

Revised 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 # 1 - 1429 Gregory Road, Minor Variance, A-122/18 – 60.81.5411
A request has been received by Staff to defer the application in order to allow further evaluation.

 - Item #5 - 298 Glenridge Avenue, Consent, B-03/20SC – 60.84.2280, 298 Glenridge Avenue, Consent, B-04/20SC – 60.84.2281, 298 Glenridge Avenue, Minor Variance, A-04/20 – 60.81.5594, 310 Glenridge Avenue, Minor Variance, A-05/20 – 60.81.5595 and 111 Glendale Avenue, Minor Variance, A-06/20 – 60.81.5596.
A request was received by the Solicitor to defer the applications to the February 5, 2020 Hearing as he cannot attend due to personal reasons. The applications have been recirculated to the February 5, 2020 Hearing and a recirculation fee has been paid.
5. Adoption of the Minutes held December 11, 2019
6. Application:
 2. 253 Grantham Avenue, Minor Variance, A-01/20 – 60.81.5589
 3. 41 Oakdale Avenue, Consent, B-01/20SC – 60.84.2278
 4. 237 Scott Street, Consent, B-02/20SC – 60.84.2279
237A Scott Street, Minor Variance, A-02/20 – 60.81.5592
 6. 12-14 Welland Avenue, Minor Variance, A-08/20 – 60.81.5598
 7. 1926 Seventh Street, Consent, B-06/20SC – 60.84.2283
1900 Seventh Street, Minor Variance, A-09/20 – 60.81.5599
7. New Business:
8. Date of next Hearing: February 5, 2020 and February 26, 2020
9. Adjournment

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

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

COMMENTS

A-01/20 (60.81.5589)

253 Grantham Avenue

DATE OF HEARING:
January 29, 2020



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 21, 2020

Date of Meeting: January 29, 2020

Report Number: A-01/20

File: 60.81.5589

Subject: 253 Grantham Avenue

Recommendation

That Application **A-01/20** by ABCD Properties Inc., as outlined in the Notice of Hearing, be denied.

And that as an alternative to the Application, minor variances be granted to allow for the conversion of the basement of the existing detached dwelling to an interior accessory dwelling unit, as follows:

1. A reduction of the minimum interior side yard from 1.2 metres to 0.61 metres;
2. A reduction of the minimum front yard from 3 metres to 1.8 metres.
3. An increase in the maximum floor area of an interior accessory dwelling unit from 60 square metres to 76 square metres, subject to the following condition:
 - a. That the number of bedrooms contained within the interior accessory dwelling unit be limited to two.

Report

The Proposal

The Applicant proposes to convert an existing detached dwelling to a duplex dwelling. To facilitate the proposal, Application **A-01/20** seeks relief from the City of St. Catharines Zoning By-law 2013-283 through the variances outlined in the table below:

Variance #	Zoning Provision	Required	Proposed
1	Minimum Lot Frontage	12 metres	10.67 metres
2	Minimum Lot Area	560 square metres	338 square metres
3	Required Parking	2 parking spaces	1 parking space
4	Minimum Interior Side Yard	1.2 metres	0.61 metres
5	Minimum Front Yard	3 metres	1.8 metres

Location and Site Description

The subject property is located on the west side of Grantham Avenue, between Prospect Avenue and Facer Street. The property is surrounded by detached dwellings to the north, Report Page 1 of 4

south, and west, with neighbourhood commercial development to the north and 6 storey apartment to the northeast.

Circulation of Application

This 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 on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E3 thereof. Duplex dwellings are permitted 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 – Traditional Neighbourhood (R2). Duplex dwellings are permitted in the R2 zone.

Planning Analysis

Variances 1, 2 and 3

A duplex dwelling is permitted in the R2 zone, subject to certain performance standards, including, but not limited to minimum lot area, minimum lot frontage, and minimum parking requirements. The Applicant proposes to convert the existing detached dwelling on the subject lands to a duplex dwelling, however the proposal does not comply with several of the performance standards prescribed by the Zoning By-law, as outlined in the Notice of Hearing and zoning table provided herein.

Official Plan density targets are implemented through the minimum and maximum lot area requirements of the Zoning By-law. In this case, the Official Plan sets out a density range of 20 to 32 units per hectare for the subject lands. This target is implemented in the Zoning By-law through a minimum lot area of 560 square metres for a duplex dwelling. The Applicant is requesting to vary the Zoning By-law to, among other matters, reduce the minimum lot area to 338 square metres, representing a density of 59 units per hectare. The proposal is not consistent with the Official Plan and Zoning By-law. Staff are not prepared to support this reduction in lot area and proposed density given the proposal does not meet the “four tests” prescribed by the Planning Act.

The existing lot is not large enough to support a duplex dwelling, based on the applicable Zoning performance standards. In addition to a reduction in lot area, a reduction in lot frontage from 12 metres to 10.67 metres and a reduction in required parking from two spaces (provided side-by-side) to one space are also being requested. Given staff are not prepared to support the proposed reduction in lot area (i.e. increased density), the requested reductions in lot frontage and required parking are also not supported. Further, the width of this existing lot is not sufficient to accommodate the provision of two side-by-side parking spaces.

Staff note that while a duplex dwelling may not be suitable on these lands, conversion of the basement of this existing detached dwelling for an interior accessory dwelling unit

(IADU) would be appropriate. Section 17.10.4 of the GCP excludes accessory dwelling units from density calculations. IADUs themselves are also not subject to minimum lot area and minimum lot frontage requirements. Further, while the parking requirement for a detached dwelling with one IADU remains the same as a duplex in terms of the number of spaces (i.e. two spaces), the parking spaces may be provided in tandem for an IADU.

The Zoning By-law limits the size of IADU's to 60 square metres or 40% of area of the overall dwelling unit, whichever is less; the intent of this provision is to ensure that the IADU remains subordinate and accessory to the principal dwelling unit.

The three-bedroom dwelling unit proposed in the basement of this detached dwelling is 81 square metres in size, inclusive of approximately 5 square metres of space for utilities and stairwells. If recognized as an IADU, utility areas and stairwells would be considered shared space between the basement and ground floor units and would be netted out of the size of the IADU accordingly. The resulting size of the IADU would be 76 square metres or approximately 47 per cent of the size of the overall dwelling. A minor variance would be required to increase the maximum size of the IADU from 60 square metres to 76 square metres.

The proposed alterations to this detached dwelling are entirely internal; there is no addition proposed nor an increase in building mass. Two tandem parking spaces can be accommodated in the existing driveway. Although marginally larger than the Zoning By-Law permits, the location of the second dwelling unit in the basement helps to achieve a subordinate relationship with the ground floor dwelling unit. It is staff's opinion that, provided the number of bedrooms is reduced from three to two, the intent of the Zoning By-law provisions relating to IADU's will be met. Staff recommend that an additional minor variance be granted to allow for an increase in the maximum size of an interior accessory dwelling unit from 60 square metres to 76 square metres, subject to a condition that the number of bedrooms be limited to two.

Variances 4 and 5

Zoning By-law 2013-283 establishes a minimum interior side yard setback of 1.2 metres for both detached and duplex dwellings. The intent of the provision is to ensure that a sufficient buffer is maintained between structures on adjacent properties and to support on-site drainage and access to rear yards.

The By-law also establishes a minimum front yard setback of 3 metres for both detached and duplex dwellings. The provision is intended to promote a balanced neighbourhood streetscape; to prevent built form from overwhelming a property; to ensure front yard amenity space can be provided; and to prevent structures from encroaching into the municipal boulevard.

The Applicant has requested a reduction in both the minimum interior side yard setback (from 1.2 metres to 0.61 metres) and the minimum front yard setback (from 3 metres to 1.8 metres) to recognize the location of the existing building. While staff are not prepared to support conversion of the existing detached dwelling to a duplex dwelling, staff are prepared to support minor variances to recognize the location of the existing detached dwelling. These two specific deficiencies in interior side yard setback and front yard setback would normally be grandfathered from the provisions of the Zoning By-law in any

event; that is to say that staff recognize the detached dwelling as legal non-complying in terms of its location on the lot. No impacts are anticipated as a result of these administrative variances. Staff recommend that Variances 4 and 5 be denied for a duplex dwelling, but approved for the existing detached dwelling.

Conclusion

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Variances 1, 2 and 3 of Application **A-01/20**, as they relate to conversion of the existing detached dwelling to a duplex dwelling, are not in keeping with the general intent of the Official Plan and Zoning By-law, are not minor in nature, and are not desirable for the appropriate use of the land. Staff recommend that Variances 1, 2 and 3 be denied.

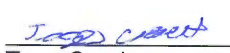
Staff are satisfied that Variances 4 and 5 are minor in nature, are in keeping with the general intent of the Official Plan and Zoning By-law, and are desirable for the appropriate use of the lands only as it relates to the existing detached dwelling. Staff recommend that Variances 4 and 5 be approved, in part, for continued use of the subject lands as a detached dwelling.

As an alternative to converting this detached dwelling unit to a duplex dwelling unit, staff recommend that an additional minor variance be granted to allow for an increase in the maximum floor area of an interior accessory dwelling unit from 60 square metres to 76 square metres, subject to a condition that no more than two bedrooms be permitted therein. Staff are satisfied that the intent of Section 45(5) of the *Planning Act*, which outlines the requirements for giving notice of the variances sought, has been met.

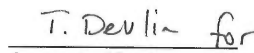
Prepared by:


Connor Wright
Student Planner

Submitted by:


Tage Crooks
Planner I

Approved by:

 for
Amanda Knutson
Planner II

Munro, Elaine

To: Doug Crown
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing - Email 1

1429 Gregory,
253 Grantham,
41 Oakdale
12-14 Welland

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, January 7, 2020 7:37 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 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.

Hi Elaine
Happy New year to you too

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

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



Memorandum

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

Cc: Tage Crooks, Wilrik Banda, Amanda Knutson, Conner Wright, Brian Thiessen
Planning and Building Services

From: Brian Thiessen, Building Manager of Plans Examination
Planning and Building Services

Date: January 20, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 29, 2020 hearing

NO.	ADDRESS	COMMENTS
A-122/18	1429 Gregory Road	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-01/20	253 Grantham Ave.	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-02/20	237A Scott Street	Be advised that a building permit is required for the proposed semi-detached dwelling. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-08/20	12-14 Welland Ave.	No Comment
A-09/20	1900 Seventh Street	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.

Steven Sunderland, A.Sc.T., CBCO
Building Inspector



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: January 13, 2020
Subject: Committee of Adjustment Hearing – January 27, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2020 and provides the following comments;

1. 1429 Gregory Road, Minor Variance, A-122/18 – 60.81.5411 – Deferred from November 27/19 Hearing

No further comment.

2. 253 Grantham Avenue, Minor Variance, A-01/20 – 60.81.5589

No comment.

3. 41 Oakdale Avenue, Consent, B-01/20SC – 60.84.2278

No comment.

**4. 237 Scott Street, Consent, B-02/20SC – 60.84.2279
237A Scott Street, Minor Variance, A-02/20 – 60.81.5592**

In order to preserve one of the existing boulevard trees, CRCS requests that the driveway be relocated to the far east of the site. The applicant should be advised that they will be responsible for the costs of removal and replacement of the tree at the time of removal. Tree replacement costs are in addition to standard tree planting requirements.

CRCS request that the following be included as a condition of severance or included within a Development Agreement for the subject lands:

That the applicant submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

If Planning and Building Services determines that parkland dedication can be collected for this application CRCS 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 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.

That all servicing laterals and site alterations be located outside the dripline of the westerly boulevard tree.

- 5. 298 Glenridge Avenue, Consent, B-03/20SC – 60.84.2280**
298 Glenridge Avenue, Consent, B-04/20SC – 60.84.2281
298 Glenridge Avenue, Minor Variance, A-04/20 – 60.81.5594
310 Glenridge Avenue, Minor Variance, A-05/20 – 60.81.5595
111 Glendale Avenue, Minor Variance, A-06/20 – 60.81.5596

CRCS offers no additional requirements. Function, landscaping, and parkland have been previously addressed through a Site Plan Agreement. Associated landscape securities have been released.

- 6. 12-14 Welland Avenue, Minor Variance, A-08/20 – 60.81.5598**
No comment.

