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### Agenda

1. Chair to call the Hearing to Order
  2. Amendments/Additions to the Agenda
  3. Declarations of Interest
  4. Request for Withdrawal or Adjournment  
Item #9 - 31 & 33 Victoria Street, Consent, B-33/19SC – 60.84.2260, 31 Victoria Street, Minor Variance, A-95/19 – 60.81.5529 & 33 Victoria Street, Minor Variance, A-96/19 – 60.81.5530  
The applicant is requesting a deferral of the applications to the September 25, 2019 Hearing in order to reconfigure the applications in accordance with staff's preference to sever the entire property to previous lot configurations.
  5. Adoption of the Minutes held on June 26, 2019
  6. Application:
    1. 140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254  
140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518  
140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519
    2. 40 Canal Street, Minor Variance, A-88/19 – 60.81.5522
    3. 1 ½ Edmund Street, Minor Variance, A-89/19 – 60.81.5523
    4. 178 Niagara Street, Consent, B-28/19SC – 60.84.2255
    5. 15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524
    6. 333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256  
333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257  
10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525  
10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526  
333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527
    7. 8 Clifford Street, Consent, B-31/19SC - 60.84.2258  
8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528
    8. 1277 Third Street Louth, Consent, B-32/19SC – 60.84.2259  
1277 Third Street Louth, Minor Variance, A-98/19 – 60.81.5532
    10. 17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531
    11. 34 Rykert Street, Minor Variance, A-76/19 – 60.81.5510
    12. 27 Oakdale Avenue, Minor Variance, A-77/19 – 60.81.5511
    13. 76 Currie Street, Minor Variance, A-78/19 – 60.81.5512
    14. 14 Tasker Street, Minor Variance, A-79/19 – 60.81.5513
    15. 33 North Street, Minor Variance, A-87/19 – 60.81.5521
- \*\* All Planning Recommendation Reports will be circulated by July 29, 2019.
7. New Business:
  8. Date of next Hearing: Wednesday, August 28, 2019
  9. Adjournment

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

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

# **COMMENTS**

**B-27/19SC (60.84.2254), A-84/19  
(60.81.5518) & A-85/19 (60.81.5519)**

**140 Glendale Avenue**

**DATE OF HEARING:  
July 31, 2019**



CITY OF  
ST. CATHARINES

## Technical Report

Deferred from June 26, 2019 Hearing

**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 17, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** B-27/19SC  
A-84/19  
A-85/19

**File:** 60.84.2254  
60.81.5518  
60.81.5519

**Subject:** 140 Glendale Avenue

### Recommendation

That Submission **B-27/19SC**, by Marc and Antonette Torelli, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the Owner construct a 1.3-metre wide landscape strip to facilitate side yard drainage, in accordance with the grading and drainage plan approved as part of the building permit, as follows:
  - a) for Part 1, along the westerly side lot line abutting the driveway;
  - b) for Part 2, along the easterly side lot line abutting the driveway; and,
  - c) the City shall inspect and approve the works prior to final approval of the Consent.
2. That the Owner 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; and
3. That the Owner submit for review and approval a revised lot grading and drainage plan, prepared by an Ontario Land Surveyor, prior to the finalization of the Consent.

That Variances 1 and 2 of Submissions **A-84/19** and **A-85/19**, as outlined in the respective Notices of Hearing, be approved; and,

That Variance 3 of Submissions **A-84/19** and **A-85/19**, as outlined in the respective Notices of Hearing, be denied.

### Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is satisfied that Application **B-27/19SC** is compatible with the surrounding area and will not result in adverse impacts. Having regard for the matters under Section 45(1) of the Planning Act,

staff is of the opinion that Variances 1 and 2 requested through each of Applications **A-84/19** and **A-85/19** 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. Conversely, Variance 3 requested through each of the Applications does not meet the four tests.

## Background

At its May 1<sup>st</sup>, 2018 meeting, the Design Review Panel reviewed a proposal for a semi-detached dwelling on the subject lands; its position on the matter was favourable.

On May 30<sup>th</sup>, 2018 the Committee of Adjustment granted the following minor variances requested through Application A-64/17 to facilitate construction of the semi-detached dwelling:

1. A reduction in the minimum front yard setback to the garage from 7.0 metres to 6.12 metres for Part 2 (140B Glendale Avenue).
2. A reduction in the minimum rear yard setback from 7.5 metres to 5.49 metres for Parts 1 & 2 (140A and 140B Glendale Avenue).

This approval was conditional on the Applicant entering into a development agreement to address building and site design. The Committee denied the following variance:

3. A reduction in the minimum setback from a rear lot line to a platform structure (deck) that is 1.2 metres above grade from 4.5 metres to 3.0 metres for Part 1 (140A Glendale Avenue).

The Applicant has entered into the required development agreement to the satisfaction of the City's Urban Design Planner, and a building permit has been issued. The building in question is now under construction.

The Applicant is considering converting interior space for one interior accessory dwelling unit in each of the semi-detached dwellings. Further building permits will be required for these works.

## Report

### The Proposal

A semi-detached dwelling is currently under construction on the lands known as 140 Glendale Avenue. The Applicant proposes to sever the lot along the common wall separating the two dwellings so that each of the units can be held in separate ownership.

Application **B-27/19SC** is made for consent to sever 367.6 m<sup>2</sup> of land (Part 1 on the submitted sketch), creating a new lot to be known as 140A Glendale Avenue. A 367.6 m<sup>2</sup> remnant parcel (Part 2), to be known as 140B Glendale Avenue, will be retained.

There are concurrent Applications **A-84/19** and **A-85/19**, which seek relief from Zoning By-law 2013-283 for both the new and remnant parcels, as follows:

1. A reduction in the minimum lot area per dwelling unit for a semi-detached dwelling from 370 m<sup>2</sup> to 367 m<sup>2</sup>.



2. A reduction in the minimum lot frontage for a semi-detached dwelling from 12.0 metres to 10.95 metres.
3. An increase in the maximum driveway width from 5.48 metres (50% of lot frontage) to 5.97 metres.

## **Location and Site Description**

The subject lands are located on the south side of Glendale Avenue, between Wakil Drive and Valerie Drive. The subject lands are surrounded by townhouses, detached dwellings and green space to the north; and detached dwellings to the east, south and west.

## **Circulation of Application**

The Application was circulated to all appropriate departments and agencies: Parks, Recreation and Culture Services, as well as the Development Section of Planning and Building Services, objected to the proposed variances, in part.

## **Planning Policy Context**

### **Official Plan (Garden City Plan)**

The subject lands are designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E8 thereof. 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 11.0 metres.

### **Zoning By-law (2013-283)**

The subject lands are zoned Low Density Residential – Suburban Neighbourhood (R1). The R1 zone permits detached, semi-detached, quadruplex, and townhouse dwellings, as well as private road developments. Height of buildings is restricted to 10.0 metres.

## **Planning Analysis**

### **Consent**

Part F, Section 16.11.3(c) of the GCP provides 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 proposed severance will allow each of the two units within the semi-detached dwelling to be sold individually and held in separate ownership. The consent will result in the creation of lots that are marginally smaller than what is permitted by the zoning by-law, in terms of lot area and lot frontage, however, the scale of the building under construction and overall lot area are in keeping with the character of the neighbourhood. The proposal demonstrates that there is sufficient space on each of the lots to accommodate parking, landscaping, and amenity areas. There are no anticipated impacts

as a result of the severance. Staff recommend that the consent be approved, subject to the conditions outlined in the recommendation.

## **Variances 1 and 2**

Pursuant to the former “existing lots of record” provisions of Zoning By-law 2013-283, which were in place at the time of issuance of a building permit for this semi-detached dwelling, the proposal was exempted from the minimum lot area and minimum lot frontage requirements. However, as a result of the severance contemplated through the concurrent Application for Consent, the lot at 140 Glendale Avenue will lose its status as an existing lot of record. It must, therefore, comply with the minimum lot area and minimum lot frontage requirements for semi-detached dwellings in the R1 zone.

The Applicant has requested relief from the provisions in question through Applications **A-84/19** and **A-85/19**. Staff considers these types of variances minor and administrative in nature; there is no impact. Given the relief requested is desirable for the appropriate use of the lands and maintains the purpose and intent of the Official Plan and Zoning By-law, staff recommend that Variances 1 and 2 for Applications **A-84/19** and **A-85/19** be approved.

## **Variance 3**

Zoning By-law 2013-283 restricts the width of driveways to a maximum of 50% of the lot frontage. The intent of the provision is to:

- maintain a pleasant streetscape;
- avoid large expanses of asphalt;
- maintain sufficient space for amenity areas, landscaping (including boulevard trees), and stormwater management;

among other matters.

One parking space must be provided for each of the semi-detached dwelling units; two if accessory dwelling units are to be created in the future. A standard parking space is 2.6 metres in width; side-by-side spaces 5.2 metres in width; etc. The proposed 5.97 metre wide driveways are unnecessarily oversized. The applicant has not submitted sufficient justification for this, nor is there evidence of undue hardship if the driveways were to be reduced to comply with the by-law.

The City’s Parks, Recreation, and Culture Services Department (PRCS) notes that PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths allow for both increased front yard and boulevard greenspace, and provide space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

The Development Section of Planning and Building Services advises that a grading and drainage plan was approved through the building permit process; it indicates the provision of a grassed drainage swale between each of the driveways and the respective abutting property lines. If the driveways are widened to extend to the limits of the easterly and westerly lot lines, then the function of this swale is compromised, and drainage impacted

accordingly. The requirement to install the grass swales in accordance with the approved grading and drainage plan has been included as a condition of the Consent.

Given the impact the proposed increased driveway widths will have on stormwater management, it is staff's opinion that the variances are not desirable for the appropriate use of the land, and are not in keeping with the purpose and intent of the Official Plan and Zoning By-law. Staff recommend that Variance 3 requested through each of Applications **A-84/19** and **A-85/19** be denied.

## Conclusion

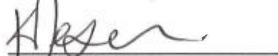
The proposed severance requested through Application **B-27/19SC** will allow each of the semi-detached units to be held in separate ownership with little to no impact on the neighbourhood. Staff are recommending approval of the Application accordingly, subject to certain conditions. Similarly, Variances 1 and 2 requested through each of Applications **A-84/19** and **A-85/19** are minor in nature, desirable for the appropriate use of the land and maintain the intent and purpose of the Official Plan and Zoning By-law. Conversely, Variance 3 requested through each of the Applications does not meet these four tests. Accordingly, staff are recommending the partial approval set out in the recommendation above.

### Prepared by:



Mallory Smith  
Student Planner

### Submitted by:



Kirstin Jensen  
Planner I

### Approved by:



Amanda Knutson  
Senior Planner

## Munro, Elaine

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 2 - 905-19-277

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

**Sent:** Monday, July 15, 2019 10:27 AM

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

**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 2 - 905-19-277

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

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Dear Elaine,

Re File: B-27/19SC

Details:

- Severance
- 140 Glendale Avenue
- Lot 3, Part of Lot 4, Plan 486

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

Best regards,

*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**

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 2

33 North  
✓ 140 Glendale Avenue

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

**Sent:** Tuesday, July 09, 2019 12:11 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 2

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

Hello Elaine  
Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – July 31, 2019 hearing - File No.: 300-036**

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**B-27/19SC – 140 Glendale Avenue**

Comment:

- No Comment

Condition:

- No Comment

**B-28/19SC – 178 Niagara Street**

Comment:

- No Comment

Condition:

- 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 south face of the existing dwelling on part 1 and the north face of the existing dwelling on Part 2.

**B-29/19SC – 333 Main Street**

Comment:

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

Condition:

- 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 southeast face of the existing dwelling on Part 3.

### **B30/19SC – 333 Main Street**

Comment:

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

Condition:

- 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 southeast and northeast faces of the existing dwelling on part 3.

### **B31/19SC – 8 Clifford Street**

Comment:

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

Condition:

- 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 northeast face of the existing dwelling on part 1.
- The existing pool on Part 2 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.

### **B32/19SC – 1277 Third Street Louth**

Comment:

- No Comment

Condition:

- 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 south face of the existing dwelling on part 1.

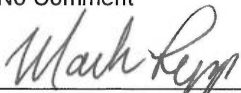
### **B33/19SC – 31 Victoria Street**

Comment:

- No Comment

Condition:

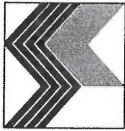
- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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## Memorandum

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

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

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

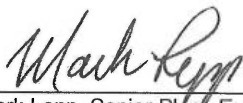
Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.



NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

PRCS offers no comments of the remaining applications.

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

**REPORT TO PLANNING DEPARTMENT  
Re: CITY LAND DIVISION APPLICATION NUMBER B-27/19SC**



June 10<sup>th</sup>, 2019

**ENGINEERING FILE 300-36**

**Hearing Date:** June 26<sup>th</sup>, 2019

**Applicant:** Marc & Antonette Torelli

**Location:** 140 Glendale Avenue

**MUNICIPAL SERVICES**

<b>Water:</b>	300mm C.I.	
<b>Sanitary Sewer:</b>	600mm Conc.	200mm A.C.
<b>Storm Sewer:</b>	250mm Concrete	
<b>Sidewalks:</b>	Yes	
<b>Curbs:</b>	Yes	
<b>Road Allowance Width:</b>	30.5m±	

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

**Comment(s):** It is noted that the Applicant proposes to sever two semi-detached dwellings that have recently been constructed.

**Roads**

Glendale Avenue is designated a Regional Road in the City's Official Plan with a desired right-of-way width of 26.2m. Its current width across the frontage of the subject property is sufficient at +/-30.5m<sup>2</sup>. Since this is a Region of Niagara Road we defer any widening comments to them.

Sidewalks and curbs exist along the frontage of the subject property at this time Care should be taken not to damage these services with the construction of the proposed dwelling, if approved. A sidewalk damage deposit was obtained through the Building Permit process to ensure that damages do not occur to these services with the proposed dwelling's construction.

**Municipal Services**

All servicing has been dealt with through the building permit application. However, the grading plan is being revised as part of the concurrent Minor Variances associated with this property.

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

- Have the lot grading and drainage plan revised by the OLS that prepared the original plan and submit for the revised plan for review and approval by City staff, prior to the finalization of the Consent.

A handwritten signature in cursive script, reading "James R. Denham". The signature is written in dark ink and is positioned above a horizontal line.

**Prepared by:**

James R Denham, P.Eng.  
Development Engineering Technologist



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
**140A&B Glendale Avenue, A-84&85/19SC**  
40 Canal Street, A-888/19SC  
1 ½ Edmund Street, A-89/19SC  
15 Tuscany Court, A-90/19SC  
10A&B Port Royal Crescent, A-91&92/19SC  
333-347 Main Street, – A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering **have no comments or objections to the** approval of the above noted applications, subject to the following conditions:

### **27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefor a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere

## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

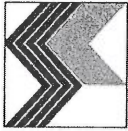
### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**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-88/19 (60.81.5522)**

**40 Canal Street**

**DATE OF HEARING:**  
**July 31, 2019**



CITY OF  
ST. CATHARINES

## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 22, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** A-88/19

**File:** 60.81.5522

**Subject:** 40 Canal Street

### Recommendation

That Variance 2 of Submission **A-88/19**, by Paula Macmillan, as outlined in the Notice of Hearing, be approved; and

That Variance 1 of Submission **A-88/19**, by Paula Macmillan, be denied.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that Variance 2 of Application **A-88/19** is minor in nature, is desirable for the appropriate use of the land, and is in keeping with the intent and purpose of the Official Plan and Zoning By-law, but that Variance 1 is not. Staff recommend that Variance 2 be approved and that Variance 1 be denied.

### Report

#### The Proposal

The Applicant proposes an addition to north side of the existing duplex dwelling located at 40 Canal Street for additional living space and an attached two-car garage. The Applicant also proposes to replace the existing front porch. Application **A-88/19** seeks relief from the the requirements of City of St. Catharines Zoning By-law 2013-283 as follows:

1. A reduction in the minimum front yard setback to the garage from 6.0 metres to 5.23 metres.
2. A reduction in the minimum setback from the front lot line for a covered porch that is less than 1.2 metres in height above grade from 3.0 metres to 1.52 metres.

#### Location and Site Description

The subject property is located on the west side of Canal Street, between Brock and Simcoe Streets. The property is surrounded by detached dwellings and across the street from Martindale Pond.

#### Circulation of Application

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

## **Planning Policy Context**

### **Official Plan (Garden City Plan)**

The subject lands are designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E1 thereof. 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 lands are zoned Low Density Residential - Traditional Neighbourhood with Special Provision No. 7 (R2-7). The R2 zone permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings, as well as private road developments. Special Provision No. 7 restricts building height to a maximum of 9 metres.

### **Port Dalhousie Heritage Conservation District**

The subject lands are located within the Port Dalhousie Heritage Conservation District. The proposed addition and porch replacement received heritage permit approvals on June 27, 2019.

## **Planning Analysis**

### **Variance 1**

Zoning By-law 2013-283 establishes a minimum 6.0 metre front yard setback to the garage of a duplex dwelling. The intent of the 6.0 metre minimum is to prevent an overwhelming built form, to maintain a balanced neighbourhood streetscape, and to ensure that adequate front yard amenity and parking areas can be provided between the garage and front lot line. The applicant is requesting a reduction in the minimum front yard setback from 6.0 metres to 5.23 metres, but has not submitted sufficient rationale to support the reduction. Two parking spaces are required for the duplex dwelling; each of them to be 2.6 metres in width by 5.2 metres in length. With a proposed setback of 5.23 metres, at least one of the two vehicles may overhang the municipal sidewalk. Staff are confident that the design of the addition (and in particular the two-car garage) can be modified to meet the required 6.0 metre setback, while not compromising the architectural interest of the building. It is staff's opinion that Variance 1 does not meet the four tests for a minor variance and should be denied.

### **Variance 2**

Zoning By-law 2013-283 establishes a minimum 3.0 metre setback from the front lot line for a covered porch that is less than 1.2 metres in height above grade. The Applicant is requesting a reduction in this standard to 1.52 metres. The replacement porch is proposed to be constructed in line with the footprint of the existing porch, which has been in place for a number of years. Staff are satisfied that the proposed 1.52 metre setback is in keeping with the character of the surrounding neighbourhood, does not impact the streetscape, and does not detract from the provision of amenity space on site. The requested reduction is minor in nature, desirable for the appropriate use of the land, and

meets the general intent and purpose of the Official Plan and Zoning By-law. Staff are recommending that Variance 2 be approved.

It is noted that the sketch submitted with the application shows the existing driveway being reconfigured and widened, however it does not show the location of an existing fire hydrant in the City boulevard. It appears that the new driveway apron conflicts with the location of the existing hydrant; the City requires a 1.0 metre separation between the two. The Applicant will be required to revise the proposal accordingly.

## Conclusion

Staff are satisfied that Variance 2 requested through Submission **A-88/19** 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, while Variance 1 is not. Accordingly, it is staff's recommendation that Variance 2 be approved and that Variance 1 be denied.

### Prepared by:



Mallory Smith  
Student Planner

### Submitted by:



Kirstin Jensen  
Planner I

### Approved by:



Amanda Knutson  
Senior Planner

**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 3

✓ 40 Canal  
11/2 Edmund  
178 Niagara  
15 Tuscany

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**From:** Doug Crown [mailto:doug.crown@cogeco.com]  
**Sent:** Tuesday, July 09, 2019 12:13 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 3

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

Hello Elaine  
Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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

July 22, 2019

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

**Attention: Elaine Munro**

File# 60.81.5522

**Re: 40 Canal St**

In response to your correspondence dated July 9, 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](http://www.alectrautilities.com).
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.

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





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## Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

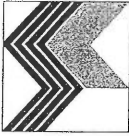
NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.

NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

**PRCS offers no comments of the remaining applications.**

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



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
140A&B Glendale Avenue, A-84&85/19SC  
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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

**27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefor a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

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**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere



## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

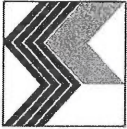
If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



**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-89/19 (60.81.5523)**

**1 ½ Edmund Street**

**DATE OF HEARING:**  
**July 31, 2019**



## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 23, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** A-89/19

**File:** 60.81.5523

**Subject:** 1 ½ Edmund Street

### Recommendation

That Submission **A-89/19**, by Jennifer Cronin and Laura Morrison, 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-89/19** 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.

### Report

#### The Proposal

Application **A-89/19** is requesting to vary the City of St. Catharines Zoning By-law 2013-283, for the following variances in order to replace and expand the existing covered front porch:

- 1) A reduction of the easterly interior side yard setback to the porch from 1.2 metres to 0.59 metres.
- 2) A reduction of the front yard setback to the porch from 3 metres to 0.85 metres.

#### Location and Site Description

The subject property is located on the north side of Edmund Street, east of Henry 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 Policy Context

##### 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, townhouse dwellings and private road development.

## **Planning Analysis**

Zoning By-law 2013-283 requires that a platform structure (deck, porch, balcony, patio) must have the required interior side yard of the principal building, that being 1.2 metres in an R2 zone. The applicant is requesting a reduction of the interior side yard setback to 0.59 metres, to expand the porch to be in line with the exterior wall of the existing dwelling. 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, and that sufficient distance from property lines is maintained to support on-site drainage and provide access for maintenance. A reduction to less than half the requirement is a considerable departure, as it will provide very minimal space between the porch and the neighbouring property.

The expansion of the porch to 0.59 metres from the property line will increase potential overlook and imposition into the neighbouring property and 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 porch needs to be any wider than existing, and the applicant has not demonstrated a hardship for maintaining the requirement of the zoning by-law. It should be noted that the existing dwelling was built in 1912, prior to the time that the required zoning setback came into effect and as such, the existing dwelling is also not in compliance with the zoning by-law. Staff are of the opinion that the requested reduction is not minor in nature and by-law requirements should be upheld wherever feasible. Staff recommends denial of the requested variance.

The Zoning By-law also requires a front yard setback from the lot line to the porch of 3 metres. The intent of the minimum front yard setback is to promote a balanced neighbourhood streetscape and to prevent the built form from overwhelming a property, while also ensuring front yard amenity space can be provided and that no structures encroach into the City boulevard. The applicant is requesting a reduction of the front yard setback to 0.85 metres. Staff have concern that should this variance be granted and the stairs were to project off the front of the porch (as opposed to their current location off the side) that an encroachment beyond the property line may occur, with the stairs protruding into the City boulevard. Staff do not support applications creating encroachment situations.

## **Conclusion**

Staff is of the opinion that Application **A-89/19** 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.

**Prepared by:**



Mallory Smith  
Student Planner

**Submitted by:**



Kirstin Jensen  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

**Munro, Elaine**

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**Subject:**

RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 3

40 Canal  
11/2 Edmund  
178 Niagara  
15 Tuscany

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

**Sent:** Tuesday, July 09, 2019 12:13 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 3

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

Hello Elaine

Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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## Memorandum

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

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

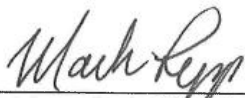
From: Mark Lepp, Senior Plans Examiner / Building Inspector  
Planning and Building Services

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.

NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**



PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

PRCS offers no comments of the remaining applications.

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



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
140A&B Glendale Avenue, A-84&85/19SC  
40 Canal Street, A-8888/19SC  
1 ½ Edmund Street, A-89/19SC  
15 Tuscany Court, A-90/19SC  
10A&B Port Royal Crescent, A-91&92/19SC  
333-347 Main Street, – A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

**27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefor a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere

## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

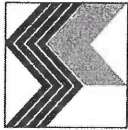
If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**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-28/19SC (60.84.2255)**

**178 Niagara Street**

**DATE OF HEARING:**  
**July 31, 2019**





CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 22, 2019

**Date of Hearing:** July 31, 2019

**Submission(s):** B28/19SC

**File:** 60.84.2255

**Subject:** 178 Niagara Street

### Recommendation

That Submission **B-28/19SC** by Elysha Mullings, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the Applicant dedicate an approximate 3.3 metre road widening (to be confirmed by an Ontario Land Surveyor) to the Regional Municipality of Niagara along the frontage of 178 Regional Road 50 (Niagara Street), and an approximate 3.45 metre road widening (to be confirmed by an Ontario Land Surveyor) to the Regional Municipality of Niagara along the frontage of 176 Regional Road 50 (Niagara Street), to the satisfaction of Niagara Region in accordance with Regional Official Plan Policy 9C;
2. That the Applicant satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction on the south face of the existing dwelling on Part 1 and the north face of the existing dwelling on Part 2 meet the requirements of subsections 9.10.14. and 9.10.15. of the 2012 Ontario Building Code;
3. That the Applicant pay the fee for City crews to locate, trace, inspect and document the location of the existing sewer and water laterals for the existing dwellings;
4. That the Applicant complete any relocations of the existing sanitary and/or water services on private property, as determined through condition 3 above; and
5. That the Applicant pay the City to complete any relocations of the existing sanitary and/or water services on City property, as determined through condition 3 above.

### Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is satisfied that Application **B-28/19SC** is desirable and compatible with the surrounding area and 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.

# **Report**

## **The Proposal**

Application **B-28/19SC** is made for consent to a partial discharge of mortgage and to sever 463.1 m<sup>2</sup> of land (Part 1 on the submitted sketch) re-creating a lot that includes an existing detached dwelling known as 178 Niagara Street. A 283.5 m<sup>2</sup> remnant parcel (Part 2), which includes an existing duplex dwelling known as 176 Niagara Street would be retained for continued residential use. No development or change in land use is proposed.

## **Location and Site Description**

The subject property is located on the east side of Niagara Street, between Manning and Trapnell Streets. The property is neighboured by detached dwellings and duplex dwellings, across from townhouse dwellings, and in proximity to apartment buildings.

## **Circulation of Application**

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

## **Planning Policy Context**

### **Official Plan (Garden City Plan)**

The subject lands are designated Mixed Use on Schedules D1 and E5 of the Garden City Plan (GCP), permitting a mix of commercial and residential uses, including triplex, fourplex, townhouse, private road developments, apartment buildings and long term care facilities. The existing detached and duplex dwellings located on the subject lands constitute long-established non-conforming uses.

### **Zoning By-law (2013-283)**

The subject lands are zoned Medium Density Mixed Use (M1), permitting a mix of commercial and residential uses, including triplex, fourplex, and townhouse dwellings, private road developments, apartment buildings and long term care facilities. Detached dwellings and duplex dwellings are not permitted. Again, the existing detached and duplex dwellings located on the subject lands constitute long-established non-conforming uses to which the M1 zone requirements do not apply.

## **Planning Analysis**

Part F, Section 16.11.3 of the GCP provides 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 dwellings at 178 Niagara Street and 176 Niagara Street were built circa 1940 and were located on separate and distinct parcels for many years. The current owner took title to both properties under the same name in the recent past, resulting in a merger in title. Staff is satisfied that the proposed severance is appropriate for the continued use of the residential buildings. The use and function of the lands will not change and there will be no impact on the established neighbourhood. Staff is supportive of the proposed consent, subject to the conditions outlined in the recommendation.



The Region of Niagara has advised that the subject property has frontage along Regional Road 50 (Niagara Street). This section of road has a substandard road allowance of approximately 19.95 meters, while the designated road allowance width is 26.2 meters, as identified in the Regional Official Plan. The Applicant is required to gratuitously grant to the Region an irregular road widening, of approximately 3.3 metres along the frontage of 178 Niagara Street and of approximately 3.45 meters along the frontage of 176 Niagara Street, to be confirmed at the applicant's expense.

The Applicant will be required to pay City forces to confirm that the existing water and sewer services to each building do not cross any abutting and/or proposed lot lines. If it is determined that these services do cross abutting and/or proposed lot lines, the Applicant will be responsible for the relocation of those works onto private property through a plumbing only permit. Each property must be serviced individually. The cost for City crews to install any new water service and/or sewer lateral from the City owned main to the front property line will be borne by the Applicant. Fees to complete this work, if determined to be necessary, are to be paid as a condition of the severance.

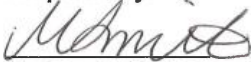
#### **Design Review Panel (DRP)**

Given the proposal involves no new development or land use, the Application was exempt from any requirement for review by the DRP.

## **Conclusion**

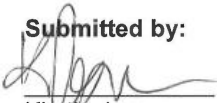
Staff are satisfied that the consent requested through Application **B-28/19SC** is desirable, as it rectifies a title issue that occurred inadvertently. The proposed severance is in keeping with the intent and purpose of the Official Plan and Zoning By-law and there will be no adverse impacts on surrounding properties. Accordingly, 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:**



Amanda Knutson  
Senior Planner

## VIA E-MAIL ONLY

July 16, 2019

Elaine Munro  
Committee Secretary and Planning Technician  
City of St. Catharines  
50 Church Street  
P.O. Box 3012  
St. Catharines, ON L2R 7C2

### **Application for Consent**

Proposal: Consent to a partial discharge of mortgage and to severance of land, re-creating the lot known as 178 Niagara Street with the existing single detached dwelling. 176 Niagara Street will be retained for continued residential use.

Location: 178 Niagara Street  
In the City of St. Catharines

Our File: CS-19-054

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Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a consent application for a severance and recreation of new lot for a single detached dwelling located at 178 Niagara Street in the City of St. Catharines.

The following comments are provided from a Regional and Provincial perspective to assist in reviewing the Consent Application.

### **REGIONAL ROAD ALLOWANCE**

The subject property has frontage along Regional Road 50 (Niagara Street). This section of road has a substandard road allowance of approximately 19.95 meters. The designated road allowance is 26.2 meters as identified in the Regional Official Plan.

Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- An irregular road widening of approximately 3.30 metres along the northernly limit of the property and 3.45 +/- metres along the southerly limit of the property frontage of 178 Niagara Street. This is order to achieve 13.1 meters from the original centerline of this road section.

The actual width of the required widening must be confirmed by an Ontario Land Surveyor. This is only an approximation of the requirement.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the Plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of

the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Norma Price, Law Clerk, 905-980-6000 extension 3339. E-mail [norma.price@niagararegion.ca](mailto:norma.price@niagararegion.ca)  
(Inquiries -specific to the transfer of property to the Region)


Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325,  
E-mail: [normans.taurins@niagararegion.ca](mailto:normans.taurins@niagararegion.ca)

## CONCLUSION

Based on the analysis and comments above, Regional staff offers no objection to the application, subject to the Conditions outlined in the Appendix.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3426, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Taylor Boyle  
Development Approvals Technician  
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc. Susan Dunsmore, Manager, Development Engineer, Niagara Region  
Elissa Quintanilla, Development Planner, Niagara Region  
Normans Taurins, Manager, Surveys & Property Information, Niagara Region  
Norma Price, Law Clerk, Niagara Region

**APPENDIX**  
**Regional Conditions for Consent**  
**178 Niagara Street, St. Catharines**

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1. "That the owner dedicates a 3.30 metres road widening along the northernly limit of the property and 3.45 metre road widening along the southerly limit of the property frontage (as confirmed by an Ontario Land Surveyor) to the Regional Municipality of Niagara along the frontage of Regional Road 50 (Niagara Street) prior to the issuances of a building permit, to the satisfaction of Niagara Region in accordance with Regional Official Plan Policy 9C."





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**VIA E-MAIL ONLY**

July 16, 2019

Elaine Munro  
Committee Secretary and Planning Technician  
City of St. Catharines  
50 Church Street  
P.O. Box 3012  
St. Catharines, ON L2R 7C2

**Application for Consent**

**Proposal:** Consent to a partial discharge of mortgage and to severance of land, re-creating the lot known as 178 Niagara Street with the existing single detached dwelling. 176 Niagara Street will be retained for continued residential use.

**Location:** 178 Niagara Street  
In the City of St. Catharines

**Our File:** CS-19-054

---

Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a consent application for a severance and recreation of new lot for a single detached dwelling located at 178 Niagara Street in the City of St. Catharines.

The following comments are provided from a Regional and Provincial perspective to assist in reviewing the Consent Application.

**REGIONAL ROAD ALLOWANCE**

The subject property has frontage along Regional Road 50 (Niagara Street). This section of road has a substandard road allowance of approximately 19.95 meters. The designated road allowance is 26.2 meters as identified in the Regional Official Plan.

Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- An irregular road widening of 3.30 metres along the frontage of the north portion of 178 Niagara Street. This is order to achieve 13.1 meters from the original centerline of this road section.

The actual width of the required widening must be confirmed by an Ontario Land Surveyor. This is only an approximation of the requirement.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the Plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of

the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Norma Price, Law Clerk, 905-980-6000 extension 3339. E-mail [norma.price@niagararegion.ca](mailto:norma.price@niagararegion.ca)  
(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325,  
E-mail: [normans.taurins@niagararegion.ca](mailto:normans.taurins@niagararegion.ca)

## CONCLUSION

Based on the analysis and comments above, Regional staff offers no objection to the application, subject to the Conditions outlined in the Appendix.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3426, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Taylor Boyle  
Development Approvals Technician  
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc. Susan Dunsmore, Manager, Development Engineer, Niagara Region  
Elissa Quintanilla, Development Planner, Niagara Region  
Normans Taurins, Manager, Surveys & Property Information, Niagara Region  
Norma Price, Law Clerk, Niagara Region

**APPENDIX**  
**Regional Conditions for Consent**  
**178 Niagara Street, St. Catharines**

---

1. "That the owner dedicates an approximate 3.30 meter road widening (as confirmed by an Ontario Land Surveyor) to the Regional Municipality of Niagara along the frontage of Regional Road 50 (Niagara Street) prior to the issuances of a building permit, to the satisfaction of Niagara Region in accordance with Regional Official Plan Policy 9C."





ILLUSTRATION SHOWING APPROXIMATE LOCATION OF PROPOSED WIDENING  
ALONG REGIONAL ROAD No. 48 AT 178 NIAGARA STREET  
CITY OF ST. CATHARINES

Niagara Region

SCALE = 1:750

0 5 10 20 Metres

LEGEND:

- DENOTES TERANET MAPPING
- DENOTES PROPOSED WIDENING

CAUTION:

- This is not a Plan of Survey
- The proposed widened limits have been compiled from office records and the shown measurements are approximate.
- The final extent of the widening will be established through field survey by an Ontario Land Surveyor.

DISCLAIMER

This map was compiled from various sources and is current as of 2019. The Region of Niagara makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, and currency or otherwise of the information shown on this map. © 2019 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17. Airphoto (Spring 2018)

Transportation Services  
Surveys & Property Information  
IR-19-239 Date: 2019-07-17

## Munro, Elaine

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**Subject:**

RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 3 - 905-19-278

---

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

**Sent:** Monday, July 15, 2019 10:25 AM

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

**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 3 - 905-19-278

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

Dear Elaine,

Re File: B-28/19SC

**Details:**

- Severance
- 178 Niagara Street
- Plan 29 Part of Lot 18 R/W

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

Best regards,

*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 July 31/19 CofA Hearing - Email 3

40 Canal  
11/2 Edmund  
✓ 178 Niagara  
15 Tuscany

---

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

**Sent:** Tuesday, July 09, 2019 12:13 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 3

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

Hello Elaine

Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – July 31, 2019 hearing - File No.: 300-036**

---

**B-27/19SC – 140 Glendale Avenue**

Comment:

- No Comment

Condition:

- No Comment

**B-28/19SC – 178 Niagara Street**

Comment:

- No Comment

Condition:

- 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 south face of the existing dwelling on part 1 and the north face of the existing dwelling on Part 2.

**B-29/19SC – 333 Main Street**

Comment:

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

Condition:

- 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 southeast face of the existing dwelling on Part 3.

### **B30/19SC – 333 Main Street**

Comment:

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

Condition:

- 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 southeast and northeast faces of the existing dwelling on part 3.

### **B31/19SC – 8 Clifford Street**

Comment:

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

Condition:

- 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 northeast face of the existing dwelling on part 1.
- The existing pool on Part 2 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.

### **B32/19SC – 1277 Third Street Louth**

Comment:

- No Comment

Condition:

- 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 south face of the existing dwelling on part 1.

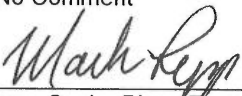
### **B33/19SC – 31 Victoria Street**

Comment:

- No Comment

Condition:

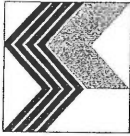
- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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## Memorandum

**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

---

PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**



PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

**PRCS offers no comments of the remaining applications.**

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

**REPORT TO PLANNING DEPARTMENT  
Re: CITY LAND DIVISION APPLICATION NUMBER B-28/19SC**



July 16, 2019 **ENGINEERING FILE 300-36**

**Hearing Date:** July 31, 2019

**Applicant:** Elysha Mullings

**Location:** 178 Niagara Street

**MUNICIPAL SERVICES**

**Water:** 150mm P.V.C.  
**Sanitary Sewer:** 250mm clay  
**Storm Sewer:** 450mm concrete  
**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 on the submitted sketch, recreating the lot known as 178 Niagara Street with the existing single detached dwelling. A remnant parcel, Part 2 known as 176 Niagara Street with the existing duplex dwelling would be retained for continued residential use.

**Roads**

Niagara Street is designated a Regional Arterial road as per the City's Official Plan with a desired right-of-way width of 26.2m. Its current width along the frontage of the subject property is at 22.8m±, however any road allowance requirement shall be at the Region of Niagara's discretion, as the road is currently under their authority.

Sidewalks and curbs exist along the frontage of the subject property at this time.

**Municipal Services**

The Owner shall pay to have City forces confirm that both the locations of the existing water and sewer service laterals to the existing dwellings do not cross any abutting and/or future lot lines. If these services are determined to cross abutting and/or future lot lines, the Owner shall be responsible to relocate the portion of these works on private property through a Plumbing Only Permit, as well as pay to the City the fee for City crews to install any new water and/or sewer lateral service from the City owned main line sewer and watermain to the front property line. Each property must be serviced individually. Fees to complete this work, if determined to be necessary, are to be paid as a condition of the severance application.

**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 the existing dwellings; and



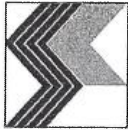
- Complete any relocations of the existing sanitary lateral and/or water service on private property deemed through the above inspection to cross existing or future property lines; and
- Pay the City to relocate any portion of the existing water service and/or sanitary sewer lateral on City property to eliminate services crossing existing or future property lines, as deemed necessary through the above inspection



**Prepared by:**

---

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



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

---

**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**We have no concerns or requirements with the remaining applications.**

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**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-90/19 (60.81.5524)**

**15 Tuscany Drive**

**DATE OF HEARING:**  
**July 31, 2019**

July 27, 2019

To: Secretary Treasurer, Committee of Adjustment,  
City Hall, St.Catharines.

Attention: Elaine Munro

Re: File No. 60.81.5524  
Submission No. A-90/19 as revised  
15 Tuscany Court

We the undersigned are the owners/occupants of 75 & 77 Huntington Lane, being the two properties that are directly behind and abut the rear lot line of the subject property.

It should be noted that the Huntington Lane properties when developed in the nineties included a rear drainage swale with catch basin located on the lands of 75 Huntington Lane. Tuscany Court developed about 23 years later also constructed a separate swale with catch basin parallel to Huntington Lane swale. We do not feel that drainage will be an issue.

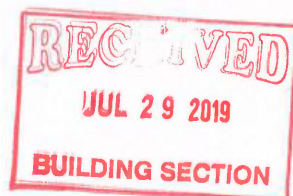
The two enclosed photos taken from our respective rear yards clearly shows that the dense growth of pine & cedar trees along our rear lot line completely obliterate any view of the subject lands.

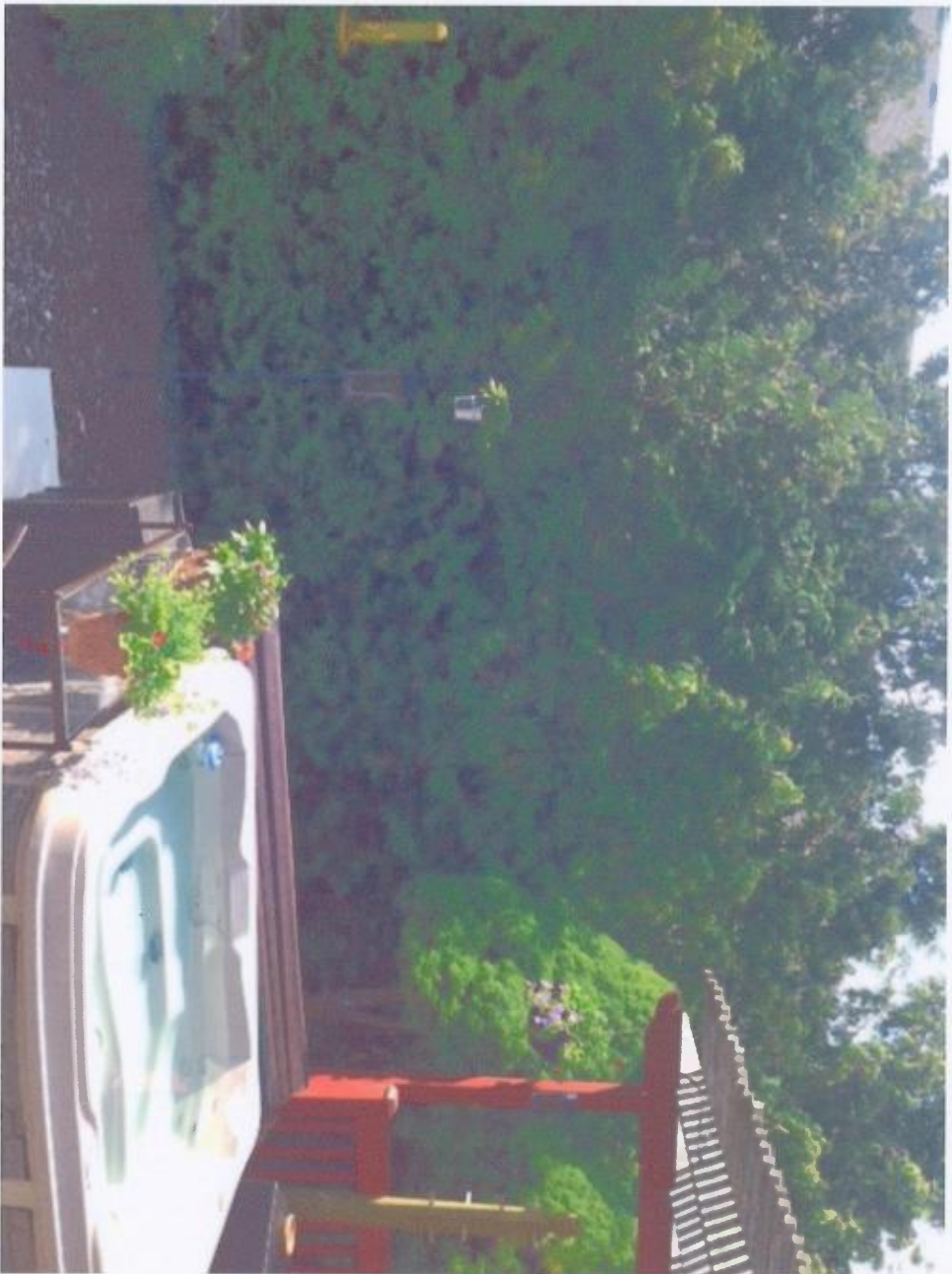
Therefore we would like it to be noted, that we have **NO OBJECTIONS** to the four variances and if granted will permit the construction of a roof over the existing deck.

Paul & Willie Pattison  
75 Huntington Lane  
St.Catharines, ON  
L2S 3R5

Priscilla Keenan  
77 Huntington Lane  
St.Catharines, ON  
L2S 3R5

c.c. Janet & Wayne Hills  
Priscilla Keenan  
Paul & Willie Pattison





more photos re: 15-~~Therapy~~ Car 4-~~10~~11/19  
View from 77 Huntington (Hessman) Revised



MINOR REPAIRS RE: IS TUSCANY CHURCH A-90/19  
REVISED  
VIEWS FROM 75 HUNTINGTON (MATTISON)





## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 23, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** A-90/19

**File:** 60.81.5524

**Subject:** 15 Tuscany Court

### Recommendation

That Submission **A-90/19**, by Janet Hills and Wayne Hills, as outlined in the Notice of Hearing, be denied; and

That should Submission **A-90/19**, by Janet Hills and Wayne Hills, as outlined in the Notice of Hearing, be approved by the Committee, notwithstanding the staff recommendation above, then staff recommend that a condition be imposed that requires the Applicant to submit a stormwater management report, prepared by a qualified engineer, demonstrating to the satisfaction of the City that there are no drainage impacts on adjacent properties.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that Application **A-90/19** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not desirable for the appropriate use of the land. Staff recommend denial of the variances.

### Report

#### The Proposal

The Applicant has constructed a 1.37 metre-high deck in the rear yard of 15 Tuscany Court without building permits and in contravention of the City of St. Catharines Zoning By-law 2013-283. The Applicant wishes to maintain the deck in its current location and to construct a roof over the structure.

Application **A-90/19** seeks relief from the Zoning By-law through the following requested minor variances:

1. A reduction in the minimum 30% landscaped open space to 23%.
2. A reduction in the minimum 4.5 metre setback from the rear lot line for a platform structure over 1.2 metres in height above grade to 2.7 metres.
3. A reduction of the minimum 1.2 metre interior side yard setback for a platform structure over 1.2 metres in height above grade to 1.14 metres.
4. An increase in the maximum 50% lot coverage per townhouse dwelling unit to 67%.

