossing existing or future side lot lines;
7. That the applicant submits a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees;
8. 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;
9. The existing shed on Part 1 is to be removed; and,
10. The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction meets the requirements for subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code for the northwest face of the existing detached building on Part 1.

That Submission **A-62/19** by Kim McNeil, as outlined in the Notice of Hearing, be approved for Variance 2, and that Variance 1 be denied.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-15/19SC** is 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 variance 2 requested through Application **A-62/19** 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, whereas Variance 2 is not minor in nature, not desirable for the use of the land, and does not uphold the intent and purpose of the OP or Zoning By-law. Staff recommends that the requested consent and variance 2 be approved, and that Variance 1 be denied.

The Proposal

Application **B-15/19SC** is made for consent to a partial discharge of mortgage and to sever 330.9 m² of land (Part 2 on the submitted sketch) for the proposed construction of

a single detached dwelling to be known as 26 Corbett Avenue. A 331 m² remnant parcel (Part 1) with the existing single detached dwelling with detached garage would be retained for continued residential use.

The applicant for application **A-62/19** has applied to vary Zoning By-law 2013-283 for the following variances to facilitate the concurrent consent application **B-15/19SC** for the proposed construction of a single detached dwelling:

1. A reduction of the minimum required rear yard setback from 6 metres to 5.65 metres.
2. A reduction of the minimum front yard setback to the platform structure (front porch) from 3 metres to 2.65 metres.

Location and Site Description

The subject property is located on the south side of Corbett Avenue, to the west of Bayview Drive. The surrounding area consists of primarily detached dwellings.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

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

~~The subject property is also located within the Port Dalhousie Heritage District as per Schedule B of the GCP.~~

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 and private road development.

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 330.9 m² of land (Part 2 on the submitted sketch) for the proposed construction of a single detached dwelling to be known as 26 Corbett Avenue. A 331 m² remnant parcel (Part 1) with the existing single detached dwelling with detached garage would be retained for continued residential use.

The Zoning By-law (2013-283) requires a minimum lot size for detached dwellings of 300 m². Both the severed and remnant parcels of land provide sufficient sized lot areas to facilitate a new dwelling and retain the existing dwelling. The current parcel of land is above the maximum lot area for a detached dwelling, with a current lot size 661.9 m² whereas a maximum of 465 m² is permitted by the zoning by-law. The proposal is an example of good infill development in an established residential area. Staff is of the opinion that the proposed lots will not negatively impact the established character of the neighbourhood. The proposal requires minor variances on Part 2, as the minimum rear yard setback does not meet the required 6 metres, or the required front yard setback of 3 metres.

Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design. Staff recommend approval of the requested consent.

The severance and proposed development for 24 Corbett Avenue maintain the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area or the character of the neighbourhood. Staff recommend approval of the consent.

Design Review Panel (DRP)

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

The proposed consent was submitted to the DRP for review at the meeting of January 29, 2019. The Panel reviewed a proposal to sever 24 Corbett Avenue to create a new lot for the purpose of constructing a new detached dwelling on the subject lands, within the Port Dalhousie Heritage District. The existing dwelling is intended to be retained on the remnant parcel.

The owner explained that the design was inspired by some images of similarly designed homes in the vicinity, and chosen to fit in with the surrounding neighbourhood. The DRP had no concerns with the proposed severance but had some concerns with the proposed design. To ensure a more cohesive design that suits the style of the proposed dwelling,

the DRP suggested the following: a heavier/more prominent frieze board, wider columns on the front porch, a higher ceiling on the front porch, larger first floor windows at the front, with ideally one larger window onto the porch.

The members were concerned based on the owners' description of their design that the proposed drawing was not an accurate representation of the building that was ultimately planned. The DRP requested that a redesign and resubmission of the design be considered, and requested that the ultimate proposal return to the DRP for review if/when changes are proposed. However, the applicant has chosen to proceed with the consent to sever at this time based on the information received at the DRP hearing of January 29, 2019.

It was moved by the Design Review Panel that the DRP provide detailed feedback via the minutes for the applicant to update their design.

The City's Development Engineering Services department have noted Corbett Avenue is designated as a Local Road in the Garden City Plan (the City's Official Plan) with a desired right-of-way width of 20m. Its current width across the frontage of the subject property is 20.12m. Therefore, no road widening is required at this time.

Sidewalks do not exist along the frontage of the subject property. However, as per the Garden City Plan, Council wishes to achieve Complete Streets and "Walkable" Communities. In addition to accommodating vehicles, the roadways shall provide a "safe, functional and attractive pedestrian and cycling environment". Section 5.2.1 indicates sidewalks should be provided on both sides of all streets. Section 5.3 indicates "All existing roads will be brought up to meet current general standards now required for roads". However, it is recognized that due to the expense this may not be achieved for many years.

As a condition of consent and, since existing links to other sections of sidewalk do not yet exist, the City requires the Owner to make a cash contribution for the construction of a future sidewalk rather than construct the sidewalk at this time. The cash contribution will be based on the current construction average City tender pricing, at the time of payment. The current rate is \$194.45 per square meter. The required total amount shall be based on a 1.5-metre-wide sidewalk along the total frontage length of 30.48 m. Therefore, the total estimated cost of the Owner's share (if paid now) is \$8,890.25.

The Owner shall also pay the City to provide a new driveway culvert for the entrance onto Corbett Avenue. The Owner shall also pay to have the City remove the existing culvert and reinstate the ditch in the boulevard. These fees will be paid at the Building Permit stage.

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. An individual lot grading and drainage plan must be prepared by a qualified Engineer or Ontario Land Surveyor. The plan shall be submitted for review, and approved

by City staff, prior to the finalization of the Consent. City staff will review the proposed grading plan to ensure that the drainage scheme of the modified existing, and proposed future, lots convey drainage to a suitable outlet, while at the same time not adversely affecting abutting properties.

Sump pump flows are typically discharged to grade, when no opportunities exist to connect to a piped storm sewer. Since a storm sewer does not exist on Corbett Avenue, the sump pump will be permitted to discharge to grade provided the discharge is directed towards the front lot line. The location and direction of discharge shall be shown on the lot grading and drainage plan. Roof Water Leaders (downspouts) shall also be direct to, and be discharged at, the front of the proposed dwelling. These too must be shown on the approved grading plan.

The Owner shall pay to have City forces confirm that both the location and condition of the existing water service and sewer lateral to the existing dwelling are suitable for reuse and do not cross any abutting and/or future lot lines. The Owner shall also pay the City the fee to install any new water service and/or sewer lateral, from the City owned main line sewer and water main to the front property line, in order for each property to be serviced individually.

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 the existing 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 allow conflicts to exist.

The City's Building Department notes that a building permit is required for the proposed single detached dwelling on Part 2.

Variances

Applications A-62/19 (Part 2)

Zoning By-law 2013-283 requires a minimum rear yard setback for a detached dwelling of 6 metres. The applicant is requesting a reduction from 6 metres to 5.65 metres. The intent of the rear yard setback is to ensure sufficient rear yard amenity space can be provided on a site, and ensure the building mass is proportional to the lot. With the increasing frequency and impact of storm events, yard space is increasingly important in ensuring effective storm water management. Staff are of the opinion that there is no hardship that has been presented as to why the required minimum rear yard setback cannot be met. Staff note the required 6.0 metre rear yard setback more closely aligns with existing rear yards on abutting lots. Staff recommend that the proposed building envelope on Part 2 be reduced to meet the 6.0 metre required rear yard. Staff recommend the reduction to the rear yard setback be denied.

Zoning By-law 2013-283 requires a minimum front yard setback for a platform structure with a height above grade from 0.15 m to 0.6 m, of 3 metres from the front lot line. The applicant is requesting a reduction from 3 metres to 2.65 metres for the proposed platform structure (covered porch) that is 0.41 m above grade. The front yard setback is meant to ensure there is adequate amenity space between any structure on the lot and the front lot line, and ensure that platform structures do not overwhelm the front streetscape of a property. The applicant is providing a greater than required front yard setback for the dwelling (while a minimum 3 metres is required, 4.48 metres is proposed) and as a result there is more than sufficient front yard amenity space provided despite the reduced front yard setback for the covered porch. The proposed setback for the front yard to the dwelling achieves a measure of consistency with the neighbouring dwellings in terms of front yard setbacks, and many dwellings in the vicinity also have front yard covered porches. The reduced setback to the covered porch will not negatively impact the subject lot, streetscape or the character of the neighbouring area.

The applicant has demonstrated that a detached dwelling can fit suitably on both the new and remnant lots, while abiding by almost all required zoning provisions. The reduction to the front yard will not significantly detract from the available amenity space of the property. From a streetscape perspective, a front yard setback reduction of 0.45 metres is not visually discernable and will not have adverse impacts on the subject or remnant parcel, or neighbouring properties. Staff recommend approval of the variance.

The building department has directed that the applicant should be advised that 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 Applications **B-15/19SC** 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.

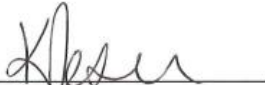
Staff is of the opinion that Variance 2 of Application **A-62/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. Staff are of the opinion that Variance 1 however does not meet the requirements of the four tests. It is staff's recommendation that the requested variance 2 be approved, and that Variance 1 be denied.

Prepared by:



Mallory Smith
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 1

24 Corbett
56 Louisa
12 Heritage

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

Sent: Friday, May 03, 2019 8:11 AM

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 1

Hi Elaine

Email-1

Cogeco has no issues or concerns with this applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

May 16, 2019

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

Attention: Elaine Munro

File# 60.84.2243 & 60.81.5496

Re: 24 and 26 Corbett Ave

In response to your correspondence dated May 7, 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.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.

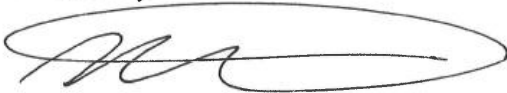
We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.

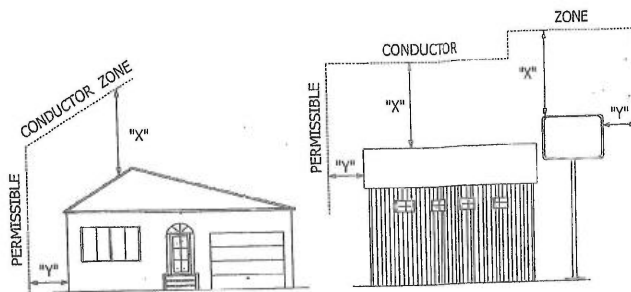
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

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

Sincerely,

A handwritten signature in dark ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right, enclosed within a large, thin oval outline.

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:

- 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.
- THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
- 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)
- 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).
- 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 <i>Looking beyond...</i>	DRAWING STATUS	BY	DATE DD/MM/YY	MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS (EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)	REFERENCE DRAWINGS:	DRAWINGS NOT TO SCALE	
	REDRAWN:	JM	12/06/07		DRAWING #	SHEET #	REVISION #
	CHECKED:	ND	26/04/05		3-105	1	0
	APPROVED:	CR	26/04/05				

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 1 - 905-19-198

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]
Sent: Wednesday, May 08, 2019 8:12 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 1 - 905-19-198

Good morning Elaine,

Re File:

- ☐ B-15/19SC
- ☐ 24 Corbett Ave
- ☐ Pt Lot 1 BF Concession, NP7, Lot 593

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

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

Thank you

Carrie Gordon



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



Memorandum

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

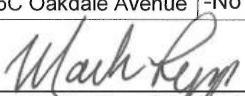
Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –May 29, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-57/19	48 South Drive	-No Comment
A-58/19	50 South Drive	-No Comment
A-60/19	56 Louisa Street	-Be advised that a building permit is required for the proposed addition. - Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-61/19	12 Heritage Court	-No Comment
A-62/19	26 Corbett Avenue	-Be advised that a building permit is required for the proposed single detached dwelling. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-63/19	81 Bayview Drive	-No Comment
A-64/19	3 Vera Street	- Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/19	33 Hamilton Street	-Be advised that a building permit is required for the proposed detached garage.
A-66/19	25B Oakdale Avenue	-No Comment
A-67/19	83 Bayview Drive	-No Comment
A-68/19	25A Oakdale Avenue	-No Comment
A-69/19	25C Oakdale Avenue	-No Comment


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\09 bcoa memo-mv-May29, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: April 10, 2019
Subject: Committee of Adjustment Hearing – April 25, 2019

- 1. 24 Corbett Avenue, Consent, B-15/19SC – 60.84.2243**
26 Corbett Avenue, Minor Variance, A-62/19 – 60.81.5496

PRCS has reviewed the above-noted consent 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 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. 48 South Drive, Consent, B-19/19SC – 60.84.2246**
48 South Drive, Minor Variance, A-57/19 – 60.81.5491
50 South Drive, Minor Variance, A-58/19 – 60.81.5492

No comment.

- 3. 56 Louisa Street, Minor Variance, A-60/19 – 60.81.5494**

No comment.

- 4. 12 Heritage Court, Minor Variance, A-61/19 – 60.81.5495**

No comment.

- 5. **81 Bayview Drive, Consent, B-20/19SC – 60.84.2247**
81 Bayview Drive, Minor Variance, A-63/19 – 60.81.5497
83 Bayview Drive, Minor Variance, A-67/19 – 60.81.5501

No comment.

- 6. **14 Queen Street, Consent, B-21/19SC – 60.84.2248**
No comment.

- 7. **3 Vera Street, Minor Variance, A-64/19 – 60.81.5498**

No comment.

- 8. **33 Hamilton Street, Minor Variance, A-65/19 – 60.81.5499**
No comment.

- 9. **25 Oakdale Avenue, Consent, B-22/19SC – 60.84.2249**
25 Oakdale Avenue, Consent, B-23/19SC – 60.84.2250
25B Oakdale Avenue, Minor Variance, A-66/19 – 60.81.5500
25A Oakdale Avenue, Minor Variance, A-68/19 – 60.81.5502
25C Oakdale Avenue, Minor Variance, A-69/19 – 60.81.5503

PRCS is not supportive of reductions of greenspace and landscaping. In this case, the provisions of a single or narrower driveways provides the opportunity to meet the landscaping provisions and the intent of this section of the by-law.