- 7. 1926 Seventh Street, Consent, B-06/20SC – 60.84.2283**
1900 Seventh Street, Minor Variance, A-09/20 – 60.81.5599
No comment.

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



Memorandum

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

Cc: Judy Pihach, Manager of Planning
Amanda Knutson, Planner II
Wilrik Banda, Planning Technician
Tage Crooks, Planner I

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

Date: January 14, 2020

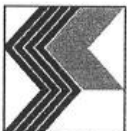
Hearing Date: January 29, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
253 Grantham Avenue, A-01-/20SC
237A Scott Street, A-02/20SC
298 & 310 Glenridge Avenue, A-04-05/20SC
111 Glendale Avenue, A-06/20SC
12 Welland Avenue, A08/20SC
1900 Seventh Street Louth, A-09/20SC
1429 Gregory Road, A-122/18SC

Development Engineering have no comment and have no objection to the above noted applications.

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 14, 2020

Subject: Committee of Adjustment
Public Hearings – January 29, 2020
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

B-01/20SC (60.84.2278)

41 Oakdale Avenue

DATE OF HEARING:
January 29, 2020



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 21, 2019

Date of Meeting: January 29, 2020

Report Number: B-01/20SC

File: 60.84.2278

Subject: 41 Oakdale Avenue

Recommendation

That Application **B-01/20SC** by Hickory Street Holdings Inc., as outlined in the Notice of Hearing, be approved, subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands known as 41 Oakdale Avenue (Part 1 on the sketch submitted), requiring the following:
 - a. That any future planning approvals required for future development of these lands (e.g. site plan approval, development agreement,) include a requirement for a landscape buffer along the westerly lot line to buffer future development from the existing building on the abutting lands to the west, known as 55 Oakdale Avenue,
 - b. And that the landscape buffer be a minimum of 3.0 metres wide along the full length of the lot line shared with 55 Oakdale Avenue and no drainage swale shall be permitted within the 3.0 metre landscape buffer.
 - c. And the landscape buffer shall provide a continuous and complete year round visual barrier with coniferous plantings a minimum of 2.0 metres in height at time of planting and plant species capable of achieving a height of 10 metres at maturity.
 - d. And that a landscape plan be submitted by qualified Landscape Architect registered with the O.A.L.A. demonstrating compliance with a. b. and c. above, including cost estimates to inform relates securities, all for review and approval by the City
 - e. And that this Development Agreement be applicable *together with* the removal of the existing sanitary sewer, as per condition 2 of this Recommendation, outlined below.
2. That the existing sanitary sewer service located on lands at 41 Oakdale Avenue, but servicing lands at 55 Oakdale Avenue, as outlined on Appendix A to this report, and to be included in the Decision of the Committee, be decommissioned and relocated to be totally within the lands know as 55 Oakdale (the abutting lands to the west) to the satisfaction of the Director of Planning and Building Services.

3. That the Owner dedicate to the City, a road widening along Oakdale Avenue (Part 1 of the submitted sketch) equal to half the amount required to obtain a 22.0 metre right-of-way measured from the centerline of the original road allowance in accordance with Municipal Survey No. 799 gratuitously, free and clear of any encumbrances as Public Highway to be known as Oakdale Avenue (Note - The road widening is expected to be *approximately* 1.0 m at the east lot line and 2.5 metres at the northwest lot)
4. That the Owner provide the City a draft reference plan indicating the proposed road widening for review and approval, prior to registration of the plan in the Land Registry Office
5. That the Owner provide the Secretary-Treasurer with the Acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
6. That pursuant to Section 50(12) of The Planning Act, it is hereby stipulated that section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, the Applicant will provide the Secretary-Treasurer of the Committee of Adjustment with a solicitor's undertaking that the condition of the Committee of Adjustment will be implemented and the properties (Parts 2 and 3) will be merged and become one parcel of land.
7. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$210.80 per application payable to the Treasurer, City of St. Catharines.
8. That all conditions of consent be fulfilled by January 29, 2021.

Report

Background

Current Application **B-01/20SC** follows previously approved Consent Application **B-18/17SC**, submitted for consideration in 2017 to sever 2.41 hectares of land to be known as 65 Oakdale Avenue (Parts 1 and 2 on Plan 30R-14958), for future residential development. A 2.90-hectare remnant parcel known as 55 Oakdale Avenue (Parts 3 and 4 on Plan 30R-14958) will be retained for existing light industrial (warehousing) use. Further, an easement was established in perpetuity over Part 3 in favour of 65 Oakdale Avenue (Parts 1 and 2).

As a condition of approval by the Committee of Adjustment, the Owner submitted a servicing plan prepared by a licensed Professional Civil Engineer identifying the locations and outlets of all existing servicing (water, sanitary & storm outlets) on the property.

It was determined that the existing sanitary sewer for lands at 55 Oakdale was actually partially located on an abutting lot being at 41 Oakdale. Rather than relocate the sewer, staff agreed to an Acknowledgment between the owners of 41 Oakdale and 51 Oakdale

regarding the location of the existing sanitary sewer and terms under which it would be removed at some point in the future. The severance was finalized accordingly.

The Proposal

The Applicant of 41 Oakdale is now proposing a lot boundary adjustment to recognize the footprint of an existing industrial building which encroaches onto the property. The existing corner of the industrial building at 55 Oakdale Avenue currently encroaches onto the northwest corner of 41 Oakdale Avenue. To facilitate the proposal, Application **B-01/20SC** is made for consent to sever 5.8 square metres of land from 41 Oakdale Avenue (Part 2 on the submitted sketch) which will be added to the abutting parcel of land to the west known as 55 Oakdale Avenue (Part 3 on the submitted sketch). A 4,300 square metre remnant parcel known as 41 Oakdale Avenue would be retained for future residential development (Part 2 on the submitted sketch). No development is being proposed at this time.

Location and Site Description

The subject property is located on the southwest bend of Oakdale Avenue, west of Hickory Street, which runs parallel to the exterior lot line. The property is surrounded by detached dwellings to the east, the Canadian National Railway to the south, an industrial building to the west, and townhouse development to the north.

Circulation of Application

This 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 on Schedule D1 of the Garden City Plan (GCP) and further designated Medium Density Residential on Schedule E9 thereof.

Since the application is a minor boundary adjustment that does not impact a land use designation in the Official Plan, and there is no proposed development, staff conclude the approval of this application conforms to the Official Plan.

Zoning By-law (2013-283)

The subject property is zoned Medium Density Residential with Special Provision 46 and Holding Provision 1 (R3-46-H1). Special Provision 46 applies further restrictions for detached, semi-detached, duplex, and townhouse dwellings. Holding Provision 1 requires an Environmental Site Assessment prepared and submitted to the City of St. Catharines for approval. If contamination is found to be above provincial guidelines a Record of Site Condition, or another acceptable form of documentation shall be required for submission to the Ministry of Environment, Conservation and Parks prior to the removal of the Holding (H) designation.

The Committee should be aware that the building encroachment on the subject lands, being 41 Oakdale, is a legal non-conforming use since it predated the adoption of the current zoning by-law. Similarly, the building on the abutting lands at 55 Oakdale (the

merging lands) is also a legal non-conforming use. The approval of this consent and the merging of the severed lands with 55 Oakdale, will continue the legal non-conforming use status. There is no enlargement or extension of the building on either 41 Oakdale nor 55 Oakdale. The building footprint remains as it existed prior to the passing of the current zoning by-law.

Planning Analysis

Section 16.11.3 of the GCP states that lot boundary adjustments may be considered provided they contribute to the infilling of areas that are already substantially developed, the size and shape of the parcel is appropriate for the use proposed, and in terms of the optimum development of the surrounding area. Provincial land use plans, as well as the City's Official Plan, promote opportunities for intensification and redevelopment where it can be appropriately accommodated. If done well, infill and intensification can improve existing neighbourhoods by bringing with it new life and vibrancy. The Garden City Plan supports a balanced approach to infill and intensification to ensure appropriate building site and streetscape design.

Consent Application **B-01/20SC** is requesting to adjust the lot boundary between 41 Oakdale Avenue and 55 Oakdale Avenue; for the purpose of recognizing the location of an existing industrial building. The current boundary between the subject properties has the industrial building of 55 Oakdale Avenue encroaching onto 41 Oakdale Avenue. In order for 41 Oakdale Avenue to be unencumbered for future development, the lot line must be shifted to include the entirety of the building. Staff note that due to the close proximity of the adjacent industrial building, a 3.0-metre-wide landscape buffer is recommended along the entire westerly lot line of 41 Oakdale Avenue. A Development Agreement to achieve that end is recommended to ensure that future planning approvals incorporate that requirement as a condition to future development.

The lands need to merge with 55 Oakdale Avenue to implement the boundary adjustment.

There are no anticipated land use impacts as a result of the approval of this application since no new development is being proposed. Staff are recommending approval of the Application accordingly, subject to the conditions outlined in the recommendation.


Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, Staff are of the opinion that Application **B-01/20SC**, if approved, will meet the purpose and intent of the Official Plan and Zoning By-law since it is a minor boundary adjustment and no new development is proposed. The approval will have no adverse impacts on the surrounding area and will not trigger similar applications in the area since it is very specific to the existing building encroachment, unique to this property. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.

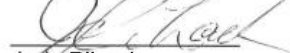
Prepared by:


Connor Wright
Student Planner

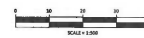
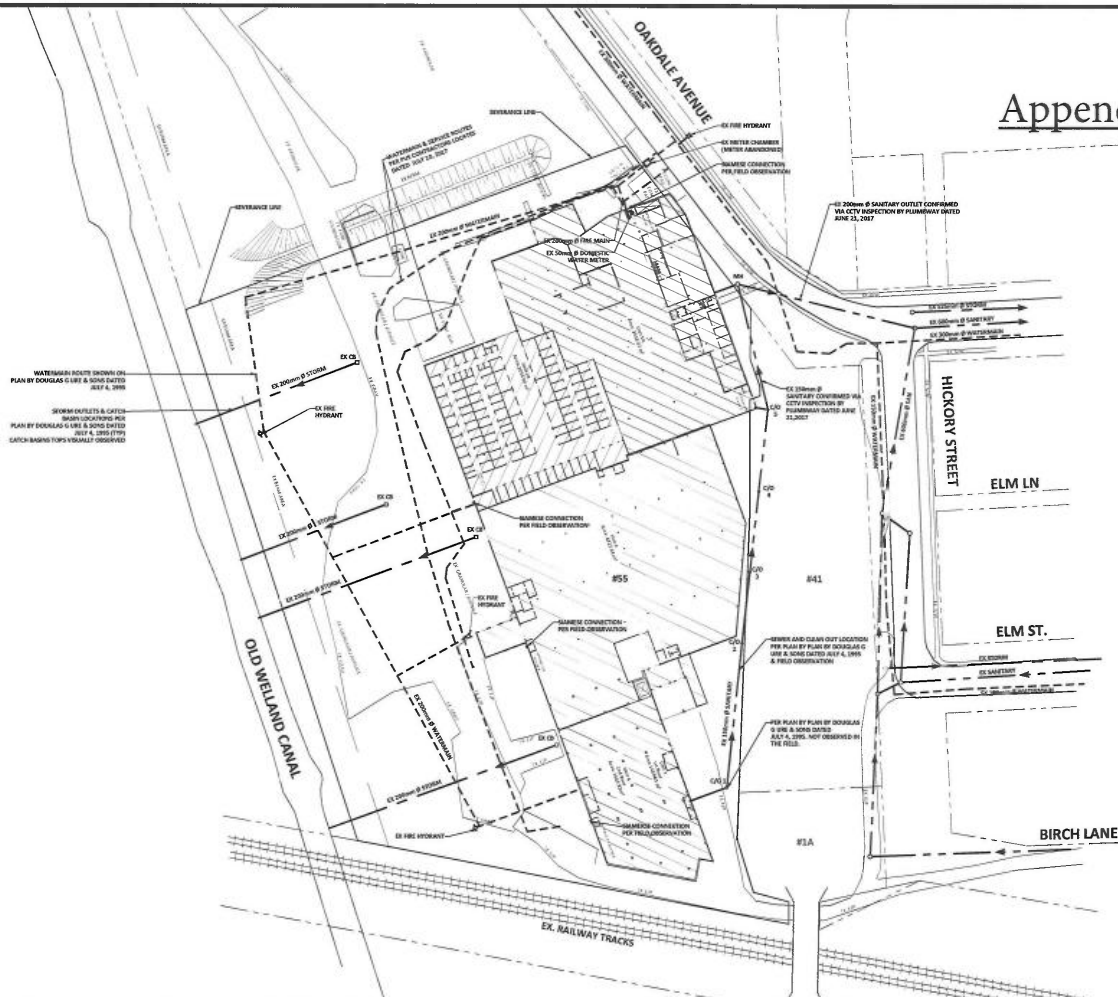
Submitted by:


Tague Crooks
Planner

Approved by:


Judy Pihach
Manager of Planning

Appendix A



b better
neighbourhoods
CONSULTANTS
2000 Oakdale Avenue, Unit 101
Oakville, ON L6H 2H8, Canada
Tel: 905.335.1111 Fax: 905.335.1112

PROJECT TITLE:
**55 OAKDALE AVENUE
St. Catharines, Ontario**

DOCUMENT TYPE:
SERVICING PLAN

DATE OF ISSUE:
2017 07 17

DOCUMENT NO.:
0240-SER-1

Munro, Elaine

To: Doug Crown
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing - Email 1

1429 Gregory,
253 Grantham,
41 Oakdale
12-14 Welland

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, January 7, 2020 7:37 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing - Email 1

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Hi Elaine
Happy New year to you too

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

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

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing - Email 1 - 905-20-027

From: Gordon, Carrie <carrie.gordon@bell.ca>

Sent: Tuesday, January 7, 2020 1:14 PM

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

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing - Email 1 - 905-20-027

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.