## **Location and Site Description**

The subject property is located on the north side of Tuscany Court, west of Vansickle Road North. The surrounding area consists primarily of town homes, detached and semi-detached dwelling units.

## **Circulation of Application**

The Application was circulated to all appropriate departments and agencies: Parks, Recreation, and Culture Services staff have objected to the application.

## **Planning Policy Context**

### **Official Plan (Garden City Plan)**

The subject property is designated Neighbourhood Residential on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E6 thereof. 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 Medium Density Residential with Special Provision No. 98 (R3-98). Special Provision No. 98 limits the development of this and adjacent properties on Tuscany Court to detached, semi-detached and townhouse dwellings, and imposes site specific provisions for setbacks, landscaping, lot coverage, parking and driveways.

## **Planning Analysis**

Zoning By-law 2013-283 requires the provision of a minimum 30% landscaped open space (per townhouse dwelling) and restricts building coverage to a maximum 50% of the lot area. These two requirements work together to:

- ensure structures on site do not overwhelm the subject or neighbouring properties (scale);
- prevent overdevelopment of the lands;
- ensure sufficient space is maintained for landscaping, amenity areas, and stormwater management.

The By-law also requires that platform structures, such as raised decks exceeding 1.2 metres in height, must be setback a minimum of 4.5 metres from the rear lot line, and 1.2 metres from interior side lot lines. These minimum setback requirements work together to: help to ensure:

- adequate separation distance and buffering between neighbouring properties;
- overlook and privacy impacts are minimized;
- sufficient space is provided for property maintenance and stormwater management.

The subject property is located within a plan of subdivision that received final approval in 2013. The platform structure in question was constructed in the rear yard of 15 Tuscany Court without building permits, and in contravention of the zoning by-law. The Applicant



has not submitted sufficient justification for the need for the variances, nor have they demonstrated any undue hardship that would result from reducing the size of the deck to meet the requirements of the Zoning By-law.

The City's Building Department has advised that building permits are required for the existing deck and for the proposed roof.

The City's Parks, Recreation and Cultural Services Department (PRCS) is supportive of developments which maximize opportunities for greening. The requested variances substantially increase impervious coverage (thereby increasing runoff) and reduce greening opportunities. PRCS is not supportive of the requested variances.

The City's Development Engineering Department has advised that should this application be approved the percentage of impervious area on site will increase from that which was contemplated through the original plan of subdivision. Should the Application be approved, staff recommends that a condition be imposed that requires the Applicant to submit a stormwater management report, prepared by a qualified engineer, demonstrating to the satisfaction of the City that there is no impact on adjacent properties.

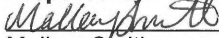
The proximity of the deck to the respective lot lines is considered intrusive, overly massive, results in overlook onto and loss of privacy for adjacent properties, and constitutes an overdevelopment of the site. It is staff's opinion that the requested variances are not minor in nature, are not appropriate and desirable for the use of the land, and do not uphold the general intent and purpose of the Zoning By-law and Official Plan. Staff recommends denial of the requested variances.

Staff also note that, as is indicated in the plans and pictures provided by the Applicant, the privacy wall on the westerly side of the deck appears to be too high. The City of St. Catharines Fence By-law (2014-68) provides that no person shall erect a fence in any yard on a residential property that is greater than 2.0 metres (6.56 feet) in height from grade (i.e. not from the top of deck surface. The fence in question appears to exceed this 2.0 metre height limit.

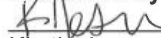
## Conclusion

Staff are of the opinion that Application **A-90/19** is not in keeping with the general intent and purpose of the Official Plan and Zoning By-law, is not minor in nature, and is not desirable for the appropriate use of the land. Staff recommend that the Application be denied.


**Prepared by:**

  
Mallory Smith  
Student Planner

**Submitted by:**

  
Kirstin Jensen  
Planner I

**Approved by:**

  
Amanda Knutson  
Senior Planner

## Munro, Elaine

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 3

40 Canal  
11/2 Edmund  
178 Niagara  
15 Tuscany

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**From:** Doug Crown [mailto:doug.crown@cogeco.com]  
**Sent:** Tuesday, July 09, 2019 12:13 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 3

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

Hello Elaine  
Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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## Memorandum

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

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

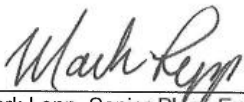
From: Mark Lepp, Senior Plans Examiner / Building Inspector  
Planning and Building Services

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
Minor Variance –July 31, 2019 hearing- File No.: 300-010

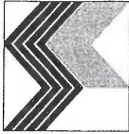
NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.

NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

PRCS offers no comments of the remaining applications.

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



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
140A&B Glendale Avenue, A-84&85/19SC  
40 Canal Street, A-888/19SC  
1 ½ Edmund Street, A-89/19SC  
15 Tuscany Court, A-90/19SC  
10A&B Port Royal Crescent, A-91&92/19SC  
333-347 Main Street, – A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

**27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefore a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.



**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere



## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**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-29/19SC (60.84.2256), B-30/19SC  
(60.84.2257), A-91/19 (60.81.5525), A-  
92/19 (60.81.5526) & A-93/19 (60.81.5527)**

**333 & 347 Main Street**

**DATE OF HEARING:  
July 31, 2019**



CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 29, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** B-29/19SC  
B-30/19SC  
A-91/19  
A-92/19  
A-93/19

**File:** 60.84.2256  
60.84.2257  
60.81.5525  
60.81.5526  
60.81.5527

**Subject:** 333 Main Street (10A and 10B Port Royal Crescent)

### Recommendation

That Submissions **B-29/19SC** and **B-30/19SC** by Rocco Dipaola, as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the Applicant satisfy the Chief Building Official for the City of St. Catharines that the spatial separation requirements for glazed openings and wall construction for the southeast face of the existing dwelling on Part 3 meets the requirements for subsections 9.10.14. and 9.10.15. of the 2012 Ontario Building Code;
2. That the Applicant shall complete and/or pay the appropriate parties for the relocations of the existing Canada Post Centralized Mailbox, streetlight and Utility Bell pedestal, and provide proof from Canada Post and the Utility of these payments, prior to the finalization of the Consent applications;
3. That the Applicant shall enter into a Development Agreement with the City of St. Catharines, registered on title to the lands (Parts 1 and 2), to address the following conditions:
  - a. Building Permit Plans be subject to review and approval by PBS, demonstrating that the elevation drawings for building design for Parts 1 and 2 be substantially in accordance with the attached sketches;
  - b. A maximum shared driveway width (Parts 1 and 2) be no greater than 5.5 metres at the front property line;
  - c. That the applicant has an individual lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor and submitted for review and approval by City staff, and that the approved lot grading and drainage plan be included in the Development Agreement to ensure it is binding to future development after the lot is created;

4. That the Applicant shall submit a payment of \$915.40 (\$457.70 for **each new lot**) for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees; and,
5. That the Applicant shall provide payment of 5% of the appraised value of **each new lot** to the City of St. Catharines in lieu of dedication of land for parks purposes. Section 53 (13) of the Planning Act, R.S.O. 1990 as amended, provides in part 'for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given' and that the appraisal be completed by a qualified appraiser.

That Submissions **A-91/19, A-92/19 and A-93/19** by Rocco Dipaola, as outlined in the Notices of Hearing, be approved subject to the following condition:

1. That Variance 4 (A-92/19) and Variance 2 (A-93/19) shall only apply to a platform structure that is a maximum 1.1 metres above grade.

## Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff are of the opinion that Applications **B-29/19SC** and **B-30/19SC** are desirable and compatible with the surrounding area and will not result in adverse impacts on the surrounding properties.

Additionally, having regard for the matters under Section 45(1) of the Planning Act, staff are of the opinion that the variances requested through Applications **A-91/19, A-92/19, and A-93/19** are minor in nature, desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommend that the requested consents and all variances be approved, subject to the conditions outlined above.

## Background

There was a previous application for Minor Variance (**A-26/18**) which was approved August 29, 2018 for various zoning deficiencies within a proposed private road development consisting of 12 units, including the retention of the existing detached dwelling that is designated under the Ontario Heritage Act.

The subject applications have been made for the same proposed private road development, but now to sever the two units along Port Royal Crescent to facilitate an improved servicing design. The severance results in the two units being considered detached dwellings instead of part of the private road development which changes some of the applicable zoning requirements. The severance also results in the frontage of the private road development changing from Port Royal Crescent to Main Street, which in turn changes the interpretation of many of the zoning requirements within the private road development.

While the severances do result in the above noted changes in zoning interpretation, the design and layout of the development, including the number of units, location and

orientation of buildings, has not changed. As such, there is no change of impact to the surrounding neighbourhood and the justification provided in the report to the committee for application **A-26/18** is still applicable (attached for reference).

## Report

### The Proposal

Firstly, Application **B-29/19SC** is made for consent to a partial discharge of mortgage and for consent to sever 416.7 m<sup>2</sup> of land (Part 2 on the submitted sketch) for the proposed construction of a detached dwelling to be known as 10B Port Royal Crescent.

Secondly, Application **B-30/19SC** is made for consent to a partial discharge of mortgage and for consent to sever 415.6 m<sup>2</sup> of land (Part 1 on the submitted sketch) for the proposed construction of a detached dwelling to be known as 10A Port Royal Crescent.

A 3,888 m<sup>2</sup> remnant parcel (Part 3) with the existing single detached dwelling will be retained for residential use and for a future private road development.

Thirdly, Application **A-91/19** seeks relief from Zoning By-law 2013-283, for the following minor variances to facilitate the concurrent consent application **B-29/19SC** for the proposed construction of a detached dwelling (Part 2) to be known as 10B Port Royal Crescent:

	Provision	Required	Proposed
1.	Minimum lot frontage for a detached dwelling	16.5 m	8.79 m
2.	Minimum rear yard	7.5 m	2.6 m
3.	Maximum parking area coverage within a front yard	50%	57%

Fourthly, Application **A-92/19** seeks relief from Zoning By-law 2013-283, for the following minor variances to facilitate the concurrent consent application **B-30/19SC** for the proposed construction of a detached dwelling (Part 1) to be known as 10A Port Royal Crescent:

	Provision	Required	Proposed
1.	Minimum lot frontage for a detached dwelling	16.5 m	12.3 m
2.	Minimum rear yard	7.5 m	2 m
3.	Maximum parking area coverage within a front yard	50%	55%
4.	Minimum setback from a front lot line to a platform structure at a height above grade more than 0.6 m and less than 1.2 m	1.2 m (as approved by A-26/18)	0.9 m

Finally, Application **A-93/19** seeks relief from Zoning By-law 2013-283, for the following minor variances for the proposed private road development (Parts 3 & 4) known as 333 Main Street:

	Provision	Required	Proposed
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1.	Minimum front yard setback to dwelling	6 m	3 m
2.	Minimum setback from a rear lot line to a platform structure at a height above grade more than 0.6 m and less than 1.2 m	3 m	0.5 m
3.	Minimum rear yard from end wall	3 m	1.2 m
4.	Minimum rear yard from rear wall	6 m	3.1 m
5.	Maximum unit driveway width	50%	60%

## Location and Site Description

The subject property is located on the southeast side of Main Street, east of Dalemere Crescent. The surrounding area consists primarily of detached dwellings.

## Circulation of Application

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

## Planning Policy Context

### *Official Plan (Garden City Plan)*

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E1 of the Garden City Plan (GCP). The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

### *Zoning By-law (2013-283)*

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

### *Heritage Conservation District*

The subject property is located within the Port Dalhousie Heritage District and the existing dwelling at 333 Main Street (Part 3) is a designated heritage property under the Ontario Heritage Act (By-law 2017-266). The applicant has provided a Heritage Impact Assessment (HIA) and will be required to obtain the necessary Heritage Permits and implement the recommendations of the HIA as part of the site plan approval process.

## Planning Analysis

### **Applications B-29/19SC and B-30/19SC**

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

Section 7.1 of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for the integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood, as well as the provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping. The design considerations for the two lots to be severed will be ensured through the registration of a development agreement.

The ultimate development of twelve (12) units was previously reviewed by the Committee of Adjustment (A-26/18) and the required minor variances were obtained at that time. The applications for Consent have been made to facilitate an improved servicing design which requires that the two units with access from Port Royal Crescent be severed to permit servicing from Port Royal Crescent. While the proposed lots are smaller in area than many of those adjacent, the proposed lot sizes have demonstrated they can comfortably fit detached dwelling units while abiding by the majority of the required setbacks for the zone.

The consents are not expected to adversely impact the streetscape or the established character of the surrounding area, and represents a compatible means of infill housing within an existing residential neighbourhood, subject to the recommended conditions. Staff recommend approval of the requested consents.

There appears to be a Canada Post Centralized Mailbox on a concrete pad, a light standard and a Utility pedestal within the Port Royal Crescent right of way. Canada Post and the Utility would be required to comment on this regarding potential relocations to their plant infrastructure, at the applicant's costs. A relocation of the streetlight could be considered as well, however the relocation costs would be the full responsibility of the applicant, and completed by City forces or an agent thereof.

Increased drainage challenges can occur in infill developments within established neighbourhoods where suitable drainage outlets may not be in place. An individual lot grading and drainage plan must be prepared by a qualified Engineer or Ontario Land Surveyor, and submitted for review and comment by City staff, prior to approval and the finalization of the Consent. City staff will review the proposed grading plan to ensure that the drainage scheme conveys drainage to a suitable outlet, while at the same time not adversely affecting abutting properties.

#### *Design Review Panel (DRP)*

Council directed the establishment of the Design Review Panel (DRP) to provide design advice on proposals for new lot creation. The original proposal for these lands was submitted considerably earlier than the creation of the DRP. At the time, the proposal did not create any new lots and was solely subject to site plan review. Due to the identified servicing limitations to contain all units within the proposed private road development, two new lots are being created to address the servicing issues, lots which will not be included in the site plan. All design considerations for these lots have already been addressed



through the original application for site plan for the entire site, including building design and elevations, and as such, the application was exempt from review by the DRP. Staff have included a development agreement as a condition of consent to bind the elevations and building designs to the properties.

#### **Applications A-91/19 & A-92/19 (Parts 1 and 2)**

Variances 1 and 3 of both applications relate to lot frontage and parking area coverage. Variance 1 seeks a reduction of the lot frontage along Port Royal Crescent. Variance 3 seeks an increase of the parking area coverage in the front yard. The proposed reduction in lot frontage and increase of parking area coverage are the result of the irregular shaped lot configurations, where the parcel narrows along Port Royal Crescent. The applicant has demonstrated vehicular access to the site can be accommodated while providing the required parking and maintaining sufficient amenity space on the site.

The City's Parks, Recreation and Cultural Services Department is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the combined driveway widths at the frontage of Port Royal Crescent be a maximum of 5.5 metres, and that paved areas be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

Variance 2 of both applications and Variance 4 of **A-92/19** request reductions for the rear yard setback to the dwelling and the interior side yard setback to a platform structure. These reductions are limited to pinch points on Part 1 and the rear yard abutting the associated private road development for Part 2. Amenity space for Part 2 will be provided by way of a deck above the garage.

Staff recommend approval of the requested Minor Variances for Applications **A-91/19** and **A-92/19**.

#### **Application A-93/19 (Parts 3 and 4)**

The design and layout of the development, including the number of units, location and orientation of buildings has not changed, and the variances required for the development were obtained through the previous application (A-26/18). Variances 1 through 4 are required as a result of the lot frontage changing from Port Royal Crescent to Main Street and the new rear lot line proposed as a result of the associated consent applications. Staff consider these variances to be administrative.

Variance 5 was inadvertently missed in the previous application for Minor Variance (A-26/18) and was identified through a subsequent zoning review for inclusion in the current application. The proposed increased driveway width maintains sufficient amenity space in front of the unit, with adequate area to accommodate the planting of a tree. In addition, the garage has been located to address the private road and the increased width will not negatively impact the streetscape along Main Street.

Staff recommend approval of the requested Minor Variances for Application **A-93/19**.

## Conclusion

Staff is of the opinion that Application **B-29/19SC** and **B-30/19SC** 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, **A-91/19, A-92/19 and A-93/19** 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.

### Prepared by:



Mallory Smith  
Student Planner

### Submitted by:



Taya Devlin  
Planner I

### Approved by:



Amanda Knutson  
Senior Planner

SOUTH EAST ELEVATION



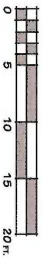
NORTH WEST ELEVATION



NORTH EAST ELEVATION



**HOUSE 12**  
333 MAIN ST., ST. CATHARINES



**JOHN GITTINGS**

ARCHITECT

81 HIGHLAND AVE.  
ST. CATHARINES, ONT.  
L2R 4H9

TEL: 905-325-4849  
E mail: jdgarche@gmail.com

SOUTH EAST ELEVATION



NORTH WEST ELEVATION



**HOUSE 11**  
335 MAIN ST., ST. CATHARINES  
0 5 10 15 20m



**JOHN GITTINGS**

ARCHITECTS

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CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** August 20, 2018

**Date of Hearing:** August 29, 2018

**Submission(s):** A-26/18

**File:** 60.81.5313

**Subject:** 333 Main Street

### Recommendation

That Submission **A-26/18** by Tony Di Paola (347 Main Street) and Rocco Di Paola (333 Main Street), as outlined in the Notice of Hearing, be approved.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that application **A-26/18** 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.

### Proposed Development

Application **A-26/18** is requesting to vary the Zoning By-law for the following variances for the proposed Vacant Lot Condominium, creating 12 lots and 1 block for common element; as indicated on the sketch submitted with this application by Better Neighbourhoods Development Consultants, dated August 8, 2018, and attached to this report as Appendix 1:

1. A reduction of the minimum setback from the rear lot line (Main Street) to a platform structure that is 1.1m above grade from 3.0m to 1.5m.
2. A reduction of the minimum setback from the end wall to the private road from 3.0m to 1.5m.
3. A reduction of the interior side yard to the rear wall from 6.0m to 2.0m.
4. A reduction of the minimum setback from the front lot line to a platform structure from 3.0m to 0.9m.
5. A reduction of the minimum distance from the private road to dwelling from 3.0m to 1.9m.
6. A reduction of the minimum distance from the private road to dwelling from 3.0m to 1.9m.
7. A reduction of the distance between buildings from 3.0m, 6.0m and 7.5m to 2.4m.
8. A reduction of the parking space width for a space obstructed on 1 side (double car garage) from 6.0m to 5.5m.
9. A reduction of the parking space width for a space obstructed on 2 sides from 3.5m to 3.4m.
10. A reduction of the interior side yard to end wall from 3.0m to 1.6m.

## **Location and Site Description**

The subject property is located on the south side of Main Street with frontage onto Port Royal Crescent and backing onto Main Street. The property is surrounded by 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 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.

### *Zoning By-law (2013-283)*

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

## **Report**

The minor variances being requested are intended to enable the lands to be developed as a vacant lot condominium, creating 12 lots. The subject lands are designated under the Ontario Heritage Act by By-law 2017-266. The dwelling on the lands was constructed in 1914 and contains features of the Edwardian Classicism and Prairie schools of architecture. The interior and exterior of the premises are designated under the Act. The low stone wall which projects into the front yard functions as a retaining wall and is noted in the designating by-law. The property is known as "Hollydean".

The Official Plan contains policies related to cultural heritage resources.

Part C, Section 3, of The Garden City Plan (the City's Official Plan) provides Cultural Heritage policies. Section 3.1.4 states that all development/redevelopment shall have regard for cultural heritage resources and shall, wherever feasible, incorporate these resources into any development plan. The City may require a cultural heritage impact assessment (HIA) where a proposed development has the potential to adversely affect cultural heritage resources.

Section 3.2.7 also states that in reviewing proposals for construction, demolition, or removal of buildings and structures or the alteration of existing buildings, the City shall be guided by the applicable heritage district plan and certain general principles where there is potential to impact any cultural heritage resources, including that: Heritage



buildings, associated landscape features and archaeological sites including their surroundings shall be protected from any adverse effects of change (3.2.7(a)), and that new construction and/or infilling should be compatible with surrounding buildings and streetscapes by being generally of the same height, width and orientation of adjacent buildings; being of similar setback; and using similarly proportioned windows, doors, and roof shape (3.2.7 (d)).

The dwelling on the lands is located centrally on the property. The proposed development will surround the dwelling. The applicant has provided an HIA prepared by Megan Hobson in support of the proposal. Staff generally concur with the HIA. Site plan agreement approval has been applied for and is being processed. The Owner will be required to implement the recommendations of the HIA as part of the site plan agreement.

The proposed infill development incorporates the heritage building in a manner that maintains its prominence. This is achieved through the situation of the proposed new construction and height not exceeding the original dwelling. The heritage attributes identified by By-law 2017-266 will not be adversely impacted by the proposal. In addition to identifying a number of heritage attributes associated with the main dwelling, the by-law includes a low stone wall in the front yard which functions as a retaining wall. The fieldstone wall will be retained as part of the development of the lands.

Cumulatively, the variances are intended to allow the site to be developed for 12 residential dwellings, including the existing heritage building on the premises.

It is important to note that the shortest public road frontage, being on Port Royal Crescent, is the "lot frontage" as defined by the Zoning By-law. The Main Street frontage is actually the rear lot line under the Zoning By-law.

Main Street is the rear yard of the premises in accordance with the Zoning By-law. Variances 1 and 2 relate to unit 5 on the sketch submitted with the application. Variance 1 seeks a reduction of the platform (deck) structure along Main Street. The proposed reduction is limited to the platform structure and maintains the relationship of the dwellings in this location to the streetscape. Variance 2 seeks to reduce the setback from the end wall to the private road. The reduction is internal to the site and will not impact site function. Variance 3 relates to unit 6 and seeks to reduce the interior (west) side yard to rear wall. The reduction is limited to an area that abuts the garage of the adjacent property's yard. Amenity space on the adjacent yard will not be impacted and amenity space on the subject lands will be provided by way of a deck on the opposite side of the dwelling unit (unit 6).

Variance 4 relates to unit 8 and seeks a reduction of the platform structure to the private road. The proposed reduction is limited to a small corner of the platform structure and does not create any impacts on the function of the site. Variances 5, 6 (unit 9), and 7 (units 10 and 11) seek reductions to setbacks of the proposed dwellings and garage from the proposed private road, and of buildings from one another respectively. The configuration of the proposed internal private road has been reviewed and is considered

functional with the location of the buildings being proposed. As previously noted the heritage building on the premises is located centrally on the property. With that in mind, staff are prepared to consider a more compact form of development as long as site function is maintained. Variances 8 (unit 6) and 9 (unit 12) seek reductions to obstructed parking space width on one and two sides, respectively. In both cases the proposed reductions can be considered as minor. Variance 10 (unit 9) seeks a reduction in the interior (southwest) side yard to end wall. The reduction is limited to a "pinch point" abutting the adjacent property's yard. Amenity space on the adjacent yard is screened by vegetation.