PRCS has reviewed the above-noted consent 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.

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
Mallory Smith, Planning Co-op Student

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

Date: May 10, 2019
Hearing Date: May 29, 2019

Subject: **Development Engineering - Minor Variance Applications**
26 Corbett Avenue, A-62/19SC
48&50 South Drive, A-57&58/19SC
56 Louisa Street, A-60/19SC
12 Heritage Court, A-61/19SC
81&83 Bayview Drive, A-63&67/19SC
3 Vera Street, A-64/19SC
33 Hamilton Street, A-65/19SC
25B Oakdale Avenue, A-66/19SC

Development Engineering have reviewed the above noted applications for Minor Variance requests. Unless otherwise noted below we have no concerns or comments.

- Regarding 56 Louisa Street, no grade changes will be permitted within the existing side yard setback, and all downspouts shall discharge in accordance with the applicable By-law;
- Regarding 3 Vera Street, the Applicant/Owner will be responsible to pay for City crews to restore the existing driveway boulevard with 100mm topsoil and sod, the fee in accordance with the City's current Schedule of Rates & Fees;
- Regarding 33 Hamilton Street, the Applicant/Owner will be required to submit a grading and drainage plan prepared by an Ontario Land Surveyor or Professional Engineer for review and approval with the Building Permit application;

Prepared by: 
Brad Johnston, C.E.T.
Development Engineering Technologist

c. Brian Thiessen, PBS
James Denham, PBS



Memorandum

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

Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – May 29, 2019 hearing - File No.: 300-036

B-15/19SC – 24 Corbett Avenue

Comment:

- Be advised that a building permit is required for the proposed single detached dwelling on Part 2.

Condition:

- The existing shed on Part 1 is to be removed.
- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction meets the requirements for subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code for the northwest face of the existing detached building on Part 1.

B-19/19SC – 48 South Drive

Comment:

- No Comment

Condition:

- No Comment

B-20/19SC – 81 Bayview Drive

Comment:

- No Comment

Condition:

- No Comment

B21/19SC – 14 Queen Street

Comment:

- No Comment

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the required Firewall between the two buildings meets the requirements of subsection 3.1.10. of the 2012 Ontario Building Code.
A building permit to alter the existing building shall be submitted to the Building Section for review and approval which illustrates how the requirements are to be met and any work shall be completed and inspected.

B-22/19SC – 25 Oakdale Avenue

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse.

Condition:

- The existing single detached dwelling 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-23/19SC – 25 Oakdale Avenue

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse.

Condition:

- The existing single detached dwelling 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.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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To: Elaine Munro
Committee Secretary & Planning Technician

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 7, 2019

Subject: Committee of Adjustment
Public Hearings – May 29, 2019

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

**B-19/19SC (60.84.2246), A-57/19
(60.81.5491) & A-58/19 (60.81.5492)**

48 South Drive

**DATE OF HEARING:
May 29, 2019**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2019

Date of Meeting: May 29, 2019

Report Number: B-19/19SC
A-57/19
A-58/19

File: 60.84.2246
60.81.5491
60.81.5492

Subject: 48 South Drive

Recommendation

That Submission **B-19/19SC**, by John Suk, 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 location of the existing sewer and water laterals for both dwellings at 48 & 50 South Drive; and,
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;

That Submissions **A-57/19** and **A-58/19**, by John Suk, as outlined in the Notices of Hearing, be approved.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-19/19SC** is 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-57/19** and **A-58/19** are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommends that the requested consent and variances be approved.

The Proposal

Application **B-19/19SC** is made for consent to sever 35 m² of land (Part 1 on the submitted sketch), which will be added to the abutting southerly parcel of land known as 50 South

Drive (Part 3). A 480 m² remnant parcel (Part 2) with the existing two-storey single detached dwelling would be retained for continued residential use. There are concurrent minor variance applications **A-57/19** and **A-58/19**.

Application **A-57/19** (Part 2) is made pertaining to City of St. Catharines Zoning By-law 2013-283, for a variance to facilitate concurrent consent application **B-19/19SC** for an increase of the maximum lot area per dwelling unit for a single detached dwelling from 465 m² to 480 m².

Application **A-58/19** (Parts 1&3) is made pertaining to City of St. Catharines Zoning By-law 2013-283, for a variance to facilitate concurrent consent application **B-19/19SC** for an increase of the maximum lot area per dwelling unit for a single detached dwelling from 465 m² to 567 m².

Location and Site Description

The subject property is located on the west side of South Drive, to the south of Westchester Crescent and to the north of Wychwood Road. The surrounding area consists of primarily detached dwellings.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E8 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 and private road development.

Report

Consent

Part F, Section 16.11.3(c) of the GCP states that consents to sever, including lot boundary adjustments, as is the case in this application, will only be permitted where 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 adjust the boundary between 48 South Drive and 50 South Drive by adding lands from the rear of 48 South Drive to 50 South Drive. The proposed boundary adjustment would transfer 35 m² of land from one parcel to the other. Both lots will require a minor variance to increase maximum lot size from 465 m². The lot boundary change is minimal and has no land use impacts. The proposed boundary change will have no impact on the established character of the neighbourhood.

The severance for 48 and 50 South Drive maintains the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area and the character of the neighbourhood. Staff recommend approval of the consent and associated minor variances.

The City's Development and Engineering Department reviewed the application and noted that South Drive is designated as a Local Road in the Garden City Plan (The City's Official Plan) with a desired right-of-way width of 20m. Its current width across the frontage of the subject property is 20.0m+, therefore no road widening is required at this time. Sidewalks currently exist along the frontage of the subject property at this time. Therefore, no further sidewalk contributions shall be requested with this application.

In older neighbourhoods in the City, service laterals do not always extend from the street front to the dwelling. Given the age and history of the Glenridge area, 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 lines, and to provide the City the updated records of those service locations. 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 do exist, the fees for City crews 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)

In this instance, the lots at 48 and 50 South Drive 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.

Variances

Applications A-57/19 (Part 2) and A-58/19 (Part 3)

Zoning By-law 2013-283 requires a maximum lot area for a detached dwelling of 465 m². 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. Applications **A-57/19 (Part 2)** requests an increase of the maximum lot area per dwelling unit from 465 m² to 480 m² and Application **A-50/19 (Part 3)** requests an increase from 465 m² to 567 m². From a streetscape perspective, a boundary adjustment to transfer 35 m² respectively, is not visually discernable and will

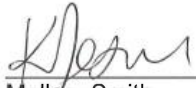
not have adverse impacts on the subject or remnant parcel, or neighbouring properties. Staff is of the opinion that approval of the variances will have no measurable impacts to the streetscape or surrounding area. Staff recommend the requested variances for Applications **A-57/19** and **A-58/19** be approved.

Conclusion

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

Staff is of the opinion that Applications **A-57/19** and **A-58/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved.

Prepared by:


Mallory Smith
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: Cogeco Comments RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 2

48 South Drive

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

Sent: Friday, May 03, 2019 8:13 AM

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 2

Hi Elaine

Email-2

Cogeco has no issues or concerns with this applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 2

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

Sent: Tuesday, May 14, 2019 9:07 AM

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

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 2

Good morning Elaine,

Re File:

- ☐ B-19/19SC
- ☐ 48 South Drive
- ☐ Lot 2494 Corp Plan No 2

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

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

Thank you

Carrie Gordon



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



Memorandum

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

Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – May 29, 2019 hearing - File No.: 300-036

B-15/19SC – 24 Corbett Avenue

Comment:

- Be advised that a building permit is required for the proposed single detached dwelling on Part 2.

Condition:

- The existing shed on Part 1 is to be removed.
- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction meets the requirements for subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code for the northwest face of the existing detached building on Part 1.

B-19/19SC – 48 South Drive

Comment:

- No Comment

Condition:

- No Comment

B-20/19SC – 81 Bayview Drive

Comment:

- No Comment

Condition:

- No Comment

B21/19SC – 14 Queen Street

Comment:

- No Comment

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the required Firewall between the two buildings meets the requirements of subsection 3.1.10. of the 2012 Ontario Building Code.
A building permit to alter the existing building shall be submitted to the Building Section for review and approval which illustrates how the requirements are to be met and any work shall be completed and inspected.

B-22/19SC – 25 Oakdale Avenue

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse.

Condition:

- The existing single detached dwelling 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-23/19SC – 25 Oakdale Avenue

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse.

Condition:

- The existing single detached dwelling 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.



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

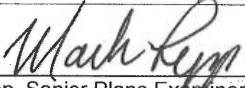
Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –May 29, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-57/19	48 South Drive	-No Comment
A-58/19	50 South Drive	-No Comment
A-60/19	56 Louisa Street	-Be advised that a building permit is required for the proposed addition. - Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-61/19	12 Heritage Court	-No Comment
A-62/19	26 Corbett Avenue	-Be advised that a building permit is required for the proposed single detached dwelling. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-63/19	81 Bayview Drive	-No Comment
A-64/19	3 Vera Street	- Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/19	33 Hamilton Street	-Be advised that a building permit is required for the proposed detached garage.
A-66/19	25B Oakdale Avenue	-No Comment
A-67/19	83 Bayview Drive	-No Comment
A-68/19	25A Oakdale Avenue	-No Comment
A-69/19	25C Oakdale Avenue	-No Comment


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\09 bcoa memo-mv-May29, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: April 10, 2019
Subject: Committee of Adjustment Hearing – April 25, 2019

**1. 24 Corbett Avenue, Consent, B-15/19SC – 60.84.2243
26 Corbett Avenue, Minor Variance, A-62/19 – 60.81.5496**

PRCS has reviewed the above-noted consent 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 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. 48 South Drive, Consent, B-19/19SC – 60.84.2246
48 South Drive, Minor Variance, A-57/19 – 60.81.5491
50 South Drive, Minor Variance, A-58/19 – 60.81.5492**

No comment.

3. 56 Louisa Street, Minor Variance, A-60/19 – 60.81.5494

No comment.

4. 12 Heritage Court, Minor Variance, A-61/19 – 60.81.5495

No comment.

- 5. **81 Bayview Drive, Consent, B-20/19SC – 60.84.2247**
81 Bayview Drive, Minor Variance, A-63/19 – 60.81.5497
83 Bayview Drive, Minor Variance, A-67/19 – 60.81.5501

No comment.

- 6. **14 Queen Street, Consent, B-21/19SC – 60.84.2248**
No comment.

- 7. **3 Vera Street, Minor Variance, A-64/19 – 60.81.5498**

No comment.

- 8. **33 Hamilton Street, Minor Variance, A-65/19 – 60.81.5499**
No comment.

- 9. **25 Oakdale Avenue, Consent, B-22/19SC – 60.84.2249**
25 Oakdale Avenue, Consent, B-23/19SC – 60.84.2250
25B Oakdale Avenue, Minor Variance, A-66/19 – 60.81.5500
25A Oakdale Avenue, Minor Variance, A-68/19 – 60.81.5502
25C Oakdale Avenue, Minor Variance, A-69/19 – 60.81.5503

PRCS is not supportive of reductions of greenspace and landscaping. In this case, the provisions of a single or narrower driveways provides the opportunity to meet the landscaping provisions and the intent of this section of the by-law.

PRCS has reviewed the above-noted consent 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.

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
Mallory Smith, Planning Co-op Student

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

Date: May 10, 2019
Hearing Date: May 29, 2019

Subject: **Development Engineering - Minor Variance Applications**
26 Corbett Avenue, A-62/19SC
48&50 South Drive, A-57&58/19SC
56 Louisa Street, A-60/19SC
12 Heritage Court, A-61/19SC
81&83 Bayview Drive, A-63&67/19SC
3 Vera Street, A-64/19SC
33 Hamilton Street, A-65/19SC
25B Oakdale Avenue, A-66/19SC

Development Engineering have reviewed the above noted applications for Minor Variance requests. Unless otherwise noted below we have no concerns or comments.

- Regarding 56 Louisa Street, no grade changes will be permitted within the existing side yard setback, and all downspouts shall discharge in accordance with the applicable By-law;
- Regarding 3 Vera Street, the Applicant/Owner will be responsible to pay for City crews to restore the existing driveway boulevard with 100mm topsoil and sod, the fee in accordance with the City's current Schedule of Rates & Fees;
- Regarding 33 Hamilton Street, the Applicant/Owner will be required to submit a grading and drainage plan prepared by an Ontario Land Surveyor or Professional Engineer for review and approval with the Building Permit application;


Prepared by: Brad Johnston, C.E.T.
Development Engineering Technologist

c. Brian Thiessen, PBS
James Denham, PBS

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



May 10, 2019

ENGINEERING FILE 300-36

Hearing Date: May 29th, 2019

Applicant: John Suk

Location: 48 South Drive

MUNICIPAL SERVICES **South Drive**

Water: 150mm P.V.C.

Sanitary Sewer: 600mm

Storm Sewer: None

Sidewalks: Yes

Curbs: Yes

Road Allowance Width: 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 which will be added to the abutting southerly parcel of land known as 50 South Drive (Part 3). A remnant parcel (Part 2) with the existing two-storey single detached dwelling would be retained for continued residential use.

Roads

South Drive is designated as a Local Road in the Garden City Plan (The City's Official Plan) with a desired right-of-way width of 20m. Its current width across the frontage of the subject property is 20.0m+, therefore no road widening is required at this time.

Sidewalks currently exist along the frontage of the subject property at this time. Therefore, no further sidewalk contributions shall be requested with this application.

Municipal Services

Given the age and history of the Glenridge area, 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 lines, and to provide the City the updated records of those service locations. 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 do exist, the fees for City crews 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 location of the existing sewer and water laterals for both dwellings at 48 & 50 South Drive;
- 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

c.

Brian Thiessen, PBS
James Denham, PBS

To: Elaine Munro
Committee Secretary & Planning Technician

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 7, 2019

Subject: Committee of Adjustment
Public Hearings – May 29, 2019

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

A-60/19 (60.81.5494)

56 Louisa Street

DATE OF HEARING:
May 29, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2019

Date of Meeting: May 29, 2019

Report Number: A-60/19

File: 60.81.5493

Subject: 56 Louisa Street

Recommendation

That Submission **A-60/19**, by William Todd, 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-60/19** is not minor in nature, is not desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained. Staff recommends that the requested variance be denied.