Hi Elaine,

Happy New Year!

Re File:

- ☐ Severance
- ☐ B-01/20SC
- ☐ 41 Oakdale Avenue
- ☐ Lot 175 Lot 207 and Part of Lots 172 & 898 Corp Plan 6 designated as Pt 1 30R13766; Pt Land Corp Plan 6 designated as Pt 3 Plan 30R13766

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

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

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 :705-726-4600

Munro, Elaine

Subject:

RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing

41 Oakdale
1900 & 1926 Seventh Street

From: Polus, Asia (MTO) <Asia.Polus@ontario.ca>

Sent: Monday, January 13, 2020 11:05 AM

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

Cc: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>

Subject: FW: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing

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.

Hi Elaine,

Further to your submission dated January 06, 2020 please note that the ministry has no concerns or comments to offer as these sites are located outside MTO permit control area. Any further changes to these lands as well as any development proposals **will not require** the MTO review/approval process and subsequently MTO permits will not be required as well.

In addition please note that Alexandra was transferred to work in other area and Paul Nunes is the new Corridor Management Officer for Niagara, included in this e-mail, and he can be reached at 416-235-5559.

I trust this is of assistance, however, should you require any further information please contact us.

Regards

W. Asia Polus

Corridor Management Planner

Ministry of Transportation
Central Region, Highway Corridor Management Section
159 Sir William Hearst Ave. 7th Floor
Toronto, ON M3M 0B7
Tel. 416 - 235-3991
Fax 416 - 235-4267

Munro, Elaine

Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing

41 Oakdale

From: Vasko, Dennis
Sent: Wednesday, January 8, 2020 8:24 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing

Hi Elaine, Happy New Year !!

There are no concerns with closed landfills for this proposed development.

Dennis

Dennis Vasko
Fill Site Technician
Email: dvasko@stcatharines.ca
Tel: 905.688.5601 x2163



Memorandum

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

Cc: Tage Crooks, Wilrik Banda, Amanda Knutson, Conner Wright, Brian
Thiessen
Planning and Building Services

From: Steven Sunderland, Building Inspector
Planning and Building Services

Date: January 20, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – January 29, 2020 hearing

B-01/20SC – 41 Oakdale Avenue

Comment:

- No Comment

Condition:

- No comment

B-02/20SC – 237A Scott Street

Comment:

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

Condition:

- No comment

B-06/20SC – 1926 Seventh Street

Comment:

- No Comment

Condition:

- No comment

Steven Sunderland, A.Sc.T., CBCO
Building Inspector



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: January 13, 2020
Subject: Committee of Adjustment Hearing – January 27, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2020 and provides the following comments;

1. 1429 Gregory Road, Minor Variance, A-122/18 – 60.81.5411 – Deferred from November 27/19 Hearing

No further comment.

2. 253 Grantham Avenue, Minor Variance, A-01/20 – 60.81.5589

No comment.

3. 41 Oakdale Avenue, Consent, B-01/20SC – 60.84.2278

No comment.

**4. 237 Scott Street, Consent, B-02/20SC – 60.84.2279
237A Scott Street, Minor Variance, A-02/20 – 60.81.5592**

In order to preserve one of the existing boulevard trees, CRCS requests that the driveway be relocated to the far east of the site. The applicant should be advised that they will be responsible for the costs of removal and replacement of the tree at the time of removal. Tree replacement costs are in addition to standard tree planting requirements.

CRCS request that the following be included as a condition of severance or included within a Development Agreement for the subject lands:

That the applicant submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

If Planning and Building Services determines that parkland dedication can be collected for this application CRCS 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 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.

That all servicing laterals and site alterations be located outside the dripline of the westerly boulevard tree.

- 5. 298 Glenridge Avenue, Consent, B-03/20SC – 60.84.2280**
298 Glenridge Avenue, Consent, B-04/20SC – 60.84.2281
298 Glenridge Avenue, Minor Variance, A-04/20 – 60.81.5594
310 Glenridge Avenue, Minor Variance, A-05/20 – 60.81.5595
111 Glendale Avenue, Minor Variance, A-06/20 – 60.81.5596

CRCS offers no additional requirements. Function, landscaping, and parkland have been previously addressed through a Site Plan Agreement. Associated landscape securities have been released.

- 6. 12-14 Welland Avenue, Minor Variance, A-08/20 – 60.81.5598**
No comment.

- 7. 1926 Seventh Street, Consent, B-06/20SC – 60.84.2283**
1900 Seventh Street, Minor Variance, A-09/20 – 60.81.5599
No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-01/20SC



January 21, 2020

ENGINEERING FILE 300-36

Hearing Date: January 29, 2020

Applicant: Hickory Street Holdings Inc.

Location: 41 Oakdale Avenue

MUNICIPAL SERVICES

	Oakdale Avenue	Hickory Street
Water:	300mm P.V.C.	150mm P.V.C.
Sanitary:	None	600mm Conc.
Storm:	None	None

An existing upstream manhole for a 375mm storm sewer outlet on Elm Street to Merritt Street.

Sidewalks: Yes None

Road Allowance: Varies (12.5m± - 18.5m±)

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

Comment(s): It is noted that the Owner proposes to sever Part 2 which will be added to the abutting northerly parcel of land known as 55 Oakdale Avenue (Part 3) to recognize the location of the existing corner of the industrial building. A remnant vacant parcel would be retained (Part 1) for future residential development lands. The application would result in a boundary adjustment between the two parcels.

Roads

Oakdale Avenue is designated an Arterial road as per the City's Official Plan with a desired right-of-way width of 26.2m (86'). Its current width along the Applicant frontage is deficient at varied measurements ranging from 18.6m± to 20.12m±. Previous internal discussions with staff have concluded that Oakdale Avenue along this section would be satisfactory with a 22.0m (72') right-of-way width. The City shall therefore require a road widening along the frontage of Oakdale Avenue equal to half of the amount required to obtain a 22.0m (72') right-of-way measured from the centerline of the original road allowance in accordance with Municipal Survey No. 799. The widening required would range from 1.0m at the east limit to 2.50m at the north-west limit. The Owner's Surveyor shall confirm by survey as noted above.

Hickory Street is designated a Local road as per the City's Official Plan with a desired right-of-way width of 20.12m. It is sufficient at this time and the City shall not require any road widenings along the Owner's frontage of Hickory Street with this severance application.

Sidewalks do not exist at this time along the frontage of the subject property, and therefore require a contribution to future construction provisions, in accordance with the above Council-driven policies in the Official Plan. Since a sidewalk exists along the frontage of Oakdale Avenue, the Applicant shall contribute a cash-in-lieu payment for a future

sidewalk along the Hickory Street frontage in accordance with the City's practice, the costs to be determined based on the current construction price index and average City tender document pricing, at the time of payment. The required amounts shall be based on the frontage length along Hickory Street of 125±m, and be required as a condition of this Consent application.

Engineering Services

The Owner/Applicant of 55 Oakdale Avenue had previously prepared a servicing plan by a licensed Professional Civil Engineer at the time a severance application was applied for on those lands, which identified the location and outlet of an existing sanitary service from the industrial building over the westerly portion of these subject lands. It was requested at the time that this private sanitary service issue be addressed as condition of consent, more importantly removed/relocated over abutting private property lands, however since it applied to lands not subject to the application for consent, the request for dealing with the issue was denied. The Owners jointly entered into a private understanding that this would be dealt with at a future date.

Considering this issue is directly related to the subject land application for consent, the sewer service from 55 Oakdale Avenue shall be abandoned/removed/relocated to the City's satisfaction, or the boundary of the subject lands adjusted so as to ensure the conflicting private sanitary sewer outlet no longer exists over an abutting private property. **The City will not entertain any other option regarding this condition be carried over in a further agreement for future consideration, and require this issue be addressed as a condition of severance at this time only.**

Condition(s):

Prior to the severance finalization the Owner shall;

- Ensure that the existing sanitary service identified to cross 41 Oakdale Avenue lands is relocated to within the entirety of 55 Oakdale Avenue lands to the City's satisfaction at the cost of the Applicant; or
- Revise the proposed boundary adjustment to identify an additional 1.50m east of the centerline of the existing sanitary sewer service from 55 Oakdale Avenue over the subject lands be conveyed further to 55 Oakdale Avenue; and
- Dedicated a road widening along Oakdale Avenue equal to half of the amount required to obtain a 22.0m (72') right-of-way measured from the centerline of the original road allowance in accordance with Municipal Survey No. 799, gratuitously, free and clear of any encumbrances as Public Highway to be known as Oakdale Avenue; and
- The Owner pay the cash-in-lieu fee for future sidewalks along the frontage length of Hickory Street, the costs to be determined based on the current construction price index and average City tender document pricing, at the time of payment

Prepared By: _____

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

c. Dave Stringer, Geomatics – EFES (email only)



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 14, 2020

Subject: Committee of Adjustment
Public Hearings – January 29, 2020
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

**B-02/20SC (60.84.2279)
& A-02/20 (60.81.5592)**

237 Scott Street

**DATE OF HEARING:
January 29, 2020**



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 21, 2019

Date of Meeting: January 29, 2020

Report Number: B-02/20SC
A-02/20

File: 60.84.2279
60.81.5592 (237A Scott Street)

Subject: 237 Scott Street (to be known as 237A Scott Street and 237B Scott Street)

Recommendation

Consent

That Application **B-02/20SC** by Southport Builders Niagara Inc., as outlined in the Notice of Hearing be approved, subject to the following conditions:

1. That the Owner enter into a Development Agreement with the City of St. Catharines, to be registered on title to the lands, addressing the following conditions:
 - a. That building permit plans, including a site plan and elevations for both parcels, be submitted to the Director of Planning and Building Services, or her designate, illustrating how the following matters have been satisfied:
 - i. that the driveway for each of the dwelling units be limited to 3.0 metres in width;
 - ii. that the driveway for 237B Scott Street be located as far east as possible to ensure the preservation of at least one of two existing boulevard trees.
 - iii. that excess pavement associated with the existing driveway on the newly created lot be removed and reinstated with landscaping and the excess curb cut filled.
 - b. That a grading plan be prepared by a qualified Ontario Land Surveyor satisfying the Director of Planning and Building Services, or her designate, that runoff from the subject lands can be conveyed to a suitable outlet without impacting abutting properties;
 - c. That all servicing laterals and site alterations be located outside the dripline of the existing westerly boulevard tree.
2. That the Owner dedicate to the City, free and clear of any encumbrances, a road allowance widening of 3.05 metres along the Scott Street frontage of Parts 1 and 2. The Owner shall provide the City with a draft reference plan indicating the proposed widening for review and approval, prior to registration of the plan in the Land Registry Office.
3. That the Owner pay the fee for City crews to locate, trace, inspect and document the location of the sewer and water laterals for the existing buildings.