Heritage permit approval (HPA) will be required for any new construction and demolitions should these applications be approved. Application for HPA is made to the Planning and Building Services (PBS) Department and is circulated to the St. Catharines Heritage Permit Advisory Committee (SCHPAC) for consideration and recommendation based on the applicable designating by-law (2017-266).

The City's building staff have advised that reductions in the required yards will have spatial separation implications affecting the permitted area of unprotected openings and the permitted type of construction facing those yards.

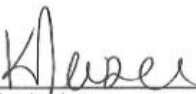
## Conclusion

Staff is satisfied that the variances requested through Submission **A-26/18** support compatible development with the surrounding area, are in keeping with the general intent of the Official Plan and Zoning By-law, and are minor in nature and appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

### Prepared by:

  
Kevin Blozowski, MCIP, RPP, CAHP  
Heritage Planner

### Submitted by:

  
Kirstin Jensen  
Planner I



**Approved by:**

---

Judy Pihach, MCIP, RPP  
Manager of Planning Services

## Report to: City of St. Catharines, Committee of Adjustment

Subject: Response to Submissions

1. A-91/19 – Application for Minor Variance Re: 10B Port Royal Crescent
2. A-92/19 – Application for Minor Variance Re: 10A Port Royal Crescent
3. A-93/19 – Application for Minor Variance Re: 333 & 347 Main Street
4. B-29/19SC – Application for Consent RE: 333 Main Street
5. B-30/19SC – Application for Consent RE: 333 Main Street

Date: July 23, 2019

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### Background

As engaged tax paying citizens and direct neighbours to the proposed development(s) we have prepared the following response to address our concerns that the applications being made by the developer for an additional 12 minor variances are not in keeping with the intent of the Official Plan, current and past zoning bylaws, are not “minor” in nature and therefore, should be **REJECTED**.

In 2018, we also submitted a written response to the Committee of Adjustment to the previous 10 “minor” variances the developer requested and was unfortunately approved for last year for this same development. Although the issues we raised were deemed (after the fact) to be valid, it was identified that the variances were approved “for the greater good” even though they were not in compliance with the zoning bylaw.

*“Give a developer an inch, and he’ll take a mile”*

We feel that the past request and this one is disingenuous to the hard work that was done by city staff and Council to change the “Garden City Plan” (City of St. Catharines Official Plan), Comprehensive Zoning Bylaw 2013-283 and the Committee of Adjustment in 2018.

Forward to 2019 and we’re back to how it was before the changes were approved and why the city adopted (or more accurately were forced by public complaints) to adopt an interim control by-law that placed a moratorium on new lot creation and new multi-unit residential zoned lands. I nostalgically recall those moratorium days as “the good old days”.

### Highlight of By-law Changes

For the benefit of the developer, here are some highlights approved by Council on May 8, 2018 that are pertinent to these variance applications.

For the purposes of completeness, a copy of this approved report might be found here;

Residential Infill and Intensification Development Review – Proposed Amendments to the Official Plan, Zoning By-law, and Related Development Review Procedures and Practices

Some of the approved recommendations for **Residential R1** include;

- Decreasing the maximum building height from 11 m to 9.5 m.
- For any portion of the dwelling in excess of 4.5 m, the required side yard setback would increase to 2 m (6.5 ft.).
- Increases in the minimum lot frontage requirements for a R1 Detached Dwelling from 15 m to 16.5m.

A couple of the reasons given by city staff for the above changes included;

- To support enhance compatibility, and context sensitive design with regard to the established built evident in residential neighbourhoods...
- To support greater spatial separation of dwellings on abutting properties, and to minimize impact of overlook and privacy...

Pleased with the changes and reasons from staff, it was felt that the city was finally moving in the right direction to deal with “Frankenstein-esque” infill developments that were popping up all over the city.

### **Area for Concern**

Unfortunately, it turns out that the developers don’t actually have to follow the above more stringent rules under the approved changes, they can simply apply for a “Minor Variance”.

The term is actually a bit misleading because since there is no qualitative definition for a minor variance, it is basically a carte blanche for the developers. **A reduction of up to 70% in the required provisions were obtained during 333 Main Minor Variances – Part 1 in 2018.** To add insult to injury that application was based on the old less strenuous requirements.

Why is there even a 333 Main - Part 2 with application for an additional 3 variances?

The layouts of the houses appear the same, so why ask for these lots to be severed now. Why not just start building?

My guess is that the developer in their eagerness to shoe horn in as many houses possible into the “Private Road” development last year, forgot to look at those pesky details such as how to service all these houses from one street etc.

If this was the case it doesn’t give much confidence in competency of the developer or the development consultants.

I'm hoping that is indeed the case and the developer is not trying to piecemeal this development through with 10 minor variances in 2018, 12 currently under application for 2019 and XX in 2020.

I'll be willing to give the developer the benefit of the doubt and hopefully they just realized that sewage doesn't flow up hill?

Regardless of what was approved in the past, these are new applications which should be judged **stand alone** against the existing City's Official Plan, By-law and Zoning requirements.

## Rational for REJECTION of Applications

### Request for Minor Variances

The following are the Minor Variances requested within the applications:

**The Applicant for application A-92/19 has applied to vary Zoning By-law 2013-283, as amended for the following variances to facilitate the concurrent consent application B-30/19SC for the proposed construction of a single detached dwelling (Part 1):**

1. A reduction of the minimum required lot frontage from 16.5 metres to 12.3 metres.
2. A reduction of the minimum required rear yard setback from 7.5 metres to 2 metres.
3. An increase of the maximum driveway width of 50% of total lot area to 57% of total lot area.
4. A reduction of the minimum setback from interior side lot line for platform structure that is 1.1 metres above grade from 1.2 metres to 0.9 metres.

**The Applicant for application A-91/19 has applied to vary Zoning By-law 2013-283, as amended for the following variances to facilitate the concurrent consent application B-29/19SC for the proposed construction of a single detached dwelling (Part 2):**

1. A reduction of the minimum required lot frontage from 16.5 metres to 8.79 metres.
2. A reduction of the minimum required rear yard setback from 7.5 metres to 2.6 metres.
3. An increase of the maximum driveway width of 50% of total lot area to 55% of total lot area.

**The applicant for application A93/19 has applied to vary Zoning By-law 2013-283, as amended for the following variances for the proposed private road development (Parts 3 &4):**

1. A reduction in the minimum required front yard setback to dwelling from 6 metres to 3 meters.
2. A reduction of the minimum setback from rear lot line for platform structure that is 1.1 metres above grade from 3 metres to 0.5 metres.
3. A reduction from rear yard from end wall from 3m to 1.2m
4. A reduction from rear yard from rear wall from 6m to 3.1m
5. An increase of the maximum unit driveway width from 50% of unit width to 60%-unit width.

The first thing we noticed is that the new approved more stringent provisions did absolutely nothing in regards to what the developer is proposing. He is basically putting in the exact same plan that got approved as a "Private Road" development under the old less stringent provisions.

So, the effect of these new provisions in the eye of developers seems to be that instead of asking for Minor Variance of

- A reduction of the required lot frontage from 15 metres to 8.79 metres

It is now

- A reduction of the required lot frontage from 16.5 metres to 8.79 metres

Early indications on the effectiveness of the new By-Law on detouring unsuitable infill developments are not good.

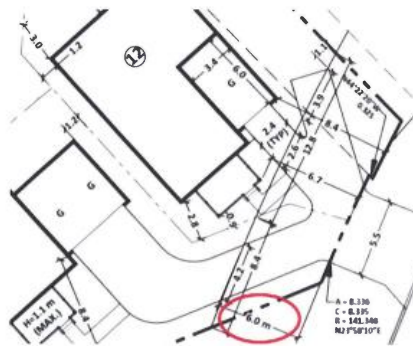
Let's look at some of these specific variance application requests.

### Lot Frontage

16.5 m to 12.3 m - **25 %** Reduction in Zoning Requirements

16.5 m to 8.79 m – **47%** Reduction in Zoning Requirements

Again, not exactly fitting my personal definition of a minor variance. Interesting these frontage numbers are actually taken 6 metres back from the property line frontage and they still don't come close to meeting the By-Law requirements.



There must be a good reason for that.... maybe the frontage is on a curve.

There must be a good reason for the taking the frontage 6 m back.... maybe the frontage is on a curve.

Looking at an aerial view of the property on Niagara Navigator (*Great tool by the way...Kudos to the Region!*)

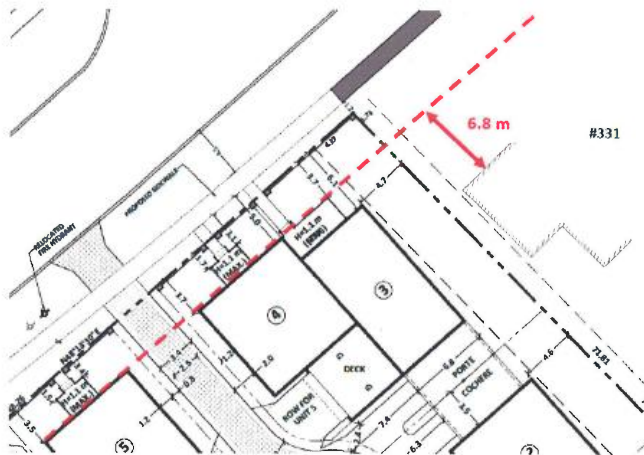






The developer is asking for a reduction of the front yard set back from 6m to 3m – a reduction of 50%

When one scales the proposed frontage line with the existing front yard setbacks of the existing houses one gets crazy 6.8 m difference! That is over 22 feet for the Imperial minded folks.



### Question to St. Catharines City Staff

1. *Why are the justifications for taking the frontage values 6 m back, keeping in mind that the only reason we have irregularly shaped lots is that the developer is trying to squeeze two lots on to a property which could maybe support one?*
2. *Could the developer have applied to sever off just **one** pie-shaped lot instead of two?*

Absolutely! Even if it were just one lot, it may or may be able to meet all the necessary By-Law provisions. One certainly however is that any required variances would not be to the crazy magnitude of the present applications.

***A reduction of the minimum required rear yard setback from 7.5 m to 2 metres.***

**This is a 73% reduction in the By-Law requirements! A new record for 333 Main!**

Continuing on this line of thinking – Could the developer have included the Blaikkie House as part of the severance lot request? Again, the answer is yes. This would actually make for a more properly sized lot and aesthetically a much better fit in the neighbourhood.

Unfortunately, in a developer's mind, having one neighbourhood approximate house where you could possibly jam 3 in, is nothing short of heresy.

Sometimes we lose site of the big pictures for all the details, or in this case, all the minor variances and irregularly shaped lot lines.

3. *Regarding Submission A-93/19, if there has not been an official merging of 333 and 347 Main Street into one lot, should there not be separate applications for variances?*

### Analogy

Let say we have a nice rectangular piece of property with a 16.5 metre frontage that you can put one house on it that meets all or most of the necessary setback provisions etc.

The developer, however, comes to you and says ...ya that all fine and dandy by I want to sever off two 8.25-meter lots and by the way I will need all these minor variances in order to fit houses on them that will maximize my profit. Would the above scenario be allowed? I certainly hope not!

This is exactly what is happening here. It is not that the developer can't or better meet the requirements of the new Zoning by-laws, **it is that they decide not to for monetary reasons.**

This developer made absolutely no effort in asking for a severance that even remotely meets the new Zoning By-Law... absolutely **zero** effort.



*It is not City Staff's or the Committee of Adjustment's duty to allow developers relief from Zoning By-Law requirements because of variance requirement of their own making.*

Profit is not a valid reason for a minor variance request.

### Heritage Permit

It is our understanding that the house located at 333 Main Street has been designated to be of cultural heritage value and interest pursuant to Part IV of the Ontario Heritage Act.

### Question for City Staff

4. *Has a heritage permit application been made by the developer for this particular application? If so, has it been reviewed by the St. Catharines Heritage Advisory Committee?*
5. *What is the height of the two proposed houses? Do they meet the 9.5 m provision?*
6. *Do the proposed houses meet the various requirements (façade, landscape etc.) as laid out in the Approved Urban Design Guidelines?*

### Closing Remarks

As per the developer's own words, quoting Committee of Adjustment minutes from August 29, 2018, File #60.81.5313, "Mr. Romanko stated that there were more conventional concepts considered at the beginning that did not require any variances". If such was the case, then why didn't they move forward on a design plan that was smaller in scale and complied to the bylaw to avoid the number and extent of variances and consents required?

The variances requested in these applications are NOT minor in nature, are not desirable for the appropriate use of the land and do not meet the intent and purpose of the City's official Plan and Zoning By-Law.

All the good work that was done by staff and Council to develop this new improved Zoning By-Law will be for not if we continue to allow developers to treat the provisions as a design after-thought.

Sergio Ferreira P. Eng.  
349 Main Street  
St. Catharines, ON

Sarah J. Phillips  
349 Main Street  
St. Catharines, ON

cc: Mayor Walter Sendzik  
Councillor Carlos Garcia, Councillor Bruce Williamson





**Munro, Elaine**

---

**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 4

333 & 347 Main Street

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

**Sent:** Tuesday, July 09, 2019 12:15 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 4

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

Hello Elaine

Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto: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 July 31/19 CofA Hearing - Email 4 - 905-19-279

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

**Sent:** Monday, July 15, 2019 11:46 AM

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

**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 4 - 905-19-279

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

Dear Elaine,

Re File: B-29/19SC & B-30/19SC

Details:

- Severance
- 333 & 347 Main Street
- Lot 38 and Part of Lots 35 and 37, Plan 30M-129 located on the southeast side of Main Street, east of Dalemere Crescent

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

Best regards,

*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

July 22, 2019

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

**Attention: Elaine Munro**

File# 60.84.2256, 60.84.2257, 60.81.5527, 60.81.5526 & 60.81.5525

Re: 333 & 347 Main St and 10A & 10B Port Royal Cres

In response to your correspondence dated July 9, 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](http://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.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

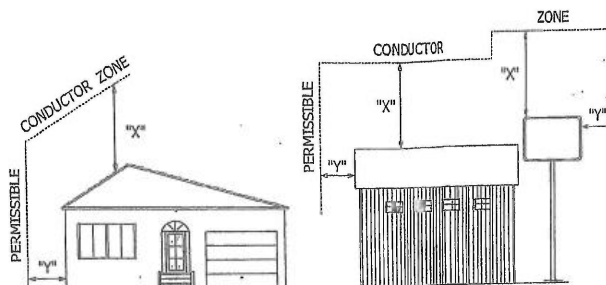
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Jakubowski', with a large, sweeping loop at the end.

Mark Jakubowski  
Supervisor, Design, Customer Capital



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

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

\* - INCLUDES MULTI-GROUNDED NEUTRALS

# NOTES:

- 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...

DRAWING STATUS	BY	DATE
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:

3-105

DRAWINGS NOT TO SCALE

SHEET	REVISION
1	0



**Munro, Elaine**

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**Subject:** RE: Heritage Comments FW: 333 Main Street Variance requests.

**From:** Richer, Chloe  
**Sent:** Wednesday, July 10, 2019 8:56 AM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Cc:** Devlin, Taya <tdevlin@stcatharines.ca>  
**Subject:** RE: Heritage Comments FW: 333 Main Street Variance requests.

Hi Elaine,

Given that the concept has not changed except for severing the lots on Port Royal, I am in agreement with Kevin's comments, however, I would like to emphasize the following mitigation measures and recommendations listed in the HIA:

- The detached garage should be documented prior to removal;
- The fieldstone wall is to be retained (also as per Kevin's comments below);
- A commemorative strategy (e.g., publicly accessible heritage plaque) is to be developed and presented before the St. Catharines Heritage Advisory Committee (a different Committee than the St. Catharines Heritage Permit Advisory Committee, which the heritage permit application will need to go before);
  - Commemoration may include the original context associated with the Hollydean House, and the Hollydean Fruit Farm and the history of fruit farming in Louth Township;
- The applicant should consider reconstructing the original stone path and stairs based on historic documentation;
- The historic boundary of the property may be indicated prior to re-development with a design element;
- Including heritage plantings (e.g., fruit trees grown in the former orchards); and
- Consider the use of historic names associated with the property in the new development (e.g., Hollydean or Blaikie).

In addition, it would be helpful if the following documentation is provided: Project Schedule, Mothballing Procedures (if the house is vacant) and Conservation Plan (if the stone wall is being dismantled and rebuilt).

Thank you and please let me know if you have any questions about the mitigation measures and recommendations.

Chloe

**Chloe Richer** BA, MScPI  
Heritage Planner  
**Email:** [cricher@stcatharines.ca](mailto:cricher@stcatharines.ca)  
**Tel:** 905.688.5601 x1710

**From:** Blozowski, Kevin  
**Sent:** Tuesday, August 14, 2018 10:24 AM  
**To:** Munro, Elaine <[emunro@stcatharines.ca](mailto:emunro@stcatharines.ca)>  
**Cc:** Pihach, Judy <[jpihach@stcatharines.ca](mailto:jpihach@stcatharines.ca)>  
**Subject:** 333 Main Street Variance requests.

*The minor variances being requested to are intended to enable the lands to be developed as a vacant lot condominium, creating 12 lots. The subject lands are designated under the Ontario Heritage Act by By-law 2017-266. The dwelling on the lands was constructed in 1914 and contains features of the Edwardian Classicism and Prairie schools of architecture. The interior and exterior of the premises are designated under the Act. The low stone wall which projects into the front yard functions as a retaining wall and is noted in the designating by-law. The property is known as "Hollydean".*

*Part C, Section 3, of The Garden City Plan (the City's Official Plan) provides Cultural Heritage policies. Section 3.1.4 states that all development/redevelopment shall have regard for cultural heritage resources and shall, wherever feasible, incorporate these resources into any development plan. The City may require a cultural heritage impact assessment (HIA) where a proposed development has the potential to adversely affect cultural heritage resources*

*Section 3.2.7, also states that in reviewing proposals for construction, demolition, or removal of buildings and structures or the alteration of existing buildings, the City shall be guided by the applicable heritage district plan and certain general principles where there is potential to impact any cultural heritage resources, including that; Heritage building, associated landscape features and archaeological sites including their surroundings shall be protected from any adverse effects of change (3.2.7(a), and that new construction and/or infilling should be compatible with surrounding buildings and streetscapes by being generally of the same height, width and orientation of adjacent buildings; being of similar setback; and using similarly proportioned windows, doors, and roof shape(3.2.7 (d).*

*The dwelling on the lands is located centrally on the property. The proposed development will surround the dwelling. The applicant has provided an HIA prepared by Megan Hobson in support of the proposal. Staff generally concur with the HIA. Site plan agreement approval has been applied for. The Owner will be required to implement the recommendations of the HIA as part of the site plan agreement.*

*The proposed infill development incorporates the heritage building in a manner that maintains its prominence. This is achieved through the situation of the proposed new construction and height not exceeding the original dwelling. The heritage attributes identified by By-law 2017-266 will not be adversely impacted by the proposal. In addition to identifying a number of heritage attributes associated with the main dwelling, the by-law includes a low stone wall in the front yard which functions as a retaining wall. The fieldstone wall will be retained as part of the development of the lands.*

*Heritage permit approval (HPA) will be required for any new construction and demolitions should these applications be approved. Application for HPA is made to the Planning and Building Services (PBS) Department and is circulated to the St. Catharines Heritage Permit Advisory Committee (SCHPAC) for consideration and recommendation based on the applicable designating by-law (2017-266). HPA is granted by the PBS for all types of applications except for demolitions, which are considered by City Council. There is a \$250.00 fee for HPA (2018).*

Regards

*Kevin*

**Kevin Blozowski** M.C.I.P., R.P.P.

Heritage Planner

**Email:** [kblozowski@stcatharines.ca](mailto:kblozowski@stcatharines.ca)

**Tel:** 905.688.5601 x1710

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Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – July 31, 2019 hearing - File No.: 300-036**

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**B-27/19SC – 140 Glendale Avenue**

Comment:

- No Comment

Condition:

- No Comment

**B-28/19SC – 178 Niagara Street**

Comment:

- No Comment

Condition:

- 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 south face of the existing dwelling on part 1 and the north face of the existing dwelling on Part 2.

**B-29/19SC – 333 Main Street**

Comment:

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

Condition:

- 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 southeast face of the existing dwelling on Part 3.

### **B30/19SC – 333 Main Street**

**Comment:**

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

**Condition:**

- 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 southeast and northeast faces of the existing dwelling on part 3.

### **B31/19SC – 8 Clifford Street**

**Comment:**

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

**Condition:**

- 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 northeast face of the existing dwelling on part 1.
- The existing pool on Part 2 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.

### **B32/19SC – 1277 Third Street Louth**

**Comment:**

- No Comment

**Condition:**

- 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 south face of the existing dwelling on part 1.

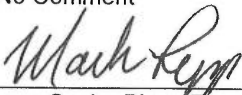
### **B33/19SC – 31 Victoria Street**

**Comment:**

- No Comment

**Condition:**

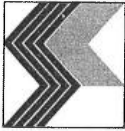
- No Building Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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## Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.

NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\blgd memo 2019\13 bcoa memo-mv-July 31, 2019.docx





## Memorandum

**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

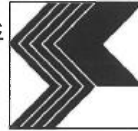
**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

PRCS offers no comments of the remaining applications.

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

**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-29&30/19SC**



July 16, 2019                      **ENGINEERING FILE 300-36**

**Hearing Date:**        July 31, 2019

**Applicant:**            Rocco DiPaola

**Location:**            333 Main Street

<u><b>MUNICIPAL SERVICES</b></u>	<b>Main Street</b>	<b>Port Royal Crescent</b>
<b>Water:</b>	300mm P.V.C.	150mm P.V.C.
<b>Sanitary Sewer:</b>	200mm A.C. 200mm bisecting the property (Easement)	200mm P.V.C.
<b>Storm Sewer:</b>	375mm	450mm
<b>Sidewalks:</b>	Yes	No
<b>Curbs:</b>	Yes	Yes
<b>Road Allowance Width:</b>	26.21m±	20.28m±

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

**Comment(s):**        It is noted that the Applicant proposes to sever Parts 1 & 2 on the submitted sketch for the proposed construction of two single detached dwellings to be known as 10A & 10B Port Royal Crescent, respectively. A remnant parcel, Part 3 with the existing single detached will be retained for future residential use and a future private road development.

**Roads**

Port Royal Crescent is designated a Local road per the City's Official Plan with a desired right-of-way width of 20m. Its current width is sufficient for the City's needs. Main Street is designated a Regional Arterial road per the City's Official Plan with a desired right-of-way width of 26.21m. Its current width is 26.21m, however since the road is under Regional jurisdiction, any further road requirements shall be at the Region's discretion.