The Proposal

Application **A-60/19** 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 0.3 metres for the proposed construction of an addition.

Location and Site Description

The subject property is located on the south side of Louisa Street, to the west of Lake Street and east of York Street. The surrounding area consists of primarily detached homes.

Circulation of Application

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

Background

The property has had a previous minor variance, **A-74/02**, recognizing the existing dwelling as a duplex and approved reduction of parking from 2 spaces to 1.

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 E4 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 interior side yard setback of 1.2 metres. The intent of the minimum interior side yard setback of the Zoning By-law is to ensure that sufficient distance and a buffer is maintained between structures on adjacent properties, and that sufficient distance from property lines is maintained to support on-site drainage and access to rear yards. The applicant is requesting a reduction of the interior side yard setback from 1.2 metres to 0.3 metres. The variance to reduce the interior side yard setback to 0.3 metres is requested in order to add an addition to the rear of the dwelling that is built in line with the side wall of the existing dwelling, to facilitate an interior accessory dwelling unit at the rear of the property. Staff are of the opinion that the lot size allows for adequate room to build an addition and maintain the 1.2 metre setback requirement of the Zoning By-law.

There is a large rear yard area on the property that provides adequate space for an addition to be built in compliance with the zoning by-law. With increasing frequency and intensity of storm events, adequate yard space for surface drainage takes on increasing importance. Adequate side yards serve that function. Without sufficient justification for a reduced side yard, staff are of the opinion that the requested variance should not be approved. The proposed addition can still be constructed; however, the required side yard should be retained. The requested variance does not meet the four tests for approval of the variance.

The City's Building Department notes that a building permit is required for the proposed addition, and a reduction in the required side yard, should it be approved, will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.

The City's Development and Engineering Department reviewed the file and noted no grade changes will be permitted within the existing side yard setback, and all downspouts shall discharge in accordance with the applicable By-law.

Staff is of the opinion that the requested variance is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate and

not desirable for the use of the land. It is staff's recommendation that the requested variance be denied.

Conclusion

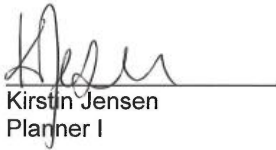
Staff is of the opinion that application **A-60/19** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate and not desirable for the use of the land. It is staff's recommendation that the requested variance be denied.

Prepared by:



Mallory Smith
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 1

24 Corbett
56 Louisa
12 Heritage

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

Sent: Friday, May 03, 2019 8:11 AM

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 1

Hi Elaine

Email-1

Cogeco has no issues or concerns with this applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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



Memorandum

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

Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –May 29, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-57/19	48 South Drive	-No Comment
A-58/19	50 South Drive	-No Comment
A-60/19	56 Louisa Street	-Be advised that a building permit is required for the proposed addition. - Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-61/19	12 Heritage Court	-No Comment
A-62/19	26 Corbett Avenue	-Be advised that a building permit is required for the proposed single detached dwelling. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-63/19	81 Bayview Drive	-No Comment
A-64/19	3 Vera Street	- Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/19	33 Hamilton Street	-Be advised that a building permit is required for the proposed detached garage.
A-66/19	25B Oakdale Avenue	-No Comment
A-67/19	83 Bayview Drive	-No Comment
A-68/19	25A Oakdale Avenue	-No Comment
A-69/19	25C Oakdale Avenue	-No Comment


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\09 bcoa memo-mv-May29, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: April 10, 2019
Subject: Committee of Adjustment Hearing – April 25, 2019

**1. 24 Corbett Avenue, Consent, B-15/19SC – 60.84.2243
26 Corbett Avenue, Minor Variance, A-62/19 – 60.81.5496**

PRCS has reviewed the above-noted consent application and request the following be included as a conditions of severance:

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48 South Drive, Minor Variance, A-57/19 – 60.81.5491
50 South Drive, Minor Variance, A-58/19 – 60.81.5492**

No comment.

3. 56 Louisa Street, Minor Variance, A-60/19 – 60.81.5494

No comment.

4. 12 Heritage Court, Minor Variance, A-61/19 – 60.81.5495

No comment.

5. **81 Bayview Drive, Consent, B-20/19SC – 60.84.2247**
81 Bayview Drive, Minor Variance, A-63/19 – 60.81.5497
83 Bayview Drive, Minor Variance, A-67/19 – 60.81.5501

No comment.

6. **14 Queen Street, Consent, B-21/19SC – 60.84.2248**
No comment.

7. **3 Vera Street, Minor Variance, A-64/19 – 60.81.5498**

No comment.

8. **33 Hamilton Street, Minor Variance, A-65/19 – 60.81.5499**
No comment.

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PRCS has reviewed the above-noted consent applications and request the following be included as a conditions of each severance:

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be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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



Memorandum

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

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


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

Date: May 10, 2019
Hearing Date: May 29, 2019

Subject: **Development Engineering - Minor Variance Applications**
26 Corbett Avenue, A-62/19SC
48&50 South Drive, A-57&58/19SC
56 Louisa Street, A-60/19SC
12 Heritage Court, A-61/19SC
81&83 Bayview Drive, A-63&67/19SC
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Development Engineering have reviewed the above noted applications for Minor Variance requests. Unless otherwise noted below we have no concerns or comments.

- Regarding 56 Louisa Street, no grade changes will be permitted within the existing side yard setback, and all downspouts shall discharge in accordance with the applicable By-law;
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- Regarding 33 Hamilton Street, the Applicant/Owner will be required to submit a grading and drainage plan prepared by an Ontario Land Surveyor or Professional Engineer for review and approval with the Building Permit application;


Prepared by: Brad Johnston, C.E.T.
Development Engineering Technologist

c. Brian Thiessen, PBS
James Denham, PBS

To: Elaine Munro
Committee Secretary & Planning Technician

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 7, 2019

Subject: Committee of Adjustment
Public Hearings – May 29, 2019

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

**B-20/19SC (60.84.2247), A-63/19
(60.81.5497) & A-67/19 (60.81.5501)**

81 Bayview Drive

**DATE OF HEARING:
May 29, 2019**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2019

Date of Meeting: May 29, 2019

Report Number: B-20/19SC
A-63/19
A-67/19

File: 60.84.2247
60.81.5497
60.81.5501

Subject: 81 Bayview Drive

Recommendation

That Submission **B-20/19SC**, by John Hozack, 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 location of the existing sewer and water laterals for both dwellings at 81 & 83 Bayview Drive;
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;

That Submissions **A-63/19** and **A-67/19**, by John Hozack, as outlined in the Notices of Hearing, be approved.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-20/19SC** is 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-63/19** and **A-67/19** are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommends that the requested consent and variances be approved.

The Proposal

Application **B-20/19SC** is made for consent to a partial discharge of mortgage and for consent to sever 160.20 m² of land (Part 1 on the submitted sketch), which will be added to the abutting northwest parcel of land known as 83 Bayview Drive (Part 4). A 501.6 m²

remnant parcel (Parts 2 &3) with the existing single detached dwelling would be retained for continued residential use. There are concurrent minor variance applications **A-63/19** & **A-67/19**.

The Applicant for application **A-63/19** has applied to vary Zoning By-law 2013-283, for an increase of the maximum lot area per dwelling unit for a single detached dwelling from 465 m² to 501.6 m². The variance is requested to facilitate a concurrent consent **B-20/19SC** for a boundary adjustment.

The Applicant for application **A-67/19** has applied to vary Zoning By-law 2013-283, for an increase of the maximum lot area per dwelling unit for a single detached dwelling from 465 m² to 700.6 m². The variance is requested to facilitate a concurrent consent **B-20/19SC** for a boundary adjustment.

Location and Site Description

The subject property is located on the southeast side of Bayview Drive, west of Christie Street. The surrounding area consists of primarily detached and semi-detached dwellings.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

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

The subject property is also located within the Port Dalhousie Heritage District as per Schedule B of the GCP.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2-7). The R2-7 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings and private road development. Special Provision 7 restricts the maximum height of any dwelling to 9 metres.

Report

Consent

Part F, Section 16.11.3 (b) and (c) of the GCP states that consents to sever individual parcels of land, including land assembly and lot boundary adjustments, will only be permitted where they contribute to the infilling of areas that are already substantially

developed, and the size, shape and configuration 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 adjust the boundary between 81 Bayview Drive and 83 Bayview Drive by adding lands from the rear of 81 Bayview Drive to 83 Bayview Drive. The proposed boundary adjustment would transfer 160.20 m² of land. 81 Bayview Drive currently exists as a flag lot, and the boundary adjustment would allow both properties to achieve a level of consistency and compatibility in terms of lot size and shape with adjacent lots. Both lots will require a minor variance to increase maximum lot size from 465 m². Nearby lots adjacent to and across from 81 and 83 Bayview Drive are of similar shape and size to the reconfigured lots proposed in this application. The proposed boundary change will have no impact on the established character of the neighbourhood.

The severance for 81 and 83 Bayview Drive maintains the intent and purpose of the Zoning By-law and Official Plan, and will have no adverse impacts on the surrounding area and the character of the neighbourhood. Staff recommend approval of the consent.

The City's Development and Engineering Department reviewed the application and noted that Bayview Drive is designated as a Local Road in the Garden City Plan (The City's Official Plan) with a desired right-of-way width of 20m. Its current width across the frontage of the subject property is 20.12m. Therefore, no road widening is required at this time. Sidewalks currently exist along the frontage of the subject property at this time. Therefore, no further sidewalk contributions shall be requested with this application.

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 lines. 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 do exist, the fees for City crews 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)

In this instance, the lots at 81 and 83 Bayview Drive 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.

Variances

Applications A-63/19 (Part 2 & 3) and A-67/19 (Part 1 & 4)

Zoning By-law 2013-283 requires a maximum lot area for a detached dwelling of 465 m².

Application **A-63/19 (Part 2 & 3)** requests an increase of the maximum lot area per dwelling unit from 465 m² to 501.6 m² and Application **A-67/19 (Part 1 & 4)** requests an increase from 465 m² to 700.6 m². From a streetscape perspective, a boundary adjustment to transfer 160.2 m² respectively, is not visually discernable and will not have adverse impacts on the subject or remnant parcel, or neighbouring properties. The increase in lot areas will allow the properties to achieve a more consistent lot shape with neighbouring properties in the adjacent vicinity.

Staff is of the opinion that approval of the variances will have no measurable impact to the streetscape or surrounding area. Staff recommend the requested variances for Applications **A-63/19** and **A-67/19** be approved.

Conclusion

Staff is of the opinion that Application **B-20/19SC** is compatible with the neighbourhood, the provisions of the Zoning By-law, and will have no potential adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consent to sever be approved.

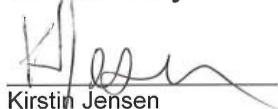
Staff is of the opinion that Applications **A-63/19** and **A-67/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved.

Prepared by:



for
Mallory Smith
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:



Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: Cogeco Comments RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 3

81 Bayview
14 Queen St.

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

Sent: Friday, May 03, 2019 8:15 AM

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 3

Hi Elaine

Email-3

Cogeco has no issues or concerns with this applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 3 - 905-19-200

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

Sent: Wednesday, May 08, 2019 8:09 AM

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

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 3 - 905-19-200

Good morning Elaine,

Re File:

- ☐ B20-19SC
- ☐ 81 Bayview Drive
- ☐ Lots 62 & 63 Registrar's Compiled Plan 703

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

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

Thank you

Carrie Gordon



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



Memorandum

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

Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – May 29, 2019 hearing - File No.: 300-036

B-15/19SC – 24 Corbett Avenue

Comment:

- Be advised that a building permit is required for the proposed single detached dwelling on Part 2.

Condition:

- The existing shed on Part 1 is to be removed.
- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction meets the requirements for subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code for the northwest face of the existing detached building on Part 1.

B-19/19SC – 48 South Drive

Comment:

- No Comment

Condition:

- No Comment

B-20/19SC – 81 Bayview Drive

Comment:

- No Comment

Condition:

- No Comment

B21/19SC – 14 Queen Street

Comment:

- No Comment

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the required Firewall between the two buildings meets the requirements of subsection 3.1.10. of the 2012 Ontario Building Code.
A building permit to alter the existing building shall be submitted to the Building Section for review and approval which illustrates how the requirements are to be met and any work shall be completed and inspected.

B-22/19SC – 25 Oakdale Avenue

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse.

Condition:

- The existing single detached dwelling 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-23/19SC – 25 Oakdale Avenue

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse.

Condition:

- The existing single detached dwelling 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.



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

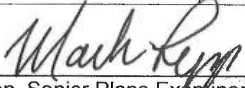
Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –May 29, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-57/19	48 South Drive	-No Comment
A-58/19	50 South Drive	-No Comment
A-60/19	56 Louisa Street	-Be advised that a building permit is required for the proposed addition. - Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-61/19	12 Heritage Court	-No Comment
A-62/19	26 Corbett Avenue	-Be advised that a building permit is required for the proposed single detached dwelling. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-63/19	81 Bayview Drive	-No Comment
A-64/19	3 Vera Street	- Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/19	33 Hamilton Street	-Be advised that a building permit is required for the proposed detached garage.
A-66/19	25B Oakdale Avenue	-No Comment
A-67/19	83 Bayview Drive	-No Comment
A-68/19	25A Oakdale Avenue	-No Comment
A-69/19	25C Oakdale Avenue	-No Comment


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\09 bcoa memo-mv-May29, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: April 10, 2019
Subject: Committee of Adjustment Hearing – April 25, 2019

1. 24 Corbett Avenue, Consent, B-15/19SC – 60.84.2243
26 Corbett Avenue, Minor Variance, A-62/19 – 60.81.5496

PRCS has reviewed the above-noted consent 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 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. 48 South Drive, Consent, B-19/19SC – 60.84.2246
48 South Drive, Minor Variance, A-57/19 – 60.81.5491
50 South Drive, Minor Variance, A-58/19 – 60.81.5492

No comment.