4. That the Owner pay the City to complete, on public property, the relocation of any portion of a sanitary lateral and/or water service that might be necessary to ensure no service crosses an existing or future lot line, as identified through the above-noted inspection.
5. That the Owner complete, on private property, any relocation of a sanitary lateral and/or water service that might be necessary to ensure no service crosses an existing or future lot line, as identified through the above-noted inspection.
6. That the Owner submit a payment for the placement of a 60mm boulevard tree in front of Part 1, in accordance with the City's current Schedule of Rates and Fees.
7. That the Owner submit a payment for replacement of the existing easterly boulevard tree in front of Part 1 with a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.
8. That a payment of 5% of the appraised value of Part 1 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 payment, the value of the land shall be determined as of the day before the day the provisional consent was given'. The appraisal shall be completed by a qualified appraiser.
9. That the Owner provide the Secretary-Treasurer of the Committee of Adjustment with the acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
10. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$214.80 (2020 Rate) payable to the Treasurer, City of St. Catharines.
11. That final approval of the concurrent Minor Variance Application and additional variance for 237B Scott Street be approved.
12. That all conditions of consent be fulfilled by January 29, 2021.

Minor Variance – 237A Scott Street

That **Variances 1, 4, 5 and 6 of Application A-02/20** by Southport Builders Niagara Inc., as outlined in the Notice of Hearing, be approved;

That **Variance 2 of Application A-02/20** by Southport Builders Niagara Inc., as outlined in the Notice of Hearing, be denied and that a reduction in minimum lot area from 370 square metres to 280 square metres be approved instead;

That **Variance 3 of Application A-02/20** by Southport Builders Niagara Inc., as outlined in the Notice of Hearing, be denied as it is unnecessary;

That an additional variance for 237A Scott Street be approved to reduce the front yard setback to an attached garage from 7.0 metres to 6.1 metres.

New Minor Variance – 237B Scott Street

That a minor variance be granted to reduce the width of a standard parking space obstructed on side from 3.0 metres to 2.85 metres as it relates to 237B Scott Street.

Report

The Proposal

There is an existing two-storey detached dwelling located on the lands known municipally as 237 Scott Street. The Applicant proposes to demolish the existing attached garage to facilitate the addition of a second two-storey dwelling unit, resulting in a semi-detached dwelling. The Applicant proposes that each of the semi-detached dwelling units be situated on its own lot.

To facilitate the proposal, Application **B-02/20SC** is made for consent to sever 309 square metres of land (Part 1), creating a new lot to be known as 237A Scott Street. A 438.1 square metre remnant parcel (Parts 2, 3, and 4) would be retained for the second half of the semi-detached dwelling unit, to be known as 237B Scott Street. Further, the Applicant is seeking consent to create two easements over 237B Scott Street (Part 3, being 4.6 square metres of land, and Part 4, being 4.5 square metres of land) to the benefit of 237A Scott Street for access to and maintenance of that unit's roofline, eaves, and gutters.

Concurrent Minor Variance Application **A-02/20** seeks relief from the provisions of the City of St. Catharines Zoning By-law 2013-283 as it relates to 237A Scott Street through the variances outlined in the table below. Additional explanatory notes are provided addressing errors in the Notice of Hearing and the impacts of a road allowance widening to be taken.

Variance #	Zoning Provision	Requirement	Proposal	Explanatory Note
1	Minimum Lot Frontage	12 metres	8.78 metres	
2	Minimum Lot Area	370 square metres	309 square metres	Lot area reduces to 280 square metres (+/-) after 3.05 metre road widening is taken
3	Maximum Front Yard (based on averaging)	7.68 metres to dwelling	9.25 metres to dwelling	Notice of Hearing incorrectly refers to averaging being applicable. Averaging does not apply. Proposed front yard of 9.25 metres to the dwelling complies with the required Minimum Front Yard of 6 metres
4	Maximum Encroachment into the Required Yard for Eaves and Gutters	to within 0.15 metres of the lot line	to within 0.0 metres of the lot line	
5	Minimum Front Yard	garage shall be flush with,	garage may project 1.8	

		or recessed beyond, the corresponding wall of the dwelling unit	metres in front of the corresponding wall of dwelling unit	
6.	Minimum Interior Side Yard	2.0 metres	0 metres (where the dwelling protrudes both northerly and southerly beyond the common wall)	

Location and Site Description

The subject property is located on the north side of Scott Street between Sherman Drive and Benson Drive. The property is surrounded by detached dwellings to the north, east and west. To five-storey apartment buildings and a church are located to the south.

Circulation of Application

This 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 on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E1 thereof. Semi-detached dwellings are permitted at a density range generally between 20 and 32 units per hectare.

Zoning By-law (2013-283)

The subject property is zoned Low Density Residential – Suburban Neighbourhood (R1). Semi-detached dwellings are permitted.

Planning Analysis

Consent

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. Provincial land use plans, as well as the City's Official Plan, promote opportunities for intensification and redevelopment where it can be appropriately accommodated. The Garden City Plan supports a balanced approach to infill and intensification to ensure appropriate building site and streetscape design.

Consent Application **B-02/20SC** requests to sever the subject property so that each of the two semi-detached dwelling units can be sold individually and held in separate ownership. Application **B-02/20SC** also seeks consent to create easements over Parts 3 Report Page 4 of 9

and 4 to the benefit of 237A Scott Street so that maintenance of the roofline and associated elements can occur.

While the size of the proposed new lot is generally smaller than surrounding properties, the scale of the proposed building is in keeping with the character of the neighbourhood and the overall density aligns with the density targets prescribed by the Official Plan. Staff note that the new driveway proposed for the retained parcel (Parts 2, 3 and 4 – 237B Scott Street) will likely interfere with two existing mature boulevard trees. Staff recommend that, as a condition of consent, the Applicant be required to shift the new driveway as far east as possible, between the easterly property boundary and the existing dwelling. Staff note that shifting the driveway will result in the need for a minor variance for 237B Scott Street to reduce the minimum 3.0 metre driveway width required by the Zoning By-law. Staff's analysis of that variance is provided further on in this report.

Subject to comments above, staff are satisfied that this infill proposal will allow for sufficient space on each of the lots to accommodate a building footprint, parking, landscaping, and amenity areas. The proposal exceeds the required 1.2 metre interior side yard as it relates the abutting home to the west, where the new development has the greatest potential for impact. Staff find that the proposal meets all relevant lot creation policies set out in Section 16.11.3 of the GCP and are recommending approval of the Application, accordingly, subject to the conditions outlined in the recommendation.

City of St. Catharines Council directed the establishment of the Design Review Panel (DRP) to provide design recommendations on proposals for infill and intensification. Feedback from the DRP is advisory in nature. Council further directed that City staff routinely require development agreements to be registered on title as a condition of consent to enforce conditions for design of future development.

The Applicant's proposal was submitted to the DRP for consideration in October 2019. The DRP expressed support for the proposed design and its fit with the existing dwelling, however, there was concern over the extent of the existing paved area in front of the new dwelling. The DRP supported the proposed severance, subject to the following recommended modifications:

1. That the driveways be limited in width to accommodate one vehicle; and
2. That the excess existing pavement on the new lot be removed and be reinstated with landscaping.

Staff have considered the recommendations of the DRP, which seek to respect the character of the existing streetscape. Staff recommend that, as a condition of consent, these matters be addressed through the development agreement process.

Minor Variance – Application A-02/20 – 237A Scott Street

Variance 1

Zoning By-law 2013-283 establishes a minimum lot frontage of 12 metres for a semi-detached dwelling in the R1 zone. The provision is intended to ensure a lot has sufficient width to properly accommodate a building footprint, buffering, stormwater management, amenity areas, and parking.

The Applicant is requesting a reduction of the minimum lot frontage from 12 metres to 8.78 metres for 237A Scott Street (Part 1). Staff are satisfied that the proposed lot frontage provides sufficient lot width to accommodate the building footprint, as well as parking, landscaping, amenity spaces, and drainage areas. As such, staff are of the opinion that Variance 1 is minor in nature, is desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend that Variance 1 be approved accordingly.

Variance 2

Zoning By-law 2013-283 establishes a minimum lot area of 370 square metres for a semi-detached dwelling in the R1 zone. The intent of the provision is to ensure that a building envelope can comfortably fit within the boundaries of the property, while also ensuring adequate space is maintained for outdoor amenity areas, landscaping, parking, and stormwater management. The minimum lot area provisions are also the method through which Official Plan density targets are achieved.

The Applicant is requesting a reduction of the minimum lot area from 370 square metres to 309 square metres for 237A Scott Street (Part 1). As outlined herein, a 3.05 metre road allowance widening will further reduce the lot area to approximately 280 square metres. The proposal for a semi-detached dwelling on these lands represents an overall density of approximately 31 units per hectare (after the road widening is transferred), aligning with the applicable official plan density target of 20 to 32 units per hectare.

Staff are satisfied that the proposed lot size can accommodate the building footprint of the semi-detached dwelling and associated outdoor amenity areas, drainage, and parking. Further, staff are satisfied that the scale of the proposed two-storey dwelling on the reduced lot will not overwhelm surrounding homes or the street; the adjacent detached dwelling is of identical massing and there are two five-storey apartment buildings directly across from the subject lands. This infill proposal will contribute to the range of housing forms in the City, which is in keeping with the objectives of the Official Plan. In lieu of the reduction outlined in the Notice of Hearing, staff are recommending that a reduction of the minimum lot area from 370 square metres to 280 square metres be approved.

Variance 3

Zoning By-law 2013-283 establishes a minimum front yard setback of 6 metres to the face of the dwelling for a semi-detached dwelling in the R1 zone. The exception to this is in situations where averaging applies. The Notice of Hearing for 237A Scott Street erroneously implies that averaging applies to the subject lands and outlined a minor variance to allow the dwelling to be setback 9.25 metres from the front lot line. Through staff's review of this Application it was determined that, in fact, averaging does not apply to the subject lands and that the proposed 9.25 metre front yard complies with the minimum 6.0 metres prescribed by the By-law. Variance 3 outlined in the Notice of Hearing is not necessary and staff are recommending denial, accordingly.

Variances 4 and 6

Zoning By-law 2013-283 provides that eaves and gutters may encroach into a required yard, but must be set back a minimum of 0.15 metres from a lot line. The provision is intended to ensure sufficient space is maintained for building maintenance and so that

stormwater runoff from the roofline is wholly contained within the boundaries of a lot. Further, the By-law establishes a minimum 2.0 metre interior side yard setback to the wall for any portion of a semi-detached dwelling that is over 7.0 metres in height. The intent of the minimum interior side yard provision is to ensure that a buffer is maintained between structures on adjacent properties for safety and privacy concerns; that sufficient space is maintained to support on-site drainage and access to rear yards; and to ensure that the massing of a dwelling does not overwhelm adjacent properties.

Application A-02/20 requests to vary the Zoning By-law so that the roofline, eaves and gutters associated with 237A Scott Street may encroach to within 0.0 metres of the lot line (Variance 4) and so that a portion of the front and rear of the semi-detached dwelling may be constructed with a 0.0 metre interior side yard setback along the common lot line (Variance 6). The design of this semi-detached dwelling is such that the units are staggered (i.e. one unit sits further away from the street than the other). This staggered design results in the eaves of the proposed unit on 237A Scott Street extending beyond what is permitted by the Zoning By-law. Further, the design results in a portion of the front and rear of the dwelling being constructed beyond the common wall, along the common lot line.

Concurrent Application B-02/20SC seeks consent to create easements over 237B Scott Street (Parts 3 and 4) to the benefit of 237A Scott Street so that maintenance of the sidewall, roofline and associated elements can occur. Staff are satisfied that this approach satisfies the intent of the Zoning By-law. Further, staff are satisfied that the variances and resulting building design will have no impact on the subject or surrounding properties and are recommending approval of Variances 4 and 6, accordingly.

Variance 5

Zoning By-law 2013-283 provides that a garage shall be flush with, or recessed beyond, the corresponding wall of the dwelling unit. The intent of the provision is to ensure that the garage remains the subordinate component of the dwelling, resulting in a more pleasant interface between the private and public realms.