Sidewalks and curbs exist along the frontage of the subject property on Main Street, at this time, however sidewalks do not exist along the Port Royal Crescent frontage. Care should be taken not to damage the Main Street services with the construction of the proposed private road development, if approved, and a sidewalk damage deposit shall be obtained through the Building Permit process to ensure that damages do not occur to these services with the proposed development's construction.

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 along the frontage of Port Royal Crescent rather than construct the sidewalk at this time with the development. 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/m<sup>2</sup> (2019). The required total amount shall be based on 1.5m wide sidewalk along the total frontage length of 12.84m. Therefore, the total estimated cost of the Owner's share if paid in 2019 is **\$2,496.74**.

### **Municipal Services**

There appears to be a Canada Post Centralized Mailbox on a concrete pad, a light standard and a Utility pedestal within the Port Royal Crescent, to which Canada Post and the Utility would be required to comment on regarding potential relocations to their plant infrastructure, at the Applicant's costs. A relocation of the streetlight could be considered as well, however the relocation costs would be the full responsibility of the Applicant, and completed by City forces or an agent thereof.

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, and submitted for review and comment by City staff, prior to approval and 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 do not adversely affect abutting properties.


Sump pump flows are typically discharged to grade, when no opportunities exist to connect to a piped municipal storm sewer. Since storm sewers do exist on Port Royal Crescent, weeping tile flows shall be discharged via sump pump to a storm sewer lateral directly to the municipal storm sewer. The cost of the storm sewer lateral shall be the Owner's responsibility through the servicing fees calculated through the Building Permit.

Roof water leaders (downspouts) shall be directed to discharge to the front of the proposed lots and subsequently out to Port Royal Crescent. These too must be shown on the approved grading plan.

### **Condition(s): Prior to the severance finalization the Owner shall;**

- Pay to the City the estimated cost of a future sidewalk along the Port Royal Crescent frontage, the fee in accordance with the City's current construction tender pricing average; and
- Arrange to have a lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor and submit for review and approval by City staff, prior to the finalization of the Consent applications; and
- Complete and/or pay the appropriate parties for the relocations of the existing Canada Post Centralized Mailbox, streetlight and Utility Bell pedestal, and provide proof from Canada Post and the Utility of these payments, prior to the finalization of the Consent applications; and

Prepared by:

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



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
140A&B Glendale Avenue, A-84&85/19SC  
40 Canal Street, A-888/19SC  
1 ½ Edmund Street, A-89/19SC  
15 Tuscany Court, A-90/19SC  
10A&B Port Royal Crescent, A-91&92/19SC  
333-347 Main Street, – A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

### **27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefore a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere

## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

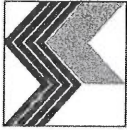
### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS





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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**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-31/19SC (60.84.2258) & A-94/19  
(60.81.5528)**

**8 Clifford Street**

**DATE OF HEARING:  
July 31, 2019**



CITY OF  
ST. CATHARINES

## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 22, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** B-31/19SC  
A-94/19

**File:** 60.84.2258  
60.81.5528

**Subject:** 8 Clifford Street

### Recommendation

That Submission **B-31/19SC**, by Alka McArthur and Grant McArthur, 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 1A Baker Drive be generally in accordance with the plans submitted to the Design Review Panel at the May 28th, 2019 meeting (site plan and associated elevations) to be submitted for review and approval by the City's Urban Design Planner to ensure the following:
    - i. That the roof pitch be lower than 6:12;
    - ii. That the front porch be enlarged to a depth of at least 2 metres to provide more usable space; and,
    - iii. That the column spacing of the front porch be made symmetrical;
  - b. That the applicant has an individual lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor and submitted for review and approval by City staff, and that the approved lot grading and drainage plan be included in the Development Agreement to ensure it is binding to future development after the lot is created;
2. 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 northeast face of the existing dwelling on Part 1;
3. The existing pool on Part 2 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;

4. 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;
5. That the applicant submits a payment of \$457.70 for deposit in the general tree planting reserve fund, in accordance with the 2019 Schedule of Rates and Fees.

That Submission **A-94/19** by Alka McArthur and Grant McArthur, as outlined in the Notice of Hearing, be approved.

## Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is of the opinion that Application **B-31/19SC** 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 Application **A-94/19** 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 is being maintained. Staff recommends that the requested consent and variance be approved.

## Report

### The Proposal

Application **B-31/19SC** is made for consent to sever 435.1 m<sup>2</sup> of land (Part 2 on the submitted sketch) for the proposed construction of a single detached dwelling to be known as 1A Baker Drive. An 810.4 m<sup>2</sup> remnant parcel (Part 1) with the existing single detached dwelling will be retained for continued residential use. There is a concurrent minor variance application (**A-94/19**) for Part 1 on the submitted sketch.

Application **A-94/19** requests to vary City of St. Catharines Zoning By-law 2013-283, for an increase of the maximum lot area for a single detached dwelling from 538 m<sup>2</sup> to 810.4 m<sup>2</sup> (Part 1 on the submitted sketch).

### Location and Site Description

The subject property is located on the northeast corner of Clifford Street and Baker Drive. The subject property is primarily surrounded by detached dwellings.

### Circulation of Application

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

### Planning Policy Context

#### Official Plan (Garden City Plan)

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

### **Zoning By-law (2013-283)**

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

## **Planning Analysis**

### **Consent**

Part F, Section 16.11.3(c) of the GCP states that consents to sever 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 sever 435.1 m<sup>2</sup> of land (Part 2 on the submitted sketch) creating a new lot to be known as 1A Baker Drive for the purpose of a detached dwelling. The 810.4 m<sup>2</sup> remnant parcel (Part 1 on the submitted sketch) known as 8 Clifford Street, would be retained for continued residential use. The Zoning By-law permits a maximum lot size for a single detached dwelling of 538 m<sup>2</sup>. The remnant parcel requires a minor variance to increase the maximum lot size of a single detached dwelling from 538 m<sup>2</sup> to 810.4 m<sup>2</sup>.

Lots in the surrounding area vary in shape and size, with many deep and narrow lots, some smaller square lots, as well as a number of irregularly shaped parcels. The proposed severed and remnant lot will not be out of character with the established parcel fabric for the area. The proposal is an example of good infill development in an established residential area. It maintains sufficient sized front yards, rear yards and side yards, meeting all requirements of the zoning by-law in terms of setbacks, and does not compromise the amenity space or parking area available on the parcels. Staff is of the opinion that the proposed lots will not have an impact on the established character of the neighbourhood.

Provincial land use plans and the GCP state that intensification, if done well, can improve neighbourhoods by bringing vibrancy and new life into existing neighbourhoods. The Official Plan supports intensification and infill where it can be appropriately accommodated, and when consideration of the existing neighbourhood is incorporated into the site and streetscape design. Staff is of the opinion that the applicants have established an efficient use for the oversized rear yard of the original property, which will achieve a level of compatibility using good urban design that is in character with the surrounding neighbourhood and adjacent properties. The consent is not expected to adversely impact the streetscape or the established character of the surrounding area, and represents compatible infill housing within an existing residential neighbourhood,

subject to the recommended conditions. Staff recommend approval of the requested consent.

### **Design Review Panel (DRP)**

On May 28, 2019, the DRP considered the subject proposal. The applicant advised that the existing lot is very large and well over the maximum lot area in the zoning by-law, that they have consulted and received support from the Parks, Recreations and Cultural Services staff with respect to the proposed new driveway location on Part 2, that they reduced the height of the new dwelling (at 7 metres) and selected cladding materials to fit with the surrounding area (stone and siding). Panel members expressed concern about the potential impact of excavation on the existing trees that provide buffering to adjacent lands. The panel members recommended: reducing the roof slope to further improve fit; increasing the depth of the front porch to improve usability; adjusting the column spacing on the porch in order to be symmetrical and to improve the overall composition of the façade; and that the applicant consider using board and baton cladding as an appropriate alternative to the selected siding.

It was carried that the DRP supports the proposal, subject to the following recommendations:

- a) That a reduced roof pitch be considered;
- b) That the enlargement of the front porch be encouraged to make the space more usable;
- c) That the column spacing of the porch be made symmetrical; and,
- d) That the applicant consider using board and baton as an alternative cladding material.

The City's Engineering Department had advised that Clifford Street and Baker Drive are both designated a Local Roads in the City's Official Plan with a desired right-of-way width of 20 m. Their current width across the frontage of the subject property is sufficient at +/- 20 m. Therefore, widenings are not required at this time.

Curbs exist along the Baker Street frontage of the subject property. No curbs exist on the Clifford Street frontage. The roadway has a semi-urban cross-section with sodded ditches for drainage.

City records indicate there will be no conflicts between the existing municipal services for the dwelling to remain on Part 1 and any future lot lines. The existing water service and sanitary lateral will continue to service the dwelling which will remain on Part 1. The servicing for Part 2 will be dealt with at the building permit stage. It should be noted that in addition to paying for a new water service and new sanitary lateral for Part 2, the developer will also pay the City to install a new storm lateral for Part 2 to provide an outlet for the sump pump.

It is noted that the submitted sketch with this application outlines a grading concept. However, there are some revisions required to this plan. The grading and drainage

component of the sketch must be revised to meet with the City's approval prior to finalizing the severance.

The City's Parks, Recreation and Cultural Services Department has advised that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

## **Variance**

### ***Applications A-94/19 (Part 1)***


Zoning By-law 2013-283 permits a maximum lot area for a detached dwelling of 538 m<sup>2</sup>. The applicant is requesting an increase of the maximum lot area from 538 m<sup>2</sup> to 810.4 m<sup>2</sup> to facilitate the proposed severance of the property while also retaining the existing dwelling at 8 Clifford Street. The maximum lot area requirement of the by-law is meant to ensure the efficient use of land is not compromised by creating oversized lots for their intended use. Staff is of the opinion that despite being oversized, the lot is in keeping with the character of the neighbourhood, and does not impact the overall established parcel fabric of the surrounding vicinity. The increased lot area for Part 1 is a direct result of the existing building footprint, and oversized front yard, which was established when the house was constructed in 1956. Given the location of the existing dwelling on the subject lands, the consent represents the most efficient use of the property in creating a new infill lot for future development, while still permitting the existing house to remain. Staff are of the opinion that this is an example of good infill development and recommend approval of the requested variance.

## **Conclusion**

Staff is of the opinion that Application **B-31/19SC** is compatible with the neighbourhood, the provisions of the Zoning By-law, and will have minimal adverse impacts on the surrounding area and the environment. It is staff's recommendation that the requested consent to sever be approved with the conditions outlined in the recommendation.


Staff is of the opinion that Application **A-94/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land. It is staff's recommendation that the requested variance be approved.

### **Prepared by:**



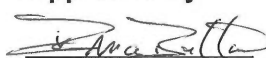
Mallory Smith  
Student Planner

### **Submitted by:**



Kirstin Jensen  
Planner I

### **Approved by:**



Bruce Bellows  
Senior Planner



Dear Elaine,

July 14, 2019

My name is Gavin Young and I am the homeowner at 3 Baker dr. That is exactly 2 doors down on the same side of Baker st. where the proposed severance to create a new property by severing 8 Clifford dr. and creating a "1a " 8 Clifford dr" Submission Numbers B-31/19SC, A94/19

Please consider this and the email that has been send as a written submission for hearing. I am out of the City for work at the moment and will continue to be away on the hearing date. I would kindly request that this letter get read out at the hearing and my concerns addressed before approval of this severance.

I am writing to express my concerns with regards to this proposed severance as there is very little information that has been made available to myself and the other members of the community effected by this proposal. No one has made an effort to knock on our door and explain the proposed plans. I would like to respectfully request that this severance be refused until further information can be made available to the community at large. If I / the committee could please get a reply by the developer / home owner's of 8 Clifford on the matters below if may help alleviate my concerns.

1. The population density of the block as already increased with the townhomes built last year on Lakeshore rd. reducing green space on the block. Further 'infilling' in a historical neighborhood would contribute to reducing the 'Greenspace' for the community at large.
2. As of now there are no plans submitted; the historical homes on the block were all built on old baker farmland from 1958-1961. Many of the original homeowners are still living in these houses. The style of house is predominately Side splits or ground level bungalows of various layouts/square footages that fit the community and allow privacy of both back and front yards with identical setbacks and mature trees. New home construction and 'infilling' tend to be 2 story homes built right to the minimal property boundaries. Clifford / Baker Drive is not Lakeshore rd / Geneva / Scott or Bunting. We are a quiet North End community. A new 2 story home shoe horned onto an existing lot would reduce and degrade the privacy and tranquility that has been in place for the last 57 years.
3. Has there been a study on the increased stress and work load that a new home would put on the 57 year old sewer and water lines? Already there is the new townhomes on the block as well as a new town home street that is being built behind Clifford dr. These sewer and water lines surely were not built to have constant new tie in's? How will this effect the other homes on the street?
4. Has there been an environment assessment submitted for approval? Already that part of Clifford sits on a grade which allows the back part of my yard and a few of my neighbors to flood when it rains as well as in the spring thaw. Should another home be built to a higher grade with a more modern weeping system, what will the effect be on the adjoining properties and the storm sewers? Increased automobile traffic? Reduced parking?

5. There are lots of exciting new developments in the city and in Niagara as whole. I would like to know the reason for the immediate need to build this home to the detriment of the other people living in the neighborhood.

On the application two people are listed as making this application. Alka McArthur and Grant McArthur.

- Are these the home owners at 8 Clifford Drive?

I only ask as I have learned that Grant McArthur works for a property development agency ' Westwood Developments'. 8 Clifford drive was recently purchased and now it seems clearly it was purchased for the sole purpose to sever the property and move on. I believe that there is no intent by the person making the application to live in the proposed structure and purely proceeding with a business opportunity for profit and then leaving the neighborhood to deal with any potential future problems.

The actions of not knocking on the doors of the people that live there and chatting with us further leads me to believe this. A lot of the people that live around us are home everyday at very reasonable hours. I do not think it is unreasonable to expect some one to make an effort to chat with the neighborhood when proposing something such as a large infill that will affect everyone who live there.

In closing, I understand the temptation for the City of St. Catharine's to approve another infill. It increases property tax, it increases population and even can be used to promote business development in the city. Property values are already increasing at a record pace. The new homeowners should be thrilled at that prospect. They purchased in a wonderful part of the city in a great community. However, in this case I think that this infill is a bad idea. Both for the city and for the neighborhood of which I have made my home. Every infill should not be approved, it should be approved on a case by case basis with careful examination as to how it will effect the community at large as well as the infrastructure of that community and the cities ability to service it and maintain the quality of life and standard of living of those in the community. This infill stands to significantly reduce the quality of life of myself and my neighbors. With no clear answers the questions above I cannot say that I am in support of this proposal and in it's current form would request that it be rejected until the questions above are addressed and responded to in a satisfactory manner, both for myself, my neighbors and the City.

Thank you for your time,

Gavin Young

3 Baker dr.

[REDACTED]

[REDACTED]

## Munro, Elaine

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**Subject:**

RE: Written submission for 'Notice of Hearing' July 31, 2019 Subject "8 Clifford st"  
Submission Numbers B-31/19SC , A94/19

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**From:** Gavin Young [mailto:]

**Sent:** Monday, July 29, 2019 6:25 AM

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

**Cc:** Gavin & Kathy Young <>; Dodge, Dawn <ddodge@stcatharines.ca>; bphilips@stcatharines.ca; Pihach, Judy <jpihach@stcatharines.ca>; Banda, Wilrik <wbanda@stcatharines.ca>; Jensen, Kirstin <kjensen@stcatharines.ca>

**Subject:** Re: Written submission for 'Notice of Hearing' July 31, 2019 Subject "8 Clifford st" Submission Numbers B-31/19SC , A94/19

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

Good Morning Elaine,

I hope this finds you well and that you have had a nice weekend. I must give my apologies if I am starting to get long in tooth here with regards to my comments and concerns. It is just that I will not be able to be at the meeting on Wednesday and I would like to clarify a couple more points. I did speak to Mr. MacArthur on the phone this past weekend to discuss his severance. He was polite and cordial, and he liked to talk a lot, i could barely get a word in either way to ask the questions that I wanted to ask.

I just wanted to recap the conversation for the committee. I also have a recording if they would like to hear, however it is 26 minutes long and mostly Mr. MacArthur talking about how wonderful he is for the community. I just want to recap the points that made and to note that I did not agree to anything with Mr. MacArthur in case he claims that I was very happy and supportive of his initiative, i was just gathering information for myself and my neighbors.

- he said that Nancy; ( 1 baker Drive, a Widow whom has lived there for 40 plus years) would see all plans for the house and he would not build anything that infringed on her privacy and he would get her to agree to any plans by showing her up to 3 proposals.

- he said that he only knocked on doors with-in 30 m of the proposed build; he did not knock on our door until we got in contact with the city; which gives me serious doubts as to the if he actually spoke to homeowners

- he said that and I quote "he wanted to build the new house, because the basement in his house on Clifford was only 6 1/2 feet tall and he is 6 ' " so, he wants to build an entire new house because his basement is low and the same height as every other house in the city

-he tried to make it clear that he was not wanting to do this to make money, and that he house is dated, low ceiling etc, that its great piece of property to do this etc. -Because severing land and building a new house is far more economical than renovating,,, (sarcasm) And he mentioned several times that it will be good for everyone and started to mention property values and numbers. i kindly told him that no one cares about that except him, and that we want to make sure that if it goes ahead that it is responsible and whatever goes in matches the community plan and is not over height.; To that he said he can't build over 11 foot high,, i dont know the by law on this. he again tried to remind me of what it will do for our property values and tried to make out like he was doing all the neighbors a favor. To be clear; a Neighbor doing a favor for a neighbor is borrowing a cup of sugar or taking in the mail when you are away, certainly it is not 'building a house in their back yard, to increase property values' with all the additional costs that go along with increased property values.

- he said that he is a 'charity worker' and that he has also built the town houses on Lakeshore, the other new house on Clifford, and another house in the neighborhood and is considering buying another house on clifford to develop. At that

point i asked him, so you are a property developer. He said no, i work in the community and in charity. i reminded him of all the property that he has developed in our neighborhood and said that sounds like you are a developer; which he clearly is.

- He also said that the build time would be the next 1-2 years.

- I mention the streets lack of sidewalks and all the children in the area that play on the street and heavy construction would impede that; He glossed over that and did not address my concern.

- I asked him about the property set back and the new dimensions of the severance, to that he did not know off hand. I am concerned with regards to the set back as the proposed severance is not on a rectangular lot at all

So a question for the committee is: 'What is his companies name that he is doing this built under and is it registered for tax purposes?' I would very much like to know the insurance information for the build of this house.

Now, I am neither for or against Mr/ MacArthur building this for profit house, so I guess I am more against that I am 'for' at this point. He clearly lied to me several times on the telephone and tried to deliberately miss lead me at other times. I am concerned that he will try to build something that does not fit with the community plan / infringes on the privacy of both Nancy and myself as well as causing up to 2 years of Kaos on my street while he builds and moves on. So please if Mr. MacAurthur tries to say our conversation was otherwise I am more than happy to send the audio file over.

I do repeat that he was polite and cordial and where he did answered some questions I had and deliberately tried to redirect others.

I would like to thank the committee again for your time and consideration and I am looking forward to hearing your decision on the matter,

Kind Regard,  
Gavin

# POONAM SINGH

8 Baker Drive, St Catharines ON L2N 2V8 | Email: [REDACTED]

July 24, 2019

The Director of Planning and Building Services, City of St Catharines  
50 Church St  
St Catharines

Subject: Request to reject the proposed changes on 8 Clifford St Development

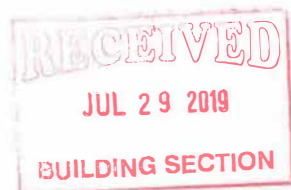
Dear the Director

We have gone through your public notification on the proposed alteration, zoning changes for 8 Clifford St St Catharines. We live in the same neighborhood and have serious concern on the proposed zoning amendment. Our little neighborhood, off the main street, is a family, safe neighborhood allowing children to play freely on the street because of low density housing, low traffic, and less noise. A high-density change, as proposed, would increase the traffic, and safety concerns, and ultimately eliminating the safe, family neighborhood. Further, it would change the landscape of the Clifford/Baker St due to removal of current trees as proposed in this alteration. This high-density change will thus ultimately devalue each property in this neighborhood. In the best interest of family, current owners, little street like Baker Dr and Clifford St, should be kept a low-density housing zone.

I would thus kindly request you to reject the proposed alternation and keep this neighborhood as low-density housing allowing families like us to live in a safe neighborhood environment.

Sincerely,

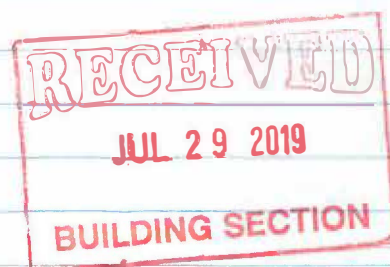
[REDACTED]  
Poonam Singh



File no 60842258  
Submission NO  
B-31/198C

I am writing to oppose the application to Severe the property on Clifford Dr. I have lived 18 years at 1 Baker Dr. I Sleep with my window open and enjoy the privacy I have. If this proposal goes ahead I will have a wall to look at, 25 ft past my bedroom where trees had stood. The noises created by cars in and out of the driveway as well as people right beside my room, my space, will be horrible. The trees provide shade, shelter and privacy. It is 10° cooler because of the shade. Therefore, I am against this proposal.

Chelsea Little  
[REDACTED]





RECEIVED  
JUL 29 2019  
BUILDING SECTION

Dear Sirs / Madame,

I have 36 years invested in my home & neighbourhood. Why should I give up all I cherish so that someones need for more can be fulfilled.

I do not wish to see the stunning pines removed nor the 25 cedars that run the width of the back yard. According to the plans a 25 ft wall will be the replacement feature creating no air flow. It will be a dead zone.

The trees that will be coming down will affect the beauty of our neighbourhood. <sup>McArthur</sup>

I have been told that Mr. Grant did the tear down of the house on the corner of Lakeshore / clifford.

The noise pollution went on forever & we lost the privacy I used to enjoy in my backyard.

We have enjoyed a host of birds such as Baltimore Orioles, owls even once a peacocked woodpecker. Our street is a beautiful area with trees & beautiful gardens. It would not fit in to severe the backyard & block the view we all have had the privilege to enjoy.

I am sadly now a widow. and another couple tried to do the same & my husband represented the neighbourhood and the proposal was shut down. Please do it again for everyone's sake, Humans



and animals alike.

Mr. McAnthon has told me that they plan to move into the new house. Will the other house remain or will it become 3 homes like the ones that are now in the back yard of my home.

Please consider all involved and effected if this proposal is to proceed.