3. 56 Louisa Street, Minor Variance, A-60/19 – 60.81.5494

No comment.

4. 12 Heritage Court, Minor Variance, A-61/19 – 60.81.5495

No comment.

- 5. **81 Bayview Drive, Consent, B-20/19SC – 60.84.2247**
81 Bayview Drive, Minor Variance, A-63/19 – 60.81.5497
83 Bayview Drive, Minor Variance, A-67/19 – 60.81.5501

No comment.

- 6. **14 Queen Street, Consent, B-21/19SC – 60.84.2248**
No comment.

- 7. **3 Vera Street, Minor Variance, A-64/19 – 60.81.5498**

No comment.

- 8. **33 Hamilton Street, Minor Variance, A-65/19 – 60.81.5499**
No comment.

- 9. **25 Oakdale Avenue, Consent, B-22/19SC – 60.84.2249**
25 Oakdale Avenue, Consent, B-23/19SC – 60.84.2250
25B Oakdale Avenue, Minor Variance, A-66/19 – 60.81.5500
25A Oakdale Avenue, Minor Variance, A-68/19 – 60.81.5502
25C Oakdale Avenue, Minor Variance, A-69/19 – 60.81.5503

PRCS is not supportive of reductions of greenspace and landscaping. In this case, the provisions of a single or narrower driveways provides the opportunity to meet the landscaping provisions and the intent of this section of the by-law.

PRCS has reviewed the above-noted consent 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.

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
Mallory Smith, Planning Co-op Student


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

Date: May 10, 2019
Hearing Date: May 29, 2019

Subject: **Development Engineering - Minor Variance Applications**
26 Corbett Avenue, A-62/19SC
48&50 South Drive, A-57&58/19SC
56 Louisa Street, A-60/19SC
12 Heritage Court, A-61/19SC
81&83 Bayview Drive, A-63&67/19SC
3 Vera Street, A-64/19SC
33 Hamilton Street, A-65/19SC
25B Oakdale Avenue, A-66/19SC

Development Engineering have reviewed the above noted applications for Minor Variance requests. Unless otherwise noted below we have no concerns or comments.

- Regarding 56 Louisa Street, no grade changes will be permitted within the existing side yard setback, and all downspouts shall discharge in accordance with the applicable By-law;
- Regarding 3 Vera Street, the Applicant/Owner will be responsible to pay for City crews to restore the existing driveway boulevard with 100mm topsoil and sod, the fee in accordance with the City's current Schedule of Rates & Fees;
- Regarding 33 Hamilton Street, the Applicant/Owner will be required to submit a grading and drainage plan prepared by an Ontario Land Surveyor or Professional Engineer for review and approval with the Building Permit application;

Prepared by: 
Brad Johnston, C.E.T.
Development Engineering Technologist

c. Brian Thiessen, PBS
James Denham, PBS

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-20/19SC



May 10, 2019

ENGINEERING FILE 300-36

Hearing Date: May 29th, 2019

Applicant: John Hozack

Location: 81 Bayview Drive

MUNICIPAL SERVICES

Bayview Drive

Water: 150mm C.I.
Sanitary Sewer: 250mm
Storm Sewer: 200-250mm roadside storm and catch basins
Sidewalks: Yes (1.20m)
Curbs: No
Road Allowance Width: 20.12m±

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

Comment(s): It is noted that the Applicant proposes to sever Part 1 which will be added to the abutting northwest parcel of land known as 83 Bayview Drive (Part 4). A remnant parcel (Parts 2 & 3) with the existing single detached dwelling would be retained for continued residential use.

Roads

Bayview Drive is designated as a Local Road in the Garden City Plan (The City's Official Plan) with a desired right-of-way width of 20m. Its current width across the frontage of the subject property is 20.12m. Therefore, no road widening is required at this time.

Sidewalks currently exist along the frontage of the subject property at this time. Therefore, no further sidewalk contributions shall be requested with this application.

Municipal 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 lines. 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 do exist, the fees for

City crews 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 location of the existing sewer and water laterals for both dwellings at 81 & 83 Bayview Drive;
- 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

c.

Brian Thiessen, PBS
James Denham, PBS

To: Elaine Munro
Committee Secretary & Planning Technician

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 7, 2019

Subject: Committee of Adjustment
Public Hearings – May 29, 2019

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

B-21/19SC (60.84.2248)

14 Queen Street

DATE OF HEARING:
May 29, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2019

Date of Hearing: May 29, 2019

Submission(s): B-21/19SC

File: 60.84.2171

Subject: 14 Queen Street

Recommendation

That Submission **B-21/19SC** by 14 Queen Street Investments Inc, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. The owner provide the City with an engineering drawing showing the location of the existing sanitary lateral, storm lateral and water service for the building being Parts 1 and 2;
2. Within the Queen St and/or Helliwell Lane right of way, the owner pay to have City Crews install any and all necessary additional services that may be required to achieve independent servicing of each building on its own lot, including paying for the abandoning of any existing services no longer required;
3. Should additional services be required, the owner construct such services within the proposed lots;
4. The owner complete all necessary internal plumbing to facilitate independent servicing of each building within its own lot;
5. The owner provide Engineering Certification that all internal plumbing is separate for each building on its own lot, and there are no interconnections between Part 1 and Part 2;
6. The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the required Firewall between the two buildings (the common wall/lot line between Parts 1 & 2) meets the requirements of subsection 3.1.10. of the 2012 Ontario Building Code; and,
7. A building permit be submitted, reviewed, issued, works completed and all inspections completed.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is satisfied that application **B-21/19SC** is desirable and compatible with the surrounding area and is in keeping with the intent and purpose of the Zoning By-law and Official Plan. Staff recommend that the application be approved, subject to the conditions outlined in the recommendation.

The Proposal

Application **B-21/19SC** is made for consent to sever 571.07m² land (Part 2 on the submitted sketch) re-creating the lot known as 16 Queen Street with the existing commercial building and proposed residential units (2nd floor). A 462.15m² remnant parcel with the existing commercial building and proposed residential units (2nd floor) (Part 2) would be retained.

Location and Site Description

The subject property is located on the northeast side of Queen Street, west of St. Paul Street and is surrounded by a mix of commercial buildings in all directions.

Circulation of Application

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

Background

The subject property previously submitted application **B-28/18SC** for consent to sever 571.07 m² land, re-creating the lot known as 16 Queen Street, with the existing commercial building and proposed residential units (2nd floor). The consent was granted with conditions. The application has since lapsed.

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Downtown as per Schedule D1 of the Garden City Plan (GCP) and further designated Commercial Core as per Schedule E10 of the GCP. The Commercial Core designation permits retail and service commercial uses, institutional, education, civic, government, office, finance, indoor recreation, creative and cultural uses, hospitality, restaurants, entertainment, and residential apartment units. Auto related service uses or dealerships, and adult oriented uses are not permitted.

Zoning By-law (2013-283)

The subject land is zoned Downtown Commercial Core with a special provision (C5-92). The C5 zone permits animal care establishments, apartment buildings and dwelling units, commercial parking, cultural facilities, day cares, emergency services, hospitals, hotels/motels, long term care facilities and major transit stations. The special provision (92) omits this area from certain parking requirements.

Consent Application B-21/19SC

Application **B-21/19SC** proposes to sever 571.07m² of land (Part 2), re-creating the lot known as 16 Queen Street with the existing commercial building and proposed residential units (2nd floor). A 462.15 m² remnant parcel with the existing commercial building and proposed residential units (2nd floor) (Part 1) would be retained.

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 in terms of optimum development of the surrounding area.

The consent is requested to separate two existing commercial properties with office space on the second floor of both buildings in the downtown core. The properties were previously existing lots which have since merged due to a change in ownership. The office space of both buildings is proposed to be converted to residential units on the second floor of the buildings. The proposed lots are considered appropriate as they were previously existing to hold each distinct commercial building, providing each building (lot) is independently serviced. The proposed mixed use buildings will not impact on surrounding uses. Mixed use buildings are encouraged in the downtown. The proposed lots are of similar sizes to many of the lots in the surrounding area of the subject property. The buildings exist and the creation of one additional lot will maintain the character of the neighbourhood. Both new and remnant parcels conform to the provisions of the Zoning By-law.

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, residential lots are not being created by the consent. The subject application was therefore exempt from review by the DRP.

The Development and Engineering Department noted that Queen Street is designated an Arterial Road in the City's Official Plan with a desired right-of-way width of 26m. Its current width along the Applicant's frontage is deficient at +/-18m. While the City would ideally desire a 26m right-of-way, the front face of many of the existing buildings along this section of Queen Street would not accommodate this. Therefore a widening will not be required at this time. Helliwells Lane is designated a Local Road in the City's Official Plan with a desired width of 20m. Its current width is 3.2m. However it is considered a rear lot laneway and therefore a widening on Helliwells Lane is also not required at this time.

The buildings on the proposed lots are existing and the City has very little information on the size or location of the existing sewer and water services. The owner must provide the City with an engineering drawing showing where the existing sanitary and storm sewer laterals and the existing water services exit the building. The purpose of the drawing is to confirm that each building/lot is serviced independently from the other. If the buildings are not serviced independently, the Owner shall pay to have the City install additional services to achieve independent servicing. These services shall be installed and any related

internal plumbing completed prior to finalization of the severance. The fees for these installations will be as per the City's Schedule of Rates and Fees in effect at the time. The service installations must be completed prior to finalization of the severance.

The condition for the issuance of a building permit and the completion and final inspection of all of the interior alterations is to ensure each lot is functionally independent from the other.

Conclusion

Staff are satisfied that the consent requested through application **B-21/19SC** is desirable and compatible with the surrounding area and that there will not be any adverse impacts on surrounding properties as a result of the application. The proposed consent is in keeping with the intent and purpose of the Official Plan and Zoning By-law. Staff recommend that the application be approved, subject to the conditions outlined in the recommendation.

Prepared by:


Mallory Smith
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services

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

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



May 14, 2019

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

Dear Ms. Munro:

Subject: Application for Consent – Severance
14 Queen Street
Lots 751 & 752 Corp Plan No. 2
CofA File: B21/19SC

Bell File: 905-19-201

We acknowledge receipt and thank you for your correspondence May 3, 2019.

Subsequent to review of the above noted Consent Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing buried facilities, supply service to the properties and to maintain service in the area.

Bell Canada would like to confirm that Parts 1 & 2, or a 3.0m wide corridor to be measured 1.5m on either side of the buried facilities found along the east property boundary, as can be accommodated, would satisfy our needs. With respect to the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its location.

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

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

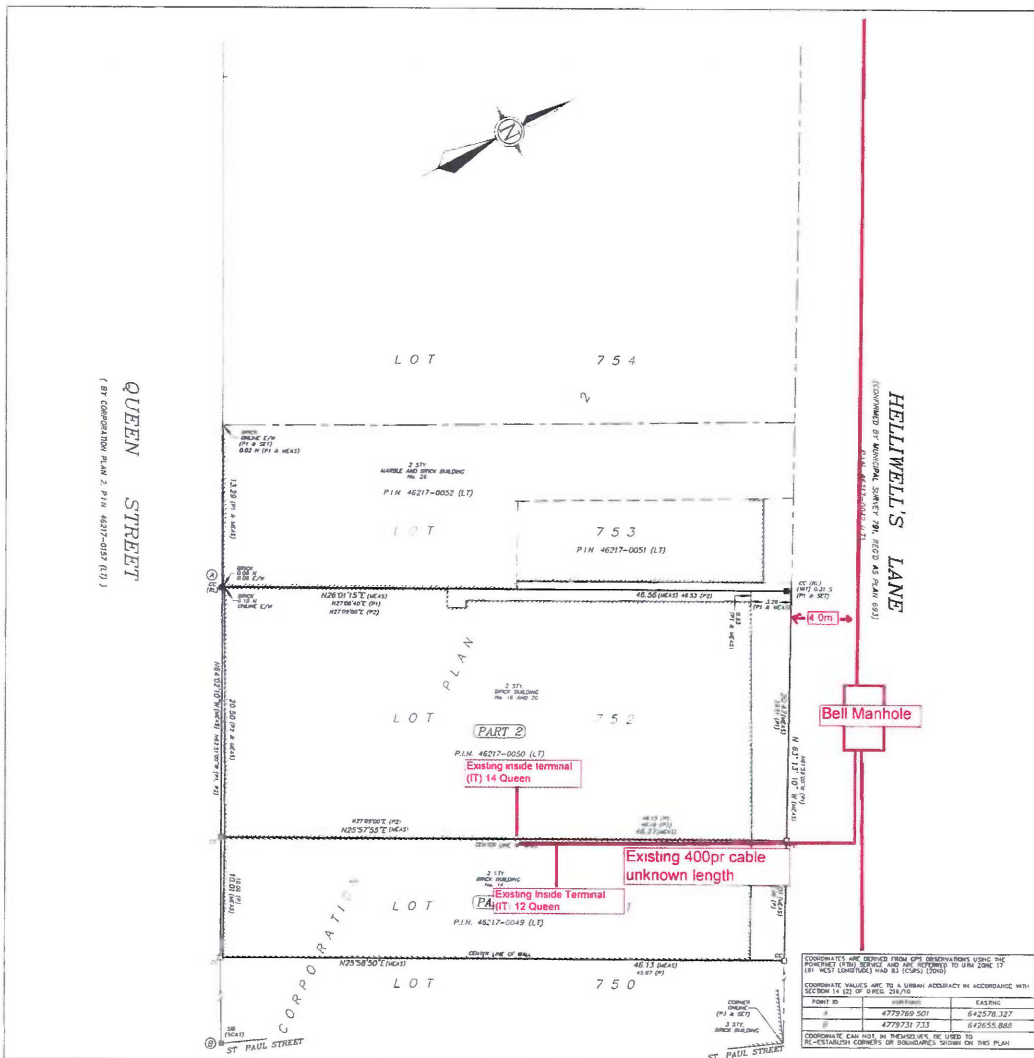
If you have any questions or concerns, please feel free to contact me.

Yours truly,

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

Carrie Gordon
Right of Way Associate
(Encl.)