The Applicant is requesting that the attached garage for 237A Scott Street be permitted to project 1.8 metres closer to the street than the corresponding front wall of the dwelling unit. Staff note that the proposed covered porch (which is not considered part of the dwelling unit for the purposes of applying this particular provision) will sit closer to the street than the attached garage. Staff are satisfied that this approach meets the intent of the By-law in that the garage will remain subordinate to the dwelling itself. Staff are of the opinion that Variance 5 is minor in nature, is desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law, and are recommending approval, accordingly.

Additional Minor Variance (resulting from road widening)

Zoning By-law 2013-283 establishes a minimum 7.0 metre front yard setback to an attached garage for a semi-detached dwelling in the R1 zone. The intent of the provision is to ensure sufficient depth is maintained for a parking space and to ensure that the garage remains the subordinate component of the dwelling.

As a result of a 3.05 metre road allowance widening to be dedicated to the City, the proposed front yard setback to the garage of 7.45 metres will be reduced to approximately 4.4 metres, which does not comply with the minimum 7.0 metre setback. Staff are satisfied that the design of the dwelling will ensure the garage presents as subordinate. As such, staff are of the opinion that this additional variance is minor in nature, is desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law. Staff are recommending that the additional variance be approved. It is noted that while a vehicle can not be accommodated on private property within the proposed driveway, a vehicle can fit within the proposed garage.

New Minor Variance – 237B Scott Street

As a result of the 3.05 metre road allowance widening to be taken along Scott Street, the new driveway proposed for the retained parcel (Parts 2, 3 and 4 – 237B Scott Street) will be reduced in depth to approximately 4 metres. That driveway could not, therefore, accommodate a parked vehicle wholly within the lot boundaries. Further, in its proposed location, the new driveway will likely interfere with two existing mature boulevard trees. As a condition of the concurrent Consent, staff are recommending that the proposed driveway be shifted easterly, between the existing dwelling and the easterly property line. This shift will firstly, ensure retention of at least one of the existing boulevard trees and; secondly, will allow sufficient depth for a parking space to fit entirely on private property. However, shifting the driveway easterly (and beside a portion of the wall of the dwelling) will result in the need for an additional variance to reduce the width of a standard parking space obstructed on one side from 3.0 metres to 2.85 metres.

Zoning By-law 2013-283 establishes a minimum 3.0-metre width for standard parking spaces obstructed on one side. The intent of the provision is to ensure that there is sufficient space for manoeuvring, not only for the vehicle itself, but also for occupants exiting the vehicle. Staff are satisfied that a functional driveway will result notwithstanding the reduction of its width by 0.15 metres. The driveway will be obstructed on one side for only a portion of its depth, adjacent to the wall of the dwelling. The door of a vehicle will be able open into that portion of the space that is 3.0 metres in width. Staff are of the opinion that this additional variance is minor in nature, is desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law. Staff are recommending that the variance be approved.

Conclusion

Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Application **B-02/20SC** is compatible with the neighbourhood, consistent with the provisions of the Zoning By-law, and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent to sever be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Variances 1, 4, 5 and 6 requested through Application **A-02/20**; Variance 2 as requested through Application **A-02/20** but modified by staff; the additional variance identified by staff for setback to the garage; and the new variance required for 237B Scott Street for reduced parking space with; are all in keeping with the general intent of the

Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the lands. Staff recommend that the variances be approved as outlined in the recommendation. Staff recommend that variance 3 be denied, as it is unnecessary.

Prepared by:

Connor Wright
Connor Wright
Student Planner

Submitted by:

Tage Crooks
Tage Crooks
Planner I

Approved by:

T. Devlin *for*
Amanda Knutson
Planner II

Munro, Elaine

To: Doug Crown
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing - Email 2

237 Scott
1900 & 1926 Seventh Street

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, January 7, 2020 7:38 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 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.

Hi Elaine

Email 2
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

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

January 16, 2020

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

Attention: Elaine Munro

File# 60.84.2279 & 60.81.5592

Re: 237 and 237A Scott St

In response to your correspondence dated January 7, 2020, 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 ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

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

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

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

Sincerely,

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

Mark Jakubowski
Supervisor, Design, Customer Capital



Memorandum

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

Cc: Tage Crooks, Wilrik Banda, Amanda Knutson, Conner Wright, Brian
Thiessen
Planning and Building Services

From: Steven Sunderland, Building Inspector
Planning and Building Services

Date: January 20, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – January 29, 2020 hearing

B-01/20SC – 41 Oakdale Avenue

Comment:

- No Comment

Condition:

- No comment

B-02/20SC – 237A Scott Street

Comment:

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

Condition:

- No comment

B-06/20SC – 1926 Seventh Street

Comment:

- No Comment

Condition:

- No comment

Steven Sunderland, A.Sc.T., CBCO
Building Inspector



Memorandum

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

Cc: Tage Crooks, Wilrik Banda, Amanda Knutson, Conner Wright, Brian Thiessen
Planning and Building Services

From: Brian Thiessen, Building Manager of Plans Examination
Planning and Building Services

Date: January 20, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 29, 2020 hearing

NO.	ADDRESS	COMMENTS
A-122/18	1429 Gregory Road	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-01/20	253 Grantham Ave.	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-02/20	237A Scott Street	Be advised that a building permit is required for the proposed semi-detached dwelling. Be advised that reductions in the required yards may have spatial separation implications affecting the permitted area of glazed openings and permitted type of construction facing those yards.
A-08/20	12-14 Welland Ave.	No Comment
A-09/20	1900 Seventh Street	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.

Steven Sunderland, A.Sc.T., CBCO
Building Inspector



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: January 13, 2020
Subject: Committee of Adjustment Hearing – January 27, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2020 and provides the following comments;

1. 1429 Gregory Road, Minor Variance, A-122/18 – 60.81.5411 – Deferred from November 27/19 Hearing

No further comment.

2. 253 Grantham Avenue, Minor Variance, A-01/20 – 60.81.5589

No comment.

3. 41 Oakdale Avenue, Consent, B-01/20SC – 60.84.2278

No comment.

**4. 237 Scott Street, Consent, B-02/20SC – 60.84.2279
237A Scott Street, Minor Variance, A-02/20 – 60.81.5592**

In order to preserve one of the existing boulevard trees, CRCS requests that the driveway be relocated to the far east of the site. The applicant should be advised that they will be responsible for the costs of removal and replacement of the tree at the time of removal. Tree replacement costs are in addition to standard tree planting requirements.

CRCS request that the following be included as a condition of severance or included within a Development Agreement for the subject lands:

That the applicant submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

If Planning and Building Services determines that parkland dedication can be collected for this application CRCS 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 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.

That all servicing laterals and site alterations be located outside the dripline of the westerly boulevard tree.

- 5. 298 Glenridge Avenue, Consent, B-03/20SC – 60.84.2280**
298 Glenridge Avenue, Consent, B-04/20SC – 60.84.2281
298 Glenridge Avenue, Minor Variance, A-04/20 – 60.81.5594
310 Glenridge Avenue, Minor Variance, A-05/20 – 60.81.5595
111 Glendale Avenue, Minor Variance, A-06/20 – 60.81.5596

CRCS offers no additional requirements. Function, landscaping, and parkland have been previously addressed through a Site Plan Agreement. Associated landscape securities have been released.

- 6. 12-14 Welland Avenue, Minor Variance, A-08/20 – 60.81.5598**
No comment.

- 7. 1926 Seventh Street, Consent, B-06/20SC – 60.84.2283**
1900 Seventh Street, Minor Variance, A-09/20 – 60.81.5599
No comment.

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

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-02/20SC



January 14, 2020

ENGINEERING FILE 300-36

Hearing Date: January 29, 2020

Applicant: Southport Builders Niagara Inc.

Location: 237 Scott Street

MUNICIPAL SERVICES **Scott Street**

Water: 200mm P.V.C.
750mm C.I. Regional Trunk

Sanitary Sewer: 300mm Concrete

Storm Sewer: 450mm

Sidewalks: Yes

Road Allowance Width: 22.25m (73')

**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 Sketch for the proposed construction of one-half of a semi-detached dwelling to be known as 237A Scott Street. A remnant parcel (Parts 2, 3 & 4) known as 237B Scott Street with the existing detached dwelling will be retained for residential use subject to easements, in perpetuity over Parts 3 & 4 for maintenance and access purposes to eaves, gutters and roof, to benefit Part 1.

Roads

Scott Street is designated an Arterial road in the City's Official Plan with a desired right-of-way width of 26.2m (86'). Its current width across the frontage of the subject property is 22.25m (73'). The remaining width to achieve a 26.2m right-of-way on Scott Street fronting this section is 3.95m, however the City has previously obtained a widening on the south side of Scott Street of 3.05m (10'), with an additional 0.90m outstanding for the south side. The City shall therefore require the same 3.05m (10') widening across the frontage of 237 Scott Street to be dedicated free and clear of encumbrances and be known as Public Highway Scott Street.

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 shall be obtained through the Building Permit process to ensure that damages do not occur to these services with the proposed dwelling's construction.

Municipal Services

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 a storm sewer does exist on Scott Street, weeping tile flows shall be pumped via sump pump and discharged 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 lot and subsequently out to Scott Street. These too must be shown on the approved grading plan.

The Owner shall pay to have City forces confirm that both the location and condition of the existing water service and sewer lateral to the existing dwelling 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. The Owner shall also pay the City the fee to install any new water service and/or sewer lateral, from the City owned main line sewer and watermain to the front property line, in order for each property to be serviced individually. Fees to complete this work are to be paid prior to the issuance of the Plumbing Only permit.

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 the fee for City crews to locate, trace, inspect and document the location of the existing sewer and water laterals for the existing dwelling; 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; and
- Prepare a draft reference plan for review and approval by City staff prior to registration identifying the proposed 3.05m road widening to be dedicated to the City as Public Highway Scott Street; and
- Dedicate to the City free and clear of any encumbrances a 3.05m road widening along the subject lands to be known as Public Highway Scott Street



Prepared by:

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



Memorandum

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

Cc: Judy Pihach, Manager of Planning
Amanda Knutson, Planner II
Wilrik Banda, Planning Technician
Tage Crooks, Planner I

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

Date: January 14, 2020

Hearing Date: January 29, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
253 Grantham Avenue, A-01-/20SC
237A Scott Street, A-02/20SC
298 & 310 Glenridge Avenue, A-04-05/20SC
111 Glendale Avenue, A-06/20SC
12 Welland Avenue, A08/20SC
1900 Seventh Street Louth, A-09/20SC
1429 Gregory Road, A-122/18SC

Development Engineering have no comment and have no objection to the above noted applications.

Regards,

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 14, 2020

Subject: Committee of Adjustment
Public Hearings – January 29, 2020
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/

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-08/20 (60.81.5598)

12-14 Welland Avenue

DATE OF HEARING:
January 29, 2020



Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 22, 2020

Date of Meeting: January 29, 2020

Report Number: A-08/20

File: 60.81.5598

Subject: 12 Welland Avenue

Recommendation

That Application **A-08/20** by 2569046 Ontario Corporation, as outlined in the Notice of Hearing, be approved.

Report

The Proposal

The Applicant owns a five-unit residential building on 12 Welland Avenue. Application **A-08/20** is made under Section 45 (2)(a) of the Planning Act to first, under Section 2(a), have a four-unit residential building on the property recognized as a legal non-conforming use; and secondly, under Section 45(2)(a)(ii), to recognize and permit the use of the fifth-unit in the building as a use similar to that of the legal non-conforming (four-unit) building.

Location and Site Description

The subject property is located on the southeast corner of Welland Avenue and Montebello Place. To the north of the subject property are detached dwellings, some of which have been converted into multi-unit residences, and there is also a commercial building and a former school. To the east, south, and west of the property are a mix of detached, semi-detached, and townhouse dwellings.

Circulation of Application

This 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 on Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential on Schedule E10. A variety of residential uses (detached, semi-detached, triplex, duplex, quadruplex, fourplex, and townhouses) are permitted at a density range generally between 20 and 32 units per hectare of land.

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

The subject property is zoned Low Density Residential – Traditional Neighbourhood (R2). A variety of residential uses the same as those established in the Official Plan are permitted in the R2 zone.