Thankyou

Nancy Little

1 Baker Drive

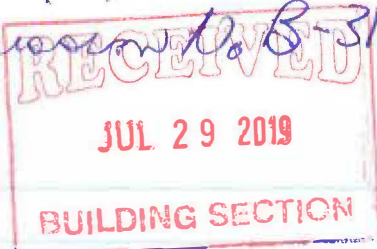
I really hate the idea of a house so close that will be out of line with the rest of homes.

Submission No B-31/195C

File Number

60.84.

2258



We have had the privilege of living on Baker Dr. for 36 years. Its a beautiful street with beautiful trees & gardens.

I feel very strongly against a house being wedged in between the two houses. The house will stick out too much in the front, 25 ft. It will create a block for the natural air flow. While the city is promoting planting trees for environmental reasons why would we allow so many to be torn down?

I feel it would be an eyesore & make the corner lot a barren lot. Please do not let these new neighbours go ahead and destroy our neighbourhood for their personal gain.

Curry Little

13 Baker Dr.

July 22, 2019

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

**Attention: Elaine Munro**

File# 60.81.5528 & 60.84.2258

Re: 8 Clifford St/1A Baker St

In response to your correspondence dated July 9, 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](http://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.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

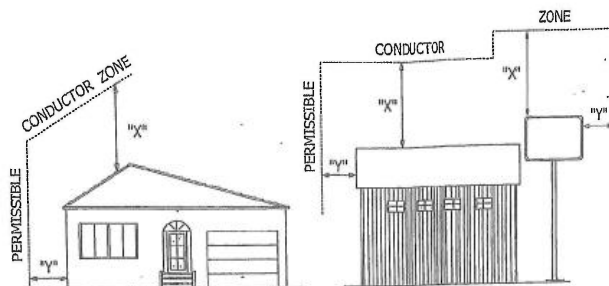
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's 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, enclosed within a faint oval border. The signature is stylized and appears to read 'Mark Jakubowski'.

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...

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

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

REFERENCE DRAWINGS:

DRAWING #  
3-105

DRAWINGS NOT TO SCALE

SHEET	REVISION
1	0

**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 5

8 Clifford  
1277 Third St. Louth

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

**Sent:** Tuesday, July 09, 2019 12:17 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 5

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

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Hello Elaine

Cogeco has no issues or  
concerns with these  
applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Consents – July 31, 2019 hearing - File No.: 300-036**

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**B-27/19SC – 140 Glendale Avenue**

Comment:

- No Comment

Condition:

- No Comment

**B-28/19SC – 178 Niagara Street**

Comment:

- No Comment

Condition:

- 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 south face of the existing dwelling on part 1 and the north face of the existing dwelling on Part 2.

**B-29/19SC – 333 Main Street**

Comment:

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

Condition:

- 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 southeast face of the existing dwelling on Part 3.



### **B30/19SC – 333 Main Street**

**Comment:**

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

**Condition:**

- 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 southeast and northeast faces of the existing dwelling on part 3.

### **B31/19SC – 8 Clifford Street**

**Comment:**

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

**Condition:**

- 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 northeast face of the existing dwelling on part 1.
- The existing pool on Part 2 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.

### **B32/19SC – 1277 Third Street Louth**

**Comment:**

- No Comment

**Condition:**

- 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 south face of the existing dwelling on part 1.

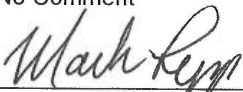
### **B33/19SC – 31 Victoria Street**

**Comment:**

- No Comment

**Condition:**

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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## Memorandum

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

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

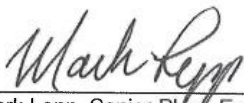
From: Mark Lepp, Senior Plans Examiner / Building Inspector  
Planning and Building Services

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

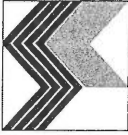
NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.

NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

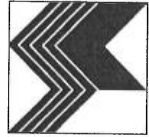
**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

PRCS offers no comments of the remaining applications.

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

REPORT TO PLANNING DEPARTMENT  
Re: CITY LAND DIVISION APPLICATION NUMBER B-31/19SC



July 16<sup>th</sup>, 2019

ENGINEERING FILE 300-36

Hearing Date: July 16<sup>th</sup>, 2019

Applicant: Grant & Alka McArthur

Location: 8 Clifford Street

**MUNICIPAL SERVICES**

	Clifford Street	Baker Drive
Water:	150mm A.C.	150mm C.I.
Sanitary Sewer:	200mm Conc.	200mm A.C.
Storm Sewer:	None	250mm Concrete
Sidewalks:	No	No
Curbs:	No	Yes
Road Allowance Width:	20m±	20m±

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

**Comment(s):**

It is noted that the Applicant proposes to sever Part 2 from Part 1 on the Sketch dated and signed June 12, 2019 prepared by Mathews, Cameron, Heywood – Kerry T. Howe Surveying Limited. The new lot will enable a new single family dwelling to be constructed on it. The existing lot dwelling will remain and be entirely on Part 1.

**Roads**

Clifford Street and Baker Drive are both designated a Local Roads in the City's Official Plan with a desired right-of-way width of 20m. Their current width across the frontage of the subject property is sufficient at +/-20m. Therefore, widenings are not required at this time.

Curbs exist along the Baker Street frontage of the subject property. No curbs exist on the Clifford Street frontage. The roadway has a semi-urban cross-section with sodded ditches for drainage.

Sidewalks do not exist on either side of either Clifford Street or Baker Drive. In accordance with Council's desire to have walkable streets, and as desired in the City's Official Plan, as a condition of development the developer shall pay a cash contribution for future 1.5m wide sidewalks along Baker Drive and Clifford Street. Sidewalks on these two streets will ultimately provide a walkable link between Parnell Road and Lakeshore Road.

The 2019 chargeable rate for new sidewalks is \$194.45/m<sup>2</sup>. Rates may change if the fee is not paid in 2019. Based on this rate and the frontages noted on the attached Sketch, the fee for Part 1 is (19.66m + 9.03m + 34.98m) x 1.5m x \$194.45 = \$18,570.95. The fee for Part 2 is 16.84m x 1.5 x \$194.45 = \$4911.81.

**Municipal Services and Grading**

City records indicate there will be no conflicts between the existing municipal services for the dwelling to remain on Part 1 and any future lot lines. The existing water service and sanitary lateral will continue to service the dwelling which will remain on Part 1.

The servicing for Part 2 will be dealt with at the building permit stage. It should be noted that in addition to paying for a new water service and new sanitary lateral for Part 2, the developer will also pay the City to install a new storm lateral for Part 2 to provide an outlet for the sump pump.

It is noted above that a Sketch has been submitted with this application. The Sketch outlines a grading concept, however there are some revisions required to this plan. The grading and drainage component of the Sketch must be revised to meet with the City's approval prior to finalizing the severance.

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

- Arrange to have an individual lot grading and drainage plan prepared by a qualified Engineer or Ontario Land Surveyor and submit for review and approval by City staff, prior to the finalization of the Consent; and
- Pay to the City the estimated costs for a future sidewalk along the Clifford Street frontage of Part 1 and the Baker Drive frontage of Parts 1 & 2, the fees in accordance with the City's current construction tender pricing average



Prepared by:

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James R Denham, P.Eng.  
Development Engineering Technologist





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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
140A&B Glendale Avenue, A-84&85/19SC  
40 Canal Street, A-888/19SC  
1 ½ Edmund Street, A-89/19SC  
15 Tuscany Court, A-90/19SC  
10A&B Port Royal Crescent, A-91&92/19SC  
333-347 Main Street, – A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

### **27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefore a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere

## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**We have no concerns or requirements with the remaining applications.**

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**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-32/19SC (60.84.2259)**

**1277 Third Street Louth**

**DATE OF HEARING:**  
**July 31, 2019**

**Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

July 30, 2019

File No.: D.06.08.CS-19-050

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

Dear Ms. Munro:

**Re: Regional and Provincial Comments  
Consent Application B-32/19SC (City File No. 60.84.2259)  
Surplus Farm Dwelling  
Owner: Sun Valley Niagara Assets Inc.  
Agent: Bart van Haaster (Sun Valley Niagara Assets Inc.)  
1277 Third Street Louth  
City of St. Catharines**

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Regional Planning and Development Services staff has reviewed the above-noted consent application for a partial discharge of mortgage and surplus farm dwelling severance. The consent proposes to sever Part 1 (3,338.6 square metres) of land for the disposal of a surplus farm dwelling known as 1277 Third Street Louth. Part 1 is also subject to an easement, in perpetuity, of Part 2 (1,263.2 square metres) for access purposes to benefit Part 1. Parts 2, 3, 4, and 5 (67,677.4 square metres) are to be retained for continued agricultural use. Staff notes that there is a concurrent minor variance application for Part 1, to amend the minimum lot area for a single detached dwelling. A pre-consultation meeting was not held for this proposal. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

**Provincial and Regional Policies**

The Provincial Policy Statement (PPS) designates the subject lands as within a “prime agricultural area,” and more specifically as a “specialty crop area.” Such lands shall be protected for long-term use for agriculture, with specialty crop areas being given the highest priority for protection. Similarly, the Greenbelt Plan designates the lands as a specialty crop area as part of the policies for the Protected Countryside (Niagara

Peninsula Tender Fruit and Grape Area). These specialty crop area designations allow for a full range of agricultural, agriculture-related and secondary uses.

According to the Regional Official Plan (ROP), the subject lands are located outside of the Urban Area Boundary for the City of St. Catharines, and are designated within the Unique Agricultural Area. In conformity with Provincial policies, the ROP states that the highest priority is given to preserving Unique Agricultural Areas, with agriculture being the predominant use. Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. As such, the ROP restricts lot creation in Unique Agricultural Areas, except for severances that meet one of a specified list of criteria. One of the permissions of Provincial and Regional policies for severances in the agricultural area is through a surplus farm dwelling severance; the residence is deemed as surplus to a farming operation as a result of farm consolidation, and a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Minor boundary adjustments or easements, which do not result in a new residential lot and do not fragment key natural heritage or hydrologic features, are also permitted in Provincial and Regional policies.

#### Farm Help House

The consent application proposes to sever off a farm help house through a surplus farm dwelling severance. This information has been verified through the Regional Private Septic Permit application submitted in June 2019, which notes that the dwelling is used by nearly 40 farm employees. Consistent with the PPS, Regional policies permit permanent or portable farm-related dwellings without severance for full time farm help where the size and/or nature of the farm operation makes the employment of such help necessary. Based on available information, the dwelling proposed to be severed is utilized as a farm help house. As such, the agricultural policies of the ROP and the intent of the PPS do not permit for the severance of farm help houses, as they are intended to support the agricultural operation.

#### Farm Consolidation/Land Acquisition

In evaluating the proposal with the surplus farm dwelling severance policies, staff notes that the subject lands (Parts 1 to 5, inclusive) are under the same ownership. To be consistent with Provincial and Regional policies, the dwelling to be severed must be deemed surplus as a result of land acquisition (farm consolidation); it is unclear when the subject lands were acquired or merged. The application submitted with the severance does not detail that the property owner has any other land holdings. Further, the subject lands (Parts 2 to 5) cannot be rezoned to limit the construction of a dwelling in perpetuity, since the lands already contain a single detached dwelling.

### **Private Servicing**

Regional Private Sewage Systems (PSS) staff has reviewed the consent application, and notes that a septic permit was issued by Regional Planning and Development



July 30, 2019

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Services in June of 2019 for the installation of an in-ground Shallow Buried Trench Waterloo Treatment System to service an existing help house (Part 1). As per the permit, the septic system is located on the north side of the house. The area proposed to be severed (Part 1) does not meet the required minimum 1.0 acre (4,046.8 square metres) lot size to allow for sufficient replacement and spare area for the septic system. Therefore, Regional PSS cannot support the consent application as submitted.

## Conclusion

Regional Planning and Development Services staff are not supportive of the subject consent application for a surplus farm dwelling severance and easement for the following reasons:

1. Provincial and Regional agricultural policies do not permit for the severance of permanent and/or portable farm help houses, as they are intended to support agricultural operation(s);
2. It is unclear if there has been farm consolidation (defined as the acquisition of additional farm parcels to be operated as one farm parcel) that has resulted in the dwelling to become surplus; and
3. The proposed severance of Part 1 is undersized for private servicing requirements, and would need to be increased to 1.0 acre in area to allow for sufficient replacement and spare area for the septic system.

Based on the above, Regional staff recommends that this application **be denied**.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352 or Lindsay Earl, MCIP, RPP, Senior Development Planner, at extension 3387.

Please send notice of the Committee's decision with regard to this application, and a copy of the City's report.

Best regards,



Aimee Alderman  
Development Planner

cc: Mr. T. Boyle, Development Approvals Technician, Niagara Region  
Mr. J. Noort, Private Sewage Systems Inspector, Niagara Region



CITY OF  
ST. CATHARINES

## Technical Report

**REVISED**

**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 30, 2019

**Date of Hearing:** July 31, 2019

**Submission(s):** B-32/19SC  
A-98/19

**File:** 60.84.2259  
60.81.5532

**Subject:** 1277 Third Street Louth

### Recommendation

That Submission **B-32/19SC** by Sun Valley Niagara Assets Inc., as outlined in the Notice of Hearing, be denied.

That Submission **A-98/19**, by Sun Valley Niagara Assets Inc., as outlined in the Notice of Hearing, be denied.

### Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is not satisfied that the proposal outlined in Application **B-32/19SC** is in accordance with the policies of the Official Plan. Further, having regard for the matters under Section 45(1) of the Planning Act, it is staff's opinion that the minor variance outlined in Application **A-98/19** is not minor in nature, not desirable for the appropriate use of the land, and that the intent and purpose of the City's Official Plan and Zoning By-law are not being maintained. Staff recommend that the Applications be denied.

### Report

#### The Proposal

The Applicant, Sun Valley Niagara Assets Inc., is the owner of both 1277 Third Street Louth and 1293 Third Street Louth which is one property. When 1277 Third Street Louth was purchased by the Applicant in 2010, the two properties merged in title as they came under one ownership. As a result, two detached dwellings (both constructed circa 1910) exist on the one parcel of land. The northernmost dwelling (1277 Third Street Louth) is now requested to be considered surplus to the needs of the farm operation and to be severed from the subject lands, as follows:

Application **B-32/19SC** is made for consent to a partial discharge of mortgage and for consent to sever 3,338.6 m<sup>2</sup> of land (Part 1 on the submitted sketch) for the disposal of the surplus farm dwelling known as 1277 Third Street Louth. The Application is also made for consent to create an easement in perpetuity over 1,263.2 m<sup>2</sup> of land (Part 2) for access purposes to the benefit of 1277 Third Street Louth, the proposed surplus farm dwelling

(Part 1). The 67,677.4 m<sup>2</sup> remnant parcel, being Parts 2, 3, 4 and 5 (1293 Third Street Louth) is to be retained for continued agricultural use with an existing dwelling.

Concurrent Application **A-98/19** seeks relief from the minimum lot area requirements for detached dwellings in the Agriculture (A1) zone from 4,050 m<sup>2</sup> to 3,338.6 m<sup>2</sup> for Part 1, being the proposed surplus farm dwelling lot.

## **Location and Site Description**

The subject property is located on the west side of Third Street Louth, south of Lakeshore Road West. The subject lot is surrounded by a variety of agricultural uses and detached dwellings.

## **Circulation of Application**

The Application was circulated to all appropriate departments and agencies. The Regional Municipality of Niagara has provided comments objecting to the approval of the consent and minor variance applications.

## **Planning Policy Context**

### **Official Plan (Garden City Plan)**

The subject lands are designated Agriculture in accordance with Schedules D1 and E11 of the Garden City Plan (GCP). The Agriculture designation permits a full range of agricultural uses, including vineyards, livestock, field crops, fruits, vegetables, greenhouses and horticultural specialties, existing detached residential dwellings, as well as new detached dwellings where related and secondary to a main agricultural use, or on an existing vacant lot of record. A farm help house is also permitted as an accessory use in conjunction with a farm operation.

### **Zoning By-law (2013-283)**

The subject lands are zoned Agriculture (A1). The A1 zone permits agriculture farm-related commercial or industrial uses, agriculture farms, detached dwellings, kennels, agri-tourism, home industry and wineries. A help house is permitted only as an accessory use to a farm operation.

## **Planning Analysis**

### **Consent**

Staff have recently become aware of new information from both the Region and the applicant that indicates that the dwelling proposed for severance as a surplus farm dwelling at 1277 Third Street Louth is a farm help house. Application was made to the Region in June 2019 for a private septic system specifically to accommodate a help house for 39 labourers at 1277 Third Street. The application for septic system indicates that both the current and proposed use of the building is for a help house.

The Garden City Plan permits the severance of a dwelling that becomes surplus to an agricultural operation as a result of a farm consolidation (i.e. when two or more farms amalgamate to form one contiguous parcel of land under one ownership). This policy does not, however, apply to farm help houses.

Typically, provision for severance of a surplus farm dwelling is made when 2 farm parcels, each containing a primary residence, are merged together or consolidated under one farm

operation, and as a result, one of the primary residences is considered surplus to the needs of the farm operation.

A farm help house is a dwelling unit used for accommodation of persons employed in the operation of an agricultural farm use located on the same lot, and is considered an accessory use to a farm operation, and not a primary residence.

The application for consent is to sever a farm help house, and in the opinion of staff, the proposed severance does not meet the surplus farm dwelling severance policies contained in the Official Plan. Staff do not support application B-32/19SC.

Regional Planning and Development Services staff also do not support the proposed consent and offer the following comments:

1. Provincial and Regional agricultural policies do not permit for the severance of permanent and/or portable farm help houses, as they are intended to support agricultural operation(s);
2. It is unclear if there has been farm consolidation (defined as the acquisition of additional farm parcels to be operated as one farm parcel) that has resulted in the dwelling to become surplus; and
3. The proposed severance of Part 1 is undersized for private servicing requirements, and would need to be increased to 1.0 acre in area to allow for sufficient replacement and spare area for the septic system.

## Variance

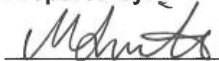
Based on the new information acquired regarding the use of the dwelling on the property at 1277 Third Street Louth as a farm help house, the previously requested variance to the property is not applicable, as the proposed property is not intended to be used for a primary residence, but rather a help house. In addition, the minimum lot area requirements for a lot containing a dwelling are, in part, intended to ensure a sufficient lot size to accomodate a private septic system. Based on Region of Niagara comments, who are charged with approving private septic systems, the proposed lot size of 1277 Third Street Louth is not sufficiently sized to accommodate a private septic system for the intended use of the lands.

Staff are not satisfied that the variance is minor in nature, nor desirable for the appropriate use of the lands, and does not meet the intent and purpose of the Official Plan and Zoning By-law. Accordingly, staff recommend that the Application for Minor Variance be denied.

## Conclusion

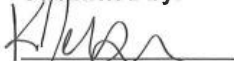
Staff are not satisfied that the severance of a surplus farm dwelling proposed through Submission **B-32/19SC** or the accompanying request for minor variance meets the intent and purpose of the agricultural policies set out in the Official Plan. Staff recommend that the Applications be denied.

Prepared by:



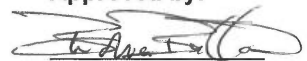
Mallory Smith  
Student Planner

Submitted by:



Kirstin Jensen  
Planner I

Approved by:



Bruce Bellows  
Senior Planner



CITY OF  
ST. CATHARINES

## Technical Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 23, 2019

**Date of Hearing:** July 31, 2019

**Submission(s):** B-32/19SC  
A-98/19

**File:** 60.84.2259  
60.81.5532

**Subject:** 1277 Third Street Louth

### Recommendation

That Submission **B-32/19SC** by Sun Valley Niagara Assets Inc., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the Applicant satisfy the Chief Building Official for the City of St. Catharines that the south face of the existing dwelling on Part 1 meets the spatial separation requirements for glazed openings and wall construction (subsections 9.10.14. and 9.10.15. of the 2012 Ontario Building Code);
2. That the Applicant provide documentation to confirm that Parts 2 and 3 (1.65 hectares) have merged in title with Parts 4 and 5 (5.11 hectares), municipally known as 1293 Third Avenue Louth.

That Submission **A-98/19**, by Sun Valley Niagara Assets Inc., as outlined in the Notice of Hearing, be approved.

### Summary

Having regard for the matters under Section 51(24) of the Planning Act, staff is satisfied that the proposal outlined in Application **B-32/19SC** is desirable, is compatible with the surrounding area, and is in keeping with the intent and purpose of the City's Zoning By-law and Official Plan. Further, having regard for the matters under Section 45(1) of the Planning Act, it is staff's opinion the minor variance outlined in Application **A-98/19** is minor in nature, desirable for the appropriate use of the land, and that the intent and purpose of the City's Official Plan and Zoning By-law are being maintained. Staff recommend that the Applications be approved, subject to the conditions of consent outlined above.

### Report The Proposal

The Applicant, Sun Valley Niagara Assets Inc., is the owner of both 1277 Third Street Louth and 1293 Third Street Louth. When 1277 Third Street Louth was purchased by the Applicant in 2010 as part of a farm consolidation, the two properties merged in title. As a result, two detached dwellings (both constructed circa 1910) exist on one parcel of land -

the northernmost now being considered surplus to the needs of the farm operation. No new development or use is proposed.

Application **B-32/19SC** is made for consent to a partial discharge of mortgage and for consent to sever 3,338.6 m<sup>2</sup> of land (Part 1 on the submitted sketch) for the disposal of the surplus farm dwelling known as 1277 Third Street Louth. The Application is also made for consent to create an easement in perpetuity over 1,263.2 m<sup>2</sup> of land (Part 2) for access purposes, to the benefit of 1277 Third Street Louth, the surplus farm dwelling (Part 1). A 67,677.4 m<sup>2</sup> remnant parcel (1293 Third Street Louth) is to be retained for continued agricultural and residential use.

Concurrent Application **A-98/19** seeks relief from the minimum lot area requirements for detached dwellings in the Agriculture - A1 zone from 4,050 m<sup>2</sup> to 3,338.6 m<sup>2</sup> (Part 1). The minor variance will facilitate the creation of the surplus farm dwelling lot.

## **Location and Site Description**

The subject property is located on the west side of Third Street Louth, south of Lakeshore Road West. The subject lot is surrounded by a variety of agricultural uses and detached dwellings.

## **Circulation of Application**

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

## **Planning Policy Context**

### **Official Plan (Garden City Plan)**

The subject lands are designated Agriculture in accordance with Schedules D1 and E11 of the Garden City Plan (GCP). The Agriculture designation permits a full range of agricultural uses, including vineyards, livestock, field crops, fruits, vegetables, greenhouses and horticultural specialties, existing detached residential dwellings, as well as new detached dwellings where related and secondary to a main agricultural use.

### **Zoning By-law (2013-283)**

The subject lands are zoned Agriculture (A1). The A1 zone permits agriculture farm-related commercial or industrial uses, agriculture farms, detached dwellings, kennels, agri-tourism, help houses, home industry and wineries.