I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 308--

RECEIVED AND DEPOSITED

DATE

THOMAS GONDO

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA (NORTH (No. 30))

SCHEDULE

PART	LOT	PLAN/CONCESSION	PIN No.
1	ALL OF LOT 751	REGISTRAR'S COMPLETED	PIN 46217-0049 (LT)
2	ALL OF LOT 752	PLAN 1425	PIN 46217-0050 (LT)

PART 1 COMPRISE ALL OF PIN 46217-0049 (LT)

PART 2 COMPRISE ALL OF PIN 46217-0050 (LT)

PLAN OF SURVEY OF LOT 751 AND 752 CORPORATION PLAN 2 IN THE CITY OF ST. CATHARINES REGIONAL MUNICIPALITY OF NIAGARA

SCALE & NOTES

SCALE 1:200

0 5 10 20 Metres

THOMAS GONDO

ONTARIO LAND SURVEYOR

LEGEND

DEVELOP SUBJECT LANDS BOUNDARY

DEVELOP DEED LINE

DEVELOP LOT LINE

DEVELOP LIMIT OF STREET

DEVELOP FENCE LINE

SURVEY MONUMENT FOUND

STANDARD IRON PILE

IRON BAR

WALL IN WALKER

DEVELOP ORIGIN UNKNOWN

DEVELOP NORTH - EAST - WEST - SOUTH

DEVELOP MEASURED

(P)

DEVELOP CORPORATION PLAN 2

(P1)

DEVELOP PLAN BY RICHARD LAROCQUE LTD - FILE No. 89-144

(P2)

DEVELOP PLAN BY DOUGLAS G. URE, D.L.S. - FILE No. 65-64

(P3)

DEVELOP PLAN 308-10245

METRIC

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

BEARING NOTE

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS ON MONUMENTS A AND B, SHOWN HEREON, HAVING A GRID BEARING OF HEAT 10° 10' 10" (HEAT 10° 10' 10") AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (01° WEST LONGITUDE)

DISTANCES ON THIS PLAN ARE GRID AND CAN BE CONVERTED TO GROUND BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999967

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

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

2. THE SURVEY WAS COMPLETED ON: 2018

DATE: FEBRUARY 16, 2018

THOMAS GONDO

ONTARIO LAND SURVEYOR

COORDINATE VALUES ARE TO A SURVEY ACCURACY IN ACCORDANCE WITH SECTION 14 OF THE SURVEY ACT, 1990

POINT NO.

COORDINATE

EASTING

4779769.501

642578.327

4779731.733

642655.888

COORDINATE CAN NOT BE REPRODUCED, RE-USED TO RE-ESTABLISH CORNERS OF BOUNDARIES SHOWN ON THIS PLAN

Lejan Land Surveying Inc.

80 King Street East - Unit 204

Stoney Creek, ON L8G 1K2

Phone: 905-662-8989

Email: info@lejanlandsurveying.ca

DWN BY: WSL

CHK BY: TC

JOB No. 18-003

Munro, Elaine

Subject: Cogeco Comments RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 3

81 Bayview
14 Queen St.

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

Sent: Friday, May 03, 2019 8:15 AM

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

Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 3

Hi Elaine

Email-3

Cogeco has no issues or concerns with this applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notice and Application, 14 Queen Street, City of St. Catharines, for the May 29/19 CofA Hearing

From: Boucetta, Alexandra (MTO) [mailto:Alexandra.Boucetta@ontario.ca]
Sent: Friday, May 03, 2019 10:16 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notice and Application, 14 Queen Street, City of St. Catharines, for the May 29/19 CofA Hearing

Good day Elaine,

Please note that I have reviewed the provided documentation and have no concerns or comments to offer regarding the proposal.

Kindest Regards,

Alexandra Boucetta

Corridor Management Officer – Niagara Region

Munro, Elaine

Subject: Former Landfill Comments, 14 Queen Street, City of St. Catharines, for the May 29/19 CofA Hearing

From: Vasko, Dennis
Sent: Monday, May 06, 2019 7:52 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notice and Application, 14 Queen Street, City of St. Catharines, for the May 29/19 CofA Hearing

Hi Elaine,

There's no change in my comments

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, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – May 29, 2019 hearing - File No.: 300-036

B-15/19SC – 24 Corbett Avenue

Comment:

- Be advised that a building permit is required for the proposed single detached dwelling on Part 2.

Condition:

- The existing shed on Part 1 is to be removed.
- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction meets the requirements for subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code for the northwest face of the existing detached building on Part 1.

B-19/19SC – 48 South Drive

Comment:

- No Comment

Condition:

- No Comment

B-20/19SC – 81 Bayview Drive

Comment:

- No Comment

Condition:

- No Comment

B21/19SC – 14 Queen Street

Comment:

- No Comment

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the required Firewall between the two buildings meets the requirements of subsection 3.1.10. of the 2012 Ontario Building Code.
A building permit to alter the existing building shall be submitted to the Building Section for review and approval which illustrates how the requirements are to be met and any work shall be completed and inspected.

B-22/19SC – 25 Oakdale Avenue

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse.

Condition:

- The existing single detached dwelling 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.

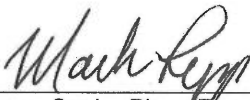
B-23/19SC – 25 Oakdale Avenue

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse.

Condition:

- The existing single detached dwelling 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.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2019/10bcoa memo-sev-May29,2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: April 10, 2019
Subject: Committee of Adjustment Hearing – April 25, 2019

- 1. 24 Corbett Avenue, Consent, B-15/19SC – 60.84.2243**
26 Corbett Avenue, Minor Variance, A-62/19 – 60.81.5496

PRCS has reviewed the above-noted consent 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 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. 48 South Drive, Consent, B-19/19SC – 60.84.2246**
48 South Drive, Minor Variance, A-57/19 – 60.81.5491
50 South Drive, Minor Variance, A-58/19 – 60.81.5492

No comment.

- 3. 56 Louisa Street, Minor Variance, A-60/19 – 60.81.5494**

No comment.

- 4. 12 Heritage Court, Minor Variance, A-61/19 – 60.81.5495**

No comment.

- 5. **81 Bayview Drive, Consent, B-20/19SC – 60.84.2247**
81 Bayview Drive, Minor Variance, A-63/19 – 60.81.5497
83 Bayview Drive, Minor Variance, A-67/19 – 60.81.5501

No comment.

- 6. **14 Queen Street, Consent, B-21/19SC – 60.84.2248**
No comment.

- 7. **3 Vera Street, Minor Variance, A-64/19 – 60.81.5498**

No comment.

- 8. **33 Hamilton Street, Minor Variance, A-65/19 – 60.81.5499**
No comment.

- 9. **25 Oakdale Avenue, Consent, B-22/19SC – 60.84.2249**
25 Oakdale Avenue, Consent, B-23/19SC – 60.84.2250
25B Oakdale Avenue, Minor Variance, A-66/19 – 60.81.5500
25A Oakdale Avenue, Minor Variance, A-68/19 – 60.81.5502
25C Oakdale Avenue, Minor Variance, A-69/19 – 60.81.5503

PRCS is not supportive of reductions of greenspace and landscaping. In this case, the provisions of a single or narrower driveways provides the opportunity to meet the landscaping provisions and the intent of this section of the by-law.

PRCS has reviewed the above-noted consent applications and request the following be included as a conditions of each severance:

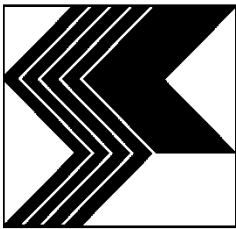
That the applicant submit a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees.

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.

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



REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-21/19SC

May 6th, 2019

ENGINEERING FILE 300-36

Hearing Date: May 29th, 2019
Owner: 14 Queen Investments Inc.
Location: 14 Queen Street

MUNICIPAL SERVICES

	Queen Street	Helliwells Lane
Water:	400mm PVC 150mm C.I.	200mm PVC 100mm C.I.
Sanitary Sewer:	250mm PVC +/-3.8m Depth	250mm Re-lined Plastic +/- 2.2m Depth
Storm Sewer:	600mm Conc. +/-2.6m Depth	300mm Conc. +/-2.5m Depth
Sidewalks:	Both Sides	None
Existing Road Allowance Width:	+/-18m	+/-3.2m

GENERAL COMMENTS:

The owner wishes to sever one lot into two lots to separate two buildings with a common wall.

ENGINEERING COMMENTS:

Roads

Queen Street is designated an Arterial Road in the City’s Official Plan with a desired right-of-way width of 26m. Its current width along the Applicant’s frontage is deficient at +/-18m. While the City would ideally desire a 26m right-of-way, the front face of many of the existing buildings along this section of Queen Street would not accommodate this. Therefore a widening will not be required at this time
Helliwells Lane is designated a Local Road in the City’s Official Plan with a desired width of 20m. Its current width is 3.2m. However it is considered a rear lot laneway and therefore a widening on Helliwells Lane is also not required at this time.

Engineering Services

The buildings on these lots are existing and the City has very little information on the size or location of the existing sewer and water services. The owner must provide the City with an engineering drawing showing where the existing sanitary and storm sewer laterals and the existing water services exit the building. The purpose of the drawing is to

confirm that each building is serviced independently from the other. If the buildings are not serviced independently, the Owner shall pay to have the City install additional services to achieve independent servicing. These services shall be installed and any related internal plumbing completed prior to finalization of the severance. The fees for these installations will be as per the City's Schedule of Rates and Fees in effect at the time. The service installations must be completed prior to finalization of the severance.

CONDITION (s): Prior to the severance finalization the Owner shall;

1. Provide the City with an engineering drawing showing the location of the existing sanitary lateral, storm lateral and water service for each building.
2. Pay to have City Crews install any and all necessary additional services that may be required to achieve independent servicing of each building, including paying for the abandoning of any existing services no longer required.
3. Have the additional services are installed.
4. Complete all necessary internal plumbing to facilitate independent servicing of each building.
5. Provide Engineering Certification that all internal plumbing is separate for each Part and there are no interconnections between Part 1 and Part 2.



Prepared By: _____

Jim Denham P.Eng.
Development Engineering Technologist

To: Elaine Munro
Committee Secretary & Planning Technician

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 7, 2019

Subject: Committee of Adjustment
Public Hearings – May 29, 2019

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

A-64/19 (60.81.5498)

3 Vera Street

DATE OF HEARING:
May 29, 2019

St Catharines, May 21, 2019.

Dear Ms. Elaine Munro

This letter is to submit a comment regarding file # 60.81.5498
Submission # A-64/19.

As the owner of the neighboring property (1 Vera) of the proposed changes of #3 Vera, I have a few concerns, regarding the proposed changes of Vera #3. I do not support the reduction of parking spaces to the property #3 Vera. In my opinion this will only lead to more street parking in front of the neighboring properties. On wet days this kind of parking will lead to ruts in the grassy berms. These kind of berms will be increasingly harder to mow and maintain. I really feel that this application submitted by #3 Vera should not be accepted without an extra parking space created for the new dwelling.

Sincerely yours Pete VanLoon.

[Redacted Signature]





CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 21, 2019

Date of Meeting: May 29, 2019

Report Number: A-64/19

File: 60.81.5498

Subject: 3 Vera Street

Recommendation

That Submission **A-64/19**, by John Kenny, as outlined in the Notice of Hearing, be approved, subject to the following condition:

1. Remove the easterly driveway adjacent to 1 Vera Street, being approximately 3.1 metres wide, and reinstate landscaping in its place; and,
2. For the driveway to be removed, the Applicant/Owner be required to pay for City crews to restore the Vera Street boulevard with 100mm topsoil and sod, the fee in accordance with the City's current Schedule of Rates & Fees.

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-64/19** 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-64/19** is made pertaining to City of St. Catharines Zoning By-law 2013-283, for a reduction of the minimum required parking spaces from 3 spaces to 2 spaces for the proposed construction of an interior accessory dwelling unit in the existing semi-detached dwelling.

Location and Site Description

The subject property is located on the south side of Vera Street, west of Pelham road. 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 E7 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 of 3 parking spaces for a semi-detached dwelling with an interior accessory unit. The applicant requests a reduction of the required parking on site from 3 spaces to 2 spaces. Currently, there are two existing driveways at the front of the property, one being 3.048 metres wide and the second being 6.09 metres wide. The 3.04-metre-wide driveway was installed in contradiction to City zoning standards.

Zoning By-law 2013-283 Section 3.9 permits a maximum driveway coverage of a front yard of 50%, and permits the maximum width of a driveway to be 7.5 metres or 50% of the front lot line distance, whichever is less. In this case, the maximum driveway width may be 7.5 metres, whereas it currently exists at 9.13 metres. Staff recommend that the eastern driveway, at 3.048 metres, be reinstated with landscaping. The applicant should be aware that the remaining driveway is permitted to be expanded to 7.5 metres, in accordance with the zoning by-law.

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, where bicycle parking facilities are provided, and when land is dedicated for greening and landscaping initiatives. The applicant must demonstrate that reduced vehicular parking standards will not aggravate the parking supply, and not result in unacceptable levels of spill-over parking in adjacent areas to cause negative impact to travel, traffic and parking management. The subject land is in close walkable proximity (5-minute walk or less) to 7 transit stops, which can access multiple amenities nearby. The property is a 9-minute bus ride into the downtown core, and a 7-minute bus ride to the Pen Centre mall. The property is also in walkable distance to multiple schools, convenience stores, food vendors, and parks. On street parking is available on both the north and south sides of Vera Street, as well as both sides of Powerview Avenue, which also hosts a parking lot at the end of Vera Street for the nearby park and soccer fields.

The property currently provides three over-sized parking spots and two driveways, exceeding the permissions of the zoning by-law. The remainder of the lot provides typical yard space associated with a semi-detached dwelling. From a streetscape perspective,

three parking spaces in the front yard detracts from the character of the street by removing green space. Staff are able to support the requested parking reduction provided that the 3.04-metre-wide driveway is removed and reinstated with landscaping. The existing 6.09 wide driveway provides 2 parking spaces, one space for each half of the semi. Staff are satisfied that the available on street parking can supplement any additional demand for parking associated with one accessory dwelling unit.