(Previous)**Zoning By-law (6756)**

Prior to the passing of the City's current Zoning By-law 2013-283 in December, 2013 the subject lands were zoned 'Residential B' under Zoning By-law 6756 adopted in 1959. The 'RB' zone permitted: single family dwellings, semi-detached dwellings, duplex dwellings, and some commercial and institutional uses. By-law 6756 was the first Zoning By-law in the City which established the zoning on the site.

Planning Analysis

Section 45(2)(a) of the Planning Act gives the Committee of Adjustment the authority to recognize and grant an existing use as having legal non-conforming status. Section 45(2)(a)(ii) further authorizes the Committee of Adjustment to recognize and permit a use similar to the purpose for which it was used and recognized as a legal non-conforming use established under subsection 2(a).

Planning staff are satisfied that, based on municipal records, the use of the building for four dwelling units was established prior to any zoning established on the property (that being By-law 6756 adopted in 1959), and therefore, is effectively a legal non-conforming use.

There is insufficient evidence to determine when the fifth unit in the building was established, but based on applicant's research, was thought to have been created well before 1970. Nevertheless, it is the opinion of staff that the fifth unit in the building is a use similar, and only a marginal difference too, the purpose for which the building has been used as a four-unit residential dwelling, and which staff consider to have legal non-conforming status. Effectively, staff support the use of the entire building as a five-unit residential dwelling having legal non-conforming status.

The existing use of the property has long been established. The fifth-unit is within the original building footprint, there is no development proposed or changes to the property, and the use of the building for a five-unit residential dwelling will have no discernable impact on the surrounding neighbourhood. Further, the location of the property is within the Downtown Planning Area supporting multi-unit residential development, is on a municipal transit route and close to supporting commercial and community facilities. Recognizing the legality of the fifth unit also ensures that it will be part of the City's rental housing inventory which is currently in short supply.

Conclusion

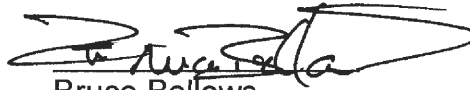
Having regard for the matters under Section 45(2)(a) and (a)(ii) of the *Planning Act*, staff are of the opinion that Application **A-08/20** meets the criteria for establishing the four dwelling units within the building as a legal non-conforming use, and the fifth unit as a use similar to that purpose. Staff support approval of application **A-08/20**.

Submitted by:



Tage Crooks
Planner I

Approved by:



Bruce Bellows
Senior Planner

Munro, Elaine

Subject:

RE: Questions/concerns about File No. 60.81.5598

From: Katie Boychuck <>

Sent: Thursday, January 9, 2020 9:42 PM

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

Subject: Questions/concerns about File No. 60.81.5598

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.

Hi Elaine,

I live at 35 Montebello Place and in close proximity to the property of 12 Welland Ave. I am unable to attend the hearing for this application.

I have a concern with adding more units to this already crowded building. That said, is it possible that they are tearing the old building down and rebuilding a new, more efficient one?

This residence has always had issues. There is regularly garbage and furniture on the lawn and sidewalk (there is currently a mattress lying partially in the street) and the number of people, dogs and vehicles is high. Adding more units to this already crowded multi unit building seems excessive if not impossible. If this building is not being improved in any way other than to add more units, I am opposed to this application.

Let me know if I should call you to discuss further or if there is anything I should do.

Thanks!

Kathleen Boychuck

Munro, Elaine

To: Doug Crown
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing - Email 1

1429 Gregory,
253 Grantham,
41 Oakdale
12-14 Welland

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, January 7, 2020 7:37 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 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.

Hi Elaine
Happy New year to you too

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

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



Memorandum

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

Cc: Judy Pihach, Manager of Planning
Amanda Knutson, Planner II
Wilrik Banda, Planning Technician
Tage Crooks, Planner I

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

Date: January 14, 2020

Hearing Date: January 29, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
253 Grantham Avenue, A-01-/20SC
237A Scott Street, A-02/20SC
298 & 310 Glenridge Avenue, A-04-05/20SC
111 Glendale Avenue, A-06/20SC
12 Welland Avenue, A08/20SC
1900 Seventh Street Louth, A-09/20SC
1429 Gregory Road, A-122/18SC

Development Engineering have no comment and have no objection to the above noted applications.

Regards,

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



Memorandum

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

Cc: Tage Crooks, Wilrik Banda, Amanda Knutson, Conner Wright, Brian Thiessen
Planning and Building Services

From: Brian Thiessen, Building Manager of Plans Examination
Planning and Building Services

Date: January 20, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Minor Variance – January 29, 2020 hearing

NO.	ADDRESS	COMMENTS
A-122/18	1429 Gregory Road	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.
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A-08/20	12-14 Welland Ave.	No Comment
A-09/20	1900 Seventh Street	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.

Steven Sunderland, A.Sc.T., CBCO
Building Inspector



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: January 13, 2020
Subject: Committee of Adjustment Hearing – January 27, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2020 and provides the following comments;

1. 1429 Gregory Road, Minor Variance, A-122/18 – 60.81.5411 – Deferred from November 27/19 Hearing

No further comment.

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No comment.

3. 41 Oakdale Avenue, Consent, B-01/20SC – 60.84.2278

No comment.

**4. 237 Scott Street, Consent, B-02/20SC – 60.84.2279
237A Scott Street, Minor Variance, A-02/20 – 60.81.5592**

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CRCS request that the following be included as a condition of severance or included within a Development Agreement for the subject lands:

That the applicant submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

If Planning and Building Services determines that parkland dedication can be collected for this application CRCS 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 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.

That all servicing laterals and site alterations be located outside the dripline of the westerly boulevard tree.

- 5. 298 Glenridge Avenue, Consent, B-03/20SC – 60.84.2280**
298 Glenridge Avenue, Consent, B-04/20SC – 60.84.2281
298 Glenridge Avenue, Minor Variance, A-04/20 – 60.81.5594
310 Glenridge Avenue, Minor Variance, A-05/20 – 60.81.5595
111 Glendale Avenue, Minor Variance, A-06/20 – 60.81.5596

CRCS offers no additional requirements. Function, landscaping, and parkland have been previously addressed through a Site Plan Agreement. Associated landscape securities have been released.

- 6. 12-14 Welland Avenue, Minor Variance, A-08/20 – 60.81.5598**
No comment.

- 7. 1926 Seventh Street, Consent, B-06/20SC – 60.84.2283**
1900 Seventh Street, Minor Variance, A-09/20 – 60.81.5599
No comment.

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 14, 2020

Subject: Committee of Adjustment
Public Hearings – January 29, 2020
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/

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

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

COMMENTS

**B-06/20SC (60.84.2283)
& A-09/20 (60.81.5599)**

1926 & 1900 Seventh Street

**DATE OF HEARING:
January 29, 2020**



CITY OF
ST. CATHARINES

Technical Report

Report from Planning and Building Services, Planning Services

Date of Report: January 21, 2020

Date of Meeting: January 29, 2020

Report Number: B-06/20SC
A-09/20

File: 60.84.2283
60.81.5599

Subject: 1900 Seventh Street and 1926 Seventh Street

Recommendation

Consent

That Application **B-06/20SC** by HAP Farm Holdings Inc., as outlined in the Notice of Hearing, be approved subject to the following conditions:

1. That the Owner provide the Secretary-Treasurer of the Committee of Adjustment with the acknowledgement and direction for conveyance of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That the Owner submit to the Secretary-Treasurer of the Committee of Adjustment a final certification fee of \$214.80 payable to the Treasurer, City of St. Catharines.
3. That all conditions of consent be fulfilled by January 29, 2021.

Minor Variance

That Variances 1, 3 and 4 of Application **A-09/20** by HAP Farm Holdings Inc., as outlined in the Notice of Hearing, be approved.

That Variance 2 of Application **A-09/20** by HAP Farm Holdings Inc., as outlined in the Notice of Hearing, be denied as it is unnecessary.

Report

Background

Minor variances have previously been granted for one of the subject properties, being 1900 Seventh Street Louth. Application **A-118/84** was granted to allow an agricultural building to be constructed 12.5 metres from the north property line. This same variance is now being requested through Application **A-09/20** to recognize the location of that existing building (Variance 2). Additionally, Minor Variance **A-120/87** was granted to reduce a side yard setback for a building that has since been demolished. Further, Consent Application **B-38/00** saw 1900 Seventh Street Louth severed from 1926 Seventh Street Louth, with an easement granted for driveway access over 1900 Seventh Street Louth to the benefit of 1926 Seventh Street.

The Proposal

The Applicant proposes to rebuild a large flower farm operation at 1900 Seventh Street Louth that was previously destroyed by fire. The new greenhouses and accessory uses will be larger than was previously existed and will occupy a different building footprint.

To facilitate the proposal, Application **B-06/20SC** is made to establish an easement, in perpetuity, over Part 1 on the submitted sketch (499 square metres of land), being a portion of 1926 Seventh Street, to the benefit of Part 3, the abutting lot known as 1900 Seventh Street. The easement is required to allow for the location of a fire access route that will service 1900 Seventh Street. Parts 1 and 2 would be retained for continued use of the existing detached dwelling at 1926 Seventh Street.

Concurrent Minor Variance Application **A-09/20** seeks relief from the City of St. Catharines Zoning By-law 2013-283, as it relates to 1926 Seventh Street, through the variances outlined in the table below.

Variance #	Zoning Provision	Required	Proposed
1	Minimum Front Yard For Buildings and Structures Accessory to Permitted Uses and/or Permitted Accessory Uses	9 metres	6 metres (as it relates to the existing office building)
2	Minimum Interior Side Yard	15 metres	12.5 metres (as it relates to an existing building near the northerly property line)
3	Minimum Interior Side Yard	15 metres	5.2 metres (as it relates to the westerly property line)
4	Minimum Lot Area	16.2 hectares	9.4 hectares

Location and Site Description

The properties known municipally as 1900 Seventh Street and 1926 Seventh Street are located on the east side of Seventh Street, between Third Avenue and Fourth Avenue. The lands are primarily surrounded by agricultural operations and few detached dwellings. A rail corridor is located to the south.

There is a large greenhouse building currently under construction at 1900 Seventh Street Louth. The lands also include two existing accessory buildings and an existing office building.

There is an existing detached dwelling located on 1926 Seventh Street.

Circulation of Application

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

Planning Policy Context

Official Plan (Garden City Plan)

The properties known municipally as 1900 Seventh Street and 1926 Seventh Street are both designated Agriculture on Schedules D1 and E11 of the Garden City Plan (GCP). The existing agricultural use and proposed greenhouses are permitted on 1900 Seventh Street. The existing detached dwelling is permitted on 1926 Seventh Street.

Zoning By-law (2013-283)

The properties known municipally as 1900 Seventh Street and 1926 Seventh Street are both zoned Agriculture (A1). The existing agricultural use and proposed greenhouses are permitted on 1900 Seventh Street. The existing detached dwelling is permitted on 1926 Seventh Street.

Planning Analysis

Consent

Section 14.2.12.3 of the GCP states that consents in the agricultural area may be considered if “the consent is for a minor boundary adjustment or easements, complies with other policies of this Plan, does not create a separate lot for a residential dwelling, and there is no increased fragmentation of a natural area or feature or key hydrologic feature.”

Consent Application **B-06/20SC** is requesting to establish an easement, in perpetuity, (Part 1) over a portion of 1926 Seventh Street (Parts 1 and 2) for the benefit of the abutting lot known as 1900 Seventh Street (Part 3).

Establishment of the proposed easement is desirable; it will provide necessary fire department access to the greenhouse operation currently under construction at 1900 Seventh Street. No adverse impacts are anticipated on either the existing detached dwelling or surrounding uses, including the natural areas associated with a watercourse along the easterly property boundary. The easement is located outside of the septic bed associated with the detached dwelling. Staff are satisfied that the requested consent meets all relevant Official Plan policies and are recommending approval, accordingly.

Minor Variance – 1900 Seventh Street

Variance 1

Zoning By-law 2013-283 requires a minimum 9 metre front yard setback for buildings and structures accessory to an Agriculture Farm in the A1 zone. The provision is intended to provide an appropriate buffer between agricultural buildings and the public realm, in terms of machinery access, noise abatement and public safety.