## **Planning Analysis**

### **Consent**

The Garden City Plan permits the severance of a dwelling that becomes surplus to an agricultural operation as a result of a farm consolidation (i.e. when two or more farms amalgamate to form one contiguous parcel of land under one ownership).

The Garden City Plan sets out a number of criteria when considering a consent for a surplus farm dwelling, including:

- the remnant parcel of agricultural land must be merged in title with an abutting viable farm property;



- the surplus dwelling must be of sufficient quality and value to warrant its retention on the severed property and its use as a non-farm residence;
- the dwelling proposed for severance is surplus to the present and anticipated needs of the agricultural operation for farm residence and for farm help houses;
- the surplus dwelling meets the Minimum Distance Separation Formulae as established by provincial standards;
- the size of the surplus dwelling lot does not exceed an area of 0.4 hectares (4,000 square metres) of land; and
- the new lot has sufficient frontage on an existing publicly maintained road.

Staff are satisfied that this application to sever the surplus farm dwelling at 1277 Third Street Louth is in keeping with the policies noted above, and is appropriate in this agricultural context. The proposal will not result in a loss or fragmentation of farmland. Staff are therefore recommending that the Application for Consent be approved, subject to the conditions outlined in this report.

## Variance

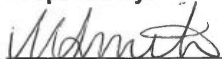
Zoning By-law 2013-283 requires a minimum lot area of 4,050 m<sup>2</sup> (1 acre) for detached dwellings in the A1 zone. The intent of the provision is to maintain the rural character of the area, including the larger-scaled lot fabric. From a technical perspective, the zoning provision ensures there is sufficient lot area to support private water and sanitary services, such as wells, holding tanks, and septic beds.

The proposed lot size of 3,338.6 m<sup>2</sup> (Part 1) is consistent with the rural lot fabric of the area. The sketch submitted with the application shows that the septic system associated with the surplus farm dwelling fits wholly within the proposed boundaries of Part 1. Staff are satisfied that the variance is minor in nature, is desirable for the appropriate use of the lands, and meets the intent and purpose of the Official Plan and Zoning By-law. Accordingly, staff recommend that the Application for Minor Variance be approved.

## Conclusion

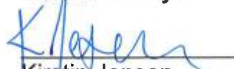
Staff are satisfied that the severance of a surplus farm dwelling proposed through Submission B-32/19SC will not result in a loss or fragmentation of farmland; is desirable and compatible with the surrounding area; and that there will be no resulting adverse impacts on surrounding properties. The proposal is in keeping with the intent and purpose of the agricultural policies set out in the Official Plan and Zoning By-law. Further, staff are satisfied that the variance requested through Application A-98/19 to facilitate the consent is minor in nature, maintains the intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate use of the land. Staff recommend that the Applications be approved, subject to the conditions of consent outlined in the recommendation.

Prepared by:



Mallory Smith  
Student Planner

Submitted by:



Kirstin Jensen  
Planner I

Approved by:



Amanda Knutson  
Senior Planner



**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 5

✓ 8 Clifford  
1277 Third St. Louth

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

**Sent:** Tuesday, July 09, 2019 12:17 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 5

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

Hello Elaine

Cogeco has no issues or concerns with these applications

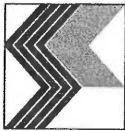
Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
Consents – July 31, 2019 hearing - File No.: 300-036

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**B-27/19SC – 140 Glendale Avenue**

Comment:

- No Comment

Condition:

- No Comment

**B-28/19SC – 178 Niagara Street**

Comment:

- No Comment

Condition:

- 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 south face of the existing dwelling on part 1 and the north face of the existing dwelling on Part 2.

**B-29/19SC – 333 Main Street**

Comment:

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

Condition:

- 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 southeast face of the existing dwelling on Part 3.

### **B30/19SC – 333 Main Street**

Comment:

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

Condition:

- 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 southeast and northeast faces of the existing dwelling on part 3.

### **B31/19SC – 8 Clifford Street**

Comment:

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

Condition:

- 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 northeast face of the existing dwelling on part 1.
- The existing pool on Part 2 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.

### **B32/19SC – 1277 Third Street Louth**

Comment:

- No Comment

Condition:

- 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 south face of the existing dwelling on part 1.

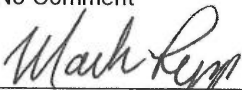
### **B33/19SC – 31 Victoria Street**

Comment:

- No Comment

Condition:

- No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-036

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## Memorandum

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

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

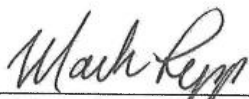
From: Mark Lepp, Senior Plans Examiner / Building Inspector  
Planning and Building Services

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.

NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bgd memo 2019\13 bcoa memo-mv-July 31, 2019.docx



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

**PRCS offers no comments of the remaining applications.**

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



**REPORT TO PLANNING DEPARTMENT**  
**Re: CITY LAND DIVISION APPLICATION NUMBER B-32/19SC**



July 16<sup>th</sup>, 2019

**ENGINEERING FILE 300-36**

**Hearing Date:** July 16<sup>th</sup>, 2019

**Applicant:** Sun Valley Niagara Assets Inc.

**Location:** 1277 Third Street Louth

**MUNICIPAL SERVICES**

**Third Street Louth**

**Water:** 200mm PVC (Private)

**Sanitary Sewer:** None

**Storm Sewer:** None

**Sidewalks:** None

**Curbs:** None

**Road Allowance Width:** 20m±

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

**Comment(s):**

It is noted that subject lands were inadvertently merged into one parcel and the purpose of the severance is to recreate a separate lot, Part 1 on the Sketch Plan and to provide for an easement (Part 2) for access to the rear of Part 1.

The subject lands are outside the Urban Boundaries. No road widenings are required and no new development is being undertaken at this time so there are no servicing conditions.

**Condition(s):** None

**Prepared by:**

James R Denham, P.Eng.  
Development Engineering Technologist



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
140A&B Glendale Avenue, A-84&85/19SC  
40 Canal Street, A-8888/19SC  
1 ½ Edmund Street, A-89/19SC  
15 Tuscany Court, A-90/19SC  
10A&B Port Royal Crescent, A-91&92/19SC  
333-347 Main Street, – A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

**27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefore a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere

## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**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-97/19 (60.81.5531)**

**17 Seapark Drive**

**DATE OF HEARING:**  
**July 31, 2019**



CITY OF  
ST. CATHARINES

## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 22, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** A-97/19

**File:** 60.81.5531

**Subject:** 17 Seapark Drive

### Recommendation

That Submission **A-97/19**, by American Iron and Metal Company Inc., as outlined in the Notice of Hearing, be approved.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that Application **A-97/19** 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.

### Report

#### The Proposal

Application **A-97/19** is requesting to vary City of St. Catharines Zoning By-law 2013-283, for the following variances for the proposed construction of a vehicle recycling facility:

- 1) Reduction of the minimum setback from the G1 Zone from 150 metres to 0 metres.
- 2) Reduction of the minimum lot frontage from 60 metres to 29 metres.

#### Location and Site Description

The subject property is located at the southwest corner of Seapark Drive, west off of Cushman Road and north of Eastchester Avenue East. The surrounding area consists of industrial and mixed industrial/commercial uses.

#### Circulation of Application

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

#### Planning Policy Context

##### Official Plan (Garden City Plan)

The subject property is designated General Employment as per Schedule D1 of the Garden City Plan (GCP) and further designated General Employment as per Schedule



E3 of the Garden City Plan (GCP). The General Employment designation provides for a full range of industrial operations, industrial service uses, knowledge based employment and business opportunities, together with a limited range of retail, service commercial, entertainment, recreation, institutional and office uses primarily intended to serve and support the businesses and employees within the immediate employment area.

### **Zoning By-law (2013-283)**

The subject property is zoned General Employment (E2). The E2 zone permits a full range of industrial uses, as well as a limited range of ancillary commercial, office and recreation uses. The vehicle recycling facility is a permitted use.

### **Planning Analysis**

Zoning By-law 2013-283 requires that an outdoor scrap yard, recycling storage yard, or outdoor processing be set back a minimum 150 metres from any Residential, Mixed Use, Institutional or Green Space zone. The intent of this minimum setback is to ensure that sufficient distance and a buffer is maintained between sensitive and less sensitive lands and uses. The applicant is requesting a reduction to the minimum setback to a Green Space zone to 0 metres. There is an 8 to 15 metre strip of Green Space (G1 zone) immediately adjacent to the majority of the property which accommodates a municipal drain servicing the area. The location of this open space strip and municipal drain triggers the need for the requested variance.

Staff are of the opinion that the strip of G1 land around the subject lot will not be adversely impacted by the requested reduction. The G1 Zone at this location recognizes the existence of a municipal drain, rather than a more sensitive natural heritage feature such as a woodlot or natural watercourse which is what a G1 zone is typically applied to. The zoning by-law also requires that a 7.5 metre landscape buffer be provided on-site where the property abuts a Green Space (G1) zone. Staff is of the opinion that the 7.5 metre buffer provides sufficient buffering between the proposed use on the subject property and the municipal drain.

Zoning By-law 2013-283 requires a minimum lot frontage of 60 metres. The minimum lot frontage provision is intended to ensure a property has enough available space on a public road to adequately accommodate vehicular access to the site. The applicant is requesting a reduction from 60 metres to 29 metres. The variance requested is only to recognize the existing lot configuration along Seapark Drive, and is not a request for reducing existing lot frontage along Seapark Drive as a result of the proposed development concept. The proposed development requires site plan approval, which will ensure that development requirements including landscaping, access, parking, lighting and fencing etc. will be properly planned for the site, despite the existing smaller lot frontage. Staff are supportive of the requested variance to the lot frontage.

### **Conclusion**

Staff is of the opinion that Application **A-97/19** 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.

**Prepared by:**



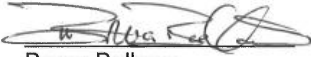
Mallory Smith  
Student Planner

**Submitted by:**



Kirstin Jensen  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

**Munro, Elaine**

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**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 6 (Last Email)

✓ 31 & 33 Victoria  
17 Seapark

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

**Sent:** Tuesday, July 09, 2019 12:10 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 6 (Last Email)

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

Hello Elaine

Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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

July 22, 2019

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

**Attention: Elaine Munro**

File# 60.81.5531

Re: 17 Seapark Dr

In response to your correspondence dated July 9, 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:

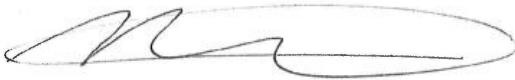
- For Residential/Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department @ 905-317-4746 or visit our web site @ [www.alectrautilities.com](http://www.alectrautilities.com).
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained 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.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

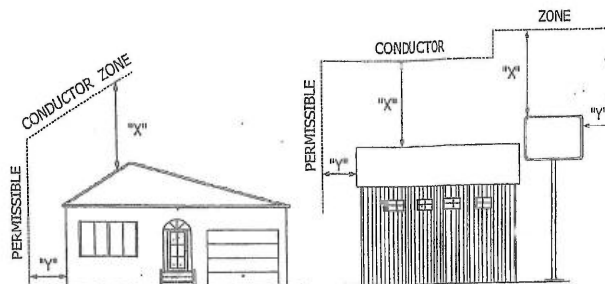
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

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

Sincerely,

A handwritten signature in dark ink, appearing to be 'Mark Jakubowski', enclosed within a large, horizontal oval shape.

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..

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

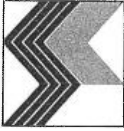
MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS  
(EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)

REFERENCE DRAWINGS:

DRAWING #  
3-105

DRAWINGS  
NOT TO SCALE

SHOW	REVISION
1	0



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## Memorandum

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

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

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

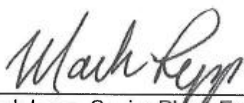
Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.



NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

PRCS offers no comments of the remaining applications.

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



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
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333-347 Main Street, – A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

### **27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefore a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere

## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**We have no concerns or requirements with the remaining applications.**

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



**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-76/19 (60.81.5510)**

**34 Rykert Street**

**DATE OF HEARING:**  
**July 31, 2019**



CITY OF  
ST. CATHARINES

## Technical Report

**Deferred from Hearing of June 26, 2019, & Revised**

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 22, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** A-76/19

**File:** 60.81.5510

**Subject:** 34 Rykert Street

### Recommendation

That Submission **A-76/19**, by Old Thing Back Inc., as outlined in the Notice of Hearing, be approved.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variance requested through application **A-76/19** 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

Application **A-76/19** is made pertaining to City of St. Catharines Zoning By-law 2013-283, for a variance to reduce the minimum required parking spaces from 2 spaces to 1 parking space to facilitate the addition of an interior accessory dwelling unit in the existing detached dwelling.

### Location and Site Description

The subject property is located on the north side of Rykert Street, west of Merigold Street and east of Lloyd Street. The surrounding area consists of primarily detached, semi-detached and townhouse dwelling units.

### Circulation of Application

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

## Report

### Planning Policy Context

*Official Plan (Garden City Plan)*

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E6-7 of the Garden City Plan (GCP). The Low Density Residential designation permits

Report Page 1 of 2

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. An interior accessory dwelling unit is permitted within detached, semi-detached, and townhouse dwellings.

### **Planning Analysis**

Zoning By-law 2013-283 requires 2 parking spaces for a detached dwelling (1 space) with an interior accessory dwelling unit (1 space). The applicant has applied for a variance to reduce the number of required parking spaces on site from 2 spaces to 1 space, to accommodate a proposed interior accessory dwelling unit.

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.


On-street parking is available on the north side of Rykert Street, as well as on the east side of nearby Merigold Street and Lloyd Street. The subject land is in close walkable proximity to a number of transit stops within 500 metres (5-minute walk) or less of the property, and there is a bus route directly on Rykert Street. There are also a number of amenities that can be accessed using the nearby bus routes, which include grocery stores, pharmacies, restaurants and retail facilities. The property currently provides one standard sized parking spot. The property is sufficiently sized to accommodate an additional accessory dwelling unit. Staff support the requested parking reduction to 1 parking space.

The City's Building Department noted that that a building permit will be required for the proposed interior accessory dwelling unit.

### **Conclusion**

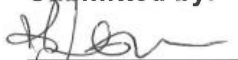
Staff is of the opinion that Application **A-76/19** is in keeping with the general intent of the Official Plan and Zoning By-law, is minor in nature, and is appropriate and desirable for the use of the land.

**Prepared by:**



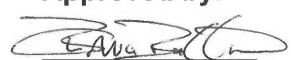
Mallory Smith  
Student Planner

**Submitted by:**



Kirstin Jensen  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

**Munro, Elaine**

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**Subject:**

RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 1

34 Rykert  
27 Oakdale  
76 Currie  
14 Tasker

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

**Sent:** Tuesday, July 09, 2019 12:07 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 1

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

Hello Elaine

Email 1

Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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## Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.

NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bldg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**



PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

**PRCS offers no comments of the remaining applications.**

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



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
140A&B Glendale Avenue, A-84&85/19SC  
40 Canal Street, A-8888/19SC  
1 ½ Edmund Street, A-89/19SC  
15 Tuscany Court, A-90/19SC  
10A&B Port Royal Crescent, A-91&92/19SC  
333-347 Main Street, — A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

### 27 Oakdale Avenue, A-77/19SC

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefore a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere

## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

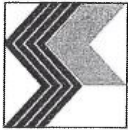
If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

---

**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**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-77/19 (60.81.5511)**

**27 Oakdale Avenue**

**DATE OF HEARING:**  
**July 31, 2019**



CITY OF  
ST. CATHARINES

## Technical Report

**Deferred from June 26, 2019 Hearing, and Revised**

**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 22, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** A-77/19

**File:** 60.81.5511

**Subject:** 27 Oakdale Avenue

### Recommendation

That Submission **A-77/19**, by Old Thing Back Inc., 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 variances requested through Application **A-77/19** are not minor in nature, are not desirable or appropriate for the use of the land and that the intent and purpose of the Official Plan and Zoning By-law are not being maintained. Staff recommend that the requested variances be denied.

### Report

#### The Proposal

Application **A-77/19** is made pertaining to City of St. Catharines Zoning By-law 2013-283 for the following variances for the proposed conversion of the existing detached 2-storey dwelling to a triplex dwelling:

1. A reduction of the minimum lot area for a triplex dwelling from 840 m<sup>2</sup> to 477.9 m<sup>2</sup>.
2. A reduction of the minimum lot frontage from 12 metres to 11.88 metres.

#### Location and Site Description

The subject property is located on the south side of Oakdale Avenue, east of Hickory Street and west of Merritt Street. The surrounding area consists of primarily detached homes, as well as townhouse developments. The area has access to greenspace, restaurants, grocery stores, and retail.

#### Circulation of Application

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

## **Planning Policy Context**

### **Official Plan (Garden City Plan)**

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

### **Zoning By-law (2013-283)**

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

## **Planning Analysis**

Zoning By-law 2013-283 requires a minimum lot area of 840 m<sup>2</sup> for a triplex. The Zoning By-law also requires a minimum lot frontage of 12 metres. The minimum lot area and lot frontage provisions are meant to ensure that a lot has adequate space to accommodate a building footprint, provide sufficient outdoor amenity space, meet respective yard setbacks, adequately accommodate sufficient vehicular access, and to ensure appropriate drainage on the lot.

The applicant is requesting a reduction of the minimum lot area from 840 m<sup>2</sup> to 477.9 m<sup>2</sup>, and requests a reduction in minimum lot frontage from 12 metres to 11.88 metres. The requests are to facilitate the conversion of the existing detached dwelling into a triplex dwelling. This is a reduction of 362.1 square metres of lot area, and a significant departure from the requirements of the zoning by-law. The requested lot area is more in line with the requirements of a duplex dwelling, albeit still undersized, which requires a minimum of 560 m<sup>2</sup> of lot area.

In addition, staff note that the density range for Low Density Residential designated properties as per the City's Official Plan is generally between 20 and 32 units per hectare. If the proposed variances were approved, it would facilitate a residential density of 62.8 units per hectare on the subject property, which is double the permitted maximum density and out of conformity with the City's policies for low density residential development in the Official Plan.

In the opinion of staff, the proposed use of the property for a triplex represents over-development of the subject property, and is not a desirable use of the site to achieve compatibility with the surrounding neighbourhood. Staff do not support the requested variances.

Notwithstanding the staff recommendation to deny the application, the City's Development Engineering Department notes that Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26 m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20 m. Should the Committee decide to approve the application, a road



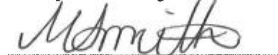
widening of 3.0 m is required. This required road widening is consistent with acquisitions taken through planning applications for other nearby properties (#25 and #22 Oakdale Avenue). It should also be noted that a significant portion of Oakdale Avenue north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and bike lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is the City's intent to ultimately have these added features extend along the entire length of Oakdale Avenue.

If the Committee does not support the staff recommendation to deny the application, the application should be returned to staff to determine the actual variances that would be required based on a road widening.

## **Conclusion**

It is staff's opinion that application **A-77/19** 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. Staff recommends that the requested variances be denied.

### **Prepared by:**



Mallory Smith  
Student Planner

### **Submitted by:**



Kirstin Jensen  
Planner I

### **Approved by:**



Bruce Bellows  
Senior Planner

**Munro, Elaine**

---

**Subject:**

RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 1

34 Rykert  
27 Oakdale  
76 Currie  
14 Tasker

---

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

**Sent:** Tuesday, July 09, 2019 12:07 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 1

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

Hello Elaine

Email 1

Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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## Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

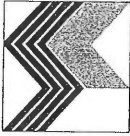
NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
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A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
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A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
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NO.	ADDRESS	COMMENTS
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A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

---

PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
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**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

**PRCS offers no comments of the remaining applications.**

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



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
140A&B Glendale Avenue, A-84&85/19SC  
40 Canal Street, A-88&89/19SC  
1 ½ Edmund Street, A-89/19SC  
15 Tuscany Court, A-90/19SC  
10A&B Port Royal Crescent, A-91&92/19SC  
333-347 Main Street, — A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

**27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefore a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

#### **Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

#### **76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

#### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

#### **14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

#### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

#### **40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

#### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere



## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

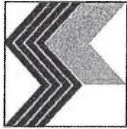
If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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**A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**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-78/19 (60.81.5512)**

**76 Currie Street**

**DATE OF HEARING:**  
**July 31, 2019**



CITY OF  
ST. CATHARINES

## Technical Report

Deferred from June 26, 2019 Hearing & Revised

**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 22, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** A-78/19

**File:** 60.81.5512

**Subject:** 76 Currie Street

### Recommendation

That Submission **A-78/19**, by Boredwalk Inc., 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 variances requested through application **A-78/19** are not minor in nature, are 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 variances be denied.

### Report

#### The Proposal

Application **A-78/19** is made pertaining to City of St. Catharines Zoning By-law 2013-283, for the following variances for the proposed conversion of the existing single detached dwelling to a triplex dwelling:

- 1) A reduction of the minimum lot area for a triplex dwelling from 840 m<sup>2</sup> to 341.04 m<sup>2</sup>.
- 2) An increase of the permitted parking area from 20% of the total lot area to 27.2%.
- 3) A reduction of required parking spaces from 3 spaces to 2 spaces.

#### Location and Site Description

The subject property is located on the east side of Currie Street, south of Garnet Street. The surrounding area consists primarily of detached and semi-detached dwelling units, and apartment buildings.

#### Circulation of Application

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

## **Planning Policy Context**

### **Official Plan (Garden City Plan)**

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

### **Zoning By-law (2013-283)**

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

## **Planning Analysis**

The applicant is proposing to convert the existing one and a half storey detached dwelling into a legal triplex dwelling. Variances are required to reduce the minimum lot area for a triplex, to increase the maximum permitted parking area on the property, and to reduce the required parking spaces from 3 to 2. It is staff's opinion that the combination of the requested variances is an overdevelopment of the subject property, and do not support the requests.

Variance 1 requests a reduction of the minimum lot area requirement for a triplex dwelling from 840 m<sup>2</sup> to 341.04 m<sup>2</sup>, a reduction of 499 square metres. This is a significant departure from the requirement of the zoning by-law. The minimum lot area provision of the zoning by-law is meant to ensure a lot has adequate space to accommodate a sufficiently sized building footprint for the intended use, appropriate parking provision, sufficient outdoor amenity space, and sufficient yard setbacks to ensure appropriate buffering and spatial separation from adjacent properties. The requested lot area is more appropriate for the requirements of a single detached dwelling, which requires a minimum of 300 m<sup>2</sup> of lot area. The property does not have enough lot area for even a duplex dwelling to be considered, which requires a minimum of 560 m<sup>2</sup>. In the opinion of staff, the proposed use as a triplex represents over development of the site.