The requested variance is considered desirable and appropriate for the use of the land and conforms to the general intent and purpose of the Official Plan and Zoning By-law. It is staff's recommendation that the requested variance be approved, subject to the conditions in the recommendation to ensure the parking area in the front yard complies with the zoning.

The City's Building Department notes that a building permit is required for the proposed accessory dwelling unit.


Conclusion

Staff is of the opinion that application **A-64/19** 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:


Mallory Smith
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pihach, MCIP, RPP
Manager of Planning Services



Memorandum

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

Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –May 29, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-57/19	48 South Drive	-No Comment
A-58/19	50 South Drive	-No Comment
A-60/19	56 Louisa Street	-Be advised that a building permit is required for the proposed addition. - Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-61/19	12 Heritage Court	-No Comment
A-62/19	26 Corbett Avenue	-Be advised that a building permit is required for the proposed single detached dwelling. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-63/19	81 Bayview Drive	-No Comment
A-64/19	3 Vera Street	- Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/19	33 Hamilton Street	-Be advised that a building permit is required for the proposed detached garage.
A-66/19	25B Oakdale Avenue	-No Comment
A-67/19	83 Bayview Drive	-No Comment
A-68/19	25A Oakdale Avenue	-No Comment
A-69/19	25C Oakdale Avenue	-No Comment


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\09 bcoa memo-mv-May29, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: April 10, 2019
Subject: Committee of Adjustment Hearing – April 25, 2019

1. **24 Corbett Avenue, Consent, B-15/19SC – 60.84.2243**
26 Corbett Avenue, Minor Variance, A-62/19 – 60.81.5496

PRCS has reviewed the above-noted consent 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 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. **48 South Drive, Consent, B-19/19SC – 60.84.2246**
48 South Drive, Minor Variance, A-57/19 – 60.81.5491
50 South Drive, Minor Variance, A-58/19 – 60.81.5492

No comment.

3. **56 Louisa Street, Minor Variance, A-60/19 – 60.81.5494**

No comment.

4. **12 Heritage Court, Minor Variance, A-61/19 – 60.81.5495**

No comment.

5. **81 Bayview Drive, Consent, B-20/19SC – 60.84.2247**
81 Bayview Drive, Minor Variance, A-63/19 – 60.81.5497
83 Bayview Drive, Minor Variance, A-67/19 – 60.81.5501

No comment.

6. **14 Queen Street, Consent, B-21/19SC – 60.84.2248**
No comment.

7. **3 Vera Street, Minor Variance, A-64/19 – 60.81.5498**

No comment.

8. **33 Hamilton Street, Minor Variance, A-65/19 – 60.81.5499**
No comment.

9. **25 Oakdale Avenue, Consent, B-22/19SC – 60.84.2249**
25 Oakdale Avenue, Consent, B-23/19SC – 60.84.2250
25B Oakdale Avenue, Minor Variance, A-66/19 – 60.81.5500
25A Oakdale Avenue, Minor Variance, A-68/19 – 60.81.5502
25C Oakdale Avenue, Minor Variance, A-69/19 – 60.81.5503

PRCS is not supportive of reductions of greenspace and landscaping. In this case, the provisions of a single or narrower driveways provides the opportunity to meet the landscaping provisions and the intent of this section of the by-law.

PRCS has reviewed the above-noted consent applications and request the following be included as a conditions of each severance:

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be determined as of the day before the day the provisional consent was given'. That the appraisal be completed by a qualified appraiser.

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



Memorandum

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

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

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

Date: May 10, 2019
Hearing Date: May 29, 2019

Subject: **Development Engineering - Minor Variance Applications**
26 Corbett Avenue, A-62/19SC
48&50 South Drive, A-57&58/19SC
56 Louisa Street, A-60/19SC
12 Heritage Court, A-61/19SC
81&83 Bayview Drive, A-63&67/19SC
3 Vera Street, A-64/19SC
33 Hamilton Street, A-65/19SC
25B Oakdale Avenue, A-66/19SC

Development Engineering have reviewed the above noted applications for Minor Variance requests. Unless otherwise noted below we have no concerns or comments.

- Regarding 56 Louisa Street, no grade changes will be permitted within the existing side yard setback, and all downspouts shall discharge in accordance with the applicable By-law;
- Regarding 3 Vera Street, the Applicant/Owner will be responsible to pay for City crews to restore the existing driveway boulevard with 100mm topsoil and sod, the fee in accordance with the City's current Schedule of Rates & Fees;
- Regarding 33 Hamilton Street, the Applicant/Owner will be required to submit a grading and drainage plan prepared by an Ontario Land Surveyor or Professional Engineer for review and approval with the Building Permit application;


Prepared by: Brad Johnston, C.E.T.
Development Engineering Technologist

c. Brian Thiessen, PBS
James Denham, PBS

To: Elaine Munro
Committee Secretary & Planning Technician

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 7, 2019

Subject: Committee of Adjustment
Public Hearings – May 29, 2019

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

A-65/19 (60.81.5499)

33 Hamilton Street

DATE OF HEARING:
May 29, 2019



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 22, 2019

Date of Meeting: May 29, 2019

Report Number: A-65/19

File: 60.81.5499

Subject: 33 Hamilton Street

Recommendation

That Submission **A-65/19**, by Jason Coutu, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. The Applicant/Owner will be required to submit a grading and drainage plan prepared by an Ontario Land Surveyor or Professional Engineer for review and approval with the Building Permit application.

Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-65/19** 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.

The Proposal

The Applicant for application **A-65/19** has applied to vary Zoning By-law 2013-283 for the following variances for the proposed construction of a detached garage:

1. Vary Section 2.1 (b) to permit an accessory structure to be located in a required front yard;
2. An increase of the total accessory structure coverage (detached garage) from 10% to 12.5%.

Location and Site Description

The subject property is located on the northwest corner of Hamilton Street and Shickluna Street. The property is surrounded by detached and semi-detached dwellings. There are a number of businesses and restaurants within a few blocks of the dwelling.

The lot is irregular in shape, being an L-shaped corner lot at Hamilton and Shickluna Street. The existing dwelling faces Hamilton Street with a side yard area extending along Shickluna Street.

Circulation of Application

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

Planning Analysis

Official Plan (Garden City Plan)

The subject lands are designated Mixed Use as per Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential as per Schedule E6-7 of the Garden City Plan (GCP). The Mixed Use designation permits mix of medium and higher density housing, work live accommodation, commercial, local office, institutional, indoor recreation, and cultural uses intended to primarily serve the immediate neighbourhood and community population. The maximum residential density is 100 units per hectare. Height of buildings will not generally not exceed 20 metres.

Zoning By-law (2013-283)

The subject land 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

Variance 1

The yard along Shickluna Street is technically the front yard since it has the shorter lot frontage (21.03 m versus 23.42 m along Hamilton Street). However, functionally the yard along Shickluna Street serves as a side/rear yard.

Section 2.1(b) of Zoning By-law 2013-283 states that an accessory building or structure, including a garage, shall not be located in a required front yard or exterior side yard. The intent of this provision is to promote a balanced neighbourhood streetscape and to prevent the built form of a site from overwhelming the property or neighbouring properties, while also ensuring front yard amenity space and a sufficient parking area can be provided between the dwelling and front lot line. The applicant is requesting to be permitted to build a garage in what is defined as the required front yard, to be located to the northeast side of the dwelling, as per the sketch provided.

Staff notes that due to the L-shaped configuration of the subject lot, there is no other possible location for a garage on this property. Despite being defined as the required front yard as per the Zoning by-law, this area of the property functions as a side/rear yard area. Staff also note that the construction of the new garage will result in the demolition of two existing older sheds located in the front yard, as well as an existing temporary structure, and the new structure will be a desirable improvement from the current situation on the site. The frontage along Strickluna Street is also buffered visually by a row of hedges which contributes to maintaining the streetscape and detracts from any imposition by a garage being located within the front yard. Staff is of the opinion that the construction of a new garage will significantly improve the streetscape of this property. Staff recommends approval of variance 1.

Variance 2

Zoning By-law 2013-283 requires that the total accessory structure coverage not be more than 10% of the total lot area. The applicant is requesting an increase of the total accessory structure coverage from 10% to 12.5%. The intent of the maximum accessory structure coverage is to ensure there is adequate amenity space available on a property, to prevent the built form from overwhelming a property, and to ensure that additional structures on a property remain accessory to the primary use of the site. The increase of 2.5% for accessory structure coverage is considered to be a minor increase. Although the accessory structure coverage will be over 10%, the total lot coverage of the dwelling and accessory structure in combination will amount to only 33.5% of the lot area, where the Zoning By-law permits up to 45% total lot coverage. The increase of 2.5% coverage will be visually undiscernible and have no impact on the streetscape. As previously mentioned, the row of hedges along Strickluna Street also provides a buffer between the street and the property, and contributes to shielding the new structure. Staff recommends approval of variance 2.

The City's Building Department notes that a building permit is required for the proposed detached garage.

Conclusion

Staff are satisfied that the variances requested through Submission **A-65/19** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are appropriate and desirable for the use of the land. It is staff's recommendation that the requested variances be approved.

Prepared by:



Mallory Smith
Student Planner

Submitted by:



Kirstin Jensen
Planner I

Approved by:

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

Judy Pihach, MCIP, RPP
Manager of Planning Services

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 5 - Last Email

25 Oakdale (Balance)
33 Hamilton Street

From: Doug Crown [mailto:doug.crown@cogeco.com]
Sent: Friday, May 03, 2019 8:18 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 5 - Last Email

Hi Elaine
Email-5
Cogeco has no issues or
concerns with this applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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



Memorandum

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

Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –May 29, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-57/19	48 South Drive	-No Comment
A-58/19	50 South Drive	-No Comment
A-60/19	56 Louisa Street	-Be advised that a building permit is required for the proposed addition. - Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-61/19	12 Heritage Court	-No Comment
A-62/19	26 Corbett Avenue	-Be advised that a building permit is required for the proposed single detached dwelling. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-63/19	81 Bayview Drive	-No Comment
A-64/19	3 Vera Street	- Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/19	33 Hamilton Street	-Be advised that a building permit is required for the proposed detached garage.
A-66/19	25B Oakdale Avenue	-No Comment
A-67/19	83 Bayview Drive	-No Comment
A-68/19	25A Oakdale Avenue	-No Comment
A-69/19	25C Oakdale Avenue	-No Comment


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\09 bcoa memo-mv-May29, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: April 10, 2019
Subject: Committee of Adjustment Hearing – April 25, 2019

- 1. 24 Corbett Avenue, Consent, B-15/19SC – 60.84.2243**
26 Corbett Avenue, Minor Variance, A-62/19 – 60.81.5496

PRCS has reviewed the above-noted consent 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 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. 48 South Drive, Consent, B-19/19SC – 60.84.2246**
48 South Drive, Minor Variance, A-57/19 – 60.81.5491
50 South Drive, Minor Variance, A-58/19 – 60.81.5492

No comment.

- 3. 56 Louisa Street, Minor Variance, A-60/19 – 60.81.5494**

No comment.

- 4. 12 Heritage Court, Minor Variance, A-61/19 – 60.81.5495**

No comment.

5. **81 Bayview Drive, Consent, B-20/19SC – 60.84.2247**
81 Bayview Drive, Minor Variance, A-63/19 – 60.81.5497
83 Bayview Drive, Minor Variance, A-67/19 – 60.81.5501

No comment.

6. **14 Queen Street, Consent, B-21/19SC – 60.84.2248**
No comment.

7. **3 Vera Street, Minor Variance, A-64/19 – 60.81.5498**

No comment.

8. **33 Hamilton Street, Minor Variance, A-65/19 – 60.81.5499**
No comment.

9. **25 Oakdale Avenue, Consent, B-22/19SC – 60.84.2249**
25 Oakdale Avenue, Consent, B-23/19SC – 60.84.2250
25B Oakdale Avenue, Minor Variance, A-66/19 – 60.81.5500
25A Oakdale Avenue, Minor Variance, A-68/19 – 60.81.5502
25C Oakdale Avenue, Minor Variance, A-69/19 – 60.81.5503

PRCS is not supportive of reductions of greenspace and landscaping. In this case, the provisions of a single or narrower driveways provides the opportunity to meet the landscaping provisions and the intent of this section of the by-law.

PRCS has reviewed the above-noted consent 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.

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
Mallory Smith, Planning Co-op Student

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


Date: May 10, 2019

Hearing Date: May 29, 2019

Subject: **Development Engineering - Minor Variance Applications**
26 Corbett Avenue, A-62/19SC
48&50 South Drive, A-57&58/19SC
56 Louisa Street, A-60/19SC
12 Heritage Court, A-61/19SC
81&83 Bayview Drive, A-63&67/19SC
3 Vera Street, A-64/19SC
33 Hamilton Street, A-65/19SC
25B Oakdale Avenue, A-66/19SC

Development Engineering have reviewed the above noted applications for Minor Variance requests. Unless otherwise noted below we have no concerns or comments.

- Regarding 56 Louisa Street, no grade changes will be permitted within the existing side yard setback, and all downspouts shall discharge in accordance with the applicable By-law;
- Regarding 3 Vera Street, the Applicant/Owner will be responsible to pay for City crews to restore the existing driveway boulevard with 100mm topsoil and sod, the fee in accordance with the City's current Schedule of Rates & Fees;
- Regarding 33 Hamilton Street, the Applicant/Owner will be required to submit a grading and drainage plan prepared by an Ontario Land Surveyor or Professional Engineer for review and approval with the Building Permit application;

Prepared by: 
Brad Johnston, C.E.T.
Development Engineering Technologist

c. Brian Thiessen, PBS
James Denham, PBS

To: Elaine Munro
Committee Secretary & Planning Technician

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 7, 2019

Subject: Committee of Adjustment
Public Hearings – May 29, 2019

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

**B-22/19SC (60.84.2249), B-23/19SC
(60.84.2250), A-66/19 (60.81.5500), A-
68/19 (60.81.5502) & A-69/19 (60.81.5503)**

25 Oakdale Avenue

**DATE OF HEARING:
May 29, 2019**

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

To Elaine Munro,

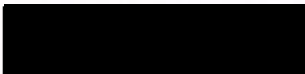
This letter is in regard to the Notice of Hearing File No. 60.81.5500, Submission No. A-66/19.
I am the land owner at 21 & 23 Oakdale Ave, next to the property in question, 25 Oakdale Ave.
And I would like to respectfully dispute several aspects of the application A-66/19 to vary Zoning By-law 2013-283.