The Applicant is requesting a reduction of the minimum front yard setback from 9 metres to 6 metres to recognize the location of an existing office building located in the north-west corner of the site; no new development is proposed. Staff are of the opinion that the variance is unnecessary because the building exists. Nevertheless, staff are satisfied that the requested reduction is minor in nature, desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law. The

existing accessory building will remain unchanged and no new impacts will result. Staff recommend approval of Variance 1.

Variance 2

Zoning By-law 2013-283 requires a minimum 15 metre setback from an interior lot line for an Agriculture Farm in the A1 zone. The provision is intended to ensure structures do not overwhelm the abutting yard, and to maintain a degree of separation from neighbouring properties for machinery access, noise abatement and fire safety.

The Applicant is requesting a reduction of the minimum interior yard setback from 15 metres to 12.5 metres to recognize the location of an existing building located in the north-west corner of the site; no new development is proposed. The same Variance was granted in Application A-118/84. Since no alterations are proposed for this building, staff recommend Variance 2 be denied because it is unnecessary.

Variance 3

Zoning By-law 2013-283 requires a minimum 15 metre setback from an interior lot line for an Agriculture Farm in the A1 zone. The provision is intended to ensure structures do not overwhelm the abutting yard, and to maintain a degree of separation from neighbouring properties for machinery access, noise abatement and fire safety.

The Applicant is requesting a reduction of the minimum interior yard setback from 15 metres to 5.2 metres to permit the construction of a proposed greenhouse abutting the rear lot line of 1926 Seventh Street. The proposed greenhouses will be constructed in a similar location to the former greenhouses that were recently destroyed by fire. In fact, the proposed greenhouses are slightly further from the lot line than the previous buildings.

While section 2.15.3 of the Zoning By-law does permit the replacement of buildings lawfully constructed prior to the date of passing of the By-law, the proposed greenhouse is substantially larger than what previously existed. Nevertheless, staff are satisfied that the variance will not result in any new land use conflicts. Staff are of the opinion that the requested variance is minor in nature, desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law. Staff recommend approval of Variance 3.

Variance 4

Zoning By-law 2013-283 requires a minimum lot area of 16.2 hectares for an Agriculture Farm in the A1 zone. The provision is intended to implement policies in the GCP, Regional Official Plan, and Provincial plans, which discourage further fragmentation of specialty crop lands.


The Applicant is requesting a reduction of the minimum lot area from 16.2 hectares to 9.4 hectares to recognize the size of the existing lot. Staff are of the opinion that the variance is unnecessary because the lot exists. Nevertheless, staff are of the opinion that the requested reduction is minor in nature, desirable for the appropriate use of the lands, and is in keeping with the general intent of the Official Plan and Zoning By-law. With no further reduction in lot area proposed, the existing situation will remain and no new impact will occur. Staff recommend approval of Variance 4.

Conclusion

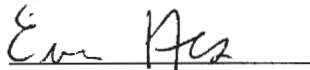
Having regard for the matters under Section 53 of the *Planning Act*, staff are of the opinion that Application **B-06/20SC** is compatible with the neighbourhood, consistent with the provisions of the Zoning By-law, and will have no adverse impacts on the surrounding area and environment. It is staff's recommendation that the requested consent for creation of an easement be approved, subject to the conditions outlined in the recommendation.

Having regard for the matters under Section 45(1) of the *Planning Act*, staff are of the opinion that Minor Variances 1, 3 and 4 sought through Application **A-09/20** are in keeping with the general intent of the Official Plan and Zoning By-law, are minor in nature, and are desirable for the appropriate use of the land. Staff recommend that Minor Variances 1, 3 and 4 be approved. Staff recommend Minor Variance 2 be denied because it is unnecessary.


Prepared by:


Connor Wright
Student Planner

Submitted by:


Evan Acs
Planner I

Approved by:


Amanda Knutson
Planner II

Munro, Elaine

Subject:

RE: Message from Doug Whitty re. File NO. 60.84.2283 and Submission NO. B-06/20SC

From:

Sent: Tuesday, January 14, 2020 8:54 AM

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

Subject: Message from Doug Whitty re. File NO. 60.84.2283 and Submission NO. B-06/20SC

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,

We own several agricultural and residential properties directly south and south west of 1926 Seventh Street South.

We offer our full support regarding this application for consent.

Please contact me with any questions or concerns.

Thank you.

Doug Whitty
President

Whitty Farms and 13th Street Winery
1776 Fourth Avenue
St. Catharines, ON L2R6P9
905-984-8463 t
289-213-0884 c

www.13thstreetwinery.com

WINE | FOOD | ART

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Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

January 17, 2020

File No.: D.06.08.CS-20-0005

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

Dear Ms. Munro:

**Re: Provincial and Regional Comments
Consent Application
File No. 60.84.2283
Submission No. B-06/20SC
Owner: Hap Farm Holdings Inc.
Agent: J.D. Barnes Limited c/o Allan Heywood
1926 Seventh Street Louth
City of St. Catharines**

Regional Planning and Development Services staff has reviewed the above noted application submitted for consent on the subject property municipally known as 1926 Seventh Street Louth in the City of St. Catharines. The application was received January 6, 2020.

The consent application proposes to establish an easement, in perpetuity, over 499 m² (Part 1 on the submitted sketch) for the benefit of the abutting easterly lot known as 1900 Seventh Street Louth (Part 3) to provide for an emergency fire route to the south side of the greenhouse on part 3. The remaining 4,046 m² parcel (Parts 1 and 2) will be retained for continued residential use. Staff note there is a concurrent minor variance application for Part 3, to amend the minimum lot area, front yard setback to an accessory structure, and side yard setbacks.

The following Provincial and Regional comments are provided to assist the Committee of Adjustment in considering this application.

Provincial and Regional Policies

The subject property is located outside the urban area boundary for the City of St. Catharines. According to the 2014 Provincial Policy Statement (PPS), the subject property is identified as within a Prime Agricultural Area, more specifically a Specialty Crop Area. Similarly, the 2017 Greenbelt Plan designates the subject property as a Specialty Crop Area as part of the policies for the Protected Countryside. Further, the Regional Official Plan (ROP) designates the property Unique Agricultural Area. Such areas are to be protected for the long-term use for agriculture, with Specialty Crop Areas being given the highest priority for protection. In conformity with Provincial policies, the ROP states that the predominant use in the Unique Agricultural Areas will be for agriculture of all types. However, single detached dwelling are permitted on lots of record, provided the lands were zoned for such use as of December 16, 2004.

Provincial and Regional policies emphasize proper management and protection of agricultural land. Given this, consents to convey are restricted and only permitted in accordance with certain provisions. Such instances include a consent for an agricultural use where the severed and retained lots are intended for agricultural uses, for a residence surplus to a farming operation as a result of a farm consolidation, and for a minor boundary adjustment or easements, which does not result in the creation of a new residential lot and provided there is no increased fragmentation of a key natural heritage feature or key hydrogeological feature.

The proposed consent application to establish an easement over Part 1 in favour of Part 3 meets the intent of Provincial and Regional policies given the consent is technical in nature as it is required to provide fire route access to the agricultural operation located adjacent to subject property. Regional staff note that the residential dwelling is an existing use and modifications are not proposed. Further, the proposed consent application does not result in the creation of a new residential lot nor will it fragment a key natural heritage or hydrogeological feature.

Private Servicing

The ROP states that all development located outside the urban area boundaries is expected to depend on private sewage disposal systems and private water supply. As such, Regional Private Sewage Systems (PSS) staff reviewed the consent application and offer the following comments.

There was no information found for the sewage system currently servicing the subject property however, at the time of the on-site inspection it appeared that the existing system is located in the southeast portion of the lot. PSS staff note that the fire access will not encroach onto the existing tile bed and there is enough suitable area remaining for a replacement system. Alternatively, the use of a tertiary treatment unit may be required. As such, PSS staff have no objections to the consent application as submitted.

Conclusion

Based on the above discussion, Regional Planning and Development Services staff has no objections to the consent application, as it is consistent with Provincial and Regional policies for consent to convey for a technical easement on lands designated Unique Agricultural Areas, subject to the satisfaction of any local requirements.

Respectfully Submitted,



Elissa Quintanilla
Development Planner

cc: Lindsay Earl, Senior Development Planner (Niagara Region)
Tanya Killins, Private Sewage Inspector (Niagara Region)
Justin Noort, Private Sewage Inspector (Niagara Region)

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

January 17, 2020

File No.: D.17.08.MV-20-0002

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

Dear Ms. Munro:

**Re: Regional and Provincial Comments
Minor Variance Application
File No. 60.81.5599
Submission No. A-09/20
Applicant: Hap Farm Holdings Inc.
Agent: J.D. Barnes Limited c/o Allan Heywood
1900 Seventh Street Louth
City of St. Catharines**

Regional Planning and Development Services staff has reviewed the information circulated for the above noted minor variance application for the subject property municipally known as 1900 Seventh Street Louth in the City of St. Catharines. The application was received on January 6, 2020.

The minor variance application proposes a reduction of the minimum front yard setback to the existing office, interior side yard setbacks, and lot area to facilitate the rebuild of a greenhouse for a flower farm located on the subject property.

The following Provincial and Regional comments are provided to assist the Committee of Adjustment in consideration of the application.

Provincial and Regional Policies

The 2014 Provincial Policy Statement (PSS) identifies the subject property to be within a Prime Agricultural Area, more specifically a Specialty Crop Area. Similarly, the 2017 Greenbelt Plan (Greenbelt) designates the subject property as a Specialty Crop Area as

part of the policies for the Protected Countryside. Further, the Regional Official Plan (ROP) designates the property Unique Agricultural Area.

Such areas are to be protected for long-term use for agriculture, with Specialty Crop Areas and Unique Agricultural Areas having the highest priority for preservation. In conformity with Provincial policies, the ROP states that the predominant use in Unique Agricultural Areas will be for agriculture of all types. Non-agricultural uses shall not be located in agricultural areas given the potential of an adverse impact on agricultural and natural resources. However, single dwelling are permitted on lots of record, provided they were zoned for such as of December 16, 2004. Further, existing uses lawfully used for such purpose prior to December 16, 2004, the date the Greenbelt Plan came into effect, are permitted.

Application A-09/20 is seeking relief from the required minimum front yard and side yard setbacks to facilitate the rebuild of a greenhouse for the continued operation of a flower farm on the subject property. Staff note that a greenhouse is considered an agricultural use and the existing office will continue to be an accessory use to the flower farm. Therefore, the requested minor variances will facilitate the rebuild and continuous operation of a permitted use. As such, Regional staff are satisfied that the proposed development meets Provincial and Regional policy as it will continue agricultural activities on lands that are to be protected for the long-term agricultural use and will not impact surrounding agricultural operations.

Review comments with regards to private servicing and the core natural heritage system have been provided below.

Private Servicing

The ROP states that all development located outside the urban area boundaries is expected to depend on private sewage disposal systems and private water supply. As such, Regional Private Sewage Systems (PSS) staff reviewed the minor variance application and offer the following comments.

A septic permit has been issued for the installation of a new septic system to service the rebuild of the greenhouse operation. Staff note that the new permit does not include the office building, which was to maintain its existing septic system. However, at the time of the on-site inspection, the location of the existing system could not be confirmed. Therefore, the office will need to be added to the new septic system proposed for the greenhouse. Alternatively, a separate system may be installed for the office, if a design can meet with current Ontario Building Code requirements.

Core Natural Heritage System

The subject property is located within the Greenbelt Protected Countryside and contains portions of the Region's Core Natural Heritage System, specifically Important (Type 2) Fish Habitat located along the eastern end of the subject property. The Greenbelt Plan

identifies fish habitat as a key natural heritage feature and permanent and intermittent streams as key hydrologic features.

Greenbelt natural heritage policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a key feature. Similarly, ROP policies require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 30 m of fish habitat. The purpose of the NHE/EIS is to demonstrate there will be no negative impact on the key features or their ecological functions. Further, Greenbelt policies typically require that a minimum 30 m Vegetation Protection Zone (VPZ) be established as measured from the outside boundary of the key feature. Development and/or site alteration is generally not permitted within the feature or the VPZ.