In addition, staff note that the density range for a Low Density Residential designated property as per the City's Official Plan is generally between 20 and 32 units per hectare. If the proposed variance were approved, it would facilitate a residential density of 88 units per hectare on the subject property. This is significantly out of conformity with the City's policies for low density residential in the Official Plan. Therefore, the requested variance does not meet the test for a minor variance under the Planning Act be in keeping with the intent of the Official Plan.

Zoning By-law 2013-283 also requires that the parking area on any residential lot be a maximum of 20% of the total lot area of the property. This is to ensure the preservation of a desirable streetscape, that a lot is not overwhelmed by asphalt surface, provision of

adequate greening and open space, and to ensure adequate drainage is maintained by minimizing the impermeable surface of a lot. The applicant is requesting an increase of the maximum parking area on the site to 27.2% of the total lot area. The variance is requested to facilitate a driveway area to the rear in order to provide 2 parking spaces which is deficient to the requirements for a triplex dwelling in the zoning by-law. Staff is of the opinion that due to the lot area being significantly undersized for this proposed development, the increase in parking area coverage is not considered minor. It would result in significant asphalt and paved area on the lands in a manner not consistent with Official Plan policy.

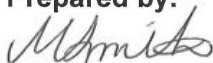
Zoning By-law 2013-283 also requires 3 parking spaces for a triplex dwelling. The intent of the minimum parking space requirement is to provide adequate parking on site for residents of the dwelling units, while not overcrowding on-street parking. Part C, Section 5.4.2 of the GCP states that the City may consider the reduction or the elimination of vehicular parking requirements where transit is readily available. The applicant must demonstrate that reduced on-site vehicular parking standards will not aggravate the parking supply, and not result in unacceptable levels of spill-over parking into adjacent areas to cause negative impact to travel, traffic and parking management.

On street parking is available on the east side of Currie Street south of Garnet Street, and on the west side of Currie Street north of Garnet Street, as well as on the north side of nearby Garnet Street. The subject land is in walkable proximity to some transit stops within 500 metres (5-minute walk) or less of the property. Streets nearby also allow for some on-street parking. A reduction in parking may be acceptable on the subject lot. However, in the opinion of staff, the cumulative effect of all 3 variances requested results in over-development of an undersized lot for the proposed use.

## Conclusion

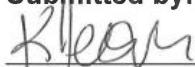
Staff is of the opinion that application **A-78/19** is not in keeping with the general intent of the Official Plan and Zoning By-law, is not minor in nature, and is not appropriate and not desirable for the use of the land. It is staff's recommendation that the requested variances be denied.

### Prepared by:



Mallory Smith  
Student Planner

### Submitted by:



Kirstin Jensen  
Planner I

**Approved by:**

A handwritten signature in black ink, appearing to read "Bruce Bellows", written over a horizontal line.

Bruce Bellows  
Senior Planner

**Munro, Elaine**

---

**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 1

34 Rykert  
27 Oakdale  
✓ 76 Currie  
14 Tasker

---

**From:** Doug Crown [mailto:doug.crown@cogeco.com]  
**Sent:** Tuesday, July 09, 2019 12:07 PM  
**To:** Munro, Elaine <emunro@stcatharines.ca>  
**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 1

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

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

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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





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## Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

NO.	ADDRESS	COMMENTS
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A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

---

PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

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PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

PRCS offers no comments of the remaining applications.

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



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
140A&B Glendale Avenue, A-84&85/19SC  
40 Canal Street, A-8888/19SC  
1 ½ Edmund Street, A-89/19SC  
15 Tuscany Court, A-90/19SC  
10A&B Port Royal Crescent, A-91&92/19SC  
333-347 Main Street, – A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

### **27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefor a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere



## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

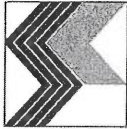
If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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### **A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

### **A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/



**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-79/19 (60.81.5513)**

**14 Tasker Street**

**DATE OF HEARING:**  
**July 31, 2019**



CITY OF  
ST. CATHARINES

## Technical Report

Deferred from June 26, 2019 Hearing

**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 23, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** A-79/19

**File:** 60.81.5513

**Subject:** 14 Tasker Street

### Recommendation

That Submission **A-79/19**, by Boredwalk Inc., as outlined in the Notice of Hearing, be approved.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that the variances requested through application **A-79/19** are minor in nature, are desirable for the appropriate use of the land and that the intent and purpose of the Official Plan and Zoning By-law are being maintained. Staff recommends that the requested variances be approved.

### The Proposal

Application **A-79/19** is made pertaining to the City of St. Catharines Zoning By-law 2013-283, for the following variances for the proposed conversion of the existing 2-storey duplex dwelling to a triplex dwelling:

- 1) A reduction of the minimum lot area for a triplex dwelling from 840 m<sup>2</sup> to 613 m<sup>2</sup>.
- 2) An increase of the maximum permitted parking area from 20% of the total lot area to 24.44%.

### Location and Site Description

The subject property is located on the east side of Tasker Street, north of Queenston Street. The surrounding area consists of primarily detached, semi-detached, and duplex dwelling units, and apartment buildings.

### Circulation of Application

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

### Planning Analysis

*Official Plan (Garden City Plan)*

The subject property is designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E5 of the Garden City Plan (GCP). The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

#### *Zoning By-law (2013-283)*

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

### **Report**

Zoning By-law 2013-283 requires a minimum lot area for a triplex dwelling of 840 m<sup>2</sup>. This is to ensure that a lot has adequate space to accommodate a building footprint while still providing sufficient outdoor amenity space, adequate parking, allowing for appropriate drainage, and meeting respective yard setbacks. The applicant is requesting a reduction of the minimum lot area from 840 m<sup>2</sup> to 613 m<sup>2</sup>, a reduction of 227 m<sup>2</sup>. The variance is requested to facilitate the conversion of the existing duplex into a triplex dwelling. Staff are of the opinion that the variance is an appropriate departure from the requirement of the zoning by-law.

The proposal demonstrates a density that is slightly above the permitted density range for Low Density Residential designated properties as per the City's Official Plan. However, the subject property is just outside and directly across the street from the boundary of the Downtown Planning area, which is a Provincially designated Urban Growth Centre. The designation of the Urban Growth Centre is meant to accommodate the highest density, mix and concentration of uses in the City. The subject property is also located on the boundary of the Queenston Street Intensification Area. Intensification Areas further support housing densities that are generally higher than the surrounding areas, together with a range and mix of uses that serve the local area neighbourhood; and, are to be developed in a manner to support context sensitive building, site and streetscape design to support compatible and appropriate built form with adjacent areas. The proposal is in a location that can support added density and intensification. The property is a suitable size for the existing dwelling to accommodate more units, renovations which are taking place internally only. The increase in the number of dwelling units within the existing structure will have no adverse impact on site design, or streetscape compatibility.

The Zoning By-law also requires that the parking area on any residential lot be a maximum of 20% of the total lot area of the property. This is to ensure adequate amenity space, preservation of a desirable streetscape, that the lot is not overwhelmed by asphalt surface, and to ensure adequate drainage is maintained. The applicant is requesting an increase of the maximum parking area on the site to 24.44% of the total lot area. The variance is requested to facilitate a driveway area to the rear in order to provide 3 parking spaces on site, as per the requirements for a triplex dwelling in the zoning by-law. The additional 4% of paved surface on the property will be visually unnoticeable, and should

not impact the ability to provide adequate amenity space and open space on the lot, nor detract from appropriate lot drainage.

It is staff's opinion that the subject property and dwelling are able to accommodate a triplex dwelling, in a manner compatible with the existing neighbourhood. The property can support increased density and intensification, and will achieve compatibility with the surrounding neighbourhood. The requested variances are minor in nature, in keeping with the intent and purpose of the Official Plan and Zoning By-law and are appropriate and desirable for the use of the land. Staff are supportive of the requested variances.

The Traffic Department of the City notes the aisle width for the parking in the rear yard should be 6.7 metres.

## Conclusion

Staff is of the opinion that application **A-79/19** 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:**



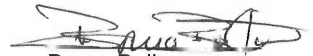
Mallory Smith  
Student Planner

**Submitted by:**



Kirstin Jensen  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

**Munro, Elaine**

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**Subject:**

RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 1

34 Rykert  
27 Oakdale  
76 Currie  
14 Tasker

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

**Sent:** Tuesday, July 09, 2019 12:07 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 1

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

Hello Elaine

Email 1

Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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## Memorandum

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

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

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

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.

NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\ldg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



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## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**



PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

PRCS offers no comments of the remaining applications.

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



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
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1277 Third Street Louth, A-98/19SC  
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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

### 27 Oakdale Avenue, A-77/19SC

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefor a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere

## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

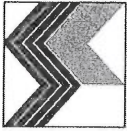
If this application is approved, the percentage of imperviousness of this site will likely increase with the proposal for additional hard surfaced roof cover, from the approved stormwater management design of the subdivision. The amount of rain water flowing from the increased roof cover to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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### **A-078/19 – 76 Currie Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

### **A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/

**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-87/19 (60.81.5521)**

**33 North Street**

**DATE OF HEARING:**  
**July 31, 2019**



CITY OF  
ST. CATHARINES

## Technical Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** July 22, 2019

**Date of Meeting:** July 31, 2019

**Report Number:** A-87/19

**File:** 60.81.5521

**Subject:** 33 North Street

### Recommendation

That Submission **A-87/19**, by Old Thing Back Inc., as outlined in the Notice of Hearing, be approved.

### Summary

Having regard for the matters under Section 45(1) of the Planning Act, staff is of the opinion that Application **A-87/19** 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 recommend approval of application **A-87/19**.

### Report

#### The Proposal

Application **A-87/19** is made pertaining to City of St. Catharines Zoning By-law 2013-283, for the following variances for the proposed conversion of the existing detached dwelling to a triplex dwelling by adding a second floor:

- 1) A reduction of the minimum lot frontage from 16 metres to 10 metres.
- 2) A reduction of the minimum lot area for a triplex dwelling from 300m<sup>2</sup> to 298m<sup>2</sup>.

#### Location and Site Description

The subject property is located on the north side of North Street, west of Geneva Street. The surrounding area consists of detached and semi-detached dwellings, duplexes, and apartment buildings and there is a mix of commercial buildings in the nearby vicinity.

#### Circulation of Application

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

#### Planning Policy Context

##### Official Plan (Garden City Plan)

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



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

### ***Zoning By-law (2013-283)***

The subject property is zoned Medium/High Density Mixed Use with Special Provision 93 (M2-93). The M2 zoning permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, apartments, and other residential, commercial and institutional uses. Special Provision 93 is the Downtown Residential Parking Exemption, which excludes the need for parking to be provided.

### **Planning Analysis**

Zoning By-law 2013-283 requires a minimum lot area for a triplex of 300 m<sup>2</sup>, and a minimum lot frontage of 16 metres. The intent of the minimum lot area and minimum lot frontage requirements of the by-law are to ensure a lot has adequate space to accommodate a building footprint while still providing sufficient outdoor amenity space, appropriate lot drainage, meeting respective yard setbacks, and also providing sufficient vehicular access to the site. The applicant is requesting a reduction of the minimum lot area to 298m<sup>2</sup>, and a reduction of the minimum lot frontage to 10 metres.

No development is taking place on site that increases the existing building footprint. A second storey is being added, which is smaller in size than the main floor and setback from the outer walls of the existing dwelling. The site can accommodate the existing building footprint, as the existing single detached dwelling has been on site since 1935. The subject property is within the downtown residential parking exemption area and therefore the reduced frontage will not impact the provision of parking on site as it is not required, albeit a driveway is still provided on the east side of the property. Staff is of the opinion the requested variances are minor in nature, are in keeping with the intent of the Official Plan and Zoning By-law and desirable for the use of the land. Staff recommend approval.

The City's Building Department commented that a building permit is required for the proposed conversion to a triplex.

### **Conclusion**

Staff is of the opinion that Application **A-87/19** 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 recommend approval of the application.



**Prepared by:**



Mallory Smith  
Student Planner

**Submitted by:**



Kirstin Jensen  
Planner I

**Approved by:**



Bruce Bellows  
Senior Planner

**Munro, Elaine**

---

**Subject:** RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 2

33 North  
140 Glendale Avenue

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

**Sent:** Tuesday, July 09, 2019 12:11 PM

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

**Subject:** Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the July 31/19 CofA Hearing - Email 2

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

Hello Elaine  
Cogeco has no issues or concerns with these applications

Thanks

Doug Crown  
Network Planning Department

7170 Mcleod Rd  
Niagara Falls Ont Canada

[Doug.crown@cogeco.com](mailto:Doug.crown@cogeco.com)

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



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## Memorandum

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

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

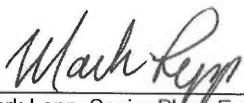
From: Mark Lepp, Senior Plans Examiner / Building Inspector  
Planning and Building Services

Date: July 14, 2019

Subject: Building Comments on Applications to the Committee of Adjustment  
**Minor Variance –July 31, 2019 hearing- File No.: 300-010**

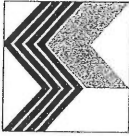
NO.	ADDRESS	COMMENTS
A-76/19	34 Rykert Street	- Be advised that a building permit is required for the proposed addition of an accessory dwelling unit.
A-77/19	27 Oakdale Avenue	- Be advised that a building permit is required for the proposed conversion to a triplex. -Be advised that a demolition permit is required for the removal of the existing detached garage.
A-78/19	76 Currie Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-79/19	14 Tasker Street	-Be advised that a building permit is required for the proposed conversion to a triplex.
A-84/19	140A Glendale Ave.	-No Comment
A-85/19	140B Glendale Ave.	-No Comment
A-87/19	33 North Street	- Be advised that a building permit is required for the proposed conversion to a triplex.
A-88/19	40 Canal Street	-Be advised that a building permit is required for the proposed addition and alterations.
A-89/19	1 ½ Edmund Street	-Be advised that a building permit is required for the proposed alterations to the existing covered porch.
A-90/19	15 Tuscany Court	-Be advised that a building permit is required for the proposed addition of a roof to cover existing deck.

NO.	ADDRESS	COMMENTS
A-91/19	10B Port Royal Cr.	-Be advised that a building permit is required for the proposed dwelling unit. -Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards
A-92/19	10A Port Royal Cr.	- Be advised that a building permit is required for the proposed dwelling unit. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-93/19	333 Main Street	- Be advised that a building permit is required for the proposed structures in the development. - Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing these yards.
A-94/19	8 Clifford	-No Comment
A-95/19	31 Victoria Street	-No Comment
A-96/19	33 Victoria Street	-No Comment
A-97/19	17 Seapark Drive	-No Comment
A-98/19	1277 Third Street Louth	-No Comment



Mark Lepp, Senior Plans Examiner / Building Inspector

Cc: Files, 300-010 g:\pbs-building & development\committee of adjustment\bdg memo 2019\13 bcoa memo-mv-July 31, 2019.docx



## Memorandum

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**To:** Elaine Munro, Planning and Building Services  
**CC:**  
**From:** Jessica Button, Parks, Recreation and Culture Services  
**Date:** July 12, 2019  
**Subject:** Committee of Adjustment Hearing – July 31, 2019

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PRCS has reviewed the Committee of Adjustment application for the hearing of June 26, 2019 and provides the following comments;

**140 Glendale Avenue, Consent, B-27/19SC – 60.84.2254**  
**140A Glendale Avenue, Minor Variance, A-84/19 – 60.81.5518**  
**140B Glendale Avenue, Minor Variance, A-85/19 – 60.81.5519**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide reduced space for boulevard trees. PRCS is not supportive of requests to increase driveway widths.

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.

**15 Tuscany Court, Minor Variance, A-90/19 - 60.81.5524**

PRCS is supportive of development which maximize opportunities for greening. Requests to substantially increase non-impervious coverage reduce greening opportunities, and increase water runoff. PRCS is not supportive of the requested variances.

**333 & 347 Main Street, Consent, B-29/19SC - 60.84.2256**  
**333 & 347 Main Street, Consent, B-30/19SC – 60.84.2257**  
**10B Port Royal Crescent, Minor Variance, A-91/19 – 60.81.5525**  
**10A Port Royal Crescent, Minor Variance, A-92/19 – 60.81.5526**  
**333-347 Main Street, Minor Variance, A-93/19 – 60.81.5527**

PRCS is supportive of driveway widths which maximize opportunities for greening the front yard. Reduced driveway widths increase both front yard and boulevard greenspace and provide space for boulevard trees. PRCS recommends that the driveway widths at the Port Royal Crescent be limited to 5.5m and that paved area be reduced as much as possible to maintain the Port Royal streetscape and provide opportunities for greening.

**8 Clifford Street, Consent, B-31/19SC - 60.84.2258**

**8 Clifford Street, Minor Variance, A-94/19 – 60.81.5528**

PRCS staff note that the Baker Street frontage has a number of public boulevard trees as well as private trees. Private trees are not regulated by the municipality. The location of the proposed driveway would impact a few pine trees along the eastern corner of the site. The applicant will be responsible for the cost of removing these trees in addition to the cost of planting one new boulevard tree on Baker Drive.

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.

**17 Seapark Drive, Minor Variance, A-97/19 – 60.81.5531**

PRCS staff note that the submitted sketch provides a landscaping strip ranging between 3.0m and 7.5m. In order to provide some greening and to buffer adjacent land uses, it is recommended that the illustrated landscape strips be utilized as minimum standard.

**PRCS offers no comments of the remaining applications.**

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



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## Memorandum

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**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:** July 16, 2019

**Hearing Date:** July 31, 2019

**Subject:** **Development Engineering - Minor Variance Applications**  
34 Rykert Street, A-76/19SC  
27 Oakdale Avenue, A-77/19SC  
76 Currie Street, A-78/19SC  
14 Tasker Street, A-79/19SC  
33 North Street, A-87/19SC  
140A&B Glendale Avenue, A-84&85/19SC  
40 Canal Street, A-88&89/19SC  
1 ½ Edmund Street, A-89/19SC  
15 Tuscany Court, A-90/19SC  
10A&B Port Royal Crescent, A-91&92/19SC  
333-347 Main Street, – A-93/19SC  
8 Clifford Street, A-94/19SC  
1277 Third Street Louth, A-98/19SC  
31&33 Victoria Street, A-95&96/19SC  
17 Seapark Drive, A-97/19SC

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Development Engineering have no comments or objections to the approval of the above noted applications, subject to the following conditions:

### **27 Oakdale Avenue, A-77/19SC**

Oakdale Avenue is designated as an Arterial Road in the City's Official Plan. Arterial Roads have a recommended right-of-way width of 26m. The present width of Oakdale Avenue across the frontage of the subject lands is +/-20m. Therefore a widening of 3.0m is requested at this time. This request is consistent with acquisitions taken through Planning Applications for other nearby properties (#25 and #22 Oakdale Avenue).

It should also be noted a significant portion of Oakdale Avenue further north of the subject property has recently been reconstructed (Westchester Avenue to Disher Street). The cross-section for the reconstructed roadway includes wider sidewalks (in accordance with today's Accessibility Standards) and Bike Lanes (promoting non-vehicular forms of transportation). Being designated as an Arterial Road, it is clearly the City's intent to have these added features extended all the way to Merritt Street.

Several other development opportunities exist along the section of Oakdale Avenue between Disher Street and Merritt Street. The City will continue to obtain right-of-way widenings as those developments proceed to facilitate the ultimate extension of the wider sidewalks and Bike Lanes.

**Condition of Minor Variance:**

- The Applicant/Owner shall provide to the City a road widening across the frontage of the subject lands of 3.0m and pay all costs related to same.

**76 Curry Street, A-78/19SC**

If this application is approved, the percentage of Imperviousness of this site will increase significantly. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**14 Tasker Street, A-79/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for additional hard surfaced parking spots. The amount of rain water flowing from the parking area to the remainder of this site, to adjacent properties may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.

**40 Canal Street, A-88/19SC**

If this application is approved, the percentage of Imperviousness of this site will likely increase with the proposal for the addition. The amount of rain water flowing from the site, may be noticeably higher. To ensure these flows are handled without negatively impacting the adjacent lands, the City requires a Storm Water Management Report to be prepared by a qualified Engineer and submitted to the City for review and approval.

The proposed driveway may only be extended to a maximum of 1.2m westerly, to maintain a 1.0m distance from the existing fire hydrant. Otherwise, the Owner shall be responsible for all associated costs for City crews to relocate the hydrant elsewhere.

**Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval; and
- The Applicant/Owner shall revise the proposal to address the above requirements for a minimum 1.0m clearance from a hydrant from the proposed driveway extension, otherwise pay the City the fees for all associated costs to relocate the hydrant elsewhere



## **1½ Edmund Street, A-89/19SC**

Edmund Street is designated a Local road per the City's Official Plan with a desired right-of-way width of 20.0m. Its currently deficient at 18.28m. As per the Garden City Plan, Council has directed we achieve "Complete Streets and Walkable Communities" to which, in addition to accommodating vehicles, provide "safe, functional and attractive pedestrian and cycling environments". Section 5.2.1 indicates sidewalks shall be provided on both sides of all local streets. Section 5.2.3 states all existing roads shall be brought up to today's standards, recognizing that this may take many years due to the anticipated expense, and that if necessary, land acquisition by way of dedications may be taken. Section 5.2 also directs the City to ensure all roads have secured locations for utilities (bell, hydro, Gas, CCTV etc.).

Given the City would like to remain consistent with past requirements for road widenings and bring roads up to standards to accommodate future City utilities (storm sewer, upgraded watermain and sanitary sewer extensions), other private utilities (Gas, Hydro, Bell, etc.), boulevard trees and sidewalks, bikelanes and meeting the Garden City Plan initiatives driven by Council, it is therefore required that the City obtain a 0.85m widening along the Applicant frontage, to be dedicated as Public Highway Edmund Street.

### **Condition of Minor Variance:**

- Provide the City a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office; and
- Dedicate to the City free and clear of any encumbrances, 0.85m along the Applicant frontage, to be known as Public Highway Edmund Street; and

## **15 Tuscany Court**

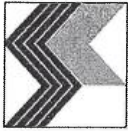
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### **Condition of Minor Variance:**

- The Applicant/Owner shall have a Storm Water Management Report prepared submitted to the City for review and approval.



Prepared by: Brad Johnston, C.E.T.  
Development Engineering Technologist  
cc Brian Thiessen, PBS  
James Denham, PBS



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## Memorandum

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**To:** Elaine Munro  
Committee Secretary & Planning Clerk

**Cc:**

**From:** Steve Bittner  
Transportation Technologist

**Date:** July 15, 2019

**Subject:** Committee of Adjustment  
Public Hearings – July 31, 2019  
File No. 305-17-01

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**A-078/19 – 76 Currie Street**

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**A-079/19 – 14 Tasker Street**

The aisle width for the parking in the rear yard should be 6.7 metres.

We have no concerns or requirements with the remaining applications.

If you would like to discuss this matter in greater detail, please do not hesitate to contact me at extension 1663.

Steve Bittner  
Transportation Technologist  
SB/