First the reduction of the minimum landscape open space from 35% of lot area to 30%. This is a beautiful area with lots of green space and every other lot on the street has had to respect the By-law limiting the area of landscaped open space. I had to reduce the size of my garage foundation by 2 square feet because of this By-law. I see no reasonable situation as to why the environment and possible drainage issues by reducing open soil area should be permitted just so extra dwelling areas can be built.

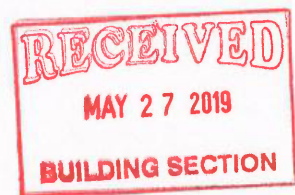
Secondly the requested increase of the maximum encroachment into the required yard for eaves and gutters from 0.15 meters to the lot line to 0 meters. This change in conjunction with the proposed retaining walls on both side of the property will effectively flood my yard and cause damage to my foundation.

Lastly is the very large tree that is on the edge of my property line; it is 30 inches at the base, over 50 feet tall, with a canopy almost as wide as it is high. This is one of the largest trees in the immediate area, provides shade for my house and backyard. Even if the tree is not requested to be cut down, when the foundation of the proposed units are dug out most of the root structure of this massive tree will be destroyed, killing this tree. I sincerely hope there is some kind of protection for old large trees in St Catharines. This proposed triple townhouse project is already going to tear down multiple large trees on their lot, but I am extremely against a tree on my property being destroyed.

Sincerely,



Devon Thomas
21 Oakdale Ave,
St Catharines, ON





CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: May 22, 2019

Date of Meeting: May 29, 2019

Report Number: B-22/19SC
B-23/19SC
A-66/19
A-68/19
A-69/19

File: 60.84.2249
60.84.2250
60.81.5500
60.81.5502
60.81.5503

Subject: 25 Oakdale Avenue

Recommendation

That Submissions **B-22/19SC** and **B-23/19SC**, by Cairnwood Developments Inc., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. If not already done through the demo permit, pay the fee for City crews to locate, trace, and confirm the size and condition of the existing sewer lateral and water service to the previously existing building;
2. Provide the City with a drawing showing the location of the existing sanitary lateral and water service;
3. Provide a Site Grading Plan, for review and approval by City Staff, prepared by a qualified engineer or OLS, that shows how all drainage for the roofs, rear yards, side yards, front yards and sump pumps will be accommodated without adversely affecting neighbouring properties and which would confirm where the drainage easement(s) and or rear yard catch basin(s), if required, are to be located;
4. Prepare and provide to the City, a copy of the Reference Plan and Easement Agreement for the rear yard catch basin(s) and leads;
5. Provide proof to the City that the Reference Plan and Easement Agreement have been registered on title;
6. Deposit with the City securities in a form and an amount satisfactory to the City to guarantee the installation of the rear yard catch basin(s) and lead(s);
7. Prepare a Reference Plan for review and approval by the City identifying the 3.04-metre-wide Parts along Oakdale Avenue to be dedicated to the City as Public Highway. Submit and register the Reference Plan and dedicate the

appropriate Part(s) to the City of St. Catharines as Public Highway known as Oakdale Avenue;

8. That the applicant submits a payment of \$915.40 (\$457.70 per **new** lot) for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees;
9. 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;
10. The existing single detached dwelling 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;

That Submissions **A-66/19**, **A-68/19** and **A-69/19** by Cairnwood Developments Inc., as outlined in the Notice of Hearing, be approved, with the exception of Variance 2 of **A-66/19**.

Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Applications **B-22/19SC** and **B-23/19SC** 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-66/19** (Variances 1, 3 and 4), **A-68/19** and **A-69/19** 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. Staff recommend Variance 2 of **A-66/19** be denied.

The Proposal

Application **B-22/19SC** is made for consent to a partial discharge of mortgage and to sever 284 m² of land (Parts 1 & 2 on the submitted sketch) creating a new lot to be known as 25C Oakdale Avenue, being the end unit the proposed three unit street townhouse dwelling, subject to an easement over Part 2 (3.6 m²) for eaves, gutters and footings, in perpetuity, to benefit 25B Oakdale Avenue (Parts 3 to 6).

A 525 m² remnant parcel (Parts 3 to 7) is retained for proposed residential uses, being the remaining 2 townhouse units within the proposed three unit street townhouse dwelling, together with an easement, for eaves, gutters and footings, in perpetuity, over Part 3 (5.4 m²) to benefit 25C Oakdale Avenue and over Parts 4 & 6 (22 m²) to benefit 25A Oakdale Avenue (Part 7).

Application **B-23/19SC** is made for consent to a partial discharge of mortgage and to sever 241 m² of land (Parts 3, 4, 5 & 6 on the submitted sketch) creating a new lot to be known as 25B Oakdale Avenue, being the middle unit of a proposed 3 unit street townhouse dwelling, subject to an easement over Part 3 (5.4 m²) for eaves, gutters and footings, in perpetuity, to benefit 25C Oakdale Avenue (Parts 1 & 2) and over Parts 4 & 6 (22 m²) to benefit 25A Oakdale Avenue. A 284 m² remnant parcel (Part 7) will be a separate lot for the other end unit of the proposed 3-unit street townhouse dwelling.

The applications would allow each unit of the 3-unit townhouse dwelling to be owned and/or sold separately. There are concurrent minor variance applications **A-66/19**, **A-68/19** and **A-69/19**.

The Applicant for application **A-66/19** has applied to vary Zoning By-law 2013-283, for the following variances in order to facilitate the concurrent consent applications to sever one unit of a 3-unit townhouse (Parts 3 to 6):

1. A reduction of the minimum lot area per dwelling unit for the middle unit of a 3-unit townhouse from 280 m² to 241 m².
2. A reduction of the minimum landscaped open space from 35% of lot area to 30%.
3. An increase of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to the lot line to 0 metres.
4. A reduction of the interior side yard setback from the dwelling to the lot line (where the dwelling protrudes from the common wall) from 1.2 metres to 0 metres.

The Applicant for application **A-68/19** has applied to vary Zoning By-law 2013-283, for the following, in order to facilitate the concurrent consent applications to sever one of the end units of a 3-unit townhouse (Part 7).

1. An increase of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to the lot line to 0 metres.
2. A reduction of the interior side yard setback from the dwelling to the lot line (where the dwelling protrudes from the common wall) from 1.2 metres to 0 metres.

The Applicant for application **A-69/19** has applied to vary Zoning By-law 2013-283, for the following, in order to facilitate the concurrent consent applications to sever the other end unit a 3-unit townhouse (Parts 1 & 2).

1. An increase of the maximum encroachment into the required yard for eaves and gutters from 0.15 metres to the lot line to 0 metres.
2. A reduction of the interior side yard setback from the dwelling to the lot line (where the dwelling protrudes from the common wall) from 1.2 metres to 0 metres.

Location and Site Description

The subject property is located on the south side of Oakdale Avenue and north of Elm Lane, west of Merritt Street. The surrounding area consists of single and semi-detached homes, as well the Merritt Trail and open green space. There are various commercial uses to the east of the property along Merritt Street.

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 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-22/19SC** and **B-23/198SC** are requesting to sever the lot located at 25 Oakdale Avenue into three lots for a proposed three-unit townhouse. The severances will create three parts of relatively equal size. Unit 1 (Parts 1 and 2) will be 241 m², Unit 2 (Parts 3, 4, 5 and 6) will be 213.6 m², and Unit 3 (Part 7) will be 284 m². There are lots in the surrounding area of similar size and shape. The proposed lots will maintain a consistent lot depth with adjacent properties and provide sufficient front and rear yard amenity space for each of the dwelling units.

Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design. The proposal is an example of good infill development in an established residential area. Staff is of the opinion that the proposed lots will not negatively impact the established character of the neighbourhood.

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 approximately 200 m of transit stops along both Oakdale Avenue and Merritt Street, plenty of community amenities including churches, schools, restaurants, and commercial services, and is in an area that can accommodate growth of this nature. The consent is appropriate for the optimum development of the land and the proposed severed and retained lots are of a sufficient

size to support the proposed townhouse dwelling units. Staff recommend approval of the requested consents.

Design Review Panel (DRP)

Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. Feedback from the DRP is advisory in nature. 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 DRP considered a proposal to demolish the existing vacant duplex, and to sever the lot into three parts for the purpose of constructing three 3-storey townhouse units, each with a main floor interior accessory dwelling unit. The agent advised that the main level of each unit would be the accessory dwelling unit, and the next two levels would be a self-contained unit, the purposes of which (having the accessory unit on ground level) is to appeal to a greater market for accessible units rather than having stairs to an accessory unit.

It was noted that the proposed consent before the DRP would require a minor variance for minimum lot area (min. 280 m²) for the middle lot (Parts 3-6). The agent advised that stone and/or brick were planned for the facades, with some stucco or cement work product and various treatments, and they were happy to employ a mix of materials. The DRP was favourable of Elevation 3 provided, as it gave the visual impression that the dwelling was lower and provided a more balanced fenestration architecturally. The Panel also suggested pushing the garages of Units 1 and/or 3 to the outside of each lot, to provide for separation from neighbouring properties and provide an interior amenity space for the units.

The DRP was supportive of the proposed severance and house designs, subject to some of the recommendations provided. The DRP moved that the DRP supports the proposed lot creation, subject to the following design considerations for the new dwellings:

- a) That Elevation 3 is preferred because it provides a visual impression that the dwelling is lower and more balanced fenestration architecturally; and,
- b) Consideration be given to use at least one or both of the garages to help open up interior rear amenity area and provide a separation from adjacent properties.

The City's Development Engineering Services department noted that the proposed development has frontage on both Oakdale Avenue and Elm Lane. Oakdale Avenue is an Arterial Road as indicated in the City's Official Plan. Arterial Roads have a desired right-of-way width (ROW) of 26 metres. The present ROW for Oakdale Avenue is +/-20 metres. To be consistent with the requirements for two other developments along this section of roadway, the City will require a 3.04 metre widening across the Oakdale Avenue frontage.

Curbs and sidewalk exists across the entire frontage of this property. A sidewalk damage deposit and curb cut/curb fills will be taken at the time of Building Permit Application.

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

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

Prior to finalization of the severances, the required Easement and Easement Agreement shall be registered on title. The Easement Agreement shall contain a clause that indicates permanent or semi-permanent structures shall not be permitted to be constructed within the easement. If a rear yard catch basin(s) and lead(s) are required, the cost of constructing same shall rest solely with the owner. Securities in a form and an amount acceptable to The Corporation of the City of St. Catharines must be deposited with the City prior to the severance being finalized. A Plumbing Only Permit will be required for these works at the building permit stage.

The applicant should be aware that the drainage considerations may impact the proposed building envelope. Building envelope revisions may be required to facilitate adequate drainage and resulting minor variances may be triggered accordingly. The applicant should be aware of potential additional approvals if the building envelop needs to be altered to establish acceptable drainage.

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

Prior to finalizing the severances, the Owner shall also be responsible to pay the City the fee to locate and trace the existing water and sewer laterals from the existing home to ensure they do not cross any abutting and/or future lot line, and whether they are of suitable size and condition for reuse for one of the proposed units. If these services are

determined to cross abutting and/or future lot lines, or if the size or condition is not suitable for reuse, the Owner shall, prior to finalizing the severances, pay to have the service relocated, and/or decommissioned.

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

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

The City's Building Department noted that a building permit is required for the proposed 3-unit townhouse.

Variances

The Zoning By-law requires a minimum lot area of 280 m² per townhouse dwelling unit. The applicant for **A-66/19** (variance 1) is requesting to reduce the minimum lot area for 25B Oakdale Avenue (the middle unit) to 241 m² on the submitted sketch. The proposed development demonstrates that adequate outdoor amenity space can be provided towards the back of the lot due to the length of the property. The lot is the middle townhouse unit and therefore shares two common walls on each side lot line. Section 2.4 of the Zoning By-law states there is no minimum interior side yard and/or rear yard for common walls. The lot, as proposed, has adequate front and back yard setbacks while not meeting total minimum lot area. Staff recommend approval of reduction of minimum lot area.

The Zoning By-law requires that a minimum of 35% of a lot be landscaped open space for a townhouse in the R2 zone. The intent of this provision is to ensure adequate amenity and grassed open space area is provided on a parcel, because landscaping design enhances the visual appeal of a development, provides seasonal variation in colour, form, texture and representation, creates an attractive environment for pedestrian movement, and can complement the existing natural landscape. Adequate landscaping also contributes to adequate storm drainage, particularly in severe storm events. Variance 2 of application **A-66/19** requests a reduction of the minimum landscape area from 35% to 30% of the total lot area. Staff note that the driveways, parking, and garages will be located at the rear of the lot on Elm Lane. Staff are not in favour of reductions to landscaped open space particularly in situations of townhouse dwelling units, as these types of lots have noticeably less green space than an average lot and every effort should be made to achieve a balance between building envelope and landscaped open space.

The Parks and Recreation and Cultural Services (PRCS) department reviewed the application. PRCS is not supportive of reductions of greenspace and landscaping. In this case, the provisions of a single or narrower driveways provides the opportunity to meet the landscaping provisions and the intent of this section of the by-law. The impact on the streetscape of Elm Lane is not desirable and not minor. Staff note the proposed driveways

provide more parking spaces than the minimum the Zoning By-law requires, and could be reduced to allow for more landscaped area. Staff recommended denial of the requested minor variance.

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-66/19**, **A-68/19** and **A-69/19** request 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, 3, 4, and 6) extend past what is permitted in the zoning and into the adjacent yards. With the construction of staggered townhouses becoming more prevalent in the City, the eaves encroachment variance is likely to be requested more frequently. Staff do not have concerns with these requested variances.