In this case, ROP policies permit waiving of the EIS requirements for redevelopment of existing agricultural facilities. Greenbelt natural heritage policies also provide exemptions for existing uses, which staff consider applicable because the greenhouses previously existed. Furthermore, Greenbelt existing use policies permit expansions and alterations to existing buildings and structures for agricultural and agriculture-related uses, provided there is no alternative, expansion is directed away from the feature to the maximum extent possible, and impacts on the key feature and its ecological functions are minimized and mitigated to the maximum extent possible. As such, Regional Environmental Planning staff are agreeable to waiving of the requirement to complete a NHE/EIS and the requirement to establish a 30 m VPZ.

Given the requested minor variances seek relief for the front yard and side yard setbacks, which are not directly adjacent to the watercourse containing fish habitat, Regional Environmental Planning staff are supportive of the application. However, staff recommends that the applicant be made aware of the importance of protecting the adjacent watercourse from further impact. Staff recommends that fencing be installed along the "edge of concrete" adjacent to the watercourse to prevent further encroachment, particularly where 2018 aerial photography shows materials storage immediately adjacent to and within 5 m of the watercourse. It is also recommended that native trees, shrubs and/or groundcover be planted between the fence and the watercourse to better protect it and improve its ecological function as fish habitat.

Please note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features, including the watercourse located onsite. As such, NPCA should be consulted with respect to their comments and/or requirements pursuant to Ontario Regulation 155/06.

Archaeological Potential

Based on the Provincial screening criteria, the subject property exhibits potential for the discovery of archaeological resources due to the watercourse that traverses the eastern end of the property. Typically, a Stage 1 Archaeological Assessment would be required

however, Regional staff note that the previous greenhouse and accessory structures have disturbed the site. Therefore, an archaeological assessment is not warranted.

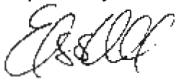
Regional staff advise that should any archaeological resources or human remains be encountered during the construction process, all findings should be reported immediately to the Ministry of Heritage, Sport, Tourism and Culture Industries and a licensed archaeologist should be retained to carry out archaeological assessment.

Conclusion

Based on the above discussion, Regional staff do not object to the proposed Minor Variance application provided the applicant revise the proposed new septic system design for the greenhouse to include the office and to the satisfaction of the Niagara Region. Alternatively, a separate septic design for a replacement system, which includes the existing office and meets current Ontario Building Code requirements, will need to be submitted.

Should you have any questions regarding these comments, please do not hesitate to contact me at extension 3442 or Lindsay Earl, Senior Development Planner at extension 3387.

Respectfully submitted,



Elissa Quintanilla
Development Planner

cc: Lindsay Earl, Senior Development Planner (Niagara Region)
Tanya Killins, Private Sewage System Inspector (Niagara Region)
Justin Noort, Private Sewage System Inspector (Niagara Region)
Lori Karlewicz, Planning Ecologist (Niagara Region)
Jennifer Whittard, Manager, Environmental Planning (Niagara Region)



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

January 14, 2020

Our File No.: PLMV202000039

BY E-MAIL ONLY

City of St. Catharines
Planning Services, 50 Church Street Box 3012
St. Catharines, ON L2R 7C2

Attention: Elaine Munro, Secretary-Treasurer

Subject: Application for Minor Variance, (Pioneer Flowers)
CON 3 PT LOT 6 RP 30R4918;PART 1 PART 2
1900 Seventh Street Louth St. Catharines ON L2R6P9

Further to our review of the above noted application, we offer the following for your information.

This application has been made to permit a reduction in the required front and side yard setbacks as well as to the minimum required lot coverage for the proposed construction to rebuild the greenhouse at the subject property.

The subject property is traversed by a watercourse which is part of the Richardson Creek/ Francis Creek subwatershed. This section of the watercourse is regulated by the NPCA. As such, development of this property would be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses (O. Reg. 155/06). The NPCA regulates all development and site alterations within 15m of this watercourse. The proposed variances do not impact the 15m buffer area adjacent the watercourse. The submitted sketch shows all works are located outside of the 15m setback from the watercourse.

While the NPCA does not offer any objections to the approval of this application, the landowner should be made aware of the NPCA's setbacks and note that any works (structural or site disturbances of any kind) within 15m of the banks of the watercourse will require approvals from the NPCA prior to the commencement of any works on site. The approval of this application does not alleviate the applicant from obtaining NPCA approval for any works proposed on site. Through future development control stages, the NPCA will review the proposal to ensure adequate protection of the watercourse during and post the construction phases.

I trust the above is sufficient. If you have any further questions, please feel free to call me.

Yours truly,

A handwritten signature in black ink that reads "S. Mastroianni".

Sarah Mastroianni,
Senior Watershed Planner
(905) 788-3135, ext. 249

Munro, Elaine

To: Doug Crown
Subject: RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing - Email 2

237 Scott
1900 & 1926 Seventh Street

From: Doug Crown <doug.crown@cogeco.com>
Sent: Tuesday, January 7, 2020 7:38 AM
To: Munro, Elaine <emunro@stcatharines.ca>
Subject: Re: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 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.

Hi Elaine

Email 2
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

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

January 16, 2020

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

Attention: Elaine Munro

File# 60.81.5599

Re: 1900 Seventh St

In response to your correspondence dated January 7, 2020, 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 ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- 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:

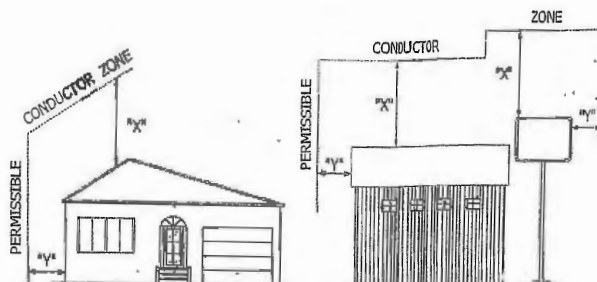
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's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

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/YYY
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 ATTACH TO BUILDINGS)

REFERENCE DRAWINGS:

DRAWING #

3-105

DRAWINGS NOT TO SCALE

REVISION #

1 0

Munro, Elaine

Subject:

RE: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing

41 Oakdale
1900 & 1926 Seventh Street

From: Polus, Asia (MTO) <Asia.Polus@ontario.ca>

Sent: Monday, January 13, 2020 11:05 AM

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

Cc: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>

Subject: FW: Committee of Adjustment Notices and Applications, City of St. Catharines, for the January 29/20 CofA Hearing

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.

Hi Elaine,

Further to your submission dated January 06, 2020 please note that the ministry has no concerns or comments to offer as these sites are located outside MTO permit control area. Any further changes to these lands as well as any development proposals **will not require** the MTO review/approval process and subsequently MTO permits will not be required as well.

In addition please note that Alexandra was transferred to work in other area and Paul Nunes is the new Corridor Management Officer for Niagara, included in this e-mail, and he can be reached at 416-235-5559.

I trust this is of assistance, however, should you require any further information please contact us.

Regards

W. Asia Polus

Corridor Management Planner

Ministry of Transportation
Central Region, Highway Corridor Management Section
159 Sir William Hearst Ave. 7th Floor
Toronto, ON M3M 0B7
Tel. 416 - 235-3991
Fax 416 - 235-4267

REPORT TO PLANNING DEPARTMENT
Re: CITY LAND DIVISION APPLICATION NUMBER B-06/20SC



January 14, 2020

ENGINEERING FILE 300-36

Hearing Date: January 29, 2020

Applicant: Hendrikus Albertus Sikking

Location: 1926 Seventh Street Louth

MUNICIPAL SERVICES **Third Street Louth**

Water: None

Sanitary Sewer: None

Storm Sewer: None

Sidewalks: None

Road Allowance Width: 47.0m ± Varies (Regional Road)

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

Comment(s): It is noted the Owner wishes to establish an easement in perpetuity over Part 1 for the benefit of the abutting easterly lot known as 1900 Seventh Street (Part3) to provide for an emergency fire route to the south side of the greenhouses at the east end. A remnant parcel (Parts 1 & 2) with the existing detached dwelling will be retained for continued residential use.

The subject lands are outside the Urban Area Boundary and front a Regional Road, to which the Region of Niagara has current jurisdiction over. No new development is proposed at this time therefore there are no servicing conditions. Or other development engineering related concerns with this application.

Condition(s): None

Prepared by:



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



Memorandum

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

Cc: Judy Pihach, Manager of Planning
Amanda Knutson, Planner II
Wilrik Banda, Planning Technician
Tage Crooks, Planner I

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

Date: January 14, 2020

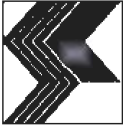
Hearing Date: January 29, 2020

Subject: **Committee of Adjustment - Minor Variance Applications**
253 Grantham Avenue, A-01-/20SC
237A Scott Street, A-02/20SC
298 & 310 Glenridge Avenue, A-04-05/20SC
111 Glendale Avenue, A-06/20SC
12 Welland Avenue, A08/20SC
1900 Seventh Street Louth, A-09/20SC
1429 Gregory Road, A-122/18SC

Development Engineering have no comment and have no objection to the above noted applications.

Regards,

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



Memorandum

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

Cc: Tage Crooks, Wilrik Banda, Amanda Knutson, Conner Wright, Brian Thiessen
Planning and Building Services

From: Steven Sunderland, Building Inspector
Planning and Building Services

Date: January 20, 2020

Subject: Building Comments on Applications to the Committee of Adjustment
Consents – January 29, 2020 hearing

B-01/20SC – 41 Oakdale Avenue

Comment:

- No Comment

Condition:

- No comment

B-02/20SC – 237A Scott Street

Comment:

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

Condition:

- No comment

B-06/20SC – 1926 Seventh Street

Comment:

- No Comment

Condition:

- No comment

Steven Sunderland, A.Sc.T., CBCO
Building Inspector



Memorandum

To: Elaine Munro, Planning and Building Services
CC:
From: Jessica Button, Community, Recreation and Culture Services
Date: January 13, 2020
Subject: Committee of Adjustment Hearing – January 27, 2020

PRCS has reviewed the Committee of Adjustment application for the hearing of January 27, 2020 and provides the following comments;

1. 1429 Gregory Road, Minor Variance, A-122/18 – 60.81.5411 – Deferred from November 27/19 Hearing

No further comment.

2. 253 Grantham Avenue, Minor Variance, A-01/20 – 60.81.5589

No comment.

3. 41 Oakdale Avenue, Consent, B-01/20SC – 60.84.2278

No comment.

**4. 237 Scott Street, Consent, B-02/20SC – 60.84.2279
237A Scott Street, Minor Variance, A-02/20 – 60.81.5592**

In order to preserve one of the existing boulevard trees, CRCS requests that the driveway be relocated to the far east of the site. The applicant should be advised that they will be responsible for the costs of removal and replacement of the tree at the time of removal. Tree replacement costs are in addition to standard tree planting requirements.

CRCS request that the following be included as a condition of severance or included within a Development Agreement for the subject lands:

That the applicant submit a payment for the placement of a 60mm boulevard tree, in accordance with the City's current Schedule of Rates and Fees.

If Planning and Building Services determines that parkland dedication can be collected for this application CRCS 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 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.

That all servicing laterals and site alterations be located outside the dripline of the westerly boulevard tree.

- 5. 298 Glenridge Avenue, Consent, B-03/20SC – 60.84.2280**
298 Glenridge Avenue, Consent, B-04/20SC – 60.84.2281
298 Glenridge Avenue, Minor Variance, A-04/20 – 60.81.5594
310 Glenridge Avenue, Minor Variance, A-05/20 – 60.81.5595
111 Glendale Avenue, Minor Variance, A-06/20 – 60.81.5596

CRCS offers no additional requirements. Function, landscaping, and parkland have been previously addressed through a Site Plan Agreement. Associated landscape securities have been released.

- 6. 12-14 Welland Avenue, Minor Variance, A-08/20 – 60.81.5598**
No comment.

- 7. 1926 Seventh Street, Consent, B-06/20SC – 60.84.2283**
1900 Seventh Street, Minor Variance, A-09/20 – 60.81.5599
No comment.

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



Memorandum

To: Elaine Munro
Committee Secretary & Planning Clerk

Cc:

From: Steve Bittner
Transportation Technologist

Date: January 14, 2020

Subject: Committee of Adjustment
Public Hearings – January 29, 2020
File No. 305-17-01

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

Steve Bittner
Transportation Technologist
SB/