Similarly, the effect of the request on applications **A-66/19**, **A-68/19**, and **A-69/19** for 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. 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, with the exception of Variance 2 for a reduction to the landscaped open space area.

Conclusion

Staff is of the opinion that Applications **B-22/19SC** and **B-23/19SC** 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-66/19** (variances 1, 3 and 4), **A-68/19** and **A-69/19** 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. Staff is of the opinion that Application **A-66/19** (Variance 2) is not in accordance with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate and desirable for the use of the land. Staff recommend the requested variance be denied.

Prepared by:

for 
Mallory Smith
Student Planner

Submitted by:


Kirstin Jensen
Planner I

Approved by:


Judy Pinach, MCIP, RPP
Manager of Planning Services

May 16, 2019

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

Attention: Elaine Munro

File# 60.84.2249, 60.81.5502, 60.81.5503 & 60.84.2250

Re: 25, 25a and 25c Oakdale Ave

In response to your correspondence dated May 7, 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.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

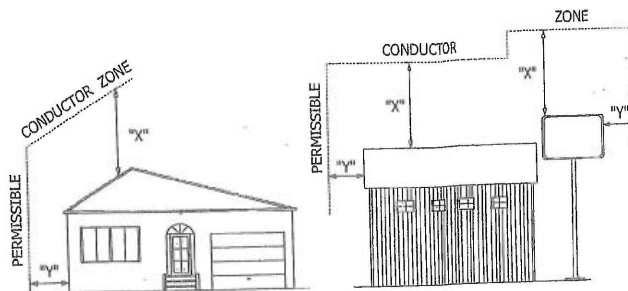
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call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

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

Sincerely,

A handwritten signature in black ink, appearing to 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:

- 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.
- THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
- 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)
- 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).
- 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.*

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

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

REFERENCE DRAWINGS:

DRAWING #
3-105

DRAWINGS NOT TO SCALE

SHEET #
1

REVISION #
0

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 5 - Last Email

25 Oakdale (Balance)
33 Hamilton Street

From: Doug Crown [mailto:doug.crown@cogeco.com]
Sent: Friday, May 03, 2019 8:18 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 5 - Last Email

Hi Elaine
Email-5
Cogeco has no issues or
concerns with this applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

Munro, Elaine

Subject: Cogeco Comments RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 4

25 Oakdale

From: Doug Crown [mailto:doug.crown@cogeco.com]
Sent: Friday, May 03, 2019 8:18 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 4

Hi Elaine
Email-4
Cogeco has no issues or
concerns with this applications

Thanks

Doug Crown
Network Planning Department

7170 Mcleod Rd
Niagara Falls Ont Canada

Doug.crown@cogeco.com

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 4 - 905-19-202

From: Gordon, Carrie [mailto:carrie.gordon@bell.ca]
Sent: Tuesday, May 14, 2019 12:02 PM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 4 - 905-19-202

Dear Elaine,

Re File: B-22/19SC

Details:

- ☐ Severance
- ☐ 25 Oakdale Avenue
- ☐ Lot 180 Corp Plan No. 6

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance. Please note, Bell Canada has aerial cable and a pole directly behind this project in the laneway and request special consideration of this plant when construction occurs.

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

Thank you

Carrie Gordon



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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 5 - Last Email - 905-19-203

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

Sent: Tuesday, May 14, 2019 12:02 PM

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

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the May 29/19 CofA Hearing - Email 5 - Last Email - 905-19-203

Dear Elaine,

Re File: B-23/19SC

Details:

- ☐ Severance
- ☐ 25 Oakdale Avenue
- ☐ Lot 180 Corp Plan No. 6

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance. Please note, Bell Canada has aerial cable and a pole directly behind this project in the laneway and request special consideration of this plant when construction occurs.

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

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Carrie Gordon



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



Memorandum

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

Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – May 29, 2019 hearing - File No.: 300-036

B-15/19SC – 24 Corbett Avenue

Comment:

- Be advised that a building permit is required for the proposed single detached dwelling on Part 2.

Condition:

- The existing shed on Part 1 is to be removed.
- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction meets the requirements for subsection 9.10.14. and 9.10.15. of the 2012 Ontario Building Code for the northwest face of the existing detached building on Part 1.

B-19/19SC – 48 South Drive

Comment:

- No Comment

Condition:

- No Comment

B-20/19SC – 81 Bayview Drive

Comment:

- No Comment

Condition:

- No Comment

B21/19SC – 14 Queen Street

Comment:

- No Comment

Condition:

- The applicant shall satisfy the Chief Building Official for the City of St. Catharines that the required Firewall between the two buildings meets the requirements of subsection 3.1.10. of the 2012 Ontario Building Code.
A building permit to alter the existing building shall be submitted to the Building Section for review and approval which illustrates how the requirements are to be met and any work shall be completed and inspected.

B-22/19SC – 25 Oakdale Avenue

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse.

Condition:

- The existing single detached dwelling 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.

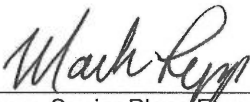
B-23/19SC – 25 Oakdale Avenue

Comment:

- Be advised that a building permit is required for the proposed 3 Unit Townhouse.

Condition:

- The existing single detached dwelling 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.



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

g:\pbs-building & development\committee of adjustment\bldg memo 2019/10bcoa memo-sev-May29,2019.docx



Memorandum

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


Cc: Judy Pihach, B. Thiessen, Kirsten Jensen, Mallory Smith
Planning and Building Services

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

Date: May 11, 2019

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance –May 29, 2019 hearing- File No.: 300-010

NO.	ADDRESS	COMMENTS
A-57/19	48 South Drive	-No Comment
A-58/19	50 South Drive	-No Comment
A-60/19	56 Louisa Street	-Be advised that a building permit is required for the proposed addition. - Be advised that reductions in the required yards will have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-61/19	12 Heritage Court	-No Comment
A-62/19	26 Corbett Avenue	-Be advised that a building permit is required for the proposed single detached dwelling. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings facing these yards.
A-63/19	81 Bayview Drive	-No Comment
A-64/19	3 Vera Street	- Be advised that a building permit is required for the proposed accessory dwelling unit.
A-65/19	33 Hamilton Street	-Be advised that a building permit is required for the proposed detached garage.
A-66/19	25B Oakdale Avenue	-No Comment
A-67/19	83 Bayview Drive	-No Comment
A-68/19	25A Oakdale Avenue	-No Comment
A-69/19	25C Oakdale Avenue	-No Comment


Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\09 booa memo-mv-May29, 2019.docx



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Parks, Recreation and Culture Services
Date: April 10, 2019
Subject: Committee of Adjustment Hearing – April 25, 2019

1. **24 Corbett Avenue, Consent, B-15/19SC – 60.84.2243**
26 Corbett Avenue, Minor Variance, A-62/19 – 60.81.5496

PRCS has reviewed the above-noted consent 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 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. **48 South Drive, Consent, B-19/19SC – 60.84.2246**
48 South Drive, Minor Variance, A-57/19 – 60.81.5491
50 South Drive, Minor Variance, A-58/19 – 60.81.5492

No comment.

3. **56 Louisa Street, Minor Variance, A-60/19 – 60.81.5494**

No comment.

4. **12 Heritage Court, Minor Variance, A-61/19 – 60.81.5495**

No comment.

5. **81 Bayview Drive, Consent, B-20/19SC – 60.84.2247**
81 Bayview Drive, Minor Variance, A-63/19 – 60.81.5497
83 Bayview Drive, Minor Variance, A-67/19 – 60.81.5501

No comment.

6. **14 Queen Street, Consent, B-21/19SC – 60.84.2248**
No comment.

7. **3 Vera Street, Minor Variance, A-64/19 – 60.81.5498**

No comment.

8. **33 Hamilton Street, Minor Variance, A-65/19 – 60.81.5499**
No comment.

9. **25 Oakdale Avenue, Consent, B-22/19SC – 60.84.2249**
25 Oakdale Avenue, Consent, B-23/19SC – 60.84.2250
25B Oakdale Avenue, Minor Variance, A-66/19 – 60.81.5500
25A Oakdale Avenue, Minor Variance, A-68/19 – 60.81.5502
25C Oakdale Avenue, Minor Variance, A-69/19 – 60.81.5503

PRCS is not supportive of reductions of greenspace and landscaping. In this case, the provisions of a single or narrower driveways provides the opportunity to meet the landscaping provisions and the intent of this section of the by-law.

PRCS has reviewed the above-noted consent 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.

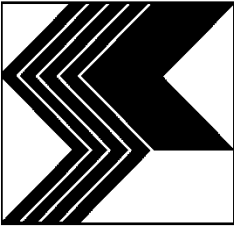
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Jessica Button
Project and Development Planner
Parks, Recreation and Culture Services

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-22&23/19SC



May 7th, 2019

ENGINEERING FILE 300-36

Hearing Date: May 29th, 2019
Owner: Cairnwood Developments Inc.
Location: 25 Oakdale Avenue

GENERAL COMMENTS:

It is noted that the Applicant proposes to sever Parts 1 & 2 and Parts 3,4,5 and 6 creating **two new lots fronting Oakdale Avenue for the purpose of constructing two Street Townhouse** dwellings. Part 7 would be retained for a third Street Townhouse dwelling. The application would allow each unit to be owned and/or sold separately.

EXISTING SERVICES

The following municipal services exist within the adjacent road allowances:

	<u>Oakdale Avenue</u>	<u>Elm Street</u>
Water:	300mm C.I. 5/8" Copper Service	None
Sanitary:	600mm (material unknown) No info on existing service	None
Storm Services:	525mm Conc. No service connection	None

ENGINEERING COMMENTS:

ROADS

The proposed development has frontage on both Oakdale Avenue and Elm Lane. Oakdale Avenue is an Arterial Road as indicated in the City's Official Plan. Arterial Roads have a desired right-of-way width (ROW) of 26m. The present ROW for Oakdale Avenue is +/-20m. To be consistent with the requirements for two other developments along this section of roadway, the City will require a 3.0m widening across the Oakdale Avenue frontage.

SIDEWALKS AND CURBS

Curbs and sidewalk exists across the entire frontage of this property. A sidewalk damage deposit and curb cut/curb fills will be taken at the time of Building Permit Application.

STORM DRAINAGE

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

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

Prior to finalization of the severances, the required Easement and Easement Agreement shall be registered on title. The Easement Agreement shall contain a clause that indicates permanent or semi-permanent structures shall not be permitted to be constructed within the easement. If a rear yard catch basin(s) and lead(s) are required, the cost of constructing same shall rest solely with the owner. Securities in a form and an amount acceptable to The Corporation of the City of St. Catharines must be deposited with the City prior to the severance being finalized. A Plumbing Only Permit will be required for these works at the building permit stage.

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

SANITARY LATERALS AND DOMESTIC WATER SERVICES

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

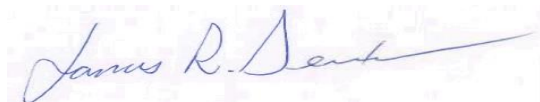
If the owner wishes to continue to use the existing service, they shall also be responsible to complete any relocation works on private property through a Plumbing Only permit so as not to continue private service crossings over abutting and/or future lot lines.

The Owner shall pay the City the fees to provide any additional new water services and new sanitary laterals within the road allowance to the property lines

in order that each property can be serviced individually. This can be done at the building permit stage.

CONDITION (s): Prior to the severance finalization the Owner shall;

1. If not already done through the demo permit, pay the fee for City crews to locate, trace, and confirm the size and condition of the existing sewer lateral and water service to the previously existing building.
2. Provide the City with a drawing showing the location of the existing sanitary lateral and water service.
3. Provide a Site Grading Plan, for review and approval by City Staff, prepared by a qualified engineer or OLS, that shows how all drainage for the roofs, rear yards, side yards, front yards and sump pumps will be accommodated without adversely affecting neighbouring properties and which would confirm where the drainage easement(s) and or rear yard catch basin(s) if required, are to be located, and
4. Prepare and Provide to the City, a copy of the Reference Plan and Easement Agreement for the rear yard catch basin(s) and leads, and
5. Provide proof to the City that the Reference Plan and Easement Agreement have been registered on title, and
6. Deposit with the City securities in a form and an amount satisfactory to the City to guarantee the installation of the rear yard catch basin(s) and lead(s), and
7. Prepare a Reference Plan for review and approval by the City identifying the 3.04m wide Parts along Oakdale Avenue to be dedicated to the City as Public Highway. Submit and register the Reference Plan and dedicate the appropriate Part(s) to the City of St. Catharines as Public Highway.



Prepared By: _____

Jim Denham P.Eng.
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
Mallory Smith, Planning Co-op Student


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

Date: May 10, 2019
Hearing Date: May 29, 2019

Subject: **Development Engineering - Minor Variance Applications**
26 Corbett Avenue, A-62/19SC
48&50 South Drive, A-57&58/19SC
56 Louisa Street, A-60/19SC
12 Heritage Court, A-61/19SC
81&83 Bayview Drive, A-63&67/19SC
3 Vera Street, A-64/19SC
33 Hamilton Street, A-65/19SC
25B Oakdale Avenue, A-66/19SC

Development Engineering have reviewed the above noted applications for Minor Variance requests. Unless otherwise noted below we have no concerns or comments.

- Regarding 56 Louisa Street, no grade changes will be permitted within the existing side yard setback, and all downspouts shall discharge in accordance with the applicable By-law;
- Regarding 3 Vera Street, the Applicant/Owner will be responsible to pay for City crews to restore the existing driveway boulevard with 100mm topsoil and sod, the fee in accordance with the City's current Schedule of Rates & Fees;
- Regarding 33 Hamilton Street, the Applicant/Owner will be required to submit a grading and drainage plan prepared by an Ontario Land Surveyor or Professional Engineer for review and approval with the Building Permit application;


Prepared by: Brad Johnston, C.E.T.
Development Engineering Technologist

c. Brian Thiessen, PBS
James Denham, PBS

To: Elaine Munro
Committee Secretary & Planning Technician

Cc:

From: Steve Bittner
Transportation Technologist

Date: May 7, 2019

Subject: Committee of Adjustment
Public Hearings – May 29, 2019

